

## CHAPTER-II

### WOMEN'S HUMAN RIGHTS: GLOBAL, NATIONAL AND REGIONAL CONTEXT

*“Break the Silence, when you witness violence against women and girls, do not sit back. Act”*

*Ban-ki-moon, former Secretary General, UNO.*

#### 2.1 INTRODUCTION

The women's human right is a very broad and elaborate concept and its divergent areas lead to different perspective which includes many things. As, it is an international subject, it includes every right of women in a global manner. The woman is the Mother of Earth (*Dharti Mata*) who as a mother is 'Supreme Being and *Guru*'. She plays a role of mother, sister and daughter. The human and social life starts from mother. The women are mistress of half of country. They are life partners and co-travelers of man in the creation of life and progress of the society (Misra, 2012).

The term 'women's human rights' a western connotation and set of practices that accompanies its use are the continuously evolving product of an international movement to improve the status of women and it is a revolutionary notion (Baishya, 2017). In 1980s and 1990s, women's movements around the world formed networks and coalitions to give greater visibility both to the problems that women face every day and to the centrality of women's experiences in economic, social, political and environmental issues. In the evolution of what is becoming a global women's movement, the term 'women's human rights' has served for the development of women of political strategies shaped by the interaction between analytical insights and concrete political practices. Further, the critical tools, the concerted activism and the broad based international networks that have grown

up around movements for women's human rights have become a vehicle for women to develop the political skills necessary for the 21<sup>st</sup> Century (Mishra, 2012).

The United Nations Centre for Human Rights defines, 'human rights could generally be defined as those rights which are inherent in our nature and without which we can not live as human being'. The concept of 'women's human rights' owes its success and the proliferation of its use to the fact that it is simultaneously prosaic and revolutionary. On the other hand, the idea of women's human rights makes common sense. It declares, quite simply, that as human beings women have human rights. Anyone would find her or himself hard-pressed to publicly make and defend the contrary argument that women are not human. So, in many ways the claim that women have human rights seems quite ordinary (Deka, 2008). On the other hand, 'women human rights' is a revolutionary notion. This radical reclamation of humanity and the corollary insistence that women's rights are human rights have profound transformative potential. The incorporation of women's perspectives and lives into human rights standard and practice forces recognition of the dismal failure of countries worldwide to accord women the human dignity and respect that they deserve—simply as human beings. A women's human rights framework equips women with a way to define, analyze, and articulate their experiences of violence, degradation, and marginality (Mishra, Women's Human Rights Agenda in 21st Century: Challenges Before India, 2012). Therefore, the idea of women's human rights provides a common framework for developing a vast array of visions and concrete strategies for change.

J.S. Verma, Ex-Chief Justice of India stated that 'all those rights which are essential for the protection and maintenance of dignity of individuals and create conditions in which every human being can develop his personality to the fullest extent may be termed human rights' (Rahman, 2016). There have been many socio-political movements for the rights of women elsewhere in the world as well as in different parts of India as they are also playing an active role in public affairs which is not a new phenomenon. Women movement for their rights started in 18<sup>th</sup> Century with the demands of women franchise in France. Women have long realized that they have been exploited in one way or the other because of discriminating socio-cultural traditions and unjust economic and political practices.

Another tradition from which they immensely suffered has been that of male chauvinism which is to be found in almost all societies throughout the different stages of history. All these considerations have prompted women from time to time to fight against the unjust traditions and practices of the society and to free themselves from the shackles put on them.

India's women's movement for their rights began as a part of social reform movements in the 19<sup>th</sup> century. Raja Ram Mohan Rai, Ishwarchandra Vidyasagar, M.G. Ranade, Dayananda Saraswati were among the social reformers who raised their voice against women's discrimination and worked for emancipation of women so as to enhance the status of Indian women (Forbes, 2009). The rights for equality in socio-political and economic and in various other activities have become the central theme for women empowerment.

As women constitute nearly about 50% of total population, therefore it is not possible for a country like India to make progress without the overall progress and development of women. As a matter of fact, the question of empowerment of women has been raised by the successive governments in recent years. India achieved independence on 15<sup>th</sup> August, 1947 and adopted democratic form of government. However, Indian democracy is representative of common people in nature and as such common people do not take part directly in the decision making process unless they are empowered. Therefore, in order to ensure people participation in the decision making process at the grassroot level and thereby to make Indian democracy as dynamic and affirmative various steps needs to be adopted.

## **2.2 WOMEN HUMAN RIGHTS IN GLOBAL CONTEXT**

Human beings inherit by birth certain basic and natural rights that define a meaningful existence for them. The main feature of human rights is equal dignity of all human beings irrespective of caste, creed, gender and religion. The international efforts addressing issues presumed to be associated with women began in the nineteenth century; it was in the post war period that such activity gained a coherent focus under the auspices

of United Nations. The United Nations has played an active and important role in this transformative process of acknowledgement and development of women's human rights (Siddiqi & Ranganathan, Handbook on Women and Human Rights, 2010).

The United Nations was created following World War II. Its purpose and the basic principles it affirms, including the principle of non-discrimination, are set forth in the UN Charter. The American Independence Movement of 1776 and the French Revolution of 1789 were inspired by the ideal of natural rights and both the movements were formed to challenge government that curtailed the natural rights of people (Adhil-ul-Yasin & Upadhyay, 2006). At the time of French Revolution natural rights were promoted to the legal rights by formulating the 'Declaration of Rights of Man' and the Declaration defines natural rights as liberty, property, security and resistance of oppression (Article 2, Declaration of Rights of Man, 1789). But after the Second World War, the need to acknowledge and safeguard human rights in the international level in a systematic way was established through the declaration of Universal Declaration of Human Rights (UDHR) on December 10, 1948. It was articulated and was developed as a reaction to the atrocities and oppression caused by the Second World War (Agarwal, 2008).

