

A CRITICAL REVIEW OF THE ISSUES AND CHALLENGES TO HUMAN RIGHTS IN NORTHEAST INDIA

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ABSTRACT

Human rights encompass a broad and fundamental concept essential for every person to exist with dignity and worth. This understanding gained clarity with the establishment of the United Nations Organization (UNO) and the ratification of the Universal Declaration of Human Rights on December 10, 1948. The Declaration significantly influenced the framers of the Indian constitution and lawmakers, leading to the incorporation of rights in the Preamble, Fundamental Rights, and Directive Principles of State Policy. It also resulted in the establishment of the National Human Rights Commission through a Parliamentary Act in 1993, as well as State Human Rights Commissions. Despite these measures, human rights violations remain prevalent in India, particularly in Assam. In response, India, along with the international community, is striving to address these pressing issues through constitutional, administrative, and legal measures. Given the global dimensions of this problem, cooperation with the international community is essential to foster a compassionate society under the motto "Live and Let Live." This study examines the violations of human rights across various domains, perpetrated by both state and non-state entities, including the infringement of the rights of religious minorities.

KEYWORDS: Rights, infringement, constitutional frameworks, humane society, religious minority.

INTRODUCTION

Abraham Lincoln is widely recognized for coining the powerful phrase "of the people, by the people, for the people," which succinctly encapsulates the essence of democratic governance. This statement emphasizes that a legitimate government is fundamentally rooted in the will and participation of its citizens. At the heart of democracy lies the recognition of citizens' rights, which serve as the essential building blocks for any democratic political system. Without the guarantee of these rights, no political entity can justifiably claim to operate as a democracy.

The significance of rights in a democratic society cannot be overstated. As individuals, citizens require a framework of rights to fully realize their potential and contribute meaningfully to their communities. H.J. Laski, a prominent political theorist, eloquently noted that rights represent the fundamental conditions necessary for existence. He argued that in their absence, individuals are hindered from achieving their fullest capacities. This insight underscores the imperative for democracies to enshrine and protect the rights of all citizens within their foundational documents.

Consequently, the constitutions of democratic nations typically include provisions explicitly designed to safeguard a range of fundamental rights that citizens can exercise throughout their lives. These rights often encompass freedom of speech, the right to assembly, the right to education, and the right to vote, among others. Furthermore, many democracies have instituted additional legislative measures aimed at protecting the rights and interests of marginalized groups. Such measures are crucial for promoting inclusivity and ensuring that

historically disadvantaged populations—like women, children, ethnic and religious minorities, individuals with disabilities, and members of Scheduled Caste (SC) and Scheduled Tribe (ST) communities—are afforded equal opportunities and protections under the law. The commitment to upholding citizens' rights is not merely a legal obligation but a moral imperative for any government that aspires to be genuinely democratic. It reflects a society's dedication to fostering an environment where every individual can thrive, participate actively in civic life, and contribute to the collective well-being of their nation.

METHODOLOGY

This study utilizes a comprehensive analytical approach to investigate the complex human rights issues that are particularly evident in India, focusing specifically on the state of Assam and the broader North Eastern region. To facilitate this exploration, a diverse array of secondary sources has been meticulously gathered. These sources include scholarly journals, reputable newspapers, informative magazines, and a range of books, along with various other literary works that provide insights into the historical, social, and political dynamics of the area. By synthesizing information from these varied materials, the study aims to present a well-rounded understanding of the human rights concerns that impact the local population.

OBJECTIVES OF THE STUDY

1. To examine the primary domains of human rights violations in Assam
2. To analysis constitutional provisions exist to protect human rights
3. To study about the factors contributing to human rights violations

RESEARCH QUESTIONS

1. What are the primary domains of human rights violations in Assam?
2. What constitutional provisions exist to protect human rights?
3. What are the factors contributing to human rights violations?

