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Role of International Organizations for Protection of Muslims Rights in India

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Abstract: The role of international Human rights organizations is discussed in this research. United Nations should play its role independently without the pressure of a developed state. Being a Secular and democratic state it is essential for the state to protect all individual but in the tenure of the current ruling party Bhartiya Janata Party (BJP) massive violations of human rights has been occurred. Basic rights to all individuals' should be granted to all individuals. Minority rights should be respected by the administration and strict actions should be taken on the violation of human rights.

Key Words: Human Rights Violation, United Nations, Minorities, Security

Introduction

Human rights allow people to live their life with dignity, peace, freedom, equality, and justice. Human rights are those rights given to every individual regardless of race, sex, ethnicity. religion etc. without any discrimination everyone should enjoy fundamental rights. Human rights include many rights for example right to life and liberty, freedom from slavery, the right to education and work and freedom of expression and many more. These rights are also known as natural rights, basic rights and these human rights are not new, these are as old as humanity is. These rights include liberties, civil rights, economic rights, cultural rights etc. For the development and growth of any nation it is important to protect the rights of individuals.

Since 2014 when the BJP government came into power in India Muslim rights are being violated directly. Many groups and organizations are involved in this violence which is called Sangh Parivar (family of associations) include "Bharatiya Janata Party (BJP), Rashtriya Swayamsevak Sangh (BJP), Vishwa Hindu Parishad (VHP), and Bajrang Dal" (Ramachandran, S. <u>2020</u>).

Today largest religious minority of India is Muslim which is 11% of the whole population. Being Hindu dominated state, the provision of basic human rights of other minorities including Muslims, Christians, Jews, and Buddhists has often been denied (Hardgrave, <u>1993</u>).

Efforts are being made to entirely write again Indian history in the light of Hindu mythology and nationalism. But the most alarming reality is that violence against Muslims, Christians, and Dalit has marked a sharp increase by almost 400% and the rights of the minorities were violated on a large scale (Nadeem, <u>2019</u>). For Savarkar Hindutva depended on people who accepted that their homeland and Holy land were essential for India and supported producing a national

identity (Nayyar, 2018).

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The Hindu nationalist movement in India altogether known as the Sangh Parivar arose in light of imperialism during the 1920s. It means to guarantee the prevalence of Hinduism in Indian culture and society and looks to drive out religious minorities from the nation, asserting that Hindus are compromised by developing Muslim and Christian populaces (Islam, <u>2020</u>).

The Hindu nationalist movement attempted to present religious minorities, for example, Muslims, Christians, Jewish, and Sikhs as the 'other' who are not Indian. "Every one of these networks are portrayed in the compositions and history reading material of the movement as 'outcasts', or on account of Muslims as 'trespassers' who showed up into what Hindutva adherents considered a Hindu land". (Kamat & Mathew, 2003).

This article explores the role of

international organizations in India for the protection of minorities, particularly Muslims. It proceeds as follows: protection of Human Rights, Characteristics of Human Rights, and Role of the United Nation in how the UN responds to extreme violations of minority rights.

Protection of Human Rights

Human rights are important because they give freedom to people to choose their life. By ensuring life, freedom, equity, and security and protecting weak people from the powerful. According to the United Nations, human rights: "Ensure that a human being will be able to fully develop and use human qualities such as intelligence talent and conscience and satisfy his or her spiritual and other needs" (The advocates for Human Right).

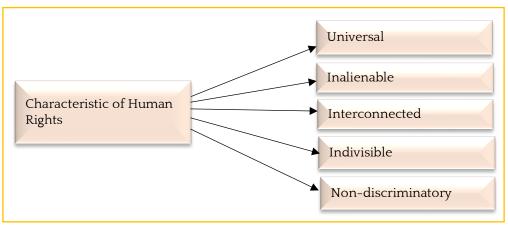


Figure 1: Characteristic of Human Rights

Source: United nation human rights office of the high commissioner and compiled by the author.



Figure 2: International Bill of Human Right.

Source: International bill of human rights and compiled by the author.