The UDHR sets out 30 Articles. Article 1 and 2 of the declaration state that "all human beings are born equal in dignity and rights and are entitled to all the rights and freedoms set forth in the declaration" without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Some of the important rights are: i) the right to life, liberty and security of person (Article 3), ii) freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 5), iii) the right to recognition everywhere as a person before the law, the right to an effective judicial remedy (Article 6), iv) the right to equality before the law (Article 7), v) the right to marriage and family (Article 16), vi) the right to own property (Article 17), vii) the right to freedom of belief and religion (Article 18), viii) right to freedom of opinion and information (Article 19), viii) right of peaceful assembly and association (Article 20), ix) the right to social security (Article 22), x) the right to a standard of living adequate for health and well being (Article 25), xi) the right to education

(Article 26), xii) the right to participate in the cultural life of the community (Article 27) (Agarwal, 2008, Op. Cit. pp. 38-39).

Apart from this, the first concerted assertion of the rights of women came in the form of the Declaration of Sentiments in 1848 which asserted that all men and women are created equal. In 1993, the Vienna Declaration and Programme of Action (which was the outcome of the World Conference on Human Rights) promoted women's rights as human rights. It emphasizes that rights of women and girls are inalienable, integral and indivisible part of universal human rights. But, in spite of that it is noticed that women are still not treated equally at the global level (Kumar, 2013).

Gender inequality and discrimination have become distinct problems everywhere in the society although forms and nature may be different. Its nature may vary from time to time, place to place, but its existence is universal. The cause of this variation is based on the living condition, education level, culture, custom and tradition of a society or community. Women are always made to feel that they are subordinate and they also not aware of their rights and freedom; they even do not dare to raise voice against their status or discrimination. But gradually it is noticed that the traditional concept of women as inferior is in path of change. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides that women should be given rights equal to those of men on equal terms (Rahman, Human Rights, 2016). To remove the gender inequality, awakening of collective consciousness is necessary. Adoption of the CEDAW in 1979 helps to realize women's rights over the whole world.

It has been noticed that women have been continually deprived of their basic human rights and always considered as inferior to male. So, to remove the conventional image it is essential to recognize the individuality of women whose identity is always ignored by considering her as an essence. Women's struggle for independence and identity made a revolt all over the world. Thus various world conferences on women were held by the UN committee for heightening the women concern.

### 2.2.1 CEDAW

India is a signatory country to the International Agreement on the Convention of the Elimination of all forms of Discrimination Against Women (CEDAW) which was adopted in 18 December, 1979 by the UN General Assembly and entered into force on 3 September, 1981. It has been often described as an 'International Bill of Rights' for women. India has greatly influenced by the Convention in adopting policies and mechanism for protection and promotion of women's human rights. The CEDAW contains a Preamble and 30 Articles that are the key principles of equality and an agenda for national action to end discrimination against women. It is based on the belief that basic human rights include the true equality of men and women (Fraser, 2003).

The Convention is structured in six main parts with 30 Articles and may be summarized as follows:

- i) Part I (Articles 1-6) focuses on non-discrimination, sex stereotypes and sex trafficking.
- ii) Part II (Articles 7-9) outlines women's rights in the public sphere with an emphasis on political life, representation and the rights to nationality.
- iii) Part-III (Articles 10-14) describes the economic and social rights of women, particularly focusing on education, employment and health. Part-III also includes special protections for rural women and the problems they face.
- iv) Part-IV (Article 15 &16) outlines women's right to equality in marriage and family life along with the right to equality before the law.
- v) Part-V (Article 17-23) establishes the Committee on the Elimination of Discrimination against Women as well as the States parties' reporting procedure.
- vi) Part VI (Articles 23-30) describes the effects of the Convention on other treaties, the commitment of the State parties and the administration of the Convention (Rahman, Human Rights , 2016).

Thus, many countries that are parties to CEDAW have established domestic mechanism to create and enforce the rights within CEDAW.

The mid-decade *1980 World Conference on Women* held in Copenhagen, discussed within the framework of equality, development and peace, problems relating to violence against women. It conclusively held that domestic violence had serious social consequences and perpetuated itself from generation to generation and that women must be protected from domestic violence and rape. The last of the UN Decade for Women's Conference, the *Third World Conference on Women*, held at Nairobi in 1985, adopted '*Forward-Looking Strategies for the Advancement of Women*', the International blue print for the action until the year 2000. The Nairobi Conference (15-26 July, 1985) went a long way in heightening international concern over violence against women. Another conference in that year, the seventh UN Conference on the Prevention of Crime and the Treatment of Offenders, in August-September 1985, resolved that domestic violence and rape tend to be serious abuses that occur worldwide which seriously jeopardize the personal and social development of women (Yasin & Upadhyay, 2006).

### **2.2.2 BEIJING DECLARATION AND PLATFORM FOR ACTION**

The *Commission on the Status of Women* (CSW) Platform for Action prepared for the UN Fourth World Conference on Women at Beijing (4 to 15 September, 1995) aimed at, among others, protecting women's human rights throughout the life cycle and violence against women was explicitly identified as critical area of concern. It lifted the world human rights movement to a new level of development. The Beijing Conference adopted some strong and elaborate recommendations for the protection and promotion of women's human rights (Siddiqi & Ranganathan, Handbook on Women and Human Rights, 2010).

The Beijing conference assessing the global structure of the oppress women and noted for economic and well being of the women. The conference i) determined to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity, ii) Acknowledging the voices of all women everywhere and taking note of

the diversity of women and their roles and circumstances, honouring the women who paved the way and inspired by the hope present in the world's youth, iii) Recognize that the status of women has advanced in some important respects in the past decade but that progress has been uneven, inequalities between women and men have persisted and major obstacles remain, with serious consequences for the well-being of all people, iv) also recognize that this situation is exacerbated by the increasing poverty that is affecting the lives of the majority of the world's people, in particular women and children, with origins in both the national and international domains, v) to Dedicate unreservedly to addressing these constraints and obstacles and thus enhancing further the advancement and empowerment of women all over the world, and agree that this requires urgent action in the spirit of determination, hope, cooperation and solidarity, now and to carry us forward into the next century. They reaffirmed their commitment towards promoting women's economic independence by addressing remedial measures to the structural causes of poverty, such as equal rights and access for all women to the resources and opportunities. Moreover, to accomplish this goal, the delegation proposed strategic objectives and called on various bodies like governments and non-governmental organizations, women groups, international organizations, financial institutional and others to take certain actions to achieve these objectives (Streeter, 1996).

