



LOCATING NATIONAL HUMAN RIGHTS COMMISSION WITHIN THE HUMAN RIGHTS DISCOURSE AT THE GRASSROOTS IN RURAL INDIA

**Report of the Research Project
Sponsored by National Human Rights Commission**

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ABOUT THE REPORT

This report is the outcome of a research study titled “*Locating National Human Rights Commission within the Human Rights Discourse at the Grassroots in Rural India*” conducted in five villages of three states namely Uttar Pradesh, Haryana and Rajasthan. The data was collected from various stakeholders in order to understand human rights from the perspective of people and to strengthen the presence of NHRC at grassroots. To maintain confidentiality, the names of respondents have been changed throughout the report. The research project was funded by the National Human Rights Commission of India (NHRC).

The primary objectives of this research were to understand the meaning of Human Rights from the perspective of people at grassroots and to understand the nature of human rights violations. The research aimed to delineate formal and informal systems of grievance redressal employed by people at the grassroots in case of human rights violations and to identify the level of awareness about NHRC amongst them. The research also aimed to understand the context within which such violations occur from the perspective of people at the grassroots and to locate the role of National and State Human Rights Commissions in addressing these violations. The intended outcome of the project was to propose interventions and mechanism for raising awareness regarding the role of National Human Rights Commission at the grassroots level.

The study concludes that the people at the grassroots have very low level of awareness about what constitutes human rights. They are also not well aware of the fundamental rights enshrined in the Constitution which are the basic human rights. The study finds that the economic and social spaces are one of the major sites where human rights are majorly contested. The justice delivery system in the form of police and judiciary, is the site where people seek redressal and restoration of their rights. The study finds that the identity; be it caste or religious; plays a major role around which the violence unfolds. Women face the major bunt of violence on account of their multiple identities.

The study also finds that people have very little awareness about National Human Rights Commission or its role. Their first point of contact in case of violation of human rights is the police. The informal groups and NGOs provide the required support during and after the violence. The victims do not find the justice delivery system empathetic to their plight. The research concludes by giving recommendations to NHRC on how to strengthen its presence at the grassroots.

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Front picture: Women mourning in Umbha village aftermath of the incident (Sonbhadra, Uttar Pradesh).

Photo courtesy: Vijay Vineet (Jan Sandesh Times, Varanasi)

Disclaimer: The opinions and recommendations expressed in this report do not necessarily represent the official policy of the University of Delhi or of National Human Rights Commission, New Delhi.

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Dr. Seema Sharma
Principal Investigator

ABBREVIATIONS

CBI	Central Bureau of Investigation
CDR	Centre for Dalit Rights
CEO	Chief Executive Officer
FGD	Focus Group Discussion
FIR	First Information Report
ICCPR	International Conventions on Civil and Political Rights
MLA	Member of Legislative Assembly
MLC	Member of Legislative Council
MP	Member of Parliament
NCRB	National Crime Records Bureau
NGO	Non-Government Organisation
NHRC	National Human Rights Commission
NSA	National Security Act
PHRA	Protection of Human Rights Act, 1993
PVCHR	People's Vigilance Committee from Human Rights
SCs/STs	Scheduled Caste and Scheduled Tribes
SHRC	State Human Rights Commission
SP	Samajwadi Party
UDHR	Universal Declaration of Human Rights
UN	United Nations
USCIRF	United States Commission on International Religious Freedom

SUMMARY OF RESEARCH PROJECT

Civil, political, economic, cultural and social spaces have been the sites of contestation of human rights for centuries. At the same time, these are also the spaces which have the potential to ensure human rights to each individual. As the material resources within a society contract, these spaces become the source for either restricting or completely taking away the basic rights of individuals which are accrued to them by virtue of being a human being. These restrictions and violations seek their justification from innumerable sources. Countries across the world have seen a surge in the violation of the human rights. Consequently, freedom of speech, right to have a dignified life, rights of indigenous communities, women, children, minorities; be it ethnic, religious or sexual or persons with special needs have tended to get short changed in the process. India is unique in the sense that its constitution ensures a number of rights to its citizens. Yet, India has seen a surge in the cases which are a violation of the basic human rights. The victims of such violence are mostly people on the periphery of society such as the tribal communities, poor, Dalits, religious and sexual minorities, children and women. The marginalized often find it difficult to access the system which can ensure a life of dignity to them and often are not aware of their rights and mechanisms of redressal of their grievances.

Diverse countries such as India have a long history of indigenous rights. Civil society organizations and human rights defending agencies are working together to bring these rights under the umbrella of universal human rights devised by the Indian constitution and UDHR (Heitmeyer, 2014). Merry (2006) argues that for human rights to be effective, they have to be translated into local terms and situated within a local context. When we talk about protecting human rights at the grassroots and identifying the grievance redressal mechanisms, it becomes vital to understand how people at the grassroots perceive human rights and the interrelatedness of their indigenous rights with the universal human rights. One finds that the context within which human rights are situated and violated often makes it a challenge for individuals and communities

to decipher whether their rights have been violated. Mechanisms that they often use to make sense of these violations find justification in either destiny or self-blame. These justifications consequently put an end to the desire of an individual to seek out and ensure justice.

An understanding of the local context is crucial to gauge the interpretation which people give to these rights. The outcomes of the research have interdisciplinary relevance and shall be useful to people working in the field of Human Rights, sociology, political science, civil society, social workers besides the policymakers and those from legal background. This research gives a push towards understanding peoples' subjective interpretation of human rights and identifies the spaces which have the potential to be the sites of human rights violations. An understanding of the awareness of human rights at the grassroots shall ultimately help in devising appropriate intervention and in identification of mechanisms for better human rights education. The study has been aimed at the following objectives.

- To understand the meaning of human rights from the perspective of the people at grassroots.
- To understand the nature of human rights violations with respect to the research area.
- To delineate formal and informal systems of grievance redressal employed by people at the grassroots level in case of human rights violations.
- To identify the level of awareness about NHRC amongst people at the grassroots.
- To locate the role of National and State Human Rights Commissions in addressing the violations of human rights and the context within which such violations occur from the perspective of the people at grassroots.
- To propose interventions and mechanism for raising awareness regarding the role of National Human Rights Commission at the grassroots level.

Major Findings

The study has come up with the following findings.

- It was found that the majority of respondents at the grassroots are unaware of what constitutes human rights.
- Majority of the respondents approach police and judiciary whenever their rights are violated. Though, a sizeable number of respondents were of the opinion that the police acts under political pressure, but since the police is the unit of justice delivery mechanism, they approach it.
- As is widely known, caste and religion play a key role in the Indian social structure. The same was also found to be true in cases of conflict and incidents of human rights violations. The section on the literature review has highlighted scores of incidents related to human rights violations with certain castes and religious groups in the states covered in the study. The empirical data collected under this study also finds that the marginalised sections of society such as certain castes and religious groups face more challenges when conflicts or riots take place. In all the five villages covered under study, it was found that the scheduled castes/scheduled tribes and religious minorities faced more instances of human rights violations.
- It was found that the local informal groups within a specific community play a vital role in helping that community whenever any case of human rights violations takes place. It was observed that in all the five villages, the local informal groups helped the survivors through all possible ways including raising funds for the families which were found to be in distress.
- The perception at the local level was that the police acts under the influence of political leaders, dominant castes or religious groups, whenever, a case of human rights violation takes place. It responds as per the orders received from the higher authorities and political representatives belonging to one of the castes or religious groups involved in the case.
- Many respondents think that the governments (both the center and the state) instead of ensuring justice, take care of their vote bank first and therefore often

favour the politically dominant group. However, if pressure is exerted on them, as it happened in Umbha (Sonbhadra); Jassia (Haryana); Phugana (Muzaffarnagar, Uttar Pradesh) and Dangawas (Rajasthan), they provide required assistance to the community which suffers violation of their human rights. Particularly, it was shared by the respondents and also observed by the researchers that the concerned governments acted only when the cases got highlighted, as it happened in Umbha and Dangawas.

- In Dangawas violence, it was found that the families of deceased were not getting monthly pension. However, according to the provision of the Scheduled Caste and Scheduled Tribes Act, 1995, the victims belonging to the mentioned caste group should get monetary assistance in the form of monthly pension. The researchers were informed by the Chief Functionary of Centre for Dalit Rights, Jaipur, Rajasthan who is looking after the Dangawas case, that the state government has provided the families of survivors a sum of rupees 16,87,500/ as one-time monetary assistance, but is yet to release monthly pension.
- As far as the role of elected representatives is concerned, it was found to be not very different from the role played by the concerned governments (Centre and state). The respondents believed that the representatives also favoured the caste and community groups to which they belonged.
- Non-Government Organizations and civil society groups which worked towards protecting the interest of the marginalised groups played an important role during and after the violence to get justice and in providing relief to the victims.
- It was found that majority of the respondents from the villages were ignorant about what their rights were. The level of knowledge related to the Constitutional Rights was found to be abysmally low even amongst the degree holders. The respondents were in favour of the right to equality irrespective of caste, creed, religion and gender. However, people belonging to the marginalised groups were of the opinion that they are not being treated equally. They shared that there is a wide difference between “what should happen” and “what actually happens”.

- Almost all the respondents from the villages were found to be unaware of the existence of NHRC/SHRC. Out of the total 260 respondents approached for the data collection, 258 respondents were found to be ignorant about the existence of these institutions. The respondents from the villages, irrespective of their educational levels, had no idea of the role of NHRC in protection of their human rights.
- It was found that the bureaucrats, public servants, opinion makers and NGO personnel were found to be informed about NHRC/SHRC, its role and functioning. They also highlighted the need for improvement in the functioning of NHRC. Some of these stakeholders highlighted that NHRC sends them notice to present their viewpoint at headquarter in Delhi. This exercise takes much time, energy and money, and the outcome of such exercises in most of the cases is not much.
- The study shows that some of the teachers and policemen also did not have much knowledge about NHRC.

Suggestions

The suggestions to increase the level of awareness about NHRC at the grassroots have been divided into two parts. The first part deals with the awareness generation about human rights and NHRC at the grassroots. The second part suggests that the functioning of NHRC needs to be strengthened to make its interventions more visible. At the grassroots, awareness among people can be enhanced by organizing seminars, workshops and training programs. Human Rights Fairs can be organized at every possible level from schools, gram panchayat offices to anganwadi centers to educate and make people aware about their basic human rights and NHRC. Learning can be made attractive with the uses of digital media, videos, photos and other interesting methods.

It is suggested that functioning of NHRC needs to be strengthened through capacity building programs and through training the stakeholders. Conglomeration of various stakeholders and their capacity building and sensitization regarding human rights will ultimately help the community to understand the crucial role of human rights in their

daily lives. There is a need to enhance infrastructure, capacity building and training of the administrative staff at all levels. With the help of civil society, doctors, teachers, lawyers and NGOs, such awareness and capacity building programs can be conducted for promoting human rights. Collaboration of various stakeholders such as the judiciary, police personnel, government officials, media, representatives of NGOs and civil society organizations will strengthen the functioning of NHRC.

Conclusion

Through this study, NHRC aimed to know the awareness level about its existence and functions at the grassroots in rural areas. Five villages from three different states in India, namely Uttar Pradesh, Rajasthan and Haryana were chosen for the study. Under this study, data was collected from three villages in Uttar Pradesh, namely Khudadadpur, Azamgarh; Umbha, Sonbhadra; and Phugana, Muzaffarnagar. One village was selected each from Haryana and Rajasthan. The data was collected from Jassia village of district Rohtak in Haryana and Dangawas, Merta City, District Nagaur, Rajasthan. The reason why the mentioned villages were chosen for the study was that the human rights have been violated in all the mentioned five villages at some point in time. In Uttar Pradesh, the selected villages have faced the wrath of communal riots in the recent past. Umbha, Sonbhadra was selected because in the mid of 2019, ten tribals were mercilessly killed and 27 others were injured in a heart-wrenching incident. In Dangawas, Rajasthan, two caste groups namely Jats (Other Backward Castes) and Meghwals (belonging to Scheduled Caste) were involved in a land dispute which turned into violence and bloodshed, in which five people of a family from Meghwal community were killed and more than ten people were injured. Similarly, in Jassia, the Jat reservation movement impacted the residents of the village.

In the study, primary data was collected from 318 respondents through interviews. Of these, 260 respondents were the residents of the villages and 58 respondents included school teachers, police personnel, NGO staff, community leaders, government functionaries, lawyers and people's representatives. The secondary data for the study was collected from research articles and research papers published in journals, newspapers, digital newspapers, and magazines and from the records related to NHRC.

The participants from the community in this study were found to be unaware of their rights. They were also not aware of NHRC and its functions. However, the other stakeholders were found to be well informed about human rights and also knew about the functioning of National Human Rights Commission. Suggestions have been put forth by the community and stakeholders to enhance the presence and accessibility of NHRC at the grass roots.

CHAPTER 1

INTRODUCTION AND REVIEW OF LITERATURE

This chapter introduces the topic of research and the relevant review of literature. The chapter is divided into two sections. Section one is an introduction of the research topic and section two is thematically presented literature review.

1.1 Introduction

The civil, political, economic, cultural and social spaces have been the sites of contestation of human rights for centuries. At the same time, these are also the spaces that have the potential to ensure human rights to each individual. As the material resources within a society contract, these spaces become the source for either restricting or completely taking away the basic rights of individuals which are accrued to them by virtue of being a human being. These restrictions and violations may seek their justification from innumerable sources and ideologies; be it social, political, economic or cultural. Countries across the world have seen a surge in the violation of these inviolable rights. Consequently, freedom of speech, right to have a dignified life, the rights of indigenous communities, women, children, minorities; be it ethnic, religious or sexual have tended to get short-changed in the process.

When we try to understand the meaning and evolution of human rights, we find that it is relatively a new concept (Renteln, 1988). Human rights are considered the offspring of natural rights, which themselves have evolved from the concept of natural law. Natural law, which has played a dominant role in Western political theory for centuries, is a standard of higher-order morality against which all other laws are judged. To contest the injustice of human-made law, one was to appeal to the greater authority of God or natural law (Donnelly, 2013). It is this concept of natural law which evolved into natural rights. This change reflected a shift in the emphasis from society to individual. Whereas natural law provided a basis for curbing excessive state power over society, natural rights gave individuals the ability to press claims against the government (Renteln, 1988).

The modern conception of rights can be traced back to Enlightenment political philosophy and the movement, primarily in England, France, and the United States, to establish limited forms of representative government that would respect the freedom of individual citizens. John Locke, a celebrated English Philosopher, who is also popularly known as the ‘Father of Liberalism’ in his *Second Treatise on Government* (1690), described a “state of nature” prior to the creation of society in which individuals fended for themselves and looked after their own interests. In this state, each person possessed a set of natural rights, including the rights to life, liberty and property. According to Locke, when individuals came together in social groups, the main purpose of their union was to secure these rights more effectively. Consequently, they ceded to the governments which they established “only the right to enforce these natural rights and not the rights themselves”. Locke’s philosophy, known as classical liberalism, helped in fostering a new way of thinking about individuals, governments, and the rights that link the two. Previously, the heads of state claimed to rule by divine right, tracing their authority through genealogy to the ultimate source to some divine being. This was as true for Roman emperors as it was Chinese and Japanese emperors. The theory of divine right was most forcefully asserted during the Renaissance by monarchs across Europe, most notoriously James I of England (1566-1625) and Louis XIV of France (1638-1715).

Natural rights theorists have asserted the existence of specific rights, most notably the Right to Self-Preservation (Hobbes, 1651) and the ‘Right to Property’ (Locke, 1690). Because such theorists take the validity of fundamental rights to be self-evident, there has traditionally been little tolerance for debate. One scholar notes that the natural rights “seemed peculiarly vulnerable to ethical scepticism”. Nevertheless, natural rights were not widely contested as they were asserted in a limited universe of shared Western values (Renteln, 1988). What, then, is a right, and how are human rights distinct from natural rights? For many philosophical writers, a right is synonymous with a claim. The Oxford English Dictionary defines a right as “a justifiable claim, on

legal or moral grounds, to have or obtain something, or act in a certain way.” The classic definition of a human right is a right that is universal and held by all persons. Cranston (1973) reiterated that

‘a human right by definition is a universal moral right, something which all men, everywhere, at all times ought to have, something of which no one may be deprived without a grave affront to justice, something which is due to every human being simply because he is human. (p.36)

One commonly mentioned definition of human rights proposes four necessary requirements (Wasserstrom, 1979). First, it must be possessed by all human beings, as well as only by human beings. Second, because it is the same right that all human beings possess, it must be possessed equally by all human beings. Third, because human rights are possessed by all human beings, we can rule out as possible candidates any of those rights which one might have in virtue of occupying any particular status or relationship, and fourth, if there are any human rights, they have the additional characteristic of being assertible, in a manner of speaking, ‘against the whole world.’ (p. 50).

“If human rights are the rights one has simply because one is a human being, as they usually are thought to be, then they are held “universally,” by all human beings. The claims of human rights rest on a prior moral and international legal entitlement. The source of human rights is man’s moral nature. Human rights are at once a utopian ideal and a realistic practice for implementing that ideal” (Donnelly, 2010).

Perry (2010) while discussing the idea of human rights says that this idea has emerged in international law in the period since the Second World War. The idea of human rights consists of two parts. According to the first part, each and every human being is sacred and ‘inviolable’, has ‘inherent dignity and worth’ is ‘an end itself’. According to the second part of the idea, because every human being is scared, certain choices should be made and certain other choices rejected; in particular, certain things ought not to be done to any human being and certain other things ought to be done for every human being. The force of a claim about what ought to and ought not to be done to human beings does not depend on whether the claim is expressed in the language of rights. Even though the language of moral rights is useful, it is not essential (p.5).

The United Nations Office of the High Commissioner for Human Rights defines human rights as “Rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination” (United Nations, 2019).

The term ‘natural right’ which emerged from the French words ‘*ius naturale*’, in its modern sense appeared for the first time at the end of the eighteenth century but it did not gain popularity until the middle of the twentieth century. Before the end of eighteenth century, the focus was on ‘natural rights. The two terms come from the same continuous tradition; they have largely the same extension, though different intensions. ‘Natural Rights’ were generally seen as derived from ‘natural laws. As we shall see, it is difficult to say what is it from which ‘human rights’ are supposed to have derived. The believers argued that God had placed in us natural dispositions towards the good, dispositions giving rise to action-guiding precepts. These precepts expressed natural laws, from which natural rights could be derived. The theological content of the idea of a natural right was abandoned in stages during the seventeenth and eighteenth centuries, when thinkers increasingly accepted that human rights were available to human reason alone, without belief in God. The idea moved out of the library on to the barricades in the eighteenth century with the American and French revolutions, and the French marked the secularization of the concept by changing its name from ‘natural rights’ to ‘human rights’.

As soon as the term ‘natural rights’ changed to ‘human rights’, a debate commenced wherein, diverse schools of thought gave their own version of what actually constitutes human rights. Dembour (2010) argued that a close reading of academic literature reveals that we do not all conceive of human rights in the same way. This argument proposes that “natural scholars” conceive human rights as ‘given rights’, “deliberative scholars” see them as “agreed upon rights”, “protest scholars” view human rights as “fought for”, and “discourse scholars” viewed them “talked about rights”.

United Nations has often been seen as the champion of human rights which it has tried to globalise through its various conventions. Freedman (2015) however argues that although the United Nations has largely been doing well in upholding and developing

international human rights within member states, but unfortunately, it has seriously failed to protect individuals and vulnerable groups from the abuse of the same human rights. Freedman guides us through the complexities of a system of rigid bureaucracy and paralysing politics at the United Nations that results largely in inaction. The United Nations also faces internal politics by the member countries and hence, decisions taken by the agency get manipulated. Freedman directly addresses the commonly cited but good critique that the UN is only as good as its members and is unable to act independently of these members. Politics and the machinery of political agreement are therefore at the centre of the UN machine, resulting in reliance on mechanisms that tend to be less binding, like ‘non-binding resolutions’ and UN Special Rapporteurs armed only with soft power.

India is unique in the sense that its constitution ensures a number of rights to its citizens. Yet, India has seen a surge in the cases which are a violation of the basic Human Rights. The victims of such violence are mostly the people on the periphery of the society such as the tribal communities, poor, Dalits, religious and sexual minorities, children and women. The marginalized often find it difficult to access the system which can ensure a life of dignity to them and often are not aware of their rights and mechanisms of redressal of their grievances. The statistics of the crimes against women and children reveal the vulnerability of such marginalised groups. As per the report of NCRB (2017) 3,59,849 cases of crime against women were reported in India (The Hindu Net Desk, 2019). The statistics related to crime against children were equally distressing. The crime against children under IPC and Special and Local Laws (SLL) increased across India steadily from 94,172 cases in 2015 to 1,06,958 cases in 2016 and to 1,29,032 cases in 2017. The overall rate of crime against children in India in 2017 was 28.9 per one lakh children, as compared to 24 in 2016 (Mantri, 2019).

In India, Dalits (with a population of 160 million) and religious minorities such as Muslims are also the target of hate crimes and violence on a frequent basis. Although India has made measurable progress in terms of the protections afforded to Dalits since independence, Dalits still suffer invidious discrimination and mistreatment at the hands of upper caste members and law enforcement officials. Such mistreatment is inexcusable under both India’s domestic laws and its obligations under international

law. Although the Indian government denies the problem of mistreatment of Dalits and points to extensive legal protections evidencing compliance with international standards, the numerous reports of violence and discrimination indicate that Dalits remain India's "broken people" (Hanchinamani, 2001).

The religious minorities of India are also facing challenges with respect to their human rights. The report published by the United States Commission on International Religious Freedom (USCIRF) claims that the religious freedom in India has been vehemently curtailed in recent times (Ochab, 2019). The religious minorities in India are occasionally threatened, intimidated, harassed, sexually assaulted, and attacked by their neighbours, in both small-scale, isolated incidents and in the context of large-scale riots. While the perpetrators of these incidents are not state actors, generally speaking, they do in many cases enjoy the explicit or implicit support of local or even national law enforcement and political officials. For example, local, regional, state, and even central governments have been accused, at various times, of intentionally responding slowly, or even inhibiting a police response to instances of anti-minority violence (Bauman, 2017).

In response to various Human rights violations happening across the globe, many international and national agencies have surfaced as watchdogs of human rights violations. One such organization is the National Human Rights Commission. As a result of 29th September 1993, Human Rights Ordinance promulgated by the then president of India, the National Human Rights Commission was formulated in the month of October 1993. Its statute is contained in the Protection of Human Rights Act, 1993, which also constitutes the formation of the State Human Rights Commission and a Human Rights Court. It does not bifurcate the judicial system in India, whereas, it complements the judicial system in protection of human rights. Under the Protection of Human Rights Act (PERA), 1993, "Human Rights" means rights relating to life, liberty, equality and dignity of individuals guaranteed by the constitution or embodied in the International Covenants and enforceable by courts in India. One of the major functions of NHRC aligned with this study is spreading human rights literacy in various sections of society and promoting awareness of the safeguards available for the protection of these rights through publications, media, seminars and other available means. To

strengthen the safeguards of human rights, and promote decentralized approach towards human rights violations, till now 25 State Human Rights Commission are formed under PHRA, 1993.

Diverse countries like India have a long history of indigenous rights. Civil society organizations and human rights defending agencies are working together to bring these rights under an umbrella of universal human rights devised by the Indian constitution and UDHR (Heitmeyer, 2014). Merry (2006) argues that for human rights to be effective, they have to be translated into local terms and situated within a local context. When we talk about protecting human rights at the grassroots and identifying the grievance redressal mechanisms, it becomes vital to understand how people at the grassroots perceive human rights and the interrelatedness of their indigenous rights with the universal human rights. One finds that the context within which human rights are situated often make it difficult for the communities to decipher whether their rights have been violated. The mechanisms that they use to make sense of these violations find justification in either destiny or self-blame. These justifications consequently put an end to the desire of an individual to seek out and ensure justice.

The world has witnessed numerous human rights violations across various civilizations during different time periods in history. The violations were rampant even when the concept of human rights as the basic rights for every human being had not emerged. Bonded labour, exploitation by colonizers, acute poverty in some countries and hunger deaths are some such examples in history. The consciousness regarding human rights violations has only increased in the past few years. The cases of communal violence, as well as targeted killings based on religion in some parts of India, has increased manifold. These are some of the cases where human rights violation has taken its darkest form. Most of the cases of targeted killings are politically motivated. According to Amnesty International report 2018, 10 Muslim men were lynched and many injured by vigilante cow protection groups, many of which seemed to operate with the support of members of the ruling party (Amnesty International, 2019). In situations like this, where the perpetrators of severe violations are indirectly supported and protected by the state, it becomes all the more heinous and justice is seldom delivered in the absence of agencies and organizations operating autonomously.

The present study has emphasized on the people's perspective and awareness about human rights and its violation. This research has aimed to expand the understanding of the situated context of human rights violations in villages of three states namely Uttar Pradesh, Rajasthan, and Haryana. It has focussed on understanding the formal and informal justice and grievance redressal mechanisms accessed by people in addressing the issues of human rights violations. Most importantly, the study has aimed to identify the mechanisms through which agencies such as NHRC can strengthen their presence at the grass-root both as institutions and in spirit.

The review of literature shows that very few attempts have been made to know the awareness level of people living in rural areas about their human rights, constitutional provisions related to human rights, justice delivery mechanisms and more importantly about National Human Rights Commission (NHRC). In order to make human rights effective, they need to be translated into local terms and situations. Through this study, an attempt has been made to locate the National Human Rights Commission within the discourses of human rights at the grassroots in rural areas. The study has found that people at the grassroots are unaware about their human rights. They do not have knowledge about NHRC or its roles and functions. The findings of the study will help NHRC to frame policies and programmes through which people at the grassroots can be made more aware about their rights and about NHRC.

