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A CRITICAL ANALYSIS ON THE CONCEPT OF GENOCIDE FROM INDIAN PERSPECTIVE

By: Rakshandha Darak

ABSTRACT

This paper consists of the concept of genocide from India perspective. This paper discusses about the timeline of genocide from the lens of International Criminal Law while discussing about the Rwanda and Bosnian genocide. Further, this paper discusses about the relationship between Indian penal law and genocide and how it is just viewed as an another of mass killings though both the crimes are different in nature. This paper also analyzes the certain genocidal instances which have taken place in the country like the Anti-Sikh Riots of 1984 and the Cleansing of Kashmiri Pandits. Lastly, this paper analyses the concept of genocide from the Indian perspective. The scope of the paper is limited to address the concept of genocide from the Indian perspective.

Key Words: Genocide, Mass Killings, Nationality, Ethnicity, Mankind.

CHAPTER-1 INTRODUCTION

1.1 Background of the Study

Genocide can be defined as destruction of people belonging to a particular ethnic group, religious group or a specific community. It is considered as an epitome of human evil. The term genocide was coined by Raphael Lemkin, a Polish Jewish scholar in the year 1943.¹ While growing up he had seen the atrocities committed in the World War I and as a reaction to the killings of Jewish people by Nazis, this made him come up with the term 'Genocide.' Accordingly, 'Geno' is a Greek word which means tribe or race and 'Caedere' means killing in Latin language. According to Lemkin, genocide does not mean only destruction of people but it is a coordinated plan comprising of different actions with an aim to destruct the essential foundations of life of particular national group. There is a thin line difference between genocide and homicide as the former one means denying the right of existence of a particular group while the latter one means denying the right of existence to a particular individual.²

The term 'Genocide' is defined under Article 6 of the Rome Statute of International Criminal Court. It states that; "*For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

¹ Kinjal Sharma, *Genocide- A crime against humanity*, IPLEADERS BLOG (Jan. 26, 2022, 12:29 P.M), <https://blog.ipleaders.in/genocide-a-crime-against-humanity>

²Ibid

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”³

The offense of genocide is based on the particular on 2 elements; mens rea and dolus specialis of the perpetrator. Dolus specialis means the special intent to destroy a protected group in whole or in part whereas mens rea means guilty mind. When this both elements are combined together they make a fatal combination called as genocide. Genocide is a crime with a double mental element, i.e. a general intent as to the underlying acts, and an ulterior intent with regard to the ultimate aim of the destruction of the group.

When it comes to the Indian perspective on genocide, there is no such law in the legal framework of the country. Therefore, the crimes of genocide are always considered to be as crime of mass killings and makes it easy for the accused to escape the punishment for genocide. There is a significant difference between mass killings and genocide. Here the former is related to the destruction of people irrespective of any group or community and latter is related to the destruction of people belonging to a particular group.⁴ Hence, the gravity and punishment for both the offence needs to be different.

1.2 Research Problem

The UN Convention on genocide came into effect in the year 1948 and was ratified by India in the year 1959. Thus, this convention puts an obligation on the member states to add certain provisions in their legal framework to deal with the incidences of genocide. Though India has ratified to the treaty, it has failed to add the provisions related to genocide in its legal framework. Moreover, India has seen a history of mob violence which is influenced by political and religious factors since its independence. These mob violence have always raised questions on cultural impunity and inadequate policies for crimes committed against mass in India. The concept of genocide has not acquired any place in the Indian Criminal Laws. Hence, this loophole acts in the favour of the accused accountable for mob violence to escape prosecution and punishment for the genocide.

1.3 Existing Legal Situation

³ Article 6 of Rome Statute

⁴ Abraham Joseph, *India is in breach of its Genocide Convention*, THE WIRE (Mar.28, 2022, 05:30 P.M), <https://thewire.in/law/genocide-ontario-1984>

On 2nd March 2016, the Union Minister for State for Home Affairs, Kiren Rijiju in Rajya Sabha stated that as India has ratified to the Genocide Convention in the year 1959 and hence it puts an obligation on the state to provide certain provisions in its legal framework to deal with the crimes of genocide and the same has been done in the procedural and substantive laws of the country. But even after such claim by the Union Minister no laws have been made to deal with the crime of genocide in the country.

