Human Rights In Contemporary India

Issues, Challenges and Way Forward

Gautam Chandra Roy
Pankaj Bora
Juthika Das

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NewDelhi • London

Editorial

The idea of the book titled – **Human Rights in Contemporary India: Issues, Challenges and Way Forward** has emerged at the backdrop of a national seminar organised on the occasion of Human Rights Day in 2023. While a few papers presented in the seminar have been revised and accommodated, others are invited chapters. The study explores some of the critical issues related to human rights such as sexual/gender-based violence, displacement, tribal rights, caste-based discriminations, digital surveillance, access to healthcare etc. and underscore the urgency in safeguarding interests of the deprived and excluded sections of society. Each chapter highlights the complex issues/subject-matters in different perspectives. Some of the chapters specifically discuss the issues pertaining to Northeast India, offering a regional lens that complements the broader national concerns of human rights violations. The study emphasises on intersectional approaches, examining how issues of caste, gender, disability, economic status etc. intersect with each other which have exacerbated the challenges further. The chapters have been edited in order to maintain the continuity and flow of arguments. A few chapters have been edited by using AI without compromising or distorting the meaning, content or subject matter of the chapters. However, editors are not responsible for any views, comments, facts, figures or ethical violations in the chapters submitted by the authors.

The book contains 15 chapters authored by young and early career researchers that offers an analysis of the complex issues related to human rights in contemporary India. Parvin Sultana in her essay *Displacement and Exclusion: A Gendered Analysis of Human Rights Violations in Assam's Evictions* explores the violation of human rights associated with forced evictions of the

indigenous and marginalised communities in Assam. The author argues that evictions represent not only a violation of the right to adequate housing but also contribute to wider socioeconomic marginalisation, exacerbating tensions in a region already fraught with communal and ethnic conflict. Juthika Das in her essay *Sexual Violence Against Women: Understanding the Underlying issues of Rape in India* explores increasing number of sexual violence against women particularly the rape cases in India. The author examines how patriarchal values and perception of gender has validated such acts with impunity and why the policies and acts initiated by the government have failed to prevent such heinous crimes from recurring. Reema Rabha and Pankaj Bora in their essay on *Gender-Based Violence and Human Rights: State-Wise Trends in India* examines the alarming rise of crimes against women in India from 2000 to 2022. Analysing the state-wise data from National Crime Records Bureau (NCRB), the authors examine legal reforms like the Criminal Law (Amendment) Act, 2013, and evaluate constitutional provisions and laws like Protection of Women from Domestic Violence Act, 2005 in framing their arguments. The authors favour the need for state-specific policies and stronger institutional mechanisms to combat gender-based violence, contributing to the discourse on human rights in India. Polly Priya Buragohain in her essay on *Violations of Women's Rights: A Historical Analysis* aims to understand how women's rights in India have been violated at regular basis. The chapter focus on the factors behind the increasing number of crimes committed against women from historical perspective and why the constitutional provisions fall short in ensuring women rights. Ankita Sarmah in her essay on *Caste and Gender Discrimination in India: The Case of Human Rights Violations* examines how caste and gender-based discriminations result in human rights violation in India with particular focus on Assam. The author explores, as an instrument of inequality, domination

and discrimination, how caste and gender led to violation of human rights particularly among the marginalised sections of the society including women, LGBTQ etc. in the state of Assam. Gautam Chandra Roy in his essay on *Question of Indigeneity and Tribal Rights: Reflections from Northeast India* examines the idea of indigeneity and the difficulties in determining the indigenous groups considering prolonged history of human migration. Highlighting issues of exclusions, discriminations, exploitations and ethnic politics in Northeast India, the author argues that, claim of indigeneity should be considered as assertion of rights by the deprived and excluded communities with an aim to preserve and protect their rights over land, forests and other resources. Tabassum Rizvi's study on *Identity and Socio-Political Status of the Adivasis in Assam: Issues and Policies* examines the identity assertion among the *Adivasi* community of Assam in the context of their growing demand for recognition as Scheduled Tribe (ST). Considering the history of migration and socio-economic marginalisation of the *Adivasi* community, the author evaluates the intricacies related to their assertion and analyses the responses of the state and civil society groups. Kasturi Goswami and Pankaj Bora in their essay on *Human Rights of Persons with Disabilities in India: A Critical Evaluation of the RPwD Act of 2016* explores the right of the persons with disability in the context of the Persons with Disabilities (PwDs) Act, 2016. The authors assess the initiatives including Accessible India Campaign and Unique Disability ID (UDID) Project and analyses effectiveness in upholding PwDs' rights. Drawing on the inconsistency in the Acts and policies, the authors argue for robust monitoring, decentralised execution, and inter-agency synergy to bridge the policy-practice divide which would ensure the full realisation of the RPwD Act in India. Benzir Zaman in her essay on *Right to Mental Health Care: Understanding the Legal Perspective under International Human Rights Law* explores the

impact of governmental laws and policies on global mental health. The Author argues how mental health has been remained as a neglected area in legal systems worldwide despite the presence of various international human rights instruments, including treaties, declarations etc. Marjina Ahmed in her essay on *Health Care and Public Health: Access to Healthcare as a Fundamental Right* argues why right to health should be considered as fundamental rights for all irrespective of socio-economic background. Highlighting the Covid-19 pandemic as a health hazard, the author advocates for legislation guaranteeing health as a fundamental right. Jayashree Bordoloi in her essay on *Digital Payment System and Financial Inclusion: A Study on Rural Areas* analyses the transformation in financial sector due to the largescale use of digital payment system. Applying qualitative and quantitative methodologies, the author evaluates how digital payment technologies contribute to income generation, business growth, financial inclusion and resilience among rural populations. Banasmita Sarma in her essay on *Digital Dilemmas: Human Rights in the Age of Digital Surveillance* explores the intricate relationship between digital surveillance and fundamental rights, with a focus on privacy, freedom of expression, and data protection. It proposes a multi-stakeholder approach involving governments, technology companies, and civil society to establish robust legal safeguards, ethical artificial intelligence (AI) practices, and digital literacy programs in order to safeguard human rights. Dwitun Basumatary in his study on *Surveillance, State Control, and the Crisis of Identity in Leila (2019)* adopted a textual analysis methodology to understand the novel *Leila* (2017) and its OTT platform Netflix adaptation to identify thematic shifts and narrative choices. This research explores how *Leila (2019)* critiques political and social control mechanisms through the lens of postmodernism and Foucauldian theory. Anamika Das in her article on *Right to Speech and*

Freedom of Expression in India: An analysis of Social Media's Impact on Society narrates how excessive and unregulated use of social media has impacted social relations. While social media is a primary means of communication across generations and has become an inseparable part of the world, importance should be given how do we use social media. Ujjal Das and Pranjit Hazarika in their article on *Environmental Effects of Rubber Plantations in the Karbi Anglong District of Assam* examine the threats and effects of rubber plantation on environment in the district of Karbi Anglong of Assam. Using field study in the studied area, the authors provided some solutions to reduce the environmental effects of rubber plantations in the district and its neighboring areas.

The book would not have been possible without the constant support, encouragement and guidance from various stakeholders. Their support and co-operation throughout the process have been immense. Here, we would like to extend our gratitude to all the authors for their submissions and supporting us in the entire process. We offer our sincere appreciations and gratitude to Professor Nani Gopal Mahanta, Honourable Vice-Chancellor, Gauhati University, Guwahati for writing the forwarding message highlighting various aspects of human rights including India's constitutional provisions, role of judiciary and civil society engagements in the protection of rights of the marginalised sections of the society. Drawing on the challenges of policy implementation and institutional laxity and structural inequalities existing in our society, Prof. Mahanta has emphasised on building an inclusive and multipronged involving institutions, policies and people. His scholarship and expertise on issues of human rights, peacebuilding and policy formulations has added enormous academic value to this work. We also extend our sincere gratitude to Dr. Kishor Kumar Shah, Principal, B. N. College, (Autonmous), Dhubri, Dr. Sumbit Chaliha, Principal, Bahona

Message from the Honourable Vice-Chancellor, Gauhati University

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GAUHATI UNIVERSITY

Prof. Nani Gopal Mahanta
Vice Chancellor

MESSAGE

The soul of a nation is often reflected in how it protects the rights of its weakest. Human rights in India are shaped by a complex interplay of historical experiences, constitutional ideals, international commitments, and grassroots struggles. The Indian Constitution, adopted in 1950, lays a strong foundation for human rights through its Fundamental Rights (Articles 12-35), ensuring civil and political liberties such as equality (Article 14), the right to be treated equally without discrimination (Article 15), the freedom of speech and expression (Article 19), and the right to life and personal safety (Article 21). These rights are legally enforceable through the judiciary, reinforcing the democratic commitment to justice and dignity. Yet, in practice, the realization of these rights is uneven, often challenged by state practices, emergencies, and militarized governance.

India has actively participated in the global human rights discourse, playing a key role in drafting the Universal Declaration of Human Rights (1948) and ratifying major international agreements that protect people's civil and political rights, and their economic, social, and cultural rights, like ICCPR and ICESCR. These commitments are meant to reinforce domestic human rights protections and provide global benchmarks for accountability. However, implementation remains inconsistent,

often hindered by national sovereignty claims, resource constraints, and the prioritization of security concerns.
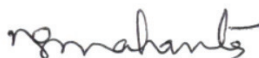
One of the most defining aspects of India' s human rights journey is the vibrant role played by grassroots movements and civil society organizations. Movements for land rights, forest rights, gender justice, Dalit empowerment, and minority rights have persistently highlighted the gaps between constitutional promises and ground realities. Organizations like the People's Union for civil Liberties (PUCL) and the Association for the Protection of Democratic Rights (APDR) have played a leading role in documenting and opposing custodial violence, unlawful detentions, and discriminatory governance practices. These struggles underscore that human rights in India are not merely granted from above but are continually claimed, contested, and defended by the people.

Despite these efforts and frameworks, significant challenges persist. The slow functioning of key institutions, particularly the judiciary and human rights commissions, often delays justice. The National Human Rights Commission (NHRC) and State Commissions, though tasked with addressing violations, frequently suffer from limited autonomy, inadequate funding, and lack of enforcement powers. These systemic delays discourage victims from pursuing justice and contribute to a climate of impunity. Furthermore, deep structural inequalities based on caste, gender, religion, ethnicity, and class continue to deny large segments of the population their fundamental rights. Dalits, Adivasis, women, and gender minorities face systemic discrimination, violence, and exclusion from key entitlements such as education, land, and justice. Religious minorities, especially in communally charged environments, often experience targeted discrimination and marginalization. In recent years, there has been growing concern over the shrinking space for dissent and civil liberties. The use of laws like the

Unlawful Activities (Prevention) Act (UAPA) and sedition provisions to arrest activists, journalists, and students – often without timely trials – has raised serious questions about the state of democracy. Peaceful protests have been restricted or met with force, while surveillance, internet shutdowns, and curbs on NGOs have further narrowed the democratic space. These developments weaken the fundamental freedoms of expression, forming groups, and taking part in public life that lie at the heart of any human rights framework.

Tackling these issues calls for a broad and inclusive strategy. First, human rights institutions must be significantly strengthened. The NHRC and State Commissions need greater autonomy, adequate financial resources, and binding powers to enforce their recommendations. Institutional reform should prioritize timely resolution of complaints, transparency, and public accountability. Second, laws that are prone to misuse – especially those related to national security – must be critically reviewed. Balancing security with civil liberties requires embedding human rights-sensitive practices in policing and counter-terrorism operations. Independent judicial oversight and robust legal safeguards are essential to prevent arbitrary detentions and the criminalization of dissent. Third, digital tools should be harnessed for transparency, accountability, and inclusion. Online legal aid platforms, real-time monitoring of human rights violations, and digital grievance redressal systems can empower citizens and hold authorities accountable. However, these efforts must also safeguard data privacy and protect against state overreach and surveillance. Lastly, a culture of human rights must be fostered from below. Integrating rights-based education in school curricula, particularly in marginalized regions, can nurture awareness and democratic values from an early age. Empowering local institutions – such as Panchayats and community-based organizations – to monitor and uphold rights

can build accountability from the grassroots. Well-informed and empowered communities are usually the strongest protectors of human rights. Although India's human rights journey is still in progress – a story of resistance, resilience, and reform.

Date: 23.04. 2025

Vice Chancellor

Gauhati University

List of Abbreviations

AI   Amnesty International / Artificial Intelligence

APDR   Association for the Protection of Democratic Rights

CAB   Citizenship Amendment Bill

CAA   Citizenship Amendment Act

CNRS   National Center for Scientific Research

CRPD   Convention on the Rights of Persons with Disabilities

DPSP   Directive Principles of State Policy

FRA   Forest Rights Act

GMCH   Guwahati Medical College and Hospital

ICCPR   International Covenant on Civil and Political Rights

ICESCR   International Covenant on Economic, Social and Cultural Rights

LGBTQ   Lesbian, Gay, Bisexual, Transgender, Queer

NCRB   National Crime Records Bureau

NGO   Non-Governmental Organization

NHRC   National Human Rights Commission

NRC   National Register of Citizens

OHCHR	Office of the High Commissioner for Human Rights
OTT	Over-the-Top (media service)
PIL	Public Interest Litigation
PwD	Persons with Disabilities
PUCL	People's Union for Civil Liberties
R2P	Responsibility to Protect
RPwD Act	Rights of Persons with Disabilities Act
SC	Scheduled Castes
ST	Scheduled Tribes
UDHR	Universal Declaration of Human Rights
UDID	Unique Disability ID
UAPA	Unlawful Activities (Prevention) Act
UN	United Nations
UNGA	United Nations General Assembly

Contents

Introduction

The 21st century has witnessed an unprecedented rise of violations of human rights since the end of World War II. From America's invasion of the Middle East to the ongoing conflicts between Israel and Palestine, Russia and Ukraine, Sahel region of Africa etc., resulting unbearable sufferings, destructions, loss of life and property etc. The United Nations (UN) which was established on 24 October 1945, with the primary objective of maintaining peace and harmony in the world looks 'incapacitated' in the quest of acquiring 'power' by the dominant countries. The power-politics, driven by the military, political and economic interests, has led to the eruption of conflicts in many parts of the world resulting exclusion and deprivation, particularly of the marginalised sections of society. As a result, violations of human rights have become one of the most pressing issues in today's world marked by violence, war, disappearance, torture, intimidation, etc.

Human rights are inalienable, inherent and indivisible moral claims. These universal claims/rights are entitled to every human being irrespective of religious, racial, gender or linguistic identity. The human rights consist of different social, political, economic, cultural etc. claims which are extremely essential for a dignified life. The Universal Declaration of Human Rights (UDHR) which was adopted by the United Nations General Assembly (UNGA) on 10 December, 1948 ensures that, the basic rights and fundamental freedoms are inherent to all human beings. They are inalienable and equally applicable to everyone. The landmark document promises everyone to all economic, social, political, cultural and civic rights that underpin a life free from fear and want. Therefore, as basic entitlement, human rights need to be universally protected.

Human rights is a dynamic concept. It has evolved at different historical stages since the signing of the *Magna Carta* on June 15, 1215. The "Great Charter" signed by King John of England has been a landmark document in the development of human rights and legal studies which limits the 'power of monarch' and established the principle of 'king is subjected to rule of law'. The idea of human rights played a key role in the late 18th and early 19th century struggles against 'political absolutism'. In 1776, the American Declaration of Independence was promulgated against the backdrop of the independence of the American colonies from Great Britain. The declaration reflects the universal character of rights depicting inalienable rights of all. Another cornerstone in the evolution of Human Rights is Declaration of Rights of Man and Citizen adopted in 1789. The declaration proclaims that "all men are born and remain free and equal in rights" which is inclusive of the rights like right to liberty, private property, freedom of speech and religion, resistance to oppression etc. In fact, the declaration became a cornerstone for the French Revolution (1789) which in the subsequent periods, facilitated constitutions of different countries to promote civil and political rights.

The contemporary perspectives on human rights can be understood through three generations of rights evolved at different periods. While the first generation of rights include the civil and political rights like individual freedom, freedom of speech etc., an offshoot of the American and French revolution of the 18th century; the second generation of rights popularised during the 19th century includes the security oriented 'socio-economic' rights like right to work, right to minimum wages, right to fixed hours of work etc. On the other hand, the third generation of human rights are of recent origin emerged after the end of the second world war. These rights basically promote the environmental, cultural, developmental rights, right to self-

determination. The third generation of human rights adheres for an 'interdependent world' which ensures security for all.

The Constitution of India that came into effect on 26 January 1950 includes several articles for the protection and promotion of human rights in the country. The provisions of fundamental rights, the Directive Principles of State Policy (DPSP), role of judiciary, writs, etc. protect people's rights, liberty, and ensure justice. In fact, India played an important role in the adoption and drafting of the UDHR (1948), particularly in the context of advocating the rights of the marginalised sections. However, despite these efforts, incidences of human rights violations in the country have been increasing alarmingly. The deprived and excluded communities such as the Dalits, Scheduled Tribes (ST), Scheduled Castes (SC), women, LGBTQ, religious and linguistic minorities etc. often face serious challenges in various forms and layers. Reports of extrajudicial killings, fake encounters, arbitrary arrests, detention, disappearances, caste-based discriminations, intimidation etc. across the country have increased significantly. Moreover, in recent years, issues of environmental rights, surveillance by the state, digital threat, etc. all have added to the crisis. In needs to point here out that, there have been significant changes in the nature of violations of human rights due to the politico-economic re-arrangements at global level. The policies of liberalisation, globalisation and market-economy based model of development have changed the traditional understanding of human rights. For example, in recent years, developmental projects, rapid urbanisation, industrialisation etc. have disproportionately affected the marginalised sections. Similarly, crimes against women such as rape, molestation, trafficking, cyber bulling to harass, troll and spread rumour etc. have become common unlike never before. The 2012 Nirbhaya gang-rape case; the Abhaya rape and murder case at R. G. Kar Medical College, Kolkata; the horrific gang-rape and naked parade of the two-

women during ethnic violence in Manipur in 2023 etc. are few dreadful examples. The challenges are acute and deep rooted and they are apparent at different layers and manifestations. But the question is – how to address/overcome these challenges? All these have induced us to critically investigate on the diverse aspects of human rights which have been discussed throughout the pages of this study.

Displacement and Exclusion: A Gendered Analysis of Human Rights Violations in Assam's Evictions

Parvin Sultana

Abstract

This paper explores the violation of human rights associated with forced evictions in Assam, India. The eviction drives, often conducted in the name of anti-encroachment operations or conservation, have disproportionately impacted marginalised communities, including indigenous peoples and Muslims. This research seeks to examine the legal, social, and human rights implications of these evictions, scrutinizing the actions of state authorities and the larger policy framework governing land use and rights in Assam. It focuses on the gendered aspect of such violation as most of the victims are women and children pointing to double marginalisation. Using case studies and reports from human rights organizations, the paper argues that the evictions represent not only a violation of the right to adequate housing but also contribute to wider socioeconomic marginalisation, exacerbating tensions in a region already fraught with communal and ethnic conflict.

Keywords: human rights, eviction, encroachment, gender, Assam

Introduction

Evictions, often perceived as a mere administrative act to reclaim land, constitute a profound violation of human rights,

particularly in regions where land, identity, and citizenship intersect with historical and political complexities. Assam, a northeastern state in India, exemplifies this interplay of territory, identity, and displacement, where state-led eviction practices have incited substantial human rights concerns. In recent years, Assam has seen a surge in forced evictions, with authorities citing land reclamation, preservation, and national security as justifications. However, these actions disproportionately impact marginalised communities, often rendering them stateless within their own country. This paper examines the human rights violations inherent in these eviction practices, applying a theoretical lens to concepts of citizenship, state sovereignty, and the right to belong. It focuses on the experience of marginalised sections within the evicted – the women and children and reiterates the intersectionality of gender with other social markers of class and community.

Eviction as a concept has evolved within human rights frameworks, particularly under the *International Covenant on Economic, Social, and Cultural Rights (ICESCR)*, which recognizes the right to adequate housing as a fundamental human right. The United Nations Committee on Economic, Social, and Cultural Rights elaborates on this right, stating that evictions should only occur as a last resort and under strict procedural guarantees, including consultation, adequate notice, and compensation. It recognises that eviction without compensation will exacerbate the deprivation that evicted people will face and cause a socio-economic crisis.   However, in Assam, eviction procedures largely bypass these protective standards, resulting in forced displacement without legal remedy or adequate compensation. This systematic disregard reflects a denial of what human rights theorist Hannah Arendt identifies as the "right to have rights"—a fundamental aspect of citizenship that underpins human dignity and identity (Arendt, 1951).

The framework of human rights also emphasizes the indivisibility and interdependence of civil, political, economic, and social rights. In Assam, evictions disrupt not only the right to housing but also access to livelihood, education, and healthcare, fundamentally impairing the well-being of affected individuals (Baruah, 2023). Forced evictions contribute to a state of perpetual insecurity, eroding the social and economic fabric of marginalised communities. Human rights scholar Jack Donnelly argues that human rights are instruments to protect individuals against state overreach (Donnelly, 2004). However, in Assam, the state's actions reflect a misalignment with these principles, viewing certain populations as "*others*" rather than rights-bearing citizens, thereby relegating them to a status outside the protection of human rights norms. Arendt problematised the image of a citizen bearing rights as opposed to human beings being granted certain rights by virtue of being human and not as a guarantee that comes with a membership of a political community. In Assam, the question of identity and legality precedes the claim to demand protection under human rights creating hierarchical and discriminatory categorisation of rights bearers.

Assam's eviction crisis is deeply entwined with questions of citizenship and belonging. The state has a long history of communal tensions related to identity and territory, rooted in the colonial and post-colonial periods. Citizenship, as conceived by theorists such as T.H. Marshall, is not only a legal status but also a set of rights and responsibilities that confer upon individuals the "right to belong" (Marshall, 1992). Yet, in Assam, citizenship has been selectively applied, with state policies targeting certain ethnic and religious groups perceived as "foreign" or "illegal" settlers, even if they have been residing in the region for generations. The implementation of the National Register of Citizens (NRC) in Assam further complicates this landscape, systematically excluding those who cannot prove their citizenship

through historical documentation, thus creating a pool of "stateless" people within the state (Roy, 2022). A highly technical process with excessive emphasis on documentation rendered people who are poor, lesser educated at a disadvantageous position. The final NRC has left almost 1.9 million people in a legal limbo of dubious citizenship (Siddiqui, Ramachandran, 2024).

Evictions serve as a tool of dispossession that undermines citizenship rights and denies these groups their place within the socio-political fabric of Assam. Arendt's concept of statelessness, which denotes individuals who lack legal recognition and thus become "outlaws" of the nation-state, becomes pertinent here. The forced evictions in Assam effectively create a class of internally stateless persons who lack formal recognition, political participation, and social entitlements—core components of citizenship. This approach to eviction reflects a broader pattern of exclusion that undermines the universal nature of human rights by reifying the boundaries between citizens and non-citizens based on ethnicity, religion, and documentation.

State sovereignty is often invoked to justify eviction practices in Assam. By asserting control over land and its use, the state exercises its sovereignty, reinforcing its authority and territorial integrity. However, in international law, sovereignty does not absolve the state from adhering to human rights obligations. The Responsibility to Protect (R2P) doctrine underscores the duty of the state to protect its citizens from displacement, discrimination, and violence (Chandra, 2021). When the state itself becomes the agent of these harms, as seen in Assam's eviction policies, it violates its responsibility to its people, contravening the principles of both national and international law. It also undermines the accountability of India as a welfare state (Banerjee, Rajam, 2021).

State-led evictions in Assam reveal a troubling trend where sovereignty is prioritized over human rights, creating a paradox in which the state, ostensibly the guarantor of rights, becomes the principal violator. Legal theorist Giorgio Agamben's concept of the "state of exception" is useful in analyzing this phenomenon, where certain populations are excluded from the protection of the law. Agamben argues that states can create "*zones of indistinction*" where legal rights are suspended, effectively turning citizens into "*bare life*"— individuals stripped of legal and political recognition (Agamben, 2008). In Assam, the eviction sites can be seen as zones of exception, where the law's protections are selectively withdrawn, transforming citizens into stateless persons who exist outside the sphere of legal protection.

Evictions in Assam

According to the OHCHR document, forced evictions are "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" (Ohchr.org). Evictions often target squatters who encroach government lands for habitation for lack of housing space. While the notion of illegality is often used to describe such squatters, in many cases the squatters were also people rehabilitated by the government. The land-population ratio is becoming skewed day by day, leading to an increased pressure on living spaces. States like Assam which regularly loses large tracts of land due to annual floods and soil erosion, often are forced to squat on government lands. Lack of adequate mapping of such movements often raise doubts about such squatters. Till that the state has lost around 7.4% of its total land area to erosion (Saikia et al., 2019). Every year hundreds of villages get washed away forcing its occupants to move to various parts of the state.

Assam has been the site of several large-scale eviction drives, particularly since the early 2010s. These eviction drives are framed by the government as efforts to reclaim forest land and remove illegal encroachments. Eviction in Assam has been going on since 2015 Guwahati High Court order which directed the government to free the lands of the national park in Kaziranga. The Government considers the inhabitants as "illegal encroachers" on Government land relying on a judgment of the Gauhati High Court which directed the Government to free land around Kaziranga National Park from encroachers. Regardless of the justifications employed by the Government, forced evictions constitute a gross violation of human rights, in particular of the right to adequate housing. This was expressed in a resolution made by the Commission on Human Rights. The Habitat Agenda 1996 also clearly states that human rights must be borne in mind in cases of forced eviction and alternative suitable solutions must be provided (Chakraborty, 2020).

These operations have led to widespread displacement, affecting thousands of families. Most of the evicted individuals belong to marginalised groups, including Muslims of East Bengal origin and indigenous communities, many of whom claim their displacement is a deliberate form of discrimination and ethnic cleansing.

The violation of human rights in these eviction operations has sparked national and international criticism. This paper investigates the nature of these violations, focusing on specific instances, including the eviction drives in Dholpur, Sipajhar, Chanderdinga, Amchang and Kaziranga National Park (Mukherjee, 2024). By analyzing these cases, this study highlights the systemic issues in the eviction process, the state's failure to uphold international human rights standards, and the long-term impact on the displaced populations.

Legal Framework and Human Rights Standards

The forced evictions in Assam contravene several legal and human rights standards, both at the national and international levels. Article 21 of the Indian Constitution guarantees the right to life and personal liberty, which has been interpreted by the Supreme Court of India to include the right to live with dignity and the right to adequate housing (Gonsalves, 2021). However, the implementation of eviction orders, often without proper rehabilitation and resettlement measures, violates this fundamental right. Moreover, the Fifth Schedule of the Indian Constitution protects the rights of indigenous populations in tribal areas, along with communities dwelling in such areas which is relevant in the context of the eviction of forest-dwelling communities (Nitnaware, 2023).

India is a signatory to several international human rights treaties, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which recognises the right to adequate housing. Article 11 of the ICESCR obliges the state to ensure that its citizens have access to secure housing without fear of forced eviction. Additionally, the United Nations' Basic Principles and Guidelines on Development-Based Evictions and Displacement call for states to refrain from arbitrary displacement and to ensure resettlement measures when displacement occurs. (Kothari et al., 2006).

Even in India, Court orders have upheld time and again that evictions can be justified only against adequate compensation. This view has been reflected in the Indian case laws of *Sudama Singh and Others v. Government of Delhi and Anr. (2010)ii*, in which the Delhi High Court constituted forced eviction without rehabilitation a violation of the right to shelter under Article 21 of the Constitution. Similarly, in *P.K. Koul and Ors. v. Estate Officer*

and Anr. iii, the Delhi High Court recognised the gross violation of human rights involved in forced evictions.

The Honourable Supreme Court in the case of *Olga Tellis and Ors. v. Bombay Municipal Corporation and Ors. iv* stated that while no person has the right to encroach public property, alternative sites or accommodation should be provided to the encroachers on the basis of the identifying documents held by them and the duration of their occupation. Similarly, it was held in *Chameli Singh and Ors. v. The State of UP and Ors. v* that State Governments cannot compromise on the right to shelter without reasonable justification or sufficient remedy (indiakanoon.org). Despite the presence of such precedents, we see that the legal structure is often subverted and the rights of the evictees are not protected. In fact, forced evictions often witness the use of excessive force as well as has led to the cause of death of many evicted.

Displaced and Denied: Cases of Evictions

Kaziranga National Park (2016)

The intensifying demand for land has frequently resulted in conflicts between human needs and environmental preservation. The peripheral areas of national parks and wildlife sanctuaries, such as Kaziranga, are often prone to seasonal flooding, leading to significant displacement of both human populations and wildlife. This dynamic underscore the complexity of managing protected areas, where expansion efforts aimed at supporting ecological requirements often intersect with human livelihoods.

Kaziranga National Park, for instance, has undergone multiple expansions to accommodate the needs of its wildlife, doubling its original size from 434 to 884 square kilometers between 1977 and 1999. According to Joëlle Smadja, a research

fellow at the French National Center for Scientific Research (CNRS) at the Centre for Himalayan Studies, this expansion has created significant tensions between local communities and park authorities. In her essay published in the *South Asia Multidisciplinary Academic Journal (SAMAJ)*, Smadja highlights how only two of these proposed additions have been implemented, while the remaining four have become focal points of contention (Smadja, 2018). This reflects a broader issue where conservation measures can come into direct conflict with local socioeconomic interests, sparking legal and social opposition.

A notable instance of such tension occurred when park authorities proposed the acquisition of grazing land for the sanctuary's sixth expansion in 1986, prompting affected farmers to file a petition in the Gauhati High Court (Chakraborty, 2020). The legal response culminated in an October 2015 order that mandated the eviction of residents from both current and proposed park expansion areas. This led to a violent eviction in September 2016, where two individuals, including a young girl, lost their lives to police action in Banderdubi and Deosur villages. Park officials, citing security concerns, removed 331 houses, securing approximately 483 hectares under the park's eighth expansion. The incident underscores the often-overlooked issue of community displacement on revenue lands, raising ethical and policy-related concerns about the balance between ecological conservation and human rights.

Sipajhar and Chandordinga (2016 and 2017)

In 2017, an eviction drive in Sipajhar and Chanderdinga led to widespread displacement of communities, highlighting the complex socio-political and environmental dynamics shaping land ownership and habitation in Assam. These communities, residing just two kilometers from the Brahmaputra River, primarily consisted of Rajbongshis and Assamese Muslims of East

Bengal origin. This population had originally lived on river islands, or *chars*, including Krishtimoni Char and Cholakura Char in the Goalpara district. When these islands were submerged during the severe floods of 1978-1980, which caused irreversible land erosion, the residents were forced to abandon their homes. Eventually, they settled on Chanderdinga Hill, just four to five kilometers from their original villages, as one of the few available highland areas near their former homes (Hussain, Sultana, 2017).

For over five decades, these groups have inhabited Chanderdinga Hill, which became a fragile refuge amid escalating pressures on arable and habitable land. Due to their loss of agricultural land, these displaced families have had to adapt economically, shifting from farming to occupations such as fishing, daily wage labor, and jobs in nearby brick kilns and carpentry. With no access to farmland, agriculture, once a cultural and economic staple for these communities, is no longer viable, underscoring the pervasive impact of displacement on livelihoods and social identity.

The eviction drive affected not only homes but also educational infrastructure, pointing to the multidimensional impact of displacement. Poschim Chanderdinga Prathamik Bidyalay, a local primary school with approximately 120 enrolled students, was demolished as part of the eviction despite community appeals to preserve it. The school's precarious status—it had not yet been officially provincialized due to land-related issues—further complicated its protection. Its destruction left the students with limited prospects for continuing their education, as immediate plans to relocate the school were unheeded by authorities.

The displacement has also disrupted educational access for students attending schools in nearby areas like Tilapara, with some, like Kodorbhan, a student preparing for her tenth board

exams, now living in makeshift tents without proper study facilities. This situation illustrates the collateral damage of forced displacement, extending beyond economic losses to affect educational opportunities and the aspirations of younger generations.

Analysing these events reveals the interlinkages between environmental degradation, such as erosion and flooding, and forced migration within vulnerable communities. It underscores a pattern of cyclical displacement where communities that lose land due to natural events like flooding face further challenges when the scarcity of available land creates a collision between legal ownership and survival needs. The social and economic disenfranchisement of these groups illuminates the gap between state-led eviction policies and the basic human rights of displaced populations, calling into question the adequacy of current resettlement and compensation frameworks in Assam.

Amchang Eviction 2017

On November 27, a similar eviction drive took place in the Amchang Reserve Forest near Guwahati, resulting in the displacement of over 700 families accused of encroaching on reserved forest land. Unlike the Sipajhar eviction—which was largely driven by demands from local Bajrang Dal activists—the Amchang eviction was executed in response to a High Court order, issued in line with a Public Interest Litigation (PIL) calling for ecological preservation in protected areas. However, this action sparked significant backlash across Assamese society and in the media, particularly because the evicted families largely belonged to indigenous Mishing and Bodo communities (Saikia, 2017). These communities, displaced previously from Majuli, Lakhimpur, and Dhemaji due to severe river erosion, had relocated to Amchang as a last resort. Despite their longstanding cultural ties to the land, the eviction was carried out with no

assurances of rehabilitation, leaving these families homeless and struggling to survive outdoors in deteriorating conditions.

The Amchang eviction has raised critical questions about the procedural justice and ethical implications of such displacements. Indigenous groups like the Mishings and Bodos have traditionally maintained sustainable relationships with nature and have relied on forest resources for their livelihoods. Yet, they were portrayed as threats to conservation, a framing that disregards their unique environmental stewardship practices (Baruah, 2023). This discrepancy in representation highlights a broader issue within conservation policy, where tribal communities are frequently marginalised despite their low-impact, ecologically harmonious lifestyles.

Further scrutiny of the Amchang eviction reveals procedural inconsistencies and potential biases. Some of the displaced villages were classified as revenue villages under a government notification published in May 2017, meaning they were eco-sensitive but not designated as reserve forest land. Moreover, official records indicate that encroachment in parts of Amchang occurred prior to its declaration as a reserve forest in 2004, implying that certain community rights should be protected under the Forest Rights Act (FRA) of 2006. This act aims to safeguard the rights of traditional forest dwellers, but a 2009 High Court judgment, asserting that Assam lacks any forest-dwelling communities, severely limits the FRA's applicability in this region (Talukdar, 2017).

The controversy is further amplified by a differential approach to eviction. While tribal families faced immediate displacement, commercial interests such as resorts, cement industries, and an army firing range—all of which similarly contravene forest protection laws—were allowed to remain. This selective enforcement suggests a prioritization of commercial and

state interests over the rights and needs of indigenous populations.

The Amchang eviction highlights the intersection of legal frameworks, conservation mandates, and indigenous rights, revealing tensions between environmental conservation goals and social justice. The contrasting responses to the Amchang and Sipajhar evictions underscore how communal affiliations and socio-political dynamics shape public and policy responses to land conflicts. While environmental conservation remains crucial, the case of Amchang underscores the need for a more inclusive conservation model—one that recognizes the rights of indigenous communities as integral to sustainable ecological practices and provides equitable measures for rehabilitation and compensation in cases of displacement.

