CHAPTER I

INTRODUCTION

‘Human rights’ is as old as the history of human society on earth although as a concept it gained universal currency only in the post World War-II period mainly because of the devastating impact of the Second World War which compelled people of all strata to think seriously about humanity and the need to protect their rights. Looking into the gravity of the problem the United Nations (UN) adopted the Universal Declaration of Human Rights (UDHR) in 1948 in order to protect human being from inhuman cruelty and thereby, to protect human dignity and worth throughout the world. The UDHR, in fact, laid the foundation for the development and practice of human rights all over the world.

The UDHR states “…… recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”\(^1\) Human rights thus are fundamental prerequisites for the development of human personality and dignity. Every human being is entitled to it irrespective of any kind of discrimination based on their class, caste, colour and sex etc. Beside the adoption of UDHR the United Nations (UN) has adopted some other instruments to protect and promote these rights of people. Some of the important instruments include International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) which together with the Universal Declaration of Human Rights formed the International Bill of Rights. Gradually the concept of human rights has got associated with a number of issues like that of the rights of migrants, labour class, minority, marginalised people and many others.

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Among the various issues relating to human rights the issue of women’s rights occupies an important position. It is an established fact that women are the primary victims of any kind of violence which in turn leads to the violation of their rights. It is therefore felt necessary to take certain ameliorative steps in order to improve the subjugated condition of women in the traditionally male dominated society.

With this urge a number of women’s rights instruments has been developed both at international and national level. Some of them, at international level, include Declaration on the Elimination of Violence against Women, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Political Rights of Women, Convention on the Nationality of Married Women, Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages etc. Apart from these the other significant events are establishment of the Commission on the Status of Women, declaration of International Women's Year, observing International Women's Day, World Conference of the International Women's Year in Mexico City, declaration of the United Nations Decade for Women, World Conferences in Copenhagen, Nairobi, Beijing and New York etc.

The Convention on the Elimination of All Forms of Discrimination against Women is the most important women’s rights instrument at the international level that is concerned with the security and endorsement of the rights of women both in public and private spheres. The principle feature of this Convention is that it strictly negates discrimination on the basis of sex and thereby guarantees human rights and freedoms to women in matters related to education, employment, health, political, economic and others. The signatory states are obliged to implement its provisions, in order to ensure women with dignity and respect, so that women’s rights can be realised in practice and not merely in laws. The Government of India has signed it in 1980 and ratified it in July 1993; and it came into force in August 1993.
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Being a signatory to this Convention the Government of India is committed to ensure women in India all those socio-economic, civil and political rights which are enshrined in the Convention and thereby, to protect women from violence, atrocities and exploitation. The Indian Constitution does not contain any provision specifically made to favor women but it provides certain fundamental rights to all its citizens (equally applicable to men and women) without making any discrimination on the basis of sex. In addition to the Constitutional guarantee of different fundamental rights, a number of Acts has been enacted by the Parliament for the protection of women from cruelties, discriminations, atrocities and violence. Some prominent of them include the Dowry Prohibition Act 1961, Medical Termination of Pregnancy Act 1971, the Indecent Representation of Women (Prohibition) Act 1986, the Commission of Sati (Prevention) Act 1987, the Immoral Traffic (Prevention) Act 1956, the Maternity Benefit Act 1961, the Muslim Women (Protection of Rights on Divorce) Act 1986, the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994, Protection of Women from Domestic Violence Act 2005, the Protection of Human Rights Act 1993 etc. Accordingly a concern has developed for the protection of women’s rights in different spheres like, social, economic, political and others at the national level.

Statement of the Problem:

Within a patriarchal framework of Indian society women have always been suffering from social handicaps and disabilities. They have to suffer the male dominance and social inequalities in every stages of their life. In fact, this system of dominance and perpetuated inequalities has remained as an unquestioned truth far too long. The idea of equality between the sexes emerged only after India gained independence and adopted its Constitution. The use of phrase ‘No citizen’ as mentioned in different Articles under the Fundamental Rights Chapter i.e. Chapter III clearly underline the need to ensure equality between the sexes both in principle and practice. Article 15 of the Indian Constitution prohibits discrimination on grounds of religion, race, caste, sex or place of birth; section (3)
of the same article allows State to make special provision for women and children ('Nothing in this article shall prevent the State from making any special provision for women and children').\(^2\) India has enacted different Acts to protect various rights of women from any kind of discrimination and violation. Beside these it has also emphasised on improving the existing conditions of women by including different developmental programmes for them in different Five Years Plans. In spite of the existence of Constitutional guarantees and legal mechanisms violations of women’s rights in Indian society has become a serious problem.

