



## Topic: Perception Of People Regarding Human Rights Situation In Assam: A Survey In The Nagaon District Of Assam.

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ARTICLE INFO	ABSTRACT
	Human Rights are most admirable and recognized rights of the present period. Lot of international and national laws are made to establish a society where humans rights are promoted and promoted. In our country also numerous acts are made along with the constitutional mechanisms to safeguard the human rights of the people. But it is found that in spite of the existence of institutional mechanism, the human rights situation in our country is not satisfactory and these rights are often violated by both the state and non-state actors. So this study intends to study the perception of the people regarding the human rights scenario, how they feel about its implementations and what are their views and suggestion regarding the proper implementation of these rights. All the data and study reports of this article are based on a field survey done by the author in the Nagaon District of Assam.
	<b>Key words:</b> Human Rights, State, Non- state, Education,

### Abbreviations:

AFSPA: Armed Forces Special Power Act, 1958

NSA: National Security Act, 1980

TADA: Terrorist and disruptive Activities ( Prevention) Act, 1985

POTA: Prevention of Terrorism Act, 2002

ULFA: United Liberation Front of Assam.

### Introduction:

Human Rights are those rights which are inherent in our nature and without which we cannot live as human beings. These rights represent claims and demands essential to the protection of human life and enhancement of human dignity.<sup>i</sup> The term Human Rights is also a dynamic concept and it endeavors to adopt itself to the needs of the people. These rights are sometimes known as basic rights, fundamental rights, natural rights, and inherent rights.<sup>ii</sup> The Human Rights are also defined within the framework of constitutional law. Its purpose is to defend the rights of human beings against abuses of power committed by the organs of the state by institutional means. At the same times it tries to promote establishment of humane living conditions and multidimensional development of human personality.<sup>iii</sup> Human rights has been also described as those minimal rights that every individual must have against the state or other public authority by virtue of his being a member of human family irrespective of any other consideration.<sup>iv</sup> These rights are classified originally into three generation of rights. Later on, a fourth generation was included representing the present period of time. The theory of Natural rights represents the early expression of the liberal perspective on rights. It is based on the liberal theory on the origin of the state from the social contract. According to this theory certain rights were enjoyed by man before the formation of the state system- in the state of nature.<sup>v</sup> The functioning of Human Rights is based on the functioning of this theory of natural rights as it is the main basis of the Universal concept of Human Rights. The argument that Human rights are inalienable and it cannot be violated by the state represents the very basis of the Human Rights Jurisprudence all over the world.

**Human rights situation in our country:** Since ancient times these exist some type of code of conduct and rights in our country that include all the civil, social and political norms. They are regarded as Dharma, as the word Human rights are not used in ancient India. “Vasudeva Kutumbakam” in Upanishad depict the early version of human rights in our country.<sup>vi</sup> Ashoka in his days further consolidated this jurisprudence though in the medieval period this perspective changes a little with the arrival of Islamic rules. The colonization of India from 18<sup>th</sup> to 20<sup>th</sup> century further degenerated the Human rights mechanism, though modern education and values were imparted to the Indians through English educations. So the major step regarding the implementation of modern Human rights jurisprudence started after the intendence of India.

Human rights principles are not included in a single chapter or part in the Indian Constitution. Contrary it is scattered in numerous Parts and Provisions of the constitution. The spirit and content of Human Rights in India can be seen in the following broad divisions

### 1. Constitutional provisions

### 2. Legal provisions. (Statutory Laws)

The constitutional provisions are those provisions which arise from the constitution itself. The major Human Rights provisions in our constitution include: The Preamble, Fundamental Rights in Part III, Directive Principles of State Policy in Part IV, Fundamental Duties in Part IV(A), Articles 226, 300A, 325, and 326.<sup>vii</sup> The legal provisions include various laws passed by the Indian governments promoting Human Rights. These parts are annexed in our thesis for further reading. The Protection of Human rights act, 1993 is another significant milestone in this regard which provides for the establishment of the National and State Human rights commissions. These institutions theoretically have been playing a significant role in the protection and promotion of Human Rights in our country.