Sarke Basti Evictions 2019

Between March 2nd and 8th, the Karbi Anglong Autonomous Council conducted a series of eviction drives in Sarkebasti, on the border between Karbi Anglong and Hojai districts. The operation displaced nearly 580 families, leaving around 2,700 people homeless. Among those affected was Kulsuma Begum, a heavily pregnant woman who faced particularly severe treatment. She was reportedly dragged from her home, physically assaulted, and left bleeding in the open field. As a result of this trauma, she went into labor and gave birth without any medical assistance. Although there were officials present, none took action to ensure her care; instead, it was local residents and journalists who pooled resources to transport her to a nearby healthcare facility. Eventually, Kulsuma was transferred from Lanka PHC to Nagaon's Bhogeshwari Phukononi Civil Hospital, and later to Guwahati Medical College and Hospital (fv) due to her critical condition (Sultana, 2019).

Tragically, Kulsuma died on March 11, leaving behind her newborn son who remained hospitalized at GMCH. Her death brings into sharp relief the severe human rights implications of the eviction drive and the government's lack of accountability for the welfare of those it displaces. Kulsuma's experience underscores the ways in which eviction policies in Assam disproportionately affect vulnerable populations, particularly women, whose needs and rights are often overlooked despite the government's numerous gender-focused initiatives.

This case also highlights the deeply problematic gap between policy and implementation. While Assam's government has adopted a range of women-centered policies, Kulsuma's situation exemplifies how these policies frequently fail to protect marginalised women during crises like eviction. Her death was not merely a consequence of eviction but also of the systemic failure to provide essential medical care—a fundamental human right. Despite this tragic outcome, no official has been held accountable, raising questions about the adequacy of current oversight and accountability mechanisms within Assam's eviction protocols.

The eviction of Sarkebasti reveals a troubling disconnect between legal directives for land clearance and the ethical considerations necessary when people's lives and health are at stake. Displacement without safeguards violates not only local laws but also international human rights standards, which mandate that the government take preventive and compensatory steps to protect the displaced. Moreover, the absence of an official response to Kulsuma's death illustrates the indifference that often surrounds forced evictions. The lack of medical assistance, housing provisions, or even interim shelter solutions exacerbates the trauma of those evicted, demonstrating a need for policy reform that prioritizes humane treatment and support for the most vulnerable.

In broader terms, the Sarkebasti eviction serves as a critical point of analysis for understanding the state's role in both displacing and disregarding marginalised communities. When eviction drives are executed with no regard for the health, safety, and basic rights of individuals, they fail not only in legal compliance but in ethical governance. The case calls for a reassessment of eviction practices in Assam, underscoring the urgent need for policies that are not only legally sound but aligned with humanitarian principles and responsive to the realities faced by marginalised groups.

Dhaulpur Evictions (2021)

In September 2021, an eviction drive in the Dholpur area of Assam's Darrang district displaced over 800 families, predominantly Muslims of East Bengal origin. The operation, marked by violence, led to the deaths of at least two individuals, including a 12-year-old boy, due to police gunfire. The event gained national and international attention when footage emerged showing a photographer, who was reportedly part of the government team, stomping on the body of a deceased man as police officers stood by. This disturbing image intensified public outcry, fueling accusations of excessive state violence and raising concerns about communal targeting.

These evictions form part of the Gorukhuti Agriculture Project, an initiative led by the Assamese Government under Chief Minister Himanta Biswa Sarma. The project aims to "reclaim" 25,666 acres of land from what the government describes as encroachers, with plans to allocate this land to "indigenous" Assamese youth for agricultural employment opportunities. While the project's stated objective is to create employment and foster self-reliance among local youth, it has drawn criticism for its execution and the high human costs involved. Over three years since the project began, the drive has

raised complex questions regarding land rights, communal harmony, and state accountability (Singh, Baruah, 2021).

The Dholpur eviction highlights the intersection of land policy, economic initiatives, and identity politics in Assam. Chief Minister Sarma's emphasis on reclaiming land for "indigenous" youth reflects a broader discourse around identity, land ownership, and belonging in Assam, where tensions over ethnicity and communal identity have deep historical roots. By framing the Gorukhuti Agriculture Project as a mission to return land to native Assamese populations, the government seeks to address issues of employment and agrarian reform. However, the targeting of specific communities—primarily those of Miya Muslims—has led to allegations of discriminatory practices under the guise of economic development. This framing not only risks exacerbating ethnic divisions but also signals an unsettling trend toward using development policies to reinforce identity-based exclusion (Hasan, 2023).

The implications of these evictions are both immediate and far-reaching. For the displaced families, the sudden loss of homes and livelihoods presents severe hardships. These communities, already vulnerable and economically marginalised, now face heightened insecurity and limited options for resettlement. For the broader Assamese society, the drive underscores a challenging question: can economic development initiatives truly succeed when they compromise basic human rights and risk intensifying communal tensions?

Moreover, the violent enforcement of these evictions brings to light concerns about the state's accountability to all of its citizens, regardless of ethnic or religious identity. The incident involving the photographer, seen desecrating the body of a deceased eviction victim, represents a shocking disregard for human dignity and has prompted calls for greater oversight and

transparency in the conduct of state-led projects (India Today, 2021). This incident raises fundamental ethical questions about the means employed to achieve economic and political goals, underscoring the need for governance that respects and protects all residents' rights.

The Dholpur evictions reveal a tension between state-led economic initiatives and the principles of inclusive development and social justice. When state actions prioritize identity-based agendas under the cover of development, they risk not only marginalising specific communities but also undermining the trust in state institutions required for genuine socio-economic progress. For Assam, a path forward may require balancing economic reforms with respect for human rights and a commitment to social cohesion, ensuring that development does not come at the cost of the very people it claims to serve.

Evictions: A Gendered Reading

Patriarchal societies often undertake gendered marking of public and private space. Private space is equated to women's space. A woman's identity becomes intertwined with her home. In such a sense loss of home due to natural calamity or government policy, impacts women much more profoundly than men. They are homemakers without a home. In case of Assam evictions, such gendered impact is visible.

Relief camps and temporary tents often house the women and children. Left with no access to minimum sanitation, it jeopardises the lives and safety of women. In most cases of eviction, girl students who could not continue their education would have been a victim of early marriage. Government policy of eviction has ensured that some of the most marginalised section – tribal women, Muslim women are denied education and empowerment.

The impact of evictions on women, particularly in rural Assam, introduces another layer of rights violations that complicates the citizenship question. Gender often intersects with other forms of marginalisation, intensifying the precarity experienced by affected communities. Women in these communities bear the brunt of evictions, losing not only their homes but also access to essential resources like water, healthcare, and education. Given the traditional and cultural roles women often play in rural economies, eviction disrupts their livelihoods and social status, exacerbating vulnerabilities in a deeply patriarchal social structure.

Moreover, eviction's gendered impact highlights the limitations of current human rights frameworks, which often overlook the intersectional nature of displacement. Feminist scholars have long critiqued human rights law for its gender blindness, arguing that rights should be interpreted in a way that reflects the lived experiences of all individuals. Assam's eviction crisis underscores this argument, as women disproportionately suffer the consequences of displacement without corresponding legal protection. Thus, a gendered approach to human rights becomes essential in analyzing the full impact of these evictions.

In Assam, where state-led eviction has intensified over recent years, women find themselves at the center of a crisis marked by displacement, deprivation, and systemic exclusion. Evictions, often justified under the pretext of land conservation, national security, or "illegal" settlement removal, disproportionately impact women, especially those from marginalised communities. As these evictions strip individuals of their homes, they also strip women of their social roles, economic security, and access to essential services, compounding vulnerabilities that have developed over generations. This piece explores the impact of evictions on women in Assam from a theoretical and analytical perspective, using concepts from

feminist and human rights scholarship to illuminate the multi-layered deprivation faced by women.

In rural Assam, women traditionally play a significant role in the agricultural economy, managing not only household tasks but also contributing to family income through farming, fishing, weaving, and small-scale trading. Evictions lead to the loss of land and home, fundamentally disrupting these sources of livelihood. The economic theory of marginalisation, as articulated by scholars like Amartya Sen, suggests that economic exclusion is not merely the absence of income but a restriction of capabilities that allows people to lead fulfilling lives (Sen, 1999). For women in Assam, eviction translates to a severe loss of economic agency and independence.

This economic deprivation is exacerbated by the lack of formal land rights. Assam's patriarchal land inheritance customs often exclude women from land ownership, meaning that even when evicted, they have limited legal standing to claim compensation or resettlement. Without formal ownership, women's economic loss remains invisible in compensation frameworks, reinforcing a cycle of deprivation that systematically sidelines their needs and rights.

Eviction disrupts the social fabric of communities, displacing women from familiar networks and spaces that play critical roles in their identities. Community support networks in rural Assam are vital for women's survival and social identity. Sociologist Pierre Bourdieu's concept of "social capital" illustrates how relationships, community norms, and social networks contribute to individuals' well-being and access to resources (Bourdieu, 1986). For women, these connections provide mutual support, childcare, resource-sharing, and protection against social risks. When evictions scatter these networks, women lose not only their homes but the very networks that sustain their social lives.

Additionally, evictions alter the traditional roles that women occupy in these communities. Displacement dismantles the status and social identity they derive from their roles as caregivers, custodians of household resources, and community leaders. Without these roles, women often experience a diminished sense of self-worth, which can contribute to a profound social alienation and erosion of identity. This loss is especially pronounced in cultures like that of rural Assam, where familial and community roles deeply inform social value and belonging.

In Assam, evictions are also deeply tied to the contentious issue of citizenship, where women face additional legal hurdles. Citizenship in Assam has become a highly politicised and complex issue, especially with the introduction of the National Register of Citizens (NRC), which requires individuals to prove their lineage to secure citizenship status (Baruah, 2023). Many women, due to historical gender discrimination in documentation practices, lack the formal papers needed to substantiate their claims to citizenship.

The intersection of eviction and citizenship deprivation leads to a heightened vulnerability, creating what Hannah Arendt termed "statelessness"—a condition in which individuals are stripped of legal recognition, rights, and state protection. This "rightlessness" intensifies the exclusion that evicted women experience, as their lack of documentation or precarious citizenship status renders them invisible within legal frameworks. Women from Muslims, char dwellers and indigenous communities are particularly affected, as the state often views them as outsiders, reinforcing stereotypes of "foreign" and "illegal" populations.

Legal scholar Linda Bosniak's concept of "alienage" offers further insight into the legal exclusion women face. Bosniak's theory posits that those deemed "outsiders" or "foreign" within a

state face systematic barriers to rights and protections (Bosniak, 2006). For women in Assam, eviction acts as a mechanism of alienage, stripping them of legal protection, social standing, and recognition, rendering them effectively stateless and outside the protection of the law.

The psychological impacts of eviction on women are significant, as they face the trauma of losing not only their homes but also their connection to ancestral lands and the physical security those homes provide. Trauma theorists such as Judith Herman have emphasized that trauma from displacement and violence is profoundly gendered, affecting women in distinct ways due to their roles within family and society (Herman, 2015). In Assam, the forced nature of evictions, often involving police and paramilitary forces, creates an environment of fear and violence that leaves lasting psychological scars on women.

Moreover, the loss of shelter leads to increased vulnerability to physical violence and exploitation. The lack of secure housing forces many evicted women into makeshift camps or temporary shelters where security is minimal, exposing them to risks of sexual violence, harassment, and trafficking. Feminist theories of violence highlight that women's vulnerability to violence increases in unstable and displaced settings, as traditional community protections are absent, and state protection is often unreliable. Women in Assam thus face a compounded deprivation, where the threat of physical harm amplifies the trauma of displacement.

Evictions also drastically affect women's access to health and educational services. Displaced from their homes, women lose easy access to local healthcare facilities, and given the lack of resources in temporary settlements, they are often unable to seek even basic medical care. Health issues, particularly reproductive and maternal health problems, are exacerbated, leading to

increased morbidity and mortality among women in these communities.

Furthermore, eviction disrupts children's education, a burden that falls disproportionately on mothers. With little to no access to schooling in eviction zones, women are often compelled to undertake additional roles as educators or caretakers to make up for this gap. This increased workload further curtails their opportunities for employment and social engagement, trapping them in a cycle of dependency and reinforcing traditional gender roles. In a feminist reading of development, as advocated by Naila Kabeer, this unpaid care work limits women's agency and ability to escape poverty, ultimately cementing the structural inequalities that evictions perpetuate (Kabeer, 2008).

Evictions in Assam do more than remove women from their homes—they dismantle the social, economic, and legal structures that sustain their lives. Through the lens of feminist theory and human rights, the impact of these evictions becomes visible as a multi-layered deprivation, cutting across economic, social, legal, and psychological domains. Women's marginalisation in terms of land rights, citizenship status, and social roles is exacerbated by forced displacement, which reinforces existing vulnerabilities and leaves them without resources, identity, or security.

In essence, eviction in Assam acts as a mechanism of exclusion, with women bearing the brunt of its consequences. Their livelihoods, identities, and physical safety are compromised, stripping them of the basic rights and protections that define human dignity. Addressing these issues requires more than administrative reforms; it necessitates a rethinking of the legal and social frameworks that underpin women's lives, ensuring that their voices and needs are recognised in any discussion of land, citizenship, or development policy. Only by acknowledging and addressing these intersecting deprivations

can policymakers hope to restore justice and dignity to women affected by eviction in Assam.

Evictions and the discourse of *Othering*

Eviction is inherently a violent act. It questions the 'right to be' of the evictees. Historically marginalised sections usually bear the brunt of such acts. However, every act of eviction is preceded by a problematic discourse – illegal immigrants have encroached on government land and needed to be evicted. Local news channels, certain groups in social media work in tandem to conjure the illegal immigrant encroachers. In many cases like Sipajhar, civilians were also seen taking part in demolishing the homes of these encroachers. While a narrative is often set that the evicted people are doubtful citizens individuals whose citizenship credentials are questionable, it is often seen that the evictees belong to marginalised communities. In case of Kaziranga, it was proven that a large number of Assamese families were also evicted. When they proved that they were settled by the then AGP government, they were promised compensation which is yet to be handed over. Journalists reporting from the ground also proved that these areas did not belong to the Kaziranga sanctuary but have been newly acquired. When protestors came out demanding compensation, police opened fire and killed Fakhrul Islam and Anjuma Khatun (Saikia, 2016).

In Sipajhar, the case was of exploitation at multiple levels. People who have been displaced by erosion moved to Sipajhar and paid hefty sums to local people for land which belonged to the government. But later these very people demanded that the settlers be evicted due to some personal feud. Local miscreants also got involved and set their homes on fire. While local news channels were busy declaring these people as doubtful citizens, not a channel wondered why they were only evicted and not detained! Also no queries were made into the act of illegally

selling government land. The land mafias continue to get away with this.

This myth of evicting illegal immigrants was completely busted when Amchang eviction took place. It rendered a large number of people belonging to the indigenous tribes homeless. It was only after strong protests that this eviction was stayed. The class bias of the state apparatus also became obvious when a cement factory was left out while common people were evicted. The very fact that industries were allowed to be set up in these protected areas while people's homes were demolished raised questions of the government's role.

Even before the eviction was complete, an Assam web news portal *InsideNe* ran a news with headlines that read "Illegal Bangladeshi settlers evicted from Karbi Anglong". It was only after much criticism that the word 'alleged' was included. Like every other case of eviction, here also the issue of illegal immigrants was used to render some kind of legitimacy to this inhuman practice. As of now, the eviction has been stayed till 20th March by a court order.

Local residents and protestors pointed out the inaction by Hojai administration. They said that even when negotiation was going on between the two district administrations, eviction continued. One is left wondering why such placid response from the state. One cannot deny the fact that the issue of the Citizenship Amendment Bill, 2019 have alienated a large chunk of Assamese people from the ruling party. The government was seen as going back on its promise of safeguarding the *jati*, *mati* and *bheti* in Assam. The ruling party have also been accused of subverting the NRC which might have given some direction to the problem of illegal immigration. But now with the government hell bent on passing the CAB and legitimising immigrants till 2014, NRC already seems redundant.

Human Rights Violations and Socio-economic Impact

The eviction drives in Assam have led to multiple human rights violations, primarily affecting marginalised communities. The right to adequate housing, as recognised under both Indian law and international human rights treaties, is routinely violated in Assam's eviction drives. Many of the displaced individuals have lived in these areas for decades, yet they are often branded as "encroachers" and removed without due process. The lack of alternative housing or resettlement programs results in homelessness and impoverishment for the affected families.

The use of force during eviction drives in Assam, such as the violent incidents in Dholpur, represents a clear violation of international norms regarding the proportionality and necessity of force in such operations. The police have been accused of using live ammunition, tear gas, and lathi charges against unarmed civilians, leading to injuries and deaths.

A recurring theme in Assam's eviction drives is the disproportionate targeting of Muslims of East Bengal origin or Miya Muslims. The lack of legal documentation for many of these individuals has made them vulnerable to accusations of being "illegal immigrants" from Bangladesh. This discriminatory attitude reflects wider political and social narratives in Assam, where demographic anxieties around the "indigenous vs. outsider" debate have fueled communal tensions.

The evictions in Assam represent a severe breach of human rights, disproportionately affecting marginalised and vulnerable communities. The lack of due process, combined with the use of excessive force, has led to widespread displacement, homelessness, and social unrest. To protect the rights of these communities, it is imperative that both state and national governments adhere to constitutional and international legal

obligations, ensuring that development projects and anti-encroachment measures do not come at the cost of human dignity and rights.

Conclusion

The case of Assam presents a significant challenge to human rights, citizenship, and the concept of sovereignty. By using eviction as a mechanism to reshape demographic landscapes, the state undermines fundamental human rights, depriving individuals of their right to belong and participate fully in society. Theories of citizenship, sovereignty, and human rights illustrate how eviction practices can institutionalise exclusion, creating statelessness within the state itself. Furthermore, the gendered dimension of eviction illuminates the need for an intersectional human rights approach that acknowledges the diverse vulnerabilities of affected communities. Even in terms of policy making and while undertaking eviction, the gendered aspect must be figured in.

Ultimately, the Assam eviction crisis is not an isolated administrative issue; it reflects broader questions about the role of the state, the nature of citizenship, and the limits of human rights in the face of nationalistic policies. Addressing these violations requires a rethinking of citizenship and sovereignty, centered on the recognition of all individuals as rights-bearing subjects deserving of dignity, security, and equality. Through this lens, the case of Assam emerges as a critical example of the urgent need to uphold human rights in the face of exclusionary state practices.

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Sexual Violence Against Women: Understanding the Underlying Issues of Rape in India

Juthika Das

Abstract

Sexual violence in any form is a disgrace to human ethics and society. The growing number of sexual violence committed against women in India has been a serious social, political, legal and academic concern. Over the years, numerous policies and acts have been passed, committees have been formed in order to address the issue; but the situation has deteriorated at an alarming pace. One of the primary reasons behind the increasing instances of sexual violence against women has been the entrenched patriarchal value prevalent in our society. In this context, an attempt has been made here to understand the issues of sexual violence with particular reference to rape and gender discrimination. In doing so, the article explores how the perception of gender has validated such acts with impunity. Further, it examines why the policies and acts passed by the government have failed to prevent such heinous crimes against women.

Key words: sexual violence, rape, patriarchy, gender.

Introduction

'Violence against women' or the 'gender-based violence' has been a persistent challenge in Indian society since time immemorial. Gender-based violence imperils the fundamental

right to live with dignity, a basic human right to which every individual is entitled to. Justice Verma Committee in 2013 stated, "Violence or assault, sexual or otherwise on women is a violation of the fundamental right to live with dignity" – reflecting that such violence infringes the dignity and fundamental rights of women. The United Nations (UN) Department of Public Information, 2011 observed that, "violence against women and rape in particular are probably the most underreported of all major crimes globally." In India too, cases of violence against women such as rape, domestic abuse, dowry death etc. are perpetrated frequently both in urban and rural areas. It this context, this paper attempts to understand the underlying issues of sexual violence with a particular focus on rape and gender discrimination in India. It also highlights how the perception of gender has validated acts of sexual violence and why the policies and initiatives framed by the government have failed to prevent such incidents from reoccurring.

What is Gender-based Violence?

Gender is a social construct rooted in social relationship between men and women. Violence, on the other hand, is a form of social relationship between perpetrators and victims, requiring both parties for the event to occur. Gender-based violence refers to violence that is "directed against a person due to expectations of their role in the society or culture based on their gender" (UN Women 2013). It needs to point here out that, gender-based violence and violence against women is often used interchangeably. Women constitute one of the most vulnerable and targeted groups, bearing a disproportionate burden in both public and private spaces. The United Nations (UN) defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or

private life" (World Health Organization, n.d.). Gender-based violence is not limited to physical or domestic violence, it extends to cyber-crimes or the digital threats which are increasing daily. This form of violence has become a global phenomenon, with women and girls across political borders as primary targets.

Theories on Rape: An Understanding

The term rape is derived from the Latin word "*rapere*" which means 'to seize'. implying a 'forced seizure' (Ghosal, 2013). Legally rape is defined as "vaginal or anal penetration in the absence of lawful consent". Beyond physical abuse, rape encompasses verbal abuse like insults in public or eve-teasing etc. The feminist scholars have identified different theories explaining why rape occurs including gender inequality, pornography, social disorganization, and radical theory. These are briefly discussed below:

i. Gender inequality: feminists argues that in patriarchal societies rape is a tool of social control. Patriarchy views women as a sexual and reproductive object or possessions of men who sustain and impose their dominance through threats and force. The masculine traits of dominance and aggression of men lead to sexual offences.

ii. Pornography: Pornography sexually objectifies women portraying them as the object of sexual exploitation. Such materials promote and legitimates male sexual violence increasing propensity for rape and dehumanizing women.

iii. Social disorganization: Deviation from social norms and ethics also make people prone to crime and violence. Such crimes disrupt integrity of local communities and weaken the regulatory power of social norms. Studies indicate higher rape rates in areas with a disproportionate number of divorced or separated individuals.

iv. Radical theory: The radical feminist theories such as Susan Brownmiller (1975) observe that "rape is not only a sexual act but also an act of domination" where the men try to control the freedom of women which reflects patriarchal hierarchy. In her book – '*Against Our Will: Man, Women and rape*' (1975), she observes that, "rape is a conscious process of intimidation by which all men keep all women in a state of fear" (Brownmiller, 1975, p. 15).

Apart from these theories, the National Crime Report Bureau (NCRB) has identified different categories of rape. These include -

i. Gang rape: It is the rape of single victim or women by two or more perpetrators as seen in the 2012 Delhi 'Nirbhaya case'.

ii. Mass rape: Rape of numerous women by multiple perpetrators, often during ethnic cleansing or war-like situations, such as the 2002 Gujarat communal riots. Mass rape is primarily done in order to dishonour a community at large.

iii. Political rape: Political rape is basically used as a tool to advance political agendas.

iv. Marital rape: Any unwanted intercourse by a man with his wife through physical force or threat.

v. Custodial rape: Sexual intercourse committed by a man with a woman in his custody. The custodial rape is seen in police stations. For example, the Mathura rape case of Maharashtra, 1972.

Rapes in India: Some Major Cases

In 1972, Mathura – a 16-year-old *Adivasi* girl was summoned to Desiaganj police station, Maharashtra regarding an FIR filed

by her brother to disapprove her relationship with a boy name Ashok. After giving their statements all of them were asked to wait outside except Mathura. Mathura was then allegedly raped and sexually assaulted by police constables inside the police station. For instance, this was a shivering custodial rape violence took place in India. The case was dismissed due to insufficient evidence, and the perpetrators were declared not guilty.

In July 2004, Thangjam Manorama, a 32-year-old woman was raped and killed by a group of Assam rifles men of the Indian Security force in Manipur. Suspected of being an insurgent, she was dragged from her home, tortured, raped and her mutilated body was found in paddy field. Her mutilated body was found abandoned in a paddy field three kilometers away from her home. She was brutally tortured, raped and killed. Evidence of human semen and bullet wounds in her vagina highlighted the brutality of this crime by security forces.   The Manorama rape case has been considered as one of the heinous crimes committed against women by the security forces in India.

On 16 December 2012, a female physiotherapy intern who came to be known as Nirbhaya was brutally raped in a moving bus in South Delhi at night while returning home from movie with her friend. She was raped by six men including one juvenile. The victim was not only raped but thrown out of the moving vehicle after the heinous act. This was another incident that shake the entire nation.

On 14 December 2020, in the Hathras District, Uttar Pradesh, a 19 years old Dalit girl was allegedly gang raped by four upper caste men. The case caught widespread public attention when the Uttar Pradesh Police themselves was accused of cremating the victim's body without the consent of the victim's family to hide evidence against the perpetrators. It needs to be pointed out that, in many parts of India, the interplay between

caste and police often discriminates, deprive, marginalise and abuse the lower caste of the society. The Hathras gang rape is an example how interplay of patriarchy and caste victimise women in India. Apart from these cases, in January 2018, in Kathua district of erstwhile Jammu and Kashmir an 8 years old nomad girl was brutally raped for several days, tortured and finally murdered. The heinous crime was planned by a retired government officer which was executed by few police officers. Nothing has been changed in the past decades. In August, 2024, a post graduate trainee doctor was raped and murdered in the RG Kar Medical College and Hospital, Kolkata. This is another brutal case that jolted the root of civilized society.

These cases represent only a fraction of the reality, as rape has become an almost daily phenomenon in India. According to the NCRB, over 30,000 rape cases are reported annually, with many going unreported due to fear, stigma, or family pressure. It is alarming to see that irrespective age, class, caste boundaries, rape has jeopardised safety and security of women. The NCRB has also recorded that the highest number of rape cases have been reported from ten states including one union territory. These are – Rajasthan, Uttar Pradesh, Madhya Pradesh, Maharashtra, Kerala, Assam, Haryana, Jharkhand, Odisha and Delhi. The NCRB reported a 4% increase in crimes against women, including rape, in 2022 compared to 2021.

Rise of Sexual Violence and Rape Cases: The Indian Scenario

In India, women are revered as Goddess, symbolizing divinity and respect. Yet, this cultural reverence is marred by pervasive abuse and exploitation. In India, despite rich culture of worshipping the feminine as sacred, violence against women continues to spike. Common narratives blaming women's

clothing or behavior for provoking rape fail to explain why women in sarees, burqas, or even young girls and infants are targeted.

Majlis, a non-profit organisation providing legal counselling to women and children facing sexual violence identified police delays as a primary cause of rising violence. Though delays in reporting are found in most of the crimes, but it is mostly found in case of vulnerable sections due to their voicelessness. Hostility toward victims at police stations, including repetitive questioning and long waiting times, contributes to emotional breakdowns and rising crime rates. P M Nair, a former police officer, Central Bureau of Investigation has noted a significant gap in dealing with violence against women as "only 20% of officers are trained in handling sexual assault cases" (Sashikala, 2024). There is lack of police training and proper standard operating procedure. Initiatives have been taken to sensitise police force and prosecutors while handling such offensive cases and understand seriousness of the crime specially after the Nirbhaya case of 2012. But, inadequate training and lack of standard operating procedures exacerbate the issue, particularly in remote areas where police attitudes remain unchanged despite post-Nirbhaya sensitization efforts

Another notable concern is backlogs in the court which denies justice to the victim in most cases. According to a report of the 'Commonwealth Human Rights Initiative', a non-profit organization in the year 2022, 90% of such cases were unresolved. Inadequate investigative work, undue favour from the accused involved in the crime etc. also delayed the process of investigation and delivery of justice.

Violence against women and rape in particular are probably the most underreported of all major crimes globally. Underreporting, driven by stigma and fear of repercussions, remains a gendered problem, limiting public attention to

women's victimization. Societal attitudes toward rape partially contribute to its persistence.

Aftermath of Rape: Questions of Survival

Rape results irreparable damage on women's body and mind. It tears apart an individual's self-esteem, dignity, confidence and so on. Rape traumatizes victims or the survivors so much that often maimed their spirit of living a life. The taboo of being 'victim of rape' actually mutilates their soul and spirit. The question of honour of the family has also make the victim internally shattered. The rape horror develops in victims the feeling of hatred against the opposite sex, fear of going out alone, nightmare etc. that breakdown their self-esteem and confidence. Women who faced such violences are always treated as passive victims. Wide circulation of such news through different social media though important to punish the culprit, but very often the victim traumatized through such news which sometimes affect their mental health. In such cases, it is seen that the victim is more stigmatised than the perpetrators. Negligence from family and society make the victim morally shattered to continue a normal life. It is even pathetic to mention that, the rape victims are often ill-treated and victimized in the police custody and also in the court room. While undergoing the legal procedure, the prosecutors have to ask the victim 'uncomfortable' questions that the victim has to undergo another trauma like verbal rape (Ghosal, 2013). Besides, objectifying women's body in the police investigation and court procedure has again actually crushed the inner spirit. Therefore, it possesses question on their survival and unfortunately a large number of victims commit suicide due to the unbearable trauma and social pressure. The life of rape victim is unimaginable and irreparable.

Legal Measures and Solutions

Since the country achieved independence; numerous Acts have been passed, committees have been formed to resolve and address the menace of sexual offence on women including rape. Every year, we celebrate 'International Women's Day', 'the International Day for the Elimination Violence Against Women', 'International Day of the Girl Child' etc. to raise awareness, to express our admiration. But, matter of the fact is that, the number of crimes against women have been increasing at an alarming rate day-by-day.

The '*Bharatiya Nyaya Samhita*' (BNS) which was adopted in 2023 by the ruling BJP government defines rape as an act which is committed against the will and consent of women (Free Law, 2024). Section 64 of BNS deals with the punishment of rape which observes that, "the rape accused including crime committed by public servant shall be punished with rigorous punishment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable for fine". Section 65 states that "if rape is committed on women under the age of 16 should be punished with rigorous punishment for a term not less than 20 years which may extend to imprisonment for life". Section 67, 68, 69 too deals with punishment to the rape accused. The Section 70 specially talks about the punishment for the offence of gang rape (Free Law, 2024). Section 70 (1) of the BNS, "Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, and with fine. Provided that such fine shall be just and

reasonable to meet the medical expenses and rehabilitation of the victim. Provided further that any fine imposed under this sub-section shall be paid to the victim". Similarly, section 70 (2) of the BNS, "Where a woman under eighteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death. Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim. Provided further that any fine imposed under this sub-section shall be paid to the victim" (Free Law, 2024).

The 'Indian Panel Code' (IPC) under its Section 375 and 376 also deals with rigorous punishment for the rape accused like life imprisonment. Moreover, a statuary body, the National Women Commission of India is also formed in order to advise the Government in all policy matters concerning women. The objective of the commission is to represent the rights of the women. In the same way, State women Commissions are also formed. The Government of India has launched a 'Mission Shakti' scheme for the security, protection and empowerment of women. Under this programme different initiative like One Stop Centres Scheme is implemented throughout the country since 2015 primarily to provide integrated services including temporary shelter to women affected by violence.

'The Protection of Children from Sexual Offences' (POCSO) Act, 2012 is another legal mechanism that protect the children from sexual offences. As of May 31, 2024, according to the 'Ministry of Law and Justice', Government of India, a total number of 162,497 cases related to the 'Protection of Children from Sexual Offences' (POCSO) Act have been disposed of since

2019 by 410 exclusive POCSO courts across India (Ministry of Law and Justice, 2024).

In brutal rape cases in India the punishment like death penalty is also granted to the accused. However, the death penalty is given under in rare circumstances and often opted as last step. In the brutal 2012 'Delhi gang rape case', death penalty was granted to the perpetrators after seven years of trail by the Supreme Court of India. Apart from all the government and constitutional measures, there are a number of non-governmental organisations working day and night to stop sexual violence in India. For example, *Arpan* has been working to stop child sexual abuse. '*Kshamata'* has been working in the protection of women from trafficking, prostitution etc. But, the matter of the fact is that, despite all these measures and efforts, crimes against women have been increasing significantly and in the recent past, we have witnessed some of the most brutal form of sexual violence spreading all over the country.

Conclusion

Rape is a brutal crime not only against the women but against the humanity itself. It is not merely a gender-based issue but a societal problem requiring a multipronged strategy. The 'culture of rape' can be countered through social and police reforms. Addressing gender inequality rooted in patriarchy demands changes in the socialization process. The social media or the digital platform users also have to play key role by restricting themselves in sharing violent content that may damage the image or character of a person. Such kind of viral content may further glorify a crime to inflict on another person. The education system should incorporate mandatory value and sex education. Police forces require specialised training to handle cases sensitively. A holistic approach involving education, administration, judiciary,

policy initiatives, families, civil society, and society at large is essential to eradicate violence against women effectively.

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Gender-Based Violence and Human Rights: State-Wise Trends in India

Reema Rabha
Pankaj Bora

Abstract

This study examines the alarming rise in crimes against women in India from 2000 to 2022, with a state-wise analysis of data from the National Crime Records Bureau (NCRB). Despite legal reforms like the Criminal Law (Amendment) Act, 2013, and initiatives such as the Nirbhaya Fund, reported cases surged by 209.6%, from 143,795 in 2000 to 445,276 in 2022. The paper explores regional disparities, with states like Uttar Pradesh and Rajasthan reporting the highest cases, while northeastern states show lower incidences, potentially due to underreporting. It evaluates the legal framework, including constitutional provisions and key laws like the Protection of Women from Domestic Violence Act, 2005, highlighting enforcement challenges stemming from patriarchal norms and inadequate support systems. Socio-economic and cultural factors, such as literacy and urbanization, are analyzed as drivers of violence. Employing a mixed-method approach, the study integrates quantitative NCRB data with qualitative literature insights. It underscores the need for state-specific policies and stronger institutional mechanisms to combat gender-based violence, contributing to the discourse on human rights in India.

Keywords: Patriarchy, Intersectionality, Cybercrimes, Nirbhaya Case, Enforcement Challenges

Introduction

Over the past few decades, India has undergone profound socio-economic changes, characterized by rapid urbanization, economic development, and technological progress. In recent decades, there has been an increasing acknowledgment of the need for a more holistic approach to tackling crimes against women. A pivotal moment came with the 2012 Nirbhaya case—an incident of brutal gang rape and murder in Delhi—that ignited nationwide outrage and demands for legal reform and stronger enforcement. This public outcry led to the enactment of the Criminal Law (Amendment) Act, 2013, which introduced harsher penalties for sexual offenses and established fast-track courts to expedite rape cases.

Over the past twenty years, research has increasingly highlighted the intersectional nature of gender-based violence, shedding light on how caste, class, and the rural-urban divide affect both the occurrence and reporting of such crimes. Additionally, scholars have examined the dual role of technology and social media in shaping this issue—serving as both a tool for awareness and advocacy, and a platform for new forms of abuse. Cybercrimes such as online harassment and cyberstalking have become prominent concerns, illustrating the shifting landscape of violence against women in the digital era. Despite these advancements, the nation continues to face a disturbing rise in violence against women. Incidents such as domestic abuse, sexual harassment, rape, and human trafficking not only persist but have, in many instances, intensified—posing serious threats to social justice and human rights.