HUMAN RIGHTS: DEVELOPMENT, SIGNIFICANCE, AND ESSENCE

The development of human rights on a global scale can be traced back to the significant historical events following the conclusion of World War II. This period was marked by widespread and egregious violations of human rights, particularly under totalitarian regimes in countries such as Italy and Germany. The leaders of these nations, having abandoned democratic principles, imposed autocratic rule characterized by oppressive measures against their own citizens. Such violations not only undermined the dignity of individuals but also posed a grave threat to the peace and security of the international community as a whole. Recognizing the urgent need to address these human rights abuses and to foster global security, the United Nations took a pivotal step by committing to the promotion and protection of fundamental human rights across the globe. This commitment was rooted in the belief that the violation of individuals' rights anywhere constitutes a threat to all, emphasizing the interconnectedness of human rights and global stability.

The turning point came with the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly on December 10, 1948, which gave a concrete framework to the concept of human rights. This landmark document articulated the basic principles that should govern the treatment of individuals, cataloging a comprehensive range of rights. To commemorate this historic moment, December 10 is now recognized as International Human Rights Day, serving as an annual reminder of the ongoing struggle for the rights and freedoms of all people. Within the Declaration, human rights are classified into

five broad categories: civil rights, which protect individuals' freedoms and ensure their ability to participate in the political and civic life of society; political rights, which allow individuals to engage in the governance of their country; economic rights, which provide for the subsistence and well-being of individuals; and social and cultural rights, which preserve the identity and integrity of communities and peoples. Crucially, these rights are universal, meaning they apply to every person, regardless of any distinguishing characteristics such as race, ethnicity, gender, or social status.

Human rights can be defined as the fundamental conditions necessary for the existence and dignity of every human being. They are inherent to all individuals by virtue of their humanity, not granted by any authority or government. This inherent quality is vital; without the recognition and protection of these rights, the potential for human development is severely inhibited. Therefore, human rights are inextricably tied to the concept of human growth and flourishing, necessitating that they be viewed as a unified and comprehensive set of entitlements essential for every individual. Their protection is not merely a legal obligation but a moral imperative that upholds the dignity and worth of each person in the global community.

GLOBAL INSTITUTIONAL FRAMEWORK FOR THE SAFEGUARDING OF HUMAN RIGHTS

The United Nations, in collaboration with the international community, has established a comprehensive range of both general and specific human rights aimed at promoting dignity and justice for all individuals. This extensive framework encompasses various rights that address fundamental freedoms, social justice, and protection from abuse or discrimination. To ensure the effective implementation of these rights, the UN has developed robust systems dedicated to enforcement, monitoring, evaluation, and advocacy. These systems are critical for promoting awareness and facilitating adherence to human rights standards globally.

Among the key organizations working under the United Nations umbrella to further these human rights initiatives are several notable entities. These include the Office of the High Commissioner for Human Rights (OHCHR), which plays a pivotal role in promoting and protecting human rights worldwide; the Human Rights Council, responsible for addressing human rights violations and making recommendations; and various treaty bodies, established to oversee compliance with specific human rights treaties. Additionally, numerous special rapporteurs and independent experts are appointed to investigate and report on various human rights issues, contributing to the ongoing effort to uphold and advance human rights for everyone, everywhere. The important human rights institutions under the auspices of the UN are like the followings;

1. The UN Human Rights Commission was created in 1946.
2. The United Nations Centre for Human Rights is situated in Geneva.
3. The UN High Commissioner for Human Rights was established in 1993.
4. The Commission on the Status of Women was established by the Economic and Social Council in 1946.
5. The Human Rights Council was established in 2005.

HUMAN RIGHTS CONCERNS IN INDIA, SPECIFICALLY IN ASSAM: ANALYSIS AND RESULTS:

The growing awareness and concern for human rights in India can be traced to a complex interplay of three interrelated factors. First and foremost, India's commitment to human rights is evident in its ratification of the various articles of the International Bill of Human Rights,

which establishes a universal framework for the protection of fundamental freedoms. Secondly, the Indian Constitution itself enshrines a robust set of provisions that safeguard citizens' rights, complemented by various legal measures designed to enforce and uphold these rights. This constitutional framework serves as a critical foundation for promoting justice and equality in society. Lastly, the current socio-economic conditions in India play a pivotal role in shaping human rights issues. A rapidly evolving socio-economic landscape presents both opportunities and challenges, leading to disparities that can exacerbate human rights violations. While the international commitment to human rights has been addressed, a deeper exploration of the constitutional protections and the socio-economic factors is essential to fully understand the nature of the human rights challenges faced in India, particularly in its northeastern regions.

