

# THE HUMAN RIGHTS COMMUNIQUÉ

YOUR MONTHLY DOSE ON HUMAN RIGHTS

(NEWSLETTER FOR CENTRE FOR ADVANCED STUDIES IN HUMAN RIGHTS, RGNUL, PUNJAB)

*Vol. II, Issue 3*

*October 2015*



-EDITORIAL BOARD-

Prof.(Dr.) Paramjit S. Jaswal, Patron-in-Chief  
Prof. (Dr.) G.I.S. Sandhu, Patron

Dr. Shilpa Jain, Editor-in-Chief  
Mr. Dharav Shah, Student Editor  
Ms. Srishti Bharti, Student Editor



## *REGIONAL ENFORCEMENT MECHANISMS OF THE UN*

### **BACKGROUND**

Regional enforcement mechanisms of the United Nations bodies entail human rights protection systems employed by each region. This system majorly includes inter-state complaints, state reporting, country reports, finally individual complaints, and execution of the judgments rendered by these regional bodies. The end of World War II signalled a change in the international community's attitude towards human rights. Since the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations in 1948, many more instruments of international human rights law have been developed with corresponding enforcement mechanisms.

The post-World War II era has witnessed the flourishing of various international human rights regimes, amongst which are the regional human rights systems. Regional systems have developed various treaties and provided means for enforcement. The term "enforcement" is used in a very loose sense to include compliance with monitoring mechanisms, such as state and country reports and other strictly execution mechanisms, like individual complaints and enforcement of decisions of regional human rights bodies. However, as per Harold Koh, whilst international human rights are under-enforced, "they are enforced" through the transnational legal process. This process consists of interaction between international institutions, interpretation of the legal norms they develop, and internalization of these norms into the collective consciousness of international actors and domestic systems.

### **REGIONAL HUMAN RIGHTS PROTECTION MECHANISMS**

At the regional level, human rights protections systems developed independent of the United Nations system. The United Nations Charter has not made any provision for the possibility of the development of regional human rights systems. The only reference made to regional systems was in relation to peace and security. In fact, the United Nations was skeptical about the development of regional human rights systems, fearing that they would undermine the universality of human rights. The development of regional systems, however, recognized the basic instruments developed by the United Nations system. The European Convention on Human Rights clearly refers to Universal Declaration of Human Rights. The African Charter of Human and Peoples' Rights, in its preamble, states the relevance of the Universal Declaration of Human Rights.

Regional human rights mechanisms present certain advantages that other protection mechanisms cannot offer. The likelihood of similarity in cultural, political, and economic peculiarities among states that are in a region makes it easier to reach an agreements on the text of a common convention. States tend to show more inclination to conform to regional initiatives than international ones and thus this adds to the advantage of better enforceability of decisions of regional mechanisms over their international counterparts. It is also true that regional organizations are located closer than other international human rights organizations; they offer a more accessible forum in which individuals can pursue their cases. The political, cultural, and economic similarity further enables regional systems to offer better enforcement potential than their international contemporaries. States tend to show stronger political will to conform to decisions of regional bodies. Regional sanctions can be more effective than other international sanctions.

### **ASIA PACIFIC**

The Asia-Pacific region is one of the most culturally and politically diversified ones in the world and the lack of political will is a major reason why there is no organized human rights enforcement mechanism in the area, although agencies like ASEAN and SAARC are an important step towards the promotion and protection of human rights. The active participation of NGOs has proved to be a driving force in the area of human rights. The Asia Pacific region still needs to work on the basic political and legal structures that are required in a civil society, which can contribute to the development of regional human rights protection mechanisms.

### **EUROPE AND AMERICA**

In Europe, the European Convention on Human Rights and Fundamental Freedoms is the primary human rights instrument and under this the European Court of Human Rights was established as a permanent Court overtaking the tasks of the former Commission which

was abolished. Any individual claiming to be a victim of a violation of a human right enshrined in the ECHR can directly lodge a complaint against a member state at the Court. Although this individual complaint mechanism is one of the major strengths of the system, it has also created serious problems. The court is overloaded with work which results in delayed justice to the victims. A further shortcoming of the ECHR is its limited jurisdiction on social, economic and cultural rights, and both, the European and American systems, lack judicial powers regarding these rights.