The crimes against women have been a complex issue rooted in deep-seated socio-cultural, economic, and political dynamics. Historically, patriarchal structures and gender-based discrimination have marginalised women, assigning them

inferior roles in society. These entrenched inequalities have given rise to various forms of violence, reinforcing cycles of victimization and disempowerment. Although laws and policies aimed at protecting women and promoting gender equality exist, their effectiveness is often undermined by weak enforcement, societal norms, and institutional barriers.

This paper seeks to offer a thorough analysis of the growing incidence of crimes against women in India over the last twenty-four years, with a specific emphasis on state-wise data. By investigating regional variations in crime rates, the study aims to identify patterns and contributing factors that could help shape more targeted and effective policy interventions. The research will examine multiple aspects of violence against women—including domestic abuse, sexual violence, and human trafficking—while also exploring the socio-economic, cultural, and legal influences driving these trends.

Objectives

With this background, the paper seeks to-

- Explore the country's legal framework to eliminate the violence against women,
- Evaluate and compare crime rates across various states to identify regions with notable increases or declines,

Methodology

This present paper has adopted a mixed-methods approach, integrating both quantitative and qualitative data to ensure a comprehensive analysis. Quantitative data will primarily be sourced from National Crime Records Bureau (NCRB) reports, supplemented by additional data from relevant governmental and non-governmental organizations. Qualitative insights will be gathered through a review of existing literature. This study seeks

to contribute to that effort by presenting a thorough state-wise analysis, identifying underlying socio-cultural and economic drivers, and offering actionable policy recommendations.

Analysis of the study

A Historical Overview of Crimes Against Women in India

i) Pre Colonial and Colonial Era

The historical roots of crimes against women in India can be traced back to longstanding socio-cultural and legal traditions. In the pre-colonial era, patriarchal norms dominated Indian society, where women were frequently subjected to systemic discrimination and violence. Religious doctrines and customary laws often reinforced female subordination, giving rise to oppressive practices such as child marriage, *sati* (the immolation of widows), and dowry.

The colonial period brought notable shifts in the legal framework under British rule. Reforms were introduced to address some of the most harmful practices impacting women. For example, the Sati Regulation Act of 1829—driven by reformers like Raja Ram Mohan Roy—sought to outlaw sati, while the Age of Consent Act of 1891 rose the legal age of marriage in an effort to protect young girls. Despite these efforts, colonial policies largely failed to dismantle the deeply entrenched patriarchal structures. In many cases, the colonial administration reinforced existing hierarchies by aligning with traditional power systems. As a result, progressive legal reforms coexisted with persistent cultural norms, creating a complex and often contradictory legacy that continued to marginalise women.

ii) Post- Independence Era

Following India's independence, the nation witnessed a pivotal transformation in its stance on gender equality and women's rights. The framers of the Indian Constitution embedded core principles of equality and non-discrimination, establishing a strong legal foundation for safeguarding women's rights. Constitutional provisions such as Articles 14, 15, and 21 were instrumental in affirming gender equality and ensuring the right to life and personal liberty.

In the years after independence, several important laws were introduced to protect women and combat gender-based crimes. The Dowry Prohibition Act of 1961 targeted the widespread dowry system, while the Indecent Representation of Women (Prohibition) Act of 1986 aimed to prevent the objectification of women in media. A major milestone came with the Protection of Women from Domestic Violence Act in 2005, which formally recognised domestic violence as a critical societal concern.

Despite these progressive legal measures, violence and crimes against women have remained prevalent. Scholars attribute this persistence to entrenched patriarchal norms, weak enforcement of laws, and ongoing socio-economic inequalities. Additionally, globalization and modernization have reshaped traditional gender roles, sometimes provoking resistance and contributing to rising gender-based violence.

iii) Recent Trends and developments:

Figure 1: Percentage of crime against women according to different types of crimes
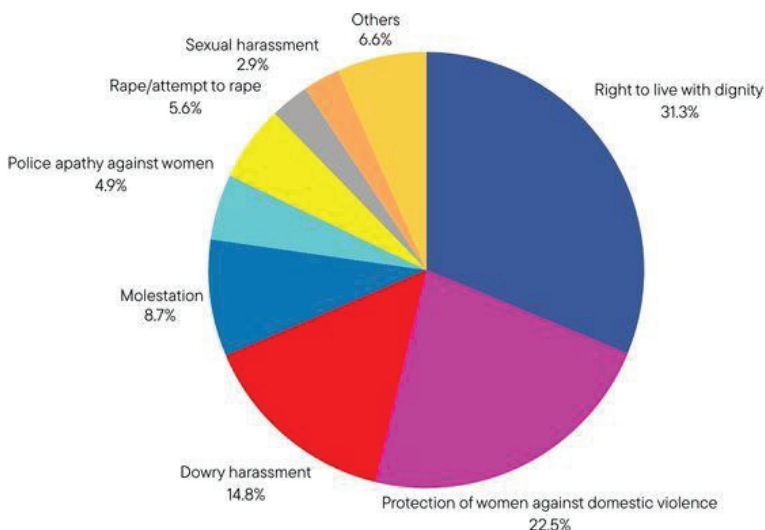
Source: Annual Report of National Commission for Women, 2022-23.

In recent decades, there has been an increasing awareness of the need for a more holistic approach to combating crimes against women. A pivotal moment came with the 2012 Nirbhaya case, where the horrific gang rape and murder of a young woman in Delhi ignited nationwide outrage. The public outcry led to widespread protests and urgent demands for legal reform and improved enforcement. In response, the Criminal Law (Amendment) Act of 2013 was passed, introducing harsher penalties for sexual offenses and establishing fast-track courts to expedite rape trials.

Academic and policy research over the past twenty years has delved deeper into the intersectionality of gender-based violence, highlighting how caste, class, and the rural-urban divide shape

both the occurrence and reporting of such crimes. Scholars have also investigated the dual role of technology and social media—as tools that can both perpetuate abuse and empower resistance. The rise of cybercrimes, including online harassment and cyber stalking, underscores the changing dynamics of gender-based violence in the digital era.

Legal Framework for Women's Protection in India

India has developed an extensive legal framework to safeguard women from violence and discrimination. While notable advancements have been made in drafting and amending laws, persistent challenges—ranging from weak enforcement to societal resistance—continue to hinder progress toward genuine gender equality. Addressing these barriers requires a comprehensive strategy involving legal reform, awareness generation, institutional strengthening, and the provision of victim support services.

Constitutional Provisions

The Indian Constitution, adopted in 1950, lays a solid foundation for the protection and promotion of women's rights. Key provisions include:

- **Article 14**: Ensures equality before the law and equal protection of the law for all citizens.

- **Article 15**: Prohibits discrimination based on religion, race, caste, sex, or place of birth and allows for affirmative measures to promote women's welfare.

- **Article 21**: Guarantees the right to life and personal liberty, which has been interpreted to include the right to live with dignity and safety.

- **Article 39(a)**: Directs the state to ensure equal access to means of livelihood for both men and women.
- **Article 51A(e)**: Establishes the duty of every citizen to renounce practices derogatory to the dignity of women.

Key Legislative Measures

Over the years, numerous laws have been enacted to combat gender-based violence and inequality:

- **Dowry Prohibition Act, 1961**: Criminalizes the practice of dowry. Despite amendments to enhance its effectiveness, dowry-related abuse remains a pressing concern due to challenges in enforcement.

- **Protection of Women from Domestic Violence Act, 2005**: Provides civil remedies for victims of domestic abuse—including physical, emotional, sexual, and economic harm—through protection orders, residence rights, and monetary relief. The law also mandates the appointment of Protection Officers to assist survivors.

- **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**: Stemming from the Supreme Court's Vishaka guidelines, this Act aims to ensure safe working environments by requiring workplaces to establish Internal Complaints Committees (ICCs) to address grievances.

- **Criminal Law (Amendment) Act, 2013**: Enacted in the aftermath of the Nirbhaya case, this amendment introduced stricter punishments for sexual crimes, defined new offenses such as stalking and acid attacks, and called for the establishment of fast-track courts and anonymity protection for victims.

- **Juvenile Justice (Care and Protection of Children) Act, 2015**: Addresses crimes involving juveniles, including gender-based offenses, while emphasizing rehabilitation and reintegration.

Judicial Activism and Interpretations

Indian courts have significantly expanded and clarified the legal protections available to women:

- **Vishaka v. State of Rajasthan (1997)**: Introduced workplace harassment guidelines that laid the foundation for later legislation.
- **Laxmi v. Union of India (2014)**: Led to stricter regulations on the sale of acid and improved support mechanisms for acid attack survivors.
- **Independent Thought v. Union of India (2017)**: Recognised sexual intercourse with a minor wife as rape, effectively criminalizing child marital rape.

Challenges in Enforcement

Despite progressive laws, enforcement remains a critical concern:

- Societal Attitudes: Deep-rooted patriarchal beliefs often impede legal action, with victims facing stigma, blame, and familial pressure to remain silent or reconcile with abusers.
- Lack of Awareness: Many women, particularly in rural or marginalised communities, are unaware of their rights and legal remedies, limiting access to justice.
- Law Enforcement Inefficiencies: Police and judicial officers often lack gender-sensitization training. Slow investigations, procedural delays, and low conviction rates weaken the impact of laws.

- Insufficient Support Services: A shortage of shelters, legal aid, and counseling services hinders victim recovery. Protection Officers and service providers are frequently underfunded and overstretched.

Recent Initiatives and Reforms

To strengthen support systems and improve enforcement, several initiatives have been launched:

- One-Stop Centres (OSCs): Set up under the Ministry of Women and Child Development, these centers offer integrated services—including medical aid, legal support, psychological counseling, and police assistance—to women affected by violence.

- The Nirbhaya Fund was established to finance programs focused on improving the safety and security of women across India. Key initiatives supported by this fund include the installation of CCTV cameras in public spaces, the setting up of fast-track courts for handling sexual assault cases, and the establishment of dedicated women's help desks at police stations to ensure more accessible and sensitive support.

- In parallel, digital initiatives have been introduced to enhance accessibility to justice and support services. Online platforms such as the e-complaint system and the 181 Women's Helpline enable women to report crimes and seek assistance quickly and confidentially, marking an important step toward leveraging technology for women's safety.

State-Wise Analysis

A state-wise examination of crimes against women in India reveals substantial regional disparities in both the frequency and nature of these offenses. States like Uttar Pradesh, Rajasthan, and Madhya Pradesh consistently report some of the highest rates of violence against women, while states in the northeastern region generally show lower incidences. These differences have been linked to a variety of factors, including levels of socio-economic development, literacy rates, and the capacity and responsiveness of law enforcement agencies. Research has also highlighted the critical role of community-based strategies and civil society in addressing gender-based violence. Grassroots movements and local NGOs have been instrumental in increasing awareness, offering support services, and influencing policy reform. Successful initiatives such as the Self-Employed Women's Association (SEWA) and the proliferation of women's self-help groups demonstrate the power of community-led efforts in empowering women and curbing violence.

Statistical Data on Crimes Against Women (2000–2022)

According to data from the National Crime Records Bureau (NCRB), crimes against women have seen a sharp rise over the past two decades:

- Total Reported Cases (All India)
    - 2000: 143,795 cases
    - 2022: 445,276 cases
    - Percentage Increase: 209.6%

This dramatic surge underscores the urgent need for in-depth analysis and targeted interventions to address the growing threat to women's safety.

Figure 2: State wise number of crimes against women in 2022
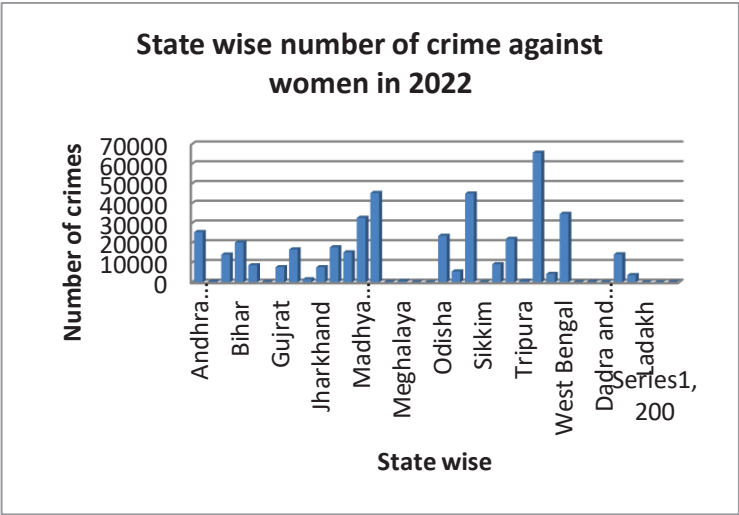
Source: NCRB Data (2022-23).

States with the highest reported cases:

From the data, it has been observed that the following states reported the highest number of crimes against women, influenced by factors such as large population size, improved reporting mechanisms, or a higher actual incidence:

i.   Uttar Pradesh – 65,743 cases *(highest in the country)*

ii. Maharashtra – 45,331 cases

iii. Rajasthan – 45,058 cases

iv. West Bengal – 34,738 cases

v.   Madhya Pradesh – 32,765 cases

Together, these five states account for approximately 50% of the national total (445,276), highlighting a substantial regional concentration of such crimes.

Moderate-Incidence States (10,000–30,000 cases)

These states reflect moderate levels of reported crimes, often linked to urbanization, social awareness, and the accessibility of legal systems:

- Andhra Pradesh – 25,503
- Odisha – 23,648
- Telangana – 22,066
- Bihar – 20,222
- Karnataka – 17,813
- Haryana – 16,743
- Kerala – 15,213
- Assam – 14,148
- Delhi (NCT) – 14,247 *(notable for a union territory)*

Low-Incidence Regions (Below 1,000 cases)

These states and UTs reported relatively fewer cases, though figures may reflect underreporting, population size, or cultural barriers to disclosure:

- Ladakh – 15
- Lakshadweep – 16
- Nagaland – 49
- Mizoram – 147
- Dadra and Nagar Haveli – 126
- Sikkim – 179
- Andaman & Nicobar Islands – 178
- Chandigarh – 325
- Arunachal Pradesh – 355

- Puducherry – 200

Most of these are small northeastern states or sparsely populated UTs. Uttar Pradesh remains the state with the highest number of reported cases, underscoring ongoing structural and social challenges. Delhi's high numbers, despite its small size, signal persistent issues in urban safety for women. Northeastern states, though low in reported cases, require deeper investigation to assess whether this reflects reality or systemic underreporting. The southern states generally exhibit moderate figures, possibly indicating stronger awareness campaigns and support mechanisms.

Conclusion

The 2022 data reflect significant regional disparities in both the incidence and reporting of crimes against women. These disparities are shaped by a combination of factors—including demographics, law enforcement efficiency, public awareness, and deep-rooted social norms. For meaningful change, state-specific strategies that address local realities and promote gender-sensitive governance are essential. The study emphasizes the ongoing and escalating problem of crimes against women in India. It calls for a comprehensive strategy that integrates legal reform, socio-economic progress, and cultural transformation to address this critical issue effectively. By examining state-wise data and delving into the underlying socio-economic, cultural, and legal factors, the research provides valuable insights into the complex dynamics of gender-based violence in the country.

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Violations of Women's Rights: A Historical Analysis

Polly Priya Buragohain

Abstract

Every day, violations of women's rights in India are reported in newspapers, television channels, and social media. Human rights are those minimum rights that are compulsorily accessible by every individual as they are human being. Men and women have equal rights under the Indian Constitution. However, there is a significant gap between theory and practice in the field of women's rights. In our society, men are considered superior to women in every aspect. Women often face discrimination, deprivation, and ill-treatment. This chapter aims to understand women's rights in India and how their fundamental rights are violated on a regular basis. The chapter will also focus on the factors behind the crimes committed against women and why constitutional provisions fall short in ensuring women's rights.

Keywords: Women's Human Rights, Discrimination, Crimes, Indian Constitution

Introduction

India is one of the world's oldest civilisations. In ancient India, during the Rig Vedic period, women were given a high status in society. It was the time when they were married at a mature age, given the opportunity to participate in religious ceremonies, and provided freedom in the choice of husbands. With the passage of time, the status of women fell gradually, and

they had to face discrimination in the later Vedic period. According to Franklin D. Roosevelt, "Freedom means the triumph of human rights everywhere. Our support goes to those who fight to acquire and maintain those rights. Our power comes from the fact that we are all working towards the same goal. There can be no other conclusion than success for such a lofty concept" (as cited in Upadhyay & Pandey, 1990). Human rights are the fundamental rights that every individual, as a member of human society, is obligated to attain. However, it has been discovered that every woman's right is being infringed in our society in many ways. Equal protection under the law is guaranteed by the Indian Constitution (Ministry of Home Affairs, n.d.). In 1997, there was an Indian Supreme Court case, Vishaka and Ors. v. State of Rajasthan, where various women's groups, led by Naina Kapur and her organisation, Sakshi, filed Public Interest Litigation (PIL) against the state of Rajasthan and the central Government of India to enforce the fundamental rights of working women under Articles 14, 19, and 21 of the Constitution of India (Vishaka and Ors. v. State of Rajasthan, 1997). According to Article 14, "The State shall not refuse to any individual within the territory of India equality before the law or equal protection of the laws," and according to Article 15, "The State shall not discriminate against any person solely on the basis of religion, race, caste, sex, place of birth, or any combination of these factors" (Ministry of Home Affairs, n.d.). However, it appears that there is a significant gap between theory and practice in the present situation. The crimes against women in India are increasing day by day. The latest National Crime Records Bureau (NCRB) annual report has revealed a distressing surge of 4% in crimes against women in India throughout 2022 (NCRB, 2022). This includes cases of cruelty by husbands and relatives, abductions, assaults, and rapes. The NCRB report detailed a substantial increase in reported crimes against women, soaring from 3,71,503 cases in

2020 to 4,45,256 cases in 2022. Compared to 2021's 4,28,278 cases, the 2022 statistics marked a troubling increase. The report highlighted that a significant proportion of crimes against women under the Indian Penal Code (IPC) involved 'Cruelty by Husband or His Relatives' (31.4%), 'Kidnapping and Abduction of Women' (19.2%), 'Assault on Women with Intent to Outrage her Modesty' (18.7%), and 'Rape' (7.1%). The crime rate per lakh women population rose to 66.4 in 2022 from 64.5 in 2021. Notably, the country registered 13,479 cases under the Dowry Prohibition Act, with over 1,40,000 cases categorised under 'Cruelty by Husband or His Relatives' (Sec. 498 A IPC) (NCRB, 2022).

There is a need to discuss the rights of women separately as women represent almost half of the population of India, yet they are discriminated against, and their rights are violated in every walk of life. Now, an important question arises as to how this human rights shield provided to women under constitutional provisions and various legislations is beneficial to them. No doubt, the government is continuously working for women's empowerment in India, but much still needs to be done.

Violations of Women's Human Rights in India

It is claimed that Indian women have been given equal rights to their male counterparts, and there is no discrimination on the basis of sex, but the actual condition of Indian women cannot be said to be satisfactory. India has a patriarchal society where males dominate, and are always treated as superior to their female counterparts, which is why the condition of Indian women is not as good as men's. They have been living under difficulties and discrimination from the distant past. Since the medieval era to modern times, the situations for women have never changed much. They have to face discrimination, injustice, and dishonour based on gender in every walk of life. Let us, now, discuss the violations of women's human rights by analysing the malpractices

against their womanhood and the tendency of society against their rights. For this purpose, the entire discussion can be divided into two parts, namely: (1) Exploitation of women and violations of their human rights since the past centuries; and (2) The present situation of women's human rights in India.

Exploitation of Women and Violations of Their Human Rights Since the Past Centuries: Exploitation of women in India is not a phenomenon of the present time; in fact, they have continuously been the victims of exploitation since ancient times. In Indian society, women have never had equal status and opportunities as men. The following practices were against the human rights of Indian women in the past.

A. Tradition of Devadasi

Devadasi is a Sanskrit term that means 'female slave of God' and was a religious practice in some parts of southern India, in which women, at the age of five or six years, were married to a deity or temple and sexually exploited by the patrons of the temple. With the passage of time, the illegitimate sexual exploitation of the Devadasi became a tradition in some parts of India. This tradition is an ancient practice, and apparently pre-Aryan. We find nothing about it in Vedic Sanskrit literature, but in Tamil Sangam literature, which dates back to 200-300 BC, there is a description of a class of dancing women called Parattaiyar. They were courtesans who lived in a separate part of the city and performed some ritual function. Eventually, they came to be associated with temples. In the 6th century A.D., one of the great queens of the Keshari Dynasty of South India decided that some female classically trained dancers should be married to the deities in order to honour the gods. At that time, it was a matter of great respect, and they were considered to be auspicious. Later, in the post-Vedic and post-Buddhist age, this tradition seems to have spread throughout the country, though it

remained strongest in the south. When Muslims invaded India, they started destroying Hindu temples after establishing their empire. With such destruction, Devadasis lost their work, their patronage, and their status in society, which forced Devadasis to dance at weddings and for the entertainment of people, which resulted in the beginning of their exploitation. Dancing and prostitution became inseparable at that time. It is quite difficult to know the exact numbers of active Devadasis at present because it is now an underground practice, and religious and non-religious prostitution cannot be differentiated. As per the data of the National Commission for Women, Karnataka has 22,941 in its 10 districts of the north region, Andhra Pradesh has 16,624 in its 14 districts, and Maharashtra has 2,479 active Devadasis, even after the enactment of a series of legislation against it, such as the Bombay Devadasi Protection Act, 1934, the Madras Devadasi (Prevention of Dedication) Act, 1947, the Karnataka Devadasis (Prohibition of Dedication) Act, 1982, the Andhra Pradesh Devadasi (Prohibition of Dedication) Act, 1988, and the Maharashtra Devadasi (Abolition of Dedication) Act, 2006 (The Hindu, 2011). Recently, in 2014, the Supreme Court directed the chief secretary of Karnataka to take appropriate steps for preventing women from being forced to become 'Devadasi' at a temple function at the Uttaranga Mala Durga temple in Devanagari district of Karnataka (The Hindu, 2011).

B. Practice of Sati

Sati had become obsolete in the Vedic era, and its appearance as a mass-phenomenon, with the support of a well-developed ideology, occurred in Rajasthan during the medieval period and in Bengal under British rule, in the wake of social turmoil. Although the act was supposed to be voluntary on the widow's part, it is believed to have been sometimes forced on the widow. The practice of sati has been declared illegal in 1829 and was

banned in 1861, and the law against it became more stringent in 1988 with the enactment of the Sati (Prevention) Act, 1987, which criminalised and provided sanctions for any form of abetment to the act (Goel, 2004). Despite legal provisions against it, a few cases still occur every year in rural India. In August 2002, in Madhya Pradesh, a 65-year-old widow, Kuttu Bai, committed sati. An incident occurred in Uttar Pradesh in 2006 when a 35-year-old widow, Vidyawati, jumped into the funeral pyre of her husband. In August 2006, again in Madhya Pradesh, Janakrani, a 40-year-old widow, was burnt on the pyre of her husband. In 2008, Lalmati, a 71-year-old widow, committed sati in Chhattisgarh (Goel, 2004). In Gaurav Jain v. Union of India, the Supreme Court directed the government to rescue and rehabilitate fallen women. They must be provided with sufficient means of livelihood and socio-economic empowerment to live a life with human dignity, which can prevent such practices (Gaurav Jain v. Union of India, 1997).

C. Practice of Jauhar

Jauhar refers to the practice of the voluntary mass self-sacrifice of all wives and daughters of defeated warriors as a last weapon in a war in order to avoid subsequent capture and imprisonment, and consequent rape and molestation by the enemy. For committing Jauhar, huge pyres were built, and women burnt themselves in those pyres so that the men of the enemy would not even be able to touch their dead bodies. Jauhar was committed by women while the husband was alive, but there was no chance of his return from war, whereas Sati was a practice of a woman burning herself on her husband's funeral pyre. The practice of Jauhar was followed by the wives of Rajput rulers, who are known to place a high premium on honour, and on the other hand, women from any community could be a part of the practice

of Sati. These were the notable differences between the practice of Jauhar and Sati (Upadhyay & Pandey, 1990).

D. Child Marriage

Child marriage means a marriage solemnised between parties aged below the age of majority. It is not a new phenomenon in Indian society; this practice has been traditionally prevalent in India and continues to this day. The legal age of marriage for a woman, under Section 6 of the Hindu Marriage Act, 1956, is 18 years, and marriage before attaining this age is a punishable offence under the Prohibition of Child Marriage Act, 2006 (Goel, 2004). Despite these legal provisions, 45 per cent of Indian girls are wedded below 18 years of age. Girls, in most parts of India, are commonly regarded as a burden on their family. Sometimes marriages are settled even before the birth of the child. In South India, marriage between cousins is a common practice because people of that region believe that a girl would be safe when she gets married within the clan. Some parents believe that it would be easy for the child bride to adapt to a new environment, as well as it being easy for others to mould the child as per their family environment. Some believe that they marry girls at an early age of their life so as to avoid the risk of their unmarried daughters getting pregnant. However, these reasons for child marriages are baseless. Poverty, illiteracy, dowry, social insecurity, landlessness, and other social evils are the actual reasons for child marriage. Widowhood, educational deprivation, deprivation of independence to select a life partner, inadequate socialisation, lack of economic independence, and low health/nutritional levels as a result of early/frequent pregnancies in an unprepared psychological state of a young bride are some of the bad effects of women's child marriage. However, the condition of males is far better in the case of child marriage in a male-dominated society (Dhanda, 2000).

Violation of Women's Rights in the Present Situation Although there are several laws protecting women's rights and encouraging them to do their best in all aspects of life today, the mindset of Indian society remains the same as it was during the ancient and medieval eras, negatively impacting women and their rights. Even after 73 years of independence, women continue to be subjected to the following rights violations:

Violation of Right to Equality and Protection Against Gender Discrimination: In India, men are always considered superior to women and are given more favour. Discrimination against women in India begins at the moment of conception, with sex determination tests leading to foeticide and female infanticide. In some parts of India, a girl child who opens her eyes in any way is murdered shortly after delivery using various harsh techniques. Women's homes, which are intended to be the safest place for them, have become a place where they are subjected to exploitation and violence by their loved ones. They are robbed of their 'Right to Life' under such conditions (Dhanda, 2000).

Figure 1: Incidents of crimes against women highest in 6 years
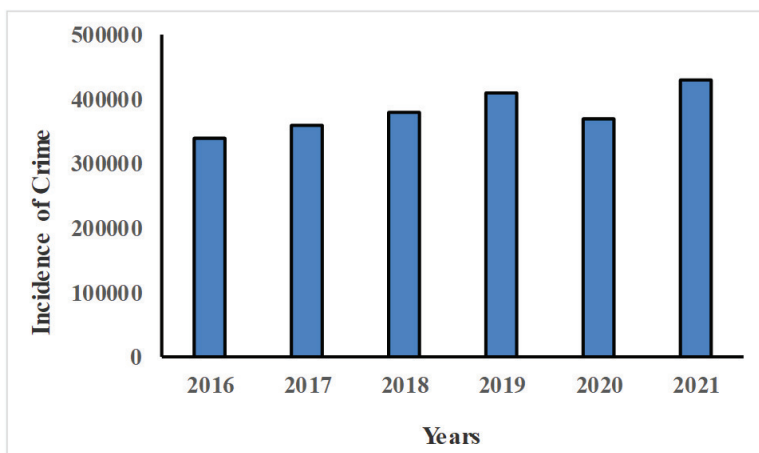
According to the National Crime Records Bureau (2016-2021), of the six million crimes that police in India recorded between 1 January and 31 December 2021, 4,28,278 cases involved crimes against women. This is a rise of 26.35% over six years from 3,38,954 cases in 2016 (NCRB, 2021).

A majority of the cases in 2021, the report said, were of kidnappings and abduction, rapes, domestic violence, dowry deaths, and assaults. Also, 107 women were attacked with acid, 1,580 women were trafficked, 15 girls were sold, and 2,668 women were victims of cybercrimes. With more than 56,000 cases, the northern state of Uttar Pradesh, which is India's most populous with 240 million people, once again topped the list. It was followed by Rajasthan with 40,738 cases and Maharashtra with 39,526 cases (NCRB, 2021).

Violation of Right to Education: Education is essential for a woman's overall development and awareness, and it is considered the most important human right. However, society's attitude toward women's education in India has been negative

since the medieval era, and it persists today. Women are raised with the belief that they are physically weak and hence only eligible for specific professions that require less physical power or, in some situations, exclusively to function as husbands and mothers. Despite the fact that literacy rates have improved since independence, there is still a significant disparity between men and women's literacy skills. Almost half of all women are unable to distinguish characters in written language. In India, at least 60 million girls do not have access to primary education. Because of the enormous number of uneducated women in India, they are unaware of their basic human rights and will never be able to fight for them (Census, 2011).

Violation of the Right to Live with Human Dignity

The right to live with human dignity is confirmed in the Preamble of the Indian Constitution, but due to incidents of eve-teasing, sexual harassment, rape, and exploitation, such a right is currently being eroded in the lives of Indian women, posing a threat to our social structure, constitutional mechanism, and law and order situation (Ministry of Home Affairs, n.d.).

1. Eve-Teasing: Eve-teasing is a problem that practically every female in India has to deal with, and it breaches a woman's modesty, dignity, and self-respect. It is one of the methods used to make a woman feel inadequate, weak, and terrified. Trying to touch any part of her body, whispering obscene words into her ear, making offensive comments about her outfits, and displaying a gesture that is perceived and intended to be vulgar are all acts that violate a woman's right to live with human dignity. Eve-teasing is thus a violation of a woman's fundamental human right to move freely and with dignity. Women can now be subjected to eve-teasing on the roads, while travelling by metro, bus, or train, while watching movies in cinemas, in parks, on beaches, and even within their own homes and in their neighbourhood.

2. Rape: Rape, the English word, is derived from the Latin word rapere. According to the Merriam-Webster Dictionary, rape is an 'unlawful sexual activity' (Goel, 2004). Rape is one of India's most common crimes committed against women. As per National Crime Records Bureau (NCRB) data, in 2018, Delhi accounted for 1,215 cases of rape (NCRB, 2018).

Figure 2: After a drop in 2020, rape cases spike again
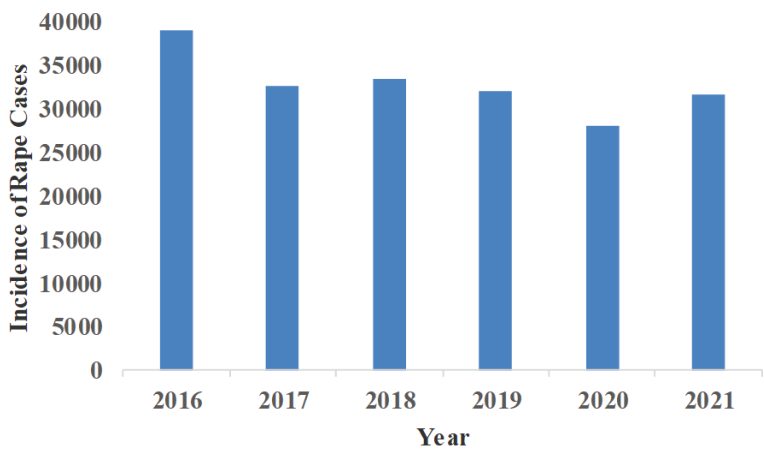
In 2021, police recorded 31,878 rapes - the numbers show a steep rise from the previous year (28,153), but compared to the 39,068 women who were raped in 2016, they show a decline of 18% (NCRB, 2021). On 9 August 2024, a 31-year-old female postgraduate trainee doctor at R. G. Kar Medical College and Hospital in Kolkata, West Bengal, India, was raped and murdered in a college building. Her body was found in a seminar room on campus. On 10 August 2024, a 33-year-old male civic volunteer, named Sanjoy Roy, working for Kolkata Police, was arrested under suspicion of committing the crime. Three days later, the Calcutta High Court transferred the investigation to the Central Bureau of Investigation (CBI), stating that the Kolkata Police's

investigation did not inspire confidence. The junior doctors in West Bengal undertook a strike action for 42 days, demanding a thorough probe of the incident and adequate security at hospitals. The incident amplified debate about the safety of women and doctors in India and sparked significant outrage and nationwide and international protests (The Times of India, n.d.).

3. Sexual Abuse

Sexual abuse is one of the most widespread crimes against women in India. According to the National Crime Records Bureau (NCRB), there were 1,215 rape cases in Delhi in 2018 (NCRB, 2018). Rape is a common occurrence among young girls in India. In rape cases, it is extremely torturous for the victim woman to have to show that she was raped by undergoing different medical examinations, and the process of several medical tests is also against her dignity, resulting in humiliation and embarrassment for the victim. Following the stress of the assault, the victim finds it difficult to undergo medical evaluation. Furthermore, due to the victim's family's prestige and the difficulty of police processes, the victim's family is hesitant to file a First Information Report.

Violation of Right to Liberty: The Indian Constitution guarantees everyone's right to liberty, including women, yet in the current Indian context, demands for dowry and the resulting bride burning, as well as occurrences of domestic abuse, are serious obstacles to women's right to liberty.

1. Demand of Dowry and Bride Burning

Dowry is a social custom that refers to the property that a bride brings to her wedding. The bride's family pays dowry to the bridegroom's family, which has been a tradition in India from ancient times and is still practised today. But nowadays, it can be seen that the demand for dowry by the husband and his family, followed by the assassination of the bride for delivering an

inadequate dowry, has become a widespread crime. Despite the government's passage of the Dowry Prohibition Act, which makes dowry requests in marriage illegal, dowry incidents remain on the rise.

2. Domestic Violence

Wife beatings and drunken husband abuse are some of the examples of violence against women that go unnoticed. The main cause is the husband's desire for the wife's hard-earned money to fund his drinking habits. Besides this, an Indian woman will always try to hide it since she is embarrassed to discuss it. And unfortunately, due to a lack of alternative support systems, women are reluctant to go to court.

