

INTERNSHIP REPORT

2022

ASSAM HUMAN RIGHTS COMMISSION



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Human Rights: Meaning and Evolution

The best, among the creatures of Almighty/God is human beings. They possess intellect and capable of using reason which distinguish them from other living organism within the society. To live within a society unlike other living being, they need food, shelter, clothing, desire lives with dignity and seek peace and tranquillity. Human Rights are thus those rights which are inherent in our nature and without which we cannot live and since the concept of human rights are not created by any legislation , they resemble very much the natural rights.

Section 2(1)(d) of the Protection of Human Rights Act (PHRA), 1993 defines Human Rights as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by the courts in India.

“Human Rights” as an expression is comparatively of recent origin in its formal shape. Only after the formation of the United Nations in 1945 followed by the Second World War, this term is formally and universally recognised. Prior to this, the term used in their stead were natural rights, basic rights, fundamental rights, inalienable rights, etc. Human Rights are the rights are thus those rights which are inherent in our nature and without which we cannot live.

But the concept of human rights though is of recent origin but the traces of its existence could be seen since the Greek and Roman Era, and has developed with the formulated theories of philosophers within along span of time. The American, French and Indian revolutions also marked the establishment of the recent development of the concept of human rights. Along with the definitions and interpretations of philosophers, religion also had an important role to play to attain the recent development of the concept of Human Rights.

Genesis of Human Rights with the establishment of United Nations:

The First World War created ruthless destruction, loss of life and casualties. As a result nearly a century ago 30 countries approved a proposal to create an autonomous body to meet the aftermath of World War 1 and it was named as the League of Nations.

But the failure and futility of the League of Nations and the ruthless destruction caused by the Second World War inspired the countries to end the war and to take steps in order to restore peace and maintain the status and dignity of human beings. And as such the San Francisco Conference, attended by fifty member states after a long debate passed the charter unanimously and thus, the United Nation came into existence on October 24, 1945.

The Charter of the United Nations begins with “We the people of the United nations” and then sets forth- (a) to save succeeding generations from scourge of war; (b) to re-affirm faith in fundamental human rights; (c) to establish justice and respect for international obligation and (d) to promote social progress and better standard of life.

The establishment of United Nations wasn't enough to promote and implement the provisions of human rights, thus, the General Assembly of the United Nations decided to prepare an International Bill on human rights. Article 68 empowers the Economic and Social Council (ECOSOC) to set up commissions for the promotion of human rights. Thus, the Commission established under the direct control of ECOSOC appointed a drafting committee for this purpose in January 1947.

The Commission on Human Rights established three working groups, namely on the declaration, covenant and proposals on implementation. The draft was sent by the Commission to the ECOSOC and then to the General Assembly. The draft took nearly two years complete as a catalogue of human rights. The General Assembly of the United Nation adopted the Universal Declaration of Human Rights on December 10, 1948 by forty eight votes with eight abstentions. UDHR was drafted with an intention to create a common standard of achievement for all the peoples and all nations, to the end that every individual and every organ of society. The Universal Declaration of Human Rights 1948 consists of 30 Articles covering Civil, Political, Economical, Social and Cultural Rights.

Establishment of Human Rights Commissions in India:

The International National Human Rights Institutions (NHRIs) workshop in Paris in 1991 (also known as Paris Principles) contained a set of International standards which frame and guide the work of National Human Rights Institutions and were adopted by the United Nations General Assembly in 1993.

And in conformity with the Paris Principles, adopted at the first international workshop on national institutions for the promotion and protection of human rights India the statute Protection of Human Rights Act (PHRA), 1993 was enacted. And vide this statute The National Human Rights Commission (NHRC) was established on 12 October, 1993.

NHRC has been set up for the protection and promotion of human rights throughout the country. The functions of the Commission is stated in Section 12 of the Act and Commission is entitled and entrusted to study the treaties and international instruments on Human Rights and to make necessary recommendations for their effective implementation to the Government.

The Protection of human Rights Act mandates the NHRC to perform the following:

- Proactively or reactively inquire into violations of human rights by Government of India or negligence of such violation by a Public servant;
- The protection of human right and recommend measures for their effective implementation;
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommendations for their effective implementations;
- To visit jails and study the condition of inmates;
- Undertake and promote research in the field of human rights;
- To study treaties and other international instruments on human rights and make necessary recommendation for their effective implementations;
- Engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication, the media, seminars and other available means;
- Encourage the efforts of NGOs and institutions that works in the field of human rights voluntarily;
- Considering the necessity for the protection of human rights; and
- Requisitioning and public record or copy thereof from any court or office.

Composition of NHRC:

The NHRC consists of: The Chairperson and five members (excluding the ex-officio members)

- A Chairperson, who has been a Chief Justice of India or Judge of the Supreme Court. Arun Kumar Mishra, a former Judge of Supreme Court is the current Chairperson of the Commission.
- One member who is, or has been, a Judge of the Supreme Court of India and one member who is, or has been, the Chief Justice of a High Court.
- Three members, out of which at least one shall be a women to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- In addition, the Chairperson of National Commissions serves as ex officio members.

The sitting Judge of the Supreme Court or Chief Justice of a High Court can be appointed only after consultation with the Chief Justice of the Supreme Court.

Current Composition of the Commission:

S NO	Designation	Name
1.	Chairperson	Shri Justice Arun Kumar Mishra
2.	Member	Shri Justice Mahesh Mittal Kumar
3.	Member	Dr. Dnyaneshwar Mohanar Mulay
4.	Member	Shir Rajiv Jain
5.	Ex-officio Member	Mr. Iqbal Singh Lalpura, Chairperson, National Commission for Minorities
6.	Ex-officio Member	Shri Shri Vijay Sampla, Chairperson, National Commission for Scheduled Castes
7.	Ex-officio Member	Shri Harsh Chouhan , Chairperson, National Commission for Scheduled Tribes
8.	Ex-officio Member	Ms. Rekha Sharma, Chairperson, National Commission for Women
9.	Special Invitee to Statutory Full Commission	Shri Priyank Kanoongo, Chairperson, National Commission for Protection of Child Rights
10.	Ex-officio Member	Dr. Bhagwan Lal Sahni, Chairperson, National Commission for Backward Classes
11.	Ex-officio Member	Chief Commissioner for Persons with Disabilities

Establishment of State Human Rights Commissions in India:

In accordance with the amendment brought up by The Protection of Human Rights Act, 1993 a State Government may constitute a body known as the State Human Rights Commissions to exercise the functions of the Commission as stated under chapter V of The Protection of Human Rights Act, 1993 (with amendment act, 2006). At present, 25 states have constituted SHRC.

The State Human Rights Commissions are entrusted with the powers to examine or enquire into the violations of Human Rights only in respect of matters relatable to any of the entries enumerated in List II and List III in the Seventh Schedule of the Constitution of India.

The State Human Rights Commissions are barred to try cases if the said case is being tried before the National Human Rights Commission or any other Commission duly constituted under any law for the time being in force.

Functions of State Human Rights Commission:

- Proactively or reactively inquire into violations of human rights by Government of India or negligence of such violation by a Public servant either in its own initiative or on a petition presented by the complainant;
- The protection of human right and recommend measures for their effective implementation;
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommendations for their effective implementations;
- To visit jails and study the condition of inmates;
- Undertake and promote research in the field of human rights;
- Engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication, the media, seminars and other available means;
- Encourage the efforts of NGOs and institutions that works in the field of human rights voluntarily;
- Considering the necessity for the protection of human rights; and
- Requisitioning and public record or copy thereof from any court or office.

Assam Human Rights Commission:

The Assam State government constituted an autonomous body named Assam Human Rights Commission to exercise the powers conferred upon, and to perform functions assigned to it by the Protection of Human Rights Act, 1993.

Assam Human Rights Commission (AHRC) was the third state constituted body to be incorporated under the Chapter V of Protection of Human Rights Act, 1993 after West Bengal and Madhya Pradesh State Human Rights Commission. The Assam Human Rights

Commission was formed on 19th March, 1996 to address the public grievances relating to Human Rights violation within the state.

Composition: The State Commission consists of a Chairman who has been a Chief Justice of a High Court or a person who has been a Judge of a High Court, one member who is, or has been, a Judge of High Court or District Judge in a State with a minimum of 7 years of experience as a District Judge and a member to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to Human Rights. The tenure of the Commission is 3 years or 70 years of age, whichever is earlier. There shall be a Secretary who shall be the Chief Executive Officer of State Commission and shall exercise such powers and functions which has been delegated to him.

Current Composition of the Commission:

S No.	Designation	Name
1.	Chairperson	Mr. Justice T. Vaiphei
2.	Member (Judicial)	Vacant
3.	Member (Non-Judicial)	Shri D.K. Saikia
4.	Secretary	Shri K.K. Baishya, ACS
5.	Superintendent of Police	Shri A.K. Sharma, APS
6.	Deputy Secretary	Vacant
7.	Under Secretary cum Deputy Registrar	Shri Phanidhar Deka

Procedure to be followed by the Commission:

- All complaints in whatever form received by the commission shall be registered and assigned a number and placed before a Single Member Bench;
- The Commission have the power to dismiss a complaint in lime line, and if so then the said order shall be communicated to the complainant in Form No I and the case shall be treated as closed;
- The Single Member Bench may refer the case to a two Member Bench if he/she is of the opinion;
- And on such reference, the case shall be assigned to a Bench of two or more members, as may be constituted by the Chairperson;
- No fee shall be chargeable on complaints;
- The Commission must accept complaints in any language officially recognized in Assam;
- Upon admission of a complaint, the Chairperson or Commission shall direct whether the matter would be set down for inquiry by it or should be investigated into and a notice in Form II shall be issued, enclosing a copy to the complainant thereto;
- On every decision taken by the Chairperson or Commission, the Secretariat shall call for reports or comments from the concerned Government or authority giving the latter a reasonable time therefore;

- On receipt of the comments of the concerned authority, a detailed note on the merits of the case shall be prepared for consideration of the Commission and directions or recommendations shall be communicated to the concerned authority or government and the petitioner as provided by Section 18 of the Act; and
- The Commission may in its discretion, afford a personal hearing to the petitioner and the Commission for appropriate disposal of case may call for records and examine or cross-examine witnesses in connection to it.

Annual and Special Reports of the Commission:

- The Commission shall furnish its annual report for the periods from 1 January to 31 December to the State Government vide Section 28(1) of the Act. The Original report shall be signed by the Chairperson and Members of the Commission and shall be sent to the State Government by the end of February of every year;
- The Commission may furnish such Special reports on specific matters as may be considered necessary in terms of Sections 28(1) of the Act; and
- The Secretariat of the Commission is being responsible for the printing of the Annual Report and Special Reports with utmost expedition.

Case study for the period of January 2021- December 2021

SI No.	District	Suo-Moto Case registered	Custodial Death (CD) case registered	Referred by NHRC	Registered thorough Complaint	Case disposed
1	Assam	1		2	4	
2	Baksa				1	
3	Barpeta		2		4	
4	Bijni					
5	Biswanath					
6	Bongaigaon				3	
7	Cachar		3	4	20	
8	Charaideo					
9	Chirang					
10	Darrang		1		5	
11	Dhemaji				3	
12	Dhubri	1	2		7	
13	Dibrugarh	1	4		4	
14	Dima Hasao					
15	Goalpara				2	
16	Golaghat		1		2	
17	Hailakandi				4	
18	Hojai				14	
19	Jorhat	1			7	
20	Kamrup				1	
21	Kamrup(m)	1	1		47	
22	Karbi Anglong		2	11	11	
23	Karimganj		1		2	
24	Kokrajhar		2	2	3	
25	Lakhimpur				1	
26	Majuli					
27	Morigaon				1	
28	Nagaon		2	2	17	
29	Nalbari	1	1		7	
30	Sivasagar				4	
31	Sontipur		1		8	
32	South Salamara Mankachar					
33	Tinsukia		3	6	11	
34	Udalgiri			1	1	
Total		6	26	28	194	

SI No.	State/Other	Suo-Moto Case registered	Custodial Death (CD) case registered	Referred by NHRC	Registered thorough Complaint	Case disposed
1	Assam	1		2	4	
2	Tripura			1	1	
Total		1		3	5	

Note: The difference in number in the registered cases and disposed cases in the calendar year are because some cases are registered in the previous calendar years and got disposed of in this calendar year or subsequent calendar years.