1.4 Literature Review

- 1) **Aditya .P. Arora, *Genocide- An Indian Perspective*, ACADEMIKE (Jan. 26, 2022, 12:22 P.M), <https://www.lawctopus.com/academike/genocide-indian-perspective/>-** In this article, the author has dealt with the term genocide from the Indian perspective. This article consists of various legislations of the Indian criminal law and how certain events in the history of India would amount to genocide. Further, the author in this article puts forwards certain suggestions that India needs to considering while making certain laws with regards to genocide from the Indian perspective.
- 2) **R.J Rummel, *The Crime of Genocide in International Law*, INTERNATIONAL STUDIES ON CRIMES (Jan.26,2022,12:25P.M),<https://www.hawaii.edu/powerkills/GENOCIDE.ENCY.HTM>-** In this article, the author has described the concept of genocide in a complete way. Further the author has stated about the jurisdiction of the crime of genocide, the historical and sociological perspective of genocide and the motives and stages of the crime.
- 3) **Kinjal Sharma, *Genocide- A crime against humanity*, IPLEADERS BLOG (Jan. 26, 2022, 12:29 P.M), <https://blog.ipleaders.in/genocide-a-crime-against-humanity/>-** In this article, the author has described genocide as a crime at human epitome. The author has stated the brief timeline of International framework on genocide, the reasons behind genocide to be considered as a crime against humanity. Further, the author stated the reasons why stringent laws are required by countries to overcome the crime of genocide and protect the rights of the victims and targeted groups.
- 4) **Meera Kumar, *Genocide in modern times*, LEGAL SERVICES INDIA (Jan.26, 2022, 12:31 P.M), <http://www.legalservicesindia.com/article/1464/Genocide-In-Modern-Times.html>-** In this article, the author has analyzed the way the concept of genocide has

changed in modern times. The author has specifically dealt with the issue of the genocide in the modern Asian world and what are the stages and motives behind genocide in Asian countries.

1.5 Research Questions

- Q1. How the concept of genocide is viewed from lens of International Criminal Law perspective?
- Q2. Whether India should opt for considering the terms of the 1948 Genocide Convention in Indian Legal Framework?

1.6 Hypotheses

- Q1. The concept of genocide is mentioned in Article 6 of the Rome Statute of International Criminal Court. Moreover, 1948 Genocide Convention is also based on the legal framework related to the crime of genocide.
- Q2. India should opt for considering the terms of the 1948 Genocide Convention in its legal framework as it is one of the countries who has ratified to the convention. Thus, accepting to abide the rules and regulations of it. Moreover, the rights of the victims and protection of the targeted groups needs to be considered before punishing the accused for the offence of genocide. Therefore, it is the need of the hour to have proper laws with regards to genocide in India.

1.7 Scope of the Study

The **scope of the paper** is limited to address the concept of genocide from the Indian perspective.

1.8 Objectives of the Study

The objectives of the paper is;

- 1) To understand the timeline of the genocide from its historical perspective.
- 2) To analyze the relationship between Indian Penal Laws and Genocide.
- 3) To evaluate the changes which are required to be done in the Indian Criminal Laws while considering the terms of the 1948 Genocide Convention.

1.9 Methodology

The paper is based on doctrinal research method. The paper has followed the secondary data collection. The researcher has utilised various books, articles, notes and commentaries and other writings so as to incorporate the views of many juristic scholars with an intention to present a holistic view.