Table-1: State/UT-wise Number of Cases Registered under the Protection of Women from Domestic Violence Act during 2018-2020

State/UT	2018	2019	2020
Andhra Pradesh	0	0	0
Arunachal Pradesh	2	0	0
Assam	13	0	0
Bihar	0	0	23
Chhattisgarh	1	0	0
Goa	0	0	0
Gujarat	0	0	0
Haryana	2	2	0
Himachal Pradesh	8	3	2
Jharkhand	79	73	66
Karnataka	0	1	0
Kerala	175	194	165
Madhya Pradesh	275	248	180
Maharashtra	9	11	3

Manipur	0	0	1
Meghalaya	0	0	0
Mizoram	1	0	0
Nagaland	0	0	0
Odisha	1	1	0
Punjab	1	3	0
Rajasthan	3	2	0
Sikkim	0	0	0
Tamil Nadu	0	0	0
Telangana	0	1	0
Tripura	0	0	0
Uttar Pradesh	1	5	0
Uttarakhand	0	0	0
West Bengal	6	6	1
TOTAL STATE(s)	**577**	**550**	**441**
A & N Islands	0	0	0
Chandigarh	0	0	0
D&N Haveli and Daman & Diu	0	0	0
Delhi	2	3	2
Jammu & Kashmir	0	0	3
Ladakh	-	-	0
Lakshadweep	0	0	0
Puducherry	0	0	0
TOTAL UT(S)	**2**	**3**	**5**
TOTAL (ALL INDIA)	**579**	**553**	**446**

Source: National Crime Records Bureau.

Violation of Right to Property: Women in most Indian families do not possess property in their own names and do not

receive a share of their parents' property. Women continue to have limited access to land and property due to lax enforcement of laws protecting them. In reality, when it comes to land and property rights, several of the laws discriminate against women. Though women were given inheritance rights, the sons had their own share of the ancestral property, whereas the daughters' shares were based on the father's share.

Violation of Right to Equal Opportunity for Employment and Equal Pay for Equal Work: Women's employment in agriculture, traditional industries, and a significant segment of emerging industries is rapidly declining. This is because new technological advances necessitate new skills, knowledge, and training. Women in India, who make up a substantial proportion of the world's illiterate population, lack these skills and knowledge. According to studies, women get paid less for performing the same tasks as men. Women are being pushed out of the production process by technological developments in agriculture and industry. Only certain jobs requiring so-called female skills attract women workers. As a result, women employees face discrimination in India's labour market. It demonstrates that women have relatively limited involvement in large-scale enterprises and technology-based organisations. However, even in small-scale industries, they have a very low level of engagement. Today, women own only 10.11 per cent of micro and small businesses. According to statistics, women only hold 15% of top executive positions. Women earn 30 to 50 per cent less than men on average in agriculture, where women make up the majority of agricultural labourers.

Violation of Political Rights: Women's political status in India is unsatisfactory, particularly their representation in political institutions such as parliament and provincial

legislatures, where they are severely underrepresented, limiting their ability to influence government initiatives and policies affecting women's welfare and development. In the Lok Sabha, they don't even constitute 10% representation. As a result, it is apparent that – a) Indian politics is dominated by men, and practically all political parties, despite their vocal support for a 33 per cent reservation of seats for women in Parliament and provincial legislatures, provide very little assistance to women in elections. b) Women have taken steps to get more involved in politics, but they have been met with resistance.

Conclusion

The data of the 2011 Census reveals that there are 940 females per 1000 males; in other words, 48% of the total Indian population are women (Census, 2011). Women play very important roles in our lives; they make our life complete as mothers, sisters, wives, and daughters. They are entitled to equality and respect in all aspects of life; however, abuses of women's human rights in India are primarily caused by society's lack of support, family ignorance, and obsolete legislation. One of the greatest philosophers, Swami Vivekananda, said, "Unless the situation of women improves, there is no hope for the world's well-being. A bird cannot fly with just one wing". Therefore, the nation should take some practical solutions like fast-track courts for women's cases, police training on gender issues, and community programmes to change attitudes etc. The nation should also work with groups like the 'Gulabi Gang'. The Gulabi Gang (from Hindi gulabi, "pink") is a female vigilante group in India. Sampat Pal Devi started the group in 2006 in Banda District, Uttar Pradesh. The group is dedicated to empowering women of all castes and protecting them from domestic violence, sexual violence, and oppression. They also combat political

corruption and the oppression of lower-caste people, specifically Dalits.

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Caste and Gender Discrimination in India: The Case of Human Rights Violations

Ankita Sarmah

Abstract

Caste and gender are two deeply intertwined issues in Indian society. While the caste system is an age-old traditional practice rooted in social stratification, gender refers to the socially constructed relationship between men and women. This paper examines how caste and gender-based discrimination result in serious human rights violations in India, with a particular focus on Assam. It attempts to explore how caste, as an instrument of inequality and discrimination, leads to gender discrimination among the marginalised sections. Drawing on government records, historical accounts, and academic research, the study highlights the persistent challenges faced by marginalised groups, including women and the LGBTQ community, in the northeastern state of Assam.

Keywords: Caste, gender, human rights, LGBTQ, sexual harassment

Introduction

The caste system in India remains a primary structural factor underlying human rights violations and abuses. The caste system has influenced Indian society and politics for centuries, even before the colonial rule begun. During the colonial period, the Indian leaders like Dr. B.R. Ambedkar, Jyotiba Phule, and

Mahatma Gandhi denounced caste-based injustices, and the British government took steps to address the disparities it created. Despite these efforts, the caste system persists, particularly in rural areas, where practices like untouchability and casteism remain prevalent. Due to the rigidity of the caste system, marginalised communities often face humiliation, harassment and are subjected to discrimination from upper caste.

Caste is a rigid system. It is hereditary in nature, determined by birth. and dictates social stratification based on descent and occupation. It governs housing, marriage, and social interactions, often reinforced through social ostracism, economic boycotts, and physical violence (Human Rights Watch, 2001). This system affects individuals across all ages, including children, who face humiliation in schools, communities, and public spaces. For instance, Scheduled Caste girls are often forced to sit separately during midday meals, and children from minority communities are relegated to the back of classrooms, highlighting the enduring impact of caste-based discrimination.

Historical Background

The caste system has been a powerful institution in India. Since ancient periods, the caste system divided society into rigid and closed communities based on the basis of occupation and descent. The practice continued at every historical stage in different manifestations. During the formation of the Indian Union, although freedom fighters envisioned a democratic, socialist, and secular nation based on constitutionalism; but caste-based discriminations and exclusions continued to persists. The caste-based discriminations, untouchability etc. prohibits in the Indian Constitution, but yet enforcement remains problematic and inconsistent (S.M. & Kumbargoudar, n.d.). It needs mentioning here that, the gender-based exclusion and deprivation manifolds in a hierarchical caste-based society.

The National Human Rights Commission (NHRC), New Delhi, has made regular efforts to address human rights issues of marginalised sections, including women. Dalits, transgenders, Scheduled Castes, and Tribes have been affected. "Deeply concerned by the discrimination and other human rights violations faced by the Scheduled Castes, the NHRC has taken several initiatives to ameliorate their situation and protect their rights. They include the redress of individual complaints; the establishment of a Dalit Cell in 2003 headed by a Member of the Commission with the aim of monitoring implementation of programmes; research studies on the socio-economic conditions of the Musahars, and the political and cultural status of Dalit women in Haryana; and the preparation of a handbook on discrimination to sensitise teachers. The Commission requested Shri K.B. Saxena, IAS (Retd.), to conduct a study on the atrocities against the Scheduled Castes, which has been completed. The Commission proposes to mount an appropriate campaign in this regard" (S.M. & Kumbargoudar, n.d.). However, despite these efforts, the NHRC's impact is limited when confronted with real-world challenges, as systemic discrimination continues to undermine its objectives (S.M. & Kumbargoudar, n.d.).

Human Rights in the Indian Constitution

The Indian Constitution does not include a specific article related to human rights. However, there are various provisions through which these issues are addressed in the Indian Constitution. For example, the Preamble of the Indian Constitution upholds the principles related to human rights by emphasising justice, liberty, equality, and fraternity. In addition, the Fundamental Rights, ranging from Article 12 to 35 in Part III of the Indian Constitution, provide protection against discrimination and exploitation by ensuring equal opportunity irrespective of caste, gender, and religious identity. Similarly, the

Directive Principles of State Policy (DPSP), included in Part IV of the Constitution, guide the state to undertake welfare activities and ensure the protection of the rights of people. The Fundamental Duties also encourage citizens to uphold the principles of human rights and the protection of the rights of others. All these provisions included in the Indian Constitution form a comprehensive framework for the protection of human rights, particularly for marginalised sections. However, despite all these efforts, violations of human rights are rampant in India, and they have been increasing rapidly, including caste and gender-based violations.

Human Rights Violations in India: Issues and Challenges

There are various aspects of caste and gender-based violations taking place in India. These violations are discussed below.

Discrimination

According to the United Nations, caste-based discrimination and violence contravene the basic principles of universal human dignity and equality, which ultimately differentiate individuals between 'inferior' and 'superior' (Human Rights Watch, 2001). For example, a Dalit farmer from Budaun district lodged a complaint against four marriage hall owners in the Sahaswan area, alleging discrimination after they refused to rent out their venues for his daughter's wedding. The incident has sparked controversy and concerns about caste discrimination, drawing parallels to earlier such cases in the region. Similarly, in the neighbouring Sambhal district in February 2023, a similar issue was reported. A Dalit family sought police protection for their daughter's wedding due to resistance from upper-caste members. The local administration then deployed heavy security, including

60 police personnel, to ensure that the ceremony proceeded without any disruption (Singh, 2024).

Untouchability

Untouchability is an age-old practice of social exclusion, deprivation, and discrimination by the "upper castes" against the "lower castes" due to their position in a structured hierarchical society. Due to untouchability, the lower castes face unprecedented inhuman treatment and torture. They are denied rights and privileges. Article 17 of the Indian Constitution prohibits untouchability and empowers courts to punish offenders. However, the practice persists in every aspect of society. A 2023 survey by the Tamil Nadu Untouchability Eradication Front found that 30% of schools in Tamil Nadu practised caste-based discrimination, including forcing Dalit students to clean toilets, maintaining separate queues for meals, and limiting their participation in extracurricular activities. In some districts, caste clashes among students were reported (Caste Discrimination in 30% TN Schools, 2023). As many as 25 schools in Ramanathapuram, Cuddalore, Tiruvannamalai, Tenkasi, and Dindigul districts reported clashes among students. Fifteen schools employed Dalit students to clean toilets, the report said (Caste Discrimination in 30% TN Schools, 2023).

Violation of Women's Rights

In Baghpat, Uttar Pradesh, an 18-year-old Dalit woman was subjected to a horrific act of violence. The woman was protesting against sexual harassment committed by the owner of an oil mill, along with two other individuals, where she worked. The woman was pushed into a cauldron of scalding hot oil. As her injuries were too severe, she was hospitalised in New Delhi for better treatment. The police arrested three suspects and invoked charges under the Indian Penal Code Section 307 and other sections of the

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The case was filed in response to a formal complaint lodged by the woman's brother, according to a report by The Indian Express (Sharma, 2024).

Gender-based Violence in Assam

Religious Discrimination

Article 25 of the Indian Constitution guarantees freedom of conscience and the free profession, practice, and propagation of religion. The Supreme Court has delivered a series of crucial judgements in recent years. These judgements, taken together, can be seen as a positive step towards gender equity. Whether it is the scrapping of Section 377 of the IPC, Section 497, or allowing entry to women of all ages into Sabarimala Temple, the judiciary has paved the way towards a more equal society. The judgements reiterated Fundamental Rights, such as the right to equality and the freedom of religion. Women cannot be denied this right (Sultana, 2018).

In Assam, there are many places that restrict the entry of women; the Barpeta Satra is one such example. A large board outside the Satra clearly states that, according to tradition, women are not permitted to enter the Kirtan Ghar and Manikut Griha. Established by Mahapurush Madhav Dev, this Satra has traditionally barred the entry of women. Even local women have accepted this restriction. The controversy regarding the entry of women into Barpeta Satra is not new. Many times, this custom has been questioned. But the authorities have consistently cited the excuse of customs and traditions. In fact, in 2010, when the then Governor J.B. Patnaik visited the Patbausi Satra, he was shocked to learn that women were not allowed to enter the Satra. He then appealed to the Satradhikar to allow women.

Subsequently, women were allowed to enter the Patbausi Satra for the first time (Sultana, 2018).

LGBTQ and Their Issues

In 2014, the Supreme Court of India made a landmark judgement recognising the transgender community as "third gender" for the purpose of "safeguarding their rights under Part III of the Indian Constitution. The Fundamental Rights further grant them the right to enrol their names in voters' lists as transgender. As Assam prepared to enter the final phase of the Lok Sabha elections, the transgender community highlighted the discrimination they face, though less than in previous years, in public spaces. According to data from the United Nations (UN), the number of third gender voters was 28,314 during the 2014 Lok Sabha elections in India. Prior to the verdict, the community registered themselves under the "other category" after the Election Commission of India issued instructions in 2009. Although several measures and directives have been established in the Act, only some of them have been implemented by the government. Only a few educational institutions and public places have gender-neutral toilets, and some forms still have the 'others' category instead of 'third gender'. The transgender community is hopeful for a wave of change that will allow them to lead their lives with dignity and respect. Despite legal protections, transgender individuals often face marginalisation and deprivation in education and employment, with limited access to gender-neutral facilities (Kalita, 2024).

Sexual Harassment at the Workplace

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act) aims to protect women from sexual harassment at the workplace. However, sexual harassment in workplaces is rampant, and law

enforcement remains weak. In 2022, Himachal Pradesh reported the highest number of workplace sexual harassment cases with 97, followed by 83 in Kerala, 46 in Maharashtra, and 43 in Karnataka. India has consistently reported more than 400 sexual harassment cases at work every year from 2018 to 2022, according to a Business Standard report, which cited data from the National Crime Records Bureau (NCRB). However, the state of West Bengal, which has been witnessing protests after the gruesome rape and murder of a trainee doctor at Kolkata's R.G. Kar Hospital, recorded only one workplace sexual harassment case in 2022 (Ashokan, 2024).

Conclusion

Caste and gender-based discrimination and exclusion continue to violate human rights in India. The worst victims are marginalised communities, including women. Despite constitutional protections, government schemes, and judicial interventions, systemic issues like untouchability, caste-based violence, and gender discrimination continue to persist. In Assam, restrictions on women's entry to some religious institutions and the marginalisation of the transgender community underscore the need for stronger enforcement of laws and societal reform. The POSH Act and other initiatives represent progress, but their implementation remains inadequate. Addressing these challenges requires sustained efforts to eliminate discriminatory practices and promote equality, dignity, and respect for all.

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Question of Indigeneity and Tribal Rights: Reflections from Northeast India

Gautam Chandra Roy

Abstract

Indigeneity has been considered as a contested concept. It is primarily due to the difficulty in determining who constitutes the indigenous peoples and who does not. Despite the fact, various ethnic groups in Northeast India, from time to time, assert their rights over land, forests, and other resources claiming indigenous status. In fact, politics in post-colonial Northeast India has been marked by binaries like indigenous vis-à-vis foreigners or us vis-à-vis them. Considering these arguments, this article seeks to understand the idea of indigeneity and how it impacts the ethnic politics in this peripheral region. Further, highlighting the issues of exclusions, discriminations, exploitations etc. in an ethnically diverse region, the article examines the debate surrounding tribal rights on land, forests, etc. unfolded over the years in this frontier land.

Keywords: Indigeneity, tribal rights, nationality, ethnic politics, Northeast India

Introduction

Indigeneity refers to the claim of being primitive or early settlers primarily led by ethnic tribal groups with deep rooted connections to their native lands. They are also known as *adivasi* or *janajati*, or the aboriginals. Though the nomenclature varies from one place to another; but they are marked by commonalities

in terms of distinct history, heritage, identity, socio-cultural practices, informal economic structure etc. In academic discussion and policy analysis, the indigenous peoples and ethnic tribal groups are used interchangeably and considered as common denominator. They constitute some of the world's most disadvantaged, deprived and vulnerable populations. One of the primary factors behind this has been the migration of relatively advanced communities into their lands resulting social, political, economic and cultural exclusion. Besides, displacements due to development projects, war or ethnic conflict, natural hazards etc. also led to their marginalisation and deprivation. In such a situation, assertion of indigenous status which ensures certain privileges and opportunities becomes the coveted prerogative in order to raise their voice and improve their socio-political and economic conditions. Therefore, in the past few years, claim of indigenous status by various ethnic communities have increased manifold across political borders and Northeast India is no exception. However, the idea of indigeneity has come under serious scrutiny from different corners due to the difficulties in determining who is indigenous and who is not. Moreover, emergence of similar demands raised by numerous ethnic groups in different parts of the country has transformed it one of most 'contested' issues. In this context, an attempt has been made here to examine the idea of indigeneity and how it has impacted the ethnic politics in Northeast India. In the process of discussion, the article tries to highlight the debate on tribal rights over land, forests, and other resources and issues of exclusions, discriminations etc. unfolded over the years in an ethnically diverse region.

Defining the Indigenous Peoples: The Context

The concept of indigeneity has often been considered as an "offshoot of colonialism and how the European colonisers

distinguish themselves from the non-European natives during the nineteenth and first half of the twentieth century" (Baird, 2016, p. 502). The term gained popularity because of the "experience of the Americas and Oceania, where colonisation and immigration from European countries had resulted in large-scale deprivation, displacement and discriminations of native communities" (Srikanth, 2014, p. 41). The subjected native communities began to "re-organise themselves and started to assert their identity as indigenous people or the 'first nations' and start demanding self-governance system in order to ensure their rights over land and other resources" (Srikanth, 2014, p. 41). Its conceptualisation, however, has been changed significantly in Asia leading to confusions and complexity. For example, in case of India, which is an extremely diverse country and witnessed prolonged migrations for centuries, its understanding varies from one to another place. The indigeneous peoples in India denotes to the *adivasis* or the Scheduled Tribes (STs) depending upon their demographic locations.

Globally, the total number of indigenous peoples is approximately 476 million spreading over 90 countries ranging from the 'Arctic to the tropical forests' (ILO, 2021, p. 10). According to World Bank, they constitute 6.2% of the total global population but 18.2% of them are under extreme poverty worldwide. The sizeable section of the world population speaks more than 7000 languages/dialects practicing distinct traditional and customary rituals in their day-to-day life. Despite the large number, defining indigeneity remains ambiguous. In fact, there is no universally accepted definition of the indigenous peoples. According to the United Nations of Organisation (UNO), the most fruitful approach is to identify the indigenous peoples rather than trying to define them. However, international agencies, like the UNO, the International Labour Organisation (ILO), and the World Bank (WB) defined the indigenous peoples from time to

time. The definitions became the reference point in categorising the indigenous peoples from other social groups in the subsequent period. According to the UN Working Group for Indigenous Peoples,

> *Indigenous populations are composed of the existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them, by conquest, settlement or other means, reduced them to a non-dominant or colonial condition; who today live more in conformity with their particular social, economic and cultural customs and traditions than with the institutions of the country of which they now form part, under a state structure which incorporates mainly national, social and cultural characteristics of other segments of the population which are predominant (The UN/WGIP).*

The original definition of the UN Working Group was accepted in 1972. However, the definition was considered too 'restrictive' and was later amended to what follows in 1983. The ILO made a major intervention in defining the indigenous peoples through its convention 169 often considered as a 'unique' convention. Article 1 of the convention determines both the subjective and objective criteria for the identification of the indigenous and tribal groups in a given country. The Article suggests that, the tribal people include "social, cultural and economic conditions that distinguish them from other sections of the national community, and a status that is regulated wholly or partially by their own customs or traditions, or by special laws or regulations" (ILO 2021: 16). Article 1 of the Indigenous and Tribal Peoples Convention, 1989 adopted by the International Labour Conference (ILC) at its 76th Session states that,

both tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations, and to peoples who are regarded as indigenous on account of their descent from the populations who inhabited the country at the time of conquest or colonization (The UN/WGIP).

In addition, in 1991, the World Bank adopted the following definition of indigeneity. According to the World Bank,

Indigenous Peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics: (a) close attachment to ancestral territories and to the natural resources in these areas; (b) self-identification and identification by others as members of a distinct cultural group; (c) an indigenous language, often different from the national language; (d) presence of customary social and political institutions; and (e) primarily subsistence-oriented production (The UN/WGIP).

The definitions categorise the indigenous peoples with distinct geographical, social, and cultural characteristics which separates them from the 'national' communities. It needs to point here out that, the definitions also give impetus to the other ethnic tribal groups to claim similar status. In Northeast India, the claim for indigenous status gained momentum in the form of autonomy demands or the self-determination movements which emerged soon after independence of the country. The autonomy movements spearheaded by different ethnic groups resurfaced the question of 'recognition' of the indigenous peoples or the tribal rights over land, forests and other resources.

Question of Indigeneity and Tribal Rights in Northeast India

Indigeneity and tribal rights are inter-connected yet complex issues to understand. Over the past few decades, question of indigeneity has been remained one of the most debated issues in Northeast India's socio-political discourse. The debate primarily revolves around the question of who constitutes the indigenous peoples and how to determine them? The issue also manifolded due to the increasing demands of indigenous status even by relatively smaller and non-tribal communities in the region. In addition, it has fueled in the emergence of identity politics based on racial and cultural differentiations. Therefore, the question of indigeneity has been remained an unresolved and vexed issue in the region.

Northeast India that includes eight neighbouring states – Assam, Arunachal Pradesh, Meghalaya, Mizoram, Manipur, Nagaland, Tripura and Sikkim is characterised by its unique geo-strategic location, complex demographic distributions, distinct socio-cultural practices, ethno-linguistic diversity etc. Located in the easternmost corner of the country, the region witnessed periodic migration or for that matter served as a 'migratory route' of various ethnic, caste and religious groups at different historical phases from its adjoining areas. It has received "peoples and cultures from many directions, at various times, but has imposed on them its own peculiar regime born of the unity of high places" observes Kirk (1962). Therefore, he further remarks that "this is one of the earths' greatest highland zones, nourishing its own complexities of race and culture, exhibiting its own internal environmental contrasts" (Kirk, 1962). The intricacies transformed the peripheral region to a home of different races, ethnicities, languages, culture, castes and religious groups. While the region is connected with the rest of the country by a narrow

range spanning 22 kilometers known as Chicken neck at Siliguri of the state of West Bengal, it shares 5484 kilometers of international boundary connecting Bhutan, Bangladesh, China, and Myanmar. Moreover, as mentioned earlier, it is home to a more than 200 ethnic groups speaking over 220 languages or dialects spreading throughout the hills the valleys of the region. They represent distinct socio-cultural traditions, beliefs and practices unlike rest of India. Interestingly, their problems and challenges also differ from the other ethnic groups (Baruah, 2007, p.21).

The concept of tribal rights is a comprehensive idea. It encompasses all aspects of tribal life and livelihood including ownership/rights over lands, forests, language, culture, traditional institutions, customary practices etc. However, the colonial policy disrupted the relationship through the "acquisitive forces of industrial capitalism" (Gohain, 2006). The capitalist penetration in the region started largely in two ways. First, migration of relatively advanced communities like traders, tea planters, salaried or job holders as a part of colonial market economy. This resulted in the emergence of a section of middle class consisting of the tea planters, money lenders, traders etc. Second, migration of peasants particularly from the East-Bengal encouraged by the colonial rulers as a part of 'revenue accumulation' and 'grow more food policy' since the late nineteenth century. While the number of former migrants had been relatively less; but, the large-scale migration of the later has deeply impacted the society, economy and politics of Northeast India. The tea plantations in colonial Assam also led to the migration of indentured labourers from Chotanagpur area of the British India. The policies exerted unprecedented pressure on lands, forests and other resources inherited by ethnic tribal groups which invariably led to their displacement/dislocation from their native places. The changes in the ownership pattern

and gradual transformation from subsistence to the market economy led to the beginning of exclusion, deprivation and exploitation of the original settlers. Therefore, it has become quite common among various ethnic groups to claim indigenous status citing their historical linkages with an aim to reclaim their ownership over lands, forests and other resources.

The post-colonial Northeast India witnessed numerous autonomy movements ranging from separate homeland demands to secession from the Indian state. One of the primary factors behind the emergence of the autonomy movements has been the unabated immigration since the colonial period and its impact on land ownership pattern. In fact, the ethnic politics in the region is largely dominated by the issues of immigration. For example, the state of Assam witnessed six long years of anti-immigration movement known as Assam movement (1979-1985) spearheaded by the All-Assam Students' Union (AASU) with an aim to detect and deport the alleged 'foreigners' from the state. The movement came to an end with the signing of the Assam Accord in 1985, a tripartite agreement between the Union of India, Government of Assam and the AASU. Although, the movement witnessed violent incidents and unrests; but the immigration issue has not been resolved even today. In addition, the region also witnessed decade long violent armed conflicts raised by different ethnic groups which resulted gross violation of human rights, socio-political tensions, economic slowdown, unemployment, etc. Moreover, cross-border movements from the neighboring countries of South East India particularly from Myanmar in the states of Mizoram, Nagaland etc. have made the question of indigeneity more complex and confusing. Here, we can refer to the alleged migration of the Kukis from Myanmar which has been argued as one of the root causes of the sporadic ethnic violence in Manipur since May 2023. All these issues have severely impacted the rights of the indigenous and ethnic groups across the region.

The Discourse and Discontent: Indigenous vis-à-vis Foreigner

Referring to the increasing demands of indigenous status, Bengt Karlsson writes "why does being recognised as 'indigenous peoples' matter so much to the Indian tribal organisations? They are, after all, already recognised as belonging to a special category of peoples, i.e. the scheduled tribes, that entails them to certain rights and privileges" (Gohain, 2021, p. 2). The union government soon after independence enacted an order to grant STs status to the 'backward classes' of independent India. Accordingly, the Constitution (Scheduled Tribe) Order, 1950 was passed under clause (1) of Article 342 of the Indian Constitution which recognised 744 ethnic groups as STs across 22 states. The number keeps changing due to inclusion and omission of the STs into the list. However, it needs to point here out that, in four states of the Northeast India i.e. Assam, Mizoram, Meghalaya and Tripura, the STs enjoy protection of their rights over land, forests, traditional institutions and customary practices under Sixth Schedule of the Indian Constitution. The Schedule mandates them to form autonomous council – a self-governance provision which ensure their social, economic and cultural security. As a result, we have seen increasing demands of the Sixth Schedule mandated autonomous council by both ethnic tribal and non-tribal groups across the country in recent years. Apart from that, at the time of formation of the state of Nagaland, article 371-A was incorporated in the India Constitution with an aim to safeguard interests of the people. According to the article, "no act of parliament can change the religious and social practice, customary laws, ownership and transfer of land and resources without the consent of the Nagaland Legislative Assembly" (Baruah, 2020, p. 39). Therefore, various measures have been taken in order to safeguard the interests of the indigenous ethnic groups of Northeast India.

However, over the years, these measures have come under severe attack from various corners due to 'non-recognition' of the rights of others. For example, the Sixth Schedule of the Indian Constitution, which "packaged" the colonial Excluded Area protocols "as policies of positive discrimination or affirmative action" has evolved into a new source of unequal sub-citizenship in the postcolonial regime of extractivism (Kar, 2021, p. 24). The Sixth Schedule mandated areas have witnessed increasing rivalry and conflict of interests among the emerging political class over resource control, management and appropriations. Issues of exclusion, deprivations and insider vis-à-vis outsider debate become the rallying point of political discourse in these areas. Therefore, the "easy binaries of indigenous/settler, insider/outsider, or tribal/nontribal" (Baruah, 2020, p. 78) have become complicit. In fact, it has been alleged that, the provision of "protective discrimination has grown into an exploitative machine" controlled by the emerging middle class in the region (Kar, 2021, p. 25). As a result, invoking of indigeneity has often been criticised as leveraging for political benefits and economic interests. As it has been aptly observed, the issue of "indigeneity is now above all a political question, closely bound with claims to territory, status, identity, and political power" (Srikanth, 2014, p. 41). Therefore, questions related to claim of indigeneity often leads to contestations.

Why Indigeneity Matters in Northeast India

Human migration is a natural phenomenon. People around the world, at point of time or another, migrates from one place to another in search of food, settlement, better livelihood etc. War, natural hazards, ecological calamities, etc. also cause large-scale migration. The history of human migration from stone-age to present-day, according to a section of scholars, makes it difficult to determine indigeneity in black-and-white. Therefore,

questions arise, is indigeneity an imagination? Does the claim of being indigenous only a 'political' question? Is it only about availing the attached benefits or opportunities? These are difficult questions which need careful attention. Here, we can argue that, there might be some degree of unanimity in tracing the exact period or time of migration of different ethnic groups, but it occurs at every historical phases worldwide.

Northeast India, often referred as the 'miniature Asia' has been a testimony of human migration leading to its enormous diversity. As mentioned in the beginning, the region received waves of migration and served as a 'migratory route' for centuries. For example, the Tai-Ahom, one of the major indigenous groups of Assam migrated from the present-day Yunun Province of China. They crossed the raging rivers and hills of Myanmar and entered the Brahmaputra valley in 1228 and ruled the region for the next six hundred years. The other northeastern states also witnessed similar migration from the adjoining areas at different historical phases. Therefore, time and again, question has been raised about the claim of indigeneity. However, it needs mentioning here that, the concept itself emerged as a response to the European colonialism during nineteenth century and therefore, migration that occurred before colonialism does not invite question. In addition, distinct socio-cultural and economic characteristics are prerequisites in order to claim the indigenous status. Moreover, assertion of indigeneity surfaced as a result of the right to self-determination by the native communities to fight against exploitation, deprivation and discriminations. As Karlson writes, "the right to self-determination is regarded as empowering in negotiations or conflicts with the state and other powerful interests" (Gohain, 2021, p. 2). Therefore, claim of indigeneity can be termed as an assertion of rights by the deprived, disadvantaged, marginalised and vulnerable populations across

the countries and the ethnic groups in Northeast India is no exception.

The indigenous and ethnic groups in Northeast India have been facing numerous challenges such as – underdevelopment, lack of representation, discriminations, displacements, extinction of language and socio-cultural practices, decline of traditional institutions etc. The rampant violations of their rights have exerted long lasting impact on ownership over land, language, literature, traditional practices etc. While the large-scale migration/immigration of peasants from East Bengal resulted pressure on both agricultural and forest lands during the colonial period; the development induced displacement become one of the major problems during the post-colonial period. For example, construction of large dams in Northeast India has resulted both physical and livelihood displacement of the indigenous people in various parts of the region. According to the Ministry of Tribal Affairs 2008, Government of India, "around 60 million people have been displaced in India from 1947 to 2004, with almost 40% of them being tribal people" (Mark, 2025, p. 6). Needless to say, a large number of them are displaced due to development projects undertaken in the region. In this regard, we can refer to the neo-liberal capitalist market economy induced development policies introduced by the Indian state which have adversely impacted the ethnic tribal groups. These policies have encouraged privatisation which eventually deprived and displaced the ethnic tribal communities of their own lands and resources. Therefore, invoking of indigeneity which reflects a sense of attachment to land, language, cultural practices etc. are considered as inalienable rights and fulcrum of rural life and livelihood. For any agrarian society, these are the major determinant of their life and livelihood and the ethnic groups of Northeast India are no exception. As Verrier Elwin (1963) argued, land is not only a source of livelihood for the tribals, it is also connected with their

sense of history and is a symbol of social prestige (Ambagudia, 2010, p. 61).

Conclusion

The notion of indigeneity has attracted criticisms and interpreted as a 'contested' idea; but the matter of the fact that, the indigenous and ethnic tribal groups are the early settlers. They inherit distinct socio-cultural identity, customary institutions and traditional practices. Therefore, claim of indigenous status can be considered as an assertion of rights by the deprived and excluded communities to preserve and protect their rights over land, forests and other resources. However, very often these claims are 'hijacked' and coincide with politics by the political class emerged within in order to fulfil their narrow political interests. As a result, majority of the indigenous peoples have not been able access the associated benefits and opportunities. As it has been rightly observed, although the UN has finally adopted the Declaration on the Rights of Indigenous Peoples, "the fight of indigenous peoples for identity and justice is far from over" (Srikanth, 2014, p. 41). They have to fight for their survival, existence and a dignified life in an ethnically complex and politically charged region.

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Identity and Socio-Political Status of the *Adivasis* in Assam: Issues and Policies

Tabassum Rizvi

Abstract

The protests led by the *Adivasi* students in parts of upper Assam on September 2024 demanding the Scheduled Tribe (ST) status underscore the tenuous relationship between the state and indigenous populations. Given their migratory history and the engagement as labourers in the tea gardens in Assam, the community remains at the margins of society and politics in Assam. This article interrogates the reasons behind the growing demand for ST status by the community and analyses the response of the state and civil society. This paper examines historical claims and assesses the factors that have intensified the exclusion and assimilation of the *Adivasis*. It contends that, the rights and claims of indigenous communities must be addressed in a substantive manner, and that state authorities should implement welfare measures to enhance the status of the *Adivasis*.

Keywords: Indigenous tribes, *Adivasi*, tea gardens, reservation, human security

Introduction

The concept of "identity" represents a significant concern in Assam specifically, as well as in the broader context of North East India. Different ethnic groups in Assam, encompassing both non-

tribal and tribal populations, have been advocating for either a distinct identity or the recognition of ST status (Goswami, 2004). The dynamics surrounding equal recognition, which encompasses a range of demands for equal status and the preservation of diverse cultural identities, presents a significant challenge within democratic frameworks. Assam is home to over 1,000 tea-estates and is populated by more than 6 million *Adivasi*s, generally known as "Tea Tribes". The demand for ST status among the community in Assam has gained momentum over time, as it confers particular rights, including political representation, reservation, and socio-economic benefits.

Since independence, the subject of identity in Assam has emerged as a contentious issue, influenced by political developments and the increasing aspirations of the tribes. *Adivasi* signifies "first residents" or "original inhabitants," derived from "*Adi*" meaning first and "*Vasi*" meaning occupants (Das Gupta and Sekhar, 2011). The *Adivasi* community has significantly contributed to the growth of tea industry in Assam. For more than 170 years, they have played a significant role as the largest contributors to the unorganised labour sector and the economy of the state. Despite their contributions, they remain at a disadvantaged position and find themselves trapped in a relentless cycle of poverty, unemployment, and other challenges. Furthermore, the challenge of integration within the "*Axomiya*" speaking community has posed a considerable obstacle for them. In this context, this paper aims to explore the issue of "identity" of *Adivasi* community and their demand for ST status. The article delves into the challenges of exclusion and assimilation, with a particular focus on "identity assertion" and its impact on the political landscape of Assam.

This is a qualitative study that combines both descriptive and historical approaches. The development of research findings has been greatly aided by secondary sources, which include books,

research journals, newspapers, periodicals, articles, and other previously published works. Oral histories and internet resources have also played a vital role in gathering and disseminating relevant material, and government reports and their recommendations have been carefully examined.

Indigeneity and Searching Roots: An Understanding

Social identities are primarily sustained through intergroup comparisons (Ashforth & Mael, 1989, p. 31), which can lead to feelings of deprivation and subsequently foster heightened political aspirations. In Assam, there is a widespread perception that the history of the *Adivasi* is intertwined with the history of tea gardens. There is strong evidence that the *Adivasi* people had ties to northeastern India before the Assamese tea industry was established (Kerketta, 2005). Their settlement in the Santhal colonies of Western Assam predates the beginning of tea production, suggesting that their presence in Assam was not limited to tea farming. Stephen Fuchs argues in his essay on The Races of North East India that these tribes linguistically belong to the Mon-Khmer or Austro-Asiatic groups (Sebastian, 1993). Their language connected the Munda tribe further west in Central India with several other tribes on the border between Burma and Indo-China. Significant cultural parallels may also be seen with the Hos and Mundas of Chotanagpur, who built stone memorials in remembrance of their departed ancestors. In the Northeast, there are claims that the Kol-Mundas and Khasis lived side by side, with the Khasis assimilating the Kol-Mundas' language. Since some people think the Khasis were not farmers, the Mundas called them "Ka-si" in Mundari, which means "non-ploughing" or "non-cultivator class" (Topno, 2015, pp. 7–8).

