



**CHALLENGES OF HUMAN RIGHTS IN THE LOOK EAST GATEWAY
REGIONS OF INDIA**

Dr. Mahabir Jha¹ C Theppen Phom² Dr. Toli Achumi³ Yanyak⁴

¹Assistant Professor, Deptt. of Pol. Science Yingli Govt. College Longleng, Nagaland.

²Assistant Professor, Deptt. of Pol. Science Yingli Govt. College Longleng, Nagaland.

³Assistant Professor, Deptt. of Pol. Science Yingli Govt. College Longleng, Nagaland.

⁴Assistant Professor. Deptt. of Pol. Science Yingli Govt. College Longleng, Nagaland.

Corresponding Author- Dr. Mahabir Jha

Email id: mahabirjha11@gmail.com

DOI- 10.5281/zenodo.7266505

Abstract

The term 'human rights' denotes all rights which are inherent in our nature & without which we cannot live as human beings. They are claims of the individual for such conditions as are essential for the fullest realization of the innate characteristic which nature has bestowed the people as a human being. The greatest protection of human rights emanates from a democratic framework grounded in the rule of law where the weakest should have the same opportunity as the strongest. They are essential for full development of human personality. But the violation of Human rights at all levels as common phenomenon everywhere in India. Violation of human Rights against women, children, lower castes, minority communities, workers etc. is increasing day by day. The North-East is an area of special significance from the viewpoint of Human Rights. In the name of the Draconian Act i.e Armed Forces Special Power Act, 1958, the armed forces can easily infringe upon individual liberty and even challenge the right to life of any person at any time. Racial discrimination among the Northeastern peoples living outside is also a big hurdle in the path of Human Rights. Nagaland is also not an exceptional because infringement of human rights can be seen in the fields of people's rights, women's rights, child rights and the rights of the persons with disabilities etc. The arduous task in front of us is to think about it and work seriously to prevent the violation of Human Rights of the people. Government is working very seriously in this regard. But above all the people from all the communities must be aware about their rights to check the violation of Human Rights. The objective of the paper is to analyse the concept of the Human Rights, to find out the issues, challenges and problems and to suggest possible measure for its improvement.

Introduction:-

The concept of 'Human Rights' is as ancient as human civilisation. The human race has always been witnessing struggles for certain basic rights. Every part of the world has met with suppression, oppression, struggles and resistances against such onslaughts on basic rights & liberties. The expression 'Human Rights' has become popular after the formation of United Nations in 1945. The preamble of the UN Charter reaffirms faith in fundamental human rights. One of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for

human rights and for fundamental freedom for all without distinction as to race, sex, language and religion. UN has a duty to promote universal respect for & observance of human rights.¹ The history of mankind is marked by efforts to ensure respect for the dignity of human being. The purposes of securing human rights as such are to provide protection to these rights against the abuses of power by state organs; to establish institutions for the promotion of living condition of human beings and for the development of their personality; and at the same time, to provide effective remedial measures for obtaining redress in the event of violation

of those rights.² Human Rights are simply defined as the rights which every human being is entitled to enjoy and to have protected. Human Rights are claims of the individual for such conditions as are essential for the fullest realization of the inner characteristic which nature has bestowed him/her with as a human being. The United Nations Centre for Human Rights defines Human Rights “as those rights which are inherent in our nature and without which we cannot leave as human beings.” According to Kim, Human rights represent ‘claims and demands essential to the protection of human life and the enhancement of human dignity, and should therefore enjoy full social and political sanctions.’³ Human rights have ceased to be a matter of national affairs after establishment of UN and particularly after the UN adoption of UDHR, 1948. Human Rights are essential for full development of human personality and human happiness. They are indispensable for physical and mental upliftment of the human race. These rights are inalienable and human beings are entitled to get them by birth. These rights are not earned, bought or inherited nor are they created by any contractual authority. Differences of sex, race, language and colour do not change these rights. These rights are the basic minimum requirement for survival of human beings in society. These rights can be executed only within the society and are protected and enforced by the authority of the state at all levels.⁴

Concept of Human Rights under Indian Democratic Framework:

The greatest protection of human rights emanates from a democratic framework grounded in the rule of law. Democracy is premised on the recognition and protection of people’s right to have a say in all decision-making processes which is itself based on the central principle of equality of all human beings. The purpose of democracy is to protect human rights, to uphold the dignity of every individual and to ensure that the voices of the weakest are also heard. According to Mahatma Gandhi (1869-1948) “My notion of democracy is that under it the weakest

should have the same opportunity as the strongest.”⁵

Respect for human rights has been central to India’s cultural heritage. The quest for equilibrium, harmony, knowledge and truth inspired the thinkers and philosophers of India since time immemorial. The Vedic, Jain, Buddhist and Islamic traditions in different ways contributed to the enrichment of human rights jurisprudence in India. The Philosophy of human rights in the modern sense took shape during the course of the British rule in India.