Human rights defined in international bill of rights are following:

- The right to equality and freedom from discrimination
- The right to life liberty and personal security
- Freedom from torture and degrading treatment
- The right to equality before the law
- The right to a fair trial
- The right to privacy
- Freedom of belief and religion
- Freedom of opinion
- Right of peaceful assembly and association
- The right to participate in government
- The right to social security
- The right to work
- The right to an adequate standard of living
- The right to education
- The right to health
- The right to food and housing"

Protection of human rights is a problem known internationally, so many international organisations have emerged for the purpose to protect human rights through law. At global level different endeavours have been made for the assurance of human rights. The United Nations through its convention addresses a huge progression in the heading for advancement just as security of basic liberties. International bill on basic liberties has been fused in the UN Charter. The UN Charter contains different arrangements for the advancement of common liberties and key opportunities in the Preamble and in different Articles 1, 13(b), 55, 56, 62 (2), 68 and 76(c).6 Apart from UN Contract there are four international instruments made under the sponsorship of the United Nations known as "International Bill of Human Rights", which incorporate the "Universal Declaration of Human Rights 1948", "the International Covenant on Civil and Political Rights 1966", International and "the Covenant on Economic, Social, and Cultural Rights 1966", "the Optional Protocol to the International Covenant on Civil and Political Rights", 1966 (Kaur, <u>2017</u>).

Role of United Nations

Main purpose and key function of the United Nations is protection of basic human rights in its founding charter term human rights was used seven times. For the protection of human rights Universal declaration of human rights 1948 was the first legal document (Protect Human Right).

According to the UDHR "Every individual and every organ of society shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures national and international to secure their universal and effective recognition and observance".So according to this provision not only institutions of government are responsible protection of human rights but for individuals, civil society etc. also have this responsibility.

Response of United Nation

On the massive violation of Human rights in India, the United Nations Human Rights committee made a review of how India is violating "International Covenant on Civil and Political Right". Response of the United Nations on the violation of rights is that some individuals have rights to do everything, they have impunity including persons from forces and administration and no action can be against their taken discrimination of until the permission from minorities government. In various incidents of communal violence huge numbers of individuals have lost their lives. As a result of these violations, the United Nations published its first report in June 2018 by the office of United Nation High Commissioner on Human Rights. That report described massive violation of minority rights and about the Armed Forces Special Power Act which gave impunity to Armed Forces. Although the UN and many experts insisted on removing this law. In some states of India the Police department is involved in serious violation of rights suffered by not only minorities but people of Hindu community as well. Different techniques of torture faced by individuals of democratic state. Freedom of expression is restricted as those people who criticize

policies of the Indian government are being harassed and tortured.

About minority rights violation, the UN High Commissioner for Human Rights said in March 2019 "We are receiving reports that indicate increasing harassment and targeting of minorities in particular Muslims and people from historically disadvantaged and marginalised groups such as Dalits and Adivasis". (Human Rights Watch, <u>2019</u>). Groups of Hindu extremists' targeted minorities particularly Muslims about different issues including for the protection of cows. In jobs and education Muslims faces discrimination.

Ineffectiveness of UN

The aim of the United Nation is to protect the people from killings. This organisation came into being on 24 October 1945 and it has been nearly 75 years since it started but now the role expected from the UN is denied. Different actors of the Security Council have changed their concerns. The five permanent members of the security council have veto power, when there is a need to take a final decision any one member can use veto power as a result that issue couldn't be resolved. An example is the use of veto power by Russia in April 2018 in support of Syria against the US over chemical weapons. Another example is the veto power used by the US in December 2018 about the building of an embassy in Jerusalem in which fourteen other countries were against this decision but US vetoed this decision. So in the case of human rights violation members should not veto it. The major reason for the ineffectiveness of the UN is its major members don't play an active role if the matter is not about them or does not give them benefit. It should make it compulsory for the UN to intervene where violations of human rights happened.

The main issue is that every sovereign state gets something in return, without any benefit they never took part in. And if the UN took a decision against the powerful states it would lose financial support, because its budget depends on the support of those developed states. For the survival of the UN it needs the support of the US because without financial support the UN will not be able to resolve many crises faced by many underdeveloped and developing countries (gardiner, 2007).

Role of Judiciary

According to article 32 and 226 of the Indian constitution Supreme Court and the high court have authority to take action for the enforcement of human rights. The judiciary is the ultimate protector of human rights and it plays a vital role in the protection of human rights and with need of time the judiciary also recognizes new rights. But in the case of India, the judiciary is biased, supporting the stance of the government. Muslim minorities are not able to enjoy justice. Courts are not able to do the practical implementation of rights given by the constitution of India.

Protection of Human Rights Act, 1993

An act was approved for the protection of basic human rights known as "The protection of human rights act 1993". The need of this act was at the national and international level for the protection of fundamental human rights. The basic purpose of this act is to provide an organizational structure to secure fundamental human rights and this Act accommodates Human Rights Commission at national level also as at the State level in each state and further for the arrangement of Human Rights Courts at the regional level for better security of human rights and matters associated therewith. Human rights are defined in section (2) b of the act as "the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India".