The ratification and adoption of the CEDAW by India and the need to provide safeguard mechanism in order to protect the rights of women provided the impetus to establish the Committee on the Status of Women in India (CSWI). The CSWI, after its establishment in 1974, recommended for the setting up of an apex body at the national level to deal with the grievances of women and for their socio-economic and political development. This recommendation was followed by successive Committees/ Commissions/ Plans including the National Perspective Plan for Women (1988-2000).\(^3\) Thereafter in consultation with Non-Governmental Organisations the Government of India adopted the National Commission for Women Act, 1990, a milestone in the protection as well as up gradation of women’s rights. Unlike the Protection of Human Rights Act, 1993 the National Commission for Women Act, 1990 is not an apex Act to constitute State Commissions for Women in different States. It is the States and Union Territories which have to enact their own laws for the establishment of these Commissions. Following this twenty eight States and six Union Territories, till date, have established the State Commissions for Women in their respective States and Union Territories.

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The National Commission for Women Act, 1990:

The National Commission for Women Act was enacted in the year 1990. The Commission consists of a Chairperson who shall be committed to the cause of women and shall be nominated by the Central Government; five members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organisation committed to increasing the employment potential of women, women’s voluntary organisations (including women activists), administration, economic development, health, education or social welfare. At least one member each shall be appointed from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively [Article 3{2 (a, b)} of the National Commission for Women Act, 1990].

According to section 10(1) of the Act, National Commission for Women shall perform all or any of the following functions, namely:

(a) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;

(b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(c) make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;

(d) review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;

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5 Ibid.
(e) take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;

(f) look into complaints and take sue moto notice of matters relating to

(i) deprivation of women’s rights;

(ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities;

(g) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;

(h) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all-spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;

(i) participate and advise on the planning process of socioeconomic development of women;

(j) evaluate the progress of the development of women under the Union and any State;

(k) inspect or cause to be inspected a jail, remand home, women’s institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;
(l) fund litigation involving issues affecting a large body of women;

(m) make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women tail;

(n) any other matter which may be referred to it by Central Government. The Commission shall, while investigating any matter has all the powers [section 10(4) of the Act]⁶ of a civil court trying a suit and, in particular in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

The State Commission for Women:

In India the State Commissions for Women (SCWs) have been established in Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Chandigarh, Dadra and Nagar Haveli, Daman Diu, Lakshadweep, National Capital Territory of Delhi and Pondicherry. Functions of these State Commissions are stipulated in the Acts enacted by their respective states and Union Territories. In general, the State Commissions for Women are empowered

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⁶ Ibid.
to look into the cases of violations of the rights of women in their respective states.

SCWs, as stated above, have also been constituted in all the states of Northeast India with an aim to protect women from cruelty, injustice and inhuman treatments and to ensure them with redressal mechanisms.

Generally, acts of violence against women are mainly centered on dowry deaths, domestic violence and women trafficking, in Northeast India, women suffer from not only these problems but the ongoing conflict situations of the region which take place between/among States and non state actors, various ethnic groups, and others has further worsened their condition. Violations of the rights of women during conflict situation take place both at physical and psychological levels. The nature of violence towards women in such situation include rape, sexual abuse, sexual humiliation, sexual mutilation, forced prostitution, forced pregnancy and trafficking, torture and other physical assault which results in deep physical and emotional or psychological traumas.

Further, violence is perpetrated against women irrespective of their caste, class, creed, religion, education and age etc. They suffer more severely than their male counterparts and this is due to deeply rooted gender bias of the society that ultimately results in gender specific violence and inequalities both in peace and conflict situations.

Against this backdrop the SCWs in Northeast India have important role to play in order to ensure women with justice and dignity and in providing relief to those who become the victims of violence, cruelty or atrocities.

The present study attempts to examine and assess the functions and role of the State Commissions for Women in Northeast India. It focuses on the working of three Commissions i.e. the Assam State Commission for Women (ASCW), the Meghalaya State Commission for Women (MSCW) and the Tripura Commission for Women (TCW). These Commissions have been established by Acts of the respective State Governments. The Assam State Commission for Women, established by the Assam State Commission for Women Act, 1994, came into being on 25/01/1994 and the Meghalaya
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State Commission for Women came into being on 15/10/2004. It was established by the Meghalaya State Commission for Women Act, 2005. The Tripura Commission for Women was established by the Tripura Commission for Women Act, 1993 and came into being on 05/02/1994. These institutions became operational immediately after their formation.

Rationale of the Study:

Although women of Northeast India is said to have enjoyed better position in terms of visibility and mobility in comparison to the women of the other parts of the country it is not uncommon to find them as subjects of family violence. Violations of women’s rights take place, at one level, because of the given position of women in society and existing social practices which do not consider the differential treatment as discrimination; at the other level their rights are violated as a result of conflict situation. The prolonged conflict situation have witnessed both the government agencies and armed opposition groups engaged in violence and counter violence. It has been observed that women are more vulnerable than their male counterparts in these situations. They face both psychological and physical violence.

Therefore it is relevant to explore the extent to which the rights of women of this region are protected by the State Commissions for Women. In this respect the present study attempts to focus on the working of the State Commissions for Women of Assam, Meghalaya and Tripura. This will enable us to understand the role of the Commissions to safeguard the rights of women and to provide assistance to the victims when there is violation of their rights.