1.2 Review of Literature

1.2.1 Evolution and Meaning of Human Rights

Human Rights is a 20th century term for what has been traditionally known as Natural Rights or, in a more invigorating phrase, the Rights of Man as argued by English political philosopher Maurice Cranston. Much has been said about them, and yet one may still be left wondering what they mean. Human rights are not derived from a particular situation; they are rights which belong to a man simply because he is a man (Cranston, 1962). The aspiration to protect the dignity of all human beings is at the core of the human rights concept. It puts the human in the centre of concern. It is based on a common universal value system devoted to the sanctity of life and provides a framework for building a human rights system protected by traditionally accepted

norms and standards. Human rights have evolved as a moral, political and legal framework and as a guideline for developing a world free from fear and free from want. Freedom, equality and solidarity are the three most significant attributes of human rights doctrine. The above-mentioned attributes were adopted in 1948 by the United Declaration on Human Rights (Benedek, 2006).

However, the doctrine of human rights wherein one enjoys human rights simply because of being human has been critiqued. In recent times, when the world is witnessing millions of people becoming stateless, the doctrine of human rights has also faced scores of challenges. Stateless people do not just lose particular rights (equality before the law, liberty, etc.), but also and more primarily their status as rights-bearing individuals, as people who may legitimately claim rights. While we tend to think of human rights as natural possessions that come to us by virtue of our humanity, it is suggested that the conditions of the stateless people reveal this common sense understanding to be an illusion.

The Doctrine of human rights consists of various rights which cover different aspects of human rights. Thus, we have the rights to liberty and personal security, rights in civil society, rights in the polity, economic, social, and cultural rights and the rights of “people”. Different conventions have also enlarged the scope of international human rights doctrine. The doctrine of human rights has a broad normative reach. Human rights are sometimes conceived as minimal requirements like “minimum conditions for any kind of life at all”, protections against the most “unambiguous” kinds of “abuse of power”. International human rights seek not only to protect against threats to personal security and liberty and to guarantee some recourse against the arbitrary use of state power, but also to protect against various social and economic dangers and to guarantee some degree of participation in political and cultural life. A related feature of human rights is the heterogeneity of these requirements. Different rights are open to different strategies of execution. Another noteworthy feature of human rights is relativity of human rights to social circumstances of a certain general kind. Human rights are sometimes described as timeless, as protections that might reasonably be demanded in all times and places. Modern human rights doctrine cannot plausibly be regarded as seeking to articulate protection of timeless significance; it speaks to what might be described broadly as the conditions of modern life (Beitz, 2009).

It is argued that the Universal Human Rights have a much-specified history. Until second half of the seventeenth century, the idea that all human beings, simply because they are human, have rights that they may exercise against the state and society received no substantial political endorsement anywhere in the world. Although limited applications of the idea were associated with political revolutions in Britain, the United States, and France in the late-seventeenth and eighteenth centuries, an extensive practice of universal human rights is largely a late-twentieth century creation. For example, the Universal Declaration of Human Rights ignored colonialism, which involved the brutal and systematic denial of most human rights to most Africans, many Asians, and a large number of Latin Americans (Donnelly, 2013). It is often said that human rights have a long history. It is also often argued, that human rights have been widely approved by great civilizations of the world. Such claims, however, are demonstrably false if by “human rights” we mean equal and inalienable rights that all human beings have simply because they are human and that they may exercise against their own state and society, and if by “human beings” we mean, if not nearly all members of *Homo Sapiens*, then at least some substantial segment of the species, including prominently many outside of one’s own social or cultural group. As soon as the world moved towards modernity, an ever-widening range of dispossessed groups advanced claims first for relief from legal and political disabilities, then for full and equal inclusion. Such demands took many forms, including appeals to scripture, church, morality, tradition, justice, natural law, order, social utility, and national strength. Claims of equal and inalienable natural or human rights, however, increasingly came to be preferred and over the past couple decades have become globally hegemonic (Donnelly, 2013; Ishay, 2004; Lewis, 2003).

DeGooyer et al. (2018) contend that the conception of rights as naturally possessed only asserts a bland moral imperative that someone or something should guarantee rights rather than encouraging us to grapple with the question of what kinds of political action and institution-building will best address the conditions of rightlessness. The conception of rights as natural possessions also offers a distorted image of the self: as naturally free and equal. Theorists of natural rights portray equality as part of what is “given,” as an indispensable component of each of us that would adhere to us even if we were

completely alone, without political organization. For them, we are more equal and freer in a pre-political state of nature than we are in political society. In Locke's words, for example, the state of nature is a state of "perfect freedom" and "equality." Consequently, natural rights theorists assume, as that the "dignity [rights] grant should remain valid and real even if only a single human being existed on earth," and "even if a human being is expelled from the human community" (DeGooyer et al, 2018, p. 36-37).

Baylis, Smith & Owens (2008) state that on the face of it, human rights seem to be an ideal focus for a consideration of processes of globalization. Whereas it was once the case that rights were almost always associated with domestic legal and political systems, in the last sixty years a complex network of international law and practice (the 'international human rights regime') has grown around the idea that individuals possess rights simply by virtue of being human, of sharing in a common humanity. Many cultures and civilizations have developed ideas about the intrinsic worth and dignity of human beings, but the notion that human beings are 'rights bearers' is specifically European. Medieval in origin, this notion was embodied in the positive law of a few countries in the early modern era. By the late 18th century, the idea of human rights, which used to refer to 'rights of man', further started inculcating 'rights of women' along with the rights of non-European slaves as well. These preliminary moves set the scene for the globalization of human rights in the post-1945 period. A number of global and regional treaties and declarations concerning human rights, and the emergence of non-governmental organizations (NGOs) such as Amnesty International contributed to their enforcement. Interestingly, governments, such as that of the United States, and intergovernmental organizations (INGOs), such as the International Monetary Fund and the Commonwealth, have increasingly (and not without their critique) seen it as part of their remit to promote human rights. These interventions have created an impressive body of international law and diplomatic practices, which have further broadened and deepened the idea of rights.

Early statements concentrated on first-generation (political) rights such as the freedom of speech and assembly and the right to take part in the government of his (sic) country,

directly or through freely chosen representatives’ (Universal Declaration, Art. 21). But the same declaration also recognized second-generation rights, which are ‘economic, social and cultural rights indispensable for his dignity and the free development of his personality’ (Art. 22). These economic and social rights feature very largely in later UN documents, especially, of course, the International Covenant on Economic, Social and Cultural Rights. Both first- and second-generation rights are, in essence, possessed by individuals. Third generation rights built on this collective dimension are concerned with the rights of ‘peoples’; for example, under the Banjul Charter (Table no. 1) people have the right to ‘freely dispose of their wealth and natural resources’ (Art. 21(1)), while the individual has a duty ‘to serve his natural community by placing his physical and intellectual abilities at its service’ and to ‘preserve and strengthen positive African cultural values in his relations with other members of the society’ (Art. 29 (2) and (7)).

Table No 11: Chronology of International Human Rights Treaties, Conventions and Declarations

1948	The Universal Declaration of Human Rights (United Nations General Assembly)
1948	The Convention on the Prevention and Punishment of the Crime of Genocide
1950	The European Convention for the Protection of Human Rights and Fundamental Freedoms
1965	The International Convention on the Elimination of all Forms of Racial Discrimination
1966	The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights
1979	The American Convention on Human Rights
1979	The Internal Convention on the Elimination of Discrimination against Women (CEDAW)
1981	The African Charter on Human Rights and Peoples’ Rights (The Banjul Charter)
1984	The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
1984	The Convention on the Rights of the Child
1989	The Declaration of Principles of Indigenous Rights

Source: Baylis et al, 2008, p.1048

Table No. 1.2: Other International Conferences Documents and Meetings Relevant to UNFPA

1993	Declaration on the Elimination of Violence against Women
1993	World Conference on Human Rights, Declaration and Programme of Action The Vienna Declaration and Action Programme
1994	International Conference on Population and Development (ICPD or Cairo Consensus)
1995	Fourth World Conferences on Women (Also, FWCW or Beijing'), Declaration and Platform for Action
1996	Glen Cove Meetings: Human Rights Approaches to Women's Health with a focus on Sexual and Reproductive Health and Rights
1997	United Nations Programme for Reform
1998	International Guidelines on HIV/AIDS and Human Rights (last revised 2002)
2000	Millennium Declaration and Development Goals
2001	UN World Conference Against Racism
2001	An Agenda for Further Change (Follow up to the 1997 UN Programme for Reform)
2001	Glen Cove + 5: Application of Human Rights to Sexual and Reproductive Health
2003	The Second Interagency Workshop on Implementing a Human Rights-based Approach in the Context of UN Reform

Source: UNFPA, 2004, p. 6-7

The concept of 'Human Rights' is perceived differently by different people. People have different perspectives and understandings of human rights. For many, invoking human rights is a genuine, morally justified claim to rectify various injustices, while others consider it no more than a slogan to be treated with suspicion or even hostility. Despite this, the execution of human rights law is not being practiced as it is supposed to be. Mostly, the application of human rights law is disputed, with both parties to a dispute demanding that human rights law be applied in their favour. Human rights law is special as it often advises that other law is insufficient or unjust. The language of human rights is deployed to criticize, defend, and reform all sorts of behaviour. Playing the 'human rights card' can be convincing, sometimes even decisive, in contemporary decision making. This is one of the aspects that makes the moral force of human rights so appealing (Clapman, 2007).

1.2.2 Human Rights and Challenges

It is argued that the leading organisations of international repute working for the movement of human rights have strayed from the values they professed once. The organisation of human rights namely the Human Rights Watch, International Committee of the Red Cross and Amnesty International, in place of ensuring checks and balances of the power of states which formulate and execute public policies, have started to go after the much-politicised United Nations. Resultantly, the resources and attention of the human rights organisation has been diverted from meeting the needs of the people and provide the best services to one and all. There is an opportunity cost in how the major humanitarian and human rights organisations set their priorities and allocate resources. The moral failure of politicization also dents the integrity of human rights leadership and the objectives of human rights (Habibi, 2007).

Forsythe (2017) in the book *'Hard Times for Human Rights'* discusses the challenges faced by the contemporary world in protecting human rights. He underscores the fact that the emergence of a “new nationalism” pursued by autocrats (whether elected or not) with increased military budgets, spells the death knell of internationally recognised human rights. Since 1215 agreement on the principles of human rights also known as ‘Magna Carta’ with its principle of limited or constitutional government, has been endorsed, rediscovered, ignored, bypassed, forgotten and rediscovered. He questions whether the time has come for the Universal Declaration of Human Rights 1948 to face the same fate. He points towards the need to reaffirm the importance of human rights at a time when hyper nationalism, pursuit of a mythical national greatness, a dangerous emphasis on military force, damaging policies of erecting national barriers, and a meanness towards the outsiders and the dissidents.

1.2.3 Human Rights and India

India is home to the world’s two major religious communities, Hindus (just under 80 per cent of the population) and Muslims (14.2 per cent). Christians constitute 2.3 per cent, Sikhs, 1.7 per cent, Jain, 0.4 per cent and Buddhists, 0.8 per cent. The social diversity of India has created the foundation for pluralism. One reason is that religious communities are distributed throughout the country and form minorities in some places

but majorities in others. The citizens of India also hold a number of identities like ethnic, caste base, regional, linguistic, and religious. This has prevented any single identity from becoming preeminent. India's understanding of secularism involves equal respect for all religious communities, as opposed to other forms of secularism that call for the strict separation of religion and state. India adopted its Constitution in 1949, which defined India as a sovereign, secular, democratic republic (Basu, 2018).

The Constitution of India provides right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights, right to property and right to constitutional remedies. The Constitution also grants reservation in public employment to the marginal groups, and through such affirmative action it tries to provide equal chances to marginalised groups to become part of the mainstream. Though religious freedom is one of the rights given by the constitution, the same constitution also makes a distinction between the remedial measures to protect and promote the interest of the scheduled castes and religious minorities. Reservations have expanded over the years to include Other Backward Classes (OBCs). In order to protect the human rights of its citizens, the government of India has ratified treaties and conventions of the United Nations of which India is a founding member.

In this section, core International human rights treaties ratified by India shall be outlined. The core international human rights treaties set international standards for the protection and promotion of human rights to which all countries (States) can subscribe by becoming a party to these treaties. Each State party has an obligation to take steps to ensure that everyone within the State can enjoy the rights set out in the treaty. There are nine core international human rights treaties which address a wide range of economic, social and cultural rights, civil and political rights, the elimination of racial and gender discrimination, protection against torture and forced disappearance and the rights of women, children, migrants, persons with disabilities. The human rights treaty system has expanded enormously over the past few decades in terms of acceptance and ratification of international human rights treaties by States. Acceptance of the treaties confers concomitant legal duties upon state actors, to protect against, prevent, and remedy human rights violations. The treaty system establishes definitive validity of

international supervision and accountability on the implementation of these treaties at the domestic level, with treaty standards serving as the benchmark for assessment

Table No. 13: Core International Human Rights and Date of Adoption

Core International Human Rights Treaties	Date of Adoption
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	21 December, 1965
International Covenant on Civil and Political Rights (ICCPR)	16 December, 1996
International Covenant on Economic, Social and Cultural Rights (ICESCR)	16 December, 1966
Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	18 December, 1979
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	10 December, 1984
Convention on the Rights of the Child (CRC)	20 November, 1989
International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW)	18 December, 1990
Convention on the Rights of Persons with Disabilities (CRPD)	13 December, 2006
International Convention for the Protection of all Persons from Enforced Disappearance (ICPAPED)	20 December, 2006

Source: A Handbook on International HR Conventions, 2012

By adopting the above-mentioned treaties, the government of India has protected the interest of its people with special focus on its marginalised groups such as women, children, elderly, persons with disabilities and migrants. Nonetheless, human rights treaties are followed by “optional protocols” which may either provide for procedures with regard to the principal treaty or address a substantive area related to the treaty. Optional Protocols to human rights treaties are treaties in their own right, and are open to signature, accession or ratification by countries who are party to the main treaty. An optional protocol can include more detail about matters that are in the original treaty or it can deal with issues that have come up since the treaty was written. The optional protocol can add rights and obligations that were not in the original treaty and/or provide for procedures related to the principal treaty. The below mentioned table indicates all the “optional protocols” adopted by India.

Table No. 1.4: Optional Protocols and Date of Adoption

Optional Protocols	Date of Adoption
Optional Protocol to the International Covenant on Civil and Political Rights	16 December, 1966
Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty	15 December, 1989
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	06 October, 1999
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	25 May, 2000
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	25 May, 2000
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	18 December, 2002
Optional Protocol to the Convention on the Rights of Persons with Disabilities	13 December, 2006
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	10 December, 2008

Source: A Handbook on International HR Conventions, 2012

1.2.4 National Human Rights Commission, India's Mandate: International Conventions

The National Human Rights Commission (NHRC) of India was established on 12th October, 1993 by an Act of Parliament which is referred to as The Protection of Human Rights Act (PHRA), 1993. The NHRC has contributed significantly to the protection and promotion of human rights in the country through the powers accorded to it by the PHR Act, 1993. Section 12(f) of the Protection of Human Rights Act, 1993 (PHRA) mandates the National Human Rights Commission of India to “study treaties and other international instruments on human rights and make recommendations for their effective implementation”. The NHRC carries out this function primarily through recommendations to and discussions with the concerned Ministries of the Central Government. The NHRC uses this power to ensure that draft bills conform to the international human rights standards that have been accepted by the Government of India. It supplements this through a host of programmes, conferences, workshops and seminars that raise awareness, such as the workshop it organized in 2009 to highlight

the problems faced by, and the steps needed to protect human rights defenders in keeping with best international practice. In addition to pursuing the case for the signing and ratification of International Human Rights Instruments with the Government of India, the Commission also reviews the domestic laws of the country to ensure the implementation of the International Conventions at the national level and to ensure that domestic laws are in line with international human rights standards. The Government of India usually sends all draft legislation with a human rights component to the NHRC for its comments. The NHRC examines these drafts, and wherever necessary asks experts in the field for their advice and sends its recommendations to the Government. Select Committees of Parliament often refer important legislation on human rights issues to the NHRC for its comments and advice. Apart from the mandate to study international treaties and make recommendations for their implementation, the PHR Act has accorded the following powers to the National Human Rights Commission of India:

- Enquiring *Suo moto*, or on a petition, into complaints of human rights violations;
- Intervening in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- Visiting jails or other institutions where persons are detained to study living conditions and make recommendations thereon;
- Reviewing the safeguards provided by the Constitution or laws for the protection of human rights and making recommendations for their effective implementation;
- Reviewing the factors, including acts of terrorism, that inhibit the enjoyment of human rights, and recommending appropriate remedial measures; and, undertaking such other functions as it may consider necessary for the protection of human rights;
- Assessing the functioning of public institutions, ensuring that laws are implemented in practice, and monitoring entitlements, the NHRC monitors situations where very serious violations of human rights have taken place, calling for reports from the Governments concerned, sending its own teams to investigate, framing recommendations, and monitoring compliance.

The PHR Act was amended by Parliament in 2006 to make the NHRC more effective and to give it greater powers. The most significant amendment, to Section 18 of the Act, gave the NHRC the power, which it now exercises daily, to recommend to the Central or a State Government or any public authority, during and upon completion of an inquiry, that it:

- Make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;
- Initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person(s);
- Take such further action as it may think fit.

The Commission promotes human rights awareness at the grassroots through human rights training programmes, conducted through credible NGOs of various states, throughout the country, on various human rights issues. The Commission meets with SHRCs for better understanding of issues and to collaboratively discharge their roles in the defence of human rights in the country. It aims to stay in close touch with NGOs and other civil society actors for better human rights protection. The Core Groups on different human rights concerns that the NHRC has constituted, help tap into the experience and knowledge of experts, academics and civil society on various issues of human rights. Further, it also engages regularly with other National Commissions such as those for Minorities, Scheduled Castes, Scheduled Tribes, and Women, whose respective Chairpersons are also ex-officio Members of the NHRC, India (A Handbook on International HR Conventions, 2012). The Commission is expected to be sensitive to the concerns of vulnerable sections of society, particularly scheduled castes and scheduled tribes (NHRC Annual Report 2016-17).

1.2.5 Human Rights, Scheduled Castes and Scheduled Tribes in India

Kanti (2014) states that the concept and practice of human rights is the main feature of any modern and justice-oriented society. However, since time immemorial, the story of human rights is running parallel to human wrongs. Basu (2018) argues that the democratic set up in India which was once considered remarkable in scale and duration

has been weakened by the rise of xenophobic nationalism and threats to religious minorities. Although these trends were evident in the past, they have dramatically increased amidst the growth of Hindu nationalism. In India, caste-based discrimination is a bitter reality. However, The Constitution of India (1950) has provisions of the constitutional reservation to eliminate caste-based discrimination but the situation has not improved as expected. To make it real, India ratified the International Covenant on Civil and Political Rights (ICCPR) on April 10, 1979. Under Article 26 including the discrimination based on 'social origin', the Covenant protects against any kind of discrimination. In 1997, the Human Rights Committee (HRC) found that India is violating its obligation under the ICCPR by not treating its Dalits fairly. HRC was of the view that:

With concern that despite measures taken by the government, members of the Scheduled Castes and Scheduled Tribes, as well as so-called backward classes and ethnic and national minorities continue to endure severe social discrimination and to suffer disproportionately from many violations of their rights under the Covenant, including inter-alia inter-caste violence, bonded labour and discrimination of all kinds. It regrets that the de facto perpetuation of the caste system entrenches social differences and contributes to these violations (India (1997), CCPR/C/79/Add.81, para. 15, (cited in Keane, p. 241)

The HRC recommended that India needs to adopt other measures like educational programs at the national and state level in order to combat all forms of discrimination against these disadvantaged sections of the society, in accordance with Article 2(1) and Article 26 of the covenant Keane (2007). Since 1990s, violence against Dalits in India has escalated dramatically in response to growing Dalit rights movements. Between 1995 and 1997, a total of 90, 925 cases were registered with police nationwide as crimes and atrocities against Scheduled Castes. The United Nations Commission's Working Paper on Work and Descent based Discrimination (2000) noted that 'the atrocities committed like murder, rape, mutilation, arson etc are not only isolated acts but could even be acts of mass savagery committed by militia groups employed by the higher groups. The National Commission for Scheduled Caste and Scheduled Tribes in India has reported that the cases of gross human rights violations against the

disadvantaged groups fall into one of the three categories namely, cases relating to the practice of ‘untouchability’ and attempt to defy the social order, cases relating to land disputes and demands for minimum wages, and cases of atrocities by police and forest officials. Upper caste Hindus and non-Dalits due to their numbers in almost all offices are able to wield a considerable amount of leverage over local police, district administration and even state government. Due to these leverages these groups are to an extent able to obstruct the effective execution of the statutory provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989. The manipulation of the legislation of 1989 and the failure to prosecute atrocities against Dalits under its terms is illustrated in the Supreme Court case of *State of Kerala V. Appu Balu*, where the court found that ‘more than 75 percent of the cases under the 1989 Act are ending in acquittal at level (Shinde, 2005; Keane, p. 241-242).

Though India has a very rich history of civil, political, and social rights which has also stimulated freedom movements in different countries, however, as much as 160 million Dalits in India are still facing discrimination based on their caste identity. In addition to being targets of physical and sexual violence, Dalits are often forced to eat and drink separately in restaurants, attend separate religious services, walk miles to get water and work in degrading conditions. However, the situation has improved but such cases still continue to take place which proves that we have to go a long way to ensure equal treatment to one and all. Even following the earthquake in western India in Kashmir and Uttarakhand, local leaders divided aid recipients into caste groups and diverted the aid meant for Dalits to the high caste members. Although Indian law contains extensive protections against such caste-based discrimination, the government still fails to enforce its domestic and international obligations to ensure Dalit rights (Hanchinamani, 2001).

Wahl (2013) reveals a more complex relationship between religious or cultural beliefs and human rights. The human rights course on which this study focuses explicitly connects human rights to Indian traditions. The officers participating in the course accept the idea that human rights embody the same values as their religious and cultural traditions. This does not, however, lead them to accept human rights. Instead, officers feel that they must compromise or reject both human rights and their traditional values, in favour of competing values and interests related to their work as law enforcers. This

finding complicates assumptions about the relationship between local beliefs and international human rights norms. Furthermore, the study reveals the importance of considering students' professional and social roles within society, and the constraints, beliefs, and expectations related to such roles, when designing programmes that aim to connect human rights to students' values and concerns.

Gujarat's Una town of Junagadh district, came into light when two young Dalits who were skinning the carcasses of cows that they had been asked to collect were accused of slaughtering the cows and beaten brutally by the self-professed gau-rakshaks (cow protectors). The accused Dalits were further shamed, forcefully made half naked and then tied to a rickshaw and flogged. Since the video of these men being beaten went viral on social media, the incident received national attention. This was not the first case of gross human right violation of the marginalised group. Similar incidents have happened in the past as well in the state (Frontline, 2018). In another case of Dalit atrocity, a man from the community was killed for eating in front of upper-caste men in Uttarakhand on April 20, 2019. Jitendra (21) was bashed up by the upper caste men so badly that after nine days he succumbed to his injuries (Khare, 2019). Almost a similar incident happened recently in Sangrur Punjab, where a Dalit man was beaten so mercilessly owing to a minor altercation that he succumbed to his injuries. He was humiliated and made to drink urine when he asked for water (Press Trust of India, 2019).

The claims by the government to make the country 'open defecation free' was found missing on ground when two Dalit children namely Roshani Valmiki (12) and Avinash Valmiki (10) in Madhya Pradesh were allegedly beaten to death. The reason for the violence was quite shocking. The children were beaten up to death just because they defecated openly in front of a Panchayat building in Bhavkedhi village of Shivpuri district. The father of the deceased children stated that the family faced this discriminatory behaviour because of their caste. The case was registered against the accused under the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Press Trust of India, 2019).

The caste-based discrimination does not end with death. Recently in an incident at Vaniyambadi taluk of Vellore district in Tamil Nadu, two upper caste men denied

permission to Dalits to pass through their land while they were taking the funeral procession of a 46 years old man. After making all efforts in vain to get permission to take the body through the fields, Dalits were forced to lower the dead body from a 20 feet high bridge over a river for the last rites of the deceased. However, this is not the first such incident which happened in the district. According to the Dalits, they have faced similar discrimination at the hands of the upper caste in the past as well. The apathy of Government officials was evident when it said that the investigation shall be conducted to nab the culprits if the incident was found to have really happened (Marx, 2019; Nath, 2019). It is usually said that literacy is a tool that can help curb caste-based discrimination. The State of Tamil Nadu has a literacy rate of 80.09 percent as per the Census 2011. This figure is more than the national level literacy rate of 74.04 per cent.

On April 26, 2019, a Dalit man (Jitendra,21) was allegedly beaten up and the victims succumb to his injuries after nine days. His only crime was that he sat on a chair and ate in the presence of upper caste men at a wedding function. This unfortunate incident happened in Kot, Uttarakhand. In the investigation, it came to light that the deceased was humiliated at the wedding by the same men. Witnesses stated that the victim left the wedding arena with tears in his eyes. He had gone a short distance when he was surrounded by the same men who attacked him brutally. He was left injured on the road and died (Khare, 2019).

1.2.6 Human Rights and Minorities in India

The Constitution of India has robust provisions for the safeguards of equality, freedom, and protection of its religious minorities. Article 29 and 30 specifically promote religious and education interest for minorities in India. However, India's religious minorities face numerous challenges. Puniyani (2018) writes that the Muslim community in India is living with multiple discriminatory practices. The episodes of continuous and recurring violence have forced them to live under constant fear and insecurity on one hand while on the other they are being side-lined and purposefully ignored in the government jobs. This is happening in a very coordinated manner and hence Muslims representation in political bodies has been steadily declining. To support the above argument, the social indices of literacy, economic conditions, employment

status and other factors among Muslims in India also exhibit a melancholic position. Their miserable social indices have been stamped through empirical data. The two recent reports namely the Sachar Committee Report (2006) and the Ranganath Mishra Commission Report (2007) reveal miserable socio-economic status of Muslims in India (p.88, Engineer, 2018).

Moving further into the discussion on the poor conditions of Muslims in India, the National Crime Records Bureau (2015) released data, in which as many as 68 per cent of the inmates lodged in 1387 jails across the country were found to be under trials. The Indian Express analysed the data and revealed that over 55 percent of the under trials in India are Muslims, Dalits or tribals. The three mentioned groups as per the data of Census 2011 constitute 39 per cent of the total population in India, in which Muslims are 14.2 percent, Scheduled Castes are 16.6 per cent and Scheduled Tribes are 8.8 percent. 70 per cent of them have not passed high school. Overall, 28.5 percent of under trials in the country were found to be illiterate. Among Muslims, the share of convicts was 15.8 per cent, which exceeded their representation in the population of the country, but their share among under trials stood at 20.9 per cent. SCs make up for 21.6 per cent of under trials and 20.9 per cent convictions, while STs had share of 12.4 per cent of under trials and 13.7 per cent of convictions (Huff Post, 2016).