Indian Constitution, 1950 embodies the human rights values. The Preamble, Fundamental Rights and Directive Principles of State Policy along with other constitutional provisions (Articles 226,300A, 325,326) provide the basic Human Rights for the people of India. Supreme Court of India by its activist approach to constitutional interpretation seeks to raise the Indian human rights norms to international standards. Protection of Human Rights Act, 1993 establishes human rights commissions at the national and state levels to inquire into complaints of human rights violations and make recommendations to the government. The Act provides that Human Rights means the right 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.⁶

Human Rights enforcement calls for effective enforcement agencies. In this direction some significant acts have been passed by the Indian Parliament from time to time resulting in the formation of special Commission for Scheduled Castes and Scheduled Tribes, National Commission for Women and National Commission for Minorities.

Issues and Challenges of Human Rights:-

Though in the large part of the world we boast of a democratic set-up with comprehensive charter of rights written into its constitution protected by an independent judiciary, and we pride ourselves on observance of the rule of law,

large scale violation of the individual rights has almost become a permanent feature. Violation of Human Rights at all levels is a common phenomenon everywhere in India. Hardly any day passes when we do not witness one or other type of human rights violations. The most significant human rights problems are police and security force abuses, including extrajudicial killings, torture, and rape; widespread corruption at all levels of government, leading to denial of justice; and separatist, insurgent, and societal violence. Other human rights problems included disappearances, poor prison conditions that were frequently life-threatening, arbitrary arrest and detention, and lengthy pre-trial detention. The judiciary was overburdened, and court backlogs led to lengthy delays or the denial of justice. Authorities continued to infringe on citizens' privacy rights. The law in some states restricted religious conversion, and there were reports of arrests, but no reports of convictions under these laws. There were some limits on freedom of movement. rape, domestic violence, dowry-related deaths, honour killings, sexual harassment, and discrimination against women remained serious problems. Child abuse and child marriage were problems. Trafficking in persons, including widespread bonded and forced labour of children and adults, child prostitution, and forced adult prostitution, were serious problems. Caste-based discrimination and violence continued, as did discrimination against persons with disabilities and indigenous persons. Discrimination against persons with HIV and discrimination and violence based on gender identity continued. Religiously based societal violence remained a concern. Forced labour and bonded labour were widespread. Child labour also was a serious problem.⁷ These violations range over whole conspectus of human rights, civil and political rights as well as social and economic.

Now the question arises how far the dream of the founding fathers has been realized in India in its over 65 years of journey after independence? It is pertinent to discuss whether the concept of human

rights enshrined in the Indian Constitution is really being honoured or not. In spite of claimed rapid economic development half of the population in India still lives in measurable and pathetic condition. People are still dying due to starvation in some part of the country. Illiteracy is still prevailed and a large number of people are living below poverty line. Managing two times meals is still dream for many. In absence of basic necessities of life talking of human rights appear to be cruel joke for them.

Problems of Human Rights in North-East and Nagaland:

India's North-East which is also called a look east gateway, comprising the States of Assam, Meghalaya, Manipur, Nagaland, Mizoram, Tripura, Sikkim and Arunachal Pradesh is the truest symbol of its pluralistic character. The North-East is an area of special significance from the viewpoint of human Rights. The complexity of governance, economic backwardness, varying levels of development and a lack of political awareness of the general public have added to the responsibilities of these States to promote the economic and social rights of their people while respecting and guarding their cultural heritage. Permanent and heavy presence of the army and other armed forces in areas of normal policing and civil administration have rendered the people of this region more vulnerable to violations of their Human Rights than their counterparts in the rest of India.⁸

A recent study on racism against northeast students in Delhi, Bangalore and Pune for example, concludes that university students referred to "students from the northeast as 'Chinkies' or hurled obscenities or racial insults at them. This racial hostility comes unbidden from the non north-eastern student community." The same study found that 50 percent of the female students from the northeast drop out and return home due to the barrage of discrimination and sexual abuse they face each day. Tribal people are targeted of sexual violence, face severe discrimination in urban India's housing

markets, and are harassed in their everyday encounters in India's cities.⁹

On the other hand, Biharis have sought work in many states that form part of North East India. There were significant communities in Assam, Nagaland and Manipur. Biharis who come to work as labourers are frequently and especially targeted in Assam by ULFA militants. There is a fear amongst the local population that Bihari migrants will dominate and annihilate the regional culture and the language. As with all migrations in history, this has created tensions with the local population, which has resulted in large scale violence. According to K P S Gill waves of xenophobic violence have swept across Assam repeatedly since 1979, targeting Bangladeshis, Bengalis, Biharis and Marwaris.¹⁰

Nagaland is a beautiful state in North East India. The Nagas declared their independence in 1947, one day ahead of the Union of India. However, in 1954 the Indian army invaded and forcibly annexed the area. Since that time there have been substantial wars of national liberation underway. The degree of violation of human rights is found to be extremely high that has been committed by the Indian security forces which attack the Naga Civil Society. A cease-fire was announced in 1997, but talks since then between the Naga people and the Indian government have made little progress. Moreover, severe repression by India is still occurring, with villages being burned down and civilians being killed. The Armed Forces (Special power) Act also threatened the act of human rights in the region. News of the people's resistance in Nagaland is very difficult to find, largely because of the suppression of such information by the Indian government.