But it is seen that in spite of these efforts and mechanism, the Human rights are violated by both the state and non-state actors. Specially in our north east, as there exist a lost of insurgency and separatist extremist groups professing violent secessionist movements the situation of human rights is very sensitive here. Subhir Bhaumik writes ever since decolonization, India's North east has been scarred by violent agitations, sustained insurgencies, ethnic riots, and heavy-handed state responses.<sup>viii</sup> The army and security forces are empowered with Armed Forces Special Power Act 1958, TADA, POTA, NSA etc. through which they can arrest and kill any person without judicial control. Similarly, in our state, the extremist groups such as ULFA emerged as the leading selectionist group.<sup>ix</sup> They are also openly violating the human rights of the people in retaliation or to show their strength. Prof. Nani Gopal Mahanta writes ULFA's violence is an instrumental violence, the basic premise of which is to bring structural changes in the behaviors and functioning of the Indian state.<sup>x</sup> But whatever the objective may be, in both the cases, it is common people who suffers a lot in our region. So, it is very important to know the common people's perception about human rights, do they really value these rights or whether they have lost their faith in it. The present study intends to study people's perception about the human rights situation in the region, incorporate the suggestions of the people and to assess if the existing mechanisms are helping the common people or not.

### **Objective of the study:**

1. To identify people's perception about the present Human rights situation of the state.
2. To articulate the expectations and suggestions of the people in uplifting the Human Rights situation.
3. To identify the relation between the Education of the people and Human rights awareness.

### **Methodology:**

As our area of investigation is within Nagaon district, we take note to cover all areas of the district in our survey. For our survey we have divided the District into its administrative circles. At the time of our investigation, the District had Seven administrative circles. The seven administrative circles that we take into consideration are- Nagaon, Samaguri, Dhing, Rupahi, Kampur, kalibaor, Roha. From each circle, we have selected two villages and one municipal town based on Rural- Urban proportion. All total we get 21 areas for our study.



**Source :** <https://www.google.com/search?q=nagaon+district+map+by+govt+of+indi>

Out of all these 21 selected urban and rural areas, we take samples from 10 people each from each area. The persons are selected from the voters list of the villages or municipal area, using Random sampling method. If the selected person is found to be unavailable for interview, we have taken interview of his second nearest relatives present in the Home. We have used a written questionnaire for the interview with Assamese medium for the convenience of the uneducated peoples. Out of all 210 people we have collected the answered of the written questionnaire. All the selected persons represent different Education background, with diverse social and religious groups. The male female ratio of the respondents is 125:84. The selected respondents also represent both the Urban and Rural backgrounds. The findings of the survey report are given below-

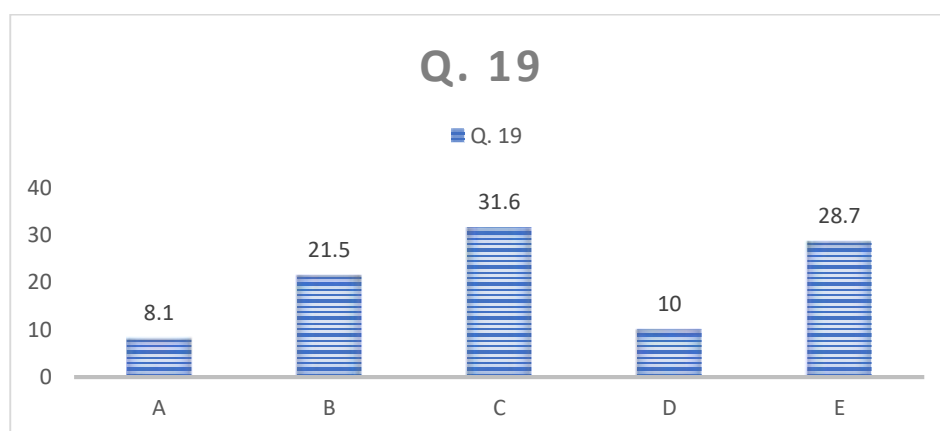
### ***The survey findings:***

#### ***Query No:1***

***According to you, the Human rights situation in Assam is-***

- A) Very good
- B) Good
- C) Bad
- D) Very bad
- E) Can't say

We get the following data as a response of this query that are explained in the following bar diagram:



**Figure No: 1A:** Percentage wise bar diagram (Source: Field survey)

In this diagram, we have seen that 8.1% people choose option A- that regard the Human rights situation of assam as very good. 21.3% people choose option B- that says the situation is Good. So all total if we combine these two option, we find that 29.4% people are fall in the category that regard the Human rights situation of Assam as good or very good.

31.6% people choose option C- that say the situation is Bad. And another 10% people choose option D- that regard the situation is very bad. If we combine both these two groups then we find 46.6% people regard the human rights situation of Assam as Bad or Very bad. So this is together is much higher than the first two groups taken together. Here a can feel a general pulse of the people that the Human rights situation is more bad then good in Assam.

And a significant number of 28.7% of people choose the option C- can't say category. It implies that more than one fourth of the population is either ignorant or have no idea about the Human rights situation in the state. This reflect lack of awareness among a significant section of people in Assam in human rights issues.