Bauman (2016) iterates that judicial rulings in Independent India have weakened the safeguards of constitution in scores of ways, such as when, in the 1970s, the apex court declared that the constitutional right of “propagation” did not include (or protect) the right to intentionally convert anyone. Similarly, half a dozen Indian states have now passed “Freedom of Religion” laws (widely known as anti-conversion laws) that have been problematically and prejudicially implemented, as has been the anti-defamation law. Moreover, national laws securing reserved seats in Indian legislatures, civil service, and educational institutions for lower caste Hindus (however, there is no such reservation for lower caste non-Hindus) provide implicit disincentives to lower caste Hindus considering conversion. Bauman (2016) goes on to say that a weak and easily corrupted criminal justice system exacerbates many of these legal issues, and is frequently used by anti-minority actors who exploit the legal ambiguity with regard to religious freedoms in India. Religious minorities face spurious charges or unlawful

incarceration, thereby undermining the protection that Indian law affords to them. The author further deliberated that religious minorities in India are being threatened, attacked, intimidated; harassed, assaulted and even lynched by the people mostly associated with ultra-right outfits. The perpetrators associated with ultra-right outfits get support of local or even national law enforcement agencies and politicians. The local, regional, state and even central government have been accused at various times, of intentionally responding slowly, or even inhibiting a police action to instances of anti-minority violence (p.31-32).

Ochab (2019) in her article which was published in Forbes argues that religious freedom in India continues to deteriorate and it has been on a gradual decline for at least a decade. Consequently, the plight of religious minorities is reaching the new low despite the fact that there are provisions of the right to freedom of religion enshrined in the Constitution of India which is considered as one of the most diverse and democratic countries in the world. India has signed scores of treaties and covenants like the International Conventions on Civil and Political Rights (ICCPR) and pledged to adhere to the International standards of human rights enshrined in the treaty. Nevertheless, signing the international treaties and convention does not guarantee safety and protection to the people of India. The United States Commission on International Religious Freedom (USCIRF) (2018) report identifies scores of limitations to the right to freedom of religion or belief and challenges faced by religious minorities in India. Indeed, the issue is extremely severe. The USCIRF (2018) report, quoting the former Union Minister Hansraj Ahir, reported that in 2017 alone, 111 people were killed and 2384 injured in communal clashes. The level of violence may increase if the perpetrators continue to enjoy immunity from punishment. Similarly, as the victims of such atrocities are often forgotten by the government, they have little faith in ever seeing any justice done. This situation has a potential to increase the feeling of mistrust between the government and religious minorities in India.

The anti-cow slaughter laws have deep roots in Indian tradition. The laws have been upheld by India's most powerful Court, the Supreme Court of India. However, in recent months a new phenomenon has emerged; "cow protection" lynch mobs. USCIRF (2018) report reveals that the self-appointed cow vigilant groups have killed at least 10

people in 2017. Furthermore, groups of mobs have instigated a campaign of harassment and intimidation against individuals who work in the dairy industry (Ochab, 2019). Attacks by the vigilantes on the religious minorities have escalated in India. Along with that, the violence has also been committed against marginalized communities, and critics of the government. The failure of authorities to investigate attacks has further encouraged violence (Wahl, 2017).

An article in Washington Post pointed out the significant role of social media in the dispersal of hate and violence among different religious groups in India. The article mentions that India is the biggest market of WhatsApp, a social media platform, where it has more than 200 million subscribers. (Gowen & Dwoskin, 2018). The toxic messages that spread on WhatsApp instigate riots in certain cases as people forward and misinterpret videos on the messaging platform (Press Trust of India, 2018). A vast and silent campaign is continuously run through social media wherein a properly channelised hate mongering continues. Stories of cow abduction and slaughter, beef eating, love jihad (a Muslim man marrying or loving a Hindu woman), support for Pakistan and various other acts allegedly committed by the Muslims in India are circulated and forwarded thousands of times with a message to demonise them. This has created a simmering undercurrent of hatred towards Muslims among large sections of the people in major part of India and particularly in Jharkhand (Verma, 2019).

India has registered 266 cases of lynching till 2019, in which Jharkhand has registered 14th case of lynching in the last four years, On June 17, 2019, Tabrez Ansari (24) was caught and beaten up by the locals in Seraikela-Kharsawan district, Jharkhand. He was accused of theft of a motorbike. The deceased was forced to chant 'Jai Shri Ram' and 'Jai Hanuman' by the mob. Before police took his custody, Ansari was beaten up by the mob; and hence, got numerous blows on his head (brain injury) and fell unconscious. The post mortem report revealed that he had received physical injuries in police custody as well. He was admitted to the hospital on June 21, 2019 and later referred to Jamshedpur. On the same day, Ansari succumbed to his injuries (Varma, 2019).

1.2.7 Politics of Hate and Anger

Varma (2019) writes that armed processions taken out during Hindu festivals (especially Ram Navami) were directly responsible for at least two cases of lynching and indirectly for six others in Jharkhand. Provocative songs and slogans, brandishing of swords, tridents and other weapons, purposely targeting Muslim residential areas and mosques, has been observed as the standard feature of such processions. The police appear to be aware of the danger these processions pose and, in some cases, has tried to restrict the activities (Varma, 2019).

An open support was extended by the politicians to the perpetrators of Kathua Rape in which an eight years old girl was raped and murdered in Jammu region. The politicians attended a public rally organised in support of the accused (Haq, 2018; Times of India, 2018).

The Uttar Pradesh Government has withdrawn cases against two BJP legislators, who were accused in 2013 Muzaffarnagar communal riots. One legislator was accused of circulating fake video, due to which communal riots started in the western part of Uttar Pradesh. The Justice Vishnu Sahai Commission (Justice Sahai was the retired judge of the Allahabad High Court) submitted a detailed 700-page report and also submitted an Action Taken Report two years after the violence, charged this legislator for his role in communal riots. According to his assessment of the aftermath of communal riots, 62 people lost their lives and 60,000 were displaced (mostly Muslims).

1.2.8 Human Rights and States of Uttar Pradesh, Haryana and Rajasthan

Uttar Pradesh which has been chosen as one of the states for the current research has shown the highest number of human rights violation cases, rising up to 44 per cent of the total cases lodged by NHRC in the year 2015-2016 (Nath, 2016). The number of cases from UP was more than the total number of human rights violation cases in the next five state- Haryana, Odisha, Delhi, Bihar, and Rajasthan. The state has different kinds of Human Rights violations both reported and unreported. For instance, according to the NCRB report 2016, the total number of cases of atrocities against Scheduled Caste was 10426 which were the highest as compared to any other state in India. 25.6 percent of the total cases reported under this category belonged to Uttar Pradesh.

Atrocities against SCs in UP have increased over the years. In 2014, the numbers of atrocity cases were 8066, which went on to 8357 in 2015 and further reached to 10,426 in the year 2016. This dismal situation of human rights violation can be easily grasped by looking at the figures of crime committed against Dalits in India. The NCRB Annual Crime Report 2016 reveals that the number of harassment cases against Dalits registered by NHRC in Uttar Pradesh witnessed an increase from 221 cases in 2016-17 to 311 in 2018-19; an increase of nearly 41 per cent (Nath, 2016).

Nath (2016) writes that from October 2015 to September 2016, the NHRC received 1.05 Lakh cases from various sources including complaints from the public, intimation from the police and prison authorities, and Suo moto cognisance of human rights violations. Out of the total registered cases, 46,575 cases were from Uttar Pradesh alone, which was more than total number of cases from the combined five states namely Odisha, Haryana, Delhi, Bihar and Rajasthan. Out of the total 1757 death cases in judicial custody, UP had registered 401 such cases. The State further registered 27 cases of deaths in the police custody out of 192 cases.

In India, the recently released National Crime Records Bureau (NCRB) Annual Crime Report, 2017 reveals that Uttar Pradesh continues to record a very high number of cases of harassment of minorities and Dalits. Between 2016 and June 15, 2019; out of the 2008 cases of harassment and lynching of minorities and the Dalits which were recorded by NHRC, 869 (43 percent) were from Uttar Pradesh (Rawat, 2019).

The NCRB 2017 data reveals Uttar Pradesh as the most unsafe state for women. According to the report, 3.59 Lakh cases of crime against women were reported in the country, of which Uttar Pradesh topped the list with 56,011 cases. It has been reported that till the month of January, 2018, Uttar Pradesh had received around nine notices from the NHRC. The notice, most of which were addressed to the chief Secretary, were sent on a range of issues, including fake encounter, eve-teasing and death of children in Gorakhpur (Ahmad, 2018). The NCRB, which is part of the Home Ministry, reported that in 2014 Uttar Pradesh had registered 51 cases of communal riots and 26 cases of promoting enmity between groups. Together, they add up to 77 cases in NCRB records, while the home ministry reported 133 incidents. In 2016, the number went on to 162 in

Uttar Pradesh. In Haryana, the NCRB registered 250 cases under communal incidents/riots. In Rajasthan, the Home Ministry registered 63 such cases (Dubbudu, 2017).

1.2.9 Human Rights Violations and Police

Wahl (2017) provides a methodical structure to bridge the segregation amid human rights groups and the Police in India over how they comprehend violence and why the Police and at times the public tend to observe torture as an essential means of upholding security and justice. Through torture, the police infringe the human rights of the incarcerated person and hence, freedom from torture is a universally recognized human right in general consensus among the scholars and international legal bodies. The author conducted a study with the stakeholders of law and human rights and found that majority of the Policemen believe that torture of the incarcerated persons is an integral part of upholding justice in the society. Officers' support for torture exhibits that they may have less faith in the concepts of human rights either for their own advancement of their professional career or the absence of execution of such universal norms in their communities.

Ruling out torture by the policemen is a fundamental principle of international law. Torture along with brutal, inhuman or undignified treatment is banned at all times, in all places, including warfare. The 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits in absolute terms any kind of practice of torture. It is mentioned in the document of the United Nations that in 'No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture (UN, 2018). No national crisis, however serious, ever justifies its application. No one can ever be sent back to a place where there is a risk that he/she will be tortured. Voices had started erupting in 1980s against anti-torture campaign, led by Amnesty International which was successful in advocating a set of binding international prohibition against the practice of torture. However, we all know that torture is unfortunately being practiced in the majority of countries and by the armed groups (Clapman, 2007). Human Rights Watch (HRW) documents the use of torture around the world. They are committed to exert pressure on government

authorities to take action to thwart torture and to bring those responsible for torture to justice. It is also being ensured by the organisation that victims of torture receive reparation, including an enforceable right to just and satisfactory reimbursement and complete rehabilitation (Human Rights Watch, 2012).

In India, human rights violations by the police have been the talking point amongst the civil society groups, academia and human rights activists. Uttar Pradesh police was recently in news when a Muslim man was lynched and another got severely injured (Samadeen) in Bajhere village of Pilakhua area in District Hapur in 2018. The body of the deceased (Kasim) was dragged by the villagers in the presence of three policemen. The Superintendent of Police, Hapur denied the allegation. However, the Uttar Pradesh police later posted a tweet from its official twitter handle apologising for the negligent behaviour of the policemen after a video covering the entire incident went viral (Chatterji, 2018; Raju, 2018).

Punwani (2018) while highlighting the role of police during difficult circumstances elaborated on the role of police post Babri Masjid demolition when communal riots broke out in Mumbai. During the riots, the conduct of Police was found to be consciously partisan, or anti-Muslim. Whether it was prevention of violence, arrest of miscreants or investigation of riots; at every level, the Mumbai Police revealed itself to be a highly communal force. This unprofessional and biased conduct was not just displayed by low-rank policemen such as constables bearing the brunt of mob violence, but also by the senior officers (p.187).

Wahl (2017) in one study found that the caste-based inequalities influenced policing in India. Study's findings showed that when the victims belonged to "low" caste, then the Policemen were more likely to abuse this socio-economically disadvantaged group. It was also found in the study that the lower caste rarely filed complaints against brutality and hostile treatment meted out to them by the police.

Thus, the review of literature points towards the absence of literature on the meaning of human rights from the perspective of the participants. There are also hardly any studies which have attempted to locate NHRC at the grassroots. This research is an attempt to fill this gap in literature.

1.3 Role of NHRC in Cases of Human Rights Violations

The National Human Rights Commission of India has played a very vital and important role in ensuring Human Rights of the Individuals, communities and groups and keeping the faith of common citizens in the Judiciary of India. NHRC has shown deep concern over the increasing incidents of custodial deaths and torture in the criminal administration. The commission has continued to act with determination to end the terrible occurrences of custodial death, rape, torture, caste-based violence, communal violence, gender-based violence etc. that has hampered the order apparatus of our country.

These are few cases where NHRC played a very active role in dealing with violations of Human Rights and delivering Justice to the people.

1.3.1 Punjab Mass Cremation Case

This case was a shocking incident of gross violation of human rights wherein a large number of human bodies was cremated by the Punjab police. This case was referred to NHRC by the Supreme Court. The Commission received a remit, from the Supreme Court of India to examine 2097 cremations of dead bodies as un-identified by the Punjab Police in the Police District of Amritsar, Majitha and Tarn Taran of District Amritsar, Punjab during the period with effect from 1984 to 1994. While remitting the matter to the Commission, the Hon'ble Supreme Court of India directed the CBI to take further action into the matter and register the cases where necessary, hold investigations and proceed in accordance with the law on the basis of material collected through investigation. For the remaining issues the Hon'ble Supreme Court of India requested the Commission to examine the matter.

Through its proceedings, it was found that human rights of 109 persons, who were admittedly in the custody of the police immediately prior to their death, stood invaded and infringed when they lost their lives, while in custody of the police thereby rendering the state vicariously liable.

The State of Punjab was, therefore, held accountable and vicariously responsible for the infringement of the indefeasible right to life of those 109 deceased persons as it failed to “safeguard their lives and persons against the risk of avoidable harm.”

The Commission awarded total compensation of Rs.2, 72, 50,000/- Rs.2.50 lakhs to the next of kin of each 109 deceased persons who were in the custody of the Punjab Police at the time of their death. The Commission is in the process of examining the claims in relation to the remaining cremations and grievances raised by the next of kin of the other deceased. (<https://nhrc.nic.in/press-release/nhrc-recommends-rs-279400000-families-victims-punjab-mass-cremation-case>)

1.3.2 On Violation of Right to Education and Right to food in Rajasthan

The National Human Rights Commission (NHRC) has taken Suo moto cognizance of a media report date June 13, 2019 that there are several villages in Rajasthan's Banswara district wherein over 500 families were found to have allegedly used their children as a pawn in exchange of Rs 1,500-Rs 2,000 from the Gadaria (shepherd) community to get food.

The commission has issued a notice to the chief secretary and the Rajasthan government calling for a detailed report in the matter within six weeks. The commission observed that it raises a serious issue of violation of human rights of children who instead of getting an education and upbringing, have been given to the custody of unknown people in lieu of money. While issuing the notice, the NHRC said that the Right to Food is a basic human right. The news report claimed that government-run schemes like MGNREGA and Bhamashah have "never been implemented" in these areas. Therefore, it has also asked the state government to inform the status of implementation of flagship programs announced and being run by both the central government and Rajasthan government and the state government is also expected to conduct a survey to check if such practice is prevailing in other districts of the state (<https://nhrc.nic.in/media/press-release/nhrc-notice-government-Rajasthan-over-reported-allegation-many-families-banswara>).

1.3.3 Role of NHRC in Gujarat Riots

The country has an incidence of mass violation of human rights in the form of Gujarat Riot of 2002. The NHRC took *Suo moto* cognizance on the communal riots of Gujarat. The NHRC team visited Gujarat from 19-22 March 2002. The NHRC Chairperson, Justice (retd.) J.S. Verma led the team, with Justice Sujata Manohar and Mr. Virendra Dayal. As a result of its investigation, NHRC's opinion can be summarized as 'The Commission would like to observe that the tragic events that have occurred have serious implications for the country as a whole, affecting both its sense of self-esteem and the esteem in which it is held in the comity of nations. Grave questions arise of fidelity to the Constitution and to treaty obligations. There are obvious implications in respect of the protection of civil and political rights, as well as of economic, social and cultural rights in the state of Gujarat as also the country more widely; there are implications for trade, investment, tourism, and employment... But most of all, the events in Gujarat have resulted in the violation of the fundamental rights to life, liberty, equality and the dignity of citizens of India as guaranteed in the Constitution.' (<http://www.india-seminar.com/2002/513/513%20reports.htm>)

In its preliminary statement from NHRC that it is the state's responsibility, not only to protect the right to life, liberty, and equality of its citizens but also to prevent their violation through abetment, overt acts or negligence in this incidence is a serious failure of intelligence and action by the state government', leading to the Godhra incident and the subsequent riots in other parts of Gujarat.

In its recommendations the commission recommended CBI inquiry of Godhra, Chamanpura (Gulbarga Society), Naroda Patiya, Best Bakery (Vadodara), Sadarpura (Mehsana) cases and for non-CBI cases the commission suggested constitution of special cells under the District Magistrate and monitored by the Additional Director General (Crime). Apart from these the commission also suggested that adequate compensation should be given to the sufferers, and funds should be augmented from various national and international sources, including HUDCO, HDFC, etc. Involvement of private sector NGOs were suggested. Basically, the commission played a very proactive role in Gujarat riots of 2002.

CHAPTER 2

RESEARCH METHODOLOGY

This chapter explains the methodology adopted for the research study. It covers the objectives of the research, research design, rationale for the selection of states and villages, sampling, methods and tools of data collection, assumptions, ethical considerations and chapterisation plan.

2.1 Objectives of Research

The research was undertaken with following objectives in mind:

- To understand the meaning of human rights from the perspective of people at the grassroots.
- To understand the nature of human rights violations in the locale under study.
- To identify the systems and mechanisms for seeking justice that are used by people at the grassroots in case of violation of their human rights.
- To identify the level of awareness about NHRC amongst people at the grassroots.
- To delineate the role of the National and State Human Rights Commission in addressing the cases and issues related to human rights violations from the perspective of the people at grassroots.
- To propose interventions and mechanisms for raising awareness regarding the role of the National Human Rights Commission at the grassroots level.

2.2 Research Design

The research has adopted a mixed method approach wherein both qualitative and quantitative methods have been used in the study. The study is descriptive in nature.

2.2.1 Selection of States and Villages

The three states where the research was undertaken were selected because of their human rights violation records and also because of the familiarity of researchers with

the local language. The following table mentions the States with highest number of human rights violations reported by NHRC.

Table No. 21: States with highest number of human violations registered with NHRC from 01/04/2015 to 31/03/2016

State	Human rights violation cases registered with NHRC from 01/04/2015 to 31/03/2016
Bihar	4019
Haryana	11518
Odisha	16215
Rajasthan	3169
Uttar Pradesh	49323

The state of Uttar Pradesh was selected for a number of reasons. Uttar Pradesh has shown the highest number of human rights violation cases, raising up to 44% of the total cases lodged by NHRC in the year 2015-2016 (Nath, 2016). The number of cases from U.P was more than the total number of human rights violation cases in the other four states namely; Haryana, Odisha, Bihar, and Rajasthan. The state has many kinds of human rights violations both reported and unreported. For instance, according to NCRB report 2016, the total number of cases of atrocities against Scheduled Caste was 10426 and 25.6% of the total cases reported under this category belonged to Uttar Pradesh. Atrocities against the Scheduled Castes in U.P has increased over the years with 8066 cases in 2014, 8357 in 2015 and 10426 in 2016. According to the same report, Uttar Pradesh was positioned at number one in 2017 based on its total share in the given three categories- crime against women, crime against children and atrocities against SC. Among the metropolitan cities, Lucknow stood at number one in the category of crime against women and children.

In the month of January, 2018, News 18 had reported that UP received around nine notices from NHRC on issues such as the one related to death of children in Gorakhpur hospital, Banaras Hindu University molestation scandal, fake encounter cases, and many more (Ahmad, 2018). The cases of communal violence have also registered an

upsurge in Uttar Pradesh from 133 in 2014 to 162 in 2016 as reported by the Home Ministry (Dubbudu, 2017).

The states of Haryana and Rajasthan have also been selected for similar reasons. Haryana has shown a spurt in the cases of communal conflicts and Rajasthan has also been in the news for inter community suspicion and rifts leading to some of the worst cases of lynching in India.

From these states, five villages were purposively selected; three from U.P and one each from Haryana and Rajasthan. Following villages were thus selected for the research:

Table No. 22: List of villages selected for study

Name of the Village	District	State	Nature of violence
Phugana	Muzaffarnagar	Uttar Pradesh	Communal
Khudadadpur	Azamgarh	Uttar Pradesh	Communal
Umbha	Sonbhadra	Uttar Pradesh	Tribal atrocity
Dangawas	Nagaur	Rajasthan	Dalit atrocity
Jassia	Rohtak	Haryana	Jat Reservation Movement

There were additional reasons for selecting these particular villages which included familiarity with the language and availability of gatekeepers. The diverse nature of incidents that have happened in these villages was another major reason behind selection of these five villages. Dangawas village of Rajasthan had seen Dalit atrocity or caste conflict between Jats and Dalits whereas Jassia from Rohtak district of Haryana was one of the epicentres of Jat agitation movement that took place in 2016. It witnessed several cases of human rights violations. In the three villages of Uttar Pradesh, Phugana was one of the most affected villages during the communal riot of Muzaffarnagar, which is seen as one of the worst riots in the recent history of Uttar Pradesh. Umbha in Sonbhadra district of Uttar Pradesh has recently witnessed massacre of eleven Gond tribals and injuries to more than thirty people over a land dispute in the month of July 2019. Khudadadpur is the village of a very communally sensitive district of Azamgarh which experienced communal tensions between Muslims and Dalits over a small dispute between two boys of these communities.

This diversity of context and issues has helped in building an understanding of the violation of human rights, awareness about rights and National Human Rights Commission at the grassroots in a better way.

2.2.2 Assumptions in the Study

The research study was based on the following assumptions:

1. The research study was based on the assumption that the districts which have high instances of caste based and communal violence show violations of human rights of various kinds and at various levels.
2. The second assumption on which the research study was based was that these communities are well aware of the losses accrued to the communities and people of that area during violence and therefore engagement with these communities would help understand their interpretation of these issues.

Consequently, the study has focused on delineating the villages which have high instances of caste or communal violence or tribal atrocities.

2.2.3 Sources of Data Collection

Primary sources of data collection were used in the research. Primary sources included all the participants in the study. The secondary data for the study was collected from research articles and research papers published in journals, newspapers, digital newspapers, and magazines and from the records related to NHRC.

2.2.4 Sampling Technique

The sampling technique was non-probability and the number of villagers was decided using quota sampling.

2.2.5 Main Participants of the Study

The main participants of study were the people at the village level who were selected using non-probability quota sampling. These participants were selected according to the gender, caste, religion and age.

In addition, the following participants as other stakeholders were also interviewed.

1. Village leaders/ opinion makers
2. Panchayat members
3. Caste and religious leaders
4. Members of existing local groups
5. School teachers and principals or Journalists/ Lawyers
6. NGOs personnel
7. Administrators/ bureaucrats
8. Human rights activists
9. Official at SHRC
10. Local MLA/ MP/ Politicians
11. Police personnel

2.2.6 Sample Size

The total sample size of the research study was 318 in which 50 participants from each village were initially decided, taking the sample size to 250. However, the number of respondents exceeded in two villages. Therefore, the total number of respondents from the community was 260.

Table No. 23: sample size of respondents

Name of the Village	Sample size
Phugana	53
Jassia	50
Umbha	50
Khudadadpur	50
Dangawas	57
Total	260

Out of the total respondents of 318, the sample size of the other stakeholders was 58 which includes police personals, village leaders, panchayat members etc. The details of the stakeholders are given below:

Table No. 2.4: Sample size of stakeholders

Participants	Sample size
Village leaders/ opinion makers	2
Panchayat members	8
Caste and religious group members	5
Local group members	3
School teachers / principals /journalists / lawyers	10
NGO / human rights activists	11
Government staff – BDO, local police, revenue officers, District Magistrate, Superintendent of Police	16
MLA/MP/Politician	2
NHRC/ SHRC members	1
Total	58

2.2.7 Methods of data collection

- Semi-structured interviews were conducted.
- In depth interviews of a few selected cases of human rights violations were conducted.
- FGDs were also conducted to seek the opinions and suggestions on the issues of human rights violations and understanding about NHRC and human rights.

2.2.8 Analysis of Data

The data analysis of this study has been carried out through the Statistical Package of Social Science (SPSS). The interviews used both open-ended and closed-ended questions. The responses to open-ended questions have been codified and entered into the data tables. The output of the data has been presented in the ‘frequency-based distribution format’ of all the variables. The data has been presented in tabular form along with the required description of the same.

2.3 Chapterization Plan

The research report is divided into 8 chapters. The first chapter of the research provides the introduction and review of literature related to the study. The second chapter talks about the research methodology used in the study and the third chapter explains the profile of the villages and participants of the study. The fourth chapter deals with the community responses on human rights violations. The fifth chapter of the research deals with understanding of the respondents about human rights and NHRC. The sixth chapter deals with data analysis of responses of the participants on the various human rights. The seventh and eighth chapters delineate recommendations to enhance visibility of NHRC at the grassroots and the conclusion.

The chapters of research are given below:

1. Introduction and Review of Literature
2. Research Methodology
3. Profile of the Villages and Participants
4. Contextualizing Human Rights Violations at Grassroots
5. Stakeholders, Human Rights and Violations
6. Human Rights and NHRC: Locating the Participants
7. Recommendations
8. Conclusion

2.4 Ethical Considerations

This study has adhered to all ethical standards of social research. The data for the research has been collected with the informed consent of the respondents. The principle of confidentiality has been maintained. Consequently, the names of the participants have been withheld in the report. Before doing the interviews, the introduction to the research study, affiliated institution, objectives and rationale of the study were explained to the respondents. Voluntary participation of the respondents in the research study was taken and transparency was maintained.