Case Analysis:

Case No. 1

AHRC Case No: 2049 of 2020-21

District- Dibrugarh

Applicant's Name: Dr. Pranab Nath

Case Registered via: Email to AHRC

Registration Date: 10th July 2020

Subject: Deprived of Extra Ordinary Leave (EOL) stipends.

Facts and Procedure of the Case:

Dr. Pranab Nath is a practicing Doctor in Dibrugarh. The applicant wanted to pursue for further studies in medical, thus, he applied for Extra-ordinary leave which is clubbed with stipends which shall be payable by the State Government. The applicant made enquiries at Assam Secretariat, Health A Deptt & Finance Asstt(A) vide file no. 438/2018. He applied for EOL for 3 years w.e.f. 25/7/19 to 24/7/2022. The applicant was burdened with the study loan and other livelihood expenses thus him being deprived of the stipends was resulting him to mental harassment and violation of human rights.

The AHRC recognized the applicant's case and issued Form II to Assam Health and F.W. Dept. On reply to the notice the Health and F.W. (A) Dept replied to AHRC stating that the applicant is not eligible to Study leave because by law the applicant must have completed 5 years of service. On receiving the reply the Commission forwarded the copy to the applicant in expecting his reply, to which the applicant replied that he never had applied for the study leave rather he applied for extra-ordinary leave which can be applied even before completion of 5 years. The applicant had by this time had completed 4 years and 11 months service to the Government. Thus, the Commission decided to place this matter in front of a Full Judge Bench.

Judgement: Dated 29/10/2021 Full Bench passed order to Commissioner and Secretary of Department of Health & F.W. to pay stipend retrospectively. Failing to comply with the order the Commission on 3/2/21 passed another order "under section 18(e) read with section 29 of the Protection of Human Rights Act, 1993 and Regulation 21 of Assam Human Rights Commission (procedure) Regulation, 2001- Government must forward its comments on report, including Action Taken or proposed to be taken to the commission, and that the

commission is thereafter to publish its inquiry report together with the comments of the concerned Government". The concerned authority replied on 4/3/21 stating its ATR and a plea to drop the case. Thus, the case was dismissed.

Case No. 2

AHRC Case No: 114/14/11-12

District- Nagaon

Applicant's Name: Jayanta Majumder

Non- Applicant's Name: Mantosh Paul

Case Registered via: Written Application to AHRC

Registration Date: 27th April 2011

Subject: Human Rights violation by ecological disaster and polluted atmosphere

Facts and Procedure of the Case:

The applicant is a resident of Lumding, district- nagaon and the non- applicant is the Mantosh Paul the applicant's cousin. Mantosh Paul was operating a Service Centre near the applicant's house and the applicant was complaining against the heavy sound machines and the polluted atmosphere which was caused due to the operations of the non- applicant's service centre. The applicant also putted an allegation that Mantosh Paul had never taken NOC from the Pollution Control Board or Authority.

Though the allegation was against an individual but still the Commission registered the complaint on the basis of the applicant's application. The Commission issued a notice to the Deputy Commissioner (Nagaon) to make an enquiry and the following was done by the Revenue Circle (Lanka) which conducted an inquiry and submitted its report on 8/7/2011 stating that the service centre was operating in residential area and was registered by name of Mantosh paul's wife Smt. Kanak Paul. They didn't even renew their trade license and no Pollution Certificate was ever issued to them. Though the ring well was not checked. Further it stated that the service centre was creating health hazards and mental agonies in the locality and recommended the authority of Municipal Board to take remedial measures and a notice was issued to Deputy Commissioner (Nagaon) on 7/5/2011. The following was conveyed by the Deputy Commissioner (Nagaon) to the Commission on 19/11/2011 and the report was sent to the applicant seeking his comment. On comment the applicants replied that these activities were affecting and curtailing their right to life and live and the applicant prayed to the Commission that it must appoint a Government Scientific Expert.

Judgement: The Division Bench on delivering its judgment on 11/6/12 recommended that the appropriated and concerned authority to take remedial measures and a notice was

issued to Municipal Board Lumding and Jayanta Majumder on 25/6/12 with the copy of the judgment. But as no such actions were taken by the Municipal Board the Commission directed the Lumding Municipal Board to submit ATR in writing within 3 weeks and subsequently the case was closed.

Case No. 3

AHRC Case No: 5919/06/69

District- Kamrup

Applicant's Name: Manoj Kr. Roy

Non- Applicant's Name: Ranjit Das (S.I Birubari P.S)

Case Registered via: Written Application

Registration Date: 28/7/2006

Subject: Misuse of power by a Police Officer

Facts and Procedure of the Case:

The Applicant named Manoj Kr. Ray is a resident of Birubari and this whole case is about a loan which has been taken by the applicant from Bablu Das. On Bablu Das' intimation Mr. Pathak a constable was sent to the applicant's house on 16/7/2006 in the evening. As the applicant was not at home at the time he went to the police station by himself at around 9 pm the same day but as Mr. Bablu Das was not present there he was again asked to come to the police station on 18/7/2006 at 10am. Later that day the applicant was threatened by Bablu Das stating that he use his contacts to extort the money from the applicant. On 19/7/2006 the applicant was called to the Police station where he found Mr. Bablu Das already sitting there. Sub-Inspector Ranjit Das forced the applicant to return the loan amount which was Rs.20000/- by 2/7/2006 and slapped him in the face at the same time he forced the applicant to sign in a blank paper.

The Assam human Rights Commission to cognizance of the case and fixed a hearing on 29/7/2006 and immediately called for reports from the Superintendent of Police, Guwahati and a copy was forwarded to Human Rights Cell, Assam police. The Superintendent of Police immediately inquired into the matter and found that S.I Ranjit Das did slapped the applicant and all other claims from the applicant was found to be true and the report was sent back to the Commission on 29/11/2006. No comment was made by the applicant. A petition was submitted by Ranjit Das to extend the time to produce the show cause notice.

Judgement: The Commission on a sitting on 27/4/2010 held that Ranjit Das misused his authority as a public servant and his actions were not lawfully justified and recommended the Superintendent of Police, Guwahati to examine into the matter. Waiting for the Action-

taken report the Commission on 31/10/2011 issued order to summon to Superintendent of Guwahati and summons to appear/witness under Section 13 of the Act and subject to consequences of non-attendance as laid down in order XVI of CPC 1908. On 6/5/2011 Office of the Superintendent of Police issued a notice to Assistant Inspector General of Police (AIGP) to transfer S.I Rnajit Das with immediate effect and asked the Commission to close the case. Subsequently the case is closed and a notice was issued to applicant Manoj Kr. Roy.

Case No. 4

AHRC Case No: 1725/9/16-17

District- Kamrup

Applicant's Name: Md. Mazid Ali

Non- Applicant's Name: Dibakar Handique (Constable)

Case Registered via: Written Application

Registration Date: July 2016

Subject: Violation of Human Rights by police excesses.

Facts and Procedure of the Case:

Md. Ajijul Ali @Raja s/o, complainant Md. Mazid Ali on 30/4/2016 went out for collecting cable T.V bills money. And an incident took place between bus driver (AS-13-C-4038) and a Tata Magic driver on NH15. And suddenly a large number of people gathered and became unruly, thus, the nearest police vehicle stopped and tried to handle the situation but the crowd was too much for them and the mob started to attack the police vehicle and government property. Thus, Constable Dibakar Handique shot with his rifle and the complainant's son was shot on the leg. An FIR was filed against Md. Ajijul Ali on the same day u/s 147,148,149,341,353,333,307 IPC r/w u/s 3 of PDPP Act.

The Case was recognized by the Commission and a notice was sent to the competent authority and the enquiry report was sent back to the Commission on 28/7/2016 stating that Constable Dibakar Handique acted on self defence and within the competent authority given to him. The Complainant on comment dated 23/9/2016 stated that the enquiry report of the authority was vague as Constable Dibakar was not examined as the platoon already transferred, the complainant and victim could not be examined as not found available in their home which is contradicting the statement of Investigating Officer and no injury report was given by Dibakar or police. Following the Comment a Full Bench was constituted on 10/8/2018 and Superintendent of Police (Kamrup) was recommended apprising the commission about the progress of the investigation within one month. Following which a report on 12/9/2018 was submitted by Superintended of Police kamrup examining Dibakar

Handique and a notice was issue to the complainant on 3/10/2018. On comment Ajjul Ali prayed to the Commission to award him Rs.70000/-. The Commission on 28/11/2018 examined and recorded oral evidence by the complainant/victim and the cross-examination was done on 21/1/2019 where O/C of Baihata Chariali filed the extract certified copies of the incident and GD entries and video footage.

In Re Md. Mazid Ali- 1725/9/16-17, on 05/02/2019 scrutiny of witness was made, witness 1(complainant) was not present and witness 2(victim) didn't knew who fired him and mentioned another police personal was injured. Defence witness 1 Ratan Das (O/C Bhaihata Chariali) and Defence Witness 2 Dibakar Handique was examined who mentioned he was acting on self defence and had fired 2 blank fires.

Judgement: The Commission held that the Police exceeded the power of Right to self-defence and recommended the appropriate government to pay the victim Rs.30000/-. The complainant submitted another petition to the Commission praying to increase the ex-gratia payment to 5 lakhs which the Commission dropped. And on 16/7/2021 the Commission passed another order for non-payment of compensation stating that the recommended authority to apprise this Commission of the latest position on or before 02/08/2021 so as to enable us to make further actions in accordance with Section 18 (e) & (b) of the Protection of Human Rights Act, 1993 and a notice was issue to DGP Assam for status report. On 4/10/2021 the Commission asked Principal Secretary to Government Dispur whether they would accept our recommendation or not. On 8/11/2021 AIGP (W&S) sent the status report to the Commission and prayed to close this case.

Case No. 5

AHRC Case No: 640/24/12-13

District- Kamrup(M)

Suo-Moto

Registration Date: 19/02/2013

Subject: Food poisoning of children and adults by consuming Swaraswati Puja prasad

Facts and Procedure of the Case:

News appearing in local daily newspaper including the "Asomiya Pratidin" dated 17th February, 2013 and the "Ajir Dainik Batori" belonging to a number of schools including L.P school, M.E. school and High School situated at Durang, north Dimoria, under Khetri Police Station in Kamrup(M) district had been seriously affected due to food poisoning after taking 'Prasad/Khichidi'. Adults and children affected for taking Prasad, suffered from stomach pain, body ache, loose motion and vomiting. 108 ambulance was taken to thirty bedded hospital, Sonapur PHC, MMCH and GMCH, Guwahati.

The Commission took cognizance of the situation in a suo-moto case and directed the Deputy Commissioner to investigate the matter by an officer not below ADC, kamrup, metro.

A notice under form II on 22/02/2013 was sent to the Director of Health Service and thereby to the Food Safety Officer. Sr. Food Safety Officer/ Food Safety Officer, Kamrup(M) replied to The Director of Health Service stating they have collected food samples. The Circle Officer, Sonapur Circle dated 4/3/2013 mentioned that total number of cases at Khetri CHC was 461 and 70 people were having mild fever and abdominal pain. An FIR was also lodged at Khetri police station under section 336/273 by Sri Lalit Ch Das (Asstt Teacher of M.E. School) against Shop owner Gobinda Sarkar. On investigation Sub-Inspectort and Officer-in-Charge of Khetri Police station found that the sample of gram was collected by the Food and Safety Department and the other schools which bought the same gram were not affected. Officer of the Joint Director of Health Services sent the report of food samples to Commissioner and Security to the Government of Assam on 13/3/2013 and subsequently the following was sent to the DM: Kamrup(M). DM: Kamrup(M) on 12/3/2013 asked Bijoya Choudhury, ACS to cause an inquiry into the incident and to appear before him on 20/3/2013 at Dimoria Development Block for the purpose of recording statement and thereby to the reports were sent to Assam State Human Rights Commission.