Out of the seven States comprising the Northeast India (NE India) three States have been selected on the ground that-

i. Assam has been selected as it is the largest State in the NE India. This is also a region which has witnessed series of violence in the public domain either as a result of Anti Foreigners’ Movement or various movements for autonomy. All these have resulted in a situation where conflict and violence have scarred the public life.
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ii. Meghalaya is a State which has matrilineal society. Patriarchy is often cited as one of the important reasons for the violation of rights of women. It would be interesting to examine the role of SCW in a matrilineal society. Does it have any impact on the women’s rights and the work of SCW?

iii. Tripura has been selected as it is unique in nature, in the sense that it was a tribal dominated state before independence. But the post-independence migration has turned the tribes into minority. This has led to the tribal upsurge and conflict in the state which is often considered responsible for violation of women’s rights. Further, the practice of patriarchal social values like most other states is also recognized for secondary position of women. Against this background the present study will enlighten us about the role of TCW as the protector of the rights of women in the state.

Objectives of the study:

1. To understand composition, function and status of the State Commissions for Women in Northeast India.

2. To identify and analyse the working and the role of the State Commissions for Women in cases of violations of women’s rights.

3. To explore the relationship of NGOs with their respective SCWs.

4. To analyse the views of NGOs on the role of SCWs as also the role of the State Governments with regard to functioning of SCWs and NGOs.

Survey of Literature:

Literature on human rights of women in general and those related to violation of women’s human rights in particular is exhaustive. However, for the purpose of the present study following books and articles have been surveyed.
Violence against Women (Ahuja, 1998)\(^7\) reflects the nature of violence against women. The author focuses on the attitude of judiciary towards victims (women) and also towards their self-image and self-esteem. Indian women are victims of violence. They have been facing humiliation, torture, ill-treatment and exploitation by the male dominated society. The author finds six categories of violence that are perpetrated against Indian women. Among the various kinds of violence sexual violence is the most horrible one according to the author. Apart from this women fall victim of sexual violence at home, at work place, in markets and other places too. Other type of violence that is categorised in this study includes kidnapping and abduction, dowry deaths, wife-battering etc.

Further the work provides a theoretical ground of violence against women. It analyses the reasons of violent, abusive and cruel behaviour of men towards women focusing psycho-pathological, socio-psychological and socio-cultural theoretical analysis. These theories made psychological, social and cultural factors responsible for the ongoing violence against women. In highlighting the response of police towards the victims (women) the author finds most victims and their family members are humiliated by the police during lodging FIR or interrogation. Thus the author has discussed both the nature of violence perpetrated against women and response of police towards the victims of violence.

*Human Rights and Women of North East India* (Dutta, 2002)\(^8\) depicts the struggle for human rights in general and of the rights of women in particular. The author focuses on the rights of women in post independent era and also the present state of the rights of women in northeast India. Further the work discusses three generations of human rights - the civil rights, economic and political rights and the right of self determination, the socio-cultural rights of nations and peoples.

In international level Universal Declaration of Human Rights (UDHR) and Convention on the Elimination of All Forms of Discrimination against Women

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(CEDAW) are the prominent mechanisms for the protection of women’s rights. At the national level some parts of the Constitution is focused in order to examine the present status of Indian women. Apart from Constitutional safeguards certain other legislations to protect women from injustice and violence have also been discussed. These include Maternity Benefits Act of 1961, Equal Remuneration Act of 1976, Minimum Wages Act of 1948, Dowry Prohibition Act 1961, Hindu Marriage Act 1956 etc. Inspite of these the author finds that Indian women suffer from both mental and physical violence and deprivations. Although northeast India is no exception the problem becomes more serious due to the existence of conflict situation. In order to get rid of the violent condition the women of this region have come together to bring peace and most importantly to protect women’s rights. The author argued strongly for the application of various provisions of the Convention on the Elimination of All forms of Discrimination against Women in order to protect these women against violence.

Human Rights of Women (Roy, 2003) provides discussion on various aspects of women’s rights like the rights of girl child, adolescent girls, reproductive and political rights of women. Violence against women express itself in a variety of forms including domestic abuse, dowry-related violence, rape, sexual assault, prostitution and trafficking and even child marriages. It is urged that as human rights and fundamental freedoms are the birthright of all human beings therefore it is necessary to protect them.

According to the author sexual exploitation of children and especially of girl children is undesirable and the present socio-economic conditions are mainly responsible for it. Hence, the government should protect these children from being exploited sexually. The Convention on the Rights of the Child can be followed in this regard. The work also focused on adolescent girls and their rights stating that it needs special protection as they face many difficult circumstances on the way to womanhood. Women’s reproductive right is also highlighted as it is related to women’s wellbeing directly. Besides these the author has also taken into consideration the political rights of women. Convention on the Political

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Rights of Women (1952) is the first instrument of international law to recognise, protect and promote the political rights of women. The main urge of this work is that unless various legal instruments are implemented with full effect it will be difficult to reach the goal of women’s human rights in reality.

