

A HUMAN RIGHTS PERSPECTIVE ON INDO – U.S RELATIONS 21ST CENTURY

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ABSTRACT

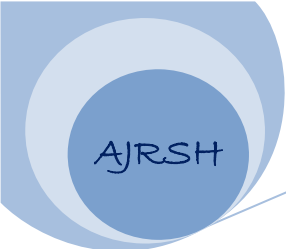
This paper critically analyses the divergent experiences of human rights perspectives in two countries – India and US – from a comparative perspective and points to the need for evolving new perspectives and policies towards protecting the Human rights violations in India and US. It also discusses mechanisms, and the implications of protecting the human rights violations between India and US.

KEYWORDS: *Human Rights, Indo-US relations, Protection of Human Rights.*

1. INTRODUCTION

South Asia emerged in the 21st century as increasingly vital to core United States of America (USA). foreign policy interests. The United States(US) and India are enjoying increasingly close relations. This represents a transformation of the two countries' past relationship, which was characterized by suspicion and distrust. This change, which began with the end of the Cold War, has resulted from a convergence of structural, domestic, and individual leadership factors. India, the region's dominant actor with more than one billion citizens, is often characterized as a nascent great power and "indispensable partner" of the United States, one that many analysts view as a potential counterweight to China's growing clout. Since 2004, Washington and New Delhi have been pursuing a "strategic partnership" based on shared values and apparently convergent geopolitical interests. Numerous economic, securities, and global initiatives, including plans for civilian nuclear cooperation, are underway. This latter initiative—first launched in 2005 and codified in U.S. law in 2008—reversed three decades of U.S. nonproliferation policy, but has not been implemented to date. Also in 2005, the United States





and India signed a ten-year defense framework agreement to expanding bilateral security cooperation.

The two countries now engage in numerous and unprecedented combined military exercises, and major U.S. arms sales to India are underway. The value of all bilateral trade tripled from 2004 to 2008 and continues to grow; significant two-way investment also flourishes. The influence of a large, relatively wealthy, and increasingly influential Indian-American community is reflected in Congress’s largest country specific caucus. More than 100,000 Indian students are attending American universities. Further U.S. attention on South Asia focuses on ongoing, historically rooted tensions between India and Pakistan. In the interests of regional stability, in particular as a means of facilitating U.S.-led efforts to stabilize nearby Afghanistan, the United States strongly endorses an existing, but largely moribund India-Pakistan peace initiative, and remains concerned about the potential for conflict over Kashmiri sovereignty to cause open hostilities between these two nuclear-armed countries.

The United States also seeks to curtail the proliferation of nuclear weapons and missiles in South Asia. President Barack Obama’s Administration has sought to build upon the deepened U.S. engagement with India begun by President Bill Clinton in 2000 and expanded upon during much of the past decade under President G.W. Bush. This “U.S.-India 3.0” diplomacy was most recently on display in July 2011, when the second U.S.-India Strategic Dialogue session saw a large delegation of senior U.S. officials visit New Delhi to discuss a broad range of global and bilateral issues.

Many analysts view the U.S.-India relationship as being among the world’s most important in coming decades and see potentially large benefits to be accrued through engagement on many convergent interests. Bilateral initiatives are underway in all areas, although independent analysts in both countries worry that the partnership has lost momentum in recent years. Outstanding areas of bilateral friction include obstacles to bilateral trade and investment, including in the high-technology sector; outsourcing; the status of conflict in Afghanistan; climate change; and stalled efforts to initiate civil nuclear cooperation.

India is the world’s most populous democracy and remains firmly committed to representative government and rule of law. Its left-leaning Congress Party-led ruling national coalition has been in power for more than seven years under the leadership of Prime Minister Manmohan Singh, an Oxford-trained economist. New Delhi’s engagement with regional and other states is extensive and reflects its rising geopolitical status. The national economy has been growing rapidly— India’s is projected to be the world’s third-largest economy in the foreseeable future—yet poor infrastructure, booming energy demand, and restrictive trade and investment practices are seen to hamper full economic potential. Despite the growth of a large urban middle-class, India’s remains a largely rural and agriculture-based society, and is home to some 500-600 million people living in poverty.

2. INDO-US RELATIONS--HUMAN RIGHTS CONCERNS

Many of India’s more than one billion citizens suffer from oftentimes serious human rights abuses. Some analysts are concerned that, as Washington pursues a new “strategic



partnership” with New Delhi, U.S. government attention to such abuses has waned. In a notable shift, the State Department’s most recent Country Report on Human Rights Practices (released April 2011) does not include what had been regular overarching statements in previous reports about the Indian government’s general respect for the rights of its citizens, nor does its introductory section make note of Indian government efforts or improvements in certain areas. Instead, the report moves quickly to a listing of India’s “major human rights problems,” including reported extrajudicial killings of persons in custody, killings of protesters, and torture and rape by police and other security forces.

Investigations into individual abuses and legal punishment for perpetrators occurred, but for many abuses, a lack of accountability due to weak law enforcement, a lack of trained police, and an overburdened court system created an atmosphere of impunity; lengthy court backlogs prolong the latter. Poor prison conditions and lengthy detentions were significant problems. Unlike in previous years (2008 and 2009), there were no instances of officials using antiterrorism legislation to justify excessive use of force; however, indiscriminate use of force by Border Security Forces was a problem.

Corruption existed at all levels of government and police. There were reports of delays in obtaining legal redress for past attacks against minorities. The law in some states restricted religious conversion, but there were no reports of convictions under these restrictions. Violence associated with caste bias occurred. Domestic violence, child marriage, bonded labor, dowry-related deaths, honor crimes, and female feticide remained serious problems. Separatist insurgents and terrorists in Jammu and Kashmir, the Northeastern States, and the Naxalite belt committed numerous serious abuses, including killing armed forces personnel, police, government officials, and civilians. Insurgents engaged in widespread torture, rape, beheadings, kidnapping, and extortion. The number of incidents, however, declined compared with the previous year.

