PREFACE

The topic of this thesis is mainly concerned with the violation of the women’s Human rights Laws with special reference to Assam which is undertaken through unobtrusive measures. This work in hand deal with the violation of those rights of women which are recognized and codified under the statutory provisions of law which are applicable to the women of Assam, nationally as well as internationally.

The concept of human rights itself is a developing subject, having the universal concern which cuts across the major ideological, political and cultural boundaries. Human right is a fairly new name for what was formerly called the ‘rights of man’ paradoxically owes its concept from ‘natural rights’. The first major statutory attempt to recognize the rights against tyranny and arbitrary exercise of power by the sovereign could be traced to Magna Carta of 1215 AD in England. Thereafter, the Bill of Rights (1689), the American Declaration of Independence in 1776, the Declaration of the Rights of Man and of Citizens, adopted by the National Assembly of France, 1789 added the positive fuel to the concept of natural rights of man. But none of these documents considered the concept of women’s right specifically. The establishment of League of Nations in 1918, after the 1st World War could not change the situation. However, it was only after the Second World War, the use of the expression “Human rights”
was promoted in the United Nations with the adoption of United Nations Charter in 1945 and the Universal Declaration of Human Rights in 1948. This Declaration mentions, only in few Articles, specifically about the rights of women. But the term “Women’s Human rights” is far away from the concept of Human Rights.

It is observed that the rights of women did not get the required attention throughout the World until mid 20th century. Rights of women still are recognized as a corner issue of discussion in the United Nations, mingling with other areas of human rights study. It is an undeniable fact that women as the weaker section of the society being exploited and denied basic rights throughout the globe. The term “Women’s Human Rights” is a fairly new concept which undergoes a set of practices that accompanies its use are continuously an evolving product of an international movement to improve the status of women. In the decade of 1980-90’s women’s movement around the world formed networks and coalitions to give greater visibility to the problems that women face everyday. The concept of women’s human rights owes its recognition only after the adoption of Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), 1979. However, the concept gets its proliferation and gets a concrete shape only after the Vienna Declaration in 1993 and the Beijing Declaration and Platform of Action,
1995. The idea of women's human rights simply explain that as human being, women also have their own human rights. On the other hand, the concept has a revolutionary notion. The incorporation of the women's human right perspective and standard setting recognize the dismal failure of the countries to accord women the human dignity and respect that they deserve simply as human being.

The human rights delineated by the Universal Declaration of Human Rights, 1948 are to be understood as applying to women also. However, traditions, prejudice, social, economic and political interests have combined to exclude women from prevailing definitions of 'general' human rights and to relegate women to secondary status within human rights consideration. This marginalization of women in the world of human rights has been a reflection of gender inequality in the world at large and has also had a formidable impact on women's lives. It has contributed to the perpetuate, and indeed, the condoning of women's subordinate status. Women's human rights are violated in variety of ways and through various institutions and systems of society such as family, religion, education, service, health etc. Though various laws have been passed to protect the women's rights, yet they become futile due to various lacunas within them, converting them as paper rights. Thus, the laws on dowry death, custodial rape, torture, molestation, domestic
violence etc. are the examples, under which the women's human rights are violated. Apart from all those kinds of violations persistent in Assam, terrorism gives rise to another kind of violation against women, which has assumed alarming proportions in the recent time.

The present work contains the contemporary problems of women in Assam, which may be articulated in the legislations (Supreme or subordinate) in response to socio-economic, political and demographic needs of the society. To avoid biasness and motivation, the present work is tried to make free from all types of confrontation and abuse.

In the first chapter, it is attempted to find out the origin and historical development of the concept of human rights, as well as women's human rights to evaluate the concept of rights of women since from the historical period. Different perspectives from different angles are attempted to analyze to reveal the actual rights of women. Being a part of India, Assam has distinct ideology, religion, culture and tradition having difference with the rest of the world. The steps from Indus Valley Civilization to the present century, from Vedic culture to freedom struggle, women in India, as well as in Assam have undergone a separate evolutionary entangle, mixed up religion with traditional and cultural heritage of mankind, deserves special discussion here. But the United Nations Charter, Universal Declaration of Human Rights, Covenants and
commonly accepted human rights instruments are the off-spring of the people’s struggle for civilized life, the living product of blood, toil, tears and sweats of two great world war disaster requires special attention here. These evolutionary stages of mankind lead to the concept of women’s human rights which flourished into a concrete concept after the Vienna Declaration and Beijing Platform of action and Beijing +5 Review.

Being the offshoot of two great world wars, the convention on the Elimination of All forms of Discrimination against women, 1979 is considered to be the main source of women’s human right. To understand the violation of women’s human rights, one has to know first what are the human rights of women. To understand these rights in Chapter-II, a critical analysis of the relevant international documents, especially for women and their lacunas, if any are undertaken. The role of non-governmental organizations for upgrading women’s human rights internationally and the human rights machinery, and mechanism and monitoring process in case of violation of women’s human right are analyzed in this Chapter.

The decade of 1940 was marked by a resurgence of interest in Human Right. The Indian Constitution was adopted by the people of India in 1950 which itself is a reflection of the basic human rights
enumerated in the UN Charter and Universal Declaration of Human Rights, 1948. The fundamental rights, guaranteed under Chapter-III and the directive principle of State Policy guaranteed under Chapter-IV of the Constitution of India are the two chapters under which the human rights are protected. Thus, in chapter-III of the present work, the rights of women and their position under the Constitution of India are discussed in details. While discussing these constitutional rights the view of the judiciary regarding the rights of women and their violation under the Constitution are critically analyzed here.

The Indian women are very submissive and often they are victimized and discriminated by the norms created by the male dominated society. The Government of India is keen to protect those victimized women and accordingly enacted various laws for their protection. Unfortunately, the man-made laws for protecting women could not rectify this inequality in its proper sense. It is therefore, in chapter-IV, the different legislations enacted for the protection of women and the failure of such laws in protecting human rights of women are discussed. The lacunas within such protective laws are also discussed to understand the reasons for violation of women’s human rights under the laws.

Chapter-V is the core area of this thesis. In this Chapter, the statistical data of human rights violation of women gathered by different
agencies in Assam are discussed and analyzed here. The report of crime against women published by CID, Assam, different cases filed before the Women Cell, Women Human Rights violation report prepared by different NGOs etc. are discussed and analyzed here. The atrocities on women during armed conflict in recent time are also reported here. All those data and reports show the clear violation of women's human rights in Assam.

In Chapter-VI the role of judiciary in protecting the women's human rights are discussed here. While discussing the role of judiciary, different judgments and facts decided by Supreme Court, Gauhati High Court, different Sessions Courts in Assam, National Human Rights Commission and Assam Human Rights Commission are analyzed critically.

Finally, the data analysis, investigation, case study etc. reveals that human rights violation of women have increased in Assam mainly from last few decades. To mitigate the violation of women's human rights in Assam some suggestions are forwarded in the concluding Chapter.

Mrs. Mridula Devi,  
Principal,  
Dispur Law College.

Gauhati University  
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