Parties to the Declaration, recognizing that inequalities between women and men have persisted and major obstacles remain, and that the situation is exacerbated by increasing poverty, reaffirmed their commitments under the various international covenants on human rights and dedicated to address the constraints and obstacles and enhance further the advancement and empowerment of women all over the world. The parties to the Declaration were convinced that eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development. Further, the parties believed that it is essential to design, implement and monitor, with the full participation of women, effective, efficient and



mutually reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women. Emphasizing upon equal access of women to education and health care, the parties expressed determination to promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas (Agarwal, Human Rights, 2008).

India's major achievements in the promotion of gender equality and the empowerment of women since the adoption of the Beijing Declaration and Platform for Action is the setting up Department of Women and Child Development in the year 1985 as a part of the Ministry of Human Resource Development to give the much needed impetus to the holistic development of women and children. With effect from 16 February 2006, the Department has been upgraded to a Ministry as "Ministry of Women and Child Development". The Ministry has 4 autonomous organizations working under its aegis viz.

- i) National Institute of Public Cooperation and Child Development (NIPCCD)
- ii) Central Adoption Resource Agency (CARA)
- iii) Central Social Welfare Board (CSWB)
- iv) Rashtriya Mahila Kosh (RMK)

Two Statutory Commissions have been established to safeguard the constitutional and legal rights of women and Children, to redress deprivation of their rights and promote gender justice and equality namely:

- i. National Commission for Women (NCW)
- ii. National Commission for Protection of Child Rights (NCPCR)

Ministry endeavors to create an enabling environment for women's safety and empowerment through legislative framework and specific/targeted schematic interventions (NCW, 2010).

### **2.2.3. GLOBAL AND REGIONAL PREVALENCE ESTIMATES OF INTIMATE PARTNER VIOLENCE**

It is also understood from the following tables about the facts of violence and exploitation against women that violence against women particularly intimate partner violence and sexual violence is a major public health problem and violation of women's human rights. The global estimates published by WHO indicate that about 1 in 3 (35%) of women worldwide have experienced either physical and/ or sexual intimate partner violence or non-partner sexual violence in their life time. Most of this violence is intimate partner violence, worldwide, almost one third (30%) of women who have been in a relationship report that they have experienced some form of physical and/or sexual violence by their intimate partner in their lifetime. It can be noticed that violence can negatively affect women's physical, mental, sexual and reproduction health and may increase the risk of acquiring some disease. It also indicates that men are more likely to perpetrate violence if they have low education, a history of child maltreatment, exposure to domestic violence against their families, harmful use of alcohol, unequal gender norms including attitudes accepting of violence and sense of entitlement over women (WHO, 2012). Therefore, there is evidence that advocacy and empowerment counseling interventions as well as home visitation are promising in preventing or reducing intimate partner violence against women.

Table 2.1: Lifetime prevalence of physical and sexual intimate partner violence among ever-partnered by WHO region.

WHO region	Prevalence, %
Low-and Middle-income regions	
Africa	36.6

Americas	29.8
Eastern Mediterranean	37.0
Europe	25.4
South-East Asia	37.7
Western Pacific	24.6
High Income	23.2

Source: WHO Report, 2010 accessed from [www.apps.who.int.com](http://www.apps.who.int.com) on 07.03.2017

Table 2.2: Lifetime prevalence of intimate partner violence by age group among ever-partnered women.

Age group, years	Prevalence, %
15-19	29.4
20-24	31.6
25-29	32.3
30-34	31.1
35-39	36.6
40-44	37.8
45-49	29.2
50-54	25.5
55-59	15.1
60-64	19.6
65-69	22.2

Source: WHO Report, 2010 accessed from [www.apps.who.int.com](http://www.apps.who.int.com) on 07.03.2017

#### **2.2.4 UNITED NATIONS HUMAN DEVELOPMENT INDEX (UNHDI)**

India's Human Development Index (HDI) has been ranked 131<sup>st</sup> out of 189 Countries in the 2017 and ranks 130<sup>th</sup> in 2018 as per latest Human Development Report (HRD) 2016 and 2017 by the United Nations Development Programme (UNDP). As per the report, India's rank of 130 put it in the 'medium human development' which also includes nations like Bangladesh, Bhutan, Pakistan, Kenya, Myanmar and Nepal. The report also stated that regional disparities in Education, health and living standards within India or inequality in human development has caused India's downfall to 26.8% on HDI score. The HDI is topped by Norway, followed by Switzerland and Australia. It is observed that 26.8 percent of India's HDI value is down due to inequalities in progress of economically and socially. This has confirmed that inequalities in progress caused lost of HDI value though Government of India and other state government have attempted variety of social protection and measures to gain economic development. These challenges also confirmed in India that despite considerable progress in policy and legislative level, women's are significantly less empowered in socio-economic and political aspects. It is to be cited that in Indian women holds 11.6 percent only in the parliamentary seats, 39 percent of adult women only reaching education at secondary level compared to 64 percent of males. Moreover, there is only 27.2 percent female participation in labour market compared to 78.8 percent of male. However, India's performance is better than its neighboring countries like Bangladesh and Pakistan ranking 127 out of 189 countries on the Gender Inequality Index (UNDP, 2018).

### **2.3 WOMEN RIGHTS IN INDIA**

Indian society has been a tradition bound society in which the traditionalists would present an idealized picture of women substantiating their claims on the basis of certain references from the vedic and classical literature. In the vedic period, women participated in all the fields like men and took active part in every sphere of human life. During the period, women enjoyed a fair amount of freedom and equality with the men. The position of women declined steadily from the later vedic period onwards. In Mughal period, the

position of women in general was subordinate to men. The functions and positions of women were distinctly subordinate and in long run came to be understood as servile to the male and dependent upon him in every stage of life. The Muslims also showed great respect to their mothers. The position of women was not satisfactory in the early period of British rule (Misra, Violence Against Women and Human Rights: A Critical Evaluation , 2012).