2.5 Challenges in the Field

The data collection process was difficult on account of the nature of study. Number of other challenges faced during the research are as below.

- Unavailability of the officials was one of the major challenges faced by the team. This was more so when it came to meeting the police officers, District Magistrate MPs and MLAs. Though every possible effort was made to meet them and understand their perspective and level of awareness about human rights and NHRC in their respective areas, however in some cases we did not meet with success.
- The context of the study was such that the identity, caste or gender had played a very crucial role in precipitating incidents of violence in these villages. Therefore, it was very challenging for the researchers to put forward their religious or caste identity in such a way that trust could be developed between the researcher and respondent so that their responses did not get affected.
- Dealing with the personal trauma of respondents during data collection and balancing one's personal and professional self was a major challenge for the researchers. The narratives and stories of violence were such that it was very difficult to not feel affected.
- Difficulties in reaching the villages because of the lack of transportation services was another challenge that was faced while conducting the research.

CHAPTER 3

PROFILE OF VILLAGES AND RESPONDENTS

This chapter is divided into two parts. This first part deals with the profile of the villages and the second part deals with the profile of the respondents. The profile of the villages covers the demography of the villages and the incidents of human rights violation that had taken place. The profile of respondents includes village wise distribution of respondents, their religion, caste, gender and land ownership.

3. Profile of villages

3.1 Dangawas

Dangawas village is located in Merta Tehsil of Nagaur district in Rajasthan, India. It is situated 3 km from the sub-district headquarters, Merta and 83 km from the district headquarters, Nagaur. Though it comes under the Nagaur district of Rajasthan, but its Lok Sabha constituency is Rajsamand. According to the census of 2011, Dangawas has a total population of 7470 of which the male population is 3869 and female population is 3601. There are about 1,578 houses in Dangawas village. The literacy rate of the village is 57.4% and the female literacy rate is 20.7%.

Table No. 3.1: Profile of Dangawas village

Particulars	Male	Female	Total
Total No. of Houses	-	-	1,578
Population	3,869	3,601	7,470
Children (0-6)	509	437	946
Schedule Castes	625	614	1,239
Schedule Tribes	8	7	15
Literacy Rate	81.64 %	48.89 %	65.76%

3.1.1 The Incident of Violence

A dispute over the ownership of 3.77 hectares of land saw the residents of village getting mobilised on caste lines. The claimants to the land happened to be 16 members of a scheduled caste Meghwal family.

The massacre of Dangawas has two sides to it. One side is represented by the Jat community which claims that Dalits fired at Jats, killing a man called Dharam Pal Goswami (name changed). He was neither Jat nor Dalit, but appears to have been a bystander). The crowd of 200 people then went out of control and mowed down three Dalit men with tractor. But Dalits in Dangawas have a different story to tell and go several decades back to explain the roots of violence. They say that the killings revolved around a 15-acre plot of land owned by a Dalit Meghwal family in the village. Atmaram and Kanharam (name changed); two Jat brothers, staked claim to the land by maintaining that the land had been mortgaged by its owner, Hastaram Meghwal (name changed) to their father Jamna Ram (name changed) in 1954 for Rs 1,500. Since he had failed to repay the loan, they argued, that the land now belonged to their family. Eighteen years ago, Hastaram's family went to Merta court and filed a case against the brothers, alleging that they were trying to wrest control over the plot. In 2006, when the ownership of land passed to Hastaram's son, Kamal Ram Meghwal (name changed) the dispute picked up steam. As Atmaram and Kanharam began to threaten him, Kamal Ram filed a complaint in the local police station. But given the clout of the Jat community in the police and administration, the complaint was ignored.

In 2014, the friction intensified after the Meghwals began to construct a house on the plot. On May 14, the Jat family allegedly called a meeting, mobilising large crowds, which rode tractors and motorcycles to the plot of land. The descendants of Jat family now claimed that the piece of land, originally owned by Hasta Ram Meghwal, had been sold to Jamna Ram Jat in 1964 by one Gheo Ram Meghwal. But, according to Section 42 of the 1955 Rajasthan Tenancy Act, property owned by a member of the Scheduled Caste (SC) community cannot be transferred or sold to a person from any other community, including scheduled tribes. It says: "The policy of the State contained in Section 42 of the Act placing restrictions on transfers of land by persons belonging to SC or ST is in the interest of such persons and it cannot be allowed to be frustrated although a person belonging to a SC or ST may be a party to such transfer unwillingly or otherwise. The disability imposed on khatedars of SCs and STs, not to be able to alienate their land to non-SC classes is absolute and in their long interest as a group of weak people. It is a legal provision to ensure securing the ends of a considered public policy."

The present situation is that the CBI is still inquiring into the case. Twenty-eight people have been arrested and CBI has declared a cash prize of 50,000 rupees each to catch the remaining culprits.

3.2 Phugana

Phugana is a village in Kandhla Block in Muzaffarnagar District of Uttar Pradesh State, India. It belongs to Saharanpur Division. Phugana is surrounded by Budhana Tehsil towards East, Shamli Tehsil towards North, Shahpur Tehsil towards South, Kairana Tehsil towards West.

Phugana village has a population of 9190 of which 5011 are males while 4179 are females (Population Census, 2011). In Phugana village, the population of children in the age group of 0-6 years is 1244 which makes them 13.54 % of the total population of the village. Average Sex Ratio of Phugana village is 834 which is lower than Uttar Pradesh state average of 912. The Child Sex Ratio for Phugana is 777, which is lower than Uttar Pradesh average of 902.

Phugana village has a higher literacy rate compared to Uttar Pradesh. In 2011, the literacy rate of Phugana village was 77.72 % compared to 67.68 % of Uttar Pradesh. In Phugana, the male literacy rate stands at 88.26 % while female literacy rate is 65.23 %.

Table No. 3.2: Profile of Phugana village

Particulars	Male	Female	Total
Total No. of Houses	-	-	1,500
Population	5,011	4,179	9,190
Children (0-6)	700	544	1,244
Schedule Castes	484	380	864
Schedule Tribes	9	7	16
Literacy Rate	88.26 %	65.23 %	77.72%

3.2.1 The Incident of Violence

In August-September 2013, Uttar Pradesh saw one of the worst incidents of communal violence in its recent history in the form of Muzaffarnagar riots. The riot was traced to the case of eve-teasing of a Jat (Hindu) girl by a Muslim boy in Kawal/Kaval village of

Muzaffarnagar. When, the brother of the Hindu girl who was the target of eve teasing and his friend, confronted the Muslim boy, it led to a conflict between the two communities and finally all three of them were killed.

This incident created tension in the region and led to a large- scale communal violence which resulted in displacement of more than one lakh Muslim families, burning of houses, mosques and many deaths.

The village Phugana, dominated by the Jat community was one of the prominent centers of violence along with numerous other villages such as Lisad, Kakra and Kawal. The chain of events that ignited violence in other parts of Muzaffarnagar impacted almost 2000 Muslims of the village. The Jats of the village attacked Muslims, set fire to their ration shops, mosques and houses. Brutal killing of Muslims and rapes were reported in the village. This created an environment of fear and as a result, Muslim families left the village.

Loi, a Muslim dominated village next to Phugana on the Shamli-Meerut highway turned into a refugee camp for the Muslims. The present situation is that except for one person, none of the Muslims have gone back to their village. They have either settled in Loi or shifted to other places. Muslims have sold their houses in Phugana at very low prices to the Jats. At the time of data collection, the mosques of the village were still closed. Several cases had been taken back after settlement and more than 50 cases were still under investigation as per the community.

3.2.1.1 Muzaffarnagar Communal Riots

As soon as the communal riots erupted in Muzaffarnagar district in Uttar Pradesh, which are considered as one of the worst communal riots in India as the riots reported deaths of nearly 50 people and more than 40,000 people; mostly Muslims fled from their homes to a safer place. Within a short period, the riots engulfed the entire Muzaffarnagar as well as the neighbouring districts when the sitting Member of Legislative Assembly of the state circulated a fake video on the social media platform. Later on, the MLA was arrested by the police for his role in instigating violence in the region (Bhatia, 2013; The Hindustan Times, 2013, The Economic Times, 2013). Within

no time, the video was shared on the social media platforms, and the same turned out to be one of the chief factors of violent communal attacks on the Muslim minorities (BBC, 2014). When riot victims, did not find any safe place to live, they started living together in the makeshift tents (BBC News, 2013).

The communal riots tore through the western Uttar Pradesh town of Muzaffarnagar. Uncertainty continued for many and forced them to leave their homes and move to relief camps set up by the government. After some time, the government wanted the riots victims to return to their native places. The then Uttar Pradesh bureaucrats allegedly asked the organizers to wind up the camps and instructed people to go back to their homes. However, many riot victims stated that they had no place to go as they did not feel safe in their respective homes. Reportedly, in the Loi camp in Muzaffarnagar, 25 families allegedly were forced to move to a government school which was turned into a makeshift camp. Some of the riot victims alleged that they were pushed to shift to a building in the middle of the night which had no roof (Biswas, 2014). Different reports have graphically highlighted the miserable conditions at the camps. It was reported that even basic facilities such as drinking water and the functioning toilets were not provided to the people in the camps despite, mighty politicians visiting the camps (Mishra, Rao, Singh & Bajpai, 2014). Consequently, a grave humanitarian crisis unfolded at the camps and victims lodged complains about the official neglect and terrible living conditions. The onset of bitter cold wave claimed more than 60 lives including 25 infants (PTI, The Hindu, 2014). Even after several months, makeshift camps which were surrounded by filth and human excreta remained homes for the victims of riots. Thousands of riots victims spent their worst days in the camps when they slept on dry grass, without a quilt to protect themselves and their children from bone-chilling cold (Bhatia, 2015; Siddiqui, 2015).

This was the one of the worst cases of human rights violation when people faced survival challenges in the absence of food, water and health facilities and absence of toilets. Women faced more challenges in this environment.

The researchers visited Phugana and Loi villages and interacted with the victims of communal riots and found that people had faced scores of hardships. When riots spread,

Muslims living in their villages along with other communities got scared and their fear turned out to be true when their neighbours started attacking them. One such incident happened in Kutba village, which is located 6 km away from Shahpur, where Muslims were a minority group. In this village, 72 years old Mohd. Azim (name changed), lost five members of his family including his son in the communal riots. The rioters first looted his house and then set it ablaze. The old man lost all his belongings and became homeless. He started living with a new family when a kind-hearted man offered him a place in his house. It needs to be mentioned here that Mohd. Azim could have saved his family from the violent mob had he moved his family to a safer place. But he trusted people of his village that they will protect him and his family if any untoward incident or attack took place. However, people in his village turned a blind eye to his vulnerability when the reports of skirmishes between Muslims and Hindu Jat community took place in the nearby village. Shortly, the violent mob entered the village and killed five members of his family.

3.3 Umbha

Umbha is a medium size village located in Ghorawal Tehsil of Sonbhadra district, Uttar Pradesh with total of 130 families residing. The Umbha village has a population of 766 of which 390 are males and 376 are females (Population Census, 2011). The population of children in the age group 0-6 years in the village is 163 which makes them 21.28 % of the total population of the village. Average Sex Ratio of Umbha village is 964 which is higher than Uttar Pradesh state average of 912. Child Sex Ratio for Umbha is 753, which is lower than the Uttar Pradesh average of 902. Umbha village has a lower literacy rate as compared to Uttar Pradesh. In 2011, the literacy rate of Umbha village was 63.35 % compared to 67.68 % of Uttar Pradesh. In Umbha Male literacy stands at 72.73 % while female literacy rate is 54.25 %.

Table No. 3.3: Profile of Umbha village

Particulars	Total	Male	Female	Total
Total No. of Houses	130	-	-	130
Population	766	390	376	766
Children (0-6)	163	93	70	163
Schedule Castes	0	0	0	0
Schedule Tribes	654	334	320	654
Literacy Rate	63.35 %	72.73 %	54.25 %	63.35%

3.3.1 The Incident of Violence

On July 17, 2019 Gond tribals of Umbha village of Ghorawal tehsil, some 60 kilometres from Robertsganj, the district headquarters of Sonbhadra in Uttar Pradesh, were busy tilling the land they had farmed since pre-Independence days. Around noon, close to 300 men belonging to the dominant Gujjar community, led by village headman arrived in 32 tractors, carrying guns and sticks with which they attacked the tribals indiscriminately. The farmers were caught completely off guard. Some of them tried to run while others used their lathis (sticks) to defend themselves. Eleven people were killed (Ten people died on the spot and one in the hospital), including four women, and some 30 people were injured.

The genesis of the problem lies in the transfer of 463 bighas of land to Adarsh Sahkari Samiti, a charitable society, by the government in 1955. The land got passed on to an Indian Administrative Service officer from Bihar in 1989. In 2017, the village headman bought 144 bighas (one acre is 1.568 bigha) of land from Parineeta Sharma (name changed), daughter of above mentioned IAS officer. He was the headman of three villages Sapahi, Murtiya and Umbha in Sonbhadra district. Of these, Murtiya and Sapahi are Gujjar-dominated villages while Umbha has predominantly a tribal population.

The tribals complained to the revenue authorities and approached the court against what they termed was an illegal sale. The village headman, meanwhile, lodged First Information Reports (FIRs) against the Gonds describing them as encroachers on his land. The tribals on the other hand claimed that the land was given to their ancestors by the king of that area in the pre independence era when their ancestors came here to settle from Madhya Pradesh and that they had been farming on the 145 *bighas* of land in question since then. (Also mentioned in the report by Special Investigation Team (SIT) constituted by Uttar Pradesh police). However, they lack ownership titles and have been asking for it for decades now.

As a result of this massacre, more than 50 people have been charge-sheeted so far including the headman, and his relatives. A charge-sheet has been filed against them under various sections of the Indian Penal Code (IPC) including *Section 34* (acts done by several persons in furtherance of common intention), *Section 120-B* (criminal

conspiracy), *Section 147* (rioting), *Section 148* (rioting, armed with a deadly weapon), *Section 149* (every member of unlawful assembly guilty of offence committed in prosecution of common object), *Section 302* (murder) and *Section 307* (attempt to murder). They have also been booked under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act as well as the Arms Act.

3.4 Khudadadpur

Khudadadpur is a large village located in Nizamabad Tehsil of Azamgarh district, Uttar Pradesh with a total of 278 families residing. The Khudadadpur village has a population of 2149 of which 1023 are males while 1126 are females (Population Census, 2011).

The population of children in the age group of age 0-6 years in Khudadadpur village is 417 which makes them 19.40 % of the total population of the village. Average Sex Ratio of Khudadadpur village is 1101 which is higher than Uttar Pradesh state average of 912. Khudadadpur village has a higher literacy rate as compared to Uttar Pradesh. In 2011, the literacy rate of Khudadadpur village was 81.87 % compared to 67.68 % of Uttar Pradesh. The Male literacy stands at 87.05 % while female literacy rate is 77.40%.

Table No. 3.4: Profile of Khudadadpur village

Particulars	Total	Male	Female	Total
Total No. of Houses	278	-	-	278
Population	2,149	1,023	1,126	2,149
Children (0-6)	417	220	197	417
Schedule Castes	501	260	241	501
Schedule Tribes	0	0	0	0
Literacy Rate	81.87 %	87.05 %	77.40 %	81.87%

3.4.1 The Incident of Violence

Khudadadpur is a village of communally sensitive district of Azamgarh where Dalits and Muslims are in majority. There was some old enmity between two boys Munshi (name changed; from Dalit community) and Waris (name changed; from Muslim community) of Khudadadpur. Few days before the actual incident, Munshi was allegedly attacked by Waris after which police intervention was sought. On suspecting

that some persons had gathered at the place of Munshi to plan an attack on Waris, the latter along with some youth attacked his place on May 14, 2016. It is said that the assailants also set the home of Munshi on fire. This led to giving the incident a communal colour as people of two different communities were involved. As per the respondents, Uttar Pradesh elections were close by and a few politicians took this as an opportunity to brighten their political career by instigating the two communities against each other. As a result, people from nearby villages attacked Muslims of the village. Those who tried to run away from the village were beaten up and threatened on the highways. People were critical of the role of police in this entire incident. The police neither tried to stop the clashes nor played any role in providing security to the people. They shared that the police was a silent spectator.

3.5 Jassia

Jassia is a large village located in Rohtak Tehsil of Rohtak district, Haryana with a total of 1261 families. The village has a population of 6700 of which 3608 are males while 3092 are females (Population Census, 2011).

The population of children in the age group of age 0-6 years is 901 which makes them 13.45 % of the total population of the village. Average Sex Ratio of Jassia village is 857 which is lower than Haryana state average of 879. Child Sex Ratio for the Jassia as per census is 798, lower than Haryana average of 834.

Jassia village has lower literacy rate compared to Haryana. In 2011, the literacy rate of Jassia village was 73.37 % compared to 75.55 % of Haryana. In Jassia, male literacy stands at 82.59 % while female literacy rate is 62.74 %.

Table No. 3.5: Profile of Jassia village

Particulars	Male	Female	Total
Total No. of Houses	-	-	1,261
Population	3,608	3,092	6700
Children (0-6)	501	400	901
Schedule Castes	950	810	1,760
Schedule Tribes	0	0	0
Literacy Rate	82.59 %	62.74 %	73.37%

3.5.1 The Incident of Violence

On the Rohtak-Chandigarh Highway, Jassia was one of the epicentres of Jat agitation which started in mid-February of 2016, demanding reservations in government jobs for their community. As a result of this agitation, at least 30 people died and over 200 were injured. Over the next 10 days, buildings and vehicles were torched, and railway routes and highways blocked around Haryana and particularly in Jhajjar and Rohtak. Some estimates put the loss to the state at Rs 20,000 crore. A total of 2,100 cases pertaining to arson and violence were registered in connection with February 2016 agitation. The All-India Jat Aarakshan Sangarsh Samiti organized a Mahasabha in Jassia village and it became one of the centres of movement. The violence did not directly affect the village of Jassia but the people of the village have been impacted. As a result of the movement and violence that happened during the agitation, two men of Jassia village were booked under National Security Act in which one is out on bail whereas another is still in jail because of the serious nature of charges against him.

3.6 Profile of the Respondents

As per the proposed methodology of the study, 50 respondents from each of the five villages were required to be taken up for the study. Hence, we were required to approach 250 respondents. However, after reaching the field for data collection, it was realised that in two villages, namely Umbha (Sonbhadra) and Dangawas, (Rajasthan), more than required number of respondents were directly impacted by the incident, hence, it was decided to collect data from more number of respondents than what had been planned. As a result, data has been collected from 260 respondents, 10 more than the scheduled number. To make it more explicit, fifty (50) respondents from Khudadadpur, Azamgarh (Uttar Pradesh), 50 from Phugana, Muzaffarnagar, (Uttar Pradesh) and 50 from Jassia, Rohtak (Haryana) were interviewed respectively whereas, fifty-seven (57) respondents were interviewed from Dangawas, Nagaur (Rajasthan), and fifty-three (53) were from Umbha, Sonbhadra (Uttar Pradesh). The respondents themselves were very keen to share their experiences with the researchers. The below-mentioned table exhibits the respondents' distribution across five villages.

Table No. 36: Village wise distribution of respondents

Village	No. of respondents
Jassia, Rohtak	50
Phugana, Muzaffarnagar	53
Dangawas, Nagaur	57
Umbha, Sonbhadra	50
Khudadadpur, Azamgarh	50
Total	260

The gender wise distribution of the respondents shows that 84 women and 176 men were included in the study.

The following table gives the gender wise distribution of the respondents-

Table No. 37: Gender wise distribution of respondents

Gender	Number of respondents
Men	176
Women	84

The numbers of women participants from Phugana and Dangawas was relatively less than the numbers of women participants from other villages. There are numerous reasons behind this. One reason being that these villages had a highly patriarchal structure. The researchers were prevented from talking to the women on the pretext that the women members of their family did not interact with outsiders even if it was for research work and also that they would not be able to reveal any new information to the researchers, thereby denying their agency. Apart from these reasons, the seriousness of the case was seen as a reason why the male respondents from both the villages did not want their women to discuss anything with the researchers.

Table No. 3.8: Age wise distribution of respondents

Age	Number of respondents	Percentage
Under 18	10	3.8
19-40	135	51.9
41-60	77	29.6
Above 60	38	14.6

Total	260	100.0
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The table above shows that majority of the respondents 135 (51.9 per cent) belonged to the age group of 19-40 years. 77 (29.6 percent) respondents belonged to the age group of 41-77 years; followed by 38 (14.6 percent) respondents who belonged to the age group of 60 years and above. Ten respondents (3.8 percent) belonged to the age group of 16-18 years. The data was collected mostly from the respondents who fell between the age group of 19-60 years. They were more aware of the previous incidents of human rights violation and the dynamics of social functioning of their villages. Hence the focus was on this age group.

Table No. 3.9: Occupation(s) of respondents

Occupation	No of Respondents	Percentage
Agricultural/Related works	81	31.2
Govt. employee	5	1.9
Private/Daily Wager	38	14.6
Student	21	8.1
Self Employed	29	11.2
Housewife	70	26.9
Retired	9	3.5
Any other	7	2.7
Total	260	100.0

As the study is based in a rural setting; hence, the occupation of the majority of the respondents 81 (31.2 per cent) was agriculture and related activities. Following this, 70 respondents (26.9 percent) were housewives. 38 (14.6 percent) respondents were earning their livelihood by working either as private sector employees or as daily wagers. 29 (11.2 percent) respondents were self-employed, whereas 21 (8.1 percent) were students. 9 respondents were retired (3.5 percent) and 7 respondents were (2.7 percent) engaged in other occupations/professions.

Table No. 3.10: Caste wise distribution of respondents

Gender	General	OBC	SC	ST	Total
Male	41	70	34	31	176
Female	28	23	14	19	84

Total	69	93	48	50	260
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The table above shows that 48 respondents were scheduled castes and 50 respondents were scheduled tribes. Of the remaining respondents, who belonged to unreserved and OBC category, many Muslim respondents were from OBC.

Table No. 3.11: Religion wise break up of respondents

Gender	Hindu	Muslim	Any other	Total
Male	135	39	02	176
Female	52	32	00	84
Total	187 (71.9%)	71 (27.3%)	02 (.8%)	260 (100%)

The data shows that majority of the respondents were Hindus followed by Muslims. A very small fraction of the respondents were Ambedkarites (any other).

In two of the villages selected; namely, Phuguna in Muzaffarnagar and Khudadadpur in Azamgarh, both in Uttar Pradesh; there had been communal violence between these two communities. In the village of Dangawas, where there had been a conflict between OBCs and people from the scheduled caste, some respondents from the latter category preferred to call themselves Ambedkarites.

Table No. 3.12: Village wise, religion wise distribution of respondents

Name of the village	Muslims	Hindus (SCs, STs, OBCs, General)
Phugana, U.P	33	20 (OBCs)
Khudadadpur, U.P	24	26 (SCs)
Umbha, U.P	-	50 (Gond Tribe)
Dangawas, Rajasthan	08	47 (SCs & OBCs)
Jassia, Haryana	06	44 (Gen)
Total	71	187

The table above exhibits the social composition of the villages studied. If we go religion wise, we find that Muslims were living in four villages, namely Phugana, Khudadadpur, Dangawas and Jassia. The data was collected from 71 Muslims. Of these 33 respondents were from Phugana. However, following the aftermath of communal riots,

majority of Muslim respondents moved to the neighbouring village called Loyi, hence, the researchers visited the village to collect the data from the displaced population. 24 respondents were from Khudadapur, Azamgarh, 08 respondents were residents of Dangawas, Merta City, Nagaur and the remaining 06 respondents were living in Jassia, Rohtak. There were no Muslim respondents in Umbha village. Out of the four villages inhabited by Muslims, the research has revealed that Muslims faced communal riots in two villages namely Phugana, and Khudadapur. Muslims formed a sizable number in both these villages.

Table No. 3.13: Level of education of respondents

Level of education	Number of respondents	Percentage
Non literate	86	33.1
Up to primary	52	20.0
Up to middle school	23	8.8
Up to 10 th	29	11.2
Up to 12 th	24	9.2
Graduation	33	12.7
Post-graduation	8	3.1
Any other	5	1.9
Total	260	100.0

The above table shows that 86 (33.1 percent) respondents were found to be ‘illiterate’, 52 (20 percent) were educated up to ‘primary’ level, 23 (8.8 percent), up to ‘middle level’, 29 (11.2 percent) were found to be educated up to high school, 24 (9.2 percent) up to ‘Intermediate level’. 33 respondents (12.7 percent) were found to be educated up to ‘Graduation level’ and 08 (3.1 percent) were educated up to post graduation level. There were 05 (1.9 percent) respondents who were not formally educated but received ‘religious teachings’ at home.

Caste and religious identity play a vital role in the cases of human right violation. In this study, it was found that marginalised groups including scheduled caste/tribes and Muslims faced the worst types of human rights violations.

3.6.1 Distribution of Economic Resources and Land and Awareness on Human Rights

It was found from the research that land and economic resources were mostly held by the higher caste groups or the dominant castes even though they belonged to backward castes. In two villages, namely Dangawas and Phugana, Jat community (OBC) was found to have control over land and other economic resources. The same caste group falls in the general category in Jassia and holds economic resources and land. It was found that the scheduled castes did not hold much land and other economic resources in the villages at the time of data collection. In Dangawas, Jats and SCs claim that the land over which the two caste groups came into conflict belongs to them. The SCs claim that there were attempts to grab their land by Jats who are an economically and politically influential caste group in the village. In Umbha, the tribals were attacked by the politically and economically powerful group (also belonging to the OBC). In the violence which ensued, 10 people were killed and another 27 were severely injured. It was found by the researchers that in all four villages, except Umbha, the SCs, STs and the Muslims were marginalised by the powerful groups. The land was one major reason for conflict.