CONSTITUTIONAL PROVISIONS

Articles 12 to 35 of the Indian Constitution, which constitute Part III, elaborate on the fundamental rights guaranteed to all citizens. These rights are essential for ensuring individual liberty and equality, and they provide a framework for protecting citizens against injustices and discrimination. In conjunction with these fundamental rights, the Directive Principles of State Policy, found in Part IV (Articles 36-51), aim to guide the state in formulating policies that promote social and economic justice. While these principles are not justiciable, meaning they cannot be enforced in a court of law, they serve as important goals for the state to strive toward in the pursuit of a just society.

Furthermore, Indian legislation includes specific laws aimed at protecting the rights and interests of the more vulnerable segments of society. This includes scheduled castes (SC), scheduled tribes (ST), women, other backward classes (OBC), children, and members of minority groups. These protective measures are crucial in addressing historical inequalities and ensuring that marginalized communities receive the support and opportunities necessary for their development and integration into society. Through these constitutional provisions and legislative protections, India seeks to foster an inclusive environment that upholds the dignity and rights of every individual.

Table: Human rights and how the Indian Constitution and the Universal Declaration of Human Rights represent them

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 convictionfor 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

The table effectively demonstrates the profound influence of the Universal Declaration of Human Rights on the Indian Constitution. The framers of the Constitution recognized the importance of the Declaration and incorporated its principles into their work. One notable aspect of the Constitution is its requirement for reserving seats for Scheduled Castes, Scheduled Tribes, and women in both state Assemblies and Panchayats. Additionally, the Constitution provides for reservations in public services for these groups. It also includes provisions for the establishment of separate commissions to address the needs of Scheduled Castes, Scheduled Tribes, minorities, and Other Backward Classes, ensuring their rights and representation in governance.

CONSTITUTIONAL AND LEGAL MEASURES:

In India, alongside the constitutional mandates, a myriad of legal and administrative procedures have been put in place to protect and promote the interests of marginalized communities. As a nation committed to welfare, the government has launched numerous programs and policies aimed at safeguarding the rights and well-being of vulnerable populations. This includes women, widows, individuals with mental disabilities, the homeless, and those belonging to Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC). A series of legislative measures have been enacted to protect the rights of women and the girl child, tackling pressing issues such as domestic violence, the ban on dowry, the prevention of child marriage, the abhorrent practice of female foeticide, and the unethical portrayal of women in societal narratives. Additionally, reform initiatives in marriage laws and property rights have been undertaken to ensure gender equity.

To further support these efforts, the government has periodically established various commissions dedicated to addressing the challenges faced by marginalized groups. Some of the prominent commissions include the National Commission for Women, founded in 1990, the National Commission for Minorities established in 1992, the National Commission for Backward Classes, created in 1993, and the National Commission for Safai Karmacharis, also instituted in 1993, among others. These bodies are crucial in assessing the needs of specific communities and advocating for their rights.

However, the cultural landscape of human rights in India is shaped by complex socio-economic factors. Key influences include the pervasive challenges of communalism, the entrenched caste system, widespread superstitions, the ongoing transition from traditional to modern values, endemic poverty, stark financial inequalities, and a lingering feudal social structure. Despite these legislative and institutional safeguards, human rights violations persist across various regions of the country. This raises a critical question: What are the underlying reasons that contribute to India's struggles in fostering a robust culture of human rights? It is vital to address these pressing issues with concrete solutions; failing to do so could jeopardize the integrity of the Indian democratic framework.

IMPORTANT DOMAINS WHERE HUMAN RIGHTS VIOLATIONS OCCUR IN INDIA

Subject of Minority:

In India, a diverse tapestry of cultures and beliefs intersects, with significant populations of minorities, including Muslims, Christians, Parsis, Buddhists, Jains, and others, contributing to the rich mosaic of the nation. However, since the partition, these minority groups, particularly those of different religious backgrounds, have often found themselves vulnerable to discrimination and violence at the hands of the majority. Throughout the country's history, there have been numerous instances of communal strife that highlight this precarious

situation. Notable examples include the tragic Gujarat riots, which unleashed waves of violence and hostility; the Assam Agitation of 1983, culminating in the horrific Nellie Massacre, where countless lives were lost; and the ongoing turmoil in the Bodoland Territorial Region (BTAD) of Assam, where recurring outbreaks of violence serve as a stark reminder of the challenges faced by minority communities in their quest for safety and dignity.