### AFRICAN COURT OF HUMAN RIGHTS

The African Court of Human rights was established by a Protocol to the African Charter on Human and Peoples' Rights and came into force in 2003. The African Court has both contentious and advisory jurisdiction. The decisions of the African Court are binding on the States. Under the current structure; only the African Commission and states have direct access to the African Court. Individuals and NGOs do not have direct access to it. They can only access to the African Court if States make a declaration to that effect. Even though in Africa all the essential elements of an effective regional human rights mechanism are in place, the system still suffers from some deficiencies that affect its effectiveness. One obstacle to the effective functioning of the African human rights mechanism is the lack of political determination as some states fail to cooperate and participate in the regional enforcement mechanism. The deficiencies in institutional capacity undermine the proper functioning of the human rights protection system. The Commission suffers not only from under-funding but also from lack of human capital, since most Commissioners hold high-ranking national positions.



### THE ARAB STATES

The Arab Charter on Human Rights came into force in 2004 and entered into force in March 2008, in various countries of the Arab Region but was inconsistent with international human rights standards. The same applies to the newly established Arab Committee on Human Rights, the success of which will largely depend on its member countries and their views on Human Rights. Comparing to other countries, enforcement mechanisms in Arab States are a tough job due to resistance from member states and Islamic codes which prove a major obstacle. The second situation occurs when states have their own interests and concerns. The case filed by Austria against Italy is a good example.

### INTER STATE COMPLAINTS

The term Inter-state complaint, in international law, refers to complaints made by one state against another before an international body or tribunal alleging a violation of other state's obligations. Two situations explain why states utilize inter-state complaints procedures. One situation is a purely human rights consideration with no economic or political interest. The rationale behind an inter-state complaint mechanism is that states are interested in the protection of human rights and as such will be diligent participants in such litigation.

### CONCLUSION

The acculturation of human rights within liberal democratic government frameworks encourages domestic internalization and the spread of these values amongst states, especially states who perceive they have commonalities, such as democracy, or who aspire to be counted amongst those 'morally higher' states. Despite the various shortcomings in the enforcement mechanisms of international human rights law; there is hope amongst the recent decisions of the UN Security Council over Libya, and also for regional bodies with more credibility within their regions to act. The weaknesses are due to unavoidable aspects of our anarchic global society, especially the principle of state sovereignty.



The most powerful enforcer of human rights is the horizontal and vertical transnational legal process and the resulting internalization and socialization of human rights values. Whilst the enforcement of any kind of international law is fraught with issues that domestic laws do not have due to the lack of an international authority, the value of socialization and peer pressure is not to be underestimated when it comes to the enforcement of international human rights law.

Contributions are invited for the further issues of the CASIHR newsletter. The last date of submission would be 15<sup>th</sup> of every month and it can be mailed on [casihr@rgnul.ac.in](mailto:casihr@rgnul.ac.in).

TRIVIA

- According to the international Lesbian, Gay, Bisexual, Trans and Intersex Association, 78 countries have laws in effect that are used to criminalize consensual relationships between adults of the same sex.
- 28 countries around the world have laws which completely ban abortion even in cases where a woman's life or health is in danger and in cases of rape.
- The total numbers of child labourers remain high, with UNICEF and the ILO acknowledging an estimated 168 million children aged five to 17 are involved worldwide.

DAYS OF MONTH

- International Day of Non – Violence – 2 October
- World Animal Welfare Day – 4 October
- World Food Day – 16 October
- UN Day – 24 October

DID YOU KNOW?

Mahatma Gandhi was nominated for the Nobel Peace Prize for five times from 1937 to 1948, but never received one. In fact, in 1948, the Nobel Committee made no award, stating "there was no suitable living candidate".