2. Concept of Genocide from the lens of International Criminal Law

This section comprises of how the concept of genocide is understood from the perspective of International Criminal Law. This section further discusses about Article 6 of the Rome Statute, the historical timeline of genocide, the steps taken by International convention with regards to 1948 Genocide Convention while understanding some of the genocidal incidents. This section is based

on the research question; **How the concept of genocide is viewed from lens of International Criminal Law perspective?**

2.1 Historical Timeline of Genocide

The concept of genocide is defined under Article 6 of the Rome Statute of International Criminal Court. It states that; “For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”⁵

According to this statute, genocide is considered to be an act with an intention to destroy a whole or a part of a particular national, ethnical, racial or a religious group. This crime is committed by killing members of a particular group, causing serious bodily or mental harm to individuals, imposing measures to prevent birth in the particular groups and forcibly transferring the people one group to another group.

When it comes to the timeline of the concept of genocide it starts from 1945 with the issuance of legal sanctions. So after World War II, when the allied powers emerged victorious in the war they were horrified to see the atrocities committed by Germany against the Jewish people in the name of racial purity. Hence, they decided to take action against Germany for the atrocities committed by them during the war and seek justice for the victims. This led to the foundation of Nuremberg Trials conducted to punish the top officials of Germany. But the problem was the law made during this trails was applicable only for the atrocities committed during the war times.

In the year 1948, the UN general assembly led the foundation of the Genocide Convention for the prevention and punishment for the crime of genocide. This convention came into force in the year 1951. Since then this convention has been ratified by more than 150 countries.⁶ The promises which were made in 1948 convention were not full filled by the member states who had ratified the convention. Hence, it led to the establishment of the perpetual court to deal with such crimes.⁷ In the year 2002, the International Court of Criminal was established to deal with the crimes of genocide, crimes against humanity, war crimes and crimes of aggression respectively. These all crimes are defined under the Rome Statute of International Criminal Court.

2.2 International Commitment to combat incidences of Genocide

Obligations under the 1948 Genocide Convention are mentioned Article 1, Article 4, Article 5 and

⁵ Article 6 of the Rome Statute

⁶ Kinjal Sharma, *Genocide- A crime against humanity*, IPLEADERS BLOG (Jan. 26, 2022, 12:29 P.M), <https://blog.ipleaders.in/genocide-a-crime-against-humanity>

⁷ Mohi Kumar, *Genocide under International Law*, LEGAL SERVICES INDIA (Mar. 28, 2022, 05:30 P.M), <https://www.legalserviceindia.com/article/1433-Genocide-Under-International-Criminal-Law.html>

Article 6. ⁸They are as follows:

- **Article 1-** It states that there is obligation to prevent and punish for the crime of genocide whether committed during wartime or peacetime.
- **Article 4-** The punishments need to awarded to the individuals for the crime of genocide irrespective of whichever position they belong to.
- **Article 5-** There is an obligation to enact appropriate legislation to enforce the genocide convention and to impose appropriate punishments for the persons who have committed the crime of genocide.
- **Article 6-** There is an obligation to try the offenders of the crime of genocide by an appropriate tribunal.

According to the 1948 Genocide Convention, the crime of genocide develops in 8 stages. At each stage, preventive measures can be taken to stop the genocide.⁹ They are as follows:

1. **Classification-** All cultures have certain criteria to distinguish people based on the ethnicity, race, religion, or nationality.
2. **Symbolization-** Classification and symbolization are complementary to each other. They result in genocide when combined with dehumanization. Symbols when combined with dehumanization can give birth to hatred as they are forced upon unwilling members group.
3. **Dehumanization-** At this stage, hate propaganda in speech and expression is used to demoralize and weaken the victim group. This is done to objectify a particular group against whom the genocidal incident will be taking place.
4. **Organization-** Crime of Genocide is always organized by the state. Special army units are often trained and armed for this purpose.
5. **Polarization-** It depends on the distribution of powers in the politics. Usually, the authorities with power abuse their authority to exploit the weaker groups of the society.
6. **Preparation-** At this stage, the victims are identified and separated out on the basis of their ethnic or religious identity. The members of victim groups are forced to wear identifying symbols. At this stage, a Genocide Emergency is declared in a particular state.
7. **Extermination-** At this stage, the mass killing legally called genocide takes place.