Table No. 3.14: Age-wise distribution of awareness of human rights

Age Group	Equality	Vote	No Discrimination	Freedom	Life	Don't Know	All FRs*	Total
Under 18	02	00	00	00	01	06	01	10
19-40	22	09	01	01	13	78	11	135
41-60	10	01	00	02	03	57	04	77
Above 60	05	01	01	00	04	26	01	38
Total	39	11	02	03	21	1637	17	216

*FRs stands for Fundamental Rights

The above table indicates that majority of the respondents, 167 (64.2%) were found to be unaware of their human rights which consist of Right to equality, Right to vote, Right against discrimination, Right of freedom, Right to life, and all Fundamental Rights. Out of the total 167 respondents who were unaware of their human rights, 06 respondents belonged to the age group of under 18 years, 78 respondents belonged to

19-40 years of age group, 57 respondents belonged to 41-60 years of age group, whereas, 26 respondents belonged to the age group of above 60 years of age. There were 93 (35.7%) respondents belonging to various age groups who were found to be aware of their human rights. Out of the total 93 respondents, 39 respondents were found to be aware of “equality” as one of the human rights in which 02 respondents belonged to the age group of under 18 years, 22 respondents were found to be in the age group of 19-40 years, 10 respondents belonged to the age group of 41-60 years of age and the rest 05 respondents belonged to the age group of above 60 years of age.

11 respondents were found to be aware of their voting rights, out of which 09 respondents belonged to the 19-40 years of age, whereas, 01 respondent was found to be aware of voting rights belonging to 41-60, and above 60 years of age respectively. There were 02 respondents found to be aware of Right against discrimination, 03 respondents were aware of their Right to freedom. 21 respondents were found to be aware of Right to life, out of which 1 respondent belonged to the age group of under 18 years, 13 respondents belonged to the age group of 19-40 years, 03 belonged to the age group of 41-60 years, and the rest 04 were found to be in the age group of above 60 years.

17 respondents were found to be aware of their “all fundamental rights”, out of which 11 respondents belonged to the age group of 19-40 years, 04 respondents belonged to the age group of 41-60 years, whereas 01 each respondent belonged to the age group of under 18 years and above 60 years.

CHAPTER 4

CONTEXTUALIZING HUMAN RIGHTS VIOLATIONS

This chapter deals with human rights violations that occurred in the five villages under study. While doing so, it provides information related to violations such as reasons for violence, losses due to violence, the formal-informal institutions that were availed by the respondents during and after the conflict and the conflict resolution process.

4.1 Major Findings

Caste and religion were found to be the main aspects around which groups got mobilised and came into conflict with one another and land was one reason for the violence. In three villages, land dispute was found to be the reason for violence. In one village which saw communal violence, Muslims shared that the land was the reason why they were forced to leave their village. They believed that an incident of eve teasing was used to make them flee from their land. Thus, while people's responses indicate that communal tension between the groups as the second most important factor for violence, however, the victims of violence shared that though communal flare-up was the cause of immediate violence but the actual reason for violence was land. Similarly, in Umbha, it was the land which became a cause of major human rights violations. In Jassia village (Haryana), 'Jat Reservation Movement' was started by the Jat leaders in which violent and non-violent protests took place in Rohtak. The respondents shared that the people of Jassia were in support of the movement and when the movement took a violent turn, people from different villages including Jassia lost their lives. Many people were arrested by the police and were also booked under the National Security Act (NSA). The families of the deceased and arrested people are of the view that their participation in agitation was not aimed to harm anybody and they have been falsely implicated in the case.

Table No. 4.1: Reasons for violence in villages

Reason for Violence	No. of Respondents	Percentage
Communal	103	39.6
Caste	50	19.2
Land	107	41.1
Total	260	100.0

The data above shows that the two major factors identified by people for violence in their village were communal tensions and land which in fact were also found to be overlapping in at least one village. Whereas communal tension has been identified by 103 (39.6 percent) respondents, the land dispute is slightly high coming to 107 (41.2 percent).

It was found in the study that the communal tension between two groups was the cause of violence in two villages; Khudadadpur (Azamgarh) and Phugana (Muzaffarnagar). The impact of communal violence in the villages is worrisome as people are now divided on communal lines. It was observed by the researchers that both the groups involved in the violence blamed the other community and believed that it was they who had compromised for restoration of peace in their village. Communal tension has a long history in India due to which hundreds of riots have taken place across India from time to time. Much has been written on the riots in India. There is a general consensus that the riots are politically motivated (Rahman, 2019; Engineer, 2018).

The third major cause of violence was the caste agitation. Leaders from the Jat community gathered together and started a political campaign to push the state government to provide them caste-based reservation in government jobs, which also has economic angle to it. The movement got currency and attracted a large number of people from the neighbouring states as well as told by the leaders of the movement. Lakhs of people gathered in Jassia, Rohtak and tried to pressurise the state government to accept their proposal. The movement ran for months and eventually turned violent; and both; police and Jat leaders held each other responsible for the same. Many people were killed and hundreds were injured. The Government property worth crores of rupees was torched by the violent mobs. Though similar movements had happened in the past, but never before had a movement turned as violent as this one as was shared by the leaders of the Jat reservation movement. They hold the state government responsible for making the situation this bad.

Table No. 42: History of village

History	No. of Respondents	Percentage
History of communal Violence	53	20.4
History of Caste Hegemony	57	21.9
Peaceful History	150	57.7
Total	260	100.0

As far as the history of violence in the studied villages is concerned, 150 respondents (57.7 percent) denied that there was a history of any kind of violence in their village. At the same time, 53 (20.4 percent) respondents revealed that communal violence in their village had erupted many times in the past. 57 (21.9 per cent) respondents shared that caste hegemony existed in their village. Those who shared that caste hegemony existed in their village also shared that even their forefathers had been victims of social oppression with one caste dictating terms to the other castes whom it considered low in hierarchy. The situation is relatively better as the political discourse has changed now since political parties want support from all castes.

In the context of caste, the collected data reveals that 107 (41.2 per cent) respondents shared that the scheduled castes and scheduled tribes faced the brunt of caste-based violence. In Dangawas (Rajasthan), people belonging to a scheduled caste (Meghwals) were attacked by the caste above them in hierarchy leading to the death of five people from their community. The founder and Head, Centre for Dalit Rights (CDR), Jaipur, Rajasthan shared that Dalits in the state have been systematically attacked, killed and subjugated for a long time. He maintained that the state of Rajasthan has a sizable population of scheduled castes, but they have not been given due place in the power structure of the society and in politics. Hence, they are on the receiving end and keep on facing the wrath of the politically and socially powerful groups. He shared that even when Dalits approach police for registering their cases, they face difficulties as people from other powerful castes hold these positions. Political leaders show their inability to take any lead in raising the concern of the disadvantaged people of the state as they fear for their vote bank.

Similarly, in Umbha (Sonbhadra), tribals have been attacked by people belonging to the politically powerful caste (OBC). The tribals who are Gonds maintain that the police did not take immediate action and reached the location after hours. Hence, people lost their lives and those who were responsible for this atrocity got time to escape from the place of the incident. The Chief Executive Officer (CEO) and founder of an NGO named People's Vigilance Committee on Human Rights (PVCHR), working in

Varanasi and neighbouring districts maintained that Sonbhadra has a sizeable population of tribals and they have land. Those in power positions want to grab their land and hence, on many occasions, the tribals have faced problems at the hands of the powerful people. Behind Umbha killings, 'land' is the main issue. The main accused is a politically powerful person and has very strong connections.

Table No. 4.3: Distribution of respondents according to losses due to violence

Nature of loss	Number of respondents	Percentage
Loss of life (death of a family member, kin/known one)	33	12.7
Direct financial loss	140	53.8
False cases	57	21.9
No loss of any kind	30	11.6
Total	260	100.0

Table above shows that the respondents faced losses ranging from death to financial losses and false cases being slapped on them. It was the people from the scheduled caste, scheduled tribes and Muslims who had mostly lost lives in the violence. In Umbha, eleven people were shot dead as per the information given by the families of the deceased and the lawyer who is representing the case of tribals in the court. In Dangawas, five people who died were from the scheduled caste and one was from the other backward caste. In Phugana, Muzaffarnagar, twelve Muslims and four Jats were reported to have lost life. Hence, it can be observed that by and large it was the marginalised communities (scheduled caste, scheduled tribes and Muslims) who faced human casualty due to violence.

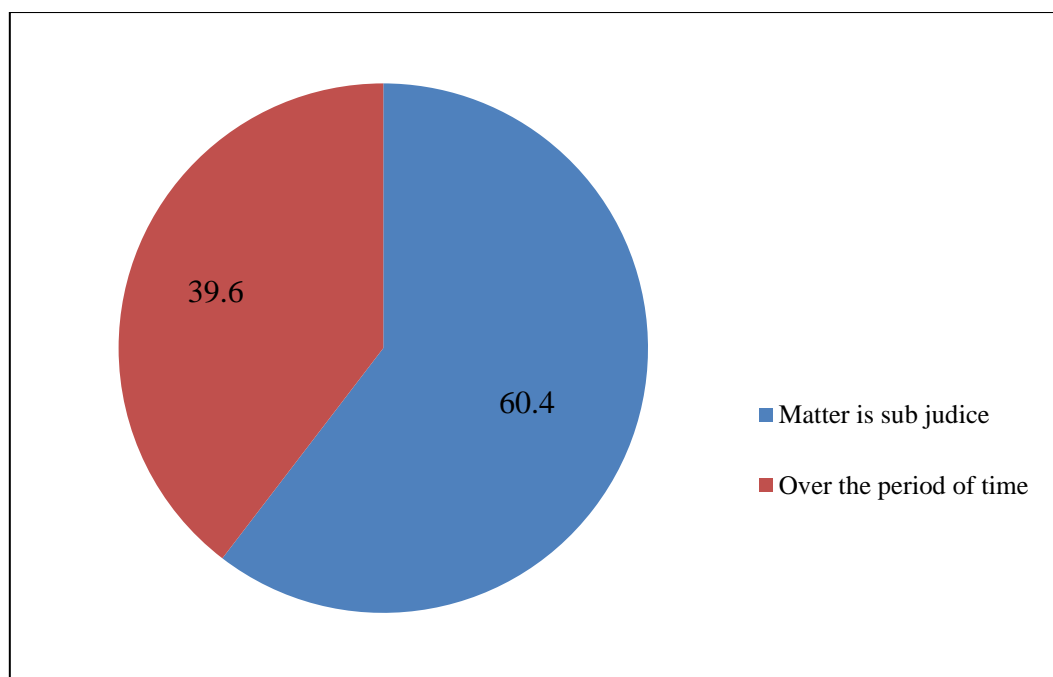
On the question of losses faced by the respondents due to violence it was found that the marginalised community has suffered the most not only in terms of financial losses but also human casualty. In Umbha 11 tribals died and more than 25 were injured whereas in Dangawas 6 people from the scheduled caste died and more than 15 got injured. In the case of Muzaffarnagar Muslims died not only during the violence but also later in the relief camps as well. In Jassia and Khudadadpur though no causality happened but people suffered financial losses and loss of property. All Muslims in Muzaffarnagar had

to leave their houses and fields when the violence occurred and they faced both financial and human losses. As explained by one of the respondents “*Us samay humare liye sirf jaan bachana jaruri tha, rupya paisa khedi zameen nahin*” (at that point of time we were only concerned about saving our lives, land, fields, money was not our concern). Thus, we can say that people from these marginalized communities have suffered violation of their human rights the most and have been left vulnerable post conflict.

The compensation provided by different sources to the victims of violence in Umbha, Dangawas, Jassia and Muzaffarnagar has been discussed under the “Role of Government, Caste Groups, and Representatives of People”.

When asked about the impact of violence in their village, 100 (38.5 per cent) respondents have replied that the social fabric has been destroyed. In words of one respondent, “*in sab ki wajah se logon ke beech halat itne zyada kharab ho gye hain ki log ek doosre ke gali-raste se jana pasand nahin karte*” (due to all this, the relations between communities have deteriorated so much that people do not like to even pass through the lanes adjacent to others’ community). This situation could be observed by the researchers during the field visit for data collection in some of the villages. 107 (41.2 per cent) respondents have mentioned that they have continued to remain disturbed and upset on account of the violence which took place in their village. 53 (20.4 per cent) respondents shared that they were uprooted and displaced due to the violence which happened.

When asked ‘how was the case resolved’, 103 (39.6 percent) respondents shared that as the ‘time passed’, the cases in their village either fizzled out or were mediated and hence, they were resolved, whereas, 157 (60.4 per cent) respondents mentioned that the case is in judicial purview and that people are still attending court hearings. Villages where the majority of cases are sub-judice are Dangawas (Rajasthan), Umbha (Sonbhadra), Jassia (Haryana) and a few cases in Phugana (Muzaffarnagar). There was no pending case in Khudadadpur as the conflict was resolved through mediation between the two communities.



Pie Diagram No. 4.1: The status of cases

With respect to the institutions or system engaged by the respondents for seeking help during violence, 170 (65.4 per cent) respondents have shared that the concerned people had gone to the police and registered the First Information Report (FIR). 90 (34.6) respondents have shared that the people had contacted more than one institution to register the case, which included, approaching the judiciary and in select cases institutions like NHRC.

In all registered cases, the police had conducted an enquiry and cases were either resolved through mediation or are pending in the court. However, the respondents feel that on account of the pressure either by the government or the powerful people involved in the case, the judiciary is not working effectively and they are facing many challenges including financial difficulties in attending regular hearings in the court and are also going through psychological stress.

In Dangawas, where two caste groups fought over land, both parties have filed cases against each other. In Phugana, Muzaffarnagar, most of the cases are settled now through various formal and informal means. To interact with those respondents who have been moved to other villages, the researchers had visited Phugana's neighbouring

village called Loyi. During interaction with the women respondents in Loyi it was shared that some cases of rape took place during the communal riots. One rape survivor stated that she had received threats and was forced to take her case back because her child was abducted by the culprits. However, she now wants to register the case again.

Table No. 4.4: Action by police

Response	No. of Respondents	Percentage
Yes	109	41.9
No	24	9.2
To an extent	50	19.2
Not initially but later	77	29.6
Total	260	100.0

Wahl (2017) in his study had found that the caste-based inequalities very much influenced policing in India. Findings of his study further showed that when the victims belonged to “lower caste or minority religion”, then the police was more likely to abuse them. It was also found in his study that the people who belonged to low caste rarely filed complaints against brutality and hostile treatment meted out to them by the police. In the present study, the majority of the respondents stated that the police have taken action in different cases of violence but most of the respondents are not satisfied with the way police has acted. In the discussion with the respondents at different locations of data collection (mainly Dangawas, Khudadadpur, Umbha and Phugana), it was found that majority of the respondents from scheduled caste, scheduled tribes and Muslims were of the view that the police acted in their cases only when the case was reported in the media or when the politicians visited them. They concluded that the police acted differently with different caste groups.

With regard to action by the police, 109 (42 per cent) respondents maintained that the police ‘acted’ on the complaint. There were 77 (30 percent) respondents who stated that the police ‘initially did not act or were non-cooperative with them, but when political pressure was exerted on them, they came into action. This response was received in Umbha (tribals) and Dangawas (Scheduled Caste) where the respondents shared that it is only after the political leaders took cognisance of the violence and

visited their village, that the, cases were registered against the culprits. 50 (19.2 per cent) respondents mentioned that the police acted only to an extent. However, there were 24 (9.2 per cent) respondents who shared that the police ‘did not cooperate with them’. Therefore, if we look at the numbers, we find that the respondents who were of the view that the police acted and cooperated with them is less than those who view otherwise.

Table No. 4.5: Responses towards police action

Responses	No. of Respondents	Percentage
Police Pacified the Mob	76	29.2
Investigated the Violence	160	61.5
Did not cooperate with the Victims	24	9.2
Total	260	100.0

As far as the action by police is concerned, 160 (61.5 percent) respondents mentioned that the police investigated the violence. At the same time there were respondents who maintained that police could have proactively stopped the violence. In the words of one of the respondents, “*agar police chahti to danga rok sakti thi par police ne aur badhkane ka kam kiya*” (If police wanted, they could have stopped the violence but they instigated it). In fact, in Khudadapur, one respondent mentioned, “*ek taraf gaon me danga bhadak gya tha aur doosri taraf poora police prashasan khada tamasha dekh raha tha*” (At the one hand violence was instigated in the police and on the other hand entire police department was standing as the mute spectator). Respondents sharing such views were either Muslims or belonged to the scheduled castes, scheduled tribes and Other Backward Classes. There were 76 respondents (29.2 percent) who maintained that the police had controlled the mob. In Jassia where the majority of the respondents were from the general category shared that if the police had not acted during Jat reservation protest, the situation would have further deteriorated. There were 24 (9.2 percent) respondents who shared that the police ‘did not cooperate’ with the victims but were hostile towards them. These respondents were mostly Muslims from Phugana and Khudadadpur.

Table No.4.6: Role played by local informal groups and leaders during violence

Responses	No. of Respondents	Percentage
Active Participant	50	19.2
Provided Assistance (food, cloths, shelter)	210	80.8
Total	260	100.0

The above table exhibits that the local informal groups which were mostly constituted by the communities themselves did provide help of various kinds including monetary assistance to the victims. There were 210 (80.8 per cent) respondents who supported this view. During the Muzaffarnagar riots, when the respondents had moved from Phugana to a neighbouring village called Loyi, (concentrated by Muslims even before the communal riots), the residents of Loyi helped them in all possible ways. They provided them food, clothes, monetary assistance and also arranged for them several makeshift shelters until they got their own permanent settlement. In Khudadadpur, Azamgarh, both the groups which came into conflict with each other received financial assistance from those people from their community who had not been affected by violence. It was found that people from the scheduled caste received monetary assistance from various sources like the government, political parties, as well as from other informal groups. In Jassia, the respondents shared that the families of the deceased and those who had got critically injured received monetary assistance, compensation and other support from their caste groups and those informal groups who were supporting the movement for 'Jat reservation'. Such groups which provided help to the respondents and others affected by the violence were active throughout the movement and are still active in providing help to the victims.

Table No. 4.7: Role of religious groups and leaders during violence

Response	No. of Respondents	Percentage
Provided Assistance	33	12.7
Collaborated in Violence	50	19.2
No Role	177	68.1
Total	260	100.0

Most of the respondents (68.1 percent) stated that the religious leaders did not play any role during the violence. This is contrary to the popular belief that the religious leaders

encourage communal violence. 50 (19.2 percent) respondents viewed that the religious leaders had collaborated in the violence. The respondents who took this position were mainly from those places where communal riots had taken place. 33 (12.7 percent) respondents shared that the religious leaders had provided help of various kinds including monetary assistance to the victims belonging to their own community.

Table No. 4.8: Role played by caste groups and leaders during violence

Response	No. of Respondents	Percentage
Important Mobiliser	50	19.2
Provided Assistance	160	61.5
No Role	50	19.2
Total	260	100.0

The data suggests that the caste groups had provided assistance to the victims belonging to their own caste. The caste groups were active in all the villages specifically in Jassia, where they had provided continuous support to the victims' family. 160 (61.5 per cent) respondents shared that the caste groups had provided help to the victims, including monetary help. 50 (19.2 per cent) respondents stated that the caste groups 'mobilised' others to provide required help to the people of their own caste groups, while remaining 50 (19.2 percent) respondents stated that caste groups did not play a significant role. The fact that the caste group provided help only to the victims of their own caste is an area of serious concern.

Table No. 4.9: Role played by panchayat during violence

Response	No. of Respondents	Percentage
Active Role in Resolution	107	41.2
Provided Important Assistance	44	16.9
Collaborator in Violence	50	19.2
No Role	59	22.7
Total	260	100.0

The above table reveals that the panchayat played various roles during the violence. There were 107 (41.2 per cent) respondents who stated that 'panchayat was very active' in resolving the challenges arising out of violence. The respondents from Jassia and

Phugana who belonged to Jat caste mainly viewed an active role of panchayat in mitigating violence. There were 50 (19.2 per cent) respondents who maintained that the panchayat(s) were collaborators during the violence. 44 (16.9 per cent) respondents were of the view that the panchayat had provided required assistance to the victims during violence. 59 (22.7 per cent) respondents did not see any ‘significant role played by the panchayats. These were the respondents belonging to the scheduled caste, from Dangawas, who maintained that panchayats did not intervene to mitigate the violence.

Table No. 4.10: Role played by police during violence

Response	No. of Respondents	Percent
Silent Spectator	158	60.8
Provided Protection	59	22.7
No Role	43	16.5
Total	260	100.0

The table above reveals that majority of the respondents (60.8 percent) were of the view that the police during the violence was just a mute spectator. This was mostly shared by the victims of Jassia violence, Muzaffarnagar communal riots, and the victims of Dangawas land dispute. In Jassia, the respondents shared that the police was always ‘present at the sites of protest’ but never interfered. 59 (22.7 per cent) respondents shared that the police reached the site of violence at the earliest and had ‘provided protection’ to them. There were 43 (16.5 per cent) respondents who maintained that the police did not do anything to mitigate the violence.

Table No. 4.11: Role played by Government during violence

Role	No. of Respondents	Percentage
Silent Spectator	50	19.2
Provided Important Assistance	140	53.8
No role	70	26.9
Total	260	100.0

140 (53.8 percent) respondents mentioned that the government acted promptly and provided the required assistance to the victims of violence. The government took notice of the incident and sent officials to examine the incident and submit a detailed report. In

Dangawas incident, where the victims were people from scheduled caste, the government played a pivotal role in providing the required assistance to the victims. Before the intervention by the government, victims were terrified and had no hope of getting justice but when the chairperson of National Commission for Scheduled Caste and Scheduled Tribes (SCs/STs), visited the village, he ensured that the families of victims were protected by police force and those families who had lost their family member(s) in the violence received monetary compensation. Similarly, in Umbha, where the victims were tribals, they received monetary help as promised to them. This was verified by the researchers and found to be true. Since the violence happened between two castes, the other group was also visited by their caste leaders and they ensured that the other group also got help. In Muzaffarnagar, all the respondents shared that the victims of violence (mostly Muslims) received a cheque of rupees five Lakh per family from the government. It was blamed for being biased towards this religious group by the Jats because it had provided monetary assistance to the Muslims.

In Umbha, representatives of the state government made a visit to the village. The government announced scores of schemes for the villagers and distributed eight (08) acres of land to each victim's family. Apart from that, the families of deceased also received monetary compensation (One lakh per family as per the information provided by the victims) from the state government. However, the villagers underscored that Ms. Priyanka Gandhi was the first politician who made a visit to the village and her visit had received much attention from the media. She visited the victims' families and gave a cheque of rupees 10 Lakh to each of them.

The District Magistrate of Sonbhadra, Uttar Pradesh, while having a discussion with the researchers shared that the government was actively observing the relief material provided to the victims. The Magistrate shared that he was airlifted by the government to explain the whole incident to the chief minister of the state and was instructed that the victims should get all possible relief forthwith.

However, people feel that since the opposition leader visited the village and distributed a cheque of 10 Lakh rupees and provided food packets and medicines to the victims, the state government was also forced to visit the village and provide relief to the victims through

various schemes including allotment of land and monetary assistance. As mentioned by one of the respondents, “*opposition ke is mamle ko itna uchalne ke karan aur itne paise dene ke karan UP Sarkar ne mamle ko sangyan me liya warna vo bhi mamle ko daba dete*”.

However, in Jassia, the victims had not received any monetary assistance at the time of data collection. The respondents even shared that people (Jats) are extremely unhappy with the present state government for this reason. Hence, there were 50 (19.2 per cent) respondents who stated that the government did not act during the violence.

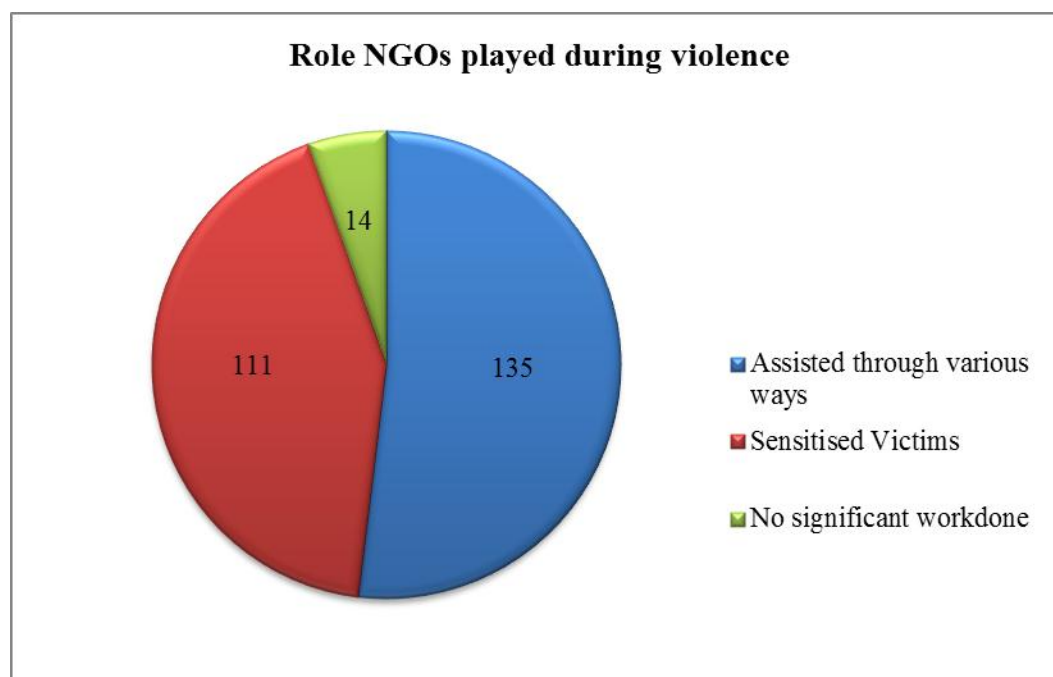
Table No. 4.12: Role of local representative(s) of people during violence

Response	No. of Respondents	Percentage
Important mobilizer	50	19.2
Provided Assistance	133	51.2
No Role	77	29.6
Total	260	100.0

The table above shows the role of local representatives of people during the violence. 133 (51.2 percent) respondents stated that their representatives including the Member of Legislative Assembly (MLA), Member of Parliament (MP), Member of the Legislative Council (MLC) and other constitutional bodies provided required assistance during their hour of need. In Phugana, Muzaffarnagar, the respondents shared that since the MLA and MP belonged to a specific religion, they largely provided relief to the people belonging to their own community. Similar was the case of Dangawas violence, where the victims reported that their local leaders were available for their caste groups and tried their best to keep the case within the village itself. To make this possible, they instructed the police administration that no action should be taken against the people of their caste groups who were involved in the case, no matter what crime they may have committed. In Umbha, even though the representatives did not belong to the victims' caste/ tribe but still they came to provide every possible assistance since the case got wide media coverage and pressure was exerted by the opposition political parties. In Jassia, as the movement for reservation was being run by a politically significant caste group, it was revealed by the leaders of the movement that even the local representatives extended their support to the movement from behind.