HUMAN RIGHTS VIOLATIONS AND SECURITY FORCES:

Security forces are primarily deployed to uphold law and order in society. However, when they are sent into areas deemed disturbed or conflict-ridden, their role can shift dramatically. In many cases, these forces are endowed with extensive powers, leading to abuses that result in stark violations of human rights. Reports indicate a troubling trend where such deployments have frequently correlated with egregious acts, including instances of sexual violence, extrajudicial killings of innocent civilians, and arbitrary detentions of individuals without due process.

A notable illustration of this situation is reflected in the 2010 annual report by Amnesty International concerning India, particularly in regions affected by Naxalite insurgency. The report highlights the plight of approximately 40,000 adivasis, or indigenous people, who have been forced to abandon their homes, resulting in widespread internal displacement. Out of this number, nearly 20,000 individuals have found themselves residing in makeshift camps, enduring harsh living conditions as they grapple with the loss of their land and livelihoods.

Moreover, the climate of fear extends beyond immediate victims of these abuses. Human rights defenders and activists who dare to expose such violations by state authorities are often subjected to intimidation and harassment. This systematic suppression of dissent further perpetuates a cycle where accountability is elusive, leaving communities vulnerable to ongoing abuses and impeding efforts to uphold fundamental human rights in disturbed areas.

Troubles Facing the Dalits:

In Indian society, the lowest strata are commonly known as Dalits, a term often associated with the caste system. Members of this group face numerous challenges, including various forms of discrimination and social exclusion. They are subjected to practices such as untouchability and experience harassment in both public spaces and broader societal interactions, highlighting the persistent inequalities present in the social structure.

Women's Concerns:

Women represent one of the most vulnerable segments of society, particularly in various regions where their rights are frequently compromised. Several serious issues illustrate these rights violations, including incidents of rape, dowry-related deaths, the foeticide of female children, and sexual harassment, among others. These examples highlight the significant challenges faced by women and underscore the need for enhanced protections and advocacy for their rights.

Politics as a Crime:

The criminalization of politics is a harmful aspect of governance that has become increasingly prevalent in India. This trend results in lawmakers often becoming lawbreakers. In the newly constituted 16th Lok Sabha, there are a notable number of Members of Parliament with criminal records—186, which constitutes 34% of the total. This percentage has risen significantly over the years: 24% in 2004, 30% in 2009, and 34% in 2014. Within the Bharatiya Janata Party (BJP), 98 out of 282 examined Members of Parliament—about

35%—have self-reported criminal offenses. Additionally, 63 of these MPs, or 22%, have disclosed serious criminal offenses, including murder, attempted murder, abduction, and dacoit.

Human Rights Violations in Northeastern India and Assam

The insurgency in Northeast India, involving various tribes such as the Nagas, Mizos, and Khasis, has led to human rights violations in Assam that date back to the period of independence in 1947. To combat the insurgency, security forces have been granted exceptional powers in the region. However, this strategy has sparked controversy and has become a source of ongoing distress throughout the entire area.

THE MAIN PLACES OF HUMAN RIGHTS INFRINGEMENT IN ASSAM AND THE NORTHEAST

Insignificant concerns:

Axomiya Hindus constitute the largest religious minority in Assam, a region characterized by a rich tapestry of languages, cultures, and ethnicities. Since the Partition, Assam has seen a dominance of religious minorities, reflecting a broader national issue, as demonstrated by communal violence in various parts of the country. Notable incidents include the Assam Agitation and the Nellie Massacre in 1983, the demolition of the Babri Mosque in 1992, and the communal violence in Gujarat in 2002.

The situation is particularly evident in the Bodoland Territorial Administrative Districts (BTAD) in Assam, which were established in 2012 and 2014. In this region, groups such as the Bodos and Kacharis have increasingly targeted religious minorities. In 2012 alone, it was reported that over eighty people were killed, and more than forty thousand individuals were forced to seek refuge in two hundred seventy relief camps. Alarming, many individuals went missing, with eighty percent of them being Muslims. The reluctance of both the state administration and the federal government to address these issues is deeply concerning. Basic liberties necessary for survival have been severely compromised.