The movement of social reform began during the British rule though with a slow pace when a few educated Indians like Iswar Chandra Bidhyasagar, Mahtma Gandhi, Raja Ram Mohan Roy, Bal Gangadhar Tilak and other prominent figures laid emphasis on the education of the Hindu female, abolition of child marriage, lifting of Purdah System, removal of Dowry and Sati system. The Indian Independence led to the enactment of some legislation like the Suppression of Immoral Traffic in Women and Children Act, 1954, the Special Marriage Act, 1954, the Hindu Marriage and Divorce Act, 1956, the Hindu Minority and Guardianship Act, 1956, Intestate Succession Act, 1956, the Orphanage and Widow Home Act, 1960 and the Dowry Prohibition Act, 1961 (Siddiqi & Ranganathan, Handbook on Women and Human Rights , 2010).

Likewise, as in the UDHR, the Preamble to the Constitution of India promises to secure Justice, social, economic and political, liberty of thought, expression, belief, faith and worship and equality of status and opportunity for its citizen. Further, assuring the dignity of the individuals and the unity of the country, the Constitution guarantees certain fundamental rights and freedom such as freedom of speech, protection of life and personal liberty. Thus the Indian women are the beneficiaries of Fundamental Rights in the same way as Indian men. Article 14 of the Indian Constitution ensures 'equality before law' and Article 15 prohibits any discrimination among other grounds on that of sex (Chaudhary, 2018). However, despite the constitutional provisions, the report of the Parliamentary Committee on the Status of Women titled *Towards Equality* highlighted the fact that Indian women continued to suffer from neglect and deprivation. The report appeared as a major landmark in creating awareness about the deep-rooted disabilities faced by women in all walks of life (Saryal, 2014). Moreover, in conformity with the International Women's

Development Decade, in India too, the Decade was observed further creating awareness and mobilizing support of women's rights.

The provision of equality in the part of Fundamental Rights as enshrined in the Constitution relates to equality before the law and, on the other, to equality of opportunity. Here the equality is conceived in terms of individual rights and in terms of what has been described as the 'anti-discrimination' principle. All Fundamental Rights, including the right to equality, are enforceable by the courts. As against these, the Directive Principles of State Policy are not enforceable by the courts although they are of great social and political significance (Chaudhary, Human Rights, Women Rights and Culture in India, 2018). They provide a framework for a policy of greater equality overall in the distribution of several resources and in the relation between the different members of the society.

Women rights in India can be classified into two categories, namely as constitutional rights and legal rights. The constitutional rights are those which are provided in the various provisions of the Constitution. The legal rights are those which are provided in the various laws (Acts) of the parliament and the state legislatures.

### **2.3.1. CONSTITUTIONAL RIGHTS TO WOMEN**

- i) The State shall not discriminate against any citizen of India on the ground of sex [Article 15 (1)].
- ii) The State is empowered to make any special provision that enables the State to make affirmative discrimination in favour of women [Article 15 (3)].
- iii) No citizen shall be discriminated against or be ineligible for any employment or office under the State on the ground of sex [Article 16 (2)].
- iv) Traffic in human beings and forced labour are prohibited [Article 23 (1)].

- v) The State is to secure for men and women equally the right to an adequate means of livelihood [Article 39 (a)].
- vi) The State is to secure equal pay for equal work for both Indian men and women [Article 39 (d)].
- vii) The State is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength [Article 39 (e)].
- viii) The State shall make provision for securing just and humane conditions of work and maternity relief [Article 42].
- ix) It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [Article 51-A (e)].
- x) One-third of the total number of seats to be filled up by direct election in every Panchayat shall be reserved for women [Article 243-D (3)].
- xi) One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women [Article 243-D (4)].
- xii) One-third of the total number of seats to be filled up by direct election in every Municipality shall be reserved for women [Article 243-T (3)].
- xiii) The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [Article 243-T (4)] (M., 2017).

### **2.3.2 LEGAL RIGHTS TO WOMEN**

The following are the various legislations for protecting and safeguarding of women rights:

- i) Protection of Women from Domestic Violence Act (2005): This Act is a comprehensive legislation to protect women in India from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind-physical, sexual, mental, verbal or emotional.
- ii) Immoral Traffic (Prevention) Act (1956): This Act is the premier legislation for prevention of trafficking for commercial sexual exploitation. In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organized means of living.
- iii) Indecent Representation of Women (Prohibition) Act (1986): This Act prohibits indecent representation of women through advertisement or in publications, writings, paintings, figures or in any other manner.
- iv) Commission of Sati (Prevention) Act (1987): This Act provides for the more effective prevention of the commission of sati and its glorification on women.
- v) Dowry Prohibition Act (1961): This Act prohibits the giving or taking of dowry at or before or any time after the marriage of women (Rao, 2011).

### **2.3.3 CRIMES AGAINST WOMEN**

In the study of women rights in the national perspective, crime against women are found in different characters and these are rape, homicide for dowry deaths or their attempts, torture – both physical and mental, assault on women with intent to outrage her modesty, kidnapping and abduction and cases under Dowry Prohibition Act which are the major crimes contributing more than 99 per cent of the incidence of crimes against women in the state. The category-wise details of crimes against women and trends during last five years are given in the table below:



Table 2.3: Major crimes against women during last five years

Sl. No	Year	Rape	Homicide for Dowry, Dowry death or their attempts	Torture-both mental and Physical	Assault on women with intent to outrage her modesty	Kidnapping	Dowry Prohibition Act	Others
1	2010-11	1,582	2,817	7,302	2,989	5,145	940	176
2	2011-12	1,962	2,865	6,540	3,430	6,678	887	223
3	2012-13	2,058	2,869	7,155	4,106	7,057	1189	218
4	2013-14	2,940	3,116	8,902	7,092	8,510	1092	158
5	2014-15	2,945	3,119	9,476	7,972	8,964	1100	118
<b>Total</b>		<b>11,487</b>	<b>14,786</b>	<b>39,375</b>	<b>25,589</b>	<b>36,354</b>	<b>5,208</b>	<b>893</b>

Source: Information furnished by Home (Police) Department, Govt. of India 2015-16.