Judgment: 971 children and adult suffered from food poisoning on 15/2/2013 and the food sample was found tested, positive of organo Chloride pesticide and unsafe for human consumption. Water from ring well analysis by Micro-Biology department of GMCH indicated MPN above 10 and reported unsatisfactory. ADC examined 18 persons including students, doctors, teachers, guardians, trader, O/C Khetri PS and Food Safety Officers. Since Khetri PS case no. 27/2013 u/s 336/237 IPC has been registered and pending investigation is going on, this Commission won't pursue any further. This Commission recommends Government of Assam through its Chief Secretary that necessary measures be directed to be taken by the concerned authority about drinking water, water tank and other resources to make it fit and satisfactory for human consumption.

Case No. 6

AHRC Case No: 4133 of 21-22

District- Kamrup(M)

Applicant's Name: Bhabapriya Bania

Case Registered via: HRCNet

Registration Date: 22/6/21

Subject: Discrimination of SC/ST/OBC

Facts and Procedure of the Case:

Victim Mr. Ratneswar Bania, resident of Lakhimi Nagar, aged 56 years belongs from poorest SC family, presently Sr. Agricultural Development Officer under department of Agriculture, Jorhat. A disciplinary proceeding initiated and concluded in favour of the applicant's husband. 38 juniors were promoted to Assistant Director or equivalent post but not the client's husband. The applicant's husband was supposed to be promoted before them. Victim has a chronic kidney patient; he hasn't received payslip, promotion, service benefits, w.e.f. from 01/02/2015.

Judgment: The Commission held that the matter is purely relating to service matter which is barred for this commission to take cognizance as per regulation 7(2) (x) of AHRC (Procedure) Regulation, 2001 we do not like to go for further enquiry in this matter and accordingly matter stands closed.

Case No. 7

AHRC Case No: 1031 of 21-22

District- Cachar

Applicant's Name: Samsul Laskar and 23 others.

Case Registered via: Written Application

Registration Date: 17/6/2021

Subject: Complaint against GP Silchar alleged corruption

Facts and Procedure of the Case:

Applicants' complaint against flowing schemes under MGNREGA at Neairgram, Bagpur G.P under Silchar development block in the District of Cachar for 2018-19 and 2019-20. It was being alleged that corruption was committed in between the financial year 2018-2019 and 2019-2020, Rs 112.4 Lakhs and 233.58 lakhs respectively. The G.P was drawing payments by false fabricated M.R, M.B sheets, utilization cash memo, etc. Corrupt activities headed by Mahumud Hussain Laskar as nominee of G.P President, G.P Secretary of said GP only showing the name of the schemes on paper but not on feild. Not a single job card holder engaged against the said schemes, which had been executed under MGNREGA other schemes like PMAY-G, 14th Finance, etc. The applicants' prayed to put an enquiry committee.

Judgment: As complaint submitted to IGP Rupnagar, ghy-5, DIG Police, vigilance and Anti-Corruption, it the Commission thinks it is appropriate not to take cognizance of this case since parallel proceedings cannot be entertained as per procedure established by Law.

Case No. 8

AHRC Case No: 4204 of 2021-22(14)/ (13) and 4180 of 2021-22(14)

District- Nagaon

Applicant's Name: Ms Bimala Begum

Non- Applicant's Name: Alok Kr Gupta (Officer-in-Charge, PS- Khatowal)

Registration Date: 08/08/2021

Subject: Violation of Human Rights by Police Excesses

Facts and Procedure of the Case:

On 08/08/2021 Ms BIMALA BEGUM, W/O-LATE KHAIRUL ISLAM, Add: Geruamukh, PS- Khatowal, Dist- Nagaon, ASSAM, filed a complaint to the Assam Human Rights Commission that police shootout her husband from zero distance without any reason at his residence. On 08/08/2021 Md Sahidullah, S/O- Sahabuddin, Add: Geruamukh, PS- Khatowal, Dist- Nagaon, filed a FIR against the O/C Alok Kr Gupta, PS- Khatowal, that on 27/07/21 police was came to their home regarding enquiry of theft of goat in one of our neighbor's home and was threatened to his brothers. On 07/08/21 around 11.30pm O/C along with other 4/5 police personnel, entered into their house and O/C started shooting his brother khairul Islam at his lower abdomen and threatened other to kill if shouting. The case was registered; case no- 57/2021 u/s 448/506/302/34 IPC.

On 08/08/21 Sub inspector of Police , PS- Khatowal, Alok Kr Gupta(57 years) filed a FIR against Md Khairul Islam, Bulbul Hussain and 2/3 others that information received that these persons brought a consignment of drugs and were packeting it in their house for further distribution. He mentioned that he enters into their house with other staff around 1.25 am and all of the found inside the house alongside Khairul. Khairul and his accompanies attacked him and his staff with khukuri(sword) and he fired with his service pistol. After injury khairul was admitted to medical and after reach BPCH Nagaon, he has come to know that khairul was declared dead by the doctor. The case was registered vide Khatowal PS Case no- 56/2021; u/s 353/307/326/34 IPC. Whereas, the complaint received from Bimala Begum was placed before the Assam Human Rights Commission. AHRC under case no- 4204 of 2021-22(14)/(13) gave a notice to the SI of Police, Nagaon. A copy of the order of the commission passed on 21/09/21 that a detailed report required to be submitted.

A detail report in connection with AHRC under case no- 4204 of 2021-22(14)/(13) submitted by the Superintendent of Police information received by the officer in charge that these persons brought a consignment of drugs and were packeting it in their house for further distribution and also mentioned that police enters into their house around 1.25 am and all of the found inside the house alongside Khairul. Khairul and his accompanies

attacked them with khukuri(sword), after that police fired with his service pistol. After injury khairul was admitted to medical and after reach BPOCH Nagaon, finally come to know that khairul was declared dead by the doctor. Superintendent of Police, after submission of report as per revised guideline/procedure of NHRC in connection with death in Police action at Geruamukh, the case was registered in Assam Human Rights Commission, AHRC Case no-4180 of 2021-22(14). The commission give a notice under Form-11 and to submit the requisite information/report on or before 5/10/2021. After the submission reports and comments of both side, and the report of District Magistrate, the Commission has carefully perused all the statements of the Police personnel as well as public, comes to a logical conclusion that the time of operation at midnight i.e; 12.30 to 1.25 am assumed to be covered with darkness which perhaps was not suitable for such type of operation with a limited number of police.

Judgement: Such type of operation should not be undertaken at midnight in future;

- Police operation should be made in an organized way;
- Operation should not be conducted with a limited number of police personnel because unfortunate like laying down of life of one man could have been avoided if the operation was done in a planned and organized way.

In the view of the above and after pursuing all the materials available on records, the commission find it appropriate to recommend to the Principal Secretary , Home and Political Dept ,Govt. of Assam to make payment of compensation of Rs 300000/- to the victim's family, namely Smti. Bimala Begum, Wife of deceased Khairul Islam for making the unorganized operation in a most haphazard way within a period of 6 months from the date of receipt of this recommendation.

Case No. 9

AHRC Case No: 2969 of 20-21(14)

District- Nagaon

Applicant's Name: Sri Jagannath Mahanta

Subject: Deprived of Pension Benefits

Facts and Procedure of the Case:

Sri Jagannath Mahanta, Add- Alenjistrat Hensua, Nagaon, Assam filed a complaint to the AHRC regarding his pension benefit. Jagannath Mahanta was initially appointed on 06/03/1984 as work charged section assistant under the PWD in the pay scale of Rs 470-12-530-EB-12-590-EB-15-680-20-800/- pm. With other allowences as admissible under the rules as sentioned by the Govt. from time to time and his services was brought under the regular establishment with effect from 22/07/2005 in the pay scale of Rs 3010-60-3490-90-3850-ed-

90-4480-120-5200-175-6075/- pm. On 31/07/2019 he was retired from PWD Morigaon State Road Division. He mentioned that he was a regular employee of this dept but his name was recorded as worked charged. He already sent 2/3 time application to the Finance Dept regarding the date of employment but correction had not been done. After his retirement he doesn't receive pension benefit which is his right and deprived from getting the pension amount.

AHRC send a notice (Form No- 11) regulation 10(b) to the commissioner and Special Secretary of The Govt. Of Assam PWD(Roads) Dept;Guwahati to submit the requisite information. By an order, under Secretary to the Govt. Of Assam PWD Roads (Audit Branch) Dept. send a letter No- CEE/142/2019/2 dated 24/02/2020 regarding the returning of pension papers in respect of Sri Jagannath Mahanta ,Retd . With reference to this subject Finance Dept. vide O.M.No. FEC(11)49/2010/118 dated 16/16/2012 have already imposed ban for regularization of services of worked charged and master rule workers. Therefore, Mahanta could not considered at this stage and entitlement of DCRG and Pensionary benefits accordingly he may however be entitled for services as per rules in force. PWD(Audit Branch) give a direction to the executive Engineer PWD, Morigaon State Road Division to revocation of cancellation of regularization of services of Sri Jagannath Mahanta Work Charged, Sub Engineer (Grade ii) and also informed that he joined as sub Engineer on 16/03/2004. PWD has moved Finance Dept with the proposal for revocation of the said cancellation in respect of 3 worked charged and one master rule workers. On scrutinization of documents Dept. has decided to restore regularization. On 19/09/2020, Secretary of the Govt. Of Assam PWD, Dispur give order to the Assam Human Rights Commission regarding the regularization and pensionary benefits in respect of Sri Jagannath Mahanta, Retd. Worked charged SEG-II. Finance Dept. vide OM No FEC(II) 49/2010/118 dated 16/08/2012 imposed ban for regularization..... moreover the Gauhati High Court vide Order dated 08/06/17 passed in writ appeal no 45/2014 also convey the view that master rule workers/ work charged workers/ casual workers not entitled for regularization of service with consequential benefit such as pension etc. In this PWD Dept Order also mention that he was retired worked charged SEG(II) on 31/07/2019. He is not entitled to pensioner benefits, only entitled to gratuity as per rules.

Judgement: After receiving the orders, comments, additional comments, the Commission heard that Mahanta was initially appointed on 06/03/84 as worked charged under PWD. His service was brought under the regular establishment with effect from 22/07/05, he retired on 31/07/2019. Further, perusal of service book, which is an integral part of service jurisprudence. In his service book he was selected as section assistant training course (35th batch). It also noticed that on 31/12/2003 those who come out successful in the training course were not freshly appointed but upgraded to the newly designated post of Sub Engineer II. In view of the above facts and stated above the complaint made by Mahanta is disposed of with a recommendation to The Commissioner and Secretary of The Govt. of Assam PWD; Finance Dept. and also to The Commissioner and

Secretary of The Govt. Of Assam, PWD Division to take necessary steps for rectification/ correction of the date of engagement of complainant and process his case for grant of pension.

Case No. 10

AHRC Case No: 2083/07/17-18

District- Jorhat

Applicant's Name: Monmita Buragohain

Registration Date: 25/05/2017

Subject: Arbitrary arrest and false accusations

Facts and Procedure of the Case:

On 25/05/2017; Sangita Buragohain Lekharu, wife of Bulbul Lekharu who is 92 batch Assam State Civil Servant and presently posted as Joint Secretary, Dept. of Revenue and Disaster Management, Assam lodged a complaint to the NHRC, New Delhi; request for justice and fair inquiry for his husband. She mentioned in his complaint that the incident of arrest of her husband at Jorhat Police Station on the evening 14th may 2017 at the behest of three people named; Advocate Rintu Goswami, Advocate Gautam Bora, a tea tribal leader Sanjay Krishna Tati of Jorhat District without any prior permission/ intimidation of Dept. of Revenue and Disaster Management, Govt of Assam as well as without a prior notice or warrant. Police has arbitrarily arrested him on that day when he came to give his statement as per the direction of Gauhati High Court in relation to another case no 875/2017 in which he was granted interim anticipatory bail by Gauhati High Court. Except case no 875/2017 all other cases have been filed against her husband since 2015 ay Adv Rintu Goswami when her husband posted an Additional Deputy Commissioner of Jorhat District. These cases already investigated by state Govt. Vigilance Committee. The DC submitted a detail report of enquiry. She would like to inform NHRC that this small group of people has been constantly trying to destroy reputation and dignity of her husband. The investigating officer named Tuniram Neog at Jorhat Nagar Thana has been misbehaving him and her. Moreover, my husband has health issue likes piles, high blood pressure and severe back pain. On 17/05/2017, police has not taken him for medical check up by showing that no vehicle available for bringing him to hospital, next day husband was admitted at the civil hospital after our constant request. Rintu Goswani with some media person and medical staff of civil hospital of Jorhat has published in the media that he has no health issue except high blood pressure. Monmita Buragohain, sister of Sangita filed an application to the NHRC through email, on the ground of Violation of Human Rights. Assistant Registrar(Law), case no 127/3/7/2017 transferred to the Assam Human Rights Commission u/s 13(6) of 1993 Act.