135 (51.9 per cent) respondents admitted that NGOs had provided assistance in the form of mobilising political leaders, caste groups to help the victims legally, monetarily and psychologically. The victims got so much support from NGOs that they have started to feel that justice will be delivered to them. There were 111 (40.7 per cent) respondents who shared that they have been 'sensitised' by the NGOs to be united against the perpetrators of violence and fight the case till they get justice. In Dangawas, NGOs visited the village right after the violence, comforted the families of victims and assured them of all possible assistance. The respondents have shared that a social activist who runs an NGO called Aman Biradari based in New Delhi visited them and mobilised groups to reach out to the victims.

In Muzaffarnagar violence, many respondents shared that Jamaat-e-Islami, Jamiat-e-Ulema-E Hind and other NGOs visited the violence affected areas and helped the victims through various means. There were also NGOs from Delhi and other areas which visited their village and distributed food items and other daily use materials. Some of the NGOs even provided legal assistance to those who had survived rape and sexual assault by the perpetrators.



Pie Diagram No. 4.2: Role of NGOs during violence

In Umbha, People's Vigilance Committee for Human Rights provided assistance to the victims. The NGO registered a case with National Human Rights Commission (NHRC) on behalf of the victims. It mobilised the villagers to stand firm before the powerful land mafia in the region and to keep fighting their cases without fear. It pressurised the politicians to visit the village so that the victims could get reassurance and protection from further injustice and violence. In Jassia, NGOs are still working to assist the victims in all possible ways. There were hundreds of people against whom cases have been registered under various sections of the law and the NGOs are helping them with the cases. Thus, NGOs have played a key role in most of the cases. However, there were 14 (5.3 per cent) respondents who were of the view that they had not seen any significant role played by the NGOs.

In this study, it was found that at the grassroots in rural areas, the upper castes hold control on the land and other economic means. In two out of the five villages covered in the study, namely Dangawas and Umbha, the violence erupted due to dispute over land ownership. In two other villages, namely Khudadadpur and Phugana, violence erupted due to communal tension. In Jassia (Rohtak, Haryana), violence erupted in the midst of Jat reservation movement. The deceased were mainly from the marginalised communities namely scheduled castes, scheduled tribes and Muslims. It was found that people at the grassroots mostly approached the police and judiciary when their rights were violated and to resolve their cases. The role of the police was not considered helpful by large number of people. Even where it apparently cooperated with people and registered their cases, however, due to pressure exerted upon them through various quarters, the cooperation and support of the police was limited in cases where the victim was from the marginalised community. Consequently, majority of the respondents from the marginalised groups were not satisfied with the police response. However, it was also observed that when the politicians or the political parties got involved in the case, the police was forced to take action against the alleged culprits. This was observed in the Dangawas case, where after the visit of the chairperson of the SC/ ST Commission to the village, the police had to provide protection to the family of the deceased. Almost similar situation was observed during Umbha violence. The victims of the violence received monetary compensation and land from the government after political intervention.

It was found in the study that local informal groups and caste groups played a pivotal role in assisting people of their caste group who were impacted by violence. The negative aspect of this was that they only helped people of their own castes. The panchayat also provided help in mitigating the suffering of the communities. The government and the representatives of people acted keeping their vote bank in mind. However, if the case got media coverage, then the government provided compensation and other help to the victims no matter which caste or community they belonged to. It was found that the NGOs played an important role in assisting victims of violence by providing the relief material, through filing their cases or helping them to get compensation.

CHAPTER 5

HUMAN RIGHT & NHRC: LOCATING THE RESPONDENTS

This chapter analyses responses of the research participants on various statements related to Human Rights and on their understanding about National Human Rights Commission.

The respondents were first asked to enumerate which rights they consider as human rights.

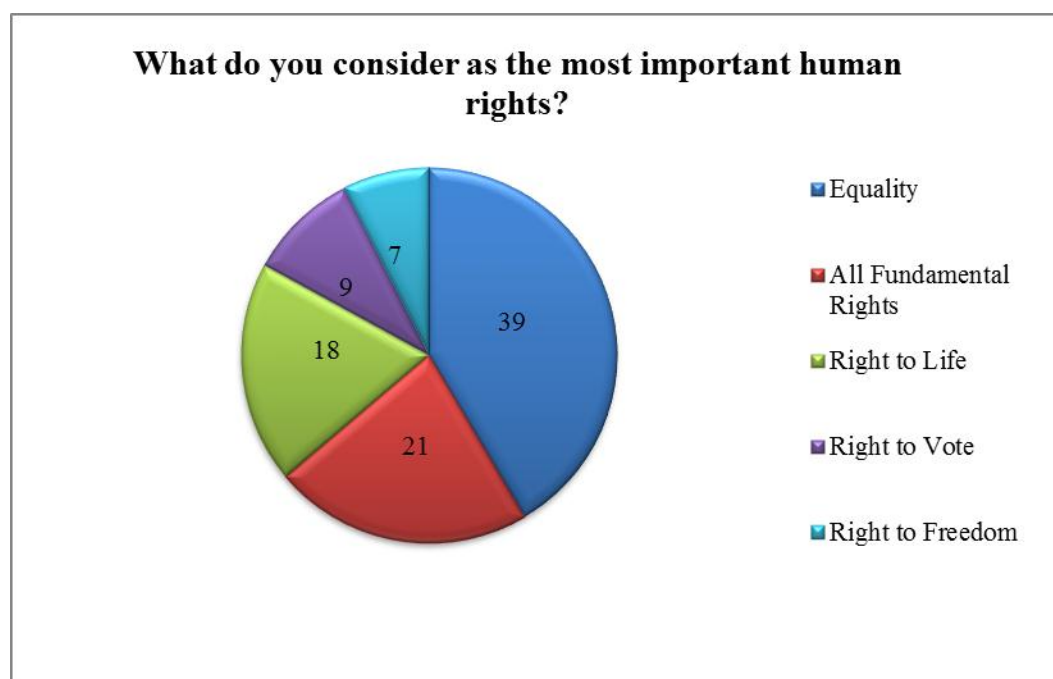
Table No. 5.1: Responses on the constituents of basic human rights

Rights	No. of Respondents	Percentage
Right to Equality	39	15.0
Right to Vote	11	4.2
Right against Discrimination	2	.8
Right to Freedom	3	1.2
Right to Life	21	8.1
Don't know	167	64.2
All Fundamental Rights	17	6.5
Total	260	100.0

Majority of the respondents, 167 (64.2 per cent) were found to be unaware of what constituted human rights. However, at Dangawas, the respondents specially the victims are making themselves educated and informed about their Constitutional Rights so that they can present their case before the court as well protect themselves from untoward incidents in future. Many respondents mentioned that before this violence in their village they were in complete ignorance about their constitutional rights. But when political leaders and social activists associated with prominent Non-Government Organisations (NGOs) visited them after the incident, they started to learn about the rights guaranteed to them by the Constitution of India. They also know that SC/ST Commission is there to safeguard their interest. Consequently, there were 93 (35.8 per

cent) respondents who mentioned that they have an understanding of various Constitutional Rights. It was observed that the knowledge about Constitutional Rights was not dependent on the educational qualification of the respondents. Some respondents despite having low educational qualifications knew their rights whereas some having relatively higher education were ignorant.

Out of the 93 (35.8 per cent) respondents who had mentioned that they had an understanding of the rights provided to them by the Constitution of India, 39 (41.93 percent) respondents mentioned “Equality” as the most significant right. 18 (19.35 percent) respondents considered “Right to life” and 21 (22.58 per cent) respondents were of the view that all the Fundamental Rights are Equally Important. There were 09 (09.67 per cent) respondents who mentioned “Right to Vote” as the most important right and the remaining 07 (7.52 per cent) respondents chose ‘Right to Freedom’.



Pie Diagram No. 5.1: Feedback on the most important human rights

The section below analyses the responses of people on the select statements related to human rights which were put up to them.

Statement 1: Each individual should be treated equally in India

When the respondents were asked to give their response on whether everybody should be treated equally in India, almost all the respondents agreed to it.

Out of the total 256 respondents who viewed that everyone should be treated equally, 142 (57.03 percent) respondents considered this statement as “Important” whereas, 97 (37.89 per cent) respondents categorised it as “Very Important”. However, a sizable number of respondents who think “Equality” should prevail in the society were also of the opinion that they were not being treated equally, because they belonged to scheduled castes, scheduled tribes or were Muslims. The feeling of “being other” was mostly observed among the victims of communal riots in Phugana and Muzaffarnagar. Majority of the participants shared that the provisions enshrined in the Indian Constitution are being ignored deliberately. Rights are being denied to the marginal communities.

The responses of the participants with respect to the statement that each individual should be treated equally are given below.

Table No. 5.2: Each individual should be treated equally in India

Response	No. of Respondents	Percentage
Yes	256	98.5
No	4	1.5
Total	260	100.0

Statement 2: There should be no inequality on the basis of religion

Out of the 260 respondents, 255 (98.1 percent) respondents agreed to the statement that there should be no “Inequality on the basis of Religion”. Out of the total 255 respondents who agreed to the statement, 141 (55.29 percent) respondents viewed this “Important”, 96 (37.64 percent) respondents considered this right as “Very Important”. Some respondents mentioned that they were being treated unequally due to their belief in a particular religion. They added that at present, those in power are deliberately targeting a particular religious community for vote bank politics. They maintained that the Constitutional provisions are on paper and in reality, things are very different. Those who believed that in practice people were being treated unequally mostly belonged to

the villages where communal riots had taken place. Even after so many years, they feel the pain of being treated differently by the government.

The following table gives the responses of people on the statement that there should be no inequality on the basis of religion.

Table No. 5.3: There should be no inequality on the basis of religion

Response	No. of Respondents	Percentage
Yes	255	98.1
No	5	1.9
Total	260	100.0

Statement 3: There should be no inequality on the basis of gender, colour and creed

On this statement the respondents were in favour of equal treatment to everyone irrespective of gender, colour and creed (religious belief of anyone). 256 (98.5 percent) respondents shared that inequality should not prevail in society and everyone should get equal treatment. However, there were respondents who believed that despite there being a clear mandate for the government to treat everyone equally; those in power differentiated people on the basis of identities such as gender and creed. Women respondents particularly in Jassia, clearly stated that there should be equality for everyone but added that in practice things were very different.

Out of 256 respondents who viewed that equality must prevail in the society, 146 (57.03 per cent) consider this as an “Important” right and 91 (35.54 per cent) consider it as “Very Important”.

The following table gives the response of people on the statement that there should be no inequality on the basis of gender, colour and creed.

Table No. 5.4: There should be no inequality on the basis of gender, colour and creed

Response	No. of Respondents	Percentage
Yes	256	98.5

No	04	1.5
Total	260	100.0

Statement 4: We all have the right to freedom of speech/expression/ association

With regard to the above statement, 162 (62.3 per cent) respondents mentioned that they enjoy “Right to speech/expression and association”. However, there were 98 (37.7 per cent) respondents who shared that even though they are free to speak but they hesitate to express their opinion freely fearing a backlash from the establishment and people with whom they have a difference of opinion. Those respondents who denied having the right to ‘freedom of speech/expression and association’ mostly belonged to religious minority and disadvantaged caste groups. Wherever, communal riots had occurred, the minority community felt hesitant to speak, fearing a backlash by the majority. The respondents from Phugana (Muzaffarnagar) and Khudadadpur (Azamgarh) shared that the contemporary social milieu is so communally charged that even when an untoward incident happens with the minorities (especially Muslims), no one is bothered. The respondents also shared that those who exhibit courage to question the divisive politics of the government, face problems. The government does not tolerate criticism, and punishes its critics. They opined that the government machinery along with the biased media is working hard to frame Muslims and other disadvantaged groups in criminal cases and continues to show them in a bad light.

It was seen that all those who were victims of human rights violations were having a shared feeling of discomfort with the present-day context where people were being labelled “anti-national” if they disagreed with the functioning of the government. As mentioned by one of the respondents, “*aajkal to mahual aisa hai ki koi dadhi wala bus me chade to bas yahi dua karta hai ki sahi salamat ghar pahunch jaye*” (Nowadays situation is such that if a man with beard (Muslim Men) gets, into a bus he only prays of reaching home safely).

The respondents of Phugana shared that when the communal tension erupted in their village in the wake of Muzaffarnagar riots in 2013, they heard anti-Muslim slogans

being raised by their fellow villagers, who threatened them to leave the village if they wanted to save themselves and their loved ones.

The following table gives responses of the people on statement that we all have the right to freedom of speech/expression/association.

Table No. 5.5: We all have the right to freedom of speech/expression/association

Response	No. of Respondents	Percentage
Yes	162	62.3
No	98	37.7
Total	260	100.0

With regard to the level of importance attached to the Right to freedom of speech/expression/association we find that 102 (39.2 percent) respondents considered this right to be “important”. 73 (28.1 per cent) respondents considered this right as “very important”.

Statement 5: All kinds of exploitation should be punishable under law

With regard to the above statement, we find that 253 (97.3 percent) respondents agreed with the statement. Those who did not agree with the statement could not provide any reason for their disagreement. However, no respondent could cite any case in which punishment had been meted out to those who had exploited someone. The respondents also did not know whom to approach in case of exploitation.

The victims of Phugana (Muzaffarnagar riots) who are now settled in the neighbouring village, Loyi shared that rape cases had been registered during the riots. With the passage of time, those cases were resolved through mutual agreement. In some cases, the accused paid money to the victims. There were also cases where the accused had exerted political pressure on the victims to take their cases back. Victims were even threatened to take back their cases or face consequences. One respondent shared with the researcher that her child was kidnapped by those who had raped her so as to force her to settle the case outside the court. She had to withdraw the case and only then she got her child back. Nonetheless, the victim now wants to file the case again but does not know how to proceed further. The respondents who have faced sexual exploitation even

while agreeing that “exploitation of any kind should be punishable under the suitable law” were apprehensive of the criminal justice system. They were convinced that getting justice against those in power is not easy as they manipulate the law as per their convenience. To prove their point, the respondents cited cases of politicians and other powerful people who were “rape accused” but no action was taken against them.

This statement was considered “important” by 132 (50.8 percent) respondents whereas, 104 (40 percent) respondents considered it “very important”. Only 24 (9.2 percent) respondents categorised the statement as “irrelevant” and these were also the respondents who were apprehensive about the delivery of justice.

The following table depicts the responses of people on the statement that all kinds of exploitation should be punishable under law.

Table No. 5.6: All kinds of exploitation should be punishable under law

Response	No. of Respondents	Percentage
Yes	253	97.3
No	7	2.7
Total	260	100.0

Statement 6: Each cultural, religious and linguistic group has the right to conserve and protect their heritage

239 (91.9 percent) respondents agreed with the statement that ‘each cultural, religious and linguistic group has the right to conserve and protect their heritage’. 21 (8.1 percent) respondents disagreed with the statement. Those respondents who disagreed with the statement were mainly from Phugana. In their view, they were being denied the right to protect their culture and religion. They felt that their language (Urdu) was being targeted by the government. Referring to the demolition of Babri Masjid, they stressed that there was no “right to religion” left for certain religious groups (with particular stress on Muslims) in the country.

126 (48.4 percent) respondents considered the above-mentioned statement as “important” and 110 (42.5 percent) respondents categorised this statement as “very important”. The following table gives the responses of people on the statement that each cultural, religious and linguistic group has the right to conserve and protect their heritage.

Table No. 5.7: Each cultural, religious and linguistic group has the right to conserve and protect their heritage

Response	No. of Respondents	Percentage
Yes	239	91.9
No	21	8.1
Total	260	100.0

Statement 7: Each individual irrespective of their caste, creed, sex, age, has the right to education

Almost all the respondents agreed that ‘an individual irrespective of their caste, creed, sex, age, etc. has the right to education’. 250 (96.2 percent) respondents stated that the educational facilities must be provided to every person in the country no matter which caste, creed, sex and age they belong to. Only 10 (3.8 per cent) respondents disagreed with the statement. It is noteworthy that while the majority of the respondents agreed with the statement, they opined that it is not only education but ‘quality education’ which should be made accessible to all which is not the case at present. In fact, the miserable condition of the rural school system was also witnessed by the researchers during their data collection in the five villages.

136 (53.1 percent) respondents considered this statement as “important” and 96 (40 percent) respondents considered it “very important”. The remaining 26 (10 percent) categorised their response under “irrelevant”. Those who mentioned that education needs to be improved were mostly those who chose the option “irrelevant”. The table below gives the responses of people on the statement that each individual irrespective of their caste, creed, sex, age etc has the right to education.

Table No. 5.8: Each individual irrespective of their caste, creed, sex, age, etc. has the right to education

Response	No. of Respondents	Percentage
Yes	250	96.2
No	10	3.8
Total	260	100.0

Statement 8: Violation of the above rights should be punishable under law

Majority of the respondents feel that “violation of Constitutional Rights should be punishable under the law”. Only 04 (1.5 percent) respondents thought otherwise. Even these four respondents, though agreeing to the statement in principle, were of the opinion that those who violate the rights of others go unpunished because of being powerful. The respondents lamented that there is a difference between “what should happen” and “what actually happens”. In fact, many respondents who were victims of violence were upset that the perpetrators of violence were roaming freely in the village and enjoying life. In Dangawas, the victims narrated that all the accused had not been arrested even after four years. It has come to our knowledge that the Central Bureau of Investigation (CBI) has declared a reward of rupees 50,000 to anyone giving information about the whereabouts of the ten absconders in the case who are residents of Dangawas, Merta City, District Nagaur, Rajasthan.

The following table gives responses of the people to the statement that the violation of the above rights should be punishable under law.

Table No. 5.9: Violation of the above rights should be punishable under law

Responses	No. of Respondents	Percentage
Yes	256	98.5
No	4	1.5
Total	260	100.0

Statement 9: Of the rights mentioned above, has any of them been violated at any time?

With regard to the above statement, it was found that 188 (78.5 percent) respondents had faced violations of some of their rights at some point in time, whereas 72 (21.5 percent) respondents denied facing any violation. Those who agreed with the statement were either victims of human rights violation or members of the families whose rights had been violated. All those who agreed with the statement were directly associated with episodes of violence in the village in the recent past. The following table provides responses of the people on whether any of their rights had been violated anytime.

Table No. 5.10: Of the rights mentioned above, whether any of them been violated at any time

Responses	No. of Respondents	Percentage
Yes	188	78.5
No	72	21.5
Total	260	100.0

Statement 10: Do you know that there are provisions in the Constitution of India for the protection of your human rights?

Indian constitution gives all its citizens certain fundamental rights. However, 167 (64.2 percent) respondents were found to be unaware of the rights mentioned in the Constitution of India for the protection of their human rights. The remaining 93 (35.8 percent) respondents were aware of the rights provided to them by the Constitution of India.

Table No. 5.11: Knowledge about provisions in the Constitution of India for the protection of their human rights

Responses	No. of Respondents	Percentage
Yes	93	35.8
No	167	64.2
Total	260	100.0

Statement 11: Whether informed about protection of Human Rights Amendment Act, 2006 to protect the human rights of complainant /victim

Barring two, none of the respondents was aware of the existence of ‘law of Protection of Human Rights Amendment Act, 2006’. When the tool of data collection was being framed, the literature review suggested that we must ask the respondents about their knowledge regarding legislation related to the protection of human rights. This question was significant in the context of these villages. Since they had witnessed cases of violation of human rights in their village, it was assumed that in their fight for justice, they may have made use of the available laws. Unfortunately, our assumption was wrong as only 02 respondents were found to be informed of this Act. The data reveals that even the educated respondents (including Masters’ degree holders) did not know

about this legislation. The following table gives the responses of people on whether they knew about the existence of law for protection of human rights.

Table No. 5.12: Whether informed about Protection of Human Rights Amendment Act, 2006 to protect the human rights of complainant /victim

Responses	No. of Respondents	Percentage
Yes	02	0.8
No	258	99.2
Total	260	100.0

Statement 12: Do you know that there are mechanisms for the protection of human rights of the complainant /victim?

With regard to the above statement, the majority of the respondents did not know how to file a complaint if their human rights were violated. 248 (95.4 percent) respondents did not know about the available mechanisms for protection of their human rights. Only 12 (4.6 percent) respondents had information related to the mechanism available for the protection of human rights. For most of them ‘Police’ and ‘Courts’ were the two mechanisms to protect their human rights. The responses of the people are given in the table below.

Table No. 5.13: Knowledge about mechanisms for the protection of human rights of the complainant /victim?

Responses	No. of Respondents	Percentage
Yes	12	4.6
No	248	95.4
Total	260	100.0

Statement 13: Is there sufficient awareness concerning the protection of human rights?

Barring two, all the respondents (258) admitted that “sufficient awareness is not there concerning the protection of human rights”. The respondents further shared that they have never been approached by any institution/agency to impart knowledge related to human rights. The data was also collected from the respondents who were educated

(including graduates and post graduates), and even they did not have awareness on human rights. The following table gives the responses of people on the awareness concerning protection of human rights.

Table No. 5.14: Whether there is sufficient awareness concerning the protection of human rights

Responses	No. of Respondents	Percentage
Yes	2	0.8
No	258	99.2
Total	260	100.0

Statement 14: Are you aware of NHRC?

With regard to the awareness level of the respondents regarding National Human Rights Commission (NHRC), it was found that 237 (91.2 percent) respondents did not know about NHRC, and had never heard about the Commission. Here, it is important to mention that some of these respondents were degree holders, and many were found to be functionally literate. But even they were not aware of NHRC. 23 (8.8 percent) respondents knew about NHRC whereas 17 (6.5 per cent) respondents had knowledge of its functions and roles as well. The following table gives the awareness of people about NHRC.

Table No. 5.15: Awareness about NHRC

Responses	No. of Respondents	Percentage
Yes	23	8.8
No	237	91.2
Total	260	100.0

Statement 15: Have you or anyone you are aware of has approached NHRC/ SHRC for any support?

With regard to this statement, it was obvious that since the majority of the respondents were found to be unaware of NHRC; hence, they would not have approached NHRC. Majority of the respondents i.e., 253 (97.3 per cent) had neither approached NHRC nor knew anyone who may have approached NHRC for any purpose. Only seven (2.7 percent) respondents

shared that their known ones have approached NHRC/SHRC for getting support to register the case. When the respondents were asked about the outcome of their efforts, it was found that in five cases, judicial proceedings had been initiated and were underway, while in two cases, they are awaiting reply from NHRC. The following table gives the responses of people on approaching NHRC.

Table No. 5.16: Whether you or anyone you are aware of has approached NHRC/ SHRC for any support

Responses	No. of Respondents	Percentage
Yes	7	2.7
No	253	97.3
Total	260	100.0

Statement 16: Is there a need for creating necessary awareness in this regard?

Whether there is a need for creating necessary awareness with regard to the functioning of NHRC, 215 (82.7 percent) respondents admitted that there is a need for creating awareness regarding NHRC, its role and process of redressal. Following table depicts the responses of the respondent in this regard.

Table No. 5.17: Whether there is a need for creating necessary awareness in this regard

Responses	No. of Respondents	Percentage
Yes	215	82.7
No	45	17.3
Total	260	100.0

It was found in the study that the majority of people living at the grassroots were not aware of their rights and the constitutional provisions meant to protect their interest. However, majority of people believed that “equality” should prevail in society and all religious, linguistic and cultural groups should be allowed to protect their culture, and heritage. Nevertheless, there was a sizable number of respondents, mostly belonging to minority communities who believed that they are not being treated equally, and were being denied the right to protect their culture and religion. The study also found that the

presence of National Human Rights Commission (NHRC) at the grassroots in rural areas is weak. People are not aware of the purpose and role of NHRC, and hence, NHRC needs to work on creating awareness at the grassroots.

CHAPTER 6

STAKEHOLDERS, HUMAN RIGHTS AND VIOLATIONS

This chapter is based on the analysis of the perspectives of various stakeholders such as government staff, politicians, teachers, civil society group members and lawyers on human rights violations, their awareness about human rights and NHRC and their contribution towards spreading awareness about human rights in their respective fields.

Major Findings

As a part of the research study, 58 stakeholders were interviewed which included journalists, police personnel, bureaucrats, teachers, principals, politicians, SHRC members, NGO/human rights activists and panchayat members from Dangawas, Umbha, Khudadadpur, Phugana and Jassia. The number of stakeholders interviewed for study was not uniform across the villages because of the issues related to their availability and approachability.

Out of the 58 stakeholders interviewed, two were women and remaining were men. The age group of these stakeholders was between 28 years and 56 years. The stakeholders who were interviewed represented all castes. 54 of them were Hindus and 4 were Muslim. The different categories of stakeholders are given below:

Table No. 6.1: Sample distribution of stakeholders

Stakeholder	Sample Size
Police Constable	5
Provincial Armed Constabulary Constable	7
Superintendent of Police	2
District Magistrate	2
Politicians	2
School Teachers	4
School Principals	2
Lawyers	2
Journalists	2

Stakeholder	Sample Size
NGO/Human Rights Activists	11
Local group member (UP Kisan Sabha Member)	1
Sarpanch/Former Sarpanch	3
SHRC Member	1
Panchayat Members	5
Village leaders/ opinion makers	2
Caste and religious group members	5
Local group members (politically active)	2
Total	58

These stakeholders had been in their service for at least 2 years and some for last 30 years. The basic qualification of all the stakeholders was graduation and it went up to Ph.D. The interview schedule for the stakeholders had open-ended questions which allowed the researchers to get a wider understanding of the subject under research.

On the basis of the data collected from different stakeholders, the following can be concluded.

