Violence against women is one of the most crucial social mechanisms by which women are forced into a subordinate position. It is a manifestation of unequal power relation which led to the violation of the human rights of women. It is notable that the notion of human rights can never be a static one. Whatever may be its form, but the concept has been undergoing a constant defining and redefining. Hence the concept of human rights is very broad and it includes many things including the concept of women's human rights. When the Universal Declaration of Human Rights was adopted in 1948, at that time it was thought that the concept of human rights include both the rights of men and women. But gradually, it is observed that women are not getting their required status and protection despite the adoption of different international declarations, conventions etc, for women. It is only after the adoption of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and then the Vienna Declaration of World Conference in 1993 and Beijing Platform of Action 1995, the concept women’s human rights has been developed. The Beijing Conference and the Platform for action adopted the forward strategy movement and the follow-up of Beijing review or the concept of women’s human right, which ultimately gave the concrete shape.
The women's human right is a very broad and elaborate subject. 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 relationship between international law and municipal law is very complex one, and this relationship in regards to women's human right cannot be explained in one single line. However, the authority of international law is still a debatable issue from the angle of the concept of sovereignty. The adoptability and enforceability of international human rights is still under experimentation. Under such a transitional period the concept of women's human right has been being blooming. It is a long and endless struggle of women generated from adverse, neglected and traditional suppression that women have to face from time immemorial. Women also had to face the violation of women's human rights from generation after generation either in the form of violence or suppression in the name of religion. It is an endless effort of women from prehistoric period till date to recognize the rights of women and their violation.

Normally violation of the rights of women occurs in different areas. The geographic and demographic difference of the nations give rise different perspective of violation of human rights of women. Under such a conceptualism the concept of women's human rights and its violation
under the different international instruments has been analyzed here within the purview of Indian laws which are enacted specially for women. Thus in Chapter-I of this Project all this concept of human rights, its origin, religious and historical development are analyzed in details. While discussing the historical development of women's human rights, the position of women in all the major religion of India, as well as in Assam are mentioned. In a third World country like India, religion plays a pivotal role in the day to day life of Indian people. In the name of performing religious rituals and usages, Indian women are always thrown into the subordinate status which cause the violation of women's human rights. Same thing is happening in the case for Assamese women also. Though the human rights exist from time immemorial, but the concept gets a concrete shape only after the First World War in general and the Second World War in particular. Hence, the development of post world war had undergone a long and quick march to the era of Beijing +5 Review with the adoption of numerous international instruments for women.

Assam is situated in the North-east part of India. As Assam is within India, the law enacted by the Government of India is equally applicable in Assam. Hence, it becomes necessary to know the
international documents in the field of women's human rights and their applicability in India as well in Assam. While discussing the international law in Chapter-II, the mechanism, applicability and lacunas of such international documents are analyzed in details. The international protection against the prevailing internal armed conflict situation of women also discussed in this chapter. Nevertheless, it is an undeniable fact that the current situation of Assam and the violation of the rights of women under the different laws applicable in Assam cannot be understood in isolation without referring to the Constitution of India, along with the different national laws enacted for women. The Constitution of India is the supreme law of the land. Any law in contravention of the Constitution is ultra vires the Constitution. All these provisions are discussed in Chapter-III.

The main point of this Thesis is that the violation of women's human rights occurred under different laws which are enacted for the protection of the rights of women. The relationship of those protective laws with the constitutional law, the lacunas within such protective laws, the existence of persistent violation of women's human rights and the defects of implementation of those protective laws are the main discussion in the IVth Chapter. By analyzing all those, it transpired that violation of human rights of women in Assam is two fold: first, the age
old violation of the human rights of women arise due to religious and
traditional practice of subordination of women in the name of rituals and
wages, and secondly, the growing incidence of atrocities on women due
to arm conflict situation of Assam after the rise of terrorism initiated by
United Liberation Front of Assam. With the elapse of time, Assam
witnesses the rise of crime against women, violence, atrocities etc.
against women in the mainstream of Assamese societies. The
Government of Assam, different non-governmental organizations etc.
came forward to protect the womenfolk from such violence. While
creating the awareness among the people, these organizations went on
preparing statistical data against such violations. The analysis of the
Statistical data collected from different sources like Women’s
Commission, Women Legal Cell, NEDAN Foundation etc. are mentioned
in Vth Chapter.