*To deprive a man of his natural liberty and to deny to him the ordinary amenities of life is worse than starving the body; it is starvation of the soul, the dweller in the body.*

- M.K. Gandhi

**ABOLITION OF RACIAL DISCRIMINATION: GANDHIAN WAY**

The policy of racial discrimination began with the coming of Dutch in the 17th century. When Dutch were thrown out by the British, this policy was continued. The genesis of this policy lied in the superiority of whites and their dominance over economic and political system in South Africa. The role played by Mahatma Gandhi in elimination of racial discrimination in South Africa was unmatched. A small incident occurred in 1893 in Pietermaritzburg, South Africa, which turned the whole course of human rights, when the Father of our nation, Mahatma Gandhi, was thrown out of the train because he was a coloured man and therefore, not allowed to travel in first class. This incident served as a matchstick leading to the explosion of the inflammable material which had gathered in heap on account of a variety of causes including absence of basic freedom and rights of the people.

The colour prejudice became an invincible obstruction in the path of achievement of basic human rights. Indians, along with the natives of South Africa, became victims of such abuse. Indians were generally addressed as 'Asians' and sometimes, 'Blacks'. They were deprived of all their rights and were stripped off their dignity as well. When Gandhi saw such pitiable situation of his community, he decided to take charge and revolt against policies of the colonial government. Soon, he started preaching his ideology. The All-White government of South Africa considered the growing number of Indian immigrants, who were now politically conscious of their rights, as a threat on their land.

The Indian and other Asiatic people constituted the labour class in South Africa. Irrespective of the said fact, they were exploited by the whites. In 1906, the Satyagraha movement started in Empire theatre on Ferreira Street in which 3000 people were present in agitation against an Ordinance requiring the people of Asiatic origin carry a pass and be fingerprinted.

Mahatma Gandhi, as revered and called by millions across the globe, through Satyagraha ignited a fight against racial discrimination which envisioned leaders like Martin Luther King Jr. and which later led to condemnation of racial discrimination and creation of International Convention on the Elimination of All Forms of Racial Discrimination was adopted by General Assembly resolution 2106 (XX) of 21st December, 1965 and entered into force on 4th January, 1969. Currently, this convention has 87 signatories and 177 parties, including India and South Africa.

Further, the General Assembly, in its resolution in 1974, resolved that the South African regime should be totally denied participation in all international conferences and organizations under United Nations as long as it continues to practice apartheid.

Interestingly, the principles against apartheid or racial discrimination, as preached by Mahatma Gandhi, have gradually been incorporated in various international treaties and conventions, to end all sorts of discrimination on the basis of race, caste, creed etc. from all the countries. It was in 1994 that a democratic, non-racial government assumed office in South Africa as a result of several actions at the international level.

Apart from these, the United Nations organized various conferences and passed resolutions at General Assembly imposing sanctions on South Africa and supporting South African Liberation Movement in a bid to abolish apartheid from South Africa.

And today, a plaque in the town of Pietermaritzburg reads 'In the vicinity of this plaque MK Gandhi was evicted from a first-class compartment on the night of 7 June 1893. This incident changed the course of his life. He took up the fight against racial oppression. His active non-violence started from that date.'

## ***HUMAN RIGHTS NEWS...***

### **DADRI LYNCHING SERIOUS VIOLATION OF HUMAN RIGHTS, MAY TAKE ACTION: NHRC**

Calling the lynching of a man at Dadri “a very serious violation of human rights”, the National Human Rights Commission on Monday said that “it did not rule out” the possibility of taking action over it. However, it said the law restricts it from acting since the matter has been taken up by the National Commission for Minorities. “The Dadri incident is a very serious violation of human rights and some complaints have come to us. But, under the statute, we have no jurisdiction to take cognizance of violation of human rights if another commission has already taken note of it. But we are exploring the possibility of doing something about it,” said Justice Cyriac Joseph, acting chairperson of the NHRC.

### **NEED TO BALANCE HUMAN RIGHTS AND DEVELOPMENT: KAILASH SATYARTHI**

Nobel laureate Kailash Satyarthi has stressed on the need to balance human rights and development, which as per him are the two sides of the "same coin". Satyarthi, stated at an event organized by the National Human Rights Commission that. "Human rights and development are two sides of the same coin. In ignoring one, you are challenging the other. The development discourse is incomplete without ensuring collective and individual human rights to one and all," he said.

