

Issues of Human Rights and its reflection in the North-East India: A Critical Study

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Abstract

Human Rights are a very inclusive term. The term includes all the rights which need a human being to survive in dignity and worth. The trajectory of the same got a concrete shape after the formation of the United Nations Organizations (UNO) and its subsequent adoption of Universal Declaration of Human Rights on 10th Dec. 1948. This Declaration has had a great impact on the constitution makers and legislators of India and its subsequent insertion of rights in the Preamble, Fundamental Rights, and Directive Principles of State Policy. It also led to the formation of National Human Rights Commission by a Parliamentary Act in 1993 and State Human Rights Commission too. Like every parts of the globe there is intense measure of Human Rights Violation in India Particularly in Assam. Therefore, along with the international community India particularly Assam is trying to tackle this burning issue by applying Constitutional, administrative and legal measures. Since the issue is global we need to work along with the world community in cohesive and coordinate manner to establish a humane society with the motto of “Live, Let to Live.”

This paper focuses on how human rights have been violated in different areas by both the state and non-state machineries including human rights violation of religious minorities.

Keywords: Rights, violation, constitutional mechanisms, humane society, religious minorities.

Introduction: in the phrase of Abraham Lincoln, democracy is a government “of the people by the people, for the people.” In democracy rights the pillars of citizens. No political system can claim to be democratic, if it fails to make provision in this arena. Because it is rights, without which citizens can not develop their potential. H.J Laski has aptly remarked that the rights are those conditions of life without which no man can develop his best self. That is why all democratic countries make provisions for the enjoyment of certain fundamental rights in the constitutions. There are also certain other legal provisions to ensure the interests and rights to weaker sections like Schedule Caste, Schedule tribes, women, children, minorities, disabled etc.

Methodology

The methodology of this study is analytical. The data were collected from different secondary sources like Journals, Newspapers, Magazines, Books etc. to discuss the human rights issues in India specially Assam and the North Eastern region.

Objectives

1. What are the major areas of human rights violation in Assam?
2. What are constitutional measures to safeguard human rights?
3. What are the causes of human rights violation?

Human Rights: Evolution, meaning and Nature

The evolution of human rights at international level can be traced back immediately after the WW II (World war). Many scholars in this field tried explore and held responsible the WW II in which the large scale violation of human rights occurred particularly in Italy and Germany. The rulers of these countries forgot the democratic rule and became despotic and hence they very harsh militaristic policy at international level. This violation of citizen's rights in any part of the world contains the danger international peace and security. This assumption led to the United Nations to encourage and promote basic human rights in all regions of the world for sake of peace and security.

The very conception of human rights got a concrete shape after the Un General assembly adopted the universal Declaration of human rights on 10th December 1948. Since this landmark year 10th Dec. is observed as International Human Rights Day. The Declaration contains five kinds of rights –Civil Rights, Political Rights, Economic Rights, and Social and Cultural rights. These rights are available to people of the world without any discrimination.

Human rights may be defined as those minimal conditions of life which are available to all persons of the world as human being without any discrimination on any ground like caste, color, creed, place of birth, sex etc. Human rights are natural as the rights are available to all people by birth. They are not gift any external power. They are inalienable as no person can develop as a human being without these rights. They are interdependent and indivisible. They should be treated as an integrated set of conditions essential for human being.

International Institutional Arrangement for the Protection of Human Rights

The United Nations Organizations led by the world community laying down different forms of general and specific human rights has not confined with that only but also it has put in place elaborative institutional machinery or the enforcement monitoring, evaluating and promoting human rights in different parts of the globe. The important human rights institutions under the auspices of the UN are like the followings;

1. The UN Human Rights Commission established in 1946.
2. The UN Centre for Human Rights located in Geneva.
3. The UN High Commissioner for Human Rights created in 1993.
4. Commission on the Status of Women appointed by the Economic and Social Council in 1946.

5. Human Rights Council created in 2005.

Human Rights Issues in India particularly in Assam: Discussion & Outcome

The emergence of human rights issues in India can be seen from the interaction of three interrelated factors viz. Firstly, India has adopted the provisions of International Bill of Human Rights; Secondly, Provisions of the constitutions concerning the rights of the citizens and other legal measures; thirdly, the socio-economic conditions prevailing in India.

The first set of factors have been discussed earlier, the other two factors have to be looked into make out the nature of human rights issues in India as well as Northeast.