Judiciary is one of the important pillar of the Indian sovereignty. It
is the main protection of the rights of Indian people. Chapter-VI describes
the role of Supreme Court, Gauhati High Court, Sessions Court, Family
Court and National Human Rights Commission and Assam Human
Rights Commission regarding the protection of women’s human rights.
The analysis of the cases coming before the judiciary, the factual context of those cases and the judgment of those cases show a large scale violation of women's human rights in Assam.

However, the difficulty faced in projecting this thesis is the absence of concrete definition of women’s human right. The concept “women’s human rights” itself is a developing subject and is not yet defined adequately at the international forum. Naturally, the Protection of Human Rights Act, 1993 has not defined the women’s human right. Due to such deficiency, the boundary of women’s right could not be isolated out and ambiguity persists about such rights. Under the international set up, diverse areas were recognized in framing the concept of women’s human rights. But the powers and functions as well as enforcement machinery in the inter-governmental level shows that it has hardly any binding and uniform character, rather than an advisory function. Often it is found that the opinion of Inter-governmental organizations and Non-governmental Organizations become self-contradictory to each other regarding the abuse of human rights of women, and sometimes this has left the whole subject in ambiguity. In such a diverse situation, the human rights of women and their violation in Assam itself become very diverse which make this project difficult to give a concise picture for the establishment of the violation of the human rights of women. Hence the
formal necessity is the universal application of women’s human rights among the nations by way of legislation on women’s human right and its standard setting throughout the nations. Time has also come to think whether sanction behind the human rights law for women alone could be able to mitigate the human rights violation of women.

Finally, if women themselves are not aware about what rights they are having to understand the violation of their rights, it will be futile to make effort for enforcement of rights. As for example, the literary rate of women in Assam in 2001 is 56.03%, whereas her male counterpart is 71.93%. Hence, it is the time to change and to shape the education system to make the women aware of their legal rights through education. Responsibility lies upon the government, non-governmental organization and the public at large to motivate the womenfolk.

The National Policy for the Empowerment of Women, 2001 also indicates various measures to be taken for the legal safeguard of women’s rights. It is mentioned as under:

2.1. Legal judicial system will be made more responsive and gender sensitive to women’s needs, specially in cases of domestic violence and personal assault. New laws will be enacted and existing laws reviewed to ensure that justice is quick and the punishment meted out to the culprits is
commensurate with the severity of the offence.

Therefore the women should get adequate security of their life and shelter.

Regarding Gender Sensitization, the National Policy has stated thus:

14.1. Training of personnel of executive, legislative and judicial wings of State, with a special focus on policy and programme framers, implementation and development agencies, law enforcement machinery and the judiciary, as well as non-governmental organizations will be undertaken.

Other measures will include:

(a) Promoting social awareness to gender issues and women’s human rights.

(b) Review of curriculum and educational materials to include gender education and human rights issues.

(c) Removal of all references derogatory to the dignity of women from all public documents and legal instruments.

(d) Use of different forms of mass media to communicate social message relating to women’s equality and empowerment.
The Malimath Committee had already collected the views of all concerned through a questionnaire to regain the lost confidence, be revamping the entire criminal justice system. The Committee has also raised questions regarding the need for constitution of specialized Court for dealing with certain crimes against women.

The step against violence against women has been dealt with by the National Policy for Empowerment of women in the following way:

“All forms of violence against women, physical and mental, whether at domestic or societal levels, including those arising from customs, traditions or accepted practices shall be dealt with effectively with a view to eliminate its incidence. Institutions and mechanisms / Schemes for assistance will be created and strengthened for prevention of such violence, including sexual harassment at work place and customs like dowry; for the rehabilitation of the victims of violence and for taking effective action against the perpetrators of such violence. A special emphasis will also be laid on programmes and measures to deal with trafficking in women and girls”.

After discussing all the provisions as mentioned in the preceding chapters, more particularly the Statistical data analysis in 5th Chapter, it is
summarized that the existing laws for the protection of women is either defective with lacunas or have not been implemented properly. Adding to this is the delay of the judiciary in justice delivery system. Moreover, the problem does not end with implementation of the laws. Though the laws are amended periodically, it is not possible to say that the law itself is in place and recognizes all forms of violence. Considering all the above discussions for the eradication of women’s human right the following suggestions are mentioned hereunder:-

**Proposed Amendments in the Constitutional Law:**

(a) In Chapter IV-A of the Constitution of India, duty to honour woman may be inserted. Following amendment may be made in Article-51-A(k) —“All the citizens of India shall have a duty to respect and honour a woman and renounce practices derogatory to the dignity of woman”. Because, by including duty as a Constitutional right, people can be motivated to respect and honour women under the bindingness of moral obligation.