It is time for the government, civil society, and other non-state entities to seriously consider the dire conditions faced by affected individuals. What will happen to children who lose their parents? Who will take responsibility for those who have lost everything? This situation reoccurred in 2014 when authorities failed to confiscate illegal firearms used by the National Democratic Front of Bodoland (NDFB), which was implicated in the deaths of over forty people.

Additionally, Assam and the broader Northeastern region have witnessed a significant rise in extrajudicial human rights violations due to the Armed Forces (Special Powers) Act of 1958. These repressive laws are enforced in various areas, including Jammu and Kashmir and the Northeast. Despite widespread calls for their removal, the government remains hesitant to address this issue.

CASE OF AFSPA (1958) V. ASSAM AND NORTHEASTERN HUMAN RIGHTS VIOLATION

Interpersonal or non-judicial homicides:

A significant number of human rights advocates have been unintentionally killed by members of the army. One notable example is Cheniram Nath, a human rights activist who was detained by the Indian Army on May 30th, and whose body was discovered in June. The army claims that he was killed during a confrontation with militants on that day. Unfortunately, like Cheniram, many others have become victims of intentional killings

disguised as encounters. Despite this alarming trend, both the government and the National Human Rights Commission have largely ignored the issue.

Harmful treatment:

Anyone, whether they were a combatant or not, including those who were brought up for questioning in order to get information and tortured using inhumane tactics such as shocking the genital region, cigarette burns, taking off the finger nails, and other similar practices. A large number of individuals had been subjected to severe punishment, as stated by the security forces.

Absences:

In multiple instances, individuals who have been detained by security forces have seemingly disappeared without a trace, raising serious concerns about accountability and transparency. Despite numerous reports from family members and human rights organizations, the army has consistently denied having any involvement in their apprehension. This troubling trend has led to an alarming increase in the number of non-state actors that state authorities are targeting for elimination.

Furthermore, the violence continues unabated as political assassinations and kidnappings orchestrated by various insurgent groups remain pervasive. These groups are exploiting the prevailing chaos, further destabilizing the region and instilling fear within communities. The situation has created a climate of uncertainty, where citizens live in constant anxiety over their safety and the potential for being caught in the crossfire between state forces and insurgent factions. The cycle of violence and impunity appears to be perpetuating, making it increasingly difficult for any form of resolution to take hold.

Leading reason for violations of human rights:

1. Numerous factors contribute to the infringement of human rights, particularly in the context of Assam. The primary factors are outlined below:
2. Criminalization of Politics**: This leads to inadequate enforcement of laws and social assistance programs aimed at protecting the rights of marginalized groups.
3. Expensive Legal Processes**: The high cost and prolonged delays in court proceedings result in the principle that "justice delayed is justice denied."
4. Lack of Awareness and Education**: There is insufficient education and awareness regarding human rights, as well as a lack of a gender-inclusive environment and a culture of respect for human rights throughout society.
5. Excessive Authority of Security Personnel**: The additional powers granted to security forces, combined with reckless behavior and corruption within the police force, significantly contribute to human rights violations.
6. Lack of Accountability and Transparency**: There is a notable absence of accountability and transparency within the administrative system, which exacerbates human rights issues.
7. Weak Civil Society Organizations**: The underdevelopment of civil society organizations focused on human rights and the political apathy of the ruling elite regarding rights issues are also major contributors to human rights violations in the region.

CONCLUSION

The preceding discussion highlights that human rights violations in India, particularly in the Northeastern region, are a significant concern. The global community, along with individual nations, must address the issue of rights violations across all areas, as violations in one location can lead to similar issues in others. Despite the presence of robust mechanisms at international, national, and regional levels, human rights abuses continue to occur.

Politics is increasingly characterized by criminalization, which is harmful to the nation. To address this issue, it is crucial to establish standards for entry or election to the legislature. The judiciary should focus on expeditious proceedings. Additionally, the government must demonstrate transparency and accountability to the public, while fostering a gender-inclusive culture that embraces a "Live and Let Live" ethos.

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