AHRC under AHRC case no 2083/9/17-18/6 sent a notice to the DC Jorhat to submit the report. After receiving the notice, the office of the District Magistrate, Jorhat issue notice regarding the complaint lodged by Monmita Buragohain. Gautam Bora and Rintu Goswami gave reply to the notice and said that there is no authority to issue the said notice to them and not binding on their to appear before the authority (DM). They call upon to furnish the order of AHRC and also furnish the provisions of law and basis of identifying. Gautam and Rintu give an application to the AHRC for intimation and request for necessary actions. They want to intimate that neither ASDM, Jorhat is a state commission or a member os state commission under The Protection of Human Rights Act 1993, nor ADM, Jorhat has been authorized the state commission to examined witnesses or documents under section 13(1)(c) of the protection of HR Act 1993 or as per order XXVI of CPC. It is rather our human rights which have been violated through such illegal acts on the part of DC and ADM. Earlier 26/04/17, Sanjay Krishna Tanti educated youth of the Tea Community filed an FIR against the Babul Lekharu, ADC Jorhat, Ujjal Jyoti Borah and Branch Manager Borpool Branch SBI regarding a company to grab the amount of 40 lakh. Earlier 20/11/2016, FIR was filed by Rintu, Goswami, Jayanta Barkakati, Mahendra Prasad, Prabal Dutta. On 02/09/2015, FIR filed by Rintu and Gautam that according to RTI Act 2005 vide letter JMV,No-1015; 8/6/15 that Bulbul Lekharu, ADC during his tenure as executive officer of Jorhat Municipal Board has illegally violating the provisions of Assam Financial Rules, withdrawal a large amount. On 20/11/2017, Jorhat Police Station send the application and informed that the original case of Bulbul Lekharu has already transferred to the CID Branch Assam and FIR related to particular person was attached here with and sent to your office. After that DM,Jorhat issue notice that during 16 to 23 statements/evidence/documents shall be examined. After receiving the reports from DC, Jorhat; the AHRC send notice on 05/05/2018 to the Monmita Buragohain to submit the comments on the reports of District Magistrate, Jorhat. In her report she said that she has objection to the written statement given by SI police Shankar Bania and Tuniram Neog as they give false statement.After that snd notice to the Shankar Bania and Tuniram Neog to respond and respectively give reply. After the various witness and inquiry by the departmental/ police, the commission finally come to the conclusion.

JUDGEMENT: The enquiry was conducted by Shri FR Laskar, Adl DM,Jorhat by examining some witnesses including the complainant and her husband. After the conclusion of enquiry, it is found that there were several public complaints including Sri Rintu , Gautam etc and before the completion of the investigation of Mr Bulbul Lekharu was arrested. The police did not produce any departmental case against him and mala fide intention of the police. It may be beneficial to refer to the provisions of section 41,41-A,41-B of the CrPC as amended in 2009. Before arrest first the police officer should have reason to believe on the basis of information and material that the accused has committed the offence. In the absence of any comment or worthwhile comment from the charged officer as already noticed, commission is of the firm view that there are prima facie case against the both the charged officer in respect of the following-

- On the night of his arrest on 14/05/2017, the husband of the complainant was not even given food, not allowed to lie or take rest at the police station;
- Not follow the 41-B of Crpc;
- He was forcibly dragged out of the hospital by Shankar Bania when his medical examination as prescribed by one Dr Nath not even completed;
- In Police custody not even providing the bathing facility.

In the opinion of AHRC, a prima facie case of violation of human rights of the husband, therefore made out against the two officers. This calls for departmental enquiry against both for their punishment in accordance with service law. The husband of the complainant has been implicated in several cases of misappropriation of huge public money, which if proved; could attract maximum punishment available under law including dismissal of services. However, the fact that such serious allegation are made against him cannot constitute any defence for violation of human rights guaranteed under Article 21 of the constitution. Using any form of torture for extracting any kind of information would not be right, just or fair and therefore against Article 21. No doubt such crime suspect must be interrogated and indeed subjected to sustained and scientific interrogation is permissible under the law. Use of torture, harassment or brute force has no place in a country governed by the rule of law. Person in custody has to be treated with dignity.

Commission therefore, recommend immediate initiation of a departmental enquiry against SI Shankar Bania and Tunuram Neog both for their violation of human rights of Bulbul Lekharu so as to deter others from violating human rights of any person in future.

Case No. 11

AHRC Case No: 2315/9/18-19

District- Kamrup

Applicant's Name: Smti Anjana Talukdar & Smti Bina Baishya

Registration Date: 3/05/2018

Subject: Abuse of authority and power by Police

Facts and Procedure of the Case:

On 3/05/2018 a complaint was lodged by Smt Anjana Talukdar, w/o Pranjit Talukdar, a resident of college under Khetri Police Station, Kamrup District stating that on 30th May 2018 at about 9.30pm, when her husband and his business partner, Jit Baishya were returning home, one auto rickshaw coming from the opposite direction and hit the Maruti car owned and driven by his business partner and caused partial damage on the right side. The driver of the auto rickshaw however ran away from the scene of occurrence with the auto rickshaw. The accident took place in front of the police station and as almost 60% of

NH 37 occupied by stranded trucks loaded with coal, sand, chips as well as seized vehicles and vehicles damaged out of road accident thereby leaving no space for two vehicles for crossing on that highway. When they went police station to lodge FIR for the accident and complaint about the inconveniences faced by them due to massive road congestion and entered the PS with car, the sentry duty constable objected to the parking of their car inside the police compound and after immediately snatched away the key of the car from Jit Baishya and talked to the OC over mobile phone. The OC started beating them lathi, handcuffed them, threatening them and demanded Rs. 50000/- from each from their respective family. On 31/05/2018, the mother of her husband filed FIR against the police but the OC refused to register the case and asked her to withdraw the complaint and said that he would bring them out of jail in 2 days but she refused to do so. They were released on bail after 7 days. Aggrieved by the highhandedness of the police, the complainant is filling this complaint to the AHRC.

The commission took cognizance of the complaint and issued notice to the District Magistrate (Kamrup Metro) to conduct an enquiry into the allegations of the complaint and submit a report to the effect within 1 month. The DM entrusted the Circle officer, Sonapur Revenue Circle / Executive Magistrate to conduct the enquiry. The report was submitted and the enquiry officer examined as many as 20 witnesses including the complainant and victims, also considered some documents including copies of the general diary entries of khetri police station. The legal position is clear that u/s 154 of Crpc, if any information disclosing a cognizable offence is laid before an officer in charge of a PS satisfying the requirements of section 154(1); the said police officer had no option to except to enter the substance thereof in the prescribed form, that is to register a case on the basis of such information. It is another matter that the complainants did not take recourse to the provisions of section 154(3) CrPC. But cannot detract the case issue i.e; the charged officer cannot be a judge of his own cause. This appears to another instance of abuse of power by him. There is thus a prima facie case of assaulting the arrestees, attempting to commit extortion and of abuse of power by the charged officer, which resulted in violation of human rights of the arrestee. If the allegations made against the charged officer are found to be true, his retention in service or his continuance in key/sensitive post will prove to be a disaster in the ongoing public relation exercise undertaken by the police department.

Judgement: The commission therefore recommended that drawing up of a departmental enquiry against the charged officer of misconduct as future deterrence. Anything less than launching a departmental enquiry against him will send a wrong signal to other police officer. On 4/11/19, an application filed by the charged officer(Pradip Kr Nath) for dropping the proceedings initiated by the AHRC case no- 2315/9/18-19 on the ground that the case against him had been enquired into and disposed of by the State Police Accountability Commission. In view of the above, the AHRC were barred by the 1st provision of section 21(5) of Protection of Human Rights Act, 1993. The commission would not have conducted a parallel inquiry over the same issue.

Case No. 12**AHRC Case No:** 2083/07/17-18**District-** Nagaon**Applicant's Name:** Sumitra Das**Registration Date:** 28/06/21**Subject:** Mental and physical harassment by Daughter-in-law**Facts and Procedure of the Case:**

On 28/06/21; Sumitra Das w/o late Ananta Kr Das, Kachlokhowa, Nagaon, PIN-782001 filed a complaint regarding mental and physical harassment of property by her daughter in law Ms Shipra Dutta Das. The complainant resides in her late husband's house at kachlokhowa, Nagaon and looked by her two sons namely Mr Prashanta Kr Das & Mr Tapan Kr Das along with their wives and children. But Ms Shipra Dutta wife of her 3rd son Mr Swapon Kr Das, who is a Govt servant and presently posted in Guwahati visited their house on 13th April 2021 with her husband and children. Ms Shipra Dutta Das wanted the property division issue since long but somehow the 3 brothers always stood together and agreed to solve it amicably at some opportune time in future with her consent. Sumitra Das also mention that she was 78 years widow and she is very weak, can't even move out alone. But Shipra Dutta Das is bent upon forcing her to divide the property and handover her share or else she would create trouble for all. Swapon Das tried to take her back to Guwahati to avoid but she went out the next day and filed FIR against Sumitra Das and other sons at Marikang PS, Nagaon. Sumitra Das mentioned that her husband has wished her to stay at this house until her last breath and with a promise not to divide his ancestral property to any one before that. The way Shipra had gone violent and aggressive with using foul language against her, she afraid of her life and a possible physical assault, anytime in future, as she has threatened.

On 13/07/2021, AHRC in their order said that the cautiously perused the petition, dated 28/06/21, submitted by Sumitra Kachlokhowa in Nagaon. The complaint is regarding mental and physical harassment meted out to the complainant for property by her daughter in law.

Judgment: This complaint is not against any public servant and moreover it relates to the family matters/ disputes and hence, the complaint is not entertain able under regulation 7(2)(v) and (VII) of the Assam Human Rights Commission (Procedure) Regulation, 2001. As such the complaint is dismissed and the case is closed.

Case No. 13**AHRC Case No:** 4121 of 21-22(14)

District- Nagaon

Applicant's Name: Tasaddaque Hussain

Registration Date: 21st June 2021

Subject: Sexual harassment of minor girl

Facts and Procedure of the Case:

On 21st June 2021, Tasaddaque Hussain, vill-Kalami Jalah, PO- Juria, District- Nagaon filed a complaint to the AHRC. In her complaint she is very much concerned for a distressed minor girl and her mother Momina Khatum her neighbor; Momina Khatum was reportedly sexually harassed and impregnated by Maulana Fuzlul Karim near about 16 years ago. The Maulana was convicted by the District Court for heinous act. Subsequently the case was ex parte disposed off by the Honorable Guwahati High Court imposing a fine on Maulana Fuzlul Karim. Momina Khatum was unable to attend the court due to social and economic problems. Now her minor girl is facing social stigma in terms of father's identity.

Judgment: On 13/07/21, AHRC carefully pursued the facts mentioned by complainant through his email. The content of the petition does not attract any of the provisions of the Protection of Human Rights Act, 1993. In other words the subject matter of the complaint is outside the purview of the commission and hence, not entertainable under Regulation 7(2)(v) of the Assam Human Rights Commission (Procedure) Regulations, 2001. Therefore, the complaint is dismissed and informed the complainant through his email.

Case No. 14

AHRC Case No: 4119 OF 21-22(17)

District- Tinsukia

Applicant's Name: Miss Kharong Singpho

Registration Date: 28.04.2021

Subject: Economic hardship and poverty faced by tribal people

Facts and Procedure of the Case:

There was a long delay in the creation of new ITDP block with HQ at Kotha, Singpho tribal village, Tirap Belt, Margherita sub-division, Dist. Tinsukia, Assam to uplift the tribal people of the tribal belt socially and economically. Due to lack of ITDP Block, the tribal people are facing lots of economic hardship and number of poverty is increasing day by day in the area. The Singpho, Tai Khamti, Tai Phake, Tangsa Naga Tribes are at stake now because of the lack of ITDP Block.