(b) The term ‘woman’ may be included in backward classes in article-16 of the constitution for the speedy upliftment of the backward women as their right are violated more than the other woman.

(c) Article -19 clause (2) must have a reasonable restriction that the man should not make any speech or expression which is derogatory to the
dignity of women as it may able to diminish the violation of the human rights of women.

(d) There should be a separate Article in Chapter-III as fundamental right including the rights for woman.

**Proposed Amendments in the Indian Penal Code :-**

(a) Looking to the far-reaching and highly dangerous consequences of the crimes against women, it is suggested that the punishment provided under Section-294 obscene acts and songs in public place; 354 - assault or criminal force to woman with intent to outrage her modesty; 498 - A subjecting a woman to cruelty; 509 - word, gesture or act intended to insult the modesty of women is not sufficient and it must be modified and raised suitably to include the violation of dignity of woman.

(b) The punishment provided under Section-376-B, 376-C, 376-D should be raised from five years to seven years equivalent to the punishment provided under Section-376 and the minimum punishment should also be prescribed because very often it has been seen that Public Servants, Superintendent of Jails or Remand Home, Member of Management Committees themselves indulge in crime against women. Minimum punishment should be laid down for such act to prevent these law protectors from becoming law violator.
(c) If a person is found guilty more than once for the same offence, he must be awarded the maximum punishment provided under the Section and heavy fine. Same should be made the principle if one is found guilty of two different offences against woman on two different occasions. The burden of proof should lie on the offender.

(d) With the development of society, the number of offences against woman are also increasing at an alarming rate. Fine must be imposed on the accused. It may serve two purposes – it makes a deterrent effect on the criminal and the fine may be paid to the victim not by way of compensation, but as a respect to her. Furthermore, it is suggested that the State must also come forward to help in rehabilitating such victimized women and provide employment for them.

(e) Incest must be made an offence under the Code. In Hindu society, incest is the worst possible immoral act, but it is not an offence under the Code. Hence, incest should be considered as an offence under certain circumstances which may help to curb the violation done by one women to other women.

(f) Under Section-497 of the Indian Penal Code, both man and woman should be punished for the offence of adultery, as provided in the Law Commission Report.
(g) Some provisions for compensation to rape victim must be made. This may be imposed as fine by the Court on the accused. Section-376 may be amended to include the provision of compensation with a minimum amount of Rs.5000/- and upwards and the punishment for offence of rape should be increased from 7 years to 10 years as a preventive measure.

(h) The definition of minor as one under 16 years of age in rape law should be increased to 18 years since elsewhere the legal definition is anyone up to 18 years. Therefore, it must be amended accordingly, as already pointed out by a Committee set up by the National Commission for women in October, 1992.

(i) If the First Information Report are not recorded by police in rape case there must be the provision of punishment of that particular Police Officer so that they will not be reluctant in future to take action immediately.

(j) Section-498-A must be relaxed from the ground of dowry death cases, then the concerned police must be punished.

(k) Marital rape should be included as an offence punishable under Indian Penal Code. Because the law prevents a girl below 18 years from marriage, but on the other hand it legalizes non-consensual sexual intercourse with a wife who is just 15 years of age.
Proposed changes in Criminal Procedure Code :

(a) Criminal Procedure Code must have a provision wherein the second wife of a Hindu male must have the equal right with the first wife to prosecute her husband for the offence of bigamy. This right may further be extended to the right of getting maintenance from her husband, otherwise the marriage by committing fraud cannot be restrained.

(b) The Court should have a provision in Section-468 that the cases relating to women are decided at the earliest possible time. The time limit of two years may be provided for such offences because justice delayed is justice denied.

(c) The minimum amount of maintenance to the wife should be mentioned in Section-125 of Criminal Procedure Code. There must be provision that married daughters will not have any obligation to maintain their parents, as it is a psychological blow to the women’s crusade for economic independence and does not further the cause of women’s right.

Proposed changes in Hindu Marriage Act, 1955 :

(a) The provision regarding registration of the marriage under section-8 of the Hindu Marriage Act should be made compulsory and all the Revenue Officers, Sarpanchas, Patwaries should be authorized to keep marriage register for the same, so that the chances of fraud and mock marriages could and detected and checkd.
(b) There should be the introduction of Uniform Civil Code for marriage and divorce as provided under Directive Principles of State Policy throughout India. It may diminish the injustices against women under the guise of religious marriage.

(c) Customary Divorces should be registered before the public authorities.

(d) Remedy of restitution of conjugal rights should be retained with certain reservation. First, forced sex has to be disallowed. Secondly, it is proposed that denial of conjugal rights to woman should be treated with seriousness and it should be justified, if resorted to in an extreme care.