6.1 Government Staff

A total of 16 government staff holding different positions were interviewed. These included District Magistrate and Superintendent of Police, Sonbhadra district, District Magistrate and Superintendent of Police, Rohtak district, five constables from Rajasthan Police and seven constables of Provincial Armed Constabulary. The seven constables of Provincial Armed Constabulary were providing security in Umbha after the massacre whereas five constables of Rajasthan Police were providing security at Dangawas where a small Police Chowki has been established next to the houses of the victims for their safety and security.

As per the police personnel, major violations of human rights that have affected people are in terms of caste and communal conflict. This is a big challenge that they see at the grassroots level. In their opinion, since people are illiterate and lack awareness, it is very easy to divide them on the lines of caste and religion. In villages, there is a sense

of pride arising out of belonging to a particular caste or religion which becomes one of the main reasons for conflicts. Political parties also take advantage of these conflicts to spread their ideology and for political benefits.

In such cases of violation of rights and conflict, police is the first formal institution that people contact and after that it is the judiciary. With regard to the reasons for violations of human rights one stakeholder was of the opinion that the society is by and large law-abiding in nature. Despite having so many languages, classes, religions and castes, India as a country is flourishing. However, it is the fringe elements that create problems in every system and institution which becomes the major cause of conflict in the society.

While discussing the role played by different formal-informal institutions in redressing the grievances of people who face violation of their human rights, one respondent was of the opinion that the caste panchayats or the elected panchayat of the village which is again dominated by upper castes also play a role in redressal of grievances. However, it is also important to understand that these panchayats do not deliver justice. The S.P Rohtak, as well as D.C Rohtak, were of the opinion that in spite of having a very negative image, Khap Panchayats in Haryana have been working as social courts in the society and they have positively contributed towards bringing changes in the society. As one respondent shared, *“in one of the villages, the panchayat decided to neither give dowry nor take dowry and this is a wonderful practice that has set an example for the society”*. This stand of the participant is in contrast to the negative role of the Khap panchayat in delivering judgments on social issues and punishing people who defy its stand.

Except for the four constables of Rajasthan Police and three constables of Provincial Armed Constabulary, all other government officials were aware of Human Rights, Constitutional Provisions for the protection of Human Rights, NHRC/SHRC, its functions, and location. Few of the police personnel were also unable to state basic human rights and the fundamental rights enshrined in the Constitution of India.

With regard to the functions of NHRC, one respondent at Dangawas stated, *“Choudhary (Jat) kisi bhi sanstha (NHRC) se upar hai, kyunki inki pahunch Delhi aur Jaipur tak hai* (Jats are above any institution (NHRC), because they are so powerful and

have connections in Jaipur and Delhi). Majority of respondents were of the opinion that NHRC or the other institutions for that matter do not take into account any of the challenges which are faced by them in implementing their directives. A respondent maintained that these agencies issue notices, give orders but do not take into consideration the challenges in implementing orders or replying to the notice. The stakeholders also stated that the awareness and sensitization amongst people about their rights and about NHRC/SHRC is very low. Even when people lodge their complaints with NHRC, it is through a mediator, human rights activist or an NGO. Therefore, there is a strong need to create awareness amongst people at the grass roots through different capacity building programs, workshops, and seminars.

6.2 Politicians

Two politicians were interviewed as part of the study. Talking about the historical context of the village and major violations of human rights in Azamgarh district, one politician shared that historically the entire district was peaceful until the government tried labelling it in bad light in the 1990s. Especially after the Batla House encounter, the government adopted a tough attitude towards Muslims of Azamgarh and started framing serious and non-serious charges against youth which has created tension and conflict in the area. With regard to the redressal mechanisms, police is the first formal institution that people contact during any incident but its role has been a matter of scrutiny in every conflict and violation that has happened in the area.

Elaborating the role played by different institutions, the two politicians maintained that the religious groups play a role in mobilizing people for help and the local informal groups play a prominent role in maintaining peace in the area or in redressal of grievances. But the caste groups or the caste panchayats do not have any significant role to play. In contrast to this, people of the villages had maintained that the caste groups do play a role during the violence by mobilising resources for their caste members.

With regard to the role of government, local representatives of people and the local leaders, both believed that their roles vary from incident to incident based on the political benefits and interest. And as far as the role of judiciary and NGOs is

concerned, they maintained that the NGOs are doing a good job. However, the Indian Judiciary is erratic and slow and by the time justice gets delivered it has no meaning.

Both the respondents were very well aware of the basic human rights, the role that the Constitution of India plays in ensuring human rights of individuals, groups and communities, NHRC, its location, and its functions. One respondents however was very critical of the functions and role of NHRC especially with regard to the violation of human rights under AFSPA. As he mentioned, “The real violation of Human Rights is happening in some states where entire state is under lockdown, civil and political liberties of the people are under restrictions but NHRC which claims to be the institution for the protection of human rights of individuals has not played any significant role so far.” He also questioned the effectiveness of the institutions which are part of the justice delivery system such as the judiciary and police. He added, “The autonomous and independent institutions of this country are being highly politicized by those who are in power and that is why the idea of justice has got blurred”.

While talking about sensitizing people about their rights, both respondents claimed that they have been playing an active role by raising their voices in the political sphere and educating and sensitizing people to fight for their rights.

6.3 School Teachers/Principals/Journalists / Lawyers

Four school teachers, two principals, two journalists, and two lawyers were interviewed for the study. Three of them were teachers in a senior secondary school of Dangawas and one was a teacher of Maths in an Inter-College of Merta (Rajasthan). The principals from the schools of Dangawas and Journalists of Jan Sandesh Times were interviewed which was the first newspaper that covered the detailed story of Umbha Massacre. Two lawyers, one handling the Umbha Massacre case for the tribals and another representing the victims of Dangawas in the court were also interviewed.

It was found that the positioning of the teachers and principals on the issue of human rights was not on account of their professional position in society, rather it was the outcome of their caste. As mentioned by one teacher while discussing human rightsn rights, especially the right to equality based on religion, caste, gender, region, “*Bharat*

Hindu Desh hai jisme Musalman akraman karke ghus aaye hain, isliye unko koi adhikar nahi hona chahiye” (India is a country of Hindus where Muslims came as invaders, therefore they should not be having any right in a country of Hindus). In the same context, another teacher said, *“Samvidhan sabke liye barabar nahi hai, ye choti jaatiyun ko adhik adhikar deta hai. Samvidhan choti jaatiyun, aur mahilaon ko adhikar to deta hai jisse purush aur unchi jaatiyun ko sehna padta hai.”* (The constitution of India does not guarantee equality to all its citizens. It gives special preference to lower caste and women and that is why men and the upper castes have to suffer).

Talking about the redressal mechanisms, both lawyers highlighted the drawbacks of the judicial system and police of the country. Speaking on similar lines, the journalists also discussed the inefficiency and ineffectiveness of these institutions which hamper the justice delivery system and also their roles as stakeholders in the society.

With regard to what constitutes human rights, constitutional mechanisms to deal with injustice in the society, NHRC/SHRC, its functions and location, only five out of the ten stakeholders were aware about them whereas the teachers and principal were only aware of a few human rights.

6.4 Panchayat Members and Village Leaders/ Opinion Makers

A total of eight members of the panchayat were interviewed as part of the study which included three former sarpanchs, one current sarpanch and four other members of the panchayat. Apart from these, two leaders of the village/opinion makers were also interviewed who were old and respected members of the village and had been playing a significant role in the panchayat and dealing with the issues and conflicts at the village level.

While discussing the causes of conflict, two sarpanchs were of the opinion that it was the communal conflict that resulted in such violence and affected the community. Another panchayat member mentioned that caste and land were the reasons behind the conflict. Talking about the redressal mechanisms, the sarpanch and the former sarpanch were of the opinion that all the mechanisms failed when the riots hit the villages. Though people contacted the police, and the sarpanch and other prominent leaders

appealed for the peace and safety of people but nothing worked at that time. The police worked as per the wishes of the government. So, none of the mechanisms really helped in dealing with the conflict and the situation normalised only over a period of time.

With regard to NHRC/SHRC, its location, functions and constituents of Human Rights, these stakeholders did not have awareness. Though two of them were able to state basic human rights, but, they did not have information about NHRC/SHRC or its functions.

They believed that there is very little understanding about the human rights and NHRC at the grassroots and to increase awareness amongst people, the government should launch programmes to sensitize and educate people.

6.5 Caste or Religious Group Members and Local Group Members

Five members from All India Jat Aarakshan Sangharsh Samiti, one member of Uttar Pradesh Kisan Sabha and two members who were active in local politics were interviewed.

It has been seen in all the cases that caste and religion have played a very significant role in not only inciting the violence but also spreading it. Therefore, the position of different castes and religious group members was in favour of their group. As put by one respondent from Jat community regarding Muzaffarnagar riots, “Jats as a community are very peace loving in nature, but the women of our family are our prestige and if someone tries to harm them, we will retaliate strongly and that is what happened in this case.”. He further stated “*agar aage bhi koi hamari mahilaon ke saath galat karne ki socha to aage bhi aise hi peeta jaayega*” (if anybody tries to touch our women, then there will be similar retaliation from our side).

With regard to which institution or person was the first to be approached when the violence started, it was found that the people first approached police but its role was felt to be partisan. The members of upper caste believed that the police favoured the low caste groups whereas the low caste believed that the police was in favour of the upper caste groups and that is why police as a formal institution has failed to address the problem in a just manner. Similarly, the religious minority had a grievance that the police did not do enough either during or after the violence. The culprits were still

roaming freely and some of them had even been intimidated by these culprits to take back the cases.

Out of these eight stakeholders, only three were aware about the NHRC/SHRC though they were not confident about the functions of NHRC/SHRC. All of them were of the opinion that there is no awareness about human rights and NHRC at the grassroot and therefore, these institutions should take measures to be more people centric by spreading awareness and educating people.

6.6 NGO/ Human Rights Activists

Eleven human rights activists were interviewed as part of the study. Two were heading the NGOs that are working in the field of human rights, two were legal assistants in NGO, one worked as a Program Director in an organization and six were field level human rights activists.

Based on their geographical locale of intervention, stakeholders have given different opinions on the conflicts and major human rights violations. For instance, in Muzaffarnagar (Phugana) and Azamgarh (Khudadadpur), the conflict occurred majorly on the communal lines whereas in Sonbhadra (Umbha) and Nagaur (Dangawas) land and caste played an important role. In Jassia though the nature of conflict was different but it had economic and caste implications. The stakeholders identified one factor which was common in all the villages. It was that the powerless were oppressed by those who were powerful.

With regard to the institutions approached by people during violence, the stakeholders shared that the police as the law enforcement agency was the first institution that people approached during violence but the role of police was seen by them to be questionable in every case of conflict or violation of human rights. As per the human rights activist looking into the Nagaur (Dangawas) case, the police station was hardly 3 km away from the place of incident but the police did not come in time even after making several phone calls. If the police had done its job properly, lives would have been saved in the incident. A similar opinion was shared in the case of Umbha where the incident happened because the police did not reach in time. In Muzaffarnagar (Phugana) and

Rohtak (Jassia) rather than providing safety to people, the police personnel were trying to save themselves and in Azamgarh (Khudadadapur), the activists shared that the police was not only a silent spectator of the entire incidence but rather instigated people for violence.

Therefore, the first and foremost important institution that people approached during conflict and violence did not perform the role assigned to it. This became one of the reasons for loss of human lives and economic losses.

On the role played by local informal groups, caste groups, religious groups, judiciary and politicians, one respondent shared that when an incident such as riot happens every institution plays some role or the other; be it positive or negative. Talking, especially about the role of government, all of them were of the opinion that human rights violations on the basis of gender, caste, and religion have been normalised under the government. These violations have now been legitimised and institutionalised. The human rights activists have been working at the grassroots sensitizing and educating people about their human rights and Constitution, helping people in lodging their complaints and providing them with the necessary assistance. All of them were very well aware of the Constitutional Provisions, human rights, NHRC/SHRC, its functions, and location.

6.7 SHRC Member

The SHRC member who was interviewed had 20 years of experience in this field. Talking about the major cases of human rights violation he mentioned, “Sonbhadra is the district that has the highest population of tribals in the state of Uttar Pradesh. Land is one of the major reasons for the conflict that happens in the district. Because of tribals being illiterate and unaware of their rights, the powerful try to overpower them and grab their land. It is important to understand that Umbha was not the first incident. There have been numerous cases of land grabbing and violation of their rights in the district. But because of social media, social activists and NGOs, this particular issue came into limelight.”

He shared that there are multiple channels which are available to people in case of conflict and violence. For instance, people go to police and courts. In the case of Ghorawal and other parts of Sonbhadra, people also approach Raja's family for the mediation in their disputes. This is a very strong informal mechanism used by people in case of violation of their rights.

On the role played by different institutions in the redressal of grievances and in ensuring compliance of human rights, he replied specifically with respect to Umbha violence. In his words, "Except for the religious group, all other prominent institutions such as informal groups, police, panchayat, government, local representatives of the people. Judiciary, local leaders and NGOs, have played a significant role. According to him, it is because of the NGOs and different social activists that the matter became an issue of national and international concern. The political parties like Congress paid this incident an extra attention by giving more money to people than their actual losses. In his words, "*Ghao chota tha, marham zyada lag gaya*" (*The wound was small but treatment was unexpectedly more*).

The SHRC member was very well aware of the basic human rights, agencies designated to ensure justice in cases of human rights violation, NHRC, its functions, and location. That is also because he has been working in this field for a long time. He believed that the agencies whose mandate is to ensure justice have been working in people's interest but need further strengthening in terms of becoming more active and effective.

There have been times when the respondent was contacted by people when they faced violation of their human rights and he has assisted them by sending their complaints to NHRC and guiding them on legal procedures. Being a member of SHRC, he has been involved in sensitizing people about their human rights through different camps, workshops and public meetings.

Thus, we find that the positioning of various stakeholders on the matters of human rights and their violations varied depending on their roles and to whom they are accountable. Similarly, the understanding about human rights of these stakeholders varies according to their roles and interventions. It is disappointing that the educators did not have much understanding of human rights as also the policemen at the lower

level of hierarchy. In fact, these two constituents are in regular touch and contact with people and it is crucial for them to appreciate the discourse on human rights.

CHAPTER 7

RECOMMENDATIONS

Based on the objectives and findings of the research study this chapter provides recommendations to NHRC in order to enhance awareness about human rights and NHRC at the grassroots.

Major Findings

During the field visits to the five villages to understand the grassroots discourse on Human Rights, we found that only 8.8 percent of the total people interviewed knew about NHRC. Also, only 6.5 percent of these people knew about the functions of NHRC. This shows lack of knowledge about NHRC in matters related to human rights at the grassroots level. Again, very few people know that there is a well-defined arrangement in place to hear out the matters/complaints related to human rights violations.

The above facts depict the information vacuum related to human rights in our villages. Hence an all-round effort to promote the crucial role of NHRC and human rights for a peaceful and just society is the need of the hour.

Following recommendations are being given with regard to generating awareness about NHRC at the grass roots and sensitising people about its role.

7.1 Grassroots Awareness

India resides in its villages. Considering that majority of our population lives in villages and the low level of awareness regarding human rights that has been found through the research study, creating mechanisms for sensitization and awareness at grassroots becomes imperative.

- A representative of NHRC can be appointed at the panchayat level or at the level of cluster of panchayats, who can document the cases of human rights violations happening at the ground level, and can monitor the progress and convergence of

line departments at district level on the issue of human rights. These documentations can further help NHRC as well as SHRC to come up with concrete steps to curb these instances in future. This representative can be trained on these aspects or can even be from an NGO working in the area.

- Toll-free numbers of NHRC should be advertised at the village level, through meetings of Gram Sabha, local panchayat, SHGs etc.
- Cadres like Swachh Bharat Prerak and Swastha Bharat Prerak have been established at the grassroots level to spread awareness about cleanliness and nutrition respectively. Similarly, Human Rights cadres can also be established for cluster of villages or at district level. These trained minds can work to generate awareness and educate people about their rights and about constitution and the idea of inclusive India. NHRC may explore the possibility of funding the training of local youth for this work or can take them as interns for specific time periods.
- When we talk about violation of human rights in rural India, the root cause of the problem is not only the particular instance of violation rather it is the deep-rooted issues like caste, religion and land. So, it is necessary that NHRC develops a comprehensive plan along with the other state machinery such as police, judiciary and executive who can work on these issues. It must also take the non-state actors such as the NGOs and human rights activists on board.
- It has also been found in the study that the awareness level amongst women is comparatively less than the men of the studied households. Women generally do not play a vital role in the cases of human rights violations and their redressal. In fact, it was found during data collection that women's agency was denied to them. Often, men did not allow them to come out and discuss issues related to human rights. Therefore, a 'comprehensive gender sensitization programs under the broader theme of human rights' should be designed specifically for women at the grassroots level. These programs can be implemented by Aanganwadis, Gram Panchayats and appointed cadres of human rights.
- The National Human Rights Commission should launch internships, fellowships program to execute the objectives of NHRC at the grassroots. These engagements of young brains with ground reality related to human rights can be helpful for both

NHRC and the interns. These interns can be associated with different states on the basis of the number of complaints coming from the states. For example, in 2017-2018, National Human Rights Commission had received the highest number of complaints from the state of Uttar Pradesh so maximum number of interns and fellows can be taken for Uttar Pradesh.

- Similar instructions about appointment of grassroots fellows and interns should be given to various State Human Rights Commissions as well.
- Seminars, Workshops, Training Programs, Human Rights Fair should be organized at every possible level from schools, gram panchayat office to anganwadi centers to educate and make people aware about NHRC and about human rights. Learning can be made attractive with the uses of digital media, videos, photos and other interesting methods.

7.2 Academic level Interventions

Education empowers masses to lead a happy and sustainable life. Education not only helps the individual in his/her own life but also enhances acceptance and understanding of the rights of fellow beings. This ultimately helps in active citizenry and lowering of human rights violations. It constantly works to create a conscious environment where people are well aware of the right of other beings. And for a democracy like ours to thrive, basic education of Constitution is quintessential. Therefore, NHRC must stress on imparting human rights values amongst the masses with the help of education.

- The information about NHRC, its roles and functions, the mechanism to approach NHRC in case of human rights violations, developing an understanding of human rights, fundamental rights and constitution has to be integrated within the education system right from the school itself. For this, NHRC can collaborate with NCERTs, SCERTs, University Grant Commission, and Ministry of Education.
- Topics related to Constitution, Human Rights and National Human Rights Commission should be mandatorily made part of the curriculum in the school. It should be done structurally in consultation with the educators and social scientists. Depending on the age of the student, teaching Constitution, its themes and values

should be made more practical; problem solving and case-based, and should revolve around asking critical questions. Signs, symbols, monuments or any other historical material related to human rights, NHRC and Constitution could be taught in a hands-on, project-based manner. This would allow students to understand the link between the knowledge that they are getting in the classroom to the things happening around them.

- Initiatives such as “Human Rights Classes” or “Constitution Classes” can be implemented at the school level. In these, different themes of constitution, justice mechanism and rights can be discussed as also the mechanisms through which these rights can be ensured. To make the subject attractive, use of latest technology can be made. Games or exercises where student become legislators, Prime Minister or activists, make laws, take decisions on drawn up cases and take them to logical conclusion will help. This can also be done through different means such as Youth Parliament, debate, speeches, quiz and role plays. This will not only enhance their understanding but also prepare them to be active citizens of India.
- It is important to stress the role of teachers in the whole process. Teacher must understand the need and should be well oriented and trained to teach the subject-matter. Changing curriculum will be futile if teachers are not equipped enough to use these ways in a better manner. Also, efforts should be made to make human rights and role of NHRC a part of teachers training program such as with District Institute for Education and Training, Bachelor of Education program as also the orientation programmes for the University teachers.
- Imparting knowledge of human rights, Constitution and NHRC should not be restricted to schools alone. Given the woeful lack of awareness, it should be extended, in small and well-crafted modules for technical and higher education too.
- National Cadet Corps (NCC) and National Service Scheme (NSS) can be used in an effective manner in spreading awareness about rights and National Human Rights Commission.

7.3 Interventions Using Media

Media has become one of the most powerful tools of communication and information these days. Because of its outreach and influence, it has become a force behind many changes in the society. Be it social media, print media or broadcast media, they play their respective roles in the society in spreading information, creating awareness and act as the change agents. Therefore, National Human Rights Commission can use social media as a means to educate and raise awareness amongst people.

- We are living in the age of smartphones where Facebook, and Twitter provide lot of information to the people. NHRC can also plan and execute different Social Media Campaigns on the rights, functioning, objectives of National Human Rights Commission, cases undertaken and justice delivery mechanism. This will not only be helpful in spreading awareness but also be helpful in developing trust on National Human Rights Commission.
- From past few years twitter has become a powerful medium to reach out to the authorities, file complaints or report the injustice. Ministry of External Affairs, Ministry of Railways, Police Department have been very active in delivering services to people using these means. National Human Rights Commission can also take it as a way to reach out to the masses and ensuring effective delivery of justice to people. These will also help people to know about NHRC and its role.
- National Human Rights Commission should document its success stories, landmark cases in which NHRC has played a prominent role as an advisory body and the prominent case studies in the form of magazines, small booklets in Hindi, English and regional languages. These case studies should be published and distributed.
- Small Newsletters of 4-6 pages having information of rights, functioning of National Human Rights Commission, monthly activities, outreach of NHRC, cases undertaken recently, case of Suo-moto cognizance etc. should be printed in every possible language (especially the regional ones) and can either be distributed physically or through social media. Social media could also be used for taking feedback from the public.

7.4 Collaboration with Civil Society

Civil society organizations play an important role in the promotion and protection of human rights. They enable individuals to work towards checking human rights violations and hold those responsible to account. Therefore, in order to spread awareness, NHRC needs to network with the civil society.

- There needs to be a robust collaboration between the NHRC and civil society. NHRC can give such groups effective channels to make their claims. NHRC requires independent inputs from civil society in order to be effective and accessible. Although NHRC organizes consultations with NGOs, it needs to be far more proactive and independent in its collaboration with civil society. Civil society representation in NHRC through prominent independent scholars, NGOs, lawyers and researchers is critical for giving it greater depth and strength. These civil society groups can thus become a bridge between rural communities and NHRC.
- NHRC can create a nation-wide network of NGOs or organizations working on the issues of human rights. It could nominate one organization per district or the clusters of districts for a considerable period of time, responsible for carrying out awareness and reporting of human rights violations. These organizations should be in direct communication with State and National Human Rights Commission. In this way, NHRC can increase its direct reach to the grassroots level.
- Civil Society Organizations working in the field of human rights should be given responsibility to work at the grassroots level to educate and create awareness amongst people about NHRC and facilitate them to lodge their complaints if needed.

7.5 Initiatives with Police

Law enforcement agencies such as police play a vital role in proper enforcement of law and order to prevent any kind of violation of rules and regulations and in the protection of the rights of citizens. Apart from having considerable power in implementation of law and order they have a number of responsibilities, accountability to the state and

public at large. The protection of human rights and their realization also depends on the behavioural pattern of the police. As a law enforcement agency their attitude, ethics, and moral conduct play an important role in promotion of human rights.

But it is unfortunate that the police, being the law and order enforcing agency, has been seen to misuse its power, in matters related to human rights. As per the narratives collected from all the five villages of the study, the role of police was found to be questionable in the matters of human rights violations. Rather, they were reported to have been involved in instigating violence, not providing adequate help during the incidents of violence, misusing their power, favouring their caste groups, threatening weaker sections to take their complaints back thus protecting the powerful, filing fake cases against the poor and marginalised and violating the rights of those in police custody.

Therefore, it should be the top most priority to sensitize the police personnel on human rights and NHRC. Being a vital agency between the state and public, police could take a lead role in promotion and protection of human rights guaranteed to citizens and spreading awareness about National Human Rights Commission of India.

- The police at the lower rung of hierarchy and thus likely to be more in contact with the people had low level of awareness about human rights and NHRC. Sensitization of all police personnel is required for efficient protection and promotion of human rights. This can be done through workshops and training programs.

There are some suggestions from the field which though not forming part of the objectives, need to be documented since these suggestions were received with lot of emphasis. These are given below.

- In the cases of the investigation of complaints sent to NHRC, the role of police should be minimized. Especially in the cases where complaint is against the police authorities, the police should not have any role to play because this leads to manipulation and dilution of the complaints and cases and hampers the justice system. Rather, NHRC along with SHRCs must look into the possibility of setting up a few independent and autonomous committees to investigate the complaints.

- The department of police deals with a lot of stress on daily basis and at the same time they deal with heavy workload, shortage of manpower in the department, Therefore, there is a need for police reforms which will ensure efficiency in performance of their role, thus ensuring the rights of people.

7.6 Capacity Building and Training of the Stakeholders

There are multiple stakeholders involved in the implementation of human rights all over the country. These are local representatives, ex- MPs, MLAs, leaders at gram panchayat level, caste and religious groups, teachers as also the group of influential people who work for the common cause such as the lawyers, journalists and social activists. Conglomeration of such people and their capacity building and sensitization regarding human rights will ultimately help the community to understand the crucial role of human rights in their daily lives. Through the help of civil society, lawyers, doctors, teachers and NGOs, such awareness programs should be conducted for promoting human rights.

Commission is urged to forge newer and more comprehensive partnerships with various sections including key stakeholders such as the judiciary, police personnel, government officials, media, representatives of NGOs and civil society organizations, and academia (including students), most notably through its coveted internship programs, publications, seminars, workshops, training, consultations and other such means. The Commission must also build network with the lawyers collectives such as bar councils as well for spreading awareness in rural areas about human rights.

7.7 Reforms at other Levels

- The NHRC has the authority to make interventions in court proceedings relating to violation of human rights with the approval of court. It needs to do it more vigorously so as to develop a strong image of being the protector of the poor, marginalised and vulnerable groups. This will also spread awareness about NHRC and its role since the beneficiaries of the NHRC intervention would spread positive words about its functions and roles as also its interventions.