⁸ Abraham Joseph, *India is in breach of its Genocide Convention*, THE WIRE (Mar.28, 2022, 05:30 P.M), <https://thewire.in/law/genocide-ontario-1984>

⁹ Ibid

8. **Denial-** At this stage, the perpetrators of genocide dig up the mass graves, burn the bodies, try to cover up the evidence and intimidate the witnesses. They restrict the investigations of the crimes, and continue to be in power until driven from power by force and then they flee into exile.¹⁰

2.2.1 Rwanda Genocide

The Rwandan Genocide was committed in the year 1994. It was mass killings of hundreds of Rwanda's Tutsis and Hutu political moderates by Hutus under the Hutu Power ideology. After the assassination of Juvénal Habyarimana on 6th April, at least 500,000 people were killed. The Rwandan Civil War, fought between the Hutu regime vastly increased the ethnic tensions in the country. The killing marked the end of the peace agreement.

The International Criminal Tribunal for Rwanda (ICTR), is an international court established in November 1994 by the United Nations Security Council in order to convict the people responsible for the Rwandan genocide. Through several resolutions, the Security Council asked the tribunal to complete all its investigations by the end of 2004, complete all trials by the end of 2008 and lastly complete all work in 2010. The tribunal has jurisdiction over genocide, crimes against humanity and war crimes

So far, the Tribunal has completed 21 trials and convicted 29 persons. Another 11 trials are in progress. 14 individuals are awaiting trial in detention; but the prosecutor intends to transfer 5 to national jurisdiction for trial.¹¹

2.2.2 Bosnian Genocide

In the republic of Bosnia-Herzegovina there raised a conflict between the three main ethnic groups - the Serbs, Croats, and Muslims which resulted in genocide committed by the Serbs against Bosnian Muslims. In 1992 acts of ethnic cleansing started in Bosnia, a mostly Muslim country where the Serb minority made up only 32% of the population¹². The Serbs systematically rounded up local Muslims and committed acts of mass murder, deported men and boys to concentration camps, and forced repopulation of entire towns.

In 2001 the International Criminal Tribunal for the Former Yugoslavia (ICTY) stated that the crime committed by the Serbs amounted to the crime of genocide. On 26 February 2007 the International Court of Justice (ICJ), upheld the ICTY's earlier finding that the Srebrenica massacre constituted to be genocidal incident.¹³

¹⁰ Abraham Joseph, *India is in breach of its Genocide Convention*, THE WIRE (Mar.28, 2022, 05:30 P.M), <https://thewire.in/law/genocide-ontario-1984>

¹¹ Meera Kumar, *Genocide in modern times*, LEGAL SERVICES INDIA (Jan.26, 2022, 12:31 P.M), <http://www.legalservicesindia.com/article/1464/Genocide-In-Modern-Times.html>

¹² Mohi Kumar, *Genocide under International Law*, LEGAL SERVICES INDIA (Mar. 28, 2022, 05:30 P.M), <https://www.legalserviceindia.com/article/1433-Genocide-Under-International-Criminal-Law.html>

¹³ Ibid

3. Consideration of terms of 1948 Genocide Convention in the Indian Legal Framework

This section comprises of the relationship between Indian Penal Laws and Genocide, Case Studies on genocidal instances in India, the reasons behind not consideration of 1948 genocide convention terms in Indian laws. Finally, this section analyses the concept of genocide from Indian perspective. This section is based on the research question; **Whether India should opt for considering the terms of the 1948 Genocide Convention in Indian Legal Framework?**

3.1 Indian Penal Laws and Genocide

When it comes to the Indian Penal Laws and genocide, there are no such provisions related to it in the Indian laws. Though India has ratified the 1948 Genocide convention yet it has failed to implement the same in its law. Due to this there is no particular provision on genocide and the individuals who have committed the offence of genocide are punished within the ambit of mass killings. But both genocide and mass killings are different sets of crimes.

When it comes to genocide, it is about destruction of a particular group based on nationality, ethnicity etc. But on the other hand, mass killings refers to the destruction of individuals irrespective of a particular group. India ratified the Genocide Convention, 1948 in the year 1959. This convention puts an obligation on the member states to add certain provisions in their legal framework to deal with the incidences of genocide. Though India has ratified to the treaty, it has failed to add the provisions related to genocide in its legal framework.