### **INDIA ACCUSED OF NEGLECTING HUMAN RIGHTS VIOLATIONS IN KASHMIR**

Amnesty International has accused the Indian government of refusing to prosecute the perpetrators of human rights abuses in the Indian-controlled Kashmir. According to the rights group, over 96 percent of all allegations of human rights violations filed against Indian personnel have been declared as false or baseless.

A report by the International Peoples' Tribunal on Human Rights and Justice in Kashmir and the Association of Parents of Disappeared Persons (APDP) has identified more than 900 individuals, whom it blames for a range of human rights abuses carried out by Indian security forces between 1990 and 2014. These include 150 officers of the rank of major or above.

“The people alleged to have been involved in these crimes cannot commit them individually. Others will have supported them or could have stopped them. We looked at officers at a higher level who knew about the human rights abuses. This is a systematic tactic and policy,” said Khurram Parvez, one of the report’s authors.

### **RIGHTS PANEL ISSUES NOTICE TO JHANSI TOP COP OVER GANG-RAPE OF CONSTABLE**

The National Human Rights Commission (NHRC) has issued a notice to the Senior Superintendent of Police (SSP) of Jhansi, Uttar Pradesh over allegations of gang rape of a woman constable by her colleagues. Taking *suo motu* cognizance of a

media report that female constable was gang raped by her male colleagues in Maoranipur of Jhansi district, the Commission has issued notice to SSP Jhansi seeking a report within two weeks. "The Commission has observed that the contents of the report, if true, raise a serious issue of violation of human rights of the victim," an NHRC statement said. According to a media report published on the October 6 and forwarded by a human rights activist to the Commission, the woman constable, a resident of Mainpuri, who was posted at Etawah Police Line.

### **NHRC NOTICE TO TOP OFFICIALS OF UTTAR PRADESH ON MAINPURI VIOLENCE REPORT.**

National Human Rights Commission (NHRC) has taken *suo motu* cognizance of a media report which stated that tension prevailed in a Mainpuri district after rumours of cow slaughter triggered violence on October 7 and served notices to the top police and administrative officials’ of Uttar Pradesh. NHRC has served notices to the Chief Secretary and Director General of Police and the Government of Uttar Pradesh calling for a report in the matter within two weeks. According to the report published on October 10, protesters had vandalized properties, targeted police vehicles and resorted to arson."

### **DENGUE DEATHS: HUMAN RIGHTS COMMISSION ISSUES NOTICES TO CENTRE, DELHI GOVERNMENT**

The National Human Rights Commission (NHRC) has issued notices to the Central and the Delhi government over reports that several patients of dengue died after allegedly being denied admission to hospitals in the national capital. The NHRC also directed authorities to specify in their reports action taken against erring hospitals and nursing homes that denied admission to dengue patients, besides the short-term and long-term measures proposed for prevention and treatment of dengue in Delhi. "Details have been sought on ex-gratia payment scheme formulated by the government for deaths due to negligence by hospitals," an NHRC statement said. The NHRC took a *suo motu* cognizance of media reports that two children died of dengue after some private hospitals in the city turned them away.

## ***AROUND THE GLOBE...***

### **SENIOR UN OFFICIALS WARNA AGAINST UK PLANS TO SCRAP HUMAN RIGHTS ACT**

The UN’s most senior human rights official who has condemned the UK government’s proposal to scrap the Human Rights Act. In an unusual intervention for a UN official, Prince Zeid Ra’ad Al Hussein said the Conservative party’s threat to leave the European court of human rights (ECHR) was “profoundly regrettable”. The Jordanian prince became the UN’s high commissioner for human rights last summer. He was speaking at a meeting of the United Nations Association in UK. The British bill of rights, promised in the Conservative election

manifesto, will “break the formal link between British courts and the European court of human rights”. Judgments from Strasbourg will, in effect, become advisory and the UK’s Supreme Court will become supreme.

