



The Interwoven Threads: Peace Organizations and Indian Law in conflict Resolution and Social Harmony

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Abstract:

The socio-political environment of India is defined by the presence of deep-rooted conflicts caused by ethnic/religious, regional and socio-economic differences. Although the state is the key stakeholder in ensuring law and order, the state can never do it without peace organizations (POs), such as NGOs, community-based organizations, think tanks, and faith-based initiatives, among others, in conflict resolution and social harmony. Their success is directly linked to legal system in India, the constitutional provisions, the statutory laws, judicial interpretations, and international obligations. This paper explores the complex interaction between POs and Indian Law and how actors in civil society negotiate, draw on, and occasionally question legal structures in order to advance peacebuilding activities. It further examines how United Nations (UN) peace organizations can influence this dynamic, both in facilitating it and in limiting it in the Indian context. This Paper posits that the state and non-state actors should be more coordinated in their efforts to enhance synergy in the Indian democratic landscape through better evaluation of their major contributions, enduring challenges, and areas of collaboration.

Keywords: Peacebuilding, Indian Law, Conflict Resolution, NGOs, Human Rights, Social Harmony, Constitutional Law, Civil Society, UN Engagement

I. INTRODUCTION

The internal conflict in India is intimately connected to its plural social identities and historical resentments. The conflicts occur as ethno-religious, regional, resource and socio-economic inequalities. Although the Indian state has the constitutional obligation to uphold peace and justice, its ability to do so is frequently constrained by politics and administrative issues. Peace Organizations (POs) have become essential players in this environment by filling in the void between communities and the state, serving rights-based interests, and providing a communication channel.

The law and security apparatuses, traditionally the main guarantor of law and order, have been used by the Indian state as the main means of dealing with these conflicts. But the flaws of state-centered solutions, militarized solutions, politicization of security legislation, and periodic violation of human rights have led to the realization of other complementary mechanisms that consider the socio-political and human aspects of conflict. Here, peace organizations (POs), including non-governmental organizations (NGOs), community-based groups, faith-based organizations, and academic think tanks, have increasingly become important players in the peacebuilding ecosystem in India.

Peace organizations work on a myriad of levels: they mediate and dialogue between conflicting groups, promote human rights and social justice, empower the underprivileged groups by teaching them the law, and interreligiously and interculturally integrate the groups. They seek to do so mainly by means of a rights-based style to promote constitutional guarantees as well as international human rights norms.

The success of the peace organization however is only determined by the legal and regulation environment, where the organization is operating. Design of the Indian Constitution provides good institutional order of civil society participation that ensures the basic rights of

equality, expressiveness of religion and speech as well as rules that will promote social justice and world peace. That facilitating environment is however taken away by the restrictive legislations and red tape which will cripple the operations of POs especially in the politically sensitive communities/war stricken scenarios.

The current paper targets analyzing the inter-relationship between the peace organizations and Indian law and how legal frameworks facilitate and restrict the peacebuilding efforts of civil society. It also examines the role POs have played in conflict resolution, in promoting human rights, empowering the law and contributing to the process of forming a unified society, but also considers in some detail the challenges posed by the limiting nature of law and politics. The paper also illustrates how UN peace organizations play a role in the establishment and facilitation of such efforts.

This article will contribute to the scholarly and policy debate over how to enhance the effectiveness of peacebuilding in India by situating peace organizations within the law and institution. According to it, the condition that is required to facilitate sustainable peace and social harmony in a pluralistic democracy is the establishment of a balanced legal order that safeguards civic space and ensures accountability.

II. The Indian Legal Framework: Foundations and Constraints for Peacebuilding

2.1 Constitutional Provisions Supporting Peace Work:

The Indian Constitution is a revolutionary document, which does not just lay down the law on how to run a government but also embeds values vital in peacebuilding. The normative basis of legitimacy of peace organizations to operate is an episode of the Preamble that offers the promise of justice, liberty, equality and fraternity.

Part III which has fundamental rights is especially important. Article 14 also assures equality before the law and equality of protection of the laws and this is essential to counter discrimination and marginalization that in most cases breed conflict. Article 15 forbids discrimination based on religion, race, caste, sex, or place of birth, and POs have the authority to oppose the inequalities in the system. Under Articles 19(1) (a) and (c), freedom of speech and advocate and mobilize. Article 21, as construed by the Supreme Court, safeguards the right to life and individual freedom, including the right to dignity, livelihood, and a healthy environment some of the most important issues in conflict areas.