When it comes to Indian Penal Code, 1860 there is no direct provision on crime of genocide but there are many other situation and incidents defined under the act which can be considered within the ambit of genocide. They are mentioned under part XVI (Section 299-311) of Indian Penal Code, 1860. But none of the sections mentioned in this part specifically deals with crime of genocide and mass killings. But the punishment provided for them are within the ambit of this part. Looking at the situation, a Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2009 was introduced. Under this bill, the Centre has the power to declare an area “communally disturbed” and can take direct charge only if the state concerned refuses to act against the violence taking place in the country. ¹⁴

3.2 Case Studies of certain genocidal instances in India

3.2.1 1984 Anti Sikh Riots

The assassination of Former Prime Minister of India, Indira Gandhi led to killings of a large number of Sikhs across India. The riots broke only against the Sikhs and around 2773 Sikhs was killed in Delhi.¹⁵ During the riots, various gurudwaras were vandalized and Sikhs were dragged out of their homes and killed mercilessly.

The Nanavati Commission Report, 2005 found a similar pattern of genocide which consisted some of stages of genocide as mentioned in the 1948 genocide convention. The organization, planning, preparation and extermination wherein the Sikhs were specifically targeted contributed to some of the stages of genocide.

Based on the evidence, the Commission referred to the participation of Congress Leaders in the

¹⁴ Aditya .P. Arora, *Genocide- An Indian Perspective*, ACADEMIKE (Jan. 26, 2022, 12:22 P.M), <https://www.lawctopus.com/academike/genocide-indian-perspective/>

¹⁵ Aditya .P. Arora, *Genocide- An Indian Perspective*, ACADEMIKE (Jan. 26, 2022, 12:22 P.M), <https://www.lawctopus.com/academike/genocide-indian-perspective/>

riots. The Commission suggested actions against Sajjan Kumar and Jagdish Tytler, who were responsible for the Anti-Sikh Riots 1984 but due to lack of evidence, Jagdish Tytler was provided with clean chit in 2009.

But the Delhi High Court instructed the Central Bureau of Investigation to re-investigate the case of Sajjan Kumar as some pieces of evidence were left unexamined. After re-investigation, he was convicted for committing crimes against Sikhs leading to their mob killing and was sentenced to life imprisonment.¹⁶

3.2.2 Ethnic Cleansing of Kashmiri Pandits

In the Kashmir region, around 300 Kashmiri Pandits were killed during the year 1989 to 1990. In early 1990, local Urdu newspapers Aftab and Al Safa called upon Kashmiris to wage jihad against India and ordered the expulsion of all Hindus from Kashmir.¹⁷ Since March 1990, estimates of between 250,000 to 300,000 pandits migrated outside Kashmir due to persecution by Islamic fundamentalists. This incident is considered to be the largest case of ethnic cleansing since the partition of India. The proportion of Kashmiri Pandits in the Kashmir valley has declined from about 15% in 1947 to, by some estimates, less than 0.1% since the insurgency in Kashmir¹⁸.

This incident comes within the ambit of genocide, but as there are no provisions with regards to this crime in Indian criminal law the perpetrators of this crime are set free.

3.3 Analysis on the concept of genocide from Indian Perspective

The concept of genocide is not defined anywhere in the Indian Criminal Laws. Though, India has ratified the 1948 Genocide Convention in year 1959 yet it has failed to abide by the legal framework of this convention. India has seen history of mob violence and this has raised questions on the cultural impunity and mass killings in India. But the fact cannot be ignored that, both the crimes genocide and mass killings are different from each other. Hence, the punishments for this crimes needs to be different. After the Anti- Sikh Riots of 1984, it drew the attention of the law-making bodies to the drawbacks of Indian Criminal Law which made it tough to prosecute the offender for mass killings. While analysing the situation, it was observed that no law punishes killing or causing the physical or mental injury of a particular community of people to destroy the whole community. In other words, the crime of genocide is not recognized as a crime beyond murder in India.