### Education wise distribution of the Data:

Table 1B Education-wise Distribution of Responses on Perceived Situation of Human Rights in Assam								
Questions	Options	N	%	Educational Status	N	%	X <sup>2</sup> value	P value
Q. 19: According to you how is the situation of Human Rights in Assam?	A: Very good	17	8.1	MA and higher	0	0.0	41.81	0.00
				Graduate	6	7.6		
				HS passed	7	11.3		
				HSLC passed	2	16.7		
				School drop out	2	6.5		
				illiterate	0	0.0		
	B: Good	45	21.5	MA and higher	10	45.5		
				Graduate	16	20.3		
				HS passed	16	25.8		
				HSLC passed	1	8.3		
				School drop out	2	6.5		
				illiterate	0	0.0		
	C: Bad	66	31.6	MA and higher	7	31.8		
				Graduate	31	39.2		
				HS passed	18	29.0		
				HSLC passed	3	25.0		
				School drop out	6	19.4		
				illiterate	1	33.3		
	D: Very bad	21	10.0	MA and higher	2	9.1		
				Graduate	7	8.9		
				HS passed	9	14.5		
				HSLC passed	1	8.3		
				School drop out	1	3.2		
				illiterate	1	33.3		
	E: Canot say	60	28.7	MA and higher	3	13.6		
				Graduate	19	24.1		
				HS passed	12	19.4		
				HSLC passed	5	41.7		
				School drop out	20	64.5		
				illiterate	1	33.3		

(Source: Field survey)

**Interpretation** - Significant association was recorded between education and the responses on perceived situation of Human Rights in Assam, based on the results of a chi-square test ( $\chi^2 = 41.81$ ,  $df = 20$ ,  $p = 0.00$ ) If we combine the percentage of the graduate and above graduate level of people in both group A and Group B, we find that 45.5% of MA and 27.% graduates regard the situation as bad or above bad. Similarly if we combine both option C and D group combined then we find that 40.9% MA and 48.1% people regard the situation as Bad or beyond Bad. So we can see that percentage wise, above graduates peoples that regard situation as bad is higher than their counterparts who regard situation as Good.

And if we analyse the educational background of the people who choose option E- we find that these also exist highly educated people in that cannot say group. Around 13.6% is MA or higher, 24.5% is graduate. So it is found that College or University education at present is not a guarantee of awareness in Human Rights issues. We can justify the percentage of illiterate 33.3%, school dropout 64.5%. only HSLC passed 41.7% in this group. But this huge 37.7% people (combined percentage of both MA and graduates) in this group is obviously a matter of concern for us.

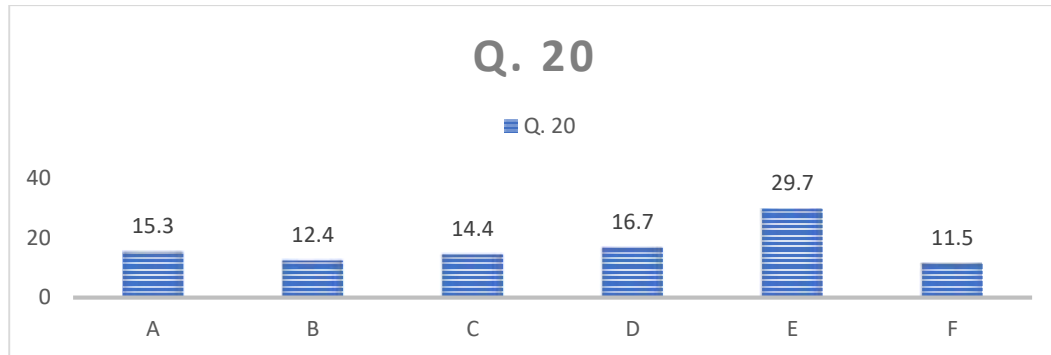
### Query No:2

**Query: What suggestion can you give to improve the Human Rights situation in Assam- Options-**

- A) To enact more strong and powerful laws to safeguard the Human Rights
- B) Abolition of all kind of Black and Repressive laws

- C) Take exemplary punishment against those police and security personals who violates the Human rights of the people  
 D) To increase the awareness among the people regarding the Human rights  
 E) All of the above  
 F) Can't say

We get the following data as a response of this query which is explained in the following bar diagram:



**Figure No 2A: Percentage wise bar diagram( Source: Field survey)**

In this diagram, we have seen that 15.3% of people choose option A as their suggestion to improve the Human rights situation- that is implementation new strong laws to protect Human rights. 12.4% of people choose option B- that is the abolition of all kind of black and draconian laws. 14.4% people choose option C- that is take punitive punishment against those security persons that violates the Human rights, 16.7% choose option D -that is to increase the level of awareness among the people the Human rights. and the highest margin group oh 29.7% choose option E- that is all the above mentioned measure are collectively necessary to improve the Human rights situation of the state. 11.5% do not want to give any suggestion in this issue.