Judgment: On Date 13.07.2021- AHRC order given that after carefully going through the complaint petition it is found that the complaint does not attract any of the provisions of the protection of Human Rights Act, 1993 and outside the purview of the commission and hence, the complaint is not entertainable under Regulation 7(2)(V) of the AHRC(procedure) Regulations, 2001. This being so, found no option but to dismiss the complaint and accordingly the complaint is dismissed and the case is closed. On Date 16.07.2021- The order was send and informed by the Deputy Registrar, AHRC to Miss Kharong Singpho and stated that the case is closed.

Case No. 15

AHRC Case No: 4128 OF 21-22(8)

District- Karbianglong

Applicant's Name: Superintendent of Police, Karbianglong, Assam

Registration Date: 24.05.2021

Subject: Extremist group committing acts of terrorism

Facts and Procedure of the Case:

On 22nd May 2021 information was received regarding movement of a group of suspected DNLA(Dimasa National Liberation Army) Cadres with sophisticated arms in the general area of Missibalium under Dhansiri OP for purpose of extortion. Immediately senior officers were informed and Addl. SP(HQ) Karbi Anglong was sent to Dhansiri OP by Supdt. Of Police, Karbi Anglong and the operation was planned in collaboration with 5th Assam Rifles and Dima Hasao Police. At about 0200 hrs on 23rd May 2021 the ambush movement of 12-13 persons. The ambush team noticed to stop for verification but immediately the group of persons stated indiscriminate firing on the ambush party had to resort to controlled firing. Firing and counter firing lasted for 15 min.

During the encounter one jawan namely LNK-57849 Mushtaq Ahmed Mangral of 5 Assam Rifles got injured as one bullet hit his hand. The ambush party searched the whole area and found 6 persons suspected to be DNLA cadres M.S road, P.S- Maibong, Dist. Dima Hasao lying on the ground with bullet injuries. The search team also recovered a huge cache of arms and ammunitions and grenade from the place of occurrence of the encounter and seized the same. The injured suspected DNLA cadres were immediately shifted to Dhansiri Primary Health Centre where the attending Doctor declared them brought dead. The deceased suspected DNLA cadres were identified as (i) Phairing Dauugupu(23yrs) (ii) Nikan Thaosen (29yrs) (iii) Amarjit Hojai(24yrs) (iv)Jingdao Dimasa(27yrs) (v)Premnath Thousen (35yrs).

It is stated that the extremist group is operating under the leadership of one Edika Diphusa and Musarang@Sudhri Sorongpansa. Due to their extortion activities to commit terrorist act it has resulted in the death of two civilian persons.

Judgment: On date 13.07.2021- AHRC ordered that the police report dtd.24.05.2021, relating to the death of six suspected DNLA cadres on 23.05.2021, which is addressed to the Asstt. Registrar (Law), National Human Rights Commission, New Delhi. As the petition relating to the death in police action has been address to NHRC, New Delhi, no step presently needs to be taken by this commission. And the case is closed.

Case No. 16

AHRC Case No: 307/10/11-12

District- Karimganj

Applicant's Name: Maklisur Rahman

Registration Date: 28.01.2012

Subject: Violation of rights of prisoners

Facts and Procedure of the Case:

AbdurRahman(Brother of Maklisur Rahman) was convicted for life under Section 302/34 IPC and has been in jail since 23.02.1998 excluding 76 days of Hajot period. As per normal procedure his conviction period has been now exceeded about one month, he almost served sentence about 14 years 2 month till date he was in district jail, Karimganj. Date 16.02.2012- Commission ordered after pursuing the complaint, the commission has taken cognizance of the matter and issued notice to the Inspector General Of Prisons, Assam, Guwahati to submit the report before the commission within 30 days. On dated 19.03.2012 report received and issue notice to the complainant to submit comments on the report along with a copy of this report. Comment received on 24.05.2012.On the report of the Inspector General Of Prisons(IGP) replied to AHRC that the proposal for release of life convict Abdur Rahman has already been submitted to Govt. and will be release immediately after receipt of release order from government. IGP has shown the remission period of 5 years 10month 25 days, hajot period of 2 month 16 days, fine of Rs 2000, after conviction 13 years 10 months 19 days and total period pf 14 years 01month 05 days. AHRC issued notice on 11.07.2012 to IGP and directed to send clarification report within 4 weeks. Commission is considered the opinion that IGP be directed to clarify his stand as regard over stay period of life convict AC/564 Abdur Rahman in Dist. Jail, Karimganj.

Date 31.07.2012 -Clarification report from IGP to AHRC submitted with all official details according to date:-

On 02.02.2012- proposal for final release of said convict from Superintendent, dist. Jail Karimganj to IGP.

On 10.02.2012- Proposal to Govt. from IGP.

On 23.03.2012- Govt. ordered for release of the said life convict vide Govt. letter No. HMB128/2001/pt./327 dt. 22.03.2012 received by DA, IGP.

On 26.03.2012- File processed by the office and IGP approved it.

On 27.03.2012- W/T message was issued to the superintendent dist. Jail ,Karimganj by the IGP, Assam informing Government's release order of the said convict.

On 28.03.2012- The said convict AC/564 Abdur Rahman was released from the Dist. Jail, Karimganj. In Government order by the Govt. of Assam, Home(B) Department, it was stated that the said convict has completed 20Year of total imprisonment as well as 14 years of actual imprisonment including under trial detention period set off under section 428of CrPC. Governor is satisfied that he is fit for release. Therefore in exercise of powers conferred by the Section 428 read with Section 433-A of CrPC, the Governor of Assam is pleased to remit the life sentence of the said life convict and to accord approval for his release with immediate effect.

Judgment: Date 22.11.2012- The commission has given a judgement order that one month delay in releasing the life convict is a serious illegality which is amounting to the illegal detention of the convict in the jail for no fault of his and can certainly be attributed to the negligence and dereliction in duty on the part of the official(s)/staff(s)concerned. About this delay of service has not been explained in the clarification report. The illegal detention pf the convict is a flagrant violation of human rights of the convict and resulting in clear infringement of Article 21 of the Constitution of India. The commission has therefore been constrained to recommend to the Govt. of Assam through its chief secretary: -

- 1) To make payment of compensation of Rs 3,00,000/- to the victim which may be realised from the concerned officer(s) found to be involved in such act.
- 2) To initiate disciplinary proceedings for taking appropriate actions against such officials(s)/staff(s), whosoever is found to be responsible for causing the belated release of the victim? Action taken report (ATR) is to be submitted to the commission within 90 days.

On 07.11.2013- AHRC ordered the order dated 30.09.2013 passed in W.P(C) No. 5275/2013 by Hon'ble Gauhati High Court as Communicated by IGP, Assam vide letter No. PRI61/2012/15 dated 28.10.2013, the proceedings of this case is kept abeyance until further order.

Case No. 17

AHRC Case No: 1/2012 6968/09

District- Kamrup

Applicant's Name: Souvik Shome

Registration Date: 31.07.09

Subject: Doctor acting out of professional/official capacity

Facts and Procedure of the Case:

Wife of the complainant (Sri Souvik Shome) Smti. Diya Roy was pregnant. He consulted Dr. Gokul Chandra Das, professor of Gynecology of GMCH at regular interval. On date 24.06.2009 Dr. Das has advised the complainant to admit his wife at Aruna Memorial Hospital Pvt Ltd. for operation and underwent Cesarean Operation on 25.06.2009. She gave birth to a baby girl and after that on the operation day itself at about 12 noon the complainant has advised to shift his wife to Nemcare Hospital as there was no ICU facility at Aruna Memorial Hospital. At about 12.45 pm shifted done. At about 19.45pm the same day a doctor of Nemcare informed the complainant that his wife died.

On 17.09.2009 AHRC issued notice to the Director Health Services (DHS), Assam, Hengrabari, Guwahati and directed to submit report before 12/01/2010. On 19.05.2010, 29.10.2010, 28.02.2011 Again Deputy Registrar, AHRC issued notice to Director Health services, Assam, reference to furnish report. Commissioner ordered and issued notice to DHS calling upon DHS to show cause as to why such action as may be deemed fit and proper should not be taken as may this commission against the said Director for his obstinate attitude of defying the orders of this commission and show cause must reach within 07.04.2011. On 25.05.2011 reports received by the commission and send a copy of the report the complainant for his comment on 30.05.2011. Director Health Service has sent a notice on 05.04.2011 to Joint Director of Health Service Kamrup(M) Ghy. Subjected to enquiry in M/S Aruna Memorial Hospital Pvt Ltd. also copy forwarded to AHRC. Along with the report DHS has served technical team report enclosed therein on 05.05.2011. On 01.11.2011 comment of complainant had received by AHRC. It was written in the comment that the report of technical team has not given proper answer to his allegations. On 28.12.2011 the matter was put up before the Division Bench on 20.02.2012. On 20.02.2012 AHRC order in this case the un-tenability had been a strong ground basing on which the commission recommended to payment of compensation of Rs. 2 Lacs to the complainant, the father of the unfortunate 18 months old child who died in the GMCH who needed ICU support but which was not available at that time at the GMCH but this information was not given to the parent of the child during his treatment at the GMCH. The commission had been of the view that no convincing and cogent proof could be given to repudiate the allegation of the complainant.

Judgment: Considering all the circumstances and also the age and status of deceased Diya Roy, the commission has found it very proper to recommend Government of Assam to Pay a commission of Rs 10,00,000/- to the complainant by realising the entire amount of

compensation from Dr. Gokul Chandra Das through the Commissioner and Secretary, Government of Assam, Health and Family Welfare Department, Government of Assam/or any other appropriate authority. The commission also recommends to the Government of Assam to initiate such other punitive measures against Dr. Das as the Govt. thinks fit and proper in accordance with provision of the law through the commission and secretary, Health and Family Welfare Department, Government of Assam/or any other appropriate Authority. The commission also recommends to the Government to lay down sound and effective guidelines to govern the conduct of doctors serving in Govt. Hospitals and Institution so that no government doctor can act as agent /agents of private nursing Hospitals/Homes purely with commercial gain and motive by jeopardizing the interests of patients. In passing this order the commission inter alia is guided by the conviction that unless and until the mindset of a section of doctors is changed through same deterrent measures all the good plan and programme of the government in the health care section involving colossal amount of public money would go haywire depriving thereby health-care benefits of the people which are basic human rights. These recommendations of the commission will be implemented within a period of four months.

In view of aforesaid discussion, observation and recommendations the case is disposed of and closed by the commission. A notice served to the commissioner and secretary, Govt. of Assam Health and Family Welfare Department, Dispur, Guwahati for necessary follow-up action and stated that the case is disposed of and closed by the commission.

Case No. 18

AHRC Case No: 4149 of 21-22(8)

District- Karbi Anglong

Applicant's Name: Nang Jahkam Shan (President) & Nang Jithong Shan (Secretary)

Non- Applicant's Name: Deputy Director, Tourism ,Diphu and Principal Secretary,KAAC , Diphu

Case Registered via: Written Application

Registration Date: 8/5/2021

Subject: Deprivation of Fund and incomplete Rural Tourist Amenities Centre at Baanseng.

Facts and Procedure of the Case:

The Applicants namely Nang Jahkam Shan(President)&Nang Jithong Shan(Secretary) has reached out to the AHRC via written application through post. They complained regarding naked deprivation of fund and incomplete Rural Tourist Amenities Centre at Bansen PO by Deputy Director, Tourism, Diphu and Principal Secretary, KAAC ,Diphu. They urged to AHRC to look into the matter as found mention in the letter such as completion of building,

construction of boundary wall, welcome gate, park, urinal & latrine, water tank, electricity & earth filling etc. they also request for release of fund by the authority for the said work .

The construction and completion of Banseng Rural Amenities Centre, in Karbi Anglong, Assam till date is due and shows negligence in duty by the authority which is equivalent to deprive the tourist of their tourist amenities and thus indirectly effecting the socio-economic condition of the people of Karbi Anglong . Thus it is one of the drawbacks for backwards in the region. According to the applicant at least 20 (twenty) lakhs of capital is required to complete the work. The said tourist scheme was mainly from Karbi Anglong Autonomous Council, Diphu, and Tourism Department. Initially an amount of 10 (ten) lakh rupees was sanctioned but the said amount did not suffice the requirements. Thus the AHRC must take necessary action to the complaint.