### 2.3.4 ROLE OF NATIONAL HUMAN RIGHTS COMMISSION IN PROTECTION OF HUMAN RIGHTS

The National Human Rights Commission (NHRC) of India which was constituted on 12 October, 1993 under the the Protection of Human Rights Ordinance of 28<sup>th</sup> September 1993 is an autonomous body which is dealing with protection and promotion of human rights relating to life, liberty, equality and dignity of the individual which are provided by the constitution. It has succeeded in their efforts in promoting and protecting rights of human being. For instance the NHRC has issued notice to Assam Government taking *sou mutto* cognizance of media report that two persons namely, Anjuma Khatun and Fakhruddin lost their lives protesting against the eviction drive near Kaziranga National

Park in Assam on September 23, 2016. It has also directed the state authorities to ensure that the rights of life, dignity and equality are not violated during the process of their eviction. Moreover, Justice V.S. Malimath on the 'Role of Human Rights Commission' had stated "National Human Rights Commission of India is one of the most effective Human Rights Commission in the world which has established its credential within the span of year. There has been growing awareness in the society about the human rights and the people want to seek redressal of various kinds of abuses including women, child and custodial deaths (Rahman, Human Rights, 2016).

### **2.3.5 WORKING OF NATIONAL COMMISSION FOR WOMEN (NCW)**

The National Commission for Women which was established in 1992 under the provision of the National Commission for Women Act, 1990 is a statutory body under the Government of India. The Commission has been working in addressing and protecting the plights, suppressions and other violence faced by the women in the country (NCW, 2016). According to Section 10 of the National Commission for Women Act, 1990, it has the power of performing different functions like investigation and examination relating to the safeguarding of women rights, taking up the cases of violations of the provisions under the constitution and laws, policy decisions and providing relief to women, participation in planning and advised in the socio-economic development of women and particularly performing for promotion and protection of women rights and enacted to achieve equality and development for the women. It is to be mentioned that the Parivarik Mahila Lok Adalat (PMLA) which is an innovative mechanism developed by the NCW has taken up 7500 cases so far, as it deals with encouraging settlement of disputes outside the legal framework and aiming to empower women in the justice delivery mechanism and the matters pertaining to family law. Moreover, the National Commission for Women has committed for the protection and promotion of women's welfare and development along with need for reviewing provision of the constitution and other laws for safeguarding the women's rights and privileges (Ojha, 2013).

## **2.4 WOMEN RIGHTS IN THE REGIONAL AND LOCAL CONTEXT**

The north east part of India is surrounded by the China in the north, Bangladesh in the south west, Bhutan in the north west and Myanmar in the east west. The states of north east Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura symbolizes pluralistic cultural and racial diversity in the region. In their society both matrilineal and patriarchal societal structure is prevalent. Women of the north-east India enjoy greater mobility and visibility than women of other parts of the India. Practices such as dowry and bride burning are not very much prevalent in the region. This is often cited to portray a picture of equity between men and women in the region. Women of the medieval period in Assam had been playing a prominent role in the household as well as in the social life of Assamese people. During Ahom period, the position of women in society was somewhat better than their counterparts of India though the position of women was subordinate to men. They enjoyed great freedom in the society. The womenfolk have made significant contribution towards the family, social and economic life of the society (Sen & Dutta, 2016).

During the period of British Missionaries the educational institutions were very few in number. Therefore, women literacy is not much countable to male counterpart at that time in north east. Women that time rose to such a height of learning and devotion that they succeeded in acquiring the headship of religious sects or institutions. But, practices such as bride burning and dowry system are not very prevalent in the region. There is often cited that both men and women were portrayed equity and violence against women is not a major concern in the region. However, some data collected by the North East Network has suggested that violence against women in the field of domestic violence is high in the north east and the rate of domestic violence is comparatively is higher in Assam than other north eastern states. The patriarchal control over women over the long period of time through societal structure is one of the factors.

There is patriarchal system in the society that man controls women's productivity both within and outside of the household activities. Violence against women affects their lives as well as in all socio-economic aspects of the society. It cuts across the religious and cultural barriers and takes variety of forms. Violence against them is largely unreported. Very often the fear and stigma among the women prevents them in reporting the incidence of violence and seeking assistance. There are several types of violence where women of north east have faced the problems like drugs related violence, sexual violence, dowry related violence, domestic violence, harassment at work place, women in arm conflict situation etc. and due to such violence women have to lost their rights such as right to life, right to liberty and security etc. (Das, Women's Human Rights in North East India, 2012).

However, despite the historical facts, women are subjected to exploitation and their rights have been violated in the contemporary society. The women of north east India irrespective of political ideology, caste, religion, language and education still faced violation of human rights. Despite the growth and advancement of science and technology their position and status are governed by the conservatism and traditional social orthodoxy. Women in the north east have suffered in the hands Jawans and Army personnel as result of militancy. Mass raids by the Jawans in search of militants, women has become easy prey in their hands and as result many atrocities were committed against women like molestation and rape of young girls and married women, torture, harassment etc. (Gogoi, 2015).

Table 2.4: Crime record against women in North-East

Sl. No.	State	Crime record	Year
1.	Assam	1,02250	2016
2.	Tripura	3,933	
3.	Meghalaya	3,366	
4.	Manipur	3,170	

5.	Arunachal Pradesh	2,534	
6.	Mizoram	2,425	
7.	Nagaland	1376	
8.	Sikkim	809	

Source: [www.time8.in/assam](http://www.time8.in/assam) accessed on 19.06.2017

Assam which facing severe insurgent problems like state of Manipur of Nagaland has witnessed many human rights violations. In Assam in the past two and half decades the insurgents groups like United Liberation Front of Assam (ULFA) and National Democratic Front of Bodoland (NDFB) and other insurgent groups carried different violent activities in the region and due to these activities human rights situations has deteriorated in Assam. To diminish and contain the insurgent groups the security forces have indulged in extra judicial killings, custodial deaths, rape and torture etc. in the different parts of the regions. The imposition of Armed Forces Special Power Act, 1958 has empowered security forces to conduct operations against the insurgents groups as a result innocent people had to suffer and it leads to gross violations of human rights where both men and women becomes victims from it. But these incidents are not properly reported by the intelligence and media in various angles (Das, Women's Human Rights in North East India, 2012).