#### Education wise distribution of the Data:

**Table 2B.** Education-wise Distribution of Responses on Suggestions to Enhance Human Rights Situation in Assam

Questions	Options	N	%	Educational status	N	%	X <sup>2</sup> value	P value
Q. 20: What is your suggestion to improve more the Human Rights situation in Assam-	A: To enact strong and powerful laws to safeguard the	32	15.3	MA and higher	4	18.2	40.04	0.03
				Graduate	12	15.2		
				HS passed	10	16.1		
				HSLC passed	1	8.3		
				School drop out	5	16.1		
				illiterate	0	0.0		
	B: Abolition of all kind of Blackmore and Repressive laws	26	12.4	MA and higher	5	22.7		
				Graduate	8	10.1		
				HS passed	8	12.9		
				HSLC passed	2	16.7		
				School drop out	3	9.7		
				illiterate	0	0.0		
	C: To take exemplary punishment against those police or Army	30	14.4	MA and higher	1	4.5		
				Graduate	17	21.5		
				HS passed	8	12.9		
				HSLC passed	1	8.3		
				School drop out	3	9.7		
				illiterate	0	0.0		
	D: To increase the awareness among people regarding the Human rights	35	16.7	MA and higher	6	27.3		
				Graduate	9	11.4		
				HS passed	11	17.7		
				HSLC passed	2	16.7		
				School drop out	5	16.1		
				illiterate	2	66.7		
	E: All the above	62	29.7	MA and higher	5	22.7		
				Graduate	27	34.2		
				HS passed	20	32.3		
				HSLC passed	5	41.7		



	G: Cant say	24	11.5	School drop out	4	12.9		
				illiterate	1	33.3		
				MA and higher	1	4.5		
				Graduate	6	7.6		
				HS passed	5	8.1		
				HSLC passed	1	8.3		
				School drop out	11	35.5		
				illiterate	0	0.0		

( Source: Field survey)

**Interpretation** - Based on the results of a chi-square test ( $\chi^2 = 40.04$ ,  $df = 25$ ,  $p = 0.03$ ), significant relationship was observed between education and responses on suggestions to enhance Human Rights situation in Assam.

In this table we have found that in group A which say strong laws are needed to protect human rights, out the total 15.2% people, 18.2% are MA and higher degree holders while 15.2% are graduates. Interesting 16.1% drop outs also supported the implementation n of strong laws in the protection of Human Rights.

In Group B, which supported abolition of all kind of Black laws , out the total 12.4% people, 22.7% are MA and Higher degree holders, and 10.1% are graduates. So here we find that the higher education group support the abolition of black laws more than imposition of strong laws to improve the human rights situation.

And in the higher educated ( BA and MA) group the maximum support goes for group D, that say increase the awareness level of the people and also for group E, that says all the above mentioned suggestions are equally responsible. But we can also see that 7.6% graduates and 4.5% Ma or Higher educated people choose ethe 'cannot say' option. That shows that in spite of their high education, they still cannot develop any perception regarding the Human Rights issues and regain ignorant. The illiterate people choose the option D-in highest percentage which indicates that the illiterate people feel that we need to increase the awareness of the people regarding the Human Rights Issues .

### Conclusion:

There exist enough mechanisms to protect and promote human rights in India. But in actual field it is seen that the common people are not happy in the human rights protective mechanism. In spite of all the efforts of the government, it is seen that majority of the people ( two third) regard the human rights situation as not good. So these need serious investigation about how these human rights mechanisms are failed to fulfil the aspirations of the people in protecting their rights. most of the common people express their dissatisfaction in the functioning of existing black and draconian laws. Armed forces special power act , and national security act are specially mentioned in this regard. Similarly, people also express their dissatisfaction about the lack of punitive action against the Police or army personal s who violates human rights of the people. So there must be strict laws of punishment against those who commit such offences.

Similarly, majority of people agree that there should be mass campaign to uplift the awareness level of the people regarding their human rights as ignorance of the people also leads to the violence of their rights. we have also found in our survey that education is not adequately helping in increasing awareness of the people regarding human rights issues. The highly educated people are found to be unaware about these issues. So the awareness level of the people must be uplifted using other men's besides education. Common people expect that if these recommendations are implemented combinedly, then the situation of human rights may improve in near future in our state.

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