A. Constitutional Measures

Indian constitution has well furnished provisions for the fundamental rights for the citizens (Part III, Art. 12-35). The Directive Principles of State Policy (Part IV, Art. 36-51) which are non justifiable in nature but fundamental rights are justifiable. Moreover, there are provisions to protect the interests of the weaker sections of the society like SC/ST, women other backward classes, children and minorities.

Table A.1 Human Rights and their reflection in the Universal Declaration and the Indian Constitution

Name of the Rights	Universal Declaration	Indian Constitution
Equality before law	Art. 7	Art. 14
Prohibition of discrimination	Art. 7	Art. 15 (1)
Equality of opportunity	Art. 21 (2)	Art. 16 (1)
Freedom of speech & expression	Art. 19	Art. 19 (1) (a)
Freedom of peaceful assemble	Art. 20 (1)	Art. 19 (1) (b)
Right to form associations	Art. 23 (4)	Art. 19 (1) (c)
Freedom of movement within border	Art. 13 (1)	Art. 19 (1) (d)
Protection in respect of conviction for offences	Art. 11 (2)	Art. 20 (1)
Protection of life and personal liberty	Art. 3	Art. 21
Protection of forced labor and slavery	Art. 4	Art. 23
Freedom of conscience and religion	Art. 18	Art. 25

This table clearly shows that how Universal Declaration of Human Rights greatly influenced the Indian Constitution. The Constitution makers were conscious about the contents of the Declaration and therefore they gave due recognition to its provisions.

The Constitution also provides reservation of seats in favor of SC/ST and also for women in the state Assemblies and Panchayats. They are also provided reservation in services at both the level. There are provisions in the constitution to establish separate commission for SC/ST, minorities and OBC.

B. Legal and Constitutional Measures:

In addition to the constitutional provisions certain other legal and administrative measures are also adopted in India to protect the interest of the weaker sections of the society.

As a welfare state the government has launched various programs and policies for the protection of the weaker sections of the society like women, widow, mentally retarded, homeless, SC/STs and OBCs etc. Laws have been passed for protecting the interest of women and girl child. These are related to domestic violence like dowry prohibition, child marriage, foeticide of girl child, indecent representations of women in India, marriage reforms, and property rights. From time to time the government has established different commissions for the deprived sections by legal measures. The remarkable commissions are National Commission for Women in 1990, National Commission for Minorities in 1992, National Commission for Backward Classes in 1993, National Commission for Safai Karmacharies in 1993 etc.

The third set of factors having deep bearing on the nature of human rights issues in India are related to the socio-economic conditions of the country. The main effective factors in the regard are communalism, caste system, superstitions, transition from traditionality to modernity, poverty, wide gap in terms of income and economy and feudal social structure.

After having all these measures why do there have been violated human rights in different areas? Why India is struggling to get a human rights culture society? All these need to be addressed in concrete manner otherwise Indian democratic system would be questioned.

Major areas of Human Rights violation in India

a) Minority Issue:

In India large number of minorities like Muslims, Christians, Parses, Buddhists, Jainists, and many more are living here. Since partition the minorities' particularly religious minorities become a soft target of majority. Communal violence occurred in many parts of the country like Gujarat violence, Assam Agitation 1983 (Nellie Massacre) and frequently occurring violence in BTAD, Assam have proved it.

b) Security Forces and Rights violation:

Security forces are basically deployed to maintain law and order. But when these are deployed with powers in disturbed areas they become the master of human rights violation by raising their animal kinds of activities like rape, killing of innocent people, illegal detention etc. The annual Report of 2010 for India by Amnesty International reports that in Naxal affected areas of India 40, 000 adivasis remained internally displaced and near about 20,000 living in camps. Even human rights defenders who exposed abuses by state forces continued to be harassed by the state authorities.

c) Dalit Issues:

The Schedule Caste or Dalit constitute the lower strata of Indian society. They suffer from various disabilities and discrimination like untouchability and various types of harassment and discrimination in the society and public places.

d) Women Issues:

Women are the most vulnerable sections of the society. Their rights have been violated in many parts of the country. These violations include rape, dowry death, foeticide of girl child, sexual harassment etc.

e) Criminalization of Politics:

Criminalization of politics is one of the negative dimension of politics yet this has become very dominant in Indian politics. Because of the criminalization the law makers become the law breakers. The recently formed 16th Lok Sabha has sizeable number of MPs i.e. 186 (34%) facing criminal

charges. The tally is very significantly increasing in 2004 it was 24%, in 2009 it was 30% and in 2014 it reached up to 34%. In BJP alone 98 (35%) out of 282 MPs analyzed by the New Election Watch (NEW) and Association for Democratic Reforms (ADR) have self declared criminal cases while 63 (22%) have self declared serious criminal cases like murder, attempt to murder, kidnapping, dacoity etc.