In the book Assam Review, J.H. Mills notes that Assam serves as a primary route for human migration and identifies

various groups that migrated to ancient Assam at different periods (Topno, 2008, pp. 18–23). Nonetheless, the most recent migrant groups to Assam were Indo-Aryan groups that had moved to Assam from North Bihar. Lakhi Devi, in the book Assam History, has expressed that the first original inhabitants of Assam were the Khasis and Syntengs, and these two groups represent the Austic race. Regarding their language, it bears similarities to that of the Munda community of Chotanagpur in India. In his book, The History and Culture of the Khasi People, Hamlet Bareh (1997) observes that there are specific indications of similarities among the Ho, Munda, and Khasi peoples, especially in their language and traditions (Bareh, 1997). In his book, A History of Assam, Edward Gait (1997) notes that a distinctive aspect of this region is represented by the intriguing monoliths that the Khasi and Syntengs construct in honour of their deceased. Monoliths of a similar nature are present among the Hos and Mundas in Chotanagpur, who communicate in dialects that belong to the same linguistic family (Gait, 1997). Lila Gogoi has highlighted that, in ancient times, particularly in hilly regions, cave-dwellers occupied specific areas where certain instruments have been discovered. These individuals belonged to the Austic Race (Thapa, 2001, pp. 131–132). It is believed that these individuals had black skin, broad noses, red eyes, and hair resembling copper. Notably, the major tribes of *Adivasi*, particularly the Santali people from Kokrajhar District in Assam, share certain similarities with these described individuals. Historians have posited that the dominance of the Mongolian race gradually extended throughout greater Assam, leading to the displacement of the Tea Tribes *Adivasi* from the region. Based on secondary data, it has been identified that King Ban and Narakasur of Assam were Munda tribes. Following their demise, the process of Aryanisation began, which led to the Austic race being compelled to abandon their Sarna religion (Kerketta, 2005). It is observed that, based on the

nature of their work, they are categorised into various low castes such as Komar, Tati, Teli, Moira, Sonar, Sundi, Rajwar, and others. As time progressed, they shifted from being Austic to becoming low-caste Aryan (Pulloppillil, 2005). Therefore, it is incorrect to consider *Adivasis* as mere migrants to Assam. They are not only the original inhabitants of India but also of Assam. The lifestyles of the *Adivasi* and other indigenous groups of Assam are very different from one another. The distinctive social structures, economic systems, and enduring traditions of distinct *Adivasi* tribes set them apart from one another. The *Adivasi* people demonstrate a deep dedication to their ancient beliefs and practices. Some of them, such as the Goorh, Kondh, Saura, Santhal, Karua, and Gonju, still follow their traditional religious and social customs today (Gogoi, 2001). Certain *Adivasi* tribes, including the Munda and Uriyabastis, usually choose their regions of residence according to their ties to the community. Because of their classification, they are included in the State of Assam's OBC list.

Social Identification, Politics, and the Issue of Reservation

Soon after Assam was annexed from Burma (Myanmar), the British government started large-scale tea plantations. In 1837, the first tea garden was constructed at Chabua in Dibrugarh, Upper Assam, and the Assam Tea Company began commercial tea production in 1840. The Santhal movement represented a significant *Adivasi* resistance to British colonial authority. Following the protests led by Birsa Munda against British imperialism, there was a notable emphasis on divide-and-rule. A large number of *Adivasi* labourers from Santhal Pargana and Chotanagpur have now settled in Assam and become part of the Assamese community (Harlaka, 1975). The British government also allowed labourers to be imported via the 1859 Workmen's

Breach of Contract Act and 1863 Transport of Native Labourers Act (Goswami, 2004). The British imported labourers until 1860, although some did not remain in the tea estates. They lived on government "khas" land or unused tea garden land near tea plantations as casual workers and land cultivators. This created ex-tea garden tribes. In his work Migration and Settlement of Tea Garden Labourers in North East India, B. B. Das states, "Tea is the product of the labourers' cumulative toil". The golden drink that cheers people comes from their struggles (Kerketta, 2005). The number of tea estates in Assam has grown rapidly, employing 25% of the workforce (Ahmed, 2013). However, given the discrimination, as noted, "in post-independent India, they came to be known as 'tea tribes', alternatively called 'bagania', 'coolie', and 'mini' (for women). All these are used in derogatory terms, conveying the sense of the 'other'" (Lakra, 2024, p. 400).

The demand for ST status by the *Adivasis* of Assam is related to a variety of interrelated factors. It has been argued that "embracing '*Adivasi*' terminology is a deliberate move on their part to assert their tribal identity and also to frame their collective demand as indigenous rights, including their aspiration to achieve ST status" (Das, 2025, p. 8). One of the key aspects of community identity is social standing. As Turner et al. (2008, p. 61) point out, group behaviour, in contrast to individual or interpersonal behaviour, involves individuals acting based on a shared social identity rather than distinct personal identities; given that the *Adivasis* continue to remain one of the most backward communities in Assam, it is not surprising that political mobilisation has taken place. While many local communities in Assam refer to the *Adivasis* as Tea Tribes, it does degrade their social position, for they have their own identity that lies beyond tea gardens. Language is a major obstacle to *Adivasi* absorption into Assam. Munda, Oraon, Tanti, and Kurmi have distinct mother tongues. Tea tribes also use "Sadri" to communicate;

however, only 20% of Assam tea tribes speak it (Kurmi, 2013). They have rich creative literature, even if their languages have not developed. The closed mentality of the Assamese middle class and racial discrimination have produced a wide divide, which can be observed in the community when it is still identified as a migrant or coolie (Karmakar, 2013). At the grassroots level, health care and education still remain in a poor condition in tea garden regions of Assam. Many tea estates have not properly implemented the Plantation Labour Act. Alcoholism is on the rise, and women and children are trafficked to work as domestic workers or sex workers in metropolitan cities (Boruah, 2024). According to a report by PAJHRA, an NGO, "education levels and literacy remain low among the communities, while health indicators show that the *Adivasis,* particularly those living in tea plantations, still die from preventable diseases such as diarrhoea and tuberculosis" (PAJHRA, n.d.).

The agitations by the *Adivasi* community are increasingly becoming more assertive day by day. Mithu Raaj Kisku, serving as the district secretary of the All *Adivasi* Students Association of Assam (AASAA, Dibrugarh), spearheaded the protest against the state government in September 2024, firmly advocating for the inclusion of their population in the Scheduled Tribe category, encompassing tea garden workers. He believed that with a population of 60 lakh, the *Adivasis* in Assam are classified as tea tribes and ex-tea tribes, which leads to a dilution of their tribal identity. Nonetheless, the fact remains that less than 50% of the community is engaged in employment within tea estates. Most individuals are engaged in agricultural activities and various other occupations. Mithu Raaj Kisku identifies "35 sub-groups of the *Adivasi* community (Chotanagpur-origin) in Assam, including Santhal, Munda, Oraon, Kharia, Gond, Lodha, Saora, Parja, Bhil, Danwar, Khond, Kherwar, Birhor, Bonda, Chik-Baraik, Kawar, Baiga, Halba, Adur, Birjia, Chero, Mahali, Mirdha,

Kol, Gorait, Nagasia, Korwa, Koya, Bhumij, Sobor, Ho, Kissan, Mal Paharia, Lohar, and Kamar" (AASAA Demands, n.d.). A key demand was the granting of Scheduled Tribe (ST) status to the community in Assam. The All *Adivasi* Students' Association of Assam (AASAA) has concurrently sought land rights for all individuals living in tea estates, forest areas, and villages in Assam.

Identities and identity formations function across various social levels, resulting in, in certain instances, profound dislocations, anomic mental states, and dissatisfaction (Scott, 2021, p. 142). Amartya Sen asserts that justice must encompass the actual experiences of individuals, hence requiring the improvement of the tea tribal people's circumstances to attain societal justice (Sen, 2009). The AASAA and the Assam Tea Tribes Students Association (ATTSA) contend that granting ST designation will markedly enhance the historically marginalised condition of the *Adivasi* in Assam. The tea tribes of Assam consistently underperform in all aspects of development. The labour and endeavours of the tea tribes in the cultivation of tea and other businesses have mostly remained unacknowledged. The state apparatus has instituted numerous humanitarian efforts to promote and protect the identity of this community. Numerous high-level meetings and conversations have occurred between community members and government authorities; nonetheless, progress has been slow. Before the elections, whether general or assembly, the issue of Scheduled Tribe recognition for the *Adivasis* of Assam prominently results in numerous discussions between stakeholders, only to thereafter diminish from public memory.

Conclusion

The adoption of *Adivasi* nomenclature by the tea tribes serves as a strategic measure to assert their tribal identity and

articulate their collective demand for indigenous rights, including recognition as ST. The *Adivasi* community finds itself at a crossroads, caught between poverty and fighting for acceptance as well as recognition. While the state authorities are busy debating the granting of ST status, they continue to languish behind in all socio-economic parameters. The welfare measures undertaken by the state have so far yielded limited results. Positively, as electoral politics becomes more competitive, political parties cannot afford to overlook the demands and rights of the *Adivasis* of Assam. Mainstream national political parties and regional parties often look for their support. Essentially, at the grassroots level, while the *Adivasis* have emerged as a powerful political force in Assam, the irony is that they continue to remain on the periphery of Assamese society. The Assamese elite have seldom provided political or social opportunities to this population, often exacerbating their marginalisation. The spirit of social and political accommodation in Assam will be tested in the future. The neglect of the *Adivasi* community by the state apparatus and subsequent marginalisation by mainstream populations in Assam has undoubtedly exacerbated the challenges faced by this community. Media reports highlight that the Assam government has reconstituted a Committee of Group of Ministers following extensive discussions with stakeholders and community representatives (The Hindu, 2024). Given the complexities involved, negotiations must occur among the stakeholders to ensure that each group receives the recognition they deserve. Meanwhile, the government's incremental actions in Assam, such as reserving jobs for tea tribes and *Adivasis* within the 27 per cent quota (The Sentinel, 2025), indicate two things: first, the negotiations between the different stakeholders may go on for a longer period; secondly, these "token measures" may not fully satisfy the demands of the tea tribes of Assam.

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Human Rights of Persons with Disabilities in India: A Critical Evaluation of the RPwD Act of 2016

Kasturi Goswami
Pankaj Bora

Abstract

India's commitment to the human rights of Persons with Disabilities (PwDs) has evolved significantly, especially with the 2007 ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The Rights of Persons with Disabilities (RPwD) Act, 2016, marks a pivotal shift from a welfare-based approach to a human rights framework, expanding recognised disabilities from seven to twenty-one and guaranteeing civil, political, educational, and employment rights. This paper critically evaluates the RPwD Act's alignment towards upholding the human rights with focus in dignity, autonomy, non-discrimination, and accessibility in the RPwD Act. It assesses key initiatives like the Accessible India Campaign and Unique Disability ID (UDID) Project, analysing their effectiveness in upholding PwDs' rights. However, despite progressive legislation, implementation gaps exist, in form of inadequate infrastructure and underfilled employment and education quotas. Besides there is also limited access to justice and fragmented institutional coordination, particularly in rural areas. Drawing on global human rights standards, the study compares India's framework with international benchmarks with countries like USA, UK, and others. The study highlights enforcement weaknesses and resource constraints in implementing disability rights in India

vis-à-vis the disability rights in other countries. To address the implementation gap RPwD Act in India, it is essential to empower institutional mechanisms, issue sector-specific guidelines, increase budgetary allocations, and enhance digital integration that ensures equitable access to rights. Besides public awareness is essential to address the stigma surrounding PwDs and foster inclusion of the persons with disabilities into the mainstream. Thus, the study emphasises the need for robust monitoring, decentralised execution, and inter-agency synergy to bridge the policy-practice divide. This would ensure the RPwD Act fully realises the human rights of PwDs in India.

Introduction

In the 21st century, India has witnessed a transformative shift in advancing the human rights of Persons with Disabilities (PwDs), moving from a focus on rehabilitation to a rights-based framework grounded in dignity, autonomy, and equality. Conventionally there was a greater emphasis on rehabilitation rather than empowerment of the PwDs. This was due to the perceptions of PwDs as medical or charitable cases. However, with the global discourse on human rights and social justice, the focus shifted towards empowerment and international framework especially the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) acted as catalysts, advocating for domestic reforms and legal accountability for the PwDS. In 2007, ratification of United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) by India, intervened as a catalyst in reshaping national attitudes, policies and laws for PwDs. This came as a response to the UNCRPD, directives to its signatory nations for adopting a social model of disability allowing for recognition of systematic barriers,

preventing the societal participation of PwDs to the full. This discourse on disability rights in India transformed the scenario for persons with disabilities (PwDs) from passive recipients of welfare to active rights-bearing citizens.

Further, in consensus with the directives of UNCRPD, the Rights of Persons with Disabilities (RPwD) Act, 2016, was enacted in December 2016 which came into force on April 19, 2017, replacing the Persons with Disabilities Act of 1995. The RPwD Act redefined disability and expanded the number of recognised conditions from seven to twenty-one. The act further guaranteed civil, political, educational, and employment rights for persons with disabilities. The Act also imposed obligations on both state and non-state stakeholders and participants to make infrastructure and services PwD friendly and accessible. Dignity, autonomy and legal capacity emerged as non-negotiable rights in the RPwD Act, 2016. This transformation is significant in a country, where, social stratification and infrastructural inaccessibility historically excluded PwDs from mainstream life *(Government of India, 2016)*.

Thereafter, several rule amendments and guidelines such as Disability Rights Amendment Rules and the 2023 Assessment Guidelines have followed, with the aim to improve standardisation in disability certification, accessibility compliance, and inter-agency coordination. Besides, the formation of the Central Advisory Board on Disability under Section 60 of the RPwD Act provides an institutional mechanism to review and guide policy implementation. Furthermore, to address the disability concerns in infrastructure, data systems, and employment various programs like the Accessible India Campaign (Sugamya Bharat Abhiyan), the Unique Disability ID (UDID) Project, and the National Action Plan for Skill Development of Persons with Disabilities has been made available. Yet, gaps remain between policy intentions and actual

implementation, especially in rural and marginalised communities *(Ministry of Social Justice and Empowerment, 2022; Ministry of Social Justice and Empowerment, 2023; Government of India, 2017; & Comptroller and Auditor General of India, 2023).*

The present study is an attempt to evaluate the key legislative measures, government programs and administrative framework, that aims to empower and uplift the status and perception of PwDs in India, with special focus on RPwD Act, 2016. The study attempts to review the effectiveness of initiatives such as Accessible India Campaign, the Unique Disability Identification (UDID) projects in achieving the targets of RPwD Act. Based on various guidelines, notifications and other global contexts, the study tries to assess the disability framework in India, its ability to address the needs of PwDs and the implementation gaps. Further the study tries to offer some recommendations based on the available data for creating a more inclusive environment for the PwDs *(Government of India, 2016 & Comptroller and Auditor General of India, 2023).*

Historical Evolution of Legal Framework and Institutional Landscape with special focus on Rights of Persons with Disabilities (RPwD) Act, 2016

There has been a significant transition in the legal and institutional landscape of the rights of persons with disabilities in India since Independence. This transition is marked with changes from marginal welfare schemes to robust statutory mandates, based on constitutional values and international conventions. The articles 14,15 and 21 in the Constitution of India, lays the foundational basis for equality and non-discrimination for protecting the interests of the Persons with Disabilities. However,

it was the ratification of UNCRPD in 2007, that incited a more direct and comprehensive legislative reform with regards to PwDs in India, which obliged India align domestic laws with the principles of dignity, autonomy, accessibility, and equality of opportunity for persons with disabilities.

The most significant outcome of this ratification of UNCRPD in 2007, was the enactment of the Rights of Persons with Disabilities (RPwD) Act, 2016 in line with global standards through Gazette Notification S.O. 1215(E), April 19, 2017.However, there were amendments and rules such as the Disability Rights Amendment Rules in 2015 and 2022. These amendments provided explanation on the administrative responsibilities. Further it also extended the scope of existing provisions, and incorporated procedural mechanisms for grievance redressal and oversight *(Ministry of Social Justice and Empowerment, 2022).*

One of the most noteworthy features of the RPwD Act is its expansion of the definition of disability—from a narrow focus on seven disabilities to a more inclusive list of twenty-one to include conditions such as autism spectrum disorder, thalassemia, acid attack victims, and Parkinson's disease, among others. Besides the Act also recognizes "benchmark disability," i.e. 40% or more, to determine eligibility for reservations and benefits. Further, the act also mandates 4% reservation in government jobs, 5% reservation in higher education and inclusive education under the RTE framework. Besides the act also has provisions for Right to legal capacity, equal protection, and reproductive autonomy.

Institutionally, the RPwD Act introduced several structural reforms and mandated the formation of the Chief Commissioner for Persons with Disabilities at the national level, and State Commissioners in all states. These Chief Commissioners were tasked with monitoring the implementation of the Act, addressing

grievances, and ensuring compliance. Furthermore, to provide policy-level guidance and inter-ministerial coordination the Central and State Advisory Boards were also established.

In addition to the RPwD Act, the National Trust Act, 1999 and the Rehabilitation Council of India (RCI) Act, 1992 (amended in 2000) are the other two legislative instruments in the frameworks of Disability Rights in India. The National Trust Act, 1999 focuses on the welfare of with intellectual and developmental disabilities along with provisions for appointment of legal guardians and development of community-based living arrangements. Under the National Trust Act Local Level Committees (LLCs) are formed which is pivotal for facilitating guardianship and monitoring welfare. On the other hand, the Rehabilitation Council of India (RCI) Act, 1992 which was amended in 2000, focuses on and ensures the quality of rehabilitation services through the regulation of the education and training of professionals in the field. Besides, to accredit the training institutions for rehabilitation services, a Central Rehabilitation Register is maintained by the Council under the RCI Act. However, challenges persist in expanding the reach and availability of certified personnels under the Act, especially in the rural areas *(Government of India, 1999; National Trust Act, 1999 & Rehabilitation Council of India, 2000).*

The RPwD Act, National Trust Act, and RCI Act together forms the pillar of India's legal and institutional infrastructure for disability rights. However, all these three frameworks at present mostly operates in isolation, which poses challenges in their implementation. The integration of multiple laws provides a robust ecosystem for ensuring the dignity and inclusion of PwDs. However, the fragmentation lack of integrated databases linking all the three frameworks hampers the coordinated service delivery and mostly creating redundancies. A unified data platform integrating RPwD, National Trust, and RCI would significantly

improve coordination and implementation of the three frameworks *(Government of India, 1999 & Rehabilitation Council of India, 2000).*

Present Status of PwDs in India

To understand the human right status of persons with disabilities (PwDs) in 21st century India calls for a multidimensional lens, that incorporates the demographic patterns across India, social inclusion scenario, institutional access, economic participation and to an extent the perceptions regarding PwDs. According to the 2011 Census, there were approximately 2.68 crore PwDs in India, accounting for 2.21% of the population. However, the organisations working and advocating for disability rights and also scholars working in the area of disability are in consensus that the census figures underrepresent the actual number of PwDs in India. This underrepresentation is largely attributed to social stigma associated with disability, definitional limitations of PwDs in the census process, and inconsistent medical certification of disability. The RPwD Act, 2016, has attempted to address this gap by expanding the number of recognised disabilities from 7 to 21. Further, to rectify the discrepancies and create a centralised and standardised database of PwDs, Unique Disability Identification (UDID) Project was implemented in 2016. However, due to challenges in digital illiteracy, lack of awareness, and delays in processing documentation, the enrolment rates under the UDID Project are uneven especially in the rural and remote areas *(Government of India, 2016 & Ministry of Social Justice and Empowerment, 2023).*

Section 16 of the RPwD Act guarantees inclusive education, which requires all the educational institutions be made accessible and PwD friendly. However, the ground realities are different with many schools especially the government schools, lacking

Physical infrastructure such as ramps, accessible toilets, or elevators to accommodate PwDs. Besides the availability of trained special educators for PwDs also remains limited. Schemes under the Samagra Shiksha Abhiyan has attempted to provide resources and support for inclusive education, which remains largely inadequate to close the gap. Many students as a result are either excluded from formal education or placed in special schools, segregating them from the main stream.

The RPwD Act mandates 4% reservation in government jobs and 5% reservation in higher education. But the employment scenario in case of PwDs, just like education remains challenging, highlighting the fact that the actual recruitment under these provisions remains far below the mandated figures. the Comptroller and Auditor General (CAG) have cited several departments that has failed to fill the reserved positions for PwDs. The recruitment of PwDs in the private sector is even lower than the government sector where no mandatory provisions exist. Factors contributing to the low employment rate in PwDs includes (but not limited to) inaccessible workplaces, lack of reasonable accommodation, and societal prejudice. Although vocational training programs and skill development schemes exist, but their reach and alignment are not able to fully address the market needs.

Healthcare and rehabilitation services also remains inadequate, predominantly in the rural areas. The Rehabilitation Council of India (RCI) accredits training institutions and maintains a registry of qualified professionals. However, many regions, especially in northeastern and tribal areas lack even basic access to services physiotherapy, speech therapy, and occupational therapy. The challenges for persons with mental and psychosocial disabilities is even more dire due to infrastructural constraints and stigma associated with mental disability in particular. Although the Mental Healthcare Act, 2017, alongside

the RPwD Act, the integration of mental health within mainstream healthcare continues to be weak. The National Trust Act, 1999, advocates provisions for long-term care for persons with intellectual and developmental disabilities, through legal guardianship and community living options. However, the reach of Local Level Committees (LLCs), responsible for the appointment of legal guardians, is mostly confined to urban districts. In many rural regions, families are unaware of these provisions or face bureaucratic hurdles in accessing them. As a result, many persons with disabilities, particularly those with high support needs, remain dependent on informal family care or are institutionalised without proper legal backing *(Government of India, 1999 & Government of India, 2017b)*.

The Accessible India Campaign which was launched in 2015, advocated the improvement infrastructure and services. As such it targeted for barrier-free access in public buildings, transportation, and information and communication technology (ICT). While some progress has been made, especially in central government buildings and metro systems, there has been compliance inconsistency across states and departments. Accessibility, both physical and digital, remains a critical concern with fewer than 30% of public buildings meeting accessibility norms, and many websites and mobile applications not adhering to Web Content Accessibility Guidelines (WCAG) *(Comptroller and Auditor General of India, 2023)*.

To conclude, there are legislative frameworks for disability inclusion that has been evolving overtime to address the needs of PwDs. However, an analysis of the present status of PwDs in India, reflects that there has been a significant implementation gap in these legislative frameworks. Issues related to awareness, accessibility, infrastructure, professional resources, and institutional coordination across sectors poses as significant challenge in implementation of the legislative frameworks. As

such there is an urgent need for comprehensive monitoring, decentralised execution, and participatory planning to ensure that the rights guaranteed under the law translate into actual improvements in the lives of persons with disabilities.

Analytical Insights of the Legislative and Policy Frameworks for Persons with Disabilities (PwDs)

An analysis of India's legislative and policy frameworks for the rights of persons with disabilities (PwDs) reveals that these has been a notable shift in intent over time especially in the last two decades. The intent of India's legislative and policy frameworks for persons with disabilities (PwDs) has shifted from welfare-driven programs to a rights-based model that mandates inclusion, accessibility, and equality. The Rights of Persons with Disabilities (RPwD) Act, 2016, embraces a broader definition by expanding the recognised categories of disabilities from seven to twenty-one. This emblematic shift and reflects a more nuanced understanding of disability. That Act ensures that individuals with conditions such as thalassemia, Parkinson's disease, and acid attack injuries are also included in welfare and protection schemes under the Act.

To illustrate this legislative evolution, a comparative table, Table 1, summarizing key indicators before and after the RPwD Act has been provided useful insights.

Indicator	Pre-RPwD Act (1995)	Post-RPwD Act (2016)
Recognised Disabilities	7	21
Reservation in Govt. Employment	3%	4%
Educational Quota	No fixed mandate	5%
Accessibility Provisions	Suggestive	Legally binding
Legal Guardianship Mechanism	Absent	Present under National Trust Act
Rehabilitation Workforce Regulation	Unregulated	Regulated under RCI Act

Source: RPwD Act (2016), Persons with Disabilities Act (1995), National Trust Act (1999), *Rehabilitation Council of India (RCI) Act (1992) and Government of India, (1999).*

As seen from table 1, before RPwD Act, 2016, India has only seven categories of recognised disability, provided a 3% reservation in government jobs, no fixed mandate for educational provisions, lacked a standardised framework for accessibility, absences of legal guardianship mechanism and unregulated rehabilitation workforce regulation. However, with eth introduction of RPwD Act,2016, these provisions were considerably expanded. the recognised categories of disability increased to twenty-one from seven, reservation in public employment also increase to 4%. Besides there were provision of 5% reservation in higher education was introduced. Furthermore, the RPwD Act,2016, made accessibility standards legally binding, the provision for legal guardianship mechanism was made available under National Trust Act 1999 and The RCI regulated

the rehabilitation workforce *(Government of India, 2016 & Government of India, 1999)*.

However, it is seen that there is a gap between policy formulation and actual implementation in the delivery of infrastructure and services under RPwD Act. Infrastructure compliance remains highly inadequate, with less than 30% of central government buildings complying to the accessibility norms of the Accessible India Campaign. Besides transport systems, often lack ramps, lifts, tactile paths, or audio signals especially in tier-2 and tier-3 cities. Further, digital platforms have also remained largely non-compliant with the Web Content Accessibility Guidelines (WCAG). There is also a gap in the institutional roles and responsibilities distributed among various bodies, which often operates in isolation from each other. Besides the UDID database and RCI's certified professionals or the National Trust's guardianship services largely remains disconnected due to lack of shared digital interface, resulting in fragmented service delivery. The absence of real-time coordination also limits the potential of these institutions to respond to emergencies or cater to persons with high support needs. While The RPwD Act of 2016, represents a comprehensive overview of India's approach to disability, the institutional review reveals that implementation has remained inadequate *(Comptroller and Auditor General of India, 2023)*.

India vis-à-vis Global Legal Context

Following the enactment of the Rights of Persons with Disabilities (RPwD) Act, 2016, India's legal frameworks for disability rights is aligns with the most of the global standards. An international comparison especially with countries such as the United States, the United Kingdom, Australia, and Canada highlights both the strengths and limitations of the Indian System. These countries have set global benchmarks with

developed robust disability laws that have set global benchmarks for enforcement, accessibility, and anti-discrimination protections.

Table 2: India vis-à-vis Global Legal Context

Country	Key Legislation	Disability Prevalence	Reservation/Provisions	Accessibility Enforcement
India	RPwD Act, 2016	~2.21% (Census 2011)	4% job, 5% education quotas; guardianship laws	Moderate; infrastructure gaps
USA	Americans with Disabilities Act (ADA), 1990	~12.8%	Anti-discrimination laws; litigation support	Strong federal enforcement
UK	Equality Act, 2010	~18%	Equal opportunity; inclusive workplace policies	High compliance
Australia	Disability Discrimination Act, 1992	~17.7%	Service equality; personalized supports	Rights-based, monitored by AHRC
Canada	Accessible Canada Act, 2019	~22%	Accessibility Standards, barrier-free mandate	Independent oversight bodies

Source: RPwD Act (2016), Americans with Disabilities Act, 1990, Equality Act, 2010(United Kingdom Government), Disability Discrimination Act, 1992 (Australia Government), Accessible Canada Act, 2019.

The Americans with Disabilities Act (ADA) of 1990 of United States is a comprehensive civil rights law. This Act prohibits discrimination in employment, education, public accommodations, and telecommunications based on disability. The ADA has specific mandates for accommodating persons with disabilities into employment, educational institutions and

government agencies. The ADA enforcement is supervised with a network of network of legal; federal and state-level institutions and allows individuals to seek help through federal courts in case of non-adherence to the mandates specified by the ACT. This stands in contrast to India's implementation mechanisms, which are often constrained by bureaucratic limitations and lack of judicial follow-through.

The United Kingdom's Equality Act of 2010 consolidated the earlier anti-discrimination laws. This Act explicitly protects persons with disabilities in areas such as employment, public services, and education. "Reasonable Adjustments" is a key provision of the United Kingdom's Equality Act, which the employer and services providers need to legally oblige to accommodate persons with disability. The RPwD Act, 2016 of also included similar concept with has 4% job, 5% education quotas and guardianship laws. However, its implementation is hindered by a lack of clear sector-specific guidelines, infrastructural gaps and poor monitoring systems *(Government of India, 2016)*. Similarly, Australia's Disability Discrimination Act (DDA) of 1992 places emphasis on service equality and inclusion through both legal and social strategies. The Australian Human Rights Commission role in this is pivotal and it ensures that complaints are resolve and there are no compliance issues. Further, programs such as the National Disability Insurance Scheme (NDIS) provide personalised support and services. Likewise, the Accessible Canada Act (2019) mandates barrier-free federal services and infrastructure which is backed by strong compliance oversight through the Office of the Accessibility Commissioner.

Policy Gaps and Implementation Drawbacks in the Legal Framework with special focus on Rights of Persons with Disabilities (RPwD) Act, 2016

Although the Rights of Persons with Disabilities (RPwD) Act, 2016 is a landmark in India's disability approach, there are several challenges, especially structural and operational challenges in implementation that hinders the realisation of its goals. The issues affect the institutions, service delivery mechanisms, public awareness, and financial allocations under RPwD Act, 2016. The ambiguity in legal definitions within the Act is one of the most prominent challenges. Key terms such as "reasonable accommodation," "universal design," and "high support needs" are not adequately defined and needs sector specific interpretation. Further, the lack of clear operational guidelines poses as a challenge for the service providers i.e. employers, educational institutions, and other public authorities, to comply with the human rights obligations as stated in the Act. The absence of a standard understanding across states and sectors leads to inconsistency in implementation and, in some cases even non-compliance *(Government of India, 2016)*.

Another critical weakness of the Act is the institutional enforcement. The RPwD Act mandates that Chief Commissioners and State Commissioners for Persons with Disabilities are appointed. But in several states, these positions either remains vacant or are held by existing bureaucrats as additional charges. Besides these authorities often lack the administrative autonomy and resources and are also granted limited powers which do not extend to enforcement through legal or financial penalties. This significantly undermines their authority required to function effectively and in full capacity.

The financial allocation for disability-related programs is also notably inadequate with Less than 1% of the total welfare

budget is earmarked for disability welfare. This poses as difficulty to implement even the most basic provisions of the RPwD Act, considering the breadth of the Act's mandates. The lack of dedicated and decentralised funding stalls progress at both state and district levels. Besides, there is also shortage of trained rehabilitation professionals, which is a barrier to effective service delivery. The Rehabilitation Council of India (RCI), has been unable to meet the national demand for trained personnel. As such many areas especially the rural and underserved districts do not have even a single certified special educator, physiotherapist, or occupational therapist, which compromises both the quality and effectiveness in the services for persons with disabilities (PwDs).

The inter-agency co-ordination between RPwD Act, the National Trust Act, and the RCI framework, which are critical components of the legal and institutional landscape for disability rights is also highly fragmented. Each operates in isolation with minimal integration or data-sharing mechanisms, lacking synergy which results in duplication, administrative delays, and confusion for beneficiaries. While the rollout of the Unique Disability ID (UDID) system has been an innovative initiative the lack of digital infrastructural especially in rural and tribal areas, hiders the effective implementation of the of the initiative. Besides the requirement of multiple documents and medical assessments, often makes the process time-consuming and makes it difficult for those who are in need of support the most difficult to access *(Government of India, 1999).*

Another difficulty in the implementation of RPwD Act is the inaccessibility of the legal and judicial system to persons with disabilities. While legal provisions exist for free legal aid and protection from discrimination, practical barriers prevent many PwDs from seeking or receiving timely justice. On the infrastructural front, the court buildings typically lack ramps,

elevators, and PwD accessible restrooms in particular along with other infrastructural facilities. Further, the legal aid professionals and judges may lack training on the rights and needs of PwDs as such may not be able to address the legal needs of the PwDs. As a result, the redressal of grievances remains a difficult and drawn-out process. Despite progressive legal provisions in RPwD Act, the institutional inefficiencies and resource constraint is severely impeding the practical realization of disability rights in India.

Recommendations

To effectively translate the Rights of Persons with Disabilities (RPwD) Act, 2016 into real-world outcomes, an integrated strategy is essential with the aim to strengthen legal implementation, build institutional capacity, enhance financial support, and create a more inclusive and accessible environment for persons with disabilities (PwDs) across India.

First, there is an urgent need to strengthen the institutional and legal mechanisms responsible for enforcing disability rights. The Chief Commissioner and State Commissioners for PwDs must be empowered with greater autonomy, dedicated funding, and enforcement capabilities. Along with trained workforce and digital grievance redressal systems to ensure transparency and timely response to complaints.

Secondly, sector-specific guidelines should be issued to clarify ambiguous terms in the RPwD Act, more particularly in areas such as education, employment, transport, housing, and digital access. Additionally, model accessibility codes for both urban and rural contexts must be disseminated and integrated various sectors across the nation.

Third, is the need of adequate financial investment, where the recommendation of at least 2% of the total social welfare budget be earmarked for disability-specific programs are

allocated toward accessibility infrastructure, capacity-building initiatives, and awareness campaigns.

Fourth, to address the persistent shortage of trained professionals, the Rehabilitation Council of India (RCI) should be expanded and decentralised. While the State-level RCI offices could coordinate training programs and ensure the geographic spread of certified professionals; financial incentives and career advancement schemes should also be introduced to encourage young professionals to work in underserved regions. Additionally, all public service training curricula should include compulsory modules on disability awareness and inclusion.

Another key area of focus is data infrastructure, digital integration and inter-agency co-ordination between RPwD Act, the National Trust Act, and the RCI frameworks.

Further, the Unique Disability Identification (UDID) system must be fully operationalized and linked to key databases across ministries, including education, health, labour, and rural development. enabling more efficient tracking of beneficiaries, resource allocation, and policy targeting.

Inclusive education and employment policies also require urgent scaling-up with all government and aided schools hiring trained special educators and providing accessible teaching and learning materials. The National Action Plan for Skill Development of PwDs should be expanded to include a broader range of sectors and geographic areas, with clear pathways to job placement and retention.

Besides the private sector employers should be offered tax incentives and CSR credits for maintaining accessible workspaces and hiring persons with disabilities.