*Human Rights of Muslim Women in India* (Ansari, 2010)\(^{10}\) focuses on the inequality of men and women leading to gross violation of human rights in general and violation of Muslim women’s rights in particular. In cultural and religious sphere male interpretation and applications of Quran and stereotype negative traditions of Muslim community assign low status of Muslim women and this often leads to the violation of women’s rights.

Iqbal A. Ansari also argues that in secular India Muslim women are governed by the uniform laws as implemented for all people of India except in matters of family. In case of family Muslim women are governed by Muslim Personal Laws. It was emphasised that the *Nikahanama* itself should contain the provisions for prohibiting polygamy, unilateral triple divorce and share of divorcee women in the matrimonial property. All these are required to ensure justice to Muslim women.

Further, the author also states that Muslim women are primary victims of communal riots and majority of the Muslim women lacks proper education. So, a multipronged process is required to reform Muslim society; greater access to education, participation in decision making and political process is required. Insistence was also given on uniform ‘Civil Code’.

*Human Rights and Women* (Medhi, 1994)\(^{11}\) is basically a study focusing on violence against women which is spread through out all ages irrespective of

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women’s socio-economic conditions. Outraging women’s modesty through sexual assault is the most common way of violating the rights of women. The author finds security agencies in violating the rights of women in northeast India. It also examines the role of different organisations like Naga Peoples Movement for Human Rights (NPMHR) & Naga Mothers’ Association in publicising the violation of rights of women by governmental agencies. The author, on the basis of the report of Asia Watch and Women’s Rights Project Division, finds that there have been frequent cases of state sanctioned violence and sex discrimination against women by the law enforcing authorities.

Economic exploitation is another area that the work considers as an important one. According to the author in spite of the existence of laws like Equal Remuneration Act there is discrimination between man and women relating to the pay and time of the work. On the basis of various reports on the International Labour Organisation she concludes that women have failed to make the expected gains in the work place. The practice of giving and taking dowry has been a source of social problem As a result of this practice women face physical and mental torture and even murder. Hence, the Dowry Prohibition Act was enacted to prevent dowry deaths in India.

Thus the study emphasise that in order to deal with various social evils like dowry, female foeticide and customs of Devdasi which degraded the social status of Indian women various legislations have been brought but these are mere documents only.

In short the paper has addressed both the economic and social problems faced by women in India which ultimately negates their human rights.

*Wife Battering - A Common Form of Violation of Human Rights* (Saikia, 2002)\(^{12}\) clearly depicts violence against women inside the home. The author focuses on the conditions of victims of domestic violence. In domestic violence women are tortured both physically and mentally within the home and by their family

members. Indian women face many forms of domestic violence like wife battering, infanticide, incest, dowry death and even forced prostitution. It is the result of unequal power relationship between men and women in society. The author cited a number of cases to show the extent of domestic violence against women.

The author has suggested certain measures in order to free women from the terror of domestic violence. These include making woman self reliant, sensitise the male section of society to condemn all acts of violence against women, inclusion of cultural and human values in the educational curricula to promote respect for women, and development of various awareness programs relating to gender discrimination. Thus, dealing with issues of violation of the rights of married women the author has done enough justice to the title.

Women Problems and Their Oppression (A Study in the Mental attitudes of Society) (Singh, 1999)\(^\text{13}\) presents the status of Indian women since their childhood to widowhood. The author has cited a number of customary practices and traditional issues in order to highlight the mental attitudes of the society towards its female members. It has been emphasised that women at any stage of their life cannot do anything independently or according to their own wishes. In childhood a girl child is subjected to her father; in youth to her husband and when she becomes a widow, to her sons. The study further argues that the evil attitude of society kept women under the control of men through out their live. The author also holds higher female mortality as one of the reasons for unequal male and female births. Due to the preference of male child the society pursues inhuman acts to women. Women are treated as reproductive machine only. The neglect of girl child is also reflected in terms of education. In many parts of India female education is not encouraged. Thus, in her young life women face sexual and different physical violence from the community. During her widowhood women are expected by the society to follow _brahmacharya_. In this regard the Hindu Widows’ Remarriage Act of 1856 can be followed but the attitude of society is

still the same. Although a large number of legal protections has been given to women in terms of education, marriage, divorce etc but the practical situation is just the opposite one. Due to the prevailing mental attitudes of the patriarchal society women are not beneficiaries of existing legal mechanisms.

Women and Human Rights (Mishra, 2000)\(^\text{14}\) is basically a work focusing on violence against women. It provides a detailed discussion on various kinds of violence against women like rape, trafficking, prostitution, domestic violence etc. The author also examines the development of various international instruments to protect women and enhance their status. These include Declaration on the Elimination of Discrimination against Women, the Convention on the Political Rights of Women etc.

Fear of Rape: The Experience of Women in Northeast India (Nonibala Devi Yengkhom and Meihoubam Rakesh, 2002)\(^\text{15}\) outlines the violence that takes place against the women of Northeast India. The impact of violence on women’s life in northeastern region is miserable. Violence affects not only their well being but right to life also. For many of the violence against women of Manipur, authors hold the members of security forces responsible. A number of cases has been cited in order to substantiate their arguments.