International human rights groups echo many of these findings. According to the 2011 World Report of Human Rights Watch, Authorities made little progress [in 2010] in reforming the police; improving healthcare, education, and food security for millions still struggling for subsistence; ending discrimination against Dalits (“untouchables”), tribal groups, and religious minorities; and protecting the rights of women and children.³⁶⁶ Constraints on religious freedom are another matter of concern; India’s Muslim and Christian minorities continue to face sometimes violent persecution.

Moreover, rampant caste-based discrimination is identified as a major societal problem, as are female infanticide and feticide. “Honor killings” of couples accused of violating Hindu marriage traditions may be on the rise. The State Department’s Bureau of Democracy, Human Rights, and Labor has in the past claimed that India’s human right abuses “are generated by a traditionally hierarchical social structure, deeply rooted tensions among the country’s many ethnic and religious communities, violent secessionist movements and the authorities’ attempts to repress them, and deficient police methods and training.” Government treatment of actual or suspected militants and terrorists can be severe and potentially unlawful.



India's 1958 Armed Forces Special Powers Act, which gives security forces wide leeway to act with impunity in conflict zones, has been called a facilitator of grave human rights abuses in several Indian states. Visits by representatives of the International Committee of the Red Cross in 2002-2004 reportedly revealed evidence of widespread torture by security forces in Kashmir. Such evidence was presented to U.S. officials, according to press reports about leaked diplomatic cables. A senior Indian police official in Kashmir called the allegations "baseless propaganda."

A 2010 report by the Delhi-based Asian Center for Human Rights found that the incidence of torture and prison custody deaths in India is on the rise, and it chastised the current New Delhi government for failing to address these problems through legislative changes. After examining India's non conflict areas, Human Rights Watch issued a 2011 report detailing what it calls India's "numerous, serious human rights violations" in the treatment of terrorism suspects detained following attacks, saying the "abuses are both unlawful under Indian and international law and counterproductive in the fight against terrorism."

According to the U.S. State Department's India: Country Report on Human Rights Practices, 2005, the Indian government "generally respected the human rights of its citizens; however, numerous serious problems remained." These included extensive societal violence against women; extrajudicial killings, including faked encounter killings; excessive use of force by security forces, arbitrary arrests, and incommunicado detentions in Kashmir and several northeastern states; torture and rape by agents of the government; poor prison conditions and lengthy pretrial detentions without charge; forced prostitution; child prostitution and female infanticide; human trafficking; and caste-based discrimination and violence, among others. Terrorist attacks and kidnappings also remained grievous problems, especially in Kashmir and the northeastern states. New York-based Human Rights Watch's latest annual report noted "important positive steps" by the Indian government in 2005 with respect to human rights, but also reviewed the persistence of problems such as abuses by security forces and a failure to contain violent religious extremism.

The State Department claims that India's human right abuses "are generated by a traditionally hierarchical social structure, deeply rooted tensions among the country's many ethnic and religious communities, violent secessionist movements and the authorities' attempts to repress them, and deficient police methods and training." India's 1958 Armed Forces Special Powers Act, which gives security forces wide leeway to act with impunity in conflict zones, has been called a facilitator of "grave human rights abuses" in several Indian states. India generally denies international human rights groups official access to Kashmir and other sensitive areas.

The State Department's 2005-2006 report on Supporting Human Rights and Democracy called India "a vibrant democracy with strong constitutional human rights protections," but asserted that, "Poor enforcement of laws, widespread corruption, a lack of accountability, and the severely overburdened court system weakened the delivery of justice." State's June 2005 report on trafficking in persons again placed India on the "Tier 2 Watch List" for "inability to show evidence of increased efforts to address trafficking in persons." The trafficking of women and children is identified as a serious problem in India. An officially secular nation, India has a long



tradition of religious tolerance (with occasional lapses), which is protected under its constitution. The population includes a Hindu majority of 82% as well as a large Muslim minority of some 150 million (14%). Christians, Sikhs, Buddhists, Jains, and others total less than 4%. Although freedom of religion is protected by the Indian government, human rights groups have noted that India's religious tolerance is susceptible to attack by religious extremists.

In its annual report on international religious freedom released in November 2005, the State Department found that the status of religious freedom in India had "improved in a number of ways ... yet serious problems remained." It lauded the New Delhi government for demonstrating a commitment to policies of religious inclusion, while claiming that "the government sometimes in the recent past did not act swiftly enough to counter societal attacks against religious minorities and attempts by some leaders of state and local governments to limit religious freedom." A May 2005 report of the U.S. Commission on International Religious Freedom placed India on a "Watch List" of countries requiring "close monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by the governments.

3. CONCLUSION

The challenges that India will face as the nuclear horizons open up will be many. As the domestic programme moves into fast track expansion, shortage of skilled manpower, technical expertise to take informed decisions on choice of reactors, the ability of the Atomic Energy Regulatory Board to quickly, yet with the utmost regard for safety, tackle issues of clearances for new plant designs, plant siting, rehabilitation plans etc will have to be dealt with. In fact, a chapter in the book detailing these and other challenges that the Indian nuclear establishment and industry is likely to face would have gone a long way in preparing the country to handle these in the times ahead. In conclusion, the US-India is one of the most important strategic relationship of contemporary foreign affairs. Whereas nuclear proliferation and militarization created an US-Indian alignment to the increasing economic ties between US and India might foster cooperation between the relationships. The argument of this analysis is that this economic cooperation outweighs the likelihood of realist war.

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