Between October and November 2010, eight businessmen were abducted by suspected militants from Dimapur alone. They were released on payment of ransom. On 27 November 2010, businessmen, supported by several Naga organisations of Dimapur, began an indefinite closure of the trade hub in protest against the spree of abduction of

businessmen and unabated extortions by the armed groups. The bandh was called following the kidnapping of Hariram Gupta, a prominent businessman and proprietor of Hariram Balram Hardwares from the Walford area in Dimapur. Sometimes insurgent groups also threaten the political rights of the people during the central and state elections.¹¹

On 5 November 2010, 13 persons were subjected to torture by the 3rd Nagaland Armed Police (NAP) personnel at Waphure village for bursting fire cracker. On 22-24 October 2010, three minor boys, aged 11, 12 and 13, were illegally detained and tortured by the police and owner of a restaurant at the Circular Road in Dimapur. The three minors, rag-pickers and students of National Child Labour Project, a school supported by Government of India, were accused of stealing a dog of the restaurant owner on 22 October.¹²

Nagaland failed to meet the norms required under the Right to Education Act. The schools, especially rural areas in the state lacked facilities including infrastructure. According to the Assessment Survey Evaluation Report (ASER) conducted by Pratham, a NGO working to provide quality education to the underprivileged children of the country, only 43.3 per cent schools in rural Nagaland, had boundary walls. There was alarming absence of school libraries with 86.7 per cent schools having no libraries. The findings further revealed that there was no drinking water facility in 56.9 per cent schools. There was no toilet facility in 13.8 per cent of schools surveyed.¹³

Women in Nagaland do not enjoy equal social and political status with men. They do not enjoy land, property or inheritance rights as per the customary laws. Women are kept out of bounds of the traditional decision-making bodies such as the village councils in most villages where women are not even allowed to attend or listen to council deliberations. Nagaland has more than 1110 villages implementing one fourth reservation of seats for women in village development boards. However, in most villages, it is only on paper as there is a mindset opposing change and government has no political will to ask for

accountability in implementation. Rosemary (a senior faculty in Nagaland University in the department of English) says the men always use the customary laws and practices as an excuse to exclude women in all spheres thereby violating their rights.¹⁴

ABSI Mhonyamo Kikon, 13 NAP (IR), pointed out that Naga society is rooted in corruption and there is no social, economic or political justice for the common man. He stated that despite the existence of universal Human Rights laws and Human Rights organisations in Nagaland, people witness violation of human rights every day. "People continue to witness rape, extortion, inhuman killings on a daily basis. "Social justice eludes Naga society glaringly as the rich are getting richer while the poor are being robbed of their basic right to food, education and equality before the law. Nagaland is seeing gradual rise in the level of poverty and decrease in the human development index.¹⁵

In Nagaland, there are about 30,000 persons with disabilities, according to 2011 census. They are the most marginalised group in the society. There is a necessity to carry out intensive awareness programmes for them at all levels from decision makers to communities. Even in the two most developed towns Kohima and Dimapur the roads, public buildings, offices, religious places, and even hospitals are built without considering the requirements of PWDs (persons with disabilities). There is virtually no place where wheelchair bound persons or those with other physical impairments can navigate on their own. The lone District Disability Rehabilitation Centre in Dimapur remains defunct since 2013.¹⁶

Suggestions and Conclusion:

There is need to make an all out attempt to reorient the society and transform social ethos, educate people about concept of women's dignity and the need to treat women as a human being and individual and a person demanding and needing respect and dignity. A sense of resistance

to injustice and oppression should grow among the dalits. Ultimately it is their united will and determination to fight and defend their rights, which will help them in achieving their goal of social equality. Besides government's efforts general people should be sensitized to children's merciless exploitation and child abuse to put an end to the violation of child rights. The minorities should be given adequate representation in all walks of life. State should take special care for their education, employment and overall upliftment.