The Role of Governmental and Non-Governmental Organisations in Securing Human Rights for Women (Borkatak, 2002)\(^\text{16}\) focuses on the role of both governmental and non-governmental organizations in protecting the rights of women. In discussing the role of governmental body that is the Assam State Commission for Women (ASCW), it has been found that most of the members of Assam State Commission are taken from ruling party. She clearly states that the Commission is constituted by the Government and is dominated by members

from the ruling party. The nature of the Assam State Commission is just like any counseling body which can suggest steps to government, examines policies and cases, takes up research work on women and like this. The author further states that the Commission as a counseling body sends suggestions to the government from time to time but these remain in files only for years after years. To make ASCW more functional organisation the author has suggested for the democratisation of the Commission, members should be appointed with a particular percentage of representatives from different women organization.

While discussing the role of NGOs the author views that the non-governmental agencies are taking up reformist activities among women. Though they give aid to small numbers of women but are unable to develop any movement for political empowerment of women. However, various women organizations take steps to raise the awareness of the women about their rights. They organize workshops, meetings among women to discuss various issues such as the low status of women in our society and its reasons, the constitutional and legal rights of women and the loopholes in such laws etc. NGOs also emphasize the need of women’s participation in decision making bodies in every sphere of society. The author also emphasises on the violation of women’s human rights by both insurgents and army in northeast India. In northeastern region many women organisations have been working for the cause of women like Naga Mothers’ Association, many Manipuri women organisation and some women organisation of Assam also. Finally, after analysing the role of both governmental and non governmental organisations the author suggests that there is a need that women’s organisation should always try to build up the women’s movement as a social movement from grassroots level and to get this point women must fight from a united platform so that awareness could be generated among large number of oppressed women about their human rights.

Rights of Women (Acharyya, 1994) provides a glimpse of legal status of women in Indian society. The International Women Year 1975 and the first International

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Women Conference of Mexico City encouraged the Indian government to perceive the developing status of women’s rights in India. A bunch of legal protections were meant for women but still Indian women are unaware about their rights. This is mainly due to the lack of education among the women.

The author has highlighted some significant laws like the Commission of Sati Prevention Act, Child Marriage Restraint Act, Dowry Prohibition Act, Immoral Traffic (Prevention) Act and the Hindu Marriage Act etc. Indian constitution also provides for the promotion and protection of rights of women in its various acts. The author also focuses on the legal status of Muslim women and also the right of inheritance of both Hindu and Muslim women.

Women and Law in India (Kaushal, 2010)\(^{18}\) holds that in spite of rising of the level of education among women and huge number of legislations violation of women’s rights still exists due to the drawbacks in the legislations itself.

The author on the one hand provides statistics of five years (1991-1995) of crime against women, and on the other has analysed the Hindu Personal Law, the Hindu Marriage Act, the Hindu Marriage and Divorce Act, the Hindu Adoption and Maintenance Act, 1956. According to him laws are created by men to protect men in the name of establishing equality between men and women. In order to show the male dominance in Indian society the author has cited prostitution as a necessary evil that exists due to socio-economic problems as well as force of men towards women. In this consumerist society a woman is used as a commodity. They are used for sex and thrown away after use. Indian law has failed to protect women from violation of their rights though their contribution to development is quite significant.

From the above studies it is found that all these studies have focused on the problem of violence against women. These enlighten us with the various kinds of violence that is mostly perpetrated against women. Though one author has cited

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role of ASCW but she has not given any detailed role of ASCW in relation to its functioning as laid down in the Assam State Commission for Women Act, 1994. Further, none of these studies focuses on the role of the State Commissions for Women in Northeast India as an organization protecting women’s rights. Hence, the present study intends to fill up this gap by focusing on the role of State Commissions for Women in Northeast India.

**Conceptual Framework:**

**Gender Violence:**

Gender violence can be understood as a situation where violence is perpetrated against a particular gender. This occurs because of the deep rooted gender bias of the society in general towards women which is attributed to the patriarchal nature of the society. Violence is perpetrated against women through socio-cultural structures. Gender violence thus denies women equality, liberty and justice and brings both physical and mental trauma for them. Under such situation the concept of human rights of women become almost non existent.

**Human Rights:**

According to the Section 2(d) of the Protection of Human Rights Act, 1993 “human rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.\(^{19}\)

Human rights are certain demands, recognized by the State, supportive to the development of human dignity and personality and are entitled to all human beings irrespective of any kind of discrimination. These rights can be claimed by virtue of being a human being only.

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Women’s Rights:

The universal character of the human rights implies that these rights belong to everyone irrespective of any ground like, sex, culture or race etc. The study of women’s rights refers not only to the rights that they enjoy but also to the denial of rights and the situations which leads to such denial. As human being women cannot be debarred from enjoying any rights.

Research Questions:

The present study focuses on the following research questions –

1. To what extent are the SCWs of Assam, Meghalaya and Tripura able to provide security to the women victims of human rights violations?