#### **2.4.1 ROLE OF STATE HUMAN RIGHTS COMMISSION IN PROTECTION OF HUMAN RIGHTS**

The Chapter 5 of the protection of Human Rights Act 1993 which provides provision for setting up Human Rights Commission in the state. It intervened in the matter of human rights violations; inquire on the petition presented by any person on his behalf on the cases of human rights violations etc. It is to be mentioned that Courts are not sufficient enough themselves in giving justice and due rights to the citizens and need of structure institution like human rights commission is required for the protection and promotion of

human rights. There are several categories of cases registered with the Assam Human Rights Commission (AHRC) which includes Custodial death in Police Custody, Custodial death in Jail, Custodial torture, Custodial rape, Death in Police Encounters as reported by Police, District Magistrate and Government, Death due to illegal fake encounters as reported by the media and public, rape, illegal detention and arrest, police Excess and negligence, Jail conditions, Violations by the Health and Family Welfare department, Dowry torture and death, Indignity to women, harassment at Workplace and violation of Rights of Child etc. (Kuddus, 2018)

The State Human Rights Commission played significant role by taking up *suo mottu* cases in the state. It has taken a *suo-mottu* case in respect of pulse vitamin 'A' campaign on 11 November, 2001 after going through the news paper report published in the 'North-East Times' under the headlines 'Pulse Vitamin A claims 7 more lives'. The Commission recommended for payment of compensation to be paid by the Assam Government in each case to the next of kin of the 23 children who died within a week of administration of vitamin 'A'. Moreover, there number of cases taken up by the Commission since inception which includes 6546 total number of registered cases, 4834 number of disposed of cases, 1712 cases which are under process till 2008 (Rahman, Human Rights , 2016). Hence, the AHRC since the formation has been actively working as the watchdog of the human rights of the people of Assam.

#### **2.4.2 WORKING OF STATE COMMISSION FOR WOMEN (SCW)**

Moreover, the formation of State Commission for Women in the state level which was established in 1994 with the objective of protecting and promoting women's rights throughout the state especially in the situation when women are in need of help of the commission. They examine and investigate violations of women's rights and look into the complaints or *suo mottu* notice on the issue. The available records that the Commission has registered number of women's rights violations. Since 2005 they have registered 1145 cases of various incidents relating to women and only half of the case has been solved till

date. The highest number of 292 cases were registered relating to domestic violence in Assam was between July 2012 and December, 2013. Further, in the last 10 years, it is reported that 570 cases of different types of atrocities against women were disposed of (dnaindia, 2014).

The Commission has also visited several other districts of the state and organized district level meetings and seminars to educate women about their rights that provides in the Indian Constitution and other laws under the initiative of Meera Borooah who is presently Chairperson of the Commission. They also stressed on bringing consciousness among the women about the different welfare schemes offered by the government and other agencies. They also observed regularly the International Women's Day on 8<sup>th</sup> March every year in benefiting manner (ASWC, 2015).

Table 2.5: Some of the Awareness programmes organized by the ASCW for spreading Women's Rights

Sl. No.	Date	Title of Seminar/Awareness Programme	Host Institutions /Place
1	04.04.94	Women's Rights	Conference Hall Circuit House, Guwahati
2	08.09.95	Women's Rights	Nagaon
3	24.09.95	Women's Rights	Circuit House Mangaldoi
4	19.09.06	The Protection of Women from Domestic Violence Act, 2005	Assam Administrative College
5	01.01.2011	Women's Rights	Deputy Commissioner Office, Kokrajhar
6	05.07.2011	Regional Level Conference on Trafficking	NEDFi Convention Centre, Dispur
7	11.11.2011	Women's Rights	Vivekananda Kendra, Institute of Culture, Guwahati
8	03.05.2012	Women's Rights	Mayong Development Block, Morigaon

9	16.05.2012	Women's rights	Goroimari (Singimari), Kamrup
10	10.07.2018	Legal Awareness Programme	Hailakandi

Source: ASCW accessed from [www.merineews.com](http://www.merineews.com) on 27.09.2018

Moreover, Assam State Commission for Women also publishes '*Meera Baido Se Pucho*' (Ask to Meera Sister) in the form of leaflet in Assamese language in order make the people to be aware of women's rights and privileges in recent times.

### 2.4.3 HUMAN RIGHTS ISSUES IN LOCAL CONTEXT

In Assam the Bodos who were vast tribe shares a good number of populations. Traditionally their social structure is patriarchal in nature and they live in an agricultural life (Sougajam, 2017). To study about the rights of Bodo women in the local context, we have to mention positions and status of women in the Bodo society. It is said that women in Bodo community has also equal freedom in their society. They are active in various social and cultural activities of the Bodo society. In the long struggle for the existence and identity of Bodo society, the Bodo people have witnessed several violent incidents in different phases of time. During the time of movement period human rights violations has occurred and many innocent people had to loss their lives in the hands of security forces. The Bodo movement which was vigorously launched by the All Bodo Students Union (ABSU) throughout the 1980s has witnessed several violations of human rights where women had to suffer along with male. Due to police atrocities many men and women were become victim and harassed by the jawans. The human rights issue in the Bodoland Territorial area was grim like other parts of the north eastern states from the beginning of the Bodo movement (Basu, 2017).