There is a lack of implementation of this protection of the Human rights act because the violation of basic human rights is not stopped. So this is a question on the effectiveness of this act. Basic violation of human rights under the subject of national security is affected the performance of this act.

National Human Rights Commission

It is the State's essential duty not only to protect basic human rights but to stop the violations, this duty is done by the state through its institutions. In part III and part IV of the Indian constitution the Indian government gave recognition to many human rights. For the protection and promotion of human rights, the protection of human right act was passed in 1993 and established a body known as the National human rights commission for the protection of this act (Kumar, <u>2017</u>).

Under the protection of human rights act 1993 the commission of human rights was established. One chairperson and four other members were included in the commission. For the oppressed and weak section of society some members from other organizations are ex-officio membership given of this the commission. Some members are chairmen of the National Commission for Minorities, the National Commission for SCs. the National Commission for STs and the National Commission for Women. The function of the human rights commission are to investigate on the matter of Human Rights violation. Send recommendations to the government regarding the condition of individuals living in jails. Review the policies about human rights by the government and share some suggestion and recommendation for improvement. Go through with different treaties and international instruments about human rights and make a recommendation for effective implementation. In the field of human rights promote research and aware people about fundamental human rights through various sources including media, publication, seminrs and other means.

The basic purpose of this commission is to explore the reason for human rights violation but its actual work is affected by some limitations. Because through this commission the government can get recommendations only, this act has no power to implement their decision and also they are not allowed to investigate matters related to armed persons. The National human rights commission declares itself bound to follow the constitution, in any investigation NHRC is only allowed to ask for a report of that incident. They got many complaints but the financial support is very limited. For the protection of fundamental human rights, this act should play its role very effectively. It should be an independent commission which can investigate matters related to civilians and armed persons.

Report by UN Human Rights Office of the High Commissioner

For the inquiry of basic human rights violations in Kashmir, the United Nation Office of the High Commissioner for Human Rights issued a report in July 2018. To give justice to the people of Kashmir and prevent the violation of human rights is a crucial requirement. The main concern of the report is between July 2016 to April 2018 when a member of the armed forces was killed by India armed forces and protests were initiated (UN guiding principles on business and Human Rights, 2021). In the report it is stated "1,081 civilians have been killed by security forces in extrajudicial killings between 2008 and 2018. Of the 160 civilians reportedly killed in 2018, 71 were allegedly killed by Indian security forces. The Kashmir Valley, where most of the protests and armed encounters are reported to have taken place, accounted for 122 of these civilian killings. In the first 3 months of 2019, 21 civilians were reportedly killed by various perpetrators including armed groups, unknown gunmen, and Indian security forces and cross border shelling by Pakistani security forces along the Line of Control. In the report, it is mentioned about the use of the most dangerous weapon "Indian security forces pellet-shot-gun. continue to use pellet firing shotguns in the Kashmir Valley as a crowd control weapon despite concerns as to excessive use of force and a large number of incidental civilian deaths and injuries that have resulted". According to information "from Shri Maharaja Hari Singh Hospital of Srinagar most pellet shotgun injured are treated around 1253 people have been blinded by the metal pellets used by security forces from mid of 2016 to the end of 2018".

About arm forces special power act "The Armed Forces Special Powers Act 1990" (AFSPA) remains a key obstacle to accountability. "Section 7 of the AFSPA prohibits the prosecution of security forces personnel unless the Government of India grants a prior permission or sanction to prosecute". From past many years' persons from armed forces never faced trials.

It is recommended to abolish the Arm Forces Special Power Act and help the individuals and their families who were injured in security operations. Justice to the people of Kashmir and measure should be taken to prevent the discrimination of fundamental human rights. The use of pellet guns should be prohibited. The Armed Forces special power act should be abolished. Media should be free from any restriction and should provide awareness to the people about basic rights. Justice should be provided to all individuals equally. Attacks on ethnic minorities should be prevented. And religious minorities should get protection.

Current Reports about Human Right 2020 World Report 2020 by Human Rights Watch

Bharatiya Janata party (BJP) won a second term for the 2019 elections, harassment of journalists and the person who speaks about vulnerability is becoming routine. Practically in August the government revoked the special constitutional status of Jammu and Kashmir without any announcement and deployed military troops, turned off the internet service, and placed many people in imprisonment. The government failed to implement the Supreme Court's order and even the government was unable to protect its citizens. A citizenship verification project is also putting many Muslim at risk of statelessness.