2. What is their mode of functioning?

3. What are the main achievements of the SCWs so far?

4. What is the attitude of NGOs towards their respective Commissions?

Significance of the Study:

The present status of women in India depicts that the rights of women are in a constant state of violation. Women are not that protected, be it inside or outside of her home. Within the four walls women are victims of domestic violence and outside it they face physical, sexual and psychological violence and discrimination perpetrated by both the state and society. And Northeast India is no exception; rather women of this region face extreme violation of their rights due to the existing conflict situation. Given the environment for the violation of women’s rights the role of SCWs in ensuring women’s rights becomes very crucial. Hence, the present study is significant as for the first time it tries to examine the role of State Commissions for Women of Assam, Meghalaya and Tripura.
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Scope of the Study:

The study aims to provide theoretical and empirical analysis of the role of State Commissions for Women in Assam, Meghalaya and Tripura. In the beginning focus is given on the conceptualization of human rights and women’s rights. After this the study focuses on international and national instruments protecting the rights of women. Keeping in mind the objectives, the study examines the formation, powers, functions and the role of the State Commissions for Women in the said States and also examines the interface between the Commissions and Non-Governmental Organisations.

Study Area:

The ‘seven sisters’ states of Northeast India comprises Assam, Arunachal Pradesh, Meghalaya, Manipur, Mizoram, Nagaland, and Tripura. After joining the North Eastern Council Sikkim is also identified as a northeastern state and can be termed as eighth sister. The region is connected with the mainland India only by 22km in West Bengal and almost 98% of the border area of the region is with neighboring countries like, Bhutan, China, Myanmar and Bangladesh.\(^{20}\)

Among the people of this region majority are mongoloids and have more similarity with the peoples of Tibet, Burma and so on. The existence of a number of ethnic groups in the region has created diversity in the languages of this region. Assamese, Bengali, Manipuri, Nagamese are the major languages of the region; besides these more than one hundred tribal languages/dialects can be found in the region. Chakma, Dimasa, Hojong, Tippera, Mog, Lushai, Abor, Aka, Kachari, Aimol, Chiru etc. are the major tribes of this region. Inspite of diversities in language, ethnic composition and culture there exists one commonness in all the states of this region i.e. all the States of this region lag behind in the field of infrastructure even after sixty five years of independence, for example, in case of development of communication; establishment of heavy industries; basic health facilities etc. Only Guwahati, the capital of Assam, is connected through direct

\(^{20}\) Tanmoy Bhattacharjee, Political Economy of North-East India (Silchar: Self Published, 2004), 247.
broad gauge railway connection with rest of the Country. This backwardness and remoteness of the region from the Centre often fuels a sense of alienation among common people of this region.

Though the region is full of natural resources but due to communication problem no remarkable industrial development has so far taken place. Naturally, the number of skilled as well as educated unemployed youths is increasing day by day. Unemployment is one of the causes for many social problems like, drug abuse, extortion etc. Although the North Eastern Council (NEC) and Department of North Eastern Region (DONER) have been established they are yet to bring a ray of hope to the lives of the people.

Though the region has potential human as well as natural resources it has attracted the attention of the rest of the country for wrong reasons. First time that the nation paid attention to the region in terms of development was in the aftermath of the Chinese aggression of 1962. The Naga and Mizo conflicts demanding independence dominated the first two decades of India’s independence. Since the decades of 80s almost all parts of the region are under the effect of activities of various armed opposition groups. The major armed opposition groups in the region include United Liberation Front of Asom (ULFA), National Liberation Front of Tripura (NLFT), Bru National Liberation Front (BNLF), National Socialist Council of Nagalim (IM), and National Socialist Council of Nagalim (K). In Manipur, there are more than dozen groups operating for almost identical cause i.e. an independent homeland; their activities have resulted in the destruction of public properties, kidnapping of public officials, businessmen and killing of innocent peoples. It would be no exaggeration to say that all these have led to large-scale human rights violations more specifically violation of rights of women. In addition to this there have been ethnic clashes between the Bodos and the Santhals, persecution of Khasi-Pnar tribes in Karbi-Anglong district which resulted in the flight of Khasi-Pnar tribe from the region, between the Hmar and Dimasas in the North Cachar Hill district, Kuki-Naga, Kuki- Paite, Meiti-Naga in Manipur and Reang - Mizo conflict in Mizoram. Displacements due to
developmental projects have also added to the physical and mental anguish and sufferings of the people.

Insurgency and counter-insurgency has made the region a place of gross human rights violations and the most serious victims of these kinds of violations are women. In order to protect the rights of women in all the states of Northeast India the State Commission for Women has been established. The importance of the workings of the State Commissions lies in the fact that they are the Government machineries and can look into the women’s rights violation cases even done by public officials.