The justice system must also be made more inclusive. Fast-track benches for disability-related cases can be established in

district courts, and all court premises must comply with accessibility norms. Legal aid services should prioritize disability cases and the lawyers must be trained in the RPwD Act.

Last and the most important is the public awareness and community engagement which are critical for dismantling stigma around PwDs to build inclusive social norms. This can be achieved through media campaigns on disability rights and services through various medium for disseminating information like newspaper, television, radio, social media and various campaigns and awareness programmes.

These recommendations can thus offer a path towards more inclusive development, better equality of opportunity, and ensure meaningful participation for all individuals, regardless of their ability.

Conclusion

Although India has made substantial progress in recent years in recognising and legislating the rights of persons with disabilities (PwDs), by transiting from Persons with Disabilities Act of 1995 to Rights of Persons with Disabilities (RPwD) Act, 2016 reflecting the country's commitment to the principles of dignity, autonomy, and equality, there are several critical challenges that continue to hinder the full realisation of disability rights in India.

The RPwD Act along with the National Trust Act and the Rehabilitation Council of India (RCI) Act, has introduced a wide array of rights, protections, infrastructural facilities and rehabilitation services and for the empowerment of PwDs. However, the mere existence of these laws will not ensure effective implementation of the provisions as mandated in the acts, unless supported by robust institutional frameworks and adequate resource allocation for the same

India has been trying to achieve holistic development under the Sustainable Development Goals, where it is required that ensuring the rights, dignity, and empowerment of all the persons are achieved especially the persons with disabilities. Disability inclusion is not just a matter of compliance or compassion it a social and legal right and is an essential for building a just, equitable, and resilient society.

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Right to Mental Health Care: Understanding the Legal Perspective under International Human Rights Law

Benzir Zaman

Abstract

The right to mental health forms a fundamental aspect of the broader right to health as recognised by international human rights law. Every individual inherently possesses the right to attain the highest possible level of mental well-being. This study primarily aims to critically examine the development and current structure of mental health laws within the framework of international human rights. Individuals with mental health conditions across the globe continue to face numerous violations of their human rights. Globally, the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) represents a significant shift in how individuals with mental health conditions are viewed, recognising them as rights-holders recognised globally for their capabilities to assert and enjoy rights. This paper aims to analyse how these limitations obstruct the successful implementation and accessibility of mental health services for individuals. By exploring various international agreements, we seek to examine the impact of governmental laws and policies on global mental health outcomes. Despite these advancements, mental health remains a neglected area in legal systems worldwide. This study adopts a doctrinal methodology, focusing on an in-depth examination of international human rights instruments, including treaties, declarations, and authoritative interpretations. A comparative approach is also

employed to evaluate state practices and regional human rights systems. The findings provide important insights into how laws, policies, and international treaties impact mental health rights.

Keywords: Mental health laws, right to mental health, international human rights law, access to mental healthcare, stigma

Introduction

The concept of health encompasses physical and mental health, which are complementary to each other, but in reality, it is not perceived as such. From a human perspective, mental health is crucial as it provides a foundation for shaping one's personality. According to the World Health Organisation (WHO), mental health is a state of well-being where a person can manage everyday stress, function effectively at work, and play a constructive role within society. It represents a crucial dimension of human existence, influencing an individual's personality, decision-making processes, reasoning abilities, behavioural patterns, emotional state, and overall perception. A mental health condition can impair one's capacity to function effectively in professional or educational settings, navigate social environments, or sustain interpersonal relationships. These conditions can be influenced by various factors, such as genetics, childhood trauma, negative thoughts, stressful events, and unhealthy habits. Mental health issues have become a global crisis, affecting millions of people across different age groups and backgrounds. The challenges are not only medical but also economic, social, and legal. Some pressing problems include social stigma, workplace discrimination, lack of access to mental healthcare services, shortage of qualified mental health providers, inadequate infrastructure, the impact of the COVID-19 pandemic, and the influence of social media on mental health. Although many policies address patients with psychosis, other psychiatric

conditions are often overlooked. Mental health has increasingly been recognised as a crucial aspect of overall well-being and human rights. The recognition of mental health as a fundamental human right has become increasingly prominent in global discussions. The Universal Declaration of Human Rights (1948) establishes the right to a standard of living that includes medical care and well-being, implicitly covering mental health. Similarly, The International Covenant on Economic, Social, and Cultural Rights (ICESCR) (1966) explicitly obligates states to ensure that everyone has access to the highest attainable standard of mental health. Despite being recognised as a fundamental right under international human rights law, the right to mental health faces several legal, structural, and implementation challenges. These problems hinder access to quality mental healthcare and violate basic human rights, such as dignity, equality, and non-discrimination. According to the WHO, many countries allocate less than 2% of their national health budgets to mental health services. Low- and middle-income nations, in particular, face shortages of mental health professionals, infrastructure, and community-based support systems (Patel et al., 2018). These challenges contribute to the treatment gap, where a significant portion of the population does not receive the mental healthcare, they need. In certain societies, mental health conditions carry significant stigma, causing individuals to refrain from seeking assistance due to fear of facing discrimination (Corrigan et al., 2020). Cultural perceptions of mental health also influence policies and access to care. The COVID-19 outbreak further underscored the necessity of prioritising mental health. Increased rates of depression, anxiety, and stress-related disorders have been documented worldwide, prompting governments to reassess their mental health policies. In this paper, we analyse how the global perspective on mental health rights is shaped by legal frameworks, policies, and real-world challenges. By examining

regional differences and emerging trends in mental health, we aim to highlight the progress made and the areas that need urgent attention to achieve equitable and impartial mental healthcare services for all.

International Legal Frameworks of the Right to Mental Health

The international legal framework for the right to mental health is largely grounded in the UDHR and the CRPD (2006). These instruments affirm that all individuals, including those with mental health conditions, are entitled to the highest attainable standard of mental health. This includes quality healthcare, personal liberty, autonomy, and social inclusion. The WHO and the UN have recognised mental health as a vital and inseparable part of overall health and well-being. Adopted in 1948 by the UN General Assembly, the UDHR was the first international document to recognise health, including mental health, as a basic human right. Article 25 of the UDHR asserts that every person has the right to a standard of living that supports health and well-being, which includes access to medical care and essential social services. Building on the UDHR, the ICESCR (1966) provides legally binding recognition of mental health rights. Article 12 of the ICESCR recognises everyone's right to the highest attainable standard of physical and mental health. It mandates that states adopt suitable measures to ensure accessible health services. Nations that have ratified this covenant are obligated to enact laws and policies that enhance mental healthcare systems, integrate mental health into primary health services, and eliminate discrimination against those with mental health conditions. The CRPD (2006) marks a milestone in representing mental health rights. This treaty recognises mental health conditions as disabilities and calls for a shift away from institutionalisation toward community-based care and

independent living. Article 12 of the convention ensures that persons with disabilities, including those with mental health conditions, have decision-making autonomy and the right to legal capacity. Article 25 emphasises non-discrimination in access to mental healthcare on an equal footing with others. Mental health rights are also supported by regional human rights instruments. The European Convention on Human Rights (ECHR) (1950) prohibits inhuman or degrading treatment, which has been interpreted by the European Court of Human Rights to include certain abuses in psychiatric institutions. The African Charter on Human and Peoples' Rights (ACHPR) (1981) and The Inter-American Convention on Protecting the Human Rights of Persons with Disabilities (2001) further reinforce the commitment of regional organisations to upholding mental health rights in their respective jurisdictions. Additionally, The WHO Mental Health Action Plan 2013–2030 provides a comprehensive policy framework for governments to improve mental health services, ensure human rights protections, and promote community-based mental healthcare. This plan encourages countries to integrate mental health into universal health coverage, strengthen leadership in mental health governance, and reduce stigma through awareness campaigns. However, challenges persist in their implementation, despite these international frameworks. Many countries lack adequate legal protections for individuals with mental health conditions, and enforcement mechanisms are weak (Puras et al., 2022a). Considering the role of various international legal instruments, it is crucial for advocating for stronger national policies and ensuring that mental health rights are recognised and protected globally.

Regional Mental Health Policies and Laws

Mental health laws and policies vary significantly across different regions, reflecting cultural, economic, and political

disparities. Some regions have developed progressive laws and policies, while others continue to face barriers in the implementation of systematic mental health policies. In North America, The Americans with Disabilities Act (ADA) in the United States legally provides protections for individuals with mental health conditions against discrimination. Canada's Mental Health Strategy (2012) emphasises recovery-oriented care and funding for mental health services. In Asia, mental health legislation is diverse. India's Mental Healthcare Act (2017) aims to protect individuals' rights, guaranteeing mental healthcare services and decriminalising suicide. Regions such as Africa and Latin America have made progress but still struggle with resource constraints. Despite this progress, many challenges persist, including stigma, underfunding, and disparities in access to mental healthcare. To ensure mental health rights globally, there is a need to strengthen regional frameworks.

Challenges of Mental Health Rights

Numerous mental health laws and policies have made gradual progress in protecting the rights of individuals, but many challenges persist, ranging from stigma and discrimination to resource constraints and inefficient enforcement mechanisms, which result in the inability of individuals to access and exercise mental health rights. The challenges can be summarised as follows:

a) Stigma and Discrimination: Individuals with mental health conditions experience adverse effects due to stigma and discrimination, limited by societal barriers, not by their differences. In many societies, mental health conditions are viewed with fear and misunderstanding, leading to discrimination in employment, education, and social settings. Studies have demonstrated that individuals with mental health conditions are

often denied jobs or opportunities or dismissed from employment due to their conditions (Henderson et al., 2013).

b) Limited Access to Mental Healthcare: Communication and cultural barriers, in addition to social and practical barriers, limit access to mental healthcare. Significant barriers exist in accessing mental healthcare based on socio-economic status, geographical location, and ethnicity. Rural and marginalised communities face continuous barriers, as most psychiatric care is concentrated in urban centres.

c) Impact of the COVID-19 Pandemic on Mental Health Services: Across the globe, the COVID-19 pandemic has worsened mental health conditions among populations. The crisis led to a significant rise in depression, anxiety, and stress-related disorders, while also placing immense pressure on healthcare systems. Interruptions in mental health services caused a significant decline in access to necessary care. Although the pandemic affected mental health broadly, certain groups were more vulnerable than others. These include individuals from racial minority communities, pregnant women and mothers, persons with disabilities, those with pre-existing mental health or substance misuse disorders, and healthcare professionals. The pandemic has not only negatively impacted psychological well-being worldwide but also sparked serious concerns about a potential increase in suicidal behaviour.

d) Lack of Funding and Resources: Establishing meaningful change requires not only raising awareness about mental health and human rights but also ensuring sufficient funding and resource allocation. Awareness alone cannot lead to sustainable impact if it is not supported in the long term. Despite various efforts and initiatives by governments and national health services to address mental health concerns, current funding remains inadequate. There is a shortfall in mental health support

services, insufficient resources to manage delayed hospital discharges, and a lack of inclusive infrastructure development.

e) Marginalisation: Individuals with learning disabilities, autism, and mental health conditions continue to face significant marginalisation in society. Misconceptions, prejudices, and stereotypes often result in restricted social opportunities and create obstacles to accessing healthcare and education.

f) Involuntary Treatment and Human Rights Violations: In some countries, outdated mental health laws permit involuntary hospitalisation and treatment without proper safeguards, leading to potential human rights abuses. Many individuals with mental health conditions are institutionalised for extended periods under inhuman conditions, violating their right to live independently and be included in society.

g) Ineffective Law Enforcement and Policy Implementation: Despite the enactment of mental health laws by various nations, challenges lie in their weak enforcement, lack of trained personnel, and inadequate monitoring mechanisms, which hinder the effective implementation of mental health rights (Drew et al., 2011).

Advancements Emerging in Mental Health Laws

The global mental health scenario is evolving with enhancements in access, equity, and effectiveness in mental health care. There is a growing emphasis on community-based mental health services, the integration of new technology, and policy reforms.

1. Alignment with the UN Convention on the Rights of Persons with Disabilities: Governments worldwide are revising mental health laws to align with human rights

principles, shifting from coercive treatments and institutionalisation toward patient-centric care.

2. Digital Mental Health and Regulation of Telepsychiatry: Governments are taking initiatives to promote digital mental health platforms, enacting laws to regulate telemedicine and online therapy platforms. Artificial intelligence-driven chatbots provide cost-effective and scalable solutions for mental health support. However, challenges remain in ensuring data privacy, regulatory oversight, and equitable access for populations with limited digital literacy (Naslund et al., 2022).

3. Integrating Mental Health into Universal Healthcare: Some countries are including mental health in universal healthcare systems to address gaps in access to mental healthcare. The WHO's Mental Health Gap Action Programme (mhGAP) offers training for non-specialist healthcare providers, enabling early diagnosis and treatment of prevalent mental health conditions across primary care settings.

4. Legal Protections for the Mental Health of Children and Adolescents: Many countries have enacted legal rights and protections to address significant issues regarding mental healthcare needed by children and adolescents. The right to mental health services is a fundamental right for children and adolescents, which includes therapy, counselling, psychiatric care, and additional support services. Schools are now legally required to provide mental health services and suicide prevention programmes. Various countries are taking initiatives to implement new laws and policies to support mental health services. Governments are also introducing laws to protect children from cyberbullying, social media addiction, and harmful content.

5. Addressing Mental Health in Crises from a Humanitarian Perspective: Individuals in conflict zones and disaster-affected areas are receiving increased attention. The WHO offers Mental Health and Psychosocial Support, particularly for individuals experiencing mental health conditions during emergencies in humanitarian contexts. There is significant focus on the mental well-being of those impacted by such crises. Individuals with severe mental conditions are particularly at risk in emergency situations and require continued access to mental health services along with other essential needs.

6. Workplace Mental Health Protection Laws: Countries are protecting employees from discrimination and harassment and mandating that employers provide mental health accommodations and protections. However, challenges persist in providing safety, as most workplace safety laws focus on physical health, treating mental health as secondary. Other challenges in the workplace include stigma, lack of supervisor training, and limited coverage of health insurance plans for mental health services.

Conclusion and Suggestions

Mental health is regarded as an essential component of human dignity, equality, and the right to health. It is gaining prominence under international human rights law. International treaties have established a foundation for mental health rights, and much progress has been made in recognising these rights. Despite this progressive scenario, legal frameworks remain inadequate, enforcement is weak, and stigma persists. Many national laws fail to align with international health protection standards. Low- and middle-income countries struggle with funding, infrastructure, and stigma. Therefore, future reforms should focus on universal access to healthcare, workplace

protections, eliminating coercion, strengthening enforcement mechanisms, addressing the shortage of mental health professionals, and increasing funding, which hinder the realisation of mental health rights. Mental health laws worldwide are evolving to address gaps in the accessibility of human rights and modern treatment approaches. Governments and international organisations are implementing new legal frameworks, policies, and protections to create more inclusive and efficient mental healthcare systems. Integrating mental health services into primary healthcare systems can help close the treatment gap. Challenges in data privacy, digital literacy, and regulatory oversight must also be addressed to ensure ethical and equitable use of new technologies (Naslund et al., 2020). International initiatives, such as World Mental Health Day and global campaigns, are essential for reducing stigma and increasing awareness. International organisations, governments, and NGOs must continue collaborating to build inclusive, rights-based mental health systems that prioritise dignity, equity, and accessibility. To ensure accountability and shape mental health policies, advocacy and civil society involvement remain essential. By addressing current gaps and implementing innovative solutions, the global community can progress toward a future where mental healthcare is a fundamental right for all. Securing and enforcing robust mental health rights can significantly enhance the dignity and well-being of individuals with mental health conditions, while also contributing to the broader advancement and recognition of the right to health.

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Health Care and Public Health: Access to Healthcare as a Fundamental Right

Marjina Ahmed

Abstract

Health constitutes a fundamental human right and a critical determinant of national development. India's experience during the COVID-19 pandemic exposed systemic weaknesses in its healthcare system, particularly the lack of constitutional recognition for health as a fundamental right. Although judicial interpretations have expanded Article 21 of the Constitution, which guarantees the right to life, to encompass healthcare, comprehensive legal reforms remain essential to ensure equitable access. Effective implementation of such reforms requires frameworks rooted in principles of solidarity, proportionality, and transparency. Current challenges necessitate urgent policy revisions through participatory processes that engage diverse stakeholders. Incorporating health rights into the Constitution would align India with international standards, ensuring equitable access to quality healthcare for all citizens, regardless of socioeconomic status. This transformation must address disparities in healthcare infrastructure, accessibility, and quality while strengthening public health systems. Such reforms would not only fulfil India's human rights obligations but also enhance pandemic preparedness and health security, contributing to the achievement of Sustainable Development Goals and improved population health outcomes.

Keywords: Health, WHO, fundamental right, Constitution, transparency

Introduction

Health is universally recognised as a fundamental human right and a critical determinant of socioeconomic development. In India, despite constitutional protections under Article 21 and progressive judicial interpretations, access to healthcare remains unequal across different populations. The COVID-19 pandemic highlighted significant gaps in infrastructure, equity, and emergency preparedness within India's health system. Although the judiciary has affirmed that healthcare is integral to the right to life, systemic implementation of these rights lags behind. This paper examines the urgent need for comprehensive health reforms grounded in principles of equity, transparency, and solidarity. It analyses existing policy gaps and proposes frameworks to strengthen India's healthcare delivery system, with a particular focus on how constitutional recognition of health rights could transform service delivery, especially for marginalised communities. By evaluating current challenges against international benchmarks, this research contributes to the ongoing discourse about achieving universal health coverage while fulfilling sustainable development commitments. The Indian Constitution, as the supreme legal framework, envisions securing social, economic, and political justice for all citizens. Although it does not explicitly recognise the right to health as a fundamental right, it imposes obligations on the state to improve public healthcare through various mechanisms. The Directive Principles of State Policy operationalise these welfare objectives, complementing the Constitution's preamble. Despite numerous health policies and schemes, India's healthcare system faces significant challenges in accessibility and quality. The Supreme Court has played a crucial role in interpreting Article 21's right to life expansively to include health rights, recognising that human dignity requires more than mere survival, encompassing adequate living standards, hygienic environments, and access to

medical care. The Constitution contains multiple provisions addressing public health, reflecting the framers' vision of societal welfare. International commitments, such as the WHO Constitution of 1946, further reinforce health as a universal human right. However, India's public healthcare system struggles with quality disparities, driving affluent populations towards private alternatives, particularly in rural areas where government facilities face acute staff shortages. This dichotomy underscores the need for systemic reforms to achieve equitable healthcare access aligned with constitutional values and international obligations.

Key Points about Healthcare Access in India

India's healthcare system is characterised by a complex interplay of public and private sectors, each playing a critical role in addressing the nation's health needs. The public healthcare system is structured into primary, secondary, and tertiary care levels, with primary care delivered through sub-centres, primary health centres, and community health centres, primarily serving rural populations. However, it faces significant challenges, including poor quality of care due to undertrained staff, inadequate equipment, and insufficient infrastructure, which result in low patient satisfaction. Moreover, a notable shortage of healthcare providers in rural areas severely limits access to quality healthcare for these communities. Consequently, despite public healthcare being free, many individuals incur out-of-pocket expenses for private care, perceived to offer superior quality. To address these issues, the government has introduced initiatives such as Ayushman Bharat (PM-JAY), a national health insurance scheme providing cashless secondary and tertiary care to low-income families at private facilities, alongside efforts to strengthen primary healthcare through community health centres and sub-centres. The private healthcare sector also plays a

significant role, with many people opting for private clinics and hospitals due to the perceived higher quality of care.

Meaning of Health

The concept of health encompasses a state of complete physical, mental, and social well-being, extending beyond the mere absence of disease or infirmity. It represents a holistic perspective that integrates various dimensions of human life to promote overall wellness, recognising that health is foundational to individual and societal flourishing.

What Factors Affect Health

Health is influenced by a range of interconnected factors that shape individual and community well-being. Social factors, such as working conditions, school environments, neighbourhood safety, and economic well-being, significantly impact health outcomes by determining the quality of life and access to resources. Environmental factors, including access to natural environments such as parks and green spaces, contribute to improved self-reported health by fostering physical activity and mental relaxation. Additionally, genetics, comprising inherited traits from parents, play a crucial role in determining a person's predisposition to certain health conditions. Furthermore, lifestyle choices, encompassing habits and behaviours developed through family life, such as diet, exercise, and smoking, further influence health status and long-term well-being.

How Can Health Be Improved?

Improving health requires a multifaceted approach that addresses various aspects of well-being. Access to medical care, including medical, psychological, and related knowledge, is essential for maintaining and enhancing health by ensuring

timely interventions and support. Public policy plays a vital role by promoting policies and land use that facilitate access to natural environments, thereby supporting physical and mental health through opportunities for recreation and stress reduction. Education is also crucial, equipping individuals with an understanding of the interdependence between health and social systems, empowering them to make informed decisions. Moreover, public awareness, fostered through informed opinion and active cooperation from the public, is instrumental in driving health improvements across communities by encouraging collective action and adherence to health-promoting practices.

Goal of Health

The goal of health is to achieve the highest attainable standard of well-being, enabling individuals to live harmoniously within a changing environment. It involves adapting to the conditions of life and the environment, such as socioeconomic challenges or climatic changes, while fostering resilience to enjoy life, recover from adversity, and realise one's full potential. This holistic aspiration underscores the importance of health as a foundation for personal and societal progress.

Significance of the Study

The right to health is a fundamental right in India, intrinsically linked to the right to life and personal liberty under Article 21 of the Constitution. The Supreme Court has unequivocally ruled that the government is obligated to ensure that no individual is deprived of their right to health, except where legally mandated. This study underscores the critical importance of upholding this right to promote equitable healthcare access and improve overall public health outcomes, highlighting the need for systemic reforms to translate judicial pronouncements into tangible benefits for all citizens.

Review of Literature

The discourse on healthcare as a human right is enriched by diverse scholarly perspectives. Barlow (1999) offers a critical counterargument to the notion of healthcare as a universal human right, asserting that while human rights represent fundamental moral entitlements for all individuals, classifying healthcare specifically as a right may be conceptually flawed and practically counterproductive. He argues that framing healthcare as an absolute right could hinder constructive dialogue about the necessary rationing and equitable distribution of finite medical resources, suggesting that a pragmatic approach acknowledging the inherent limitations of healthcare systems might yield better long-term solutions while still recognising the vital importance of medical care and its practitioners. Complementing this perspective, Berwick (1999) examines the transformation of healthcare delivery over the past century and a half, tracing its evolution from a community-based service provided by individual practitioners to today's complex, multidisciplinary networks. This expansion has increased access to care but introduced significant systemic challenges, including rising demand and financial constraints that create ethical dilemmas in prioritising resource allocation, poor system design that compounds inefficiencies in care delivery, and fragmented ethical standards across various medical professions, which lack a unified moral framework. Berwick highlights how these developments have intensified traditional ethical conflicts in medicine and generated new ones, underscoring the absence of a shared ethical foundation as a critical gap in addressing contemporary healthcare challenges. Together, these perspectives emphasise the need for balanced, realistic approaches to healthcare policy that consider both moral imperatives and practical limitations, informing the broader debate on achieving equitable healthcare access.

Objectives

This study is guided by two primary objectives aimed at advancing the understanding of healthcare quality and rights.

- The first objective is to study and summarise the available literature on the principal dimensions of quality healthcare, synthesising insights to identify key factors that contribute to effective service delivery.

- The second objective is to focus on examining the various health and human rights, exploring how these rights are conceptualised and implemented within legal and policy frameworks, particularly in the context of India's constitutional obligations.

These objectives collectively aim to contribute to the discourse on improving healthcare access and quality.

Methodology

The research methodology is the science of studying how research is conducted, providing a systematic approach to solving a problem. It considers various research methods and takes into account the logic behind these approaches, ensuring that the study is rigorous and methodologically sound. This study employs a systematic review process, relying on databases with specific inclusion criteria to select relevant literature, thereby establishing a robust foundation for analysing healthcare service quality and rights.

Limitations

While this study provides valuable insights into healthcare service quality, it has certain limitations that present opportunities for further research. The systematic review process employed in this study relied on databases with specific inclusion

criteria, selecting only full-text articles available in English. As a result, relevant studies published in other languages or outside the included databases might have been excluded, potentially limiting the comprehensiveness of the study's findings. Additionally, the review focused exclusively on peer-reviewed literature, which may introduce variability due to differences in study settings and methodologies. The analysis of existing literature revealed a wide range of measurement tools for evaluating healthcare service quality; however, most of these tools assess quality solely from the patient's perspective, neglecting the viewpoints of healthcare providers. Since patients alone cannot assess the technical aspects of service quality, a more holistic evaluation should incorporate both provider and recipient perspectives. Future research should aim to develop integrated assessment frameworks that capture the experiences and expectations of all stakeholders, enabling a more balanced and accurate understanding of service quality in healthcare. By addressing these gaps, future studies can enhance the validity and applicability of service quality measurements, ultimately leading to more effective healthcare service improvements.

Constitutional Framework and Judicial Pronouncements

Article 21 of the Indian Constitution, which guarantees the protection of life and personal liberty, stipulates that no person shall be deprived of their life or personal liberty except according to the procedure established by law. The judiciary has significantly expanded this provision beyond mere physical existence to encompass all aspects necessary for a life of dignity, including access to healthcare and medical services. Through multiple landmark judgments, the Supreme Court has affirmed that health is indispensable for workers to lead productive and dignified lives, enabling them to contribute meaningfully to

society. Furthermore, the Court has consistently ruled that the state bears an obligation to ensure accessible healthcare services for all citizens, recognising this as a core component of the right to life. These judicial pronouncements have established a robust legal foundation for health rights, underscoring the state's responsibility to prioritise equitable healthcare access.

The Parmanand Katara Judgment: A Watershed Moment

The Supreme Court's landmark ruling in Parmanand Katara v. Union of India represents a pivotal moment in India's legal recognition of health rights, establishing critical principles for emergency medical care. The Court declared that every medical professional, whether in government or private service, has an absolute duty to provide emergency medical care to preserve life, without exception. It further emphasised the primacy of life-saving measures, ruling that no legal formalities or bureaucratic procedures should impede immediate medical attention, as delays could prove fatal. Additionally, the Court held that any laws or procedures hindering emergency medical care are unconstitutional, as they violate the fundamental right to life. The judgment stressed that when lives are lost due to delayed treatment awaiting legal formalities, it constitutes a gross violation of fundamental rights, mandating that medical professionals prioritise saving lives above all considerations, without discrimination based on socioeconomic status or other factors.

Contemporary Relevance

The judicial interpretations of health rights have far-reaching implications for various aspects of India's healthcare system. They directly influence healthcare policy formulation, guiding the development of equitable and accessible health

policies. These rulings also shape emergency medical service protocols, ensuring that timely care is prioritised in critical situations. Moreover, they inform the legal frameworks governing medical practice, reinforcing the obligations of healthcare providers to uphold patients' rights. Finally, these interpretations drive public health infrastructure development, compelling the state to invest in robust systems that ensure timely, equitable, and quality healthcare for all citizens. Collectively, these implications underscore the state's responsibility to align healthcare systems with the principles of human dignity and social justice, necessitating continued legal and policy developments to strengthen the fundamental right to health through practical implementation mechanisms.

Discussion

Significant disparities exist in the quality of healthcare services across hospitals in India, with service utilisation receiving comparatively less research attention than other service quality parameters. This research gap presents important opportunities for future studies, particularly regarding the frequent under- or over-utilisation of healthcare infrastructure capacity and its impact on service delivery efficiency and patient outcomes.

Key Human Resource Factors in Healthcare Quality

The competence of healthcare personnel is a critical determinant of service quality, evaluated through multiple dimensions that collectively shape patient experiences and outcomes. Professional attributes, such as attitude, efficacy, and responsiveness, are essential for delivering high-quality care, as they reflect the commitment and capability of healthcare providers. Interpersonal skills, including empathy and assurance,

foster trust and comfort, enhancing patient satisfaction and adherence to treatment plans. Performance metrics, such as punctuality and dependability, ensure consistent and reliable service delivery, which is vital for maintaining operational efficiency. Additionally, trustworthiness and reliability underpin the credibility of healthcare providers, reinforcing patient confidence in the care received. These findings align with Gupta and Rokade's (2016) research, which identified these less-examined factors as potentially significant influencers of healthcare service quality, highlighting the need for comprehensive training and evaluation programmes.

Hospital Management and Administration Factors

The quality of healthcare administration is contingent upon multiple interconnected elements that collectively ensure effective service delivery. Efficient patient admission processes streamline access to care, reducing wait times and improving patient experiences. Robust care assurance systems, such as quality control measures and patient safety protocols, are essential for maintaining high standards of service. Well-designed healthcare delivery frameworks facilitate coordinated and integrated care, optimising resource utilisation. Prevalence management strategies, including infection control and disease prevention programmes, safeguard public health within healthcare facilities. Strong leadership standards drive organisational excellence, fostering a culture of accountability and innovation. Finally, clearly defined medical service protocols ensure consistency and adherence to best practices, enhancing the overall quality of care. These administrative factors are critical for addressing systemic challenges and improving healthcare outcomes.

Interdependence of Service Quality Dimensions

Research demonstrates that service quality gaps in one dimension can adversely affect other related aspects, highlighting the interdependence of healthcare quality components (Suki & Lian, 2011). For instance, deficiencies in staff training can compromise patient satisfaction, which in turn affects trust in the healthcare system. This interconnectedness suggests that healthcare managers should adopt a holistic improvement approach, addressing all dimensions of service quality rather than focusing exclusively on the most significant gaps. By implementing comprehensive strategies that consider the interplay of these factors, healthcare institutions can achieve sustainable improvements in service delivery. As Mosadeghrad (2014) noted, these under-examined aspects could form valuable foundations for future research initiatives, guiding the development of more effective quality enhancement frameworks.

Patient-Centric Influencers

The final determinants of service quality are deeply patient-centric, reflecting the unique characteristics and experiences of individuals receiving care. The average length of hospital stay influences perceptions of care quality, as prolonged stays may indicate inefficiencies or complex conditions. Patient cooperation levels, including adherence to treatment plans and engagement with healthcare providers, significantly affect outcomes and satisfaction. The complexity of medical conditions shapes the intensity and duration of care required, impacting resource allocation and service delivery. Additionally, socio-demographic characteristics, such as age, gender, and socioeconomic status, influence patient expectations and experiences, necessitating tailored approaches to care. This comprehensive analysis highlights numerous research opportunities that could significantly enhance our understanding of healthcare service

quality and its improvement strategies, with future studies focusing on these less-explored dimensions offering valuable insights for healthcare administrators and policymakers.

Findings and Results

Multiple studies indicate that patients' expectations of healthcare services often exceed their actual perceptions of service delivery in both public and private institutions. True service quality is achieved when the services provided meet or surpass patients' expectations. However, evaluating service quality differs between providers and recipients—while healthcare professionals assess quality based on service design and delivery mechanisms, patients base their evaluation on their overall experience after receiving care (Malik, 2012). Historically, healthcare quality was measured using objective indicators, such as mortality rates, morbidity rates, and infant mortality rates. However, with evolving industry dynamics, patient perspectives have gained increasing significance in defining service quality. In today's competitive healthcare market, providers must prioritise understanding and meeting patient expectations to sustain demand (Kruk et al., 2018). Rather than assuming what patients need, providers must align their services with what patients actually expect (Singh & Prasher, 2019). As Kotler and Keller (2006) emphasise, in a patient-centric healthcare system where services are commoditised, patients themselves should be the ultimate judges of service quality. Therefore, healthcare providers must identify key service quality dimensions and prioritise those most valued by patients to enhance care delivery (Singh & Prasher, 2019). Evaluating the quality of hospital care has become a critical focus, as it serves as the foundation for quality enhancement and control in healthcare systems (Kiadaliri et al., 2013). Continuous monitoring and assessment of hospital services are essential to ensure that patient needs are met and that

care standards improve over time (Boffetta et al., 2011). By tracking service quality, hospital administrators can identify areas needing improvement, enabling targeted interventions to enhance patient satisfaction and care outcomes. In the highly competitive healthcare industry, meeting patient expectations is vital for an organisation's success and sustainability (Rivers & Glover, 2008). Patient satisfaction serves as a key metric for assessing service quality in healthcare institutions. The concept of the "service quality gap" highlights the difference between patients' expectations and their actual experiences—the narrower this gap, the higher the perceived service quality. Thus, healthcare providers must continuously strive to align their services with patients' expectations to ensure superior care delivery and long-term institutional success.

Conclusion

This study aims to explore and evaluate the various dimensions and measurement tools associated with healthcare service quality, drawing insights from existing literature. The study offers a detailed overview of how service quality in healthcare, distinguishing it from other service sectors. Additionally, the research highlights gaps in current knowledge, paving the way for future investigations. Service quality remains a subjective construct, influenced by regional disparities and individual patient preferences. The study examines multiple methodologies employed to assess service quality or identify gaps in hospital settings. Most research relies on the discrepancy between patients perceived and expected service levels to determine quality. By contributing to the theoretical discourse, this study seeks to expand future research avenues in healthcare service quality. The COVID-19 pandemic exposed critical deficiencies in India's healthcare infrastructure. A significant factor behind these shortcomings is the absence of robust

legislation guaranteeing health as a fundamental right. To address systemic issues, India must formally recognise the right to health as an inalienable right, enforced through legal frameworks grounded in principles of transparency, proportionality, and solidarity. Implementing these values in healthcare policy is essential for equitable and effective service delivery. Given these challenges, urgent legislative reforms are necessary. Existing healthcare policies must be reassessed, and new frameworks should be developed through inclusive public participation. Such measures will ensure that healthcare systems align with the needs and rights of the population. By institutionalising the right to health and implementing policies rooted in equity and accountability, India can strengthen its healthcare system and ensure better outcomes for all citizens.

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Digital Payment System and Financial Inclusion: A Study on Rural Areas

Jayashree Bordoloi

Abstract

Global financial landscapes have experienced a remarkable transformation owing to an increasing prevalence of digital payment methods. In remote areas that have limited banking infrastructure, digital payments offer an alternative to economic engagement. Digital payment systems that potentially enhance financial inclusion in rural regions are examined in this research, along with their impact on local economies, adoption issues, and recommended policies. Applying qualitative and quantitative methodologies, this research evaluates how digital payment technologies contribute to income generation, business growth, and financial resilience among rural populations.

Keywords: Digital payment, small business, financial inclusion

Introduction

Financial inclusion is the state in which individuals and companies have access to ethically and sustainably offered, cost-effective financial products and services that fulfil their requirements, including loans, insurance, savings accounts, transactions, and payments. In addition to promoting individual financial stability and expanding regional economic prospects, improved financial inclusion enables communities to manage their resources better. Insufficient financial inclusion prevents rural populations' access to financial services that enhances their

well-being and economic potential (Assalmani, 2021; Gallego-Losada et al., 2024).

Communities with low financial inclusion frequently have lower productivity and economic inequality, which impedes regional development and economic growth. This discrepancy is noticeable in rural communities, where it is difficult to obtain banking services and products. In rural regions, lack of comprehension of formal financial services, limited infrastructure, and geographical remoteness are the biggest challenges to financial inclusion (Asif, 2021; Friska et al., 2023).