Judgment: On 27/7/2021 the bench hence concluded that the complaint by the application stating to have received an amount of 10(ten) lakh rupees for the purpose of construction of Rural Tourist Amenities Centre and the grievance of the said to non completion by the construction committee also in addition to the incompetency the application have further requested for sanction of additional 20(twenty) lakh rupees to complete the same.

The bench found that it is not a case of violation of human rights and as such the commission is not in position to interfere under Protection of Human Rights Act, 1993. Hence the case was closed on 27/7/2021.

Case No. 19

AHRC Case No: 2209/6/17-18

District- Goalpara

Applicant's Name: Superintendent of Police, Goalpara, Assam

Case Registered via: Complaint by the SP, Goalpara to NHRC

Registration Date: 11/1/2018

Subject: Murder case of Bhaskar Barman by crowd at Baida, PS Lakhipur

Facts and Procedure of the Case:

The resident of Goalpara namely Bhaskar Barman, S/O Lt subhash Barman village- Darika(kuchuri) PS Lakhipur, was beaten up by public as he was trying to flee after stealing one motorcycle bearing Reg no AS-18D8767 from Rongsai Bazar . On 5/1/2018 at around 4:50 pm the Rongsai police outpost at Lakhipur received a complaint by an unknown person, about a motorcycle being lifted by a bike lifter and was trying to flee when the public chased him and he was intercepted at Baida chowk by public and severely assaulted. The police arrived where the incident took place and at the physicians suggestion took him to Goalpara

Civil Hospital where he had undergone necessary treatment but unfortunately could not survive and was declared dead. The Lakhipur police station had lodged a complaint under PS case no -15/2018 U/S 147/302 of IPC for murder of Bhaskar Barman on 5/1/2018 on basis of complaint lodged by SI Indra Mohan Deka I/C , Rongsai OP.

The complaint by SP of Goalpara to NHRC on 9/1/2018 to look into the matter was registered and sent to the AHRC and subsequently it got registered on 11/1/2018. The AHRC took cognizance and had sent a notice to the SP, Goalpara on 24/1/2018 to furnish with report about the incident on 18/4/2018. The ACS ordered a Magisterial Enquiry which was submitted to DM , which had shown the inquiry done on behalf of the police where a public notice was put up for any witness to come and give additional information regarding the mob violence at Baida; subsequently a report was received by the SP, Goalpara of the event. The SP of Goalpara eventually sends application to Deputy Commissioner, Goalpara to submit the PS case 15/2018, U/S 147/302 IPC & AHRC case no 2209/6/17-18.

Simultaneously a complaint of criminal case was lodged by some Majibur Rehman S/O Lt Abdul Ali of Palashbari, PS Baguan registered as CR case 14/2018 U/S 379 IPC that it was the same motorcycle which went missing as it was stolen. The enquiry report submitted by the SP had the details of the events mentioned above as well as the testifying of some witness (1)Mozibur Rehman, (2)Ramananda Prasad S/O Lt Mohendra Prasad, (3) Sri Nistomohan Rabha S/O Lakhon Rabha, (4) Dhananjay Barman S/O Lt Subhash Barman, (5) Pradip Rabha S/O Sri kamlesh Rabha. The AHRC order on 8/8/2018 stated that after the submission of Magisterial Enquiry report till submission of status report the commission shall not ascertain any conclusions. The status report of the police submitted by the SP on 27/7/2020 contained details of FIR, the GDE no 85, notices of investigation and finally conclude that the case is pending for identifying and apprehending the accused persons.

Judgment: On 12/8/2020 the AHRC dictated that since the case was taken by NHRC on letter of SP, Goalpara, the details of the case sent to the NHRC and the state commission shall wait for the report of the NHRC keeping further proceedings in abeyance. Registry shall list it when it shall be disposed of by NHRC.

Case No. 20

AHRC Case No: 2900 of 20-21(5)

District- Dibrugarh

Applicant's Name: Sri Sarju Yadav

Case Registered via: e-mail: monto24@hotmail.com

Registration Date: 27/5/2020

Subject: Delay of the proceedings that sort to favor the accused

Facts and Procedure of the Case:

The complainant some Sri Sarju Yadav S/O Lt.shiv Murat Yadav of Chandmarighat, Near Kali Mandir, Dist/PS Dibrugarh, filled an FIR in Barbari police outpost with PS case no 611/2020 U/S 363(A) IPC, where he alleged that his 13 yr old son Santosh Yadav went missing on 7/4/2020 and thus he seek help from the authority to tale necessary actions to find him. The dead body of Santosh Yadav was found decomposed at Maijan Tea Garden (garden no 2) , Rajgarh, Dibrugarh on 11/4/2020 which was about 7 km away from his house.

The grievance of the father was that it was the negligence of police authorities actions for not taking prompt actions that delayed the search of his son and hence this complaint before the commission. On 2nd June2020 the AHRC issued a notice to the SP, Dibrugarh with a copy of complaint to submit the status report. The report was submitted on 3/7/3020 where the endorsed SI Dilip kr katoki, I/C borbari, PS Dibrugarh stated that I/O visited the PO and drew out sketch maps to find out the accused and examined the complainant and other witnesses U/S 161 of CrPC & WT messages sent to all O/C's and I/C's the police were able to find the body of the boy. In presence of Executive Magistrate, dead body was inquested and sent to AMCH for postmortem. I/O seized articles like a pair of hawaichappal, empty 180ml wine bottle (1), piece of wooden stick from the tree nearby. The I/O submitted written prayer to add sec 302/201 IPC to the case. The postmortem report that stated death dur to ante-mortem cut -throat injury caused by blunt forces with sharp cutting weapon (homicidal in nature). Two suspects namely (1) Chatiya Yadav@ Ramesh S/O Sri Dol Singar Yadav (2) Guddu Yadav@ Rajesh Yadav S/O Sri Dhirendra Yadav residents of Chandmarighat, Gowalapatty were arrested and forwarded to judicial custody. Report sent to complaint with SR copy and to submit his comment. The complainant showed dissatisfaction with the course of the investigation as no special investigation was made to find the truth.

The case was sent to full bench and the bench called for SR of the investigation from SP. The SR report submitted on 19/11/2020 revealed that the investigation is still going on again on order of the commission to submit the final SR on completion of investigation thereafter the SR was submitted on 28/6/2021where they found circumstantial evidence and the Charge sheet PS case no 44 dated 31/1/2021 was submitted in the court.

Judgment: On 7/7/2021 the case was closed with a judgment that police had submit the charge sheet against the accused and thus the commission can't further continue inquiry as it has no further jurisdiction to examine the legality or otherwise the charge sheet thus closed the matter.

Case No. 21

AHRC Case No: 2773 of 2019-20(6)

District- Goalpara

Applicant's Name: Anowar Hussain

Non-Applicant's Name: Shohidul Islam and Co-accused

Case Registered via: Written Application

Registration Date20/11/2019

Subject: Dowry Death of Monowara Khatun

Facts and Procedure of the Case:

The complaint by applicant Anowar Hussain for his daughter Monowara Khatun who was married to Shohidul Islam about 1.5 years ago was physically and mentally tortured in demand of Dowry for Rs-2,00,000 (Two lakh) and a motorcycle. On 19/4/2018 the father received the news of his daughter who was killed and thus he lodged an FIR on 20/4/2018 at Suntoli Outpost under Boko police station FIR case no 252/18U/S304(B)/34 against Shohidul Islam and other Co-accused namely Abdul Jalil s/o Lt Alimuddin, Abdul Jalil's sons Sariffudin, Asraful Hoque, Monowar Hussain village Uttarsalosuti, PS Boko, Dist-Kamrup(M)

On 6/12/2019 the AHRC issued a notice to SP,Kamrup, Amingaon with a copy of applicant's complainant to cause inquiry. Subsequently, the report was received by AHRC on 1/1/2020 and the same was sent to Anowar Hussain for seeking his comment.

On 27/2/2020 the case was placed before Full Bench and after seeing the notice from both sides the commission found out that SP, Kamrup(R) investigated case- 457/18 of 30/11/18U/S306 IPC to Court was submitted on 11/12/2019 i.e. almost a year after the case registered. The delay in handing over the CS by the SI was questionable before the jurisdictional Court. As both the complainant and accused has the right of speedy trial under Article 21 of the Constitution of India. Moreover the comment of the complainant shows his disappointment for the delay. A speedy trial encompasses within its sweep all its stages including investigation, trial, appeal, revision and retrial. The Commission U/S 16 (b) of PHR Act, 1993 hereby calls the charged officer to cause if any before the bench. The SI on 1/6/2020 provided as how cause reply that due to his sudden transfer from Kamrup(R) to city DEF, Ghy in March 2019 he couldn't submit the CS (Boko) and for that reason he wanted to take leave and complete the CS but was unable to find time she was pre occupied with other cases. Thus stating that he had no malafide intentions for delay/pending of trial before 1st class Boko Magistrate. On receiving this reply the complainant Anowar Hussain wanted seizure of all the criminals as soon as possible.

Judgment: On 24/8/2020 the AHRC took cognizance conducting the enquiry through Deputy Superintendent of police (HQ), Kamrup, Amingaon gave their judgment that U/S173 (2) of CrPC mandates that every investigation shall be completed "without unnecessary delay". Sec 173 (2) (1) of CrPC, states that investigation as soon to forward to magistrate. But action of charged officer retaining Case Diary cannot be held to be malafide/it can be deemed as

small of gross negligence in discharge of the official duty. Yet for consideration of violation of Human Rights for misconduct can't be ignored by the state authorities, thus the AHRC recommended departmental enquiry against the charged officer.

CONCLUSION

The purpose of this research/report was to identify how the State Commission operates and how an aggrieved individual can place their grievances so that the Commission can deliver justice to them.

Based on the analysis and study, we can come to a conclusion that any individual who can hold a decent position in the society as well as those individuals who belong from the weaker section of the society, both of them can place their grievances to the Commission as no fees are charged but as long as their human rights are being violated. At the same time the Commission operates through its Hon'ble Chairperson and the Commission stays in an ineffective position if the said position is vacant. In such a case the Commission is not in a position to deliver a speedy trail to the victim/complainant.

Furthermore, we would like to mention that this Commission is a recommendatory body and the State Government is of the opinion to accept its recommendations or not and at the same time verdicts of the Commission can be appealed to the High Court of the state, in this case the Gauhati High Court. And at such a time the case pending before the Commission is kept at abeyance.

Lastly, the Commission also has a power to take cognizance of cases or incidents on suo-moto basis, which is an effective way to tackle the socio-economic issues in the society as there is a lack of awareness in the society. Thus, in our view the Commission must take as much as suo-moto cases to deliver justice.

INTERNSHIP REPORT

2022

ASSAM STATE COMMISSION FOR WOMEN



SUBMITTED BY:

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LL.M 3rd Semester,

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I, extend my supreme gratitude to our Hon'ble Chairperson Dr. Hema Prova Borthakur and other members of this Commission for their constant support, direction, guidance and advice which would help me for building my career.

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I, perceive as this opportunity as a big milestone in my corresponding career development. I will strive to use gained skills and knowledge in the best possible way, and will continue to work on their improvement, in order to attain desired career objectives. And lastly, I would like to thank everybody associated with my endeavour to intern at this office directly or indirectly for our advancement.

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INTRODUCTION

Abstract:

The literacy rate of women in Assam was 65.46% in 2011 and it rose to 66.27% in 2021. Though the growth is gradually slower than our expectation but at least we are having a growth in proper direction. We are in the 75th year of Independence and still the literacy rate of women is not even close to 80% whereas their male counterparts are at different level than the feminine.

Lack of education gives rise to issue poverty, unemployment, child labour, over population, etc. Education is important for both the sexes so as to provide a basic standard of living. The government is taking necessary steps to tackle such issues. Now a day's women have all the access in every field, and Assam is one of the states which provide the highest number of women entrepreneurship in the country.

India is a developing country and to develop ourselves we need participation and involvement of both the sexes. Today because of the progressive laws in our country and the rights which are being protected by our Constitution for e.g Article 14, 15, 16, etc and in international laws like CEDAW, discrimination cannot be made on the basis of sex.

Hypothesis:

Education of women can procure Country's development goals.

Objective of the study:

With the given significant development in the education system and literacy rate, this paper tries to attempt to examine the problems, lacunas and the effect of education of women in the society.