### **MOCKERY OF IRANIAN JUVENILE SYSTEM AS TWO JUVENILES EXECUTED IN TWO DAYS**

According to Amnesty International, reports have emerged of a second execution of a juvenile offender in Iran in just a few days, which reveal the full horror of the country’s deeply flawed juvenile justice system. Salbehi was hanged in Shiraz’s prison in Fars Province despite Iran being bound by an absolute international legal ban on juvenile executions, and severe flaws in her trial and appeal. She had been sentenced to death in May 2010 for the murder of her 30- year- old husband, Hamed Sadeghi, whom she had been forced to marry at the age of 16.

An expert opinion from the State Medicine Organization provided at the trial had found she had had severe depression and suicidal thoughts around the time of her husband’s death. However the death sentence was upheld by Iran’s Supreme Court later that year.

### **AIR STRIKES IN SYRIA BY US LED COALITION AMOUNTS TO WAR CRIMES**

A fact-finding mission to northern Syria has uncovered a wave of forced displacement and home demolitions amounting to

war crimes carried out by the Autonomous Administration led by the Syrian Kurdish political party Partiya Yekîtiya Demokrat (PYD) controlling the area, said Amnesty International in a report published today. The Autonomous Administration is a key ally, on the ground, of the US-led coalition fighting against the armed group calling itself the Islamic State (IS) in Syria.

*‘We Had Nowhere Else to Go’: Forced Displacement and Demolitions in Northern Syria* reveals evidence of alarming abuses, including eyewitness accounts and satellite images, detailing the deliberate displacement of thousands of civilians and the razing of entire villages in areas under the control of the Autonomous Administration, often in retaliation for residents’ perceived sympathies with, or ties to, members of IS or other armed groups.

### **NOBEL PEACE PRIZE FITTING TRIBUTE TO TUNISIAN NATIONAL DIALOGUE QUARTET’S FIGHT FOR RIGHTS AND FREEDOMS**

The Tunisian National Dialogue Quartet’s newly awarded Nobel Peace Prize is a fitting tribute to its members’ work in strengthening civil society and human rights in a society still struggling with the legacy of decades of repression and abuse, Amnesty International said today. The organization has worked with and spoken out to defend the rights of three of the four Quartet’s members, which have for decades been at the forefront of the fight to defend the human rights of Tunisians.

### **MOHANDAS KARAMCHAND GANDHI**

Mohandas Karamchand Gandhi was born into a merchant family in the town of Porbander on 2 October 1869. Regarded as the *father of the nation*, he was one of the prominent leaders of the Independence Movement. He founded the political movement, known as the Natal Indian Congress, and developed his theoretical belief in non-violent civil protest into a tangible political stance, when he opposed the introduction of registration for all Indians, within South Africa, via non-cooperation with the relevant civic authorities.

This theoretical belief also manifested during the Indian Freedom Struggle in the form of the famous Non-Cooperation Movement of 1921 and Civil Disobedience Movement of 1930. Recognising his political influence nationally, the British authorities were forced to negotiate various settlements with Gandhi over the following years, which resulted in the alleviation of poverty, granted status to the ‘untouchables’, enshrined rights for women. Even after his death, Gandhi’s commitment to non-violence had led to Satyagraha becoming one of the most potent philosophies in freedom struggles throughout the world today. Gandhi’s actions inspired future human rights movements around the globe.

### **-CASIHR COMMITTEE-**

Ms. Aishwarya Malik	Ms. Shubhi Pahwa	Ms. Srishti Bose	Mr. Mohit Khandelwal	Mr. Naveed Mehmood
Mr. Chinmay Surolia	Ms. Priyanka Singla	Ms. Komal Parakh	Ms. Madeeha Majid	Mr. Himanshu Rathore
Ms. Bhaavi Agarwal	Ms. Afreen Fazal	Ms. Bhavana Chandak	Ms. Apoorva Agrawal	

## REGINA V. WHITE (ANTHONY)



SAY NO TO RACIAL  
DISCRIMINATION

### Facts:

Fatama Turay from Sierra Leone, West Africa, was employed as a bus conductress. On 14<sup>th</sup> July 2000, she was on a bus travelling from Putney to Tottenham in London. The defendant boarded the bus and sat between two female passengers. Mrs. Turay believed that she saw him putting his hand into handbag of one of the women and this formed the basis for the count of attempted theft. However it was alleged that, when leaving the bus, the defendant's conduct towards the conductress amounted to offence under section 4 of Public Order Act, 1986, as the allegation was that the defendant used abusive or insulting words towards the conductress, also calling her as an "African Bitch".