Articles 25-28 provide the freedoms of religion and allow POs to foster interfaith discussion and defend the minority rights which are necessary in fostering social harmony. Part IV, Directive Principles of the State Policy (Article 38, social order, Articles 39A, equal justice, Article 46, protection of weaker sections, and Article 51, promotions of International peace) gives goals that are inspirational in advocacy of the civil society. Basic responsibilities in Article 51A, including the need to foster peace and renounce violence, strengthen the constitutional ethos that the peace organizations are trying to establish. It is important to note that Article 51 instructs the state to promote the respect of international law and treaty commitments, which gives a constitutional ground to incorporate international human rights norms in the domestic peacebuilding processes.

2.2 Enabling Statutory and Institutional Mechanisms

There are enabling mechanisms to peace organizations under the statutory framework in India. NGOs have a legal framework to be registered under the Societies Registration Act (1860) and Indian Trusts Act (1882). The Right to Information Act (2005) is an impressive weapon with which POs insist on freedom and responsibility among government agencies that reveal corruption, maladaptation and human rights abuse, which, in most cases, lie at the core of conflicts.

The additional of the Protection of Human Rights Act (1993) has created the National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRCs) that are quasi-judicial organizations where POs can report abuses and request redress. They have played an important role in their investigations of custodial deaths, communal violence and displacement, often acting on the complaints made by civil society.

The 73rd and 74th Constitutional Amendments decentralized governance and gave Panchayati Raj Institutions and urban local bodies executive powers to provide local conflict resolution and participatory governance. POs often interact with such institutions to enable dialogues, settle disputes and inclusivity in development.

There are also specific laws to consider communal violence, including the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill (pending) and the rights of persons with disabilities under the rights of persons with Disabilities Act (2016), environmental laws, and the Scheduled tribes Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006) that can serve as the avenues to be advocated and intervened by POs.

2.3 Legal and Regulatory Constraints

In spite of these facilitating provisions, there are a number of laws and regulations that limit peacebuilding activity. The Foreign Contributions Regulation Act (FCRA) enforces strict compliance and discretionary control over foreign contributions which limit foreign funding especially to POs who are critical of government policies or who conduct business within sensitive areas such as Kashmir and

the Northeast. The recent changes (FCRA of 2020) have further increased the controls where prior governmental approval of foreign funds is now needed and administrative costs are limited, which many POs claim chokes their operations.

The Security law, including the Unlawful Activities Prevention Act (UAPA), Public Safety Act (PSA), and Armed Forces Special Powers Act (AFSPA) have widespread detention powers, and criminalize indeterminate unlawful activities, and this sends a chilling effect to the civil society. Judgement of Supreme Court, e.g., in NIA v. The effort by Zahoor (2019), to restrict UAPA is welcome, yet it is believed that it can easily be abused. Specifically, AFSPA has been condemned to facilitate human rights violations in conflict areas and POs have called on it to be repealed or revised.

The sedition law (Section 124A IPC) through restricted judicially in the case of Kedar Nath Singh V. State of Bihar, (1962) still remains a tool to suppress dissent and endorse an acceptable criticism, which affects those organizations that challenge state narratives. Further, bureaucratic barriers in terms of registration, tax exemption (section 12A and 80G) as well as reporting requirements divert resources to the actual peace work, and make operations uncertain.

III. Roles and Contributions of Peace Organizations

3.1 Conflict Mediation and Dialogue Facilitation

Peace Organizations are very important when it comes to mediating conflicts, more so where formal processes are at an impasse. POs work in Jammu and Kashmir and in the Northeast to mediate diplomacy in Track II, bringing together community leaders and activists and occasionally government representatives. These discussions promote reconciliation and development of trust and they may include conventional conflict resolution strategies coupled with contemporary negotiation strategies.

An illustration is the use of POs in Nagaland to reinforce local government and social cohesion by acting as mediators between land and resource conflicts through the village councils (Mokokchung). This type of community level mediation is used to supplement formal legal proceedings, such as Lok Adalat, to increase access to justice and mediation. The use of alternative dispute resolution mechanisms has been sanctioned by the Supreme Court through the support it gave to Lok Adalat under the Legal Services Authorities Act (1987) and is highly encouraged by POs.

3.2 Human Rights Monitoring and Legal Advocacy

The POs focus on human rights advocacy in their peacebuilding. Others records the violations of human rights and freedoms by other organizations like the People Union of Civil Liberties (PUCL) and Amnesty International India, such as custodial deaths, forced disappearance, and communal violence. They use the Right to Information Act and Public Interest Litigations (PILs) in exposing the abuses and remedies of the court.

The record that PUCL made of the riots that shook Gujarat in the year 2002, to cite an example, resulted in a number of legal problems and a greater level of scrutiny by the common people. On the same note, the effect of AFSPA has been reported by Human Rights Watch leading to advocacy towards its abolishment. Such exercises subject the state to the demands to honor constitutional guarantees and international human rights commitments. The activist attitude of the Supreme Court in a case such as Narmada Bachao Andolan V. Union of India, (2000), the judiciary is shown to play a pivotal role in amplifying the concerns of civil society by the use of PILs.

