

Haider and the Fundamentality of Denied Rights

In his most famous soliloquy, Shakespeare's *Hamlet*, contemplates the merits of suicide by hitting upon the most important questions plaguing humankind: What does it take to survive in a world marred by the struggle of constant abuse from all fronts of life? In the play the Prince of Denmark contemplates the viability of such a life; Haider (2014) turns this contemplation into a reality.

The film, set in 1995 in Indian Kashmir, depicts Haider's troubles in a successful adaptation. As a student sent to university in Aligarh away from the insurgency, Haider returns to Kashmir upon learning of his father's (the Doctor) disappearance and embarks on a journey to look for him. Amidst his search, he gets dragged into a politically marred conflict and is traumatised by personal and political fronts. However, besides being a critically acclaimed adaptation, the film can also be understood as a commentary on the state of human rights in Jammu and Kashmir.

Haider offers a commentary on the political atmosphere in Kashmir and sheds light on the India's brutal legacy of subjugation and counterinsurgency efforts in the state in the 90s. By offering a domestic depiction of the state, rather than a sinister haven for terrorists from across the border, the film lends itself to an easy understanding of human rights, as well as their enforcement. This insurgency was a part of several systematic attempts by the Indian state to thwart the democratic process in Kashmir. Here begins the commentary on the Human Rights abuses. According to the Human Rights charter, the primary responsibility of a government (that has signed the charter, which India has), is to uphold the human rights of the citizens and to guarantee to them the basic rights that the Charter lists.

The film through its narrative depicts several fronts on which it has failed. The first of these is the violation of Articles 6– 9 of the UDHR. Haider sets out to look for his father who has disappeared after being arrested by the Indian Military without a warrant. After his arrest, the Doctor vanishes. There are no traces of him in government records, and in this, he is not alone. The narrative introduces the concept of "half-widows": women, the whereabouts of whose husbands are unknown. These men are never presented before a court: they vanish without any traces, leaving behind contemplations and families that will probably look for them for the rest of their lives.

Articles 6 – 9 deal with the recognition of individuals as people before the law, the right to entitlement of the protection of the law, as well as the rights to effective legal remedies and the protection from arbitrary arrest. In being taken from his home and vanishing thereafter, the Doctor represents the very situation that these articles deal with. Later, when Haider comes across Roohdaar, the viewers are offered a glimpse into the Doctor's life as a detained suspect. The glimpse is marred by torture, and degrading and inhuman treatment: Article 5 of the UDHR. The Doctor is tortured for information he does not know, and degraded for not offering information he cannot provide.

The film does not leave out Articles 12 and 13a from the narrative either: phones are constantly tapped, civilian homes are constantly surveilled, and correspondence is routinely intercepted, making Srinagar a perfect depiction of a police state. Even the Freedom of Movement within the state (Article 13a) is restricted: when re-entering his home state upon return from Aligarh, Haider must pass strict military checkpoints in order to make it safely and not end up on the list of those who have disappeared. Haider also holds up a mirror to the

enforcement of the Armed Forces Special Powers Act (AFSPA) in the state of Jammu and Kashmir that essentially allows the military free reign to commit human rights abuses, via a monologue delivered by the main character in 1995. AFSPA, of course, remains in place to this day.

Haider is a rare mainstream depiction of an issue that is often brushed under the carpet. Through it, it is plain to see how the human rights we take for granted are easy to take away, and how often the state fails to take them into account when thinking of winning in a conflict. Although not directly a commentary on Human Rights, the reference to UDHR abuses is is omnipresent. From its seamless depiction of the Kashmiri conflict to the merging of narratives to tell a story of abuse, the film is a goldmine of knowledge regarding basic Human rights and their violations.