The Draconian Act i.e Armed Forces Special Power Act, 1958 must be repealed immediately from the north-east region. Under this Act, the armed forces can easily infringe upon individual liberty and even challenge the right to life of any person at any time. Many people lost their lives under AFSPA. Iron lady Irom Sharmila has been fasting on the demand for the repeal of AFSPA for the last many years. Even Jeevan Reddy Committee also recommended for the repeal of the AFSPA. Police and Army should be taught how to respect human rights and constitutional rights. Human Rights education should be a part of the curriculum at the Police and Army Training Schools. Transparency should be properly maintained from the government in dealing with militancy. Those caught for violating the law and committing crimes must be punished but strictly in accordance with the law and human rights standards. Racial abuse and daily discrimination to the Indigenous persons who are residing outside of the northeast must be stopped.

The people of Nagaland must be educated about the awareness on human rights education. The involvement of Army personnel must be limited in the state. The Armed Forces Special Powers Act, though the opposition claimed was "invalid" after the ceasefire agreement in the state. The United Nations Human Rights Council, as well as other United Nations' mechanisms on Human Rights, has been requested to monitor ceasefire agreements or any other treaties or agreements made by States with Indigenous peoples vis-à-vis the Indo-Naga ceasefires.¹⁷ It must be the onus of the government to ensure that everyone's

rights should be protected. The Government of India had accused Tangkhul Naga Human Rights Activist Luingam, of assisting the NSCN (IM) in 1995. Since then, he and his wife Peingam, have been living in exile in Canada. They return home after almost 20 years in exile to the motherland.¹⁸ The government is supposed to be implementing protection of people's right, citizens' rights, women's rights, and child rights etc. Naga society also must understand that all these rights are related to human rights. There should be stresses on building a culture of respecting all human beings. There is an urgent need to establish the Human Rights Commission in Nagaland.

Human Rights play an important role in our life because it allows us to live free, and unworried. No one has the right to torture any other human beings! All human beings should always be treated with respect, whether we like the person or not. Just like the saying, "treat others how we want to be treated". India, the largest democracy in the world should work seriously to prevent the violation of Human Rights of the people. The provisions which have been under the Preamble, the Fundamental Rights and the Directive Principles of State Policy must be fulfilled. National Human Rights Commission (Human Rights Act, 1993) has come forward to fulfil its responsibility. Above all the people from all the communities must be aware about their rights. I don't know where we would be without human rights, definitely not this advanced.

References:-

1. Jayakumar, Srividhya, "Human Rights Education – the Role of Teachers", Paper presented in Western Regional Seminar held in H.J. College of Education, Khar on 19-20, Feb. 2007, p.1.
2. Imre, Szabo, "Historical foundations of Human Rights and Subsequent Development", The International Dimensions of Human Rights,(2000),Vol. 1, (English Ed.), by Philip Alston, UNESO, p.11, as quoted in Dr.U. Chandra, Human Rights, p.1, Allahabad law Agency publications.
3. Yasin, Adil-ul & Upadhyay Archana "Human Rights"(2003), Akansha Publishing House, New Delhi.
4. Lanununsang & Imrongtuden, "Scenario of Human Rights Education in Nagaland," Mokokchung Law College Magazine, 2002-03, pp. 9-10.
5. Beetham, David "Democracy and Human Rights: Contrast and Convergence", paper presented at the Seminar on the Interdependence between Democracy and Human Rights, OHCHR, Geneva, November 2002, pp.1-2.
6. Roy, Guha J.T. (2004), "Human rights in the twenty-first century" Indian Institute of Public Administration, New Delhi.
7. Country Reports on Human Rights Practices for 2012, (India 2012 Human Rights report.)
8. Lal, Chaman, "Human Rights Situation in the North-East", Dialogue April - June, 2004, Volume 5, No. 4, p.1.
9. Ahmad S M Zaki, Violation of tribal right in north east India & Pallavi A., Racism in North India, Boloji, 09 October 2006, Available at:<http://www.boloji.com/wfs5/wfs677.htm>.
10. Bihari Workers Killed by ULFA - Patna Daily News, Source: Wikipedia, the free encyclopedia.
11. Naga groups to stop extortion, kidnapping, The Sangai Express, 10 October 2010 & Traders protest abduction, The Telegraph, 28 November 2010.
12. TSU demands action over 3rd NAP assault case, The Nagaland Post, 8 November 2010.
13. The Assessment Survey Evaluation Report (ASER) 2010, Pratham, available at:<http://images2.asercentre.org/aserreports/Nagaland,2010.pdf>
14. Dzuvi chu, Rosemary, Standing her ground in Patriarchal Naga Society, Guwahati, DNA News agency, 8 March 2013.

15. Is Human Right and Social Justice devalued in Naga society?, Morung Express News, Dimapur, 11 July 2014.
16. Human Rights 365: Is Every Day Human Rights Day in Nagaland? Morung Express News, Dimapur, 9 November, 2014.
17. UN Human Rights Council asked to monitor ceasefire agreements, Morung Express News 18 September, 2014.
18. To live as an exile, and to be back home, Vibi Yhokha, Morung Express News, Kohima 12 December 2014.