3.3 Legal Empowerment and Access to Justice

POs enable the marginalized communities by informing them on their rights in the law and the access to the justice. Organizational programs, including the legal aid society, allow tribal, minority and women groups to negotiate through courts, police grievances and human rights commissions, through workshops, paralegal training and legal aid clinics.

Legal aid clinics that offer free services and spread awareness about rights in conflict prone areas such as Chhattisgarh would lead to legal literacy and empowerment of communities. Partnership with law schools is another way of connecting academic materials and grassroots activism. The awareness of the Supreme Court on the right to legal assistance as an essential right of Article 21 through Hussainara Khatoon V. State of Bihar (1979)

3.4 Promoting Social Cohesion and Countering Extremism

POs in the diverse Indian society encourage social cohesion through inter-faith communication and interfering with radicalization. Such agencies as the Gandhi Peace Foundation and Samanvay arrange forums where the heads of various religions may talk over common values and respect one another.

The educational programs aimed at youths encourage peace and tolerant stories, fighting off extremist ideologies with the help of community work, cultural exchange and peace education. These programs generate strength against communal tensions and create inclusive identities. Such initiatives have a constitutional foundation in the article 25-28 guarantee of the freedom of religion.

3.5 Facilitating International Linkages and Norm Implementation

POs work with the UN agencies like the United Nations Developments Programme (UNDP), UN Women and the Office of the High Commissioner for Human Rights (OHCHR) to streamline local peacebuilding with international human rights criteria. Access to justice is increased by the creation of legal aid clinics by the same partners, UNDP in collaboration with Indian NGOs, who also train their paralegals in conflict zones.

The partnership of UN Women with local organizations to enforce laws banning violence against women will be synergy in its operation. Indian POs also feed data and insight to UN human rights processes, including the Universal Periodic Review (UPR), giving voice to the marginalized and to hold state to account.

IV. Challenges and Tensions

Non-not with standings their vital importance, POs have serious challenges. The anti-national discourse commonly spread by means of political speech and anti-terrorism legislations demonizes the groups that document the rights violations or promote the dialogue, which results in legal intimidation and threats. The restrictive funding regime in place by the FCRA and the lack of local philanthropy means that there is hampered capacity to operate particularly by the grassroots groups.

Certain laws such as UAPA are enforced selectively thus breeding an atmosphere of fear and uncertainty. The use of security restrictions and hostility by states hinders the access of Pos to conflict areas like Kashmir and the Maoist controlled regions. There are usually coordination gaps when POs and state agencies have to work with each other, which may lead to duplication or ineffective interventions. The International cooperation is complicated because sovereignty issues restrict the functionality of UN agencies and their local collaborators.

V. Pathways for Synergy: Strengthening the Legal- Peacebuilding Nexus

Legislative reforms are necessary in order to improve the effectiveness of peacebuilding. The FCRA ought to be revised in a manner that there is transparency without suffocation of well-founded dissent or humanitarian efforts. There should be comprehensive anti-discrimination and communal violence laws that have a high prevention mechanism and accountability mechanism. Certain laws, such as UAPA and AFSPA, should be reconsidered to correspond with the international standards of human rights and to avoid the possibility of their abuse toward civil society.

Formalization of the role of accredited POs in state-level peace committees and redressal systems on grievances should be strengthened by institutional mechanisms. This increase in the capacity and independence of human rights commissions will help in working together. PILs and writ petitions should still be used to defend the most basic of rights by judicial activism and limit the abuse of laws. The use of PO expertise through Alternative Dispute Resolution (ADR) mechanisms should be encouraged.

Development of trust between the state security/intelligence organizations and trusted POs requires routine systematic communication, particularly in conflict regions. State governments are advised to come up with local structures PO involvement in peacebuilding. The positive role of Article 51 in ensuring that the international law is respected can help establish positive UN-PO-state relationships.

VI. Conclusion

The civil action groups play a crucial role in the democratic lives of the people of India and the conflict settlement frameworks. The Indian legal system gives them not only the oxygen in the form of basic rights and empowering legislation but also the shackles in the form of limiting legislation and administrative red tape. It is important to recognize their key role in the enforcement of constitutional values of justice, equality and fraternity.

It is critical to go beyond suspects to adopt a collaborative strategy supported by legal changes that ensure accountability and civic space. Through intensifying the synergy between the statutory authority of the state, the transformative capacity of the civil society, and involvement of the UN peace agencies can bring more productive avenues to permanent peace, social solidarity and the implantation of the constitutional promise of all citizens in India.

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