**Assam:**

Assam is the largest state in Northeast India in terms of geography. Out of the total number of 31, 169, 272 persons, the number of male population is 15,954,927 and for females it is 15, 214, 345.²¹

The problem of insurgency in Assam should be seen in historical perspective. After the annexation of Assam, the British brought Bengali people as administrators, Nepali peoples as soldiers, Marwari peoples for business purposes in Assam.²² The development of tea industry brought labourers from Bihar, Uttar Pradesh and Bengal.²³ Thus from British period influx of people to this region continued for different reasons and after the independence the influx of refugees has changed the demographic structure of Assam. As a result, a sense of identity crisis among Assamese gentry developed that led to anti foreigners’ movement. It was a movement aimed at complete Assamisation by driving out the non Assamese people from the State. Such a step had strong support of the United Liberation Front of Asom (ULFA).²⁴

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²² Chinmayee Bhattacharjee, “An Interface between Insurgency and Human Rights in Northeast India” (M.Phil diss., Assam University, 2004), 108.
²³ Bhattacharjee, Political Economy, 268.
²⁴ Bhattacharjee, An Interface between Insurgency, 110-112.
The United Liberation Front of Assam (ULFA), a major armed opposition group of Assam, considers itself a "revolutionary political organisation" and engaged in a "liberation struggle" against India for the establishment of a sovereign or independent Assam. National Democratic Front of Bodoland (NDFB) wants to create a ‘sovereign Bodoland’ in the areas north of the river Brahmaputra; United People’s Democratic Solidarity (UPDS) seeks the secession of the Karbi-Anglong region of the North Cachar Hills district; Dima Halim Daoga (DHD) intends to create a separate state of ‘Dimaraj’ comprising Dimasa dominated areas of the N.C.Hills, Karbi Anglong districts of Assam and parts of Dimapur district in Nagaland for the Dimasa tribe.

The objective of *Hmar* Peoples Convention – Democracy (HPC-D) is to create an independent Hmar state consisting of the Hmar inhabited areas of Mizoram, Manipur and Assam. Activities of these groups cause human rights violation in general and of women’s basic rights in particular.

Violation of the rights of women takes place not because of the activities of extremists groups alone but due to the counter insurgency operations too. In Assam in the name of counter insurgency operation and protecting rights of people, Armed Forces Special Power Act 1958 has been brought into effect and several counter insurgency operations such as, Operation Rhino, Operation Bajrang, Operation Sher-e-Dil have been conducted. Thus the activities of various armed opposition groups and counter insurgency operations provide a space for conflict situation in state in which the common sufferers are the people in general and women in particular. Violence against women, in such situation, takes place in different forms like, murder, rape, torture, kidnapping, sexual harassment etc.

**Meghalaya:**

Situated in the middle of northeastern part of India Meghalaya is bounded by Assam in north and in the east, by Bangladesh in south and west. Previously it was a part of Assam and attained the status of a full-fledged state on 21st
January 1972. The total area of the State is 22,720 sq.km. Basically it is a hilly state inhabited by different ethnic groups. Out of the total population of 2,964,007, the number of male population is 1,492,668 and for females it is 1,471,339. Shillong is the capital of the State and a popular hill station.

Near about one third of the State is covered with forest. Though majority of the people are dependent on the land for their livelihood but potential for agricultural development is very limited due to the terrain. *Jhum* is the popular method of cultivation in the State and the major crops are rice, maize, pineapples etc. Beside these, ‘*Khasi Mandarim*’, orange of Meghalaya is very popular.

Although there are number of small scale industries in the State but unfortunately the State till date does not show any remarkable position in the development of large scale industrialization. Hindrances to the development of the State include lack of communication and economic and social problems.

The presence of different ethnic groups and communities in the state include Jaintias, Khasis, Garos and Bengalis, Nepalis, Koch etc. respectively. The important feature of the State is that majority of the ethnic groups in Meghalaya follows matrilineal system. Like other Northeastern states Meghalaya is also not free from insurgency and counter-insurgency related problems. As in Assam, insurgency in Meghalaya started as a movement to root out ‘outsiders’ from Meghalaya. The *Hynniewtrep* Achik Liberation Council (HALC) represented itself as protector of the interests of the major ethnic groups namely Khasis, Jaintias and the Garos of the State. But differences within the group led to the split of HALC in 1992 into *Hynniewtrep* National Liberation Council (HNLC) which represents the Khasis and the Jaintias and Achik Matgrik Liberation Army (AMLA) representing the Garos. It was again replaced by the Achik National Volunteers Council (ANVC). The main objective of HNLC is to establish Meghalaya as a State exclusively for Khasis whereas ANVC wanted to establish ‘Achik Land’ in the Garo Hills for Garos.

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26 Bhattacharjee, Political Economy, 13.
Tripura:

Tripura is the second smallest State in the region. This small State of India has an area of 10,490 sq. km. The State is surrounded by Bangladesh on the east, south and west and is connected with main land India by its northeastern side through Assam and Mizoram. Tripura was a princely state under the rule of Tripuri Kings during British period. However, under Tripura Merger Agreement the State merged with India in the year 1949. The State got the status of a full fledged State on 21st January 1972.\(^{27}\)

The State is inhabited by Bengali people and different other ethnic groups. Out of 3,671,032 persons, out of which male population number 1,871,867 and females population is 1,799,165.\(^{28}\) The literacy rate of the State in 2011 is 87.75%\(^{29}\) which is higher than the national average of 74.04%.\(^{30}\) Agartala is the capital of the State.