- “NHRC takes Suo-moto cognizance of cases based on media reports and not through its on-field work at the grassroots level,” But it is not always necessary that all cases of human rights violation get media attention. In order to ensure its effectiveness, NHRC needs to develop a field level mechanism at the grassroots through different channels so that the institution can fulfil the objectives and aims of its formation.
- If NHRC is looking forward to spreading awareness at the grassroots level, it will also need to deal with the infrastructural issues in order to facilitate effective justice mechanism. It is obvious that with greater awareness, more people will approach NHRC for protection of their human rights. Thus, there is a need for a robust and active workforce in NHRC. Section 11 of the Act makes it dependent on the government for its manpower requirements. Therefore, NHRC lacks the required infrastructure to fulfil its mandate. Almost 50 per cent of the NHRC staff is on deputation from other services. These officers keep changing, leaving the commission constantly short-staffed. Lack of staff along with other structural issues impact the complaint redressal mechanism of NHRC. Data for the last 10 years (2007-2017) shows that the NHRC has a high rate of disposing complaints on procedural grounds which is nearly 50% or more (Annual Report of NHRC, 2016-2017). Colin Gonsalves, senior advocate and founder of Human Rights Law Network says “NHRC has a flawed process of verifying complaints. NHRC actually sends it to the police station which would have refused to take action in the first place. Obviously, many of the complaints are simply dismissed.” Therefore, NHRC should not only take strong measures to strengthen itself as an institution but also has to ensure its presence at the grassroots for the verification and investigation process to ensure its efficiency and effectiveness.

78 Gender and violence

The research study has highlighted the disturbing condition of women with respect to their human rights. The violations of their human rights take place at various levels. The fact that the menfolk in the family take a decision on whom the women of their family can talk to denies agency of the women. In villages, men did not permit their women to

speak to the researchers on the ground that women will not have any additional material to contribute to the study. They also did not want the women of their families to speak to the outsiders. Thus, the number of women respondents is less in comparison to the men. Secondly, the body of women was used as means to settle scores. There were instances where women were raped during the riots. The multiple identities carried by these women made them more vulnerable to the crimes committed during the riots. Thus, a Dalit or a Muslim woman had greater chances of being molested on account of the skewed power relations in the society. There were women who had lost their husbands and sons and being home makers did not have many options to earn their livelihood. Often illiterate they were not aware of the procedures and legal systems associated with the cases and compensation. This increased their dependence on others for help. NHRC may like to take a special cognisance of the vulnerability of women during such violent episodes and ensure a sensitive and empathetic approach towards their cases.

CHAPTER 8

CONCLUSION

This chapter discusses major findings of the study. The world has reached a level where people irrespective of which country they live in, which caste, creed and religion they belong to, which language and dialect they speak in and which gender they belong to can enjoy human rights. Before proceeding further, human rights need to be understood well. Human rights are a distinctive and special category of rights. Human Rights are those rights which every human being is entitled to on account of being a human. There are international institutions like the United Nations which aim to provide an opportunity to the people of the member countries to enjoy human rights. The United Nations which came into existence in 1948 has come up with a number of declarations and human rights conventions to which India is a signatory.

The Constitution of India is a powerful document through which India is providing its citizens certain Fundamental Rights, which are very much aligned with the human rights. Constitution has various provisions to protect human rights of the identified marginalised groups including women, children, elderly, and people belonging to scheduled castes, scheduled tribes and Minorities. Despite having such an empowering Constitution, these social groups are facing challenges. Their human rights are being violated regularly. Due to low education and lack of awareness, people living in rural areas face many hardships. The socio-cultural context makes it difficult for the marginalised caste groups/communities to delineate whether their rights are violated. Instead of taking a right-based approach they often rationalise the prevailing condition by putting blame on themselves or on their destiny. These irrational and needless justifications often put an end to their will to fight.

National Human Rights Commission (NHRC) formed in 1993, is an institution which is meant to protect the human rights of people. Since its inception, NHRC has been performing its roles as per the mandate. Through this study, NHRC has aimed to know the level of awareness about NHRC at grassroots in rural India. The research was conducted in five villages spread across three states in India; namely Uttar Pradesh,

Rajasthan and Haryana. Data was collected from three villages in Uttar Pradesh, namely Khudadadpur in Azamgarh; Umbha in Sonbhadra and Phugana in Muzaffarnagar. One village was selected each from Haryana and Rajasthan. These were Jassia village in district Rohtak in Haryana and Dangawas, Merta City, District Nagaur, Rajasthan. In the study, a total of 318 respondents were interviewed. Of these, 260 respondents were from the community and 58 stakeholders belonged to various fields including professionals, bureaucrats and NGO personnel.

Major findings of this study are as follows.

1. In most of the villages, perpetrators belonged to the dominant caste or religious groups. The victims were largely the marginalised community of that area which were scheduled castes, tribes or religious minority group (Muslims). Economic spaces are the major sites of human rights violations be it in the form of land or livelihoods. Existing prejudices about the groups, be it for the members of low caste or a religious minority; create a context within which it becomes easy to justify the violation of other's human rights. These prejudices coupled with dominance of certain communities which are economically, socially, politically and numerically powerful provide a fertile ground for human rights violations. Lack of knowledge about basic human rights, about the rights enshrined in the constitution and about NHRC and other institutional arrangements for human rights adds to the lack of positive discourse on human rights at the grassroots. Political opportunism plays a role in either inciting violence or in ensuring assistance to the victims. The other machineries and mechanisms which are meant to uphold rights contribute by neither being proactive nor active during the flare ups. Thus, they add to the existing negative discourse on the human rights at the grass roots.
2. The informal groups play a vital role in assisting the victims of any human rights violation. It was shared by communal riots victims of Muzaffarnagar that the informal groups had provided major assistance to them. This was also observed in Dangawas incident where the victims were helped by the caste groups. Jat reservation movement of Jassia and the ensuing violence also affected scores of people. Resultantly, hundreds of protesters and supporters of the movement got

arrested. People were also booked under serious charges like NSA. However, the caste groups and groups supporting the movement provided assistance to those who were booked and arrested. The caste groups also made sure that the families of the deceased did not face financial or any other problem till they got assistance from the government. However, these caste groups provide support to people of their own caste only. This itself can become problematic in villages where certain castes are economically dominant.

3. The role of police was questioned by many respondents who were unhappy with its role during and after the riots. Many participants were of the opinion that the police acts under the influence of powerful people (mostly perpetrators) and takes sides. The victims of Dangawas village, Phugana, Jassia and Umbha were of this view. The participants shared that the moment police comes to know that the victims are from scheduled caste/tribes, religious minorities or are helpless, it acts against them. The victims believe that the police acts neutral only if political pressure is exerted upon it or if the media gives coverage to the case.
4. The participants had similar views about the role of judiciary. They were of the opinion that the judges and advocates also work under pressure. In fact, a lawyer helping the victims of one village to get justice admitted that pressure had been exerted on him from various quarters but he was committed to his job.
5. It was found that the views of the participants regarding the role of governments (centre and state) were mixed. Some of the respondents were satisfied with the government intervention and relief as they had been provided with monetary and other assistance. The riot survivors of Phugana village, Muzaffarnagar were very happy with the then Samajwadi Party government, which had given monetary assistance to the riot victims. It was from this monetary assistance that most of the respondents were able to purchase land in a new place and survive. At the same time, the Jat respondents from the same village were unhappy with the government's role. They considered the then government to be biased towards one community. The victims of Dangawas, Jassia, and Umbha neither criticised the government nor praised it. However, in Umbha, the government offered land and monetary assistance after the case got media coverage and pressure was

exerted by the opposition parties. Thus, we find that the positioning of the people on the role of state in these situations is dependent on the competing expectations of the victims and perpetrators from the governments of the day.

The role of the government is thus often not interrogated from the prism of fairness and justice by the perpetrators who expect the government to either help them on account of their power; be it economic or political or to ignore the victims. The government's slow response during such situations also does not invoke confidence in the victims. The other instruments of state such as the police and judiciary are also seen as institutions with weak credibility by the victims who are made to go from pillar to post after facing violation of their human rights.

6. The NGOs have played a vital role in almost all the cases of human rights violations. Various NGOs have assisted the victims through means such as legal assistance, creating awareness among the marginalised groups through legal awareness camps, acting as pressure groups and giving financial and psychological support.
7. The awareness level of the respondents on the Constitutional provisions for the protection of their human rights was found to be very low. Majority of the respondents were not aware of their fundamental rights enshrined in the Constitution.
8. The awareness level regarding the existence of NHRC was also found to be low. The respondents did not know the function of the NHRC and how it can help them in protection and furtherance of their human rights. Out of the total respondents from the community, only 02 were found to be aware of the existence of NHRC/SHRC. However, the other stakeholders in the research were aware of the existence as well as the functions of NHRC and the role it plays. Nevertheless, they were of the opinion that NHRC needs to work more to make itself accessible and known at the grassroots. They suggested that the institution needs to organise awareness generation camps at the grassroots in rural areas, educate the communities and open centres, appoint officials who are willing to offer help to the people in remote areas.

9. As a result of this study there are multiple recommendations to improve the grassroots awareness about NHRC as well as Human Rights. The first and foremost recommendation is to make Constitution, Human Rights and NHRC a mandatory part of the syllabus from school to college level in collaboration with UGC, CBSE, State boards etc. For the grassroots awareness, NHRC should start collaboration and networking with the civil society organizations working in the field of human rights. Organizing training programs, seminars, workshops at the village level will not only educate people but will also ensure awareness about NHRC at the grassroots of India. By launching different fellowships and internship programs for field level work, deploying trained NHRC cadres, capacity building of stakeholders, and effective use of social media will ensure grassroots awareness about NHRC.

CASE STUDIES

Case Study 1

Mohammad Ali (Name changed) is a resident of Khudadadpur, Azamgarh. He is 42 years old and has one younger brother and three sisters. All his sisters are married. Ali is living in a joint family, along with his mother and married brother. He has three daughters and one son. His eldest daughter is pursuing under graduation in Commerce.

Ali has studied up to intermediate level. He was still in school when his father died. After finishing his schooling, he started working with a travel and tours agency. Ali showed an understanding of human rights and was found to be aware of constitutional provisions and fundamental rights and surprisingly also about National Human Rights Commission. He shared that he came to know about NHRC through Rihai Manch, an NGO working for the cause of human rights in the area.

Ali elaborated on the incidence which happened in his village on the day of riots. On 4th May 2016, a scuffle took place between two youth of different religious communities, which later took a communal turn. In the clash, one group set ablaze the house of Munshi (name changed), who belonged to the scheduled caste community. This incident fuelled the community and the whole village got affected by the same even though Muslims and people from the scheduled caste had been living together for a long time.

Ali's house is located in the front and hence, was approachable to the people during clashes. However, no rioter was given shelter by the family. When the riots took place, rioters entered his house but later went away. However, the rioters from the other group felt that the family was still giving shelter to those armed men, who may attack them again. When the police came, they were told the same, and hence, the police entered the house by breaking open the main gate. The Police ransacked and searched the entire house and when they did not find any rioter, they arrested his nephew who was 19 years old at that time. He was slapped with serious charges and sent to jail. The other community got confidence by this action of the police. They attacked the family in the night and set ablaze his house and looted cash and gold.

Ali was not at home when his home was ransacked first by the police and later by the people who had been close to him just a day before. He shared that since Muslims were involved in the case, hence, the police showed their communal colour and treated them badly. Ali was badly impacted both financially and emotionally by the incident. As his nephew was nabbed by the police and slapped with serious charges and sent to jail for six months, it gave a psychological shock to his sister. Ali left no stone unturned to get his nephew released. No one initially came to his help him but as time passed, people extended their support. When his nephew got bail after six months, he filed a grievance with the NHRC with the help of Rihai Manch. However, by the time his nephew got bail, Ali had already spent more than 06 lakhs to get him out. Along with that, it took him another 4-5 Lakhs to rebuild his burnt house.

Ali is quite knowledgeable and one of the very few people who knows about NHRC and other formal and informal systems of grievance redressal. However, he admits that prior to this incident, he was unaware of any such system of grievance redressal. He lamented that nobody from NHRC visited the village after the incident. He proposes that the NGOs working to safeguard the human rights should be promoted. Ideally, he thinks that NHRC should contact people like him who have raised their issue with it. Otherwise, he says, that NHRC should appoint officers who should visit every single village where cases of human rights violation take place.

Case Study 2

Sakeena (name changed) is 54 years old and is living in Loyi, Muzaffarnagar. She has two daughters, who are married now. She has never been to school and has only received religious teachings at home. During the riots, her entire family took shelter at Loyi, which was already a Muslim concentrated village. She along with her family lived there in tents for two years, as they had left their entire belongings in Phugana. After the riots, the family got monetary compensation of 05 Lakh from the then state government. From that amount, her husband bought a piece of land in Loyi and since then the family is living here. The respondent knew nothing about human rights. However, she was at the receiving hand of the worst form of human rights violation when communal riots broke out in Muzaffarnagar.

On 27th of August 2013, a minor scuffle took place between youth of two communities, from different religious groups (Hindus and Muslims) at Kawal village. In no time, clashes erupted between Hindu Jats and Muslims in the entire region. During the clashes, 62 people lost their lives (42 Muslims, and 20 Hindus), 93 were injured. The riots became the sole reason for the displacement of more than 50,000 people. However, in response to a PIL, the Supreme Court suggested the number of deaths may be more than 200. The riots soon reached Phugana, a largely Jat dominated village. Sakeena revealed that there was an announcement for Muslims to leave immediately. Her family had a belief that people of their village will not allow anyone to attack Muslim families, but to be on safe side, they sent their daughters to Loyi. But she was proven wrong when in the night, rioters surrounded homes of Muslims and unleashed terror. She says many Muslims known to her were butchered and their women raped. She was also raped and ironically, those who raped her were known to her family. The family moved to Loyi next day, and registered an FIR against the culprits. As mass exodus took place and people were displaced, resources became scarce. For days to come, the family had nothing to eat and no shelter. They lived in tent for months. Sakeena shared that like her other people also went through the worst phase of their lives as they struggled to save their lives on account of something in which they had no hand.

The police though registered the case did not make any attempt to nab the culprits. Moreover, the family received threats that if they proceeded with the case, they would pay a heavy price. The family was scared due to regular threats they were receiving from different sources. However, after some time, some human rights activists visited them and asked if they wanted any legal assistance. The family then narrated the whole incident to a lawyer from Delhi. Meanwhile, the state government became active and instructed the police to bring normalcy in the region. The Police eventually put the alleged rapists behind bars. However, to build pressure, the other side kidnapped her son and released him only when she withdrew her case. But her conscience does not allow her to bow down before the culprits and she wants to file the case again. However, she is apprehensive that nothing will happen to the culprits. In the absence of any information about whom to approach for redressal of her grievance, she did not approach NHRC and other grievance redressal systems.

Case Study 3

Mahesh (name changed) is a 42-year old businessman based in Rohtak. He left his college in the second year of graduation. His father died 12 years ago, and since then he has been handling the business of agricultural products, and doing well. He got married five years ago and has a son who is 3 years old. He is financially well off and wants to make his career in politics, and hence, has good connections with many leaders of different political parties. He was reportedly very close to the son of former chief minister of Haryana, who is now in the opposition and hence, he became the enemy of many people, especially those who also wanted party ticket to contest election from the same constituency.

The Jat reservation agitation was a series of violent protests in February 2016 by Jats of North India, especially those in the state of Haryana, which paralysed the State for 10 days. The protestors sought inclusion of their caste in the Other Backward Class (OBC) category, which would make them eligible for the benefits under affirmative action. Besides Haryana, protests also spread to the neighbouring states, such as Uttar Pradesh, Rajasthan, and also the National Capital Region. Police and onlookers describe the initial phase of the protests as peaceful but it later transformed into violent riots led by Jat community, especially in the city of Rohtak. Jats organized non-violent protests for reservation by blocking railway lines and roads, while non-Jats opposing their demands organized counter-protests. About 30 people lost their lives in the violence and hundreds of stores (primarily owned by the non-Jat community) were burned in the city of Rohtak. The public property worth crores was damaged. Mahesh has been a vocal critic of the then State Finance Minister Captain Abhimanyu, whose house was set ablaze by the Jat protesters. He says that on the day when Minister's house was set on fire, he was not in the town. Since, he is not in the good books of the Minister, he has been falsely implicated and is among leaders who have been slapped with NSA. He was arrested and spent 15 months in jail before he was given bail by the court. He spent more than 10 Lakh rupees to come out of the Jail. Since he is booked under NSA, his relatives also avoid visiting him and many have broken all connections with his family. In his absence, his business was adversely affected, and hence, he is now financially insecure. Since, the case is running in Chandigarh High Court, every now and then, he

needs to visit Chandigarh which also costs him and his business. His family is also facing problems in his absence as, he says, there is no “male” member at home to look after.

Mahesh does not know about NHRC. He admits that his lawyer also did not advise him about NHRC. He often goes to Delhi and meets many people but no one suggested him to approach NHRC. He is very disappointed that even though his home town Rohtak, is in close vicinity to Delhi, where NHRC is headquartered, yet he and others in Rohtak do not know about it. So says Mahesh that NHRC needs to work hard to make people aware of its presence. It needs to visit locales of human rights violations and meet people who are affected by these instances.

Case Study 4

Renu (name changed) is a 54 years old resident of Umbha. She used to live in the village with her husband who was a farmer. Their land in the village was under dispute as the Sarpanch of the village was trying to grab that since a long time. Her family along with other fellow villagers was fighting the case in the court.

Her son was employed in cotton industry in Ahmedabad and had come to the village on one week’s leave. During this time, the Umbha tribal massacre took place. She lost both her husband and son in the massacre. Now, there is no one in her immediate family. She does not have any source of income or a means to earn money. She has received money and land from the government and other political parties. The government has also provided her with basic facilities such as electricity and washroom in her house. But this is not enough to live a happy and peaceful life especially without her dear ones. These material things, feels Renu, cannot compensate for the loss of her loved ones.

Renu has no idea about any formal or informal institutions that can help her in the case. She only knows police and courts. She does not know about NHRC. She just wants the culprits of her husband and son to get punished. With other fellow villagers she is fighting for justice.

Case Study 5

Phulmati (name changed) is the resident of Dangawas village of Rajasthan. She was living a happy life with four other members of her family before Dalit atrocity which took place in the year 2015. In this atrocity she lost her husband and son. She was left with her daughter in law and a 3 months old granddaughter. Within a month of her son's death, her daughter in law remarried and left the child with Phulmati. It has been four years since this incident. Phulmati is now living with her four years old granddaughter who has started to go to school from this year. Both are living a life full of struggle but are happy to have each other. Taking care of her granddaughter and giving her a good life has become her responsibility now.

Phulmati has no mean of livelihood. She is therefore working as labour in the fields and trying to raise her granddaughter. She has no knowledge about NHRC and has not approached it. She is fighting for justice for her husband and son in the court.

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ANNEXURE

TOOLS OF DATA COLLECTION

Confidential: For Research Purpose Only

Interview Schedule for Community

Dear Respondent,

This research is being undertaken by the Department of Social Work, University of Delhi and has been sponsored by the National Human Rights Commission with an aim to understand the level of awareness about human rights and NHRC at the grassroots. We request your cooperation for the same and assure you of the confidentiality of the data provided by you.

Thanking you

1. Personal Information of the Respondent

S.No.	Question	Response	Remarks if any
a)	Name of the village/District/State:		
b)	Name (optional)		
c)	Gender	1. Male 2. Female 3. Others	
d)	Age		
e)	Occupation		
f)	Caste	1. General 2. OBC 3. SC 4. ST 5. Any other	
g)	Religion	1. Hindu 2. Muslim 3. Christian 4. Sikh 5. Jain 6. Buddhist 7. Any other (specify)	
h)	Education	1. Illiterate 2. Up to primary 3. Up to middle school 4. Up to 10th 5. Up to 12th 6. Graduation 7. Post-graduation 8. Any other	

1. Understanding of the context

1. Collect the profile of the village - Population, Educational level/ gender wise, age wise, caste wise and religion wise distribution of the village, land holding pattern and control on economic resources, history of the village, including any major instances of violence against individual or a specific community
2. Has the village experienced any incident of violence or conflict in the community? If yes, please elaborate on the following
 - ☐ Reason for violence
 - ☐ People, groups, communities or individuals involved
 - ☐ The losses- financial or other wise if any due to the above
 - ☐ Impact of the violence in the village
 - ☐ Any other relevant information
3. How was it resolved? Please explain the process.
4. What institutions/ systems you invoked to resolve the problem and why? Also elaborate on the role of these different institutions/ systems.
5. What was the outcome?
6. Was the case registered with the police Yes No
7. If no, why not?
8. If yes, whether police cooperation was available?
Yes ☐ No ☐ Please elaborate on your response
9. Please give your opinion on the role which the following institutions play during any violence/ human rights violation?
 - ☐ The local informal groups and leaders
 - ☐ The religious groups and leaders
 - ☐ Caste groups and leaders
 - ☐ Panchayat
 - ☐ Police
 - ☐ Government
 - ☐ Local representatives of the people

2. Community's understanding regarding Human Rights and related institutions

1. We, as human beings have certain rights, according to you what are these rights?
2. What do you consider as the most important human rights?
3. Which of the following according to you is a human right and how important it is for you?

S.No.	Statement	Response Yes- 1 No-2	Level of importance Very important -5 Important- 4 Unimportant- 3 Irrelevant- 2 Can't say- 1
1	Our constitution gives certain rights.		
2	I can mention these constitutional rights. (If yes, please state)		
3	Each individual should be treated equally in India.		
4	There should be no inequality on the basis of religion.		
5	There should be no inequality on the basis of sex.		
6	There should be no inequality on the basis of colour.		
7	There should be no inequality on the basis of creed.		
8	We all have right to freedom of speech.		
9	We all have right to freedom of expression.		
10	We all have right to freedom of association.		
11	All kinds of exploitation should be punishable under law.		
12	Each cultural, religious and linguistic group has right to conserve and protect their heritage.		
13	Each individual irrespective of their caste, creed, sex, age, etc. has right to education.		
14	Violation of the above should be punishable under law.		

4. Of the rights mentioned above, have any of them been violated at any time?
5. What had happened because of which you feel so (at individual/family/ community level)?
6. Do you know that there are provisions in the Constitution of India for the protection of your human rights? Yes ☐ No ☐
7. If yes, can you please tell us about these provisions?

8. Do you know that the Protection of Human Rights Amendment Act, 2006 has been passed to protect the human rights of complainant /victim? Yes ☐ No ☐
9. Do you know that there are mechanisms for the protection of Human Rights of the Complainant /Victim? Yes ☐ No ☐
10. If yes, what are these mechanisms? (seek response on both formal and informal mechanisms)
11. Why do you approach these institutions?
12. Do you feel that there is sufficient awareness concerning the protection of Human Rights? Yes ☐ No ☐
13. Are you aware of NHRC? Yes ☐ No ☐
14. Do you know where is it located? Yes ☐ No ☐
15. Do you know what is the function of NHRC/ SHRC? Yes ☐ No ☐
16. Have you or anyone you are aware of has approached NHRC/ SHRC for any support, grievance redressal or complaint? If yes, what was the outcome?
17. Is there a need for creating necessary awareness in this regard? Yes ☐ No ☐
18. What suggestions you would like to give in this regard (especially with reference to local governance and educational institutions)?

Date:

Interviewer's name:

Comments:

Confidential: For Research Purpose Only

Interview Schedule for stakeholders

An informed consent to be taken from the respondents

Dear Respondent,

This research is being undertaken by the Department of Social Work, University of Delhi and has been sponsored by the National Human Rights Commission with an aim to understand the level of awareness about human rights and NHRC at the grassroots. We request your cooperation for the same and assure you of the confidentiality of the data provided by you.

Thanking you

1. Personal Information of the Respondent

S.No	Question	Response
a)	Name: optional	
b)	Gender:	1. Male 2. Female 3. Others
c)	Age:	
d)	Occupation and current designation	
e)	Number of years in service/ present role	
f)	Caste:	1. Unreserved 2. SC 3. ST 4. OBC 5. Any other
g)	Religion	8. Hindu 9. Muslim 10. Christian 11. Sikh 12. Jain 13. Buddhist 14. Any other (specify)
h)	Level of Education	9. Illiterate 10. Up to primary 11. Up to middle school 12. Up to 10th 13. Up to 12th 14. Graduation 15. Any other
i)	Name of the village/District/State	

2. Level of Understanding the context

- a) Please provide the profile of the village and its major challenges and problems in historical context.
- b) What are the major violations or issues which have affected certain groups/ communities and individuals in the village? Please elaborate.
- c) Please detail the redressal mechanisms which were used by the villagers during these situations. Of these mechanisms, which in your opinion were most effective and why?
- d) What are the formal and informal institutions/ mechanisms which are used by people in case their rights are violated? How effective these institutions/ mechanisms are in their role?
- e) Please elaborate on the role which the following institutions have played/ play in redressal of the issues/ violations and in ensuring compliance of human rights in your village and surrounding areas.
 - The local informal groups
 - The religious groups
 - Caste groups
 - Panchayat
 - Caste panchayat
 - Police
 - Government
 - Local representatives of the people
 - Judiciary
 - Local leaders
 - NGOs
- f) Have you ever been approached by any individual/ group or community for support/ advise or intervention for any violation/ harassment or violence they may have faced?
- g) If yes, what role did you play?
- h) Are you aware of that there are some basic human rights? If yes can you please explain what they are? (Ask the respondent to also list down some of the human rights)

- i) Can you name the formal institutions, agencies, mechanisms which are designated to ensure that the human rights are not violated or if violated then justice prevails?
- j) Please provide your evaluation of the effectiveness of these agencies in ensuring that the justice is met/ human rights are not violated.
- k) Please tell the role our constitution plays in ensuring the human rights of individuals, groups and communities.
- l) Do you know about the National Human Rights Commission/State Human Rights Commission? If yes please elaborate. (also examine the awareness about the law under which NHRC is formed).
- m) Do you know where it located is? Yes ☐ No ☐
- n) Do you know what is the function of NHRC/SHRC is? If yes, please provide details.
- o) Do you know anyone who has approached NHRC for seeking justice or redressal of their grievance with respect to human rights violation?
- p) Please explain the role if any you have played in raising voice against Human Rights violations / sensitising the community about the same?
- q) Please elaborate on whether you teach/ sensitise about Human Rights to school children/ community and your role in ensuring that the Human Rights are respected in your school/ institution.
- r) Please provide suggestions on enhancing the role of NHRC at grass roots and on generating awareness on Human Rights at grass roots.

REMARKS OF THE DATA COLLECTOR

Name and signatures of data collector

Date and place of interview