Moreover, during the movement many men and young boys were taken away from the villages, ring wells were poisoned, glass objects were mixed in food grains, women were beaten up too and tortured and there were frequent incidents of attempted rapes by the police personnel. The incident of Bhumka rape case on 25<sup>th</sup> and 27<sup>th</sup> January, 1988 under



the Kokrajhar district where 10 Bodo women aged from 13 years to 50 years were raped by the Assam Police and CRPF jawans was a horrific incident that shocked everyone in the society. For this notorious gang raped, All Bodo Women Welfare Federation (ABWWF) fought the case in Gauhati High Court against Assam Police to punish the culprit (Brahma K. , 2013).

The women folk of Kokrajhar district under the leadership of ABWWF went out to the street and organized protests rallies in a democratic way whenever police atrocities took place upon the people. In many occasions Bodo women gheroad police vehicles and tried to save them from police apprehension while they were ploughing in the field as well as when they went out for market. In many times, when women were sat on Dharna and protest, they have been sustained severe physical injuries while some of them felled prey of police bullets. It is really proved that Helena Basumatary aged 15 years and Gaide Basumatary aged 32 years who were the first Bodo women female martyrs in the history of Bodoland movement were gunned down by the Assam police on 12<sup>th</sup> May, 1988 at Soraibil under Kokrajhar district. The ABWWF encouraged Bodo women folk to involve in the struggle for separate state Bodoland and they mobilized by visiting in each and every Bodo villages sometimes without food and water and telling the people not to lose patience and to follow the democratic and peaceful way to make the movement successful (Chaudhuri, The Bodo Movement and Women Participation , 2004) .

On the other hand, the Bodo Women Justice Forum (BWJF) which was formed in 1993, 20<sup>th</sup> February working on the issues of peace and human rights in the Bodoland Territorial Areas Districts. The organization was established with the vision of bringing awareness among the Bodo women about the rights and upliftment of the women by Anjali Daimary. They have been launching movement against imposition of Armed Forces Special Power Act which is in operation in the North-Eastern States. Bodo women were suffered during the conflict situation and their rights are violated by both the security personnel and military organization. BWJF took protests march programme on 16<sup>th</sup> September, 2009 demonstrating with 'Rape Us' inscribed on their backs and chests against the rape of two young girls in Udalguri district by the CRPF Jawan an appealed to

Government of India to take strict action against the culprit. In 2012 when community clash took between the Bodo and Muslim in Kokrajhar and some parts of BTAD area, both BWJF and ABWWF took initiatives to bring normalcy and peace in the affected areas. BWJF was also a founder member of Bodo National Convention (BNC) formed in 2012 with the aim of bringing peace and harmony in the region along with reuniting different Bodo groups (bodolandobserver, 2016).

The BWJF and ABWWF intervened on the different occasions to defuse the tensions between the different political rival groups during election times. Both ABWWF and BWJF have been involved in the peace process and insisting Government of India and Government of Assam to have a fruitful dialogue with NDFB across the table and to bring permanent solution of the Bodo problems. So, the Human rights issues in the Bodoland Territorial Council area is seems to be serious and need to pay attention for revisiting the jurisdiction of human rights principles and the governance of implementation, as the region is identified and witnessed by the fact of fratricidal killings, ethnic conflict(s) and militancy act of terror and frequents unleash of fear psycho among the people of the region.

#### **2.4.4 CRIME STATISTICS OF KOKRAJHAR DISTRICT**

Kokrajhar district which has witnessed incidents of ethnic conflicts has also witnessed different kinds of crimes records. The crime against women like rape and murder are also seen in the district. Some overall crime record like murder, rape, kidnapping, riot, criminal and other related crimes of Kokrajhar district has been shown in the table below.

Table 2.6: Incidents of Crime under I.P.C. in Kokrajhar District, 2016

Murder	Rape	Kidnapping	Riot	Criminal Breach trust	Others	Total
45	51	53	11	18	2349	2,527

*Source: District Statistical Handbook Kokrajhar 2015-16*

The above table shows that in the Kokrajhar district incidents of crime against women is prevalent and in most of the times women were become soft target and they become affected in the society. There several incidents of violence in the BTAD area and this violence may be in the form of ethnic conflict and police atrocities during the operation against the militants, where women were mostly sufferer than men. Moreover, the BTAD has witnessed many ethnic and communal conflicts like 1996 Bodo and Santhal (Adivasi) conflict, Bodo Muslim conflict of 2008 in Udalguri district and recent Bodo and Muslim communal conflict in 2012 especially in the Kokrajhar and Chirang district which has witness that women and children had suffered a lot from both the communities during the conflict. It is to be mentioned that conflict induced displacement which is a serious concerned and hence displacement affects women extremely and causes physical, mental and economic insecurity and due to such problems women were become easy targets for the traffickers who gets the chance to make them involve in some vulnerable activities like prostitution and sexual abuse which is lead to violation of legal rights of women as per Immoral Traffic (Prevention) Act of 1956. Moreover, we may apprehensively say that women's security of lives and rights are again being violated by the concerned government itself when women essential needs of women were not met in the relief camps, such problems leads to violation of CEDAW Convention of Part-I of Article 1-6 of prohibition sex trafficking. In BTAD there has been witnesses of series of Internally Displaced Persons (IDPs) where they have to live in the relief camps with pathetic conditions without proper facilities or amenities and most of them, women were the sufferer (Daimari, 2016). In such situation the most common problem that occurred in the camps like health and sanitation problems, food insecurity creates more internal insecure in the lives of the people which leads to gross violation of human rights in general and women in particular in the region.

## **2.4 CONCLUSION**

It can be concluded by stating that Women Human Rights are not merely ideals or aspirations for the human being rather it is an inalienable right by virtue of the fact that we are being human. Women's rights will be safeguarded in a society where women are

accepted as individual human beings and their individual affirms. Every human is by nature dynamic and women no less so. While poor people in general are affected by this situation women can be particularly disadvantaged since they frequently have less access to news and information about new changes of legislature. This is particularly unfortunate at a time when many new laws and rights have been passed which could potentially improve women's status. By informing women of their legal rights and translating legal terms and procedures into information that can be understood and used by women, law can be made to work for them. Therefore, they must be given every opportunity to develop their human qualities and capabilities.