After the Pulwama incident of Pulwama February 14 many Kashmiri citizens got harassed victimized and by Indian nationalists. The Indian government deployed more troops in Jammu and Kashmir before repealing the special status of Jammu and Kashmir. In July UN High commissioner for human rights issued an update about the 2018 report issued about Pakistani and Indian administered Kashmir that both states have not taken steps for the concerns with earlier report raised.

Violence against Muslim minorities is increased by Hindu extremists who are BJP members. Incidents of killings and injuries are increasing day by day, police and other institutions are failed to protect Muslim minorities. Police do not even inspect the crime but against witnesses filed false crimes and harasses them (World Report, 2019).

Amnesty International Indian 2020

In India not every individual enjoys the freedom of expression, unlawful restrictions are faced by peaceful protesters and without any charge of trial the individual faces arrests and detentions. Religious minorities became victims of mob and police officers. After the citizenship amendment act 2019 which citizens of allows the Afghanistan, Bangladesh, and Pakistan to get Indian citizenship eliminating Muslims, people who were involved in protests against this act faced detention.

Due to covid-19 pandemic, restrictions have been imposed on freedom of expression and assembly. Due to disaster management act nationwide lockdown is imposed. People faced restrictions on freedom of expression even before the pandemic. After the outbreak of covid-19 when lockdown was imposed many journalists were arrested in India and Indian occupied Kashmir because of "false news" about Prime Minister NarendraModi.

In New Delhi, the capital of India communal violence broke out in February, in that riots 53 people were killed, mostly were Muslims and more than 500 were injured. On behalf of the union government, unlawful forces were used by police in violations of human rights. Impunity given to security personnel through "The Arm Forces Special Power Act" became a reason for such brutalities with un-armed persons (India, 2020).

2020 Country Report on Human Rights Practices: India

Religion-based violence on religious minorities by Groups associated religiously is a serious concern. Victims of such violence are Muslims and low-caste Dalits. According to data from the ministry of home affairs for 2017-2018 703 incidents of religious violence occurred in which 86 persons were killed and 2321 were injured. There are 672 cases of discrimination against scheduled caste according to NHRC and in 2018-2019 there are 79 cases against minorities.

According to media reports in April at

Ahmedabad a public state-run hospital separated its ward for Muslims and Hindus Covid patients. This discrimination against Muslim minorities is so unlawful. On suspicion of smuggling of cows, people attacked a person in Rajasthan, police took that person to the hospital and instead of going to the hospital then went for tea in a restaurant and when they reached the hospital that person was declared dead (country Reports on Human Rights practices: India). Being a secular democratic state these brutalities with minorities should not take place.

Different political actors like the US Congress criticize the policies of India about the violation of minorities' rights including areas under the occupation of India In august on the request of china UN Security Council held a close meeting about Kashmir. Members were concerned about human rights violations in Kashmir and Pakistan-India increasing tension. In September, at the Human Rights Commission, the European Union discussed Kashmir's situation. Asking Indian authorities to give freedom to affected individuals and lift the restriction. Also a debate was held about the Kashmir issue and urged both countries Pakistan and India to respect the obligations of international rights. In 2020 UN special procedure issued many statements about human rights violations, extra judicial killings and communication blackout in Kashmir.

Conclusion

The political system of India is highly impacted from this extremist ideology. The BJP ruling party of India is promoting Hindu nationalism. And this ideology is impacting the fundamental human rights minorities. Those Hindus who are part of RSS or BJP consider India as a state who belongs to Hindus only and those who are not from the Hindu religion have to suffer, their lives are under danger, their business, properties and homes all are under the high risk. Massacre of Muslims under the Modi regime is increasing. The Constitution of India is giving rights to it's all citizens but on violation of minority rights law and enforcement institute don't take any step against Hindu mob but instead of this support them. The Indian constitution gives special rights to the people and calls it a secular state but all political parties have political power not following these practices. According to the Indian constitution, every citizen has the right to freedom of religion, they have freedom from exploitation but on these violations human rights organizations are silent. For the rights, Muslims have given much struggle. As citizens of India Muslims should have all the rights equal to other citizens of India. There should be some institutions where Indian Muslims get their rights. For Muslims, there should be awareness for their rights so they will know about their rights. Muslims should be united for the change of state's behaviour towards Muslims. Their opinion should get respect and in this matter, the media should play a positive role for promoting their rights but the role of the media is not supported.