### Issue Raised:

The issues which were raised before the hon'ble court in this case included that:

- a. The recorder had erred in law in ruling that the term African Bitch fell within section 28(I) of the 1998 Act and in rejecting a submission of no case to answer
- b. If the defendant, in using the term "African Bitch", had been referring to a racial group within the statutory definition of section 28 of the 1998 Act, it was to the same racial group as his own, and Parliament could not have intend to create criminal liability in those circumstances.
- c. The recorder had erred in declining to discharge the jury following his direction, on the defendant's submission of no case to answer, that the defendant be acquitted of attempted theft.

### Judgment:

The Crown Court at Blackfriars before Mr. Recorder Lafferty and a jury, convicted Anthony Delroy White by a majority of 10:2 of an offence of using racially aggravated, threatening, abusive words, contrary to section 4 of the Public Order Act 1986 and Section 31 of the Crime and Disorder Act 1988.

It was held that the word African has a racial connotation, the expression "South American" in England and Wales probably does not. It was also held that "the recorder as entitled to leave the case to the jury and he was entitled to make the interlocutory decisions he did that the grounds of appeal fail. There is nothing unsafe about the verdict."

It was also held that "The offence is racially aggravated because at the time of committing that offence the defendant demonstrated a hostility towards the victim based on the fact that she was an African and he perceived her to be an African. Hence, in the light of the same it was observed that the section was sufficiently elucidated in wide terms so that an discrimination African Woman could be imported within the meaning of 'race' or 'ethnic.'

### Analysis:

The judgment puts forward an overt stand against racial abuse and ponders upon an important aspect i.e. the definition of "race" and how there can be violence or threat to someone aggravated by racial means. It shows the judicial approach in widening the meaning of the term "race" to ensure no miscarriage of justice takes place. The term "racial group" is defined as a group of person defined by reference to race, colour, and nationality (including citizenship) ethnic or national origin. In the present judgement different instances and case laws have been used in order to explain the term in broadest possible sense as the aggravation initiated by the defendant is a touchstone of the racial overtone, if not undertone, still prevalent in society proficient in ensuring equality.

The recorder explaining the case of *Mandla (Sewa Singh) v. Dowell Lee* in present case and explained that how a particular ethnic group can be regarded as a race under Race Relations Act, 1976 such as a distinct community by virtue of certain characteristics. It was very aptly put forth that the essential characteristics intend sharing a long common history, having a cultural tradition of its own including family and social customs and manners and other features like common language, common literature, etc.

Lord Faser further emphasized that 'ethnic' conveys a flavour of race but is not strictly used in 1976 Act in racial or biological sense. But the term "African Bitch" in the present case was used as offensive word where "African" is construed to fall in category of "racial group" defined by reference to case.

This case is that of the ensnarement of equality on the basis of the ethnicity of a particular person. There has been no overzealous prosecution, for the term "African Bitch" is downright derogatory, not only because of the terms used, but also due to the underlying arrogance of a class or section of society harbouring delusions of adequacy. The issue of racial discrimination is very much present in today's world and there are many facets of racial discrimination which include indirect discrimination and racial vilification and as such the International Convention on the Elimination of All Forms of Racial Discrimination played a pivotal role in ensuring that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination and this judgement appears to be an action in furtherance of this resolve.

## IN CONVERSATION WITH...

In the back drop of controversies involving cow slaughtering in India, and the recent mob lynching incident, which resulted into a human killing at Dadri, in Uttar Pradesh; we, at CASIHR, invited opinions on:

### **Cow Slaughter v/s Human Killing: Is this a reality in Digital India?**

**Our worthy Vice Chancellor, Prof. (Dr.) Paramjit Singh Jaswal remarked**

The issue of Human Rights occupies a special place and in spite of the liberalisation, privatisation and globalisation and the development of the digital world, the human rights of the people cannot be trampled with. As far as the prohibition of cow slaughter is concerned, this should not be mixed with the killing of human beings at any cost.