Research methodology:

Research methodology is the specific procedure or techniques used to identify, select, process and analyze information about a selected topic. Legal research means scientific and purposive investigation or inquiry of a problem or issue of any discipline.

For this topic the researcher will use the doctrinal research in quantitative form and empirical research method.

OVERVIEW

The Genesis of recognition of Women

Women since time immemorial had been subject to oppression and discrimination. Men were recognized as naturally superior and were considered as the ruler to the ruled. Society recognized and perceived strength in power and masculinity. Women were treated as property and their purpose for life is fulfilled once they got married. Women never had any sort of participation in public life and it was assumed that they espoused the domestic life because they relished it.

It was the movements which began when they understood the gap in “what it is” and “what it ought to be” and the discriminations, subordination and oppressions made to them. Women’s right to education was the main principle for the feminine conquest.

Establishment of Commission for Women

The *National Commission for Women* was set up as a statutory body in January, 1992 under the National Commission for Women Act, 1990 to review the constitutional and legal safeguards for women, to facilitate redressal and grievances all matters relating and affecting women.

Fulfilling its duty the Commission has initiated various steps to improve the status of women and worked for their economic empowerment. It has received and redressed various complaints acted suo-moto in several cases to provide in speedy justice. Various workshops, seminar, etc are organised for gender awareness and took up publicity campaign against female foeticide, violence against women, etc.

Various State Commissions have been established to deal with the issues relating to crime against women in the very ground level. Such is the *Assam State Commission for Women* which was established under the Assam State Commission for Women Act, 1994. The Commission was formed with a Chairperson and a vice chairperson along with 7 members, a Member Secretary. Dr. Hema Prova Borthakur is the present chairperson of this Hon’ble Commission.

“You can tell the condition of a nation by looking at the status of its women” – Jawaharlal Nehru

How education of woman can procure a Country’s development goals?

Education of women

Women are the heart and soul of a civilized society. A society can only develop to its full potential if there are equal participation both men and women can be seen. A woman in our life plays very pivotal roles like, a mother, a sister and a wife.

Anandi Gopal Joshi and Kadambini Ganguly was the first Indian female doctor who practiced western medicines. They broke the stereotype back in late 19th century and early 20th century by not only studying but also practicing a profession which had only seen male practicing, at least in India.

There are no gender specific roles or jobs in modern day which will allow a significant sex to practice of profess. Every roles or jobs are as equal to the male counterparts. Our Constitution of India also protects and ensures that no discriminations shall be made on the basis of sex, religion, caste, race etc. Education of women is important to attain a better standard for living, an improved health and hygiene, to attain dignity, honor and self reliance. Educating a woman also increases the chances of eliminating crimes against women and it also decreases mortality rate. Girls who receive an education are less likely to marry young and more likely to lead healthy, productive lives. Inclusion of women in roles of societies and politics will result in development of society. As an educated woman, one can bring positive changes to the society and as of the nation.

Gender equality advocates the need to push for alternative economic solutions that addresses the root cause of power differentials in areas. Assumptions about the roles and responsibilities of women have made divisions on ethnic ground and law which resulted on distribution of resources through holistic economic, social and political strategies benefiting the men. One of the drawbacks of women’s participation in societies and economy is our failure to account women’s unpaid work. Here unpaid work means cooking, attending to children, taking care of families as all these result from their violation of right to educations. Thus, they are not being able to contribute to our economy.

In the late 1940s and 1950s the United Nations established a Commission on the Status of Women, more precisely in 1946 and later sponsored a Convention on the political rights of women. After quite a while the United Nations declared a “Decade for Women” and held a series of international conferences on women: 1980 (Copenhagen), 1985 (Nairobi), 1995(Beijing). These conferences collectively establish a Bill of Female Rights; addressed violence against women and women’s health, employment, education, poverty and reproductive rights.

Importance of Women Participation

Women’s participation support usually is supported by an agency and as a control device by the law makers. Participation may be direct or indirect, formal or informal; it may be political, social or administrative in nature. Indian women have been associated with much participation since the pre-independence period. They were part of freedom movement both as volunteer and leaders. Though,

the Indian Constitution guarantees equal rights to all citizens, women are still marginally represented in India. The fact is that in the hands of women are having lack of power at centre and state level. At social level there is male dominance in Parliament, bureaucracy, judiciary, army, police all points towards gender inequality, notwithstanding the fact that it is often argued that women's participation would bring about a more cooperative and less conflict-prone world. After independence, in spite of having our own constitution, India was not able to achieve moral fairness, equality and social justice. The condition of women didn't improve even having a women prime Minister for few number of years. The 73rd and 74th Amendments (1993) to the Constitution of India have provided reservation of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for their participation in decision at the local level.

Educational equality

Another area in which women's equality has shown a major improvement as a result of adult literacy programs is the area of enrolment of boys and girls in schools. As a result of higher of higher participation of women in literacy campaigns, the gender gap in literacy levels is gradually getting reduced. Even more significant is the fact that disparity in enrolment of boys and girls in neo-literate households is much lowered compared to the non-literate householders. The world has achieved equality in primary education between girls and boys. But few countries have achieved that target at all levels of education. The political participation of women keeps increasing. In January 2014, in 46 countries more than 30% of members of parliament in at least one chamber were women. In many countries, gender inequality persists and women continue to face discrimination in access to education, work and economic assets, and participation in government. Women and girls face barriers and disadvantages in every sector in which we work. Around the world 62 million girls are not in school. Globally, 1 in 3 women will experience gender-based violence in her lifetime. In the developing world, 1 in 7 girls is married before her 15th birthday, with some child brides as young as 8 or 9. Each year more than 287,000 women, 99 percent of them in developing countries, die from pregnancy and childbirth-related complications. While women make up more than 40 percent of the agriculture labour force only 3 to 20 percent are landholders. In Africa, womenowned enterprises make up as little as 10 percent of all businesses. In South Asia, that number is only 3 percent. And despite representing half the global population, women compromise less than 20 percent of the world's legislators. .Putting women and girls on equal footing with men and boys have the power to transform every sector in which we work. The gender equality and women's empowerment isn't a part of development but at the core of development. To get rid of this we have to make some educational awareness programmes on gender equality and women empowerment for cementing our commitment to supporting women and girls.

Literacy rate in India

Year	Male (in percentage)	Females (in percentage)
1941	24.9	7.3
1951	24.9	7.3
1981	46.9	24.8
1991	63.9	39.2
2001	76.0	54.0
2011	82.1	65.46
2021	84.4	71.5

On observing the above table, we come to know that at no point could the literacy rate of women match that of men. As a result, even after 65 years of independence, women occupy a secondary position in our social hierarchy. Inspire of being aware of her position, women can't transform the situation due to lack of education. Therefore, women's empowerment can't be effected unless we persuade the importance of women's education.

Importance of Women Education

There are many reasons behind this illiteracy rate among women. The most important reason is the lack of proper resources. In India, most of the women are illiterate because they are not allowed to go for education. Society thinks that men must educate their children, especially girls, because they think that women's role is only to take care of the house and family. Further importances are:

1. Women education is important for the development of a country. A country can only develop if its women are educate;
2. Educated women can play an important role in the development of their families;
3. Educated women are less likely to get married at an early age;
4. Educated women can contribute to the economic development of their countries;
5. Women education is necessary for the empowerment of women;
6. Educated women can raise awareness about various social issues; and
7. Educated women can act as role models for the younger generation.

Education system in India

Education system in India is not uniform and is different in stages, professions or geographical area. They are divided as:

I. Primary and Secondary education:

The government has made education free for children of 6-14 years of age as Right of Children to Free and Compulsory Education. Though education is free but enrolments of girls in educational institute are still less than total number of boys. According to a 2008 government report, educational statistics indicate that the number of girls per 100 boys is around 80% for classes up to the VIII and a little over 70% for secondary higher education that covers classes up to XII. Secondary education generally covers children in the age group of 14- 18 years, which is roughly 88.5 million people according to the 2001 Census. However, enrolment figures show that only 31 million of these are attending school (Census, 2001). Of those attending, it appears that attracting and retaining girl children for secondary education is more difficult compared with primary education as well as attracting and retaining boys at the same level of education.

II. Higher education:

India's higher education system is the third largest in the world, after China and the United States. As of today, India has 54 Central Universities, 416 State Universities, 125 deemed Universities and other Private Universities and some Institutes of National Importance like IITs, IIMs and NLUs. Despite these exceptional numbers and acknowledged quality of many institutions, it is surprising that women record a lower presence across most institutions of higher education. Significant male-female disparities exist in the enrolment of women in higher

education. Gender disparity in enrolment ratio is also because of visible differences in rural areas.

III. Vocational and Technical Education:

Vocational education is a separate stream of higher education aimed at providing opportunities to students to choose programmes of study towards gainful employment. The total enrolment in over 8000 institutions spread across the country catering to technical vocational skill building such as the Industrial Training Institutes (ITIs) and the Arts and Crafts schools is of the order of 1.4 million, of which women constitute less than 28% (UNESCO report, 1991). Of the 950 or so ITIs including both government and private, 104 were set up exclusively for women giving training in areas such as receptionists, electronics, book binding and the like. Even considering technical education imparted through polytechnics, 35 of the 450 recognised ones have been exclusively set up for women, providing training in areas such as pharmacy, food technology, textile design, commercial art etc.

Barriers of Women's Education:

Barriers to women's education are sociological, rooted in gender stereotyping and gender segregation, and others are driven by economic concerns and constraints. A consequence of gender profiling and stereotyping is that women tend to participate more in programmes that relate to their domestic role. In institutions of higher learning, women are more inclined to enrol in courses traditionally considered more suitable for them such as arts and education, but less in courses related to science and technology. Likewise enrolment in vocational and technical fields has been male-dominated and providers of non formal education and training tend to conduct programmes that relate to women's domestic role rather than their productive role. Families are also far less likely to educate girls than boys, and far more likely to pull them out of school, either to help out at home or for other socially induced normative considerations. Parental reluctance to educate girls is a huge factor inhibiting their access to education. There exist various factors that fuel the choices parents in Indian society make with regard to refusing or limiting the education of the girl child. The way a society views its women determines the roles it delegates to them and the choices made for them or those they are allowed to make. When women are seen primarily as child bearers and rearers, then education is sometimes viewed as an unnecessary and extravagant indulgence. A mindset that views education for girls as unlikely to reap any returns ascribes to the view that investing in the education of the male child is like an investment as the son is likely to be responsible for caring for aging parents, and women with largely a reproductive role in society have little need for education and any gains from it are anyway likely to accrue to the homes they go to after marriage. Economically poorer sections are often not in a position to send their children to school and are likely to invest in the male child than in the female child if they can for the above-mentioned reasons. The middle class too often does not consider education for women an important means for preparing them as individuals in their own right. Amongst the upper middle class, where education of women may not be encumbered by economic constraints, discriminatory stances, such as women's education having lower economic utility or at best being a secondary wage earner, do exist and are pervasive in the attitudes and norms prevalent in society.

In many cases, women themselves are responsible for holding back their participation in education, working on preconceived notions that they will be unable to cope with the pressures of balancing

work and home, assuming that mobility in employment can cause strain at the home front, or to confirm to socially induced images of femininity. Studies conducted by the National Committee on the Status of Women in India (1974), covering a sample of 200 undertakings in the private and public sectors, reveal amongst others that women were restricted to a few limited types of occupation because of prevailing social attitudes regarding their aptitude, resistance of employers, denial of training opportunities in higher skills and their ignorance regarding the opportunities open to them.

Perks of Education of Women in development programs in India:

- I. Girls' education affects a nation's economy. When girls receive an education, they increase their ability to gain access to higher-paying jobs. This benefits their family's income, adds to a nation's economy and increases a woman's involvement in politics. Investing in girls' education provides a boost to a developing country's progress, and acts as a catalyst for gender equality on multiple levels;
- II. Provided with an education, girls are more likely to earn a higher income later in life, increasing their family's overall quality of life. Globally, if all girls received a primary education, then nearly a million children would be rescued from poverty-induced malnutrition. In addition, if all girls in India received a secondary education, it can save millions children could avoid malnutrition and stunted growth;
- III. Girl's education can prevent childhood pregnancies and child marriages. For each year that a girl in a developing nation is in school, her first child is delayed by 10 months. Pregnancy in childhood can prevent a girl from receiving an education, and decreases the chances of her child suffering from malnutrition and disease.