In rural regions, the absence of traditional banking services affects individual lives and the region's overall economic potential. Many rural residents depend on informal financial systems, such as high-interest loans from local moneylenders, which can be harmful. Because it makes it possible to save, invest, and obtain credit, financial inclusion is essential to economic development, especially in rural areas. Suryaningrum et al. (2023) suggest that this promotes local economic development and the financial stability to combat poverty. The informal sector often faces significant limitations in providing services that are both safe and affordable, thus exacerbating the financial hardships experienced by rural communities. These persistent challenges contribute to ongoing economic vulnerability and limit opportunities for sustainable development (Susilowati et al., 2022; Kumar & Ndahiro, 2023).

Among the factors driving financial inclusion, particularly in developing countries, digital transformation of financial systems stands out (Vu & Asongu, 2023). Digital payment systems have emerged as one of the most significant innovations, capable of bridging the gap between formal financial services and underprivileged areas (Nuka & Osedahunsi, 2024).

Digital payment technologies have been shown to significantly increase access to formal financial services. Budiastuti and Muid (2020) note that perceived risk and utility have minimal impact on user interest; however, financial technology enhances user trust and fosters positive perceptions of digital platforms, including e-commerce-based accounting systems. Etuk (2014) argues that digital payments are vital for achieving financial inclusion and supporting the growth of small businesses, which form the backbone of developing economies. Particularly in rural areas with limited banking infrastructure, digital payment systems have revolutionised financial transactions and have become a key driver of financial inclusion. Despite extensive research demonstrating the benefits of digital payment systems in developing countries, there remains a significant knowledge gap regarding their impact in rural settings. However, the urgent need for equitable development and the rapid pace of digitalisation in economies make this research essential. The dual role of digital payment systems in promoting small business growth and financial inclusion is the primary focus of this study.

Statement of the Problem

Disparities in access and application of digital payment systems persist in rural areas despite technological advancements, due to sociocultural barriers, limited internet access, and digital illiteracy. This research aims to explore how digital payment systems can address these disparities and promote greater financial inclusion.

Objectives

- Assess the adoption rate of digital payment systems in rural areas.

- Investigate the impact of digital payments on income generation and business growth.
- Identify barriers to digital payment adoption and propose policy recommendations.

Research Questions

- How have digital payment systems influenced economic activities in rural areas?
- What are the primary obstacles hindering the adoption of digital payment technologies?
- What policy interventions could enhance digital financial inclusion in rural communities?

Literature Review

The landscape of small businesses has evolved, driven by the adoption of digital payment methods. This literature review examines research on digital payment systems and their impact on small business growth, focusing on financial inclusion, customer reach, operational efficiency, and market competitiveness. This section also explores the advantages, limitations, and strategies for digital payments to enhance rural financial inclusion.

Mobile technology has significantly advanced the adoption of digital payments in rural areas. The China Household Finance Survey (CHFS) reported that rural digital payment usage surged by 25.3% from 2017 to 2021, reaching 40.4% (Li & Zhang, 2025). In India, initiatives such as the "Pradhan Mantri Jan Dhan Yojana (PMJDY)" and "Digital India" have facilitated a shift from cash-based to digital payments (Benazir, 2020). These efforts illustrate how digital technologies can address financial service shortages in underserved regions.

Digital payments enable small businesses to access formal banking services, thereby enhancing financial inclusion. Mobile money and digital wallets enable small businesses to secure credit and financing, empowering entrepreneurs in underserved communities (Demirgüç-Kunt et al., 2018).

Chatterjee and Sen (2020) argue that digital payment systems attract a broader customer base, particularly tech-savvy younger consumers who prefer cashless transactions. By adopting digital payments, small businesses can leverage these platforms to reach new markets and boost sales.

Digital payment systems enhance operational efficiency by streamlining cash handling. Sharma and Gupta, 2020) highlight that automated transaction recording, improved security, and faster payment processing reduce operational costs, allowing small businesses to focus on growth-oriented activities.

Furthermore, integrating digital payments enhances market competitiveness. Small businesses can harness payment data to gain insights into consumer behaviour, enabling informed marketing strategies and data-driven decision-making (Singh & Rana, 2020). This approach fosters innovation and adaptability to market trends.

Despite these advantages, challenges such as limited digital literacy, cybersecurity concerns, and transaction fees persist. Adegbite et al. (2022) recommend government-led training and financial incentives to support small businesses in overcoming these barriers and maximising the potential of digital payments.

Methodology

This study investigates digital payments and rural financial inclusion using a mixed-methods approach, combining quantitative surveys with qualitative interviews. Statistical

methods are employed to identify correlations and causal relationships between digital payment adoption and financial inclusion outcomes.

Data Collection Methods

- **Surveys**: Distributed to rural households and small business owners to gather data on digital payment usage, income levels, and business performance.
- **Interviews**: Conducted with financial service providers, local government officials, and community leaders to explore barriers and opportunities.

Study Area and Sample Size

The study focuses on rural areas within the Sarupathar subdivision of Golaghat district, Assam. A stratified random sample of 300 respondents was selected for the research.

Data Analysis

Quantitative data were analysed using chi-square tests and paired sample t-tests to assess relationships and impacts.

Results and Discussions

The socioeconomic attributes of sample respondents in the region are presented below:

Table 1: Socio-economic Profile of the Respondents

Variable	Category	Frequency (n)	Percentage (%)
Age group	18-25	80	26.7
	26-35	120	40.0
	36-50	70	23.3

	>51	30	10.0
Gender	Male	180	60.0
	Female	120	40.0
Education	No formal Education	40	13.3
	Primary	70	23.3
	Secondary	100	33.3
	College/University	90	30.0
Occupation	Agriculture	110	36.7
	Small business	90	30.0
	Salaried job	60	20.0
	Unemployed	40	13.3
Income level (monthly)	Less than 10,000	60	20.0
	10,000 – 30,000	120	40.0
	30,000-50,000	80	26.7
	More than 50,000	40	13.3
Internet access	Yes	220	73.3
	No	80	26.7

Source: Field survey 2024

The study sample comprises a diverse group of participants, with the largest proportion in the 26–35 age group (40%), followed by 18–25 years (26.7%) and 36–50 years (23.3%). The majority of respondents are male (60%), though a substantial 40% are female, indicating balanced gender representation. Education levels vary, with 33.3% having completed secondary education and 30% holding tertiary qualifications, while 13.3% lack formal education, suggesting potential digital literacy gaps.

Occupationally, 36.7% of participants are engaged in agriculture, the most common livelihood, followed by 30% in small businesses and 20% in salaried jobs. This highlights significant potential for digital payment systems to streamline

transactions in farming and microenterprise sectors. Income distribution indicates that 40% earn between ₹10,000–₹30,000 per month, with 20% earning below ₹10,000, underscoring the financial vulnerability of many rural households. Notably, 73.3% of respondents have internet access, a critical enabler of digital payment adoption, though 26.7% lack access, pointing to an infrastructural gap.

Overall, the data suggests that while many rural residents have access to internet connectivity and increasing digital literacy, targeted interventions are needed to address educational and technological disparities, particularly among older, less-educated, and lower-income groups. Addressing these barriers could significantly enhance digital payment adoption and financial inclusion.

Adoption of Digital Payment Systems in Rural Areas

Table 2: Adoption Rate of the Sample Respondents

Age Group	Adoption Rate (%)
18–25	75%
26–35	68%
36–50	45%
51 and above	25%

Figure 1: Digital Payment Adoption by Age Group
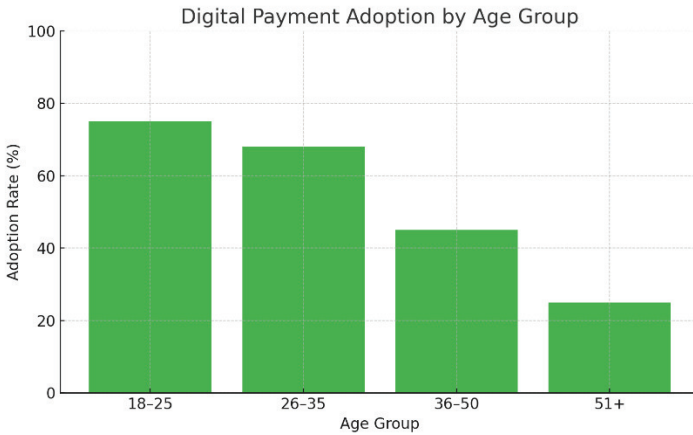
The results indicate that younger populations are more inclined to adopt digital payments, underscoring the importance of digital literacy in promoting financial inclusion.

The researcher conducted a chi-square test to analyse the adoption of digital payment systems in rural areas. This test examines the relationship between education level and digital payment adoption.

Chi-Square Test of Independence

To determine whether sociodemographic characteristics (education) and digital payment adoption are significantly related.

H0: There is no association between socio-demographic factors and digital payment adoption.

H1: There is an association between socio-demographic factors and digital payment adoption.

Table 3: Chi-Square Test

Chi square statistic	Degrees of freedom	p-value
18.65	2	0.002

The null hypothesis is rejected with a p-value < 0.05. The correlation between digital payment methods and education level is statistically significant.

Economic Impact of Digital Payments

Table 4: Economic Benefits of Digital Payment Adoption

Economic benefits	Percentages
Increased Sales	40%
Improved Cash Flow Management	25%
Access to Credit	20%
Savings Growth	15%

The table illustrates that increased sales and improved cash flow management are the primary benefits of digital payment systems.

Economic Benefits of Digital Payment Adoption
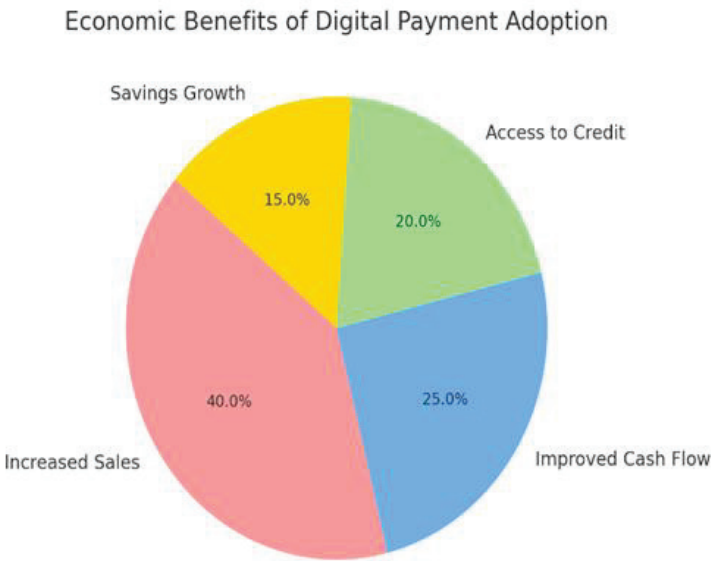
aired Sample t-Test: Impact of Digital Payments on Income

This test assesses whether monthly revenue before and after adopting digital payment systems differs significantly. The hypotheses are as follows:

H0: There is no significant difference in income levels before and after adopting digital payments.

H1: There is a significant increase in income levels after adopting digital payments.

Table 5: Paired Samples Statistics

Pair	Mean	N	Std. Deviation	Std. Error
Income Before Adoption	220	120	50.8	5.08
Income After Adoption	290	180	55.2	5.52

Table 6: Paired Sample Test

Pair	Mean Difference	Std. Deviation	Std. Error Mean	t-value	df	p-value (Sig.)
Income After – Income Before	70.0	42.5	4.25	5.88	99	< 0.001

The paired sample t-test reveals a statistically significant increase in income following the adoption of digital payments (t(99) = 5.88, p < 0.001). The mean monthly income rose from ₹22,000 to ₹29,000, with a mean difference of ₹7,000. As the p-value is < 0.05, the null hypothesis is rejected, confirming that digital payment adoption positively impacts income levels.

Barriers to Adoption
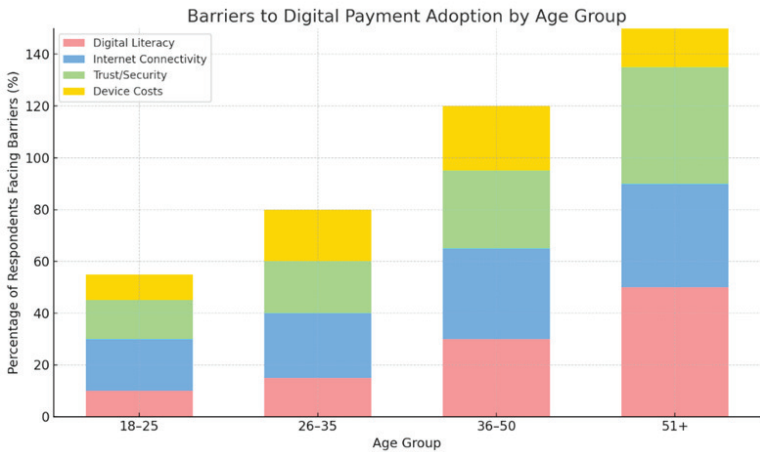
Table 7: Barriers to Adoption of Digital Payment Systems

Barrier	18-25	26-35	36-50	51+
Digital literacy	10%	15%	30%	50%
Internet connectivity	20%	25%	35%	40%

Trust/security concerns	15%	20%	30%	45%
High costs of devices	10%	20%	25%	35%

Figure 3: Barriers to Digital Payment Adoption by Age Group

Barriers to Digital Payment Adoption by Age Group

Policy Implications

1. **Infrastructure Development**: Investment in digital infrastructure, including mobile networks and internet access, is essential.

2. **Financial Literacy Programmes**: Implementing educational initiatives to enhance digital literacy and build trust in digital financial systems is crucial.

3. **Regulatory Support**: Clear and consistent policies that protect users' interests while fostering innovation can improve adoption rates.

Conclusion

By facilitating access to financial services, promoting economic opportunities, and enhancing market efficiency, digital

payment systems play a vital role in advancing financial inclusion in rural areas. Addressing barriers related to literacy, infrastructure, and security through targeted strategies can amplify the impact of digital payments, contributing to sustainable rural development. While adoption is increasing, significant challenges remain, particularly concerning trust, digital literacy, and infrastructure. To overcome these obstacles and ensure equitable access to the benefits of digital banking, policymakers and financial service providers must collaborate effectively.

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Digital Dilemmas: Human Rights in the Age of Digital Surveillance

Banasmita Sarma

Abstract

The digital age has transformed communication, governance, and economic systems, but it has also introduced significant challenges to human rights. This paper explores the intricate relationship between digital surveillance and fundamental rights, with a focus on privacy, freedom of expression, and data protection. Governments and corporations increasingly utilize advanced surveillance technologies, often justified by national security and economic interests. While such surveillance can support law enforcement and counter-terrorism efforts, it often lacks transparency and oversight, leading to potential abuses of power. Through an analysis of key case studies, including government-led surveillance programs and corporate data mining, this paper highlights the ethical and legal dilemmas in balancing security with individual rights. It examines the role of international human rights frameworks in regulating digital surveillance and identifies gaps in existing policies. The paper also addresses the disproportionate impact of digital monitoring on vulnerable populations, who face exclusion from data-driven decision-making processes. To address these challenges, it proposes a multi-stakeholder approach involving governments, technology companies, and civil society to establish robust legal safeguards, ethical artificial intelligence (AI) practices, and digital literacy programs. Ultimately, the paper advocates for a rights-based framework to ensure digital

technologies uphold democratic values rather than undermine them. By fostering accountability and transparency, societies can navigate the digital dilemma while protecting human rights in an era of pervasive surveillance.

Introduction

The digital world is dynamic, undergoing rapid and continuous evolution. The widespread changes driven by today's digital environment have significantly expand the scope of digital security and privacy challenges, underscoring the need for evolved risk management strategies. Effective management of digital security and privacy risks is critical for countries to fully realize the economic and social benefits of the digital economy. Building higher levels of trust with users and customers can enhance the acceptance and adoption of digital services by individuals and organizations. Governments are key to creating an environment of trust that supports and enhances private sector efforts. By fostering conditions that build trust, governments effectively complement the initiatives of the private sector. The role of government is crucial in establishing trust-enabling conditions that reinforce private sector initiatives.

The digital age has revolutionized communication, governance, and economic opportunities, yet it also presents significant challenges to online freedom. Issues such as data privacy breaches and government surveillance threaten individuals' rights to free expression and access to information. The rise of cyber threats, misinformation, and digital divides further exacerbates inequalities, particularly among marginalised communities. While regulatory frameworks aim to balance security with digital rights, they often risk overreach, leading to

censorship and restricted online spaces. As technology evolves, ensuring an open, inclusive, and secured digital environment requires a delicate balance between innovation, regulation, and the protection of fundamental freedoms.

The Digital Personal Data Protection Act, 2023, published on August 11, 2023, in India, provides a framework for processing digital personal data in a manner that recognizes individuals' rights to protect their data while allowing lawful data processing. The Act defines "data" as any representation of information, facts, concepts, opinions, or instructions suitable for communication, interpretation, or processing by humans or automated systems. "Digital personal data" refers to personal data in digital form, while "personal data" encompasses any data that can identify an individual. It has also been defined in this Act that "digital personal data" means personal data in digital form. Besides this, the Act also talks about the meanings of the following important terms i.e. 'personal data' means any data about an individual who is identifiable by or in relation to such data; "personal data breach" means any unauthorised processing of personal data or accidental disclosure, acquisition, sharing, use, alteration, destruction or loss of access to personal data, that compromises the confidentiality, integrity or availability of personal data (The Digital Personal Data Protection Act, 2023).

The Act emphasizes that personal data includes not only direct identifiers like names and addresses but also indirect identifiers such as IP addresses, browser cookies, behavioral patterns, and other linked data. It mandates organizations to obtain clear, informed, and explicit consent before collecting, processing, or sharing data, prioritizing transparency and individual autonomy. The Act promotes data minimization, requiring organizations to collect only data essential for their specified purposes. It also grants individuals the right to access and rectify their data, ensuring transparency and accuracy in data

processing. Furthermore, individuals can request the deletion or restriction of their data under certain conditions, empowering them to control their information. Organizations handling large volumes of personal data must appoint a Data Protection Officer (DPO) to ensure compliance, address concerns, and liaise with regulatory authorities.

Social impact for digital privacy and security

Digital privacy and security have profound social implications, shaping how individuals interact, express themselves, and access opportunities in the digital world. With the increasing reliance on online platforms for communication, commerce, and governance, concerns over data breaches, surveillance, and identity theft have intensified. A lack of digital security can disproportionately affect vulnerable populations, exposing them to financial fraud, cyber harassment, and discrimination. Moreover, widespread data collection by corporations and governments raises ethical questions about consent, autonomy, and the right to be forgotten. Ensuring robust digital privacy protections fosters trust, empowers individuals, and strengthens democratic participation by safeguarding freedoms in an increasingly connected society. In this context it can be stated that The Global Commission on Internet Governance (GCIG) was established in January 2014 to articulate and advance a strategic vision for the future of Internet governance. In recent deliberations, the Commission discussed the potential for a damaging erosion of trust in the absence of a broad social agreement on norms for digital privacy and security (Global Commission on internet governance).

It is now essential that governments, collaborating with all other stakeholders, take steps to build confidence that the right to privacy of all people is respected on the Internet. It is essential at the same time to ensure the rule of law is upheld. The two goals

are not exclusive; indeed, they are mutually reinforcing. Individuals and businesses must be protected both from the misuse of the Internet by terrorists, cybercriminal groups and the overreach of governments and businesses that collect and use private data (ibid).

Governments are responsible for implementing internet policies that align with fundamental human rights and the principles of the rule of law while also fostering economic prosperity. Simultaneously, they must tackle threats posed by both state entities and various "non-state actors," including authoritarian leaders, insurgents, terrorists, and other criminal groups. As information and communication systems transitioned from conventional telephone and radio technologies to internet-based platforms, intelligence agencies gained expanded opportunities to track these targets through digital data interception and analysis. This can be stated here that Governments have a crucial responsibility to implement internet policies that uphold fundamental human rights and adhere to the principles of the rule of law. This includes ensuring freedom of expression, protecting user privacy, and promoting equal access to digital resources. Policies should strike a balance between security concerns and individual liberties, preventing undue censorship or surveillance. By fostering a transparent and inclusive digital environment, governments can safeguard democratic values while enabling innovation and economic growth in the digital age.

In developed economies, the Internet has already delivered substantial social and economic benefits and is now an essential vehicle for innovation. For the developing world, the Internet can represent a powerful medium for social progress and economic growth, lifting millions of people out of poverty. For those struggling against repressive regimes, it represents a window into

the wider world, a voice and a means to mobilize resistance and support (ibid).

Balancing Security, Transparency, and Rights in Digital Privacy

Managing digital privacy carries significant ethical responsibilities, as it directly impacts individuals' rights, security, and freedom. Organizations and governments collecting personal data must ensure transparency, informing users about how their data is used. Consent is critical, allowing individuals to choose whether to share or protect their data. Balancing security with privacy is essential, as excessive surveillance can infringe on individual rights. Businesses must avoid using personal data unfairly, such as for discrimination or manipulation. Ethical digital privacy practices build trust, protect users from harm, and promote a fairer online environment. With the rise of AI and big data, challenges like algorithmic bias, surveillance, and unauthorized data tracking further complicate digital ethics. Upholding ethical standards requires robust regulations, corporate accountability, and public awareness to ensure technological advancements do not compromise individual privacy.

Concept of Digital Citizenship: Innovations in Education, Practice, and Pedagogy

Digital citizenship refers to the responsible, ethical, and effective use of digital technologies in personal, educational, and professional contexts. It encompasses a wide range of competencies, including digital literacy, online safety, cyber ethics, and responsible social media usage. A good digital citizen understands the implications of their digital footprint, respects privacy and intellectual property rights, and engages in positive and constructive online interactions. With the increasing

integration of technology in daily life, fostering digital citizenship is essential to ensure individuals navigate the digital world safely, critically, and ethically. The ethical dimension of digital citizenship refers to appropriate and responsible conduct in cyberspace. Citizens inherit rights and associated responsibilities as members of online communities, where by individuals manage their behaviour within the community context. However, there are some educational disparities in best practices which frame ethics as a salient feature of digital citizenship. This special issue discusses some of these disparities across various contexts, to reshape the role that education could play in enabling digital citizens who thrive online responsibly in a democratic society. Participation and engagement are new digital citizenship norms in support of collective actions. Several approaches to mobilize citizens to get involved into politics have been advocated. Social networks had particularly played influential role in civic engagement through participation into political discussions (Parry, 2008; Vromen, 2017). The role of social media in engaging citizens across different participatory domains, including education, civic and political domains are discussed in this special issue. The proposed contributions highlight and evaluate the rising role and proper use of social media to engage in meaningful societal actions (Atif, Chou, 2018).

While talking about Digital citizenship, it must be understood that Digital citizenship is a very crucial topic to discuss as parents, teachers, administrators and schools embrace the notion of teaching students about media literacy and safe and responsible internet use. Recently, spurred by the perceived dangers of online life, including cyberbullying, sexting, harmful contact, and other psychological or physical threats, states such as Washington, California, Texas and others have proposed or passed legislation calling for formal education that instructs students about how to use information technology effectively in

order to maintain student safety, privacy, and health and well-being.

While recognizing the value of these programs and curricula, it can be suggested that there is a need for digital citizenship curriculum to emphasize the real-life experience, values, and personal interests and engagements of young people themselves. Influenced by some scholars from the disciplines like political science, communication, and education, who recognize how networked communications technology and social media such as Facebook, Twitter, YouTube, Instagram, Snapchat, and others supports new forms of citizenship that are increasingly participatory, driven by expressions of identities, and linked to changing conceptions of literacy, there has been a need for a new model of digital citizenship enabled by the social media (Gleason & Gillern, 2018).

Challenges of Human Rights in a Digital Era

In the digital era, rights such as privacy, freedom of expression, and access to information have become increasingly important, yet they face significant challenges. The rapid expansion of digital technologies has transformed how people communicate, work, and engage with governance, but it has also led to concerns over data security, surveillance, and digital inequality. Governments and corporations collect vast amounts of personal data, often without clear consent, raising ethical and legal issues. Cybercrime, misinformation, and online harassment further threaten digital rights, particularly for marginalised groups. Additionally, the digital divide continues to exclude large sections of the population from fully exercising their rights online. Addressing these challenges requires strong legal frameworks, ethical tech development, and digital literacy initiatives to ensure that fundamental rights are protected in an increasingly connected world.

While digital technology is a recent phenomenon, the notion of rights has been part of human societies for centuries. In 1945, the United Nations Charter defined the purposes of the UN to include "promoting and encouraging respect for human rights and for fundamental freedoms for all" (United Nations, 1945[5]). Article 56 further stipulates all UN members' pledge of "universal respect for, and observance of, human rights and fundamental freedoms for all". Three years later, the Universal Declaration of Human Rights (UDHR) set, for the first time, a common standard of the fundamental human rights to be universally protected. The speed, scale, and border less nature of the digital environment provide a new context for understanding and exercising human rights, new ways they can be violated or abused, and new ways in which their exercise may stand in tension to one another. For example, individuals can impart information and ideas through the Internet. Furthermore, digital technologies have transformed how people work, learn, access public services, and they have impacted our health and mental wellbeing. At the same time, digital technologies can be used in ways that undermine the enjoyment of rights and exacerbate individual and societal harms. Arbitrary and unlawful surveillance practices, cyber-attacks, misinformation and disinformation, advocacy of discriminatory hatred (constituting incitement to discrimination, violence and hostility, systemic discrimination and biases), and intentional disruption of internet connectivity and government services in critical times, are some of the examples of new threats to rights in the digital age (Citron, 2020[12]). Instances where the protection of one human right interferes with the protection of another can manifest differently online and offline. For example, the tension between one person's right to be protected from arbitrary or unlawful interference in their private life (UDHR, Art. 12) and another's right to freedom of expression (UDHR, Art. 19) long predates the digital age. However, in the digital environment,

where content can spread around the world in seconds and leave permanent digital footprints, new considerations might be warranted. Furthermore, the ubiquity of, and increasing reliance on, digital technologies can raise questions about the recognition of new human or constitutional rights. For example, some jurisdictions recognize internet access as a distinct right that is key to realising a spectrum of other rights.

The digital era offers a wide array of innovative tools, platforms, techniques, and opportunities for individuals to exercise their rights. For instance, freedom of expression spans various aspects of society, culture, and governance, becoming increasingly interactive as people share their perspectives online—ranging from current affairs and politics to entertainment preferences. Individuals can engage in real-time discussions, react to others' posts, and contribute through comments and shares. The availability of diverse digital tools further enhances modes of communication. For instance, with a smart phone, anyone can publish text or multimedia content on social media, initiate live broadcasts, or send voice recordings etc. However, Digital advancements foster connections between people and their cultural roots, language, traditions, music, art, and families, broadening avenues for civic participation and political engagement. These technologies also facilitate greater inclusivity and access to public services, enabling marginalised communities, including individuals with disabilities, to interact with peers and obtain essential information.

But this also needs to be mentioned here that, in the digital age, individuals encounter significant threats to fully realise their "right to hold opinions without interference, and the right to freedom of expression including the right to seek, receive and impart information" (UN General Assembly, 1966 ('the right to freedom of expression'). For instance, it can be assessed that the amplification of misinformation or disinformation which can

mislead the population, and interfere with the right to know and to seek and impart information, to hold opinions without interference, as well as to access reliable information. Secondly, Dissemination of hate speech or other harmful content, and the potential tension between upholding one's right to freedom expression with ensuring that individuals can engage safely online, be protected from discrimination, and profit from equal enjoyment of the online space can also impose threat on human rights of people. Another major threat can be the unlawful restrictions on access to online content, and interference with connectivity (including internet shutdowns), deliberately deployed to impede the right to seek, access and impart information. While these concerns are not new, their scope, scale, and velocity in the digital age are unprecedented. Besides this it is obvious that it can often result in devastating consequences for people's lives. Prominent events in recent years underscore how the widespread use of online platforms can give private companies a greater role than any government in enabling the enjoyment of the right to freedom of expression and how the prevalence of harmful or misleading content can pollute the information ecosystem. Recent examples include the rapid, "infodemic" spread of disinformation and misinformation by anti-vaccine movements during COVID-19, undermining access to vital public health information, or the use of Facebook to spread a campaign of ethnic violence against the Rohingya minority in Myanmar. These incidents raise questions about the roles of the State and private sector in respecting human rights and protecting individual and societal interests. (OCED Digital Economy papers, December 2022) They call on governments to consider how to address tensions between rights, such as balancing the right to freedom of expression with protection from discrimination. At the same time, they call attention to the protection of other individual interests – most prominently

ensuring safety online. Such protections are essential since users are unlikely to be able to exercise their freedom of expression safely in the online environment without minimum standards in place to prevent violence and abuse.

Conclusion

The digital era has revolutionised communication, governance, and commerce but has also introduced complex challenges to human rights. Data privacy breaches, misinformation, cybercrime, and digital exclusion threaten fundamental freedoms and widen inequalities. A multi-pronged approach is essential to address these issues. Governments must enforce robust data protection frameworks to safeguard personal information and prevent unauthorized surveillance. Awareness programs should educate individuals on cybersecurity, misinformation, and responsible digital behavior to foster informed digital citizenship. Bridging the digital divide through affordable internet, infrastructure development, and inclusive policies is critical to reducing socio-economic disparities. By prioritizing ethical technology development, transparency, and accountability, societies can ensure that digital advancements uphold democratic values and protect human rights in an increasingly connected world.

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Surveillance, State Control, and the Crisis of Identity in *Leila (2019)*

Dwitun Basumatary

Abstract

Leila (2019), adapted from Prayaag Akbar's novel, presents a harrowing vision of a near-future dystopia where state surveillance, religious authoritarianism, and caste-based segregation dominate society. This research explores how *Leila (2019)* critiques political and social control mechanisms through the lens of postmodernism and Foucauldian theory. The study investigates how Aryavarta's totalitarian regime manipulates history, enforces purity, and isolates individuals to maintain power. Utilising a comparative textual analysis methodology, the article examines the differences between the novel and its adaptation to highlight narrative shifts and thematic focus. The research argues that *Leila (2019)* serves as both a warning and an indictment of contemporary political anxieties.

Keywords: Dystopia, Surveillance, Biopolitics, Postmodernism, State Control

Introduction

Dystopian fiction often functions as a mirror reflecting the anxieties of its time. Netflix's *Leila (2019)*, adapted from Prayaag Akbar's novel, envisions an authoritarian future where religious extremism, caste hierarchy, and environmental collapse intertwine to form an oppressive reality. The series follows Shalini, a once-privileged Hindu woman, as she endures systemic

abuse after marrying a Muslim man. Stripped of her autonomy and separated from her daughter, she embarks on a desperate search for her child, exposing the brutal mechanisms of Aryavarta's regime.

This article explores *Leila (2019)* through the lens of postmodern critique and Foucauldian biopolitics, examining how the state exercises control through surveillance, historical revisionism, and the regulation of bodies. The research argues that Aryavarta's society is a construct of engineered identity, where citizens exist within predefined hierarchies dictated by the state. 'Biopolitics' a term popularised by Michel Foucault, refers to the strategies and mechanisms through which human life is managed by governments under regimes of authority over knowledge, power, and subjectivity. In *Leila*, the Aryavarta regulates every aspect of a citizen's life – birth, education, health, relationships – to control population behaviour. By controlling bodies and social roles, the regime asserts total control, showing how life itself becomes a political object.

Methodology

This research employs a comparative textual analysis methodology, examining both the novel *Leila* (2017) and its Netflix adaptation to identify thematic shifts and narrative choices. The study applies postmodern literary critique and Foucauldian analysis to understand how power structures, surveillance, and identity politics shape Aryavarta's dystopian world. The research also incorporates Orwellian and postcolonial frameworks to assess the depiction of historical revisionism and caste-based segregation.

State Surveillance and the Mechanisms of Control

In *Leila* (2019), the state constantly observes its citizens through tools like surveillance cameras, informants, and the enforcers (Repeaters). This creates a political climate of fear and obedience. It reflects some real-world concerns about loss of privacy under authoritarian regimes. The totalitarian state of Aryavarta maintains order through mass surveillance and an intricate network of informants. Every citizen is monitored, and any deviation from state ideology results in retribution. The presence of Repeaters—state-authorised enforcers—ensures that individuals comply with Aryavarta's doctrine.

Michel Foucault's concept of the panopticon, introduced in Discipline and Punish, is particularly relevant in analysing Aryavarta's control mechanisms. The panopticon, a prison design where inmates are always visible but never know when they are being watched, symbolises the internalization of state surveillance. In *Leila (2019)*, citizens live under perpetual observation, fostering a climate of fear and compliance. The indoctrination camps, such as Vanita Mukti Kendra, serve as sites where women are conditioned to accept Aryavarta's ideology, illustrating Foucault's theory of disciplinary power.

Historical Revisionism and the Erasure of Memory

The destruction of historical and cultural symbols in *Leila (2019)* highlights how authoritarian regimes manipulate history to maintain control. One of the most striking moments in the series is the holographic demolition of the Taj Mahal, a symbolic act that erases a key marker of India's diverse heritage. By obliterating monuments associated with religious pluralism, Aryavarta reinforces its narrative of Hindu supremacy.

This tactic mirrors real-world historical revisionism, where nationalist governments alter public memory to legitimise their power. George Orwell's 1984 explores similar themes, depicting a society where the ruling Party continuously rewrites history to control public perception. In Aryavarta, propaganda ensures that citizens only remember what the state deems appropriate, reinforcing a single, monolithic identity. As Glenn Deer too says that "women who are both powerful and vulnerable, strong enough to endure and retain a sense of self yet unable to elude the grimmer aspects of entrapment." (Deer, 110-129)

Caste, Purity, and the Construction of Identity

Aryavarta's obsession with purity extends beyond religion into rigid caste hierarchies. The state categorizes individuals into dwikarmi, panchkarmi, and other caste-based divisions, determining their social status and access to resources. Even fundamental necessities such as clean water and air are distributed according to caste. This dystopian framework amplifies existing social inequalities, demonstrating how hierarchical systems can be exploited for authoritarian control.

Edward Said's theory of Orientalism helps unpack Aryavarta's ideological construction. The regime frames outsiders; lower castes, and individuals of mixed heritage as impure and dangerous. This binary opposition between the pure and the contaminated justifies systemic discrimination and reinforces state ideology.

Shalini's daughter, *Leila*, is deemed a threat because of her mixed heritage. The forced separation of children from their parents reflects historical policies such as Australia's Stolen Generations, where Indigenous children were taken from their families under the guise of assimilation. Aryavarta's child-separation policies demonstrate how oppressive regimes

manipulate identity to serve their political agendas as "protagonist lives in a dystopia of signs that control consciousness through ideology, to the point where the patriarchal Symbolic, having already divided child from mother irrevocably, threatens complete annihilation" (Carpenter, 179-194).