## REFERENCES

- Adhil-ul-Yasin, & Upadhyay, A. (2006). *Human Rights*. New Delhi: Akansha Publishing House .
- Agarwal, H. (2008). *Human Rights* . Allahabad, UP: Central Law Publications .
- ASWC. (2015, July 02). Retrieved October 28, 2018, from [www.womencommissionassam.gov.in](http://www.womencommissionassam.gov.in): [www.womencommissionassam.gov.in](http://www.womencommissionassam.gov.in)
- Baishya, N. (2017). Status of Women Rights: A Study of Baksa District (BTAD) of Assam. *International Journal of Humanities and Social Science Invention, Vol.6, Issue 12*, 26.
- Basu, K. (2017). The Bodoland Agitation and Ethnic Violence in Assam. *International Journal of Economic and Business Review, Vol.5, Issue 12* , 153-154.
- bodolandobserver. (2016, March 28). Retrieved September 13, 2017, from [www.bodolandobserver.com](http://www.bodolandobserver.com):  
<http://www.google.com/amp/s/bodolandobserver.wordpress.com>
- Brahma, K. (2013). *Politics of Identity: A Case Study of Bodos in Assam* . Assam University, Silchar : Unpublished Ph.D. Thesis.

- Chaudhary, R. (2018). Human Rights, Women Rights and Culture in India. *International Journal of Advanced Research and Development*, Vol. 3, Issue 1 , 517-518.
- Chaudhuri, S. S. (2004). *The Bodo Movement and Women Participation* . New Delhi: Mittal Publications .
- Daimari, G. (2016). *Status of Human Rights: A Study of Bodoland Territorial Autonomous Districts* . Sikkim University: Unpublished M.Phil Dissertation .
- Das, J. (2012). Women's Human Rights in North East India. *Journal of Humanities and Social Sciences*, Vol. 3, Issue 4 , 34-36.
- Deka, N. (2008). *Human Rights: Perspectives and Challenges*. Guwahati: Assam Book Depot.
- dnaindia. (2014, July 22). *www.dnaindia.com*. Retrieved November 11, 2017, from [www.dnaindia.com: http://www.dnaindia.com/india /report-assam-state-commission for women-ascw.com](http://www.dnaindia.com/india/report-assam-state-commission-for-women-ascw.com)
- Forbes, G. (2009). *Women in Modern India*. Cambridge, UK: Cambridge University Press.
- Fraser, A. S. (2003). Becoming Human: The Origins and Development of Women's Human Rights . In M. Agosin, *Women, Gender, and Human Rights: A Global Perspective* (pp. 56-57). New Delhi: Rawat Publications.
- Gogoi, R. M. (2015). Relocating Gender in Post Conflict Situation: An Insight into the Assam Scenerio. *International Research Journal of Social Sceinces*, Vol.4 (12) , 38.
- Kuddus, A. (2018). Role of Assam Human Rights Commission in Promotion and Protection of Human Rights . *Journal of Management in Practice*, Vol. 3, No.1, 3-4.
- Kumar, S. (2013). *International Relations and Human Rights*. New Delhi: Kunal Books.
- M., D. (2017). A Study on the Rights and Privileges of Women in India. *Journal of Humanities and Social Sciences*, Vol.22, Issue 7 , 29.

- Mishra, R. K. (2012). Women's Human Rights Agenda in 21st Century: Challenges Before India. In P. Pandey, *Women Rights: Violence, Human Rights and Empowerment* (pp. 265-266). Visakhapatnam, AP: Global Publishing House.
- Misra, P. (2012). Violence Against Women and Human Rights: A Critical Evaluation . In P. Pandey, *Women's Rights: Violence, Human Rights and Empowerment* (pp. 21-22). Visakhapatnam, AP: Global Publishing House.
- NCW. (2010, September 27). *www.india\_review\_beijing20.com*. Retrieved August 11, 2017, from *www.india\_review\_beijing20.com*: <https://sustainabledevelopment.un.org>
- NCW. (2016, February 27). *www.nationalcommissionforwomen*. Retrieved November 18, 2018, from *www.nationalcommissionforwomen*: <http://www.civildaily.com>
- Ojha, K. (2013). An Analysis of Role of National Commission for Women working in the fields of Women Rights and Freedom. *International Journal of Humanities and Social Science Invention, Vol. 2, Issue 11* , 20-21.
- Rahman, A. (2016). *Human Rights* . Guwahati: Ashok Publications .
- Rao, M. (2011). *Law Relating to Women & Children*. Lucknow, UP: Eastern Book Company.
- Saryal, S. (2014). Women's Rights in India: Problems and Prospects. *International Research Journal of Social Sciences, Vol. 3 (7)* , 51.
- Sen, S., & Dutta, J. (2016). *Women's Studies; A Socio-Political and Historical Perspectives* . Dibrugarh, Assam: Mahaveer Publications .
- Siddiqi, F. E., & Ranganathan, S. (2010). *Handbook on Women and Human Rights* . New Delhi: Kanishka Publishers & Distributors.
- Sougaijam, A. (2017). The Status of Tribal Women in Northeast India: Responding to India's Social Challenges. *International Journal for Social Studies, Vol.3, Issue 11* , 80.

- Streeter, N. (1996). Beijing and Beyond... *Berkeley Journal of Gender, Law & Justice*, Vol.11, Issue 1, 200-203.
- UNDP. (2018, September 14). *www.in.undp.org*. Retrieved December 21, 2018, from *www.in.undp.org*: <http://www.in.undp.org/content/india/en/home/sustainable-development/indiaranks.html>
- WHO. (2012, December 12). *www.who.int.com*. Retrieved March 07, 2017, from *www.who.int.com*: [http://apps.who.int/iris/bitstream.9789241564625\\_eng.pdf](http://apps.who.int/iris/bitstream.9789241564625_eng.pdf)
- Yasin, A.-u., & Upadhyay, A. (2006). *Human Rights* . New Delhi : Akansha Publishing House .