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Ibid

In the case of CBI v. Sajjan Kumar & Ors.¹⁹, the Delhi High Court observed that India has no law related to genocide and crimes against humanity and this loophole weakens the legal system.

This loophole needs to be tackled urgently because this allows the accused accountable for mob violence to escape prosecution and punishment. The term “Genocide” has no place in Indian Criminal Laws because India has not made any law on it, even though India has ratified the 1948 UN Convention in the year 1959.²⁰

Under Article 253 of Constitution of India it states that, “Legislation for giving effect to international agreements- Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.”²¹

According to this article, the parliament of the country is bound to make laws for the country while implementing any International treaty or convention. Though India has ratified the Genocide Convention yet it failed to make any laws with regards to genocide in its legal framework. Thus, violating Article 253 of the Constitution of India.

4. Suggestions and Conclusion

The crime of genocide is one of the horrific crimes committed against humankind. It is defined under Article 6 of the Rome Statute of International Criminal Court. It is considered to be destruction of individuals belonging to particular nationality, ethnicity etc. Hence it requires a proper plan of execution and commitment of it requires 8 stages to commit the offence of genocide. This crime is considered to be at the epitome of destroying the mankind. There is requirement of stringent laws to be made against genocide and to punish the perpetrators and seek justice for the victims and for this purpose the 1948 Genocide Convention came into existence.

India had ratified it in the year 1959, but did not obligated to include it within its legal framework. The crime of genocide is always confused with the crime of mass killings. But there is a thin line difference between both the crimes as the former is related to destruction of a particular group belonging to a particular nationality, ethnicity but the latter is killing if individuals irrespective of whichever group they belong.

¹⁹ AIR 2013

²⁰ Kinjal Sharma, *Genocide- A crime against humanity*, IPLEADERS BLOG (Jan. 26, 2022, 12:29 P.M), <https://blog.ipleaders.in/genocide-a-crime-against-humanity>

²¹ Article 253 of The Constitution of India

India has seen the history of mob violence and these incidents have raised questions on the loopholes which are there in the Indian legal framework. It's high time that India make certain laws with regards to genocide in its legal framework and obey Article 253 of the Constitution of India.

The suggestions are as follows;

1. Firstly, after ratification of the 1948 Genocide Convention it puts an obligation on India to make certain provisions related to genocide in its legal framework.
2. Secondly, the crime of genocide must not be just seen as murder but it is to be considered as the epitome of crime committed against the humanity.
3. Lastly, the centre must make it point to obey and respect the international treaty or convention to which it has ratified according to Article 253 of the Constitution of India.

References

1. Aditya .P. Arora, *Genocide- An Indian Perspective*, ACADEMIKE (Jan. 26, 2022, 12:22 P.M), <https://www.lawctopus.com/academike/genocide-indian-perspective/>
2. R.J Rummel, *The Crime of Genocide in International Law*, INTERNATIONAL STUDIES ON CRIMES (Jan.26,2022,12:25P.M),<https://www.hawaii.edu/powerkills/GENOCIDE.ENCY.HTML>
3. Kinjal Sharma, *Genocide- A crime against humanity*, IPLEADERS BLOG (Jan. 26, 2022, 12:29 P.M), <https://blog.ipleaders.in/genocide-a-crime-against-humanity>
4. Meera Kumar, *Genocide in modern times*, LEGAL SERVICES INDIA (Jan.26, 2022, 12:31 P.M), <http://www.legalservicesindia.com/article/1464/Genocide-In-Modern-Times.html>
5. Mohi Kumar, *Genocide under International Law*, LEGAL SERVICES INDIA (Mar. 28, 2022, 05:30 P.M), <https://www.legalserviceindia.com/article/1433-Genocide-Under-International-Criminal-Law.html>
6. Abraham Joseph, *India is in breach of its Genocide Convention*, THE WIRE (Mar.28, 2022, 05:30 P.M), <https://thewire.in/law/genocide-ontario-1984>