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Topic of Research: Human Rights Enforcement through the Principle of *Jus Cogens*:

With Reference to Anti-Terrorism Laws in India

Keywords: Human rights, *jus cogens*, Anti-terrorism laws, International law, law enforcement agencies

### Findings

The findings on hypotheses of this study are that all three of them stand proved. It has been concluded by the empirical study undertaken as part of this research that curtailing the powers ordained on law enforcement agencies under anti-terrorism laws will reduce human right violations under these laws. Secondly, reduction of immunities granted to law enforcement agencies under anti-terrorism laws will increase their accountability. Moreover, this research reveals that when it comes to treaties, nations with a dualist approach to international law, may or may not oblige to them in their domestic legal system but this is not the case with principles of customary international law within which falls the special category of peremptory norms of general international law or *jus cogens*, as their derogation is not allowed under any circumstances, including an emergency. The researcher has shown through a number of case laws from different jurisdictions of the world that prohibition of torture and prohibition of enforced disappearances have the status of *jus cogens* in international law.

The suggestions include addition of compulsory compensation in case wrongful death is proved under AFSPA, addition of Victim Compensation Scheme in 2018 Torture Bill, Ratification of the Convention against Torture and Convention for the Protection of All Persons from Enforced Disappearance, introduction of legal framework to regulate the actions of the police and to make them more accountable for their actions, adoption of a “monist-comparative” approach with respect to human rights treaties, discontinuation of

practice of asking for or accepting of evidence in a sealed cover by Supreme Court and High Courts, use of fire as last resort under AFSPA, redaction of name of accused from court orders in case of acquittal in terrorism cases, amendment of Section 49 of UAPA, addition of a writ similar to writ of Amparo to the Indian judicial system and amendment of Criminal Procedure (Identification) Act, 2022 to narrow down its scope in terms of measuring, collecting and storing personal data of the accused persons to bring it in consonance with international human rights standards.