Indian Muslims who are individuals of India are loyal to their state, but their loyalty is suspected. They face discrimination in every matter either it's about education, employment or political affairs. After the separation of Pakistan and India, India seems the Muslim community as an enemy, they consider them terrorist. They promote those agendas which are beneficial for Hindus only, basically this what Hindutva is believed.Muslims are not safe in India, Indian history is full of reports of communal violence against Muslims. Anti-Muslim and Anti-Islam strategies are being established in make the the state to challenging environment for Muslims. Notion of Islamophobia being portrayed by PM Modi is his different speeches. After his government number of hate crimes are increased, anti-Muslim communal violence subjugating Muslim's basic rights. Hindutva ideology is impacting the mind of Hindu individuals so they consider themselves supreme and violate the rights of minorities.

It is the duty of the ruling party to make the environment of a state peaceful but due to the rising extremism against minorities making it hard. Negative role of the media is also responsible for this situation. Media is biased about the information about Muslims, they screamed about any incident happened to Hindus but their silence on any Muslim incident shows biasness. Like any incident about temples they made headline news but about the incident of the Mosque they never speak about it, they will say any religious place faces destruction. Being a secular state, the rights of every individual matters but in reality the focus is the welfare of Hindus only. Minorities including Muslims, Christians etc. are neglecting. In the current scenario of India it's clearly representing the failure of secularism, because in the state matter interference of Hindu activists is increased. So the separation of politics for religion in the Indian state is not possible if they have much involvement of Hindutva ideology in state affairs.

Human Rights organizations have failed in their purpose to bring peace and welfare. Muslims who suffer with religious discrimination, problems in their social and financial matters have to show endurance. Just some statements from super powerful organizations like the UN are not enough. Condemning and issuing statements remain insufficient unless followed by concrete policy actions. They should do practical work for the development of fundamental rights of minorities in states like India.

According to the John Rawl theory every individual should enjoy basic rights. There should be fairness in justice, in social and economic matters everyone should consider equally. But it is totally opposite in the case of India. Muslims have huge problem of unemployment, they face discrimination in an educational institute. Their representation in political matters is very low.Hindu mob is violating Muslim rights, and attacks on Muslim became a usual. Muslim female, children and even youth feel fear while coming out of their home and even in their homes. Security of these individuals is not assured. This is basically the failure of the government and its institutions. Which failed to make it possible to practice the constitution. The constitution provides rights to minorities including equality in all affairs, if it is equality in religious matters, educational or economical matters. Every individual has the freedom to live and move in the country. All individuals have rights against exploitation but in practice there is no implementation.

Propaganda strategy is being used by the media using social media against Muslims became normal. For a long time the minds of people have been influenced by the tactics used by the media against Muslims. So as a result the common population do such acts which can harm sentiments of Muslims. The Indian constitution granted rights to minorities, Human right organizations like UN provide fundamental rights to all individuals but in reality there is no implementation of rights. Exploitation and discrimination is being faced by Muslims but the world is silent not take an action. In this scenario there is a need to take bold action to provide all the rights to minorities and to minimize the influence of Hindu extremists.

Recommendation

For the solution of this issue some policy suggestions and recommendations have been given to minimize the role of a Hindu extremist in the life of Muslim minorities.

- Racial discrimination in all its forms should be eliminated by the adoption of international conventions.
- Human rights protectors, religious freedom advocates and different Human Rights Organizations who are facing harassment, under the foreign contribution regulation act (FCRA) that harassment should be stopped.
- Human rights violations should be prevented and there should be awareness about human rights.
- The Armed Forces Special Power Act should be repealed and there should be police reforms to give punishment without impunity.
- For maintaining peace in India it is necessary to provide justice to all individuals so there should not be any discrimination.
- Violations done by majorities are not considered against the state's interest but minorities have to face criticism and loss of lives and properties. So against the discriminations, the state institutions should work.

- Islamophobia promoted by the media and Hindu nationalist should be stopped.
- The United Nations and other human rights agencies should participate actively in providing basic rights.
- And most importantly religious extremism should be controlled for the better future of India.
- For the protection of fundamental rights measures should be taken and Efforts should be taken to prevent violent extremism.

- Strategies should be built to protect rights and prohibition of discrimination of human rights.
- The Organisation of Islamic Cooperation (OIC) can play a role against the policies of Indian government towards Muslim minorities.
- Pakistan should mobilize Islamic Countries Turkey, Malaysia, Iran, Bangladesh etc and also China to play their role in minimizing Indian atrocities within India against minorities.

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