**Hon'ble Registrar Prof. (Dr.) G.I.S. Sandhu shared his views, which are as follows:**

The real problem is the imparting of education and the quality of education in all areas across India, especially the rural issues. We need to address pertinent issues like poverty, health, etc rather than politicising issues like religion and castes which yield no common good. These are personal issues and should not affect the public life. If we are able to provide education, most of these problems will go away, and we would also be able to elevate the people from poverty and make lives better.

**Dr. Manoj Sharma, Assistant Professor of Law, RGNUL, Punjab analyzed the issue and said the following:**

In the present case, firstly, it must be brought to notice that there are millions of farmers, who benefit from cow slaughter; after selling their cows when they becoming counterproductive or when crops fail, in order to sustain livelihood. The rubber industry thrives on it and agriculture is indirectly dependent on it. Therefore, it affects the economic status of the farmers. Secondly, animals have rights along with humans and they both should be protected.

Thirdly, India is a federal state, and law and order is a state subject. This means that we can't entirely blame the Union when the state has failed to do its duty and not booked anyone for such incidents of mob lynching. The state can't shed its responsibility in this matter and neither can the Union government. Also, India is a democratic Republic, which ensures that everyone is equal and that rights cannot be curtailed.

We must not forget that in digital India, minorities have rights as well, and that includes, their freedom of speech and choice of lifestyle. We cannot breed on majoritarianism. Further, although the government can give guidelines for public interests and put reasonable restrictions on people, they cannot dictate personal choices to the people of the country. The recent incident is indicative of the fact that we're moving backwards to the stone age and thus it is a dichotomy in the backdrop of digital India. We all know that no politician is interested in Human Rights, and

therefore, it is only "we the people" who can help the cause. We must fight anti-national forces and respect all regions and intolerance must not be followed. We must rise to the occasion, and revert to our secular ways and adopt "humanism" as a way of life.

**Harshvardhan from the first year of B.A. LL.B (Hons.), was of the opinion:**

The recent lynching of a man over the alleged consumption of beef, brings back the dangling question of banning cow slaughter in India. According to Romila Thapar, beef formed a substantial part of dietary requirement in the Vedic ages and there is no obligation for eating beef in Islam. Hence, this issue should be resolved quickly because if continued, it can lead to communal problem which can lead to loss of life as it has happened in this case. Any type of this issue if allowed to persist will surely impact the economy and will cast shadow on its pluralistic constitution.

**Souradeep Mukhopadhyay, a 2nd year student of B.A.LL.B (Hons.), opined:**

While most have unambiguously denounced the Dadri village incident as well as similar incidents throughout India, somehow, the core issue of the psyche of the people has been shrouded from both criticism as well as analysis. It is, of course, a cause of enormous concern that a nation which is making strides at International forums (hell-bent to project itself as the new 'sweet spot' for investment, business and progress; to be identified as a progressive nation instead of a land of snake-charmers) is constituted by a population with minds incapable of independent reasoning and blemished by the curse of socio-religious dogma. After all, how difficult can it be to view the cow simply as an immensely useful (economically) animal instead of a god, a mother or some pious deity which is bought through auctions, sustained in filth, enhanced by genetics and left to toil in the fields while every ounce of her milk is exploited for all it is worth?

**Aryan Babela, another student studying in the 1st Year of B.A.LL.B (Hons.), was of the view:**

We take pride in a secular India. A democratic country which is boastful of its "Digital India" concept. But this democratic India was lynched to death, when a mob just to avenge the rumoured slaughter of a cow; beat a human being (victim name is Akhlaque Khan) to death. Political motivations which came as "justice by the mob to the society" from some right wing politicians are toxic. Dadri incident is a very serious violation of human rights. This is no justice to kill a man just on the basis of a rumour that victim ate beef on the night of the incident. It is true that beef is strictly prohibited in Uttar Pradesh, however villagers cannot take law in their hands. This incident also underlines the hollowness & cynicism of dominant secular politics in India. The Dadri incident will remain a stain on our country's secular fabric. What is worrying is the lukewarm & rather apathetic response from the government.