Near about 60% of the State is forested. It is noted for bamboo, cane handicrafts and rubber production. In fact, it is the second largest rubber producing state in India. It is an agrarian state and more than 50% of its population depends upon agriculture and allied activities. The major crops of the State are rice, potato, sugarcane, mesta, pulses etc. and major fruits are Jackfruit and pineapple. Jhum cultivation is very popular among the tribal people of the State.

It is found that during the last few years under the auspicious of State and Central Governments some small scale industries have been developing in Bodhjungnagar area. In spite of the presence of huge natural resources the State lacks major heavy industrial development till date.


\(^{29}\) Ibid.

The major ethnic groups of the State are Tripuri, Reang, Jamatia, Chakma, Halam, Mog, Munda and Kuki etc. Tripura had faced major problem of insurgency in the earlier decades though in recent years this problem of insurgency has been minimized to a great extent.

The demographic character of the State underwent a great change due to the migration of Bengalis from Bangladesh as a result of which the tribal population has become minority in the State. Thereafter, the politics and administration of the State has been dominated by the Bengali speaking locals and migrated peoples. The huge migration of the Bengalis ultimately resulted in the alienation of tribal population from the administration. As a result, the Tripura National Volunteers (TNV) came into forefront during the decade of 1970. The State witnessed a rise of the TNV insurgent group since the inter-ethnic conflict in 1980 popularly known as ‘Mandai Danga’. This conflict resulted into the violation of the rights of many women and children. The ethnic conflict in the State is thus a by-product of illegal migration. Most of the scholars have attributed this migration of Bengalese as responsible for change in the demographic profile of the state, appropriation of the benefits accrued from whatever development had taken place by the Bengalis and the resultant lack of development of the tribal population.

In the mid 1990s the State witnessed the rise of the All Tripura Tiger Force (ATTF) and the National Liberation Front of Tripura (NLFT). Both of these organizations demanded for the protection of the rights of indigenous people, right to self determination and more political autonomy. The State has faced gross insurgency related fatalities since 1990’s which took place because of the insurgency and counter-insurgency operations. In such situation women have experienced severe violation of their basic rights.

32 Ibid.
34 Ibid.
As seen from the above discussion, Assam, Meghalaya and Tripura have been suffering from gross violation of women rights since the later part of 20th century as a result of the social practices, lack of education and conflict situation. According to the report of the National Crime Records Bureau of India, in the category of Incidence & Rate of Crime committed Against Women in States, Union Territories and Cities, Tripura occupies the first position during the year 2011 whereas Assam and Meghalaya occupy the second and Twenty seventh positions respectively (Appendix VI). Thus, the formation of the State Commission for Women in these three states could be considered as a step in the right direction since these organizations are designed to provide justice to the victims (women). In Assam, Meghalaya and Tripura the Assam State Commission for Women, the Meghalaya State Commission for Women and the Tripura Commission for Women have been established in 1994, 2004 and 1994 respectively.

**Methodology:**

**Collection of Data:**

The information for the study has been collected both from primary and secondary sources. Primary data have been collected from the records available at the offices of SCWs at Guwahati, Shillong and Agartala. Some disposed cases have also been collected from the offices of the State Commissions for Women on the basis of simple random sampling. In addition to these, interviews have been conducted with the Chairpersons and Member Secretary/Secretary as the case may be of these Commissions. Interviews have been conducted with Presidents/Secretaries/Coordinators/ Directors as the case may be of Non-Governmental Organisations dealing with women’s rights of these States through a schedule comprising both structured and unstructured questions. For the purpose of this study a total number of six NGOs from Assam, seven each from Meghalaya and Tripura have been selected. Only those NGOs which focus on women’s rights and which have communication with their respective SCWs have been selected.
For this study two sets of schedule have been framed for the purpose of collecting primary data, one set of schedule for the members of the SCWs and another for the NGOs. Both the sets of schedule include open and close ended questions.

Field Study:

Field study has been conducted in Assam, Meghalaya and Tripura intermittently between 2009 and 2012. For the collection of data from secondary sources libraries of Indian Council for Social Science Research (ICSSR), New Delhi; National Human Rights Commission, New Delhi; National Commission for Women (NCW), New Delhi; Central Library of Tripura University; Central Library of North East Hill University have been consulted in addition to the Central library of Assam University, Silchar. Extensive use of Internet materials including e-journals has also been made.

Chapterisation:

Chapter I : Introduction

Chapter II : Women’s Rights: International and National Instruments

Chapter III : State Commissions for Women (Assam, Meghalaya and Tripura): Structure, Formation, Functions and Status

Chapter IV : Role of the State Commissions for Women (Assam, Meghalaya and Tripura)

Chapter V : Interface between State Commissions for Women and Non-Governmental Organisations

Chapter VI : Major Findings & Conclusion

In Chapter II we shall concentrate on the development of women’s rights in the post war period and discuss various international and national women’s rights instruments.