(e) The second marriage arising out of mock marriage must not be considered as bigamous marriage and for this, such second marriage must be strictly recognized and proved. Punishment should be implemented for such mock marriage against the husband.

Proposed changes in the Hindu Adoption and Maintenance Act, 1956 :-

(a) In case of adoption by an unmarried mother, mother’s name should be recognized as parent’s name for all purposes.

(b) In case of the death of husband, parents of the widow should be the guardians of the widow in place of the in-laws, otherwise a widow of
having the age of 15-16 years old may be tortured or exploited by the person of in-laws house.

(c) When the age of the bride is fixed as 18 or above, at the time of marriage, the principle that husband shall be the natural guardian of wife, should be abolished. It will cause the women mentally strong to acquire an independent status.

(d) Mother and father both must be recognized as natural guardians of the child to ensure the welfare of the child.

**Proposed changes in the Immoral Traffic (Prevention) Act, 1956:**

(a) The existing definition of prostitution should be amended to include more areas like sex tourism, hetero sex practice etc. should be included.

(b) Social awareness programme like housing legal aid, free counseling etc to be carried by the State must be included as a compulsory provision within the Act.

(c) Proper education and livelihood for the children of prostitutes must be provided by the state.

(d) Any private house where prostitution is carried out by a single person should also be considered as brothel.
(e) Special Police Squad should be deployed for investigation of inter-state trafficking cases and cross border links.

(f) Simple and speedy trial procedure should be implemented.

(g) Inter-state border permit system should be introduced within the Act for restraining interlinking trafficking.

**Proposed changes in Hindu Succession Act, 1956 :-**

(a) A reasonable restriction should be imposed on the testamentary power of a Hindu male who wants to disturb the usual line of inheritance of women.

(b) The property of a female Hindu is divided for purpose of succession into three classes which is not justifiable. It shows a retrogressive step. Therefore, it must be reviewed and distinction must be abolished. The law of inheritance of Hindu female’s property required a thorough review, despite the passing of the Amendment Act, 2005.

(c) The Amendment Act is no clear about the status and rights of married women regarding property who married before coming of the Act. The Act should make a clear provision about the rights of married daughter on her father’s property.

(d) The remaining uncodified Hindu law pertaining to joint family, partition, religious endowment etc. should be brought into Statute book. A Central legislation on the subject is the need of the day.
Proposed changes into the Maternity Benefit Act, 1961 :-

(a) The Maternity Benefit Act should have an over-riding effect upon the Employees’ State Insurance Act and the ESI Act must be in corroboration with Maternity Benefit Act.

(b) The Act should also cover the agricultural labourers.

(c) There should be effective implementation of the Maternity Benefit Act in all sectors of employment of women. Stringent penalties should be imposed for the violation of the act.

(d) Lastly, the piecemeal protection provided under different labour legislations have failed to protect the legitimate interests of female workers. It is suggested that a comprehensive legislation providing protections to female workers employed in different establishment, should be enacted, so that their legitimate rights can be duly protected in the line of maternity benefit.

Proposed changes in the Dowry Prohibition Act, 1961 :-

(a) Cruelty should not be a ground for establishing the dowry death as defined within the Act. Because normally it is not possible to prove cruelty after the death of the victim.

(b) As per provisions of the Dowry Prohibition Act both the giver and the taker of the dowry are punishable. As a result, complaints for
dowry extortion are not being lodged. Hence, it is suggested that the persons giving dowry should be excluded from liability.

(c) It is also suggested that anticipatory bail should not be granted in dowry cases to meet the ends of justice.

(d) The minimum sentence for bride burning and dowry death should be increased to either life imprisonment or death sentence in cases of rarest of rare cases.

(e) When a wife has been burnt the onus of proof should be on the alleged husband or his relatives to prove his innocence. He should not be enlarged on bail till all investigations against him are completed.

**Proposed amendment of the Medical Termination of Pregnancy Act :-**

(a) The word failure to contraceptive devices should be repealed from the Act as it enlarge the scope of large scale abortion of female featus.

(b) Due to the inclusion of the termination by minor girl with the consent of guardian if virtually increase the rate abortion on request.

Hence Section-4(b) should be reviewed and restriction should be imposed to prevent female foeticide and pre-nuptial abortion.
Proposed amendment of the Equal Remuneration Act :-

(a) The Act shall include all sectors including all kinds of industry and agricultural sector.

