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Exposing the contradictions of the state: Complexities of legal mobilization in Kashmir

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This paper draws on ethnographic research as well as critical readings of the legal archive to show how state power is exercised and also contested in landmark cases of fake encounters, disappearance, and custodial killing. In these cases, human rights lawyers have successfully argued for compensation as public remedy for violation of Article 21 of the Indian Constitution that guarantees the right to life. The paper considers how and why human rights lawyers cite precedent in Indian case law as they seek to challenge impunity and expose the contradictions of the state. It also considers the political meanings and consequences of compensation as public remedy under conditions of occupation.

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