DATA ANALYSIS

○ Literature review

Kritanjali Konwar and Sanjay Das, *Role of Women in the Socio-economic up-liftment of Assam-*

Growth of women in society majorly depends upon the economic condition of the family though it still cannot be determined by the economic development or the poverty. The United Nations report of International conference on women's decade, 1985 found that besides family role, women's have an important role in the society in the economic activities. Women by all means can be very effective agents of change for better society.

Women entrepreneurship in Assam recorded 18% against 7.7% of India's Women entrepreneurs. Data suggested by Register General and Census Commissioner, India in 2001 suggested that women are less oppressed in Assam than any other state in our country and they have a higher literacy rate than any other state.

The Government of Assam have established many schemes for the productivity of women's role in the state by Special Women Cell, Directorate of Industry by single window schemes, etc. The rural areas of Assam need to develop. IGNOU has been an effective media for education within the country. It offers Diploma in youth development works like, Certificate empowering women through self help groups, Certificate in women's empowering and development, certificate in youth development work, Certificate in craft and design (pottery). Literacy rate of women has shifted from 52% since 1991 to 65% in 2001 and their participation has shifted from 33.73% to 28.6% in 2001.

There are two ways how education and employment improve women power:

- i. By imparting skills; and
- ii. Raising capabilities through greater discipline.

Education is a birth right of a child. We must educate both the sexes without prejudice, Plato had advocated for the same. Education is a tool for employment. The National Policy for Education (1986) brought around great change as education would be used as an agent of basic change in the status of women. Exchanging of status with education and employment goes hand in hand. NEP (1992)- Education of women's equality was introduced. The University education commission of 1949, Chairman, Dr. Sarvapalli Radha Krishnan said women should be provided with facilities and proper atmosphere of general discipline courtesy of life in colleges of men should be given.

A woman would be called complete woman when she is developed in all the different aspects like, educational development, economic development, physical development, social development, moral development, cultural development and political development takes place.

○ **Case study**

Case No. 1

ASCW Case No: 40/2019

Applicant: Dr. C.K

O.P: Dr. L.K.K

Facts of the case: The O.P abuses the applicant both verbally and physically. Also have an extra-marital affair which also includes domestic helpers. The O.P is also negligent towards both children.

Petitioner seeks: Maintenance and Relief from domestic violence.

Procedure and Recommendations: Notice for appearance before Legal Advisory Committee was issued and a date was fixed for 15.6.2019. Counsellor P.B made effort for compromise which failed. However the opposite party agreed to pay maintenance for children. It is open for parties to approach the appropriate court for redressal hence the case is closed.

Case No. 2

ASCW Case No: 184/2018

Applicant: Smt S.C, w/o Sri S.K.C

O.P: Sri A.A

Facts of the case: Atrocities by Assam Police and misuse of official power. Sri P.N APS went to the applicant's house for her to complying to appear before Kokrajhar PS to record her statement for a case with which she had no connection. Case was registered against the applicant's husband Sri. S.K.C. A petition was presented before the Hon'ble High Court under section 482 CrPC and the investigation was stayed.

Petitioner seeks: The petitioner wants authentic records to be checked of FIR under SP Kokrajhar Department action

Procedure and Recommendations: The Commission has asked SP Kokrajhar to present a written statement and have asked to make an inquiry for the alleged acquisitions. A written statement and report of inquiry was furnished before the commission and it was found that as already the Hon'ble Court has entertained this case thus this case was closed before the Commission.

Case No. 3

ASCW Case No: 29/2019

Applicant: M.R, d/o Sri SRB

O.P: Sri L.B and SMT K.B

Facts of the case: The O.P has been intoxicating liquor and mentally tortures the applicant.

Petitioner seeks: The petitioner wants Maintenance and relief from domestic violence.

Procedure and Recommendation: Notice issues for appearance by LAC, on 1.6.2019. Both parties are present and are willing to amicably settle as regard to their dispute. The O.P has given an undertaking assuring us that he will refrain from doing things which wife does not want and will continue conjugal life peacefully. Case closed on Compromise.

Case No. 4

ASCW Case No: 25/2022

Applicant: S.J

O.P: M.J

Facts of the case: The O.P physically and mentally harasses the applicant for dowry since May 2001. Since that day the O.P had been treating the applicant with rude behaviour and physical violence. FIR was registered but no action was taken from women's outpost, Bhangagarh. The O.P has filed divorce but still the violence is going on.

Petitioner seeks: Maintenance and Relief from domestic violence.

Procedure and Recommendations: Notice for appearance to both parties on 2.4.2022. both parties are present and as the O.P has filed for divorce at family court, Ghy and as also an FIR is lodged this close stands closed.

Case No. 5

ASCW Case No: 02/2021

Applicant: Dr. N.D

O.P: Sri H.P

Facts of the case: The O.P harasses the applicant as she joined at Kokojan College, Jorhat as an Assistant Professor on 7.3.20. The O.P has complained to the Director of Higher Education regarding qualification and because of that the applicant has faced several issues and inquiry. A divorce case is pending in Jorhat.

Petitioner seeks: Maintenance and Relief from domestic violence.

Procedure and Recommendations: A notice was issued to both parties on 15.12.21 and as both parties were absent the case has been kept in abeyance. \

Case No. 6

ASCW Case No: 27/

Applicant: Dr. N.M

O.P: Dr. A.K.B

Facts of the case: The parties got married in 30.8.2013. It was an arranged marriage and the O.P has promised to build a home at his paternal property after marriage. But since then he had been avoiding the conversation and his sister used to mentally harass the applicant. The applicant took IVF treatment and neither the O.P nor his family is treating the applicant well. For this reason the applicant is having suicidal tendency.

Petitioner seeks: Relief from domestic violence and apology letter stating that these incidents not to repeat.

Procedure and Recommendations: Notice to both parties by LAC to appear 18.3.2017. Both parties are present and they have entered into a compromise to settle their dispute amicably. They have filed two separate petitions in this regard; the O.P affirms that he will try to attend his family need. Thus, this matter is closed.

Case No. 7

ASCW Case No: 203/2018

Applicant: P.C

O.P: A.G, K.G, S.G, A.G and Y.G

Facts of the case: The O.P abuses the applicant by use of slangs, questions on character, dress, and defamation in public, harassment, defamation in social media, physical attack and abuse. And no action was taken by Police.

Petitioner seeks: Miscellaneous and preventive action against neighbour.

Procedure and Recommendation: Both parties were called by the LAC and there are allegations and counter allegations against each other. No amicable settlement possible. It is open to the parties to approach appropriate forum for redressal. Case closed.

Case No. 8

ASCW Case No: 173/2017

Applicant: A.D

O.P: G.S.D

Facts of the case: The applicant's husband expired and no such maintenance was awarded till he was alive because of divorce now no knowledge about financial gain from this.

Petitioner seeks: The petitioner wants relief from the Commission or from competent authority.

Procedure and Recommendations: Both parties were called by the LAC on 5.8.2017. Complainant is present and O.P is absent and as the applicant resides in Delhi, she won't be able to join any time soon. Thus case will be revived when she approaches again.

Case No. 9

ASCW Case No: 11/2017

Applicant: L.J.B

-O.P: S.M

Facts of the case: The applicant got a job on compassionate ground after death of husband. And she was dismissed from the job because there was an issue with the date of birth of the applicant and the O.P has sexually harassed the applicant and on unsuccessful attempt he took recourse to this.

Petitioner seeks: Miscellaneous.

Procedure and Recommendations: Both the parties were called by LAC on 4.2.2017 complainant is absent O.P is present and on 1.4.2017 the applicant has withdrawn the case. Case closed.

Case No. 10

ASCW Case No: 105/2016

Applicant: L.M

O.P: P.B

Facts of the case: The O.P has physically assaulted the applicant is a cancer patient. O.P physically strangled and physically assaulted husband. Compelled and curtailed all the relations with elder son and his wife and has disowned them by a declaration of 5.12.14 and without authorized permission occupied our upper part of the house.

Petitioner seeks: The petitioner wants relief from domestic violence.

Procedure and Recommendations: Both parties were called on 1.10.2016 by LAC. Parties heard as dispute arose from the same family dispute. Parties are advised to restrain themselves till the police case as well as divorce case is settled.

Case No. 11

ASCW Case No: 98/2013

Applicant: Miss K.P

O.P: Dr. W.I

Facts of the case: Husband has an external affair with 22 year old lady and has a daughter of 6 years old and the present situation is affecting them a lot. Husband is not staying home for past 2 years and has a very violent behaviour and attitude. This is affecting them both physically and mentally.

Petitioner seeks: Miscellaneous and to take necessary action.

Procedure and Recommendation: Both parties were called by the LAC. The O.P had an accident thus wasn't able to join the hearing for quite a long time. Because of the complaint the husband was bound to pay maintenance and he hasn't paid for past 2 months and the child's school fees are also pending. Since April 2012 till March 2013, the O.P paid Rs 30000 post accident paid Rs 20000 till June, 2013. O.P filed application for adjournment through friend because of summon through Latashil P.O. Later both the parties agreed to clear the maintenance and necessity of the child until formal dispute is raised. Later an issue was raised as maintenance was not paid since July, 2018 and a fresh notice was issued through newspaper and later the O.P has issued an interim order by CJM, Kamrup(M), Ghy which explains the non-payment. Case closed.

Case No. 12

ASCW Case No: 170/2018

Applicant: S.S.B

O.P: Dr. S.T.I and S.E.I

Facts of the case: Domestic violence from the husband and in-laws.

Petitioner seeks: Maintenance and relief from domestic violence.

Procedure and Recommendation: Both parties were called by the LAC on 5/1/19, both were present and the present case is related with talak, granted by Marriage and Divorce Registrar, Sdar Kazi, Dispur, the case us beyond the jurisdiction parties were advised to approach appropriate legal forum. Case closed.

Case No. 13

ASCW Case No: 115/2019

Applicant: R.K

O.P: K.K

Facts of the case: Son B.K is residing in his own father's house the father is taking illegally rent and electricity bill from his own son and mother is not allowed to enter the house. The O.P used to threaten her and assault her both physically and mentally.

Petitioner seeks: Maintenance, relief from domestic violence and miscellaneous as rights of wife and son to be respected and practiced.

Procedure and Recommendations: Both the parties were called on 7/12/2019 by LAC. O.P agreed to give compensation to wife and allowed her to live in his house but the wife stayed for 2 hours but returned. Case record on 20/3/2021 on strength of petition and prayed to withdraw the petition as both are staying together.

- **Questionnaire**

Age

Age Group	18-25 years	26-33 years	34-40 years	41-48 years	49 years above
Total Number of responses	8	4	1	1	1

Marital Status

Status	Married	Unmarried	Divorced	Widowed
Total number of responses	5	9		1

Occupation

Status	Housewife	Self-employed/ Business	Government Job	Private Job
Total number of responses	5	4	1	5

Questions:

1. Response to this question.

Yes	No
13	2

2. Responses to this question.

Yes	No
15	0

3. Responses to this question.

Fees	Marriage	Society	Others
5	6	3	1

4. Response to this question.

Yes	No
14	1

5. Response to this question.

Yes	No
14	1

6. Response to this question.

Poverty	Population	Discrimination	Lack of Awareness	Discouragement
7	2	2	1	3

Observation:

From the above responses we can see that most of the women feel that women on this decade feel that they are an equal to that of their male counterparts. And they also feels that whether male or female education is a right given and must be enjoyed by all. The most important part of higher education are often left because of their marriage and then fees then comes the societal and other problems. It is considered that the government is doing enough to provide education and its system. And they are well satisfied with the government schemes which provide aid and facilities to women. Considering the facts of low literacy rate in our state the reason satisfies them the most is poverty then discouragement then population, discrimination and lack of awareness.

Conclusion

Education is important not only for women but for men as well. It helps to improve one self and helps gaining knowledge. Women since ages were deprived of education and were oppressed. Since the late 19th century women have started advocating and fighting for their rights.

Education now-a-days is easily accessible and our Government is also acting in good faith for providing education facilities, institutions and schemes. To improve as a society we need contribution of women in every spheres of our life and to achieve such a feat we need to educate women and increase literacy rate of our state. To meet the national goals and international commitments we need to protect as well as educate women as much as possible.

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