(b) Normally it is observed that for hard labour, the male are more preferred than female. Hence the Act should specifically mention about the provision of non-discrimination on the basis of sex.

(c) The Act should provide the guidance for evaluation of work either individually or, as a class or group to find out the standard of work between men and women.

Proposed amendment in the Indecent Representation of Women (Prohibition) Act :-

(a) There should be provision for punishment of women who voluntarily cause indecent representation of her body at public places.

(b) Indecent representation in the name of advertisement should be completely debarred. If required there should be provision for punishment of the advertising agencies also.

(c) The punishment for indecent representation should be more harsh than mentioned in the Act.

(d) In Section-4 of the Act, the publication of indecent representation must include the SMS or MMS through mobile phone, making of C.D. with the help of mobile phone.
Proposed amendment in the National Commission for Women

(a) Women’s Commission should be given more autonomy than now, if availed.

(b) There should be a separate head of account for Commission for getting direct fund from the finance department for economic independence.

(c) The Commission should be entrusted with the power of implementation of its judgment. For achieving this purpose, if necessary separate police personnel should be engaged for implementing its judgment.

Proposed amendment of the Protection of Human Rights Act:

(a) The Human rights Act should include the definition of Women’s human right. The definition of human rights include only a limited rights under which human rights violation can be decided. But it is suggested that more areas including women’s area should be included within the definition.

(b) The Human Rights Commissions shall be entrusted with more powers including the power to implement its judgment.
(c) The Act normally deal with human rights violation done by the State agency. But the Act must include the human rights violation of women by the common people.

(d) The Act should specifically mention in Sec.19 about the punishment of military and para-military forces for the atrocities committed on women. Special mention should be there for offence of rape by army personnel.

**Proposed amendment on Pre-Natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act** :-

(a) The Act must provide stringent punishment like imprisonment of minimum two years for the person who want to take help of pre-natal diagnostic techniques for committing the offence of killing female featus

(b) The Act should punish the doctors or persons who are engaged for the pre-natal diagnostic techniques.

It may be mentioned here that the position of Muslim women in India does not appear to be better than the Hindu women. The reason, appears to be the lack of social awareness, education and conservative attitude towards the women. The Parliament tried to implement the Uniform Civil Code, but it was objected from all sides of the Muslim community. The polygamy of marriage and the easy procedure to divorce without giving any maintenance encouraged the Muslim society to
become conservative against the Muslim women. All these disparity against the Muslim women must be changed by way of proper and effective legislations.

**Other Suggestions** :- Apart from all the above mentioned suggestions regarding laws, some other suggestions are also given here:

(a) Amendments in laws relating to some other crimes – There is an urgent requirement to pass a Central Act to prevent the misuse of the various scientific techniques to find out foetus abnormalities for detecting the sex of the unborn child and thereafter committing abortion by non-professional person with the help of those gadgets.

(b) Amendments in procedural laws – Drastic changes have to be made in the outmoded and complex procedural laws. The speedy procedural laws for women are required more particular in rape laws, women trafficking and sex tourism.

(c) It is normally observed that the number of women employee in the police service from the constable to the higher rank is less. Therefore, it is recommended to recruit more lady personnel at the rank of Inspector, sub-Inspector and Asstt. Sub-Inspector. Moreover, Women Cell should be established in every the Police Stations within the State of Assam.

(d) In the distribution of budget allocation funds, women are often deprived. Though the Assam Government this time in 2009 include 18
women items in the gender budgeting, still it is required that the Govt. should monitor whether or not gender budgeting is strictly followed in all Departments of the Government. Government should include more areas in gender budgeting process.

(e) There should be different Village Welfare Committees at every Village consisting of the local Village people to deal with the matters relating to women.

(f) Witch-hunting must be strictly prohibited by implementing compulsory stringent punishment like 10 years imprisonment or life imprisonment.

(g) The security and army personnel should be made accountable for the crime committed by them to the common people at the time of army operation.

(h) The provision at Section-4 of the Arm Forces Special Powers Act, 1958, i.e., shoot at sight must be repealed.

(i) Separate Women University should be immediately constituted by the Govt. of Assam for the higher education to women.

The Government of Assam have adopted various measures like the Scheme of 'Majani', 'Aajani' etc. for the improvement of the women of Assam. However, the problem does not end with implementation of those Schemes or Laws law. Though our laws have been amended periodically,
it is not possible to say that law itself is in place and recognizes all forms of violence. Although laws are necessary to provide basic rights and to punish offenders, what is required is a more holistic approach to deal with the violence, a major attitudinal change to modify the traditional views and ways of thinking about a woman.