Human Rights Violation in Assam and the Northeast (NE)

Human rights violation in Assam was traced to independence period (1947) because of insurgency jolted in the Northeast by the Nagas, Mizos, Khasis etc. tribes. In order to combat insurgency the security forces have been conferred special power in the NE region that has now become a controversial and a reason of sorrowness in the entire region.

The major areas of Human Rights violation in Assam and the Northeast:

a) Minority issue:

Assam is a multi lingual, multi cultural and multi ethnic inhabited region where Axomiya hindu is dominant and religious minority is dominated since partition. It is indeed not a regional problem but national problem as proved by the communal violences in many parts of the country like Assam Agitation (Nellie Massacre 1983), Demolition of Babri Mosque (1992), Gujarat communal violence (2002) etc. The more recent BTAD (Bodoland Territorial Administrative Districts) in Assam (2012) and (2014) have proved it. In this area only religious minorities have been the soft target of Bodo and Kacharies. In 2012 more than 80 people were killed (as of August 2012), it was reported that over 40000 people had to take shelter in 270 relief camps, even people have been reported to missing where 80% were Muslims. However, it is a matter of grave concerned that both the state and central government were reluctant in this respect. Even the basic rights of survival have been snatched away. It is the time for the government, civil society and other non-state agencies to think about their deplorable conditions because compensation is not the only solution. What will happen to the children who have lost their parents? Who will take responsibility who have lost everything? In 2014, same had been repeated wherein more than 40 people had been killed by the suspected National Bodoland Democratic Front (NDFB) but the government had completely failed to seize the illegal guns of them.

Armed Forces (Special Power) Act 1958 has become a major cause of human rights violation in Assam and the NE region which is extra judicial in nature. This draconian act is in operation in Northeast and Jammu and Kashmir. All the people of the region is demanding its withdrawal but the government is still reluctant to this issue.

AFSPA (1958) v/s Human Rights Violation in Assam and NE

b) Encounter or Extra Judicial killings:

The army personnel deliberately shoot many human rights activists. Examples are available like Cheniram Nath, a human rights activist was picked by Indian Army on 30th May and in June his dead body was found. According to Army he was killed in an encounter on that day with the insurgents. Like Cheniram many others becomes the victims of deliberate killings in the name of encounter but government and the National Human Rights Commission has nothing to do in this respect.

c) Torture:

Anyone whether combatant or non-combatant, even persons picked up for questioning for information and tortured using some brutal methods like shock to genitals, cigarette burns, pulling out the finger nails etc. severe punishment had been reported to many persons by the security forces.

d) Disappearances:

In certain cases persons picked up the security personnel have simply disappeared but the army deny having arrested them. So, non state agencies are being killed by the state agencies have not only continued but increased. Insurgent outfits continue political killings and kidnappings.

Major cause of human rights violation:

There are numerous causes of the violation of human rights. Some of the major causes of the violation of human rights in Assam's context are given below-

- a) Criminalization of politics leads to poor implementation of legal provisions and different social welfare program related to the rights of the weaker sections of the society.
- b) Costly judicial process and long delays are the major cause because it is said that the justice delayed is justice denied.
- c) Lack of awareness, education and gender friendly environment and human rights culture in the society.
- d) Extra powers (special powers) of the security forces and irresponsible behavior and corruption in the police department are the serious causes of human rights violation.
- e) Lack of accountability and transparency in the administrative system is another cause.
- f) Lack of poor growth of civil society organization in the field of human rights, political insensitivity among the ruling classes about rights issues are the main causes of human rights violation in this region.

Conclusion:

From the above discussion it is clear that the human rights violation in India as well as in the Northeastern region is a matter of grave concern. The whole world along with the individual country needs be addressed these problems of rights violation in every parts of the globe because violation in one part leads to the violation on the other parts of the globe. Although we have strong mechanism both at the international as well as national including regional level is there but human rights have been violated.

Politics is day by day becoming more and more criminalization which is a curse for the country. The need of the hour is to address this issue by making some criteria to enter or get elected in the legislature. Along with these all, judiciary should be committed speedy. In addition to that administration should be transparent and accountable to the citizens and a gender friendly i.e. 'Live, Let to Live' spirited society needs to be established.

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