The Role of Rebellion and Resistance

Despite Aryavarta's suffocating control, rebellion persists. Shalini's journey embodies resistance against an all-powerful state. Unlike traditional dystopian heroes, however, her rebellion is deeply personal—motivated by maternal love rather than ideological opposition.

Her alliance with Bhanu, a member of the underground resistance, highlights the precarious nature of defying authoritarian rule. Bhanu, initially an enforcer of the state, ultimately aids Shalini in her search for *Leila*. His character demonstrates how resistance often emerges from within oppressive systems, echoing themes found in Hannah Arendt's theories on totalitarianism and moral choice. In matters of a dystopian rebellion "Individual action can spark the revolution, but collective action is what really can topple the dystopian regime."(Atchison, 127-145)

However, *Leila (2019)* does not provide an easy resolution. The cliffhanger ending and Shalini's repeated struggles emphasize the inescapable nature of dystopian control. Unlike traditional narratives that depict clear victories against oppression, *Leila (2019)* leaves the audience in a state of discomfort, reflecting the ongoing and unresolved nature of real-world authoritarianism.

Conclusion

Leila (2019) presents a chilling examination of authoritarianism, surveillance, and the politics of identity. By depicting a future where historical memory is erased, caste and religion dictate survival, and citizens are constantly watched, the series warns against the dangers of unchecked state power. Shalini's struggle, though deeply personal, serves as a broader metaphor for resistance against totalitarian control. Ultimately, *Leila (2019)* does not offer easy answers. It challenges viewers to confront uncomfortable realities, drawing unsettling parallels between Aryavarta's dystopia and contemporary socio-political issues.

Notes

1. Panopticon: A prison design theorised by Jeremy Bentham and later adapted by Foucault to describe a surveillance system where individuals regulate their own behaviour because they might be watched at any time. In *Leila* (2019), citizens are subjected to unseen surveillance, leading them to self-censor and conform. The indoctrination camps mirror the panopticon where individuals internalize control mechanisms, even without direct observation.

2. Historical Revisionism: The act of altering historical facts or narratives, often for ideological or political purposes. Aryavarta destroys cultural symbols like the Taj Mahal to erase pluralistic history and propagate a singular Hindu nationalist narrative. This revisionism redefines collective memory, reinforcing state ideology and erasing dissenting identities.

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Right to Speech and Freedom of Expression in India: An Analysis of Social Media's Impact on Society

Anamika Das

Abstract

Under the Constitution of India, Article 19(1)(a) focuses on the freedom of expression and speech. All citizens of the country will have this fundamental right. The philosophy of this article lies in the 'Preamble' of the Constitution. Freedom of expression and speech is not only guaranteed in the Constitution of India, but moreover in the Universal Declaration of Human Rights on 10th December 1948 (UDHR), which is also known as the universal constitution of international human rights (United Nations, 1948). In the European Convention on Human Rights and the International Covenant on Civil and Political Rights, this right has been given an important place (UN General Assembly, 1966). According to the provision of UDHR under Article 10, "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him" (United Nations, 1948). This implies that every single individual has an equal opportunity to express his or her view in front of any independent and impartial system or judiciary of the land, which is always there to protect everyone. On the other side of today's modern society, social media is an instrument of modern technology and has been playing an important role in every aspect of life. Social media has become a prime means of communication. Today, the world could not run even a day

without social media. However, social media has become an inseparable part of today's human world. It has both advantages and disadvantages, depending upon who is using it, why, how, and for what duration. The present paper has tried to study the impact of social media on society.

Introduction

In the modern world, with the advancement of information and communication technology, a soft and silent means of communication has emerged. This is known as 'social media'. This social network is the means of communication, which reaches every nook and corner of the globe, even where no other means could. Social media is a sort of web pages and apps that assist people to interact, talk to one another, participate, share data and collaborate with each other. In addition to connecting with friends, family, and neighbours, many utilise social media for business these days. Social media is computer technology that enables people to simultaneously share information, thoughts, and opinions across multiple communities or in online networks. People utilise apps or programmes based on social media on their phones, tablets, and computers. Through social media on the Internet, you can swap or sell a lot of intellectual property and quickly and easily communicate papers, images, videos, and personal information. Although immense use of social media occurs a lot in the US and Europe, Asian countries like Indonesia also use it the most. Businesses quickly realised that social media was a popular and convenient way to communicate with customers, even if it began as a tool to connect with friends and family. Social media is incredibly powerful as it enables you to connect and exchange information with everyone on the planet or with numerous people at once. Approximately 3.8 billion people worldwide use social networking sites (Goswami & Sharma,

2021). Social media is a platform for many artists, newcomers to the glamour industry, and for the advertisement of new products as well as start-up ideas. Almost every year, new applications like TikTok and Clubhouse are added to major social networks like Facebook, YouTube, Twitter, and Instagram. By 2023, approximately 257 million people in the United States have used social media (Goswami & Sharma, 2021). It has become a fundamental part of modern human society on Earth. In today's world, life would be unthinkable without social media. Even a person can live without food and other stuff for a few days, but they could not live without the availability of social media in the modern world.

In January 2023, there were 692 million internet users, and 48.7% of the total population had an internet connection in India (Goswami & Sharma, 2021). This has become an inseparable part of human life. It has been emerging as a new fundamental right of the people. It has not been mentioned in the Indian Constitution as a separate right for the citizens. It comes under the purview of Article 21, which states that 'Protection of Life and Personal Liberty', stating that no one should be deprived of his or her life or personal liberty except according to procedures established by the law of the land (Das Basu, 1995). Both "right to life" and "right to personal liberty" are the two rights clubbed into one. The inviolability of the right to both life and liberty was proclaimed by the 44th Constitutional Amendment (Fadia, 2009, pp. 117–118). Article 21 was an exception to the general rule set forth in the provision of Article 359. This has stated that the President of the country has the authority to suspend the enforcement of any or all of the fundamental rights during a national emergency. The right to life and liberty must continue in all circumstances (Fadia, 2009).

Objectives

- To study the positive impacts of social media in day-to-day life.
- To study the negative influences of social media in society.

Methodology

This study is purely based on qualitative data and personal observations of the researcher. The study has been conducted on the basis of secondary sources of data and the researcher's personal observation in society. All the secondary data have been collected from sources such as books, journals, articles, magazines, newspapers, and internet sources, etc. Descriptive and analytical methods have been used for drawing conclusions of the study. For this study, no specific area has been taken, but it has observed people of society of all age groups.

Discussion and Findings

In modern society, each and every individual, irrespective of age, caste, creed, and religion, has been using social media. The most commonly used social media platforms are Facebook, Instagram, Snapchat, Twitter, TikTok, Telegram, WhatsApp, and email. It has been playing a very important role in every aspect of human life and society. Various tasks have been performed through social media and its network. Several commercial purposes like shopping and selling by apps like Ajio, Amazon, Flipkart, Meesho, Myntra, Nykaa, Snapdeal, Ixigo, IRCTC, Ola, Uber, OYO, etc., are used by almost every person to buy and sell goods and services. In various departments and institutions, such as government agencies, for example, eDistrict, RTPS, SEWASETU, and Sikshasetu, etc., are used for applying for different certificates. Universities, colleges, and schools are sharing various relevant information through these online means

of social media for admission, results, form fill-ups, etc., even in the period of lockdown during the COVID-19 first and second waves, the entire world depended upon social media for communication with each other and the common masses as well as for official purposes. Social media is also playing a vital role in the field of politics and policy-making. For mass campaigning, for political agenda, and sharing the party manifesto to the voters, the social platform is an easy means. The web platform includes photo sharing, posting on blogs, digital gaming, social networking, video sharing, firm networking, virtual worlds, and many more. People who live far from their friends and families can often meet them through social media, whereas some people use different social media sites to find employment prospects, find individuals from all over the world who share their interests, ideas, viewpoints, views, and feelings. These things are also a part of an online social network. MNC or TNC companies use the online platform to locate and contact customers, raise sales through advertising and promotions, track consumer trends, and provide customer care. Social media is a very important tool that assists businesses. Customers can connect more easily as a result, and e-commerce websites can incorporate social aspects. This enables you to gather information, which facilitates focusing on marketing and market research. By saving time, it makes it simple to offer discounts and coupons to prospective clients at the appropriate time and location, which aids in the sale of goods and services. Social media-enabled loyalty programmes can also facilitate the development of client relationships.

A social media platform is a means of speedy sharing and collection of information about any occurrence. In the modern world, any kind of news of an incident, political events, sports, stocks, and share marketing, and others, anyone could get information regarding anything within a minute at their fingertips.

Table 1: Showing the age groups of people; Social Media users and non-users of India

Age groups	Social Media Users (%)	Non-Users (%)
15-17	76	24
18-25	78	22
26-35	65	35
36-45	44	56
46-55	29	71
56-Above	5	95

Source: https://www.statista.com, 2023

Figure 1: Social Media users and non-users of India by Age group
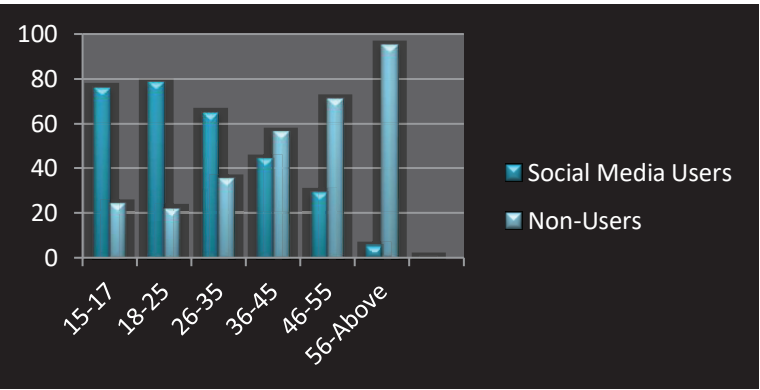
Source: https://www.statista.com, 2023

In the above table and figure, it shows the percentage of social media users and non-users along with age groups of people in India. It has been found that social media users are according to their age group. Such as the age groups of 15–17 is 76%; 18–25 is 78%; 26–35 is 65%; 36–45 is 44%; 46–55 is 29%, and 56–above is only 5%. From these, it has been found that the main active and those having the capacity to work, i.e., between the age group of 15–45, are 65.75% who use social media.

Social media, though it makes our life much easier in each and every aspect of life such as social, economic, political, as well as cultural than in earlier times when there was no social media at all. Social media has facilitated our life in all aspects, and when we are at a long distance, most of the time we connect with family, friends, and others through the various networks of social media. It is not as if there is no risk in using any kind of social media platform. It is as much helpful as it is dangerous for society if it is not taken care of during its use.

Positive Impacts of Social Media on Society

- Social media makes us closer to our friends, family, and others.

- It has made it easier to communicate with the larger world society.

- It makes it easier to gather information regarding any issues from anyone anywhere.

- It has opened the window for all categories of people to view the world community at their fingertips.

- This media makes our lives speedier than before.

- Today, to know or learn new things, there is no need to visit the place of origin, like in the pre-modern era.

- Anyone can collect required information by this media; in case of some specific information, one may need to pay a small amount to buy or subscribe to services, and some are available free of cost.

- Social media has converted the world into a small village community.

- By sitting at home, we can do lots of work such as submitting bills and payments, watching movies, talking to friends, shopping, studying, submitting and giving

assignments, and doing various official tasks by using this kind of digital media.

- Even we can treat patients online through this media.
- It is an easy means for entertainment.

Negative Impacts of Social Media on Society

Social media has thousands of positive ways and benefits, but at the same time, it has created lots of problems and disturbances in societies. Due to negligence, lack of knowledge about this techno-media, and lack of awareness, people are victimised frequently by this media. Every now and then, news regarding the misuse of this media, fraud, forgery, and many more incidents are reported. The following are some problems today's society faces:

Cyber Bullying: As per the report of UNICEF and the National Service Scheme (NSS) in November 2022, it was reflected that 95% of young people in Assam have experienced physical abuse and cyberbullying, which has resulted in mental health problems. The age group of 15–24 years comprises 19% of Assam's 3.1 crore population (Census, 2011). The survey was conducted among nearly 8,000 volunteers across 24 universities, educational institutes, and colleges in the state. There were 8,000 young people who took part in the survey. They were from the age group 15–25. 36% of respondents said that bullying occurs most frequently on Facebook, i.e., 25%; WhatsApp groups at 21%, and Instagram at 25%. Propaganda of falsehoods and embarrassing images or videos on social media accounted for 35% of bullying incidents (Kalita, 2022).

Spread of Misinformation: Social media and information technology are used by fake news sites to mimic legitimate ones. You might receive advertisements from organisations and political parties that appear to be from the

news. While social media accounts are created by hackers using bots, which are software fragments, they then use those accounts to propagate false information. Because it appears to have been widely disseminated, a fabricated story may appear authentic as a result. Many incidents took place due to the spread of misinformation or false information, for example, during the COVID-19 pandemic, people refused to take vaccines because they heard that vaccines have side effects (Kalita, 2022).

Less Face-to-Face Communication: In society, it has become very common for people to avoid physical appearances when communicating with someone when required. It is good during the COVID-19 pandemic, but in pre- and post-pandemic times, it's like suffering from a disease called social media. Instead of visiting the person, people prefer to text a message to WhatsApp, Messenger, Telegram, or any other means of social media. Therefore, face-to-face communication is declining among the people of the present society because of social media networks.

Self-Esteem Issues: In general, higher social media use was linked to worse sleep patterns, according to a recent study by pediatric researchers Scott, Biello, and Woods that included nearly 12,000 teenagers. It was found that very high social media users reported difficulty falling back asleep after waking up late and late sleep onset and wake times more frequently than average users. The Child Mind Institute noted that the teens' moods, their capacity to control their emotions, and their ability to get along with adults can all be adversely affected by sleep deprivation. Depression and sleep disorders can spiral into one another because depression is a result of sleep deprivation and vice versa. According to other studies, 60% of teenagers check their phones an hour before going to bed. They received one hour less sleep on average.

Social Isolation: Our well-being and the health of our bodies and minds depend on having strong social ties. Elderly individuals are no exception to the significance of social isolation and loneliness as social determinants. Loneliness and social isolation are pervasive; between 5 and 15% of teenagers report feeling lonely, and 1 in 4 older adults report feeling socially isolated. Numerous studies demonstrate that social isolation and loneliness have detrimental effects on longevity, quality of life, and mental and physical health. Loneliness and social isolation have a mortality effect similar to other known risk factors like obesity, physical inactivity, and smoking. An important public health issue that is becoming more widely acknowledged is social isolation and loneliness.

Crime Against Women: Women all over the world are now more vulnerable to technological crimes like phoney profiling, morphing, and cyberbullying because of social media platforms. The effectiveness of these laws is still up for debate, despite the fact that both the Information Technology Act and the IPC make some effort to prevent these offences. As such, men have come to dominate even these virtual spaces. Feminist activists who speak out about their personal beliefs on social media have faced criticism from their opponents. They use social media to make sexual jokes and defame people's characters, and they threaten to rape people. The speech and expression options available to women on social media are extremely limited, and the various types of crimes, such as cyber pornography, which is the production, sharing, and distribution of pornographic content online. Earlier, the Act was dealt with under Section 292 of the IPC, which dealt with the offence of obscenity and included anything obscene, voyeuristic in nature, or intended to humiliate and defile people. As a result, this provision now defines a criminal who is subject to legal sanctions if he sells, distributes, transfers, and publicly displays or makes a profit from it. It carries

5 years of imprisonment and a fine of Rs. 5,000. In addition to this, Section 354A of the IPC prohibits sexual harassment and states that any man who knowingly sends pornographic material to a woman against her will by email, WhatsApp, or any other social media means violates the law. Section 67A of the Information Technology Act also prohibits such activity where sexual material is distributed or published in any electronic form or is perceived as such. As per the requirements of the IT Act, the maximum penalty for a first conviction is 5 years of imprisonment and a fine which may extend up to Rs. 10 lakh, and for a second conviction, it is 7 years of imprisonment and a fine which may extend to Rs. 10 lakh. Cybercrime against women also includes activities such as distributing private photos of a woman or displaying her photos and contact information on pornographic websites. Since it transgresses a woman's right to privacy, which is a must-have right, it also amounts to defamation. It is possible to forward offensive, obnoxious texts through WhatsApp, email, or any other social media site. Web trolling, trolling, blackmail, threatening, and intimidating. Online crimes against women include threats, intimidation, cyberbullying, blackmail, and online harassment.

Societal Behaviour Changes: Social media has changed human behaviour significantly. First, it appears that people's attention spans have shortened, communication patterns have changed and become relaxed, and expectations of quick and immediate results and satisfaction have increased. It is also efficient in the sense that you can now easily keep up with many people and life without having to spend your time on your phone.

Fraud, Cheating: People asking you to be friends and asking for money seem like something that only happens on American TV, but it's surprisingly common. The scammer may go so far as to pretend to be your friend or send you a phishing link that directs you to a malicious website.

Hate Speech: Hate speech is speech where anyone could say something wrong about other people or a community or against religions, customs, or anything that hurts others. This could be transmitted through any type of expression, including images, gestures, cartoons, memes, objects, and symbols, and can be spread both offline and online. Hate speech is "discriminatory" or derogatory (prejudiced, derogatory, or degrading) of an individual or group. Hate speech highlights real or perceived "identity factors" of a person or group, including "religion, ethnicity, nationality, race, colour, descent, sex", alongside characteristics such as economic or social origin, language, disability, health, or sexual orientation, and many others (Yasin & Upadhyay, 2016).

Conclusion

Social media has changed societal values and morality. It has both positive and negative impacts or consequences on modern society. It makes easier connectivity and access to core information. At the same time, it comes with negative consequences. Cyberbullying, crimes against women and children, false information, drug addiction, poor face-to-face communication, low self-esteem, social isolation, online stalking and bullying, privacy loss, comparison, and envy are some of the bad repercussions. If all parents are mindful when it comes to giving their kids phones, these detrimental effects might be lessened. It is crucial to take action to lessen the adverse effects by making sure that social media is used in daily life in a healthier and more balanced manner. It is in our hands to use social media in a positive way for the promotion of mental health and for a healthy society.

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Environmental Effects of Rubber Plantations in the Karbi Anglong District of Assam

Ujjal Das
Pranjit Hazarika

Abstract

Natural Rubber Cultivation in India is the by-product of colonial agriculture. Commercially, rubber plantations started in India by British planters in 1902 in Kerala, the Kanyakumari district of Tamil Nadu, and the Andaman group of islands, which are known as traditional rubber growing regions, and the emergence of the automobile and tyre industries increased the domestic demand for natural rubber. This growing domestic demand encouraged the expansion of rubber plantations in non-traditional regions like the northeastern states and other parts of the country. Rubber plantations in the Karbi Anglong district have been started in 1950 on an experimental basis. But from the early 1980s and 1990s, it has been started on a large scale. The monoculture of rubber plantations is a great threat to the tropical forest, ground water level, aquatic resources, livestock rearing, soil quality, biodiversity, and the socio-political and economic life of the people. In this paper, the researcher aims to study the threats and effects of rubber plantations on the environment of the district and has tried to find some solutions to reduce the harmful effects of rubber plantations in the studied area.

Keywords: Automobiles, biodiversity, environment, plantations, rubber

Introduction

The Hevea brasiliensis is a type of rubber-producing tree that is widely planted worldwide. It has many benefits, including a high yield, good quality, long economic life, ease of latex exploitation, and quick latex regeneration. The Hevea brasiliensis is a unique species that originated in the tropical rainforest of the Amazon Basin in South America. Over thousands of years, it evolved to adapt to high temperatures, high humidity, and calm wind environments. Its physiological traits include rapid growth, sensitivity to low temperatures, immature wood and mechanical tissue, a fragile trunk that is vulnerable to wind damage, and a higher requirement for the soil's organic matter content. Owing to these attributes, rubber trees are only planted in a small area globally. Planting natural rubber may significantly improve lifestyles, boost farmer incomes, and create more job opportunities in addition to satisfying consumer demand for pertinent goods in both production and daily life. Nonetheless, it is undeniable that planting natural rubber causes issues with food security and land occupation. It also has a very detrimental effect on the ecological environment, resulting in the loss of tropical rainforests, a decline in biodiversity, soil erosion, and a reduction in soil fertility (UNEP, 2022, p. 2).

Rubber is a widely acknowledged economic crop that generates income for numerous nations. Natural rubber is a major global industry that produces a wide range of goods. Rubber plantations were established around the turn of the century due to their high profitability and small-scale production requirements. Small-scale growers in rubber plantations are also motivated by the consistent profits over an extended period of time. Small-scale farmers make significant contributions to both the area and the natural rubber production. In 1496, Columbus was the first to report on latex. After industrial cultivation, rubber

plantations began to truly succeed. Due to the colour white of rubber tree latex, it is frequently referred to as "white gold." Rubber plantations are growing quickly as a result of factors including rising rubber sheet prices, increased rubber demand, government incentives, investors' involvement, etc. Rubber can be grown in the same geographical locations as oil palm and other crops because of their relatively comparable growing requirements (Panda & Sarkar, 2020, pp. 657–661).

Panda and Sarkar (2020) deal with the effects of rubber plantations on the environment in South Asia. It has been found that rubber plantation is a real threat to the tropical forest regions. Monoculture rubber plantation has resulted in the forest ecosystem, hydrological changes, and effects on inhabitants (Panda & Sarkar, 2020). Sanyal et al. (2022) highlighted the rubber plantation workers' socio-economic conditions in Diphu, Karbi Anglong. The majority of rubber plantations are privately owned and are very successful enterprises. It has examined the socio-economic status of plantation labourers in Diphu, where the rubber plantation industry has thrived for the past 20 years due to its unique characteristics (Sanyal et al., 2022). Warren (2017) highlighted that the expansion of rubber (Hevea brasiliensis) has an impact on forest and biodiversity in the Indo-Burma Biodiversity Hotspot. Apart from these, various other authors have studied rubber plantations and their impact on the environment. But no study has been done on this study area.

Objectives

- To study the growth of rubber plantations in the Karbi Anglong district.
- To study the effects of rubber plantations on the environment of the Karbi Anglong district.

Methodology

This study is purely qualitative in nature. The study has been conducted on the basis of secondary sources of data and personal observation of the researcher. The researcher has collected the relevant information from the owners, workers of rubber plantations, and the community inhabitants near plantations by discussing with them through an unstructured interview schedule. For this purpose, the researcher has visited the following six rubber plantation sites:

- M/S Ganjendra Timung Rubber Plantation, located 5 km along Lumding Road, Diphu;

- M/S Rongmili Rubber, located at Matipung, Diphu;

- Bhuban Chandra Hanse Rubber Plantation, located at 5 km along Lumding Road, Diphu;

- Babu Teron Rubber Plantation at 5 km along Lumding Road, Diphu;

- Hemson Engti Rubber Plantation, located at Taralangso near Karbi People's Hall;

- Amos Ronghang Rubber Plantation, located at Hidim Teron, Manja.

All the above-mentioned rubber plantations are registered with the Rubber Board of India (RBI), Diphu. On the other hand, data have been collected from sources such as books, journal articles, research articles, reports of RBI Assam, magazines, newspapers, and internet sources, etc. Descriptive and analytical methods have been used for drawing conclusions of the study.

Discussion & Analysis

The favourable agro-climatic conditions and environmentally favourable surroundings of Assam have

contributed to the growth of rubber cultivation. Assam has been designated as a potential state for rubber cultivation of 2 lakh hectares by the Rubber Board of India. From a productivity perspective and the country's expanding demand, Assam also has a lot of room for rubber plantations. The country's expanding demand for natural rubber is estimated to reach 1.78 lakh MT by the end of 2025. The Rubber Board has planned to expand the area of rubber plantations up to 2 lakh hectares by the conclusion of the 12th Five Year Plan in Assam. In all the districts of Assam, rubber has been grown. In terms of production, the Goalpara district leads the rubber production of the state, followed by Karbi Anglong, Karimganj, Kokrajhar, and Bongaigaon, etc. As a district of Assam, Karbi Anglong has the potential for rubber plantations, and it is very important for the growing demand for natural rubber in both domestic and international markets. Approximately 85% of the district is made up of hills and is the largest district of Assam with 10,434 sq kilometres, i.e., 3% of the state's total land area. The thick tropical forest covers about 30% of the district's land. Several tribes predominate in the district, including the Karbi, Dimasa, Kuki, Bodo, Garo, etc., and are in the majority, and there are a few non-tribal communities living along with these tribal communities. While sedentary or wet cultivation is commonly performed in the plains, indigenous groups have historically engaged in jhum cultivation in the hilly areas. Rubber, tea, coffee, Muga, and other plantation crops develop in the Karbi Anglong district's sub-tropical and temperate environment. In the middle of the 1950s, coffee and rubber plantations were established in the district. It will guarantee the socio-economic stability of the impoverished, assisting them in abandoning the detrimental practice of jhum farming (Tokbi, 2017, pp. 119–125). People in the hill regions practice shifting agriculture on the hill slopes, producing horticulture crops in both seasons as well as crops like corn, rice, soybeans, cotton, and vegetables like

cucumbers and pumpkins (Bhuyan, 2008, pp. 52–53). Since the Fifth Five Year Plan, the Autonomous District Council of the Karbi Anglong district has adopted a number of steps to limit jhum cultivation, with 100% support from the Ministry of Agriculture, Government of India. "Cash Crop Plantation Scheme and Composite Scheme" is one of them. This led to the introduction of rubber plantations in the district; initially, the Kohora Soil Conservation Division covered only 25 hectares of land (Bhuyan, 2008, pp. 141–145). In Karbi Anglong, rubber plantations were first established over ten years ago, but they have lagged behind because of insurgency. Rubber plantations were established on 2,500 hectares of land in 2012, and the state government set a goal of planting 150,000 hectares in the district (The Times of India, 2012). Following the creation of the Rubber Board, 25% of the district's land in Karbi Anglong and 20% of the district's land in Dima Hasao were placed under plantations (Phangcho, 2001, p. 59). There were 1,121.11 hectares of rubber plantations covered in the year 2012, by more than 5,000 rubber growers. One of the most important aspects of Karbi Anglong is its accessibility to a vast area of land and the low investment and high-producing nature of rubber plantations. A rubber plantation covering 7,825.29 hectares was established in the district by 2015, yielding 3,282.86 metric tonnes of natural rubber (Assam Statistical Handbook, 2015, p. 120). Every person working on rubber fields comes from a wealthy family in the area (Fernandes & Barbora, 2008, pp. 151–152). The following tables show the rubber production in the Karbi Anglong district.

Table 1: Year wise breaks up of Rubber Area, Production, Tapping Area and Employment Generation in Karbi Anglong 2017-18 to 2021-22.

Year	Rubber Area in Hector	Rubber Production in MT	Tapping Area in Hector	Employment Generation

2017-18	57945	22324	16099	189790
2018-19	58120	25247	20859	182873
2019-20	58129	28931	26659	192503
2020-21	58897	34348	29052	176771
2021-22	59750	406348	36528	186417

Source: Economic survey of Assam, 2022-23

From the above table and the below figure, it has been seen that every year the rubber plantation area and production of natural rubber are growing in the district compared to the previous year. In 2017–18, it produced 22,324 metric tonnes of natural rubber from 57,945 hectares; 2018–19, 25,247 metric tonnes from 58,120 hectares; 2019–20, 28,931 metric tonnes from 58,129 hectares; 2020–21, 34,348 metric tonnes from 58,897 hectares; and 2021–22, 406,348 metric tonnes from 59,750 hectares of land. At the same time, it generates a huge number of jobs. With the increasing rubber cover area, the district has been losing its green forest cover areas, which impacts the environment and ecology of the district.

Figure 1: Rubber Area, Production & Employment Generation
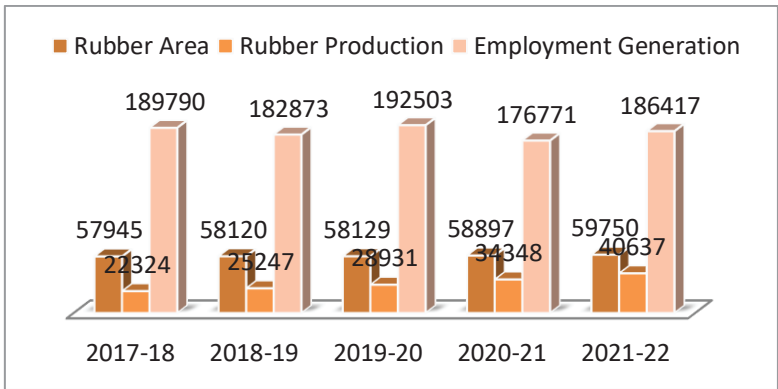
Effects of Rubber Plantations on Environment of Karbi Anglong

From the above discussion, it has been shown that the rubber plantations in the Karbi Anglong district are rapidly growing and have become very important for the economy of the district at the cost of several environmental effects. They are as follows:

- The growth and rapid development of rubber plantations in the district of Karbi Anglong disproportionately decrease the natural forest land area. It is one of the major important factors of deforestation. Various recent studies have shown that the monoculture rubber plantations have detrimental effects on the ecosystem, including the loss of biodiversity, the acceleration of climate change, and the depletion of groundwater. In a biodiversity-rich place like Karbi Anglong, the promotion of rubber plantations has the potential to cause irreversible damage to the local flora and wildlife (EPW, 2015).

- Rubber plantations cause pollution of air, soil, and water because the application of fertiliser to maintain soil quality, the availability of smoke houses, etc.

- Emerging rubber plantations as a monoculture crop in the district have resulted in forest degradation, due to the conversion of more and more forest and fallow land into rubber plantations (Teronpi et al., 2015, pp. 16–24), which creates a scarcity of other forest items and even some of the forest resources that planters themselves also feel.

- Rubber growers themselves suffer from their negative impact on health, biodiversity, deteriorated habitat, and they could not solve the problem of food in the district (Schmid, 2016, pp. 26–36).

- Decrease in the availability of aquatic resources like fish and others because the pesticides and other chemicals used in the rubber plantations flow to the nearby river, lake, pond, etc. in the district.

- Decrease in groundwater level in various places of the district as well as the studied area has been found after rubber plantations were started, which has resulted in a water crisis in various places of the district.

- Decrease in rainfall, changes in climate and weather conditions, etc., in the district of Karbi Anglong.

- From 2001 to 2020, the Karbi Anglong district lost 97.4 kilohectares of green forest cover, for which growing rubber plantations are also one of the major causes.

- Rubber plantations reduce the biodiversity of the district; because of monoculture rubber cultivation, they do not provide the space for different animals to live together.

- Rubber plantations result in the extinction of various important species of trees, shrubs, etc., from the environment.

Remedies to Reduce the Effects of Rubber Plantation on Environment

The multilayer and multi-species composite ecosystem of a rubber plantation forest could be established by using specific biological, ecological, and agro-engineering techniques and approaches. This would minimise the harmful effects of monoculture rubber cultivation. It is beneficial to both the ecology and the economy. This type of ecosystem has the structure and operates to achieve a steady state of dynamic balance, with environmental effects staying within the system's capacity for environmental self-purification and resource supply. Rubber can be produced economically in this composite ecosystem without clearly having a negative impact on the environment. They are:

- Agroforestry or integrated rubber farming: In this type of rubber farming system, various other trees, fruits, flowers, orchids, vegetables, and medicinal plants could be cultivated with rubber cultivation. According to the phase of the rubber plant, i.e., at the premature phase of the rubber plant, there could be cultivation of some other crops such as vegetables, pineapples, and others; again, at the mature phase, some trees and orchids can be cultivated, that could grow in the shade of rubber trees. Apart from these, livestock farming and animal rearing are also possible in this farming system. This gives an alternative income to the rubber growers.

- Jungle-type rubber plantation: This type of rubber cultivation is done just like a forest, where the gaps between two rubber trees could be kept at 15–20 or 20–30 feet or more than that. In these gaps, some other trees can be cultivated or allowed to grow naturally.

- By scientific cultivation of some other species of rubber like 'Landolphia', which is a creeper that could grow beneath

the natural forest. These are cultivated mainly in Africa and other countries of the world.

Conclusion

Rubber plantation is the emerging cash crop cultivation throughout the tropical and sub-tropical regions of the world. Due to its growing demand and profit-yielding nature, government initiatives and the Rubber Board's aegis have attracted the farmers of the Karbi Anglong district. Within a period of half a century, it has started to be cultivated on a large scale, which has also resulted in environmental degradation and loss of 97.4 kilohectares of green forest area and also caused groundwater level depletion, increases in temperature, irregular rainfall, decreased soil quality, decreased aquatic resources, etc. By following the above-mentioned remedies, it could minimise the rubber plantation's effects on the environment of the district.

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About the Authors

1. Anamika Das is an Assistant Professor in the Department of Political Science at Rukasen College, Bakalia, Karbi Anglong, Assam.

2. Ankita Sarmah is pursuing MA in Political Science at Gauhati University, Guwahati.

3. Banasmita Sarma is an Assistant Professor in the Department of Political Science at Bhawanipur Anchalik College, Barpeta, Assam.

4. Benzir Zaman is pursuing Ph.D. in Royal School of Law and Administration (RSLA) at The Assam Royal Global University, Guwahati, Assam.

5. Dwitun Basumatary is an Assistant Professor in the Department of English at Kumar Bhaskar Varma Sanskrit and Ancient Studies University, Nalbari, Assam.

6. Gautam Chandra Roy is an Assistant Professor in the Department of Political Science at B. N. College (Autonomous), Dhubri, Assam.

7. Jayashree Bordoloi is an Assistant Professor in the Department of Economics at Sarupathar College, Golaghat, Assam.

8. Juthika Das is an Assistant Professor in the Department of Political Science at Sapatgram College, Sapatgram, Dhubri, Assam.

9. Kasturi Goswami is an Assistant Professor in the Department of Economics at Bahona College Jorhat, Assam.

10. Marjina Ahmed is an Assistant Professor in the Department of Management at Chhaygaon College, Chhaygaon, Kamrup (Rural), Assam.

11. Pankaj Bora is an Assistant Professor in the Department of Political Science at Bahona College, Jorhat, Assam.

12. Parvin Sultana is an Assistant Professor in the Department of Political Science at Pramathesh Barua College, Gauripur, Dhubri, Assam.

13. Pranjit Hazarika is a Professor at Department of Sociology, Mahapurusha Srimanta Sankaradeva Viswavidyalaya (MSSV), Nagaon, Assam.

14. Polly Priya Buragohain is an Assistant Professor in the Department of Economics at Bahona College, Jorhat, Assam.

15. Reema Rabha is an Assistant Professor Department of Economics at Bahona College, Jorhat, Assam.

16. Tabassum Rizvi is an Assistant Professor at UGC-MMTTC (Formerly UGC-HRDC), Gauhati University, Guwahati.

17. Ujjal Das is pursuing Ph.D. at Department of Sociology, Mahapurusha Srimanta Sankaradeva Viswavidyalaya (MSSV), Nagaon, Assam.

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