

# **Violation of Human Rights of Women in South Asia: A Case Study of Punjab 1978-1992**

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by

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## DECLARATION

I hereby declare that work embodied in this dissertation entitled “**Violation of Human Rights of Women in South Asia: A Case Study Of Punjab 1978-1992**” was carried out by me under the guidance of Dr. Sandeep Kaur, Assistant Professor, Centre for South and Central Asian Studies and the Administrative Supervision of Prof. Paramjit Singh Ramana, Dean, School of Global Relations, Central University of Punjab. This work has not been submitted in part or full to any other University or Institute for award of any degree or diploma.

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(Rajbir Singh)

## CERTIFICATE

We certify that work entitled “**Violation of Human Rights of Women in South Asia: A Case Study of Punjab 1978-1992**” was carried out by Mr. Rajbir Singh for the award of M.Phil. Degree under our supervision and guidance at the Centre for South & Central Asian Studies, School of Global Relations, Central University of Punjab, Bathinda.

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## ABSTRACT

### ***Violation of Human Rights of Women in South Asia: A Case Study of Punjab 1978-1992***

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Irrespective of the Universal Declaration of Human Rights (UDHR) 1948, which was evolved to protect the fundamental rights of human beings for realization of human life and liberty with dignity, the violation of human rights has become a global phenomenon of intimidating scale and magnitude. South Asia is seen as a major site of human rights violation, particularly that of women. The present study is a modest attempt to look at the violation of human rights suffered by the women in the state of Indian Punjab during the time of movement for separate homeland and militancy. The study presumes that women are more vulnerable to human rights violation in the modern world and various struggles at the national and sub-national levels against the state driven them to the receiving end of state repression. It is known that Punjab witnessed massive violation of human rights in the course of suppression of militancy which rattled life in Punjab since the creation of *Punjabi Suba* in 1966. However, the slew of anti-terrorist laws used by the government to suppress militancy led to incidents in which particularly women were detained and tortured illegally by the police to get information of armed Sikhs or on the pretext that these women harbour the armed Sikhs. The field work carried out as part of the study shows that the women concerned had to suffer severe degree of torture of varying methods, which made many of them victims of medical and psychological disorders like depression, severe pain in body, damaged muscles and anxiety. It is also found that many women became homeless due to the unrest and the rehabilitation of these women remains unrealised even today. So also is the case of compensation, a gesture of justice that is long pending.

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## CHAPTER 1

### INTRODUCTION

Human being is considered on the top of all the creations of God in whole of the Universe. Many scholars and philosophers from different countries accept that number of institutions, organizations and laws emerged in the world to provide protection and security to the human beings. These institutions and laws work for development of human beings, as well as provide protection to the rational creation of God. State is also one of those institutions which evolved to provide a security, peace and protection to human beings.

Moreover, with the passage of time numerous types of International as well as National laws and rules are evolved to protect and providing the peaceful and suitable atmosphere to the individuals for their overall development. On the same way the concept of human rights also came into light to provide liberty, protection, security, respect, dignity to human beings. Human rights are the result of a long process of historical evolution of different phases of history and it covered centuries to tell its existence. The concept of human rights could be found out since the origin of human being and later on these human rights were declared by United Nations (UN) on 10 of December 1948 to all the people of the world without any kind of discrimination, religion, cast, race, sex and color etc. (Donnelly, 2003a).

The concept of Human Rights has been defined by different scholars and institutions. According to preamble of Universal Declaration of Human Rights 1948 “Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible, these rights are universal and inalienable, Interdependent and indivisible, equal and non-discriminatory and Both Rights and Obligations also” (Donnelly, 2003b).

SCOTT DAVISON SAID “HUMAN RIGHTS ARE CLOSELY CONNECTED WITH THE PROTECTION OF INDIVIDUALS FROM THE EXERCISE OF STATE

GOVERNMENT OR AUTHORITY IN CERTAIN AREAS OF THEIR LIVES; IT IS ALSO DIRECTED TOWARDS THE CREATION OF SOCIETAL CONDITIONS BY THE STATE IN WHICH INDIVIDUALS ARE TO DEVELOP THEIR FULLEST POTENTIAL". ON THE OTHER SIDE ACCORDING TO DAVID SELBY "HUMAN RIGHTS PERTAIN TO ALL PERSONS AND POSSESSED BY EVERYBODY IN THE WORLD BECAUSE THEY ARE HUMAN BEINGS. THEY ARE NOT EARNED, BOUGHT OR INHERITED NOR ARE THEY CREATED BY ANY CONTRACTUAL UNDERTAKING" (JEBAGANANAM, 2010).

HUMAN RIGHTS ARE CONCEIVED AS UNIVERSAL AND EGALITARIAN, WITH ALL PEOPLE HAVING EQUAL RIGHTS BY VIRTUE OF BEING HUMAN. THESE RIGHTS MAY EXIST AS NATURAL RIGHTS OR AS LEGAL RIGHTS, IN BOTH NATIONAL AND INTERNATIONAL LAW (NICKEL, 2006).

ACCORDING TO ABOVE DEFINITIONS, IT IS CLEAR THAT HUMAN RIGHTS ARE ESSENTIAL FOR THE WELFARE AND ALL OVER DEVELOPMENT OF HUMAN BEINGS. THESE ARE FUNDAMENTAL RIGHTS OF INDIVIDUALS WHICH CANNOT BE TAKEN AWAY FROM THE HUMAN BEINGS. ALL INDIVIDUALS ARE HAVING THESE RIGHTS, WHETHER HE IS A CHILD, WOMAN, MAN OR AGED PERSON. HUMAN RIGHTS PROVIDE RESPECT, SECURITY, DIGNITY, LIBERTY, FREEDOM TO THE INDIVIDUALS AND PROTECT FROM THE ILL HUMAN TREATMENT, STATE REPRESSION, ANTI HUMAN ACTIVITIES WHICH ARE HARMFUL FOR HUMAN BEINGS. IN THE PRESENT SCENARIO THE CONCEPT OF HUMAN RIGHTS HAS BEEN EMERGED AS A NEW PARAMETER TO MEASURE THE SUCCESS AND TRANSPARENCY OF ANY POLITICAL SYSTEM OF THE COUNTRY.

## **HISTORICAL PRESPECTIVE**

The Universal Declaration of Human Rights came into existence in 1948, but before its declaration it covered a long historical distance because the process of evolution of human rights is not a modern phenomenon but old one so the roots of this process could be found out even in *Vedic* Period. But in that period these rights

were not termed as Human Rights but many times they were talked about this concept in their views and principles.

First time the human rights were written by King Hammurabi who was known as Sumerian king in 1780 B.C near about 4000 years ago and this written document is known as code of Hammurabi. There were 282 laws consists in the code which was protected the people from the arbitrary and punishment. So this was the first legal document in written form which favoured in human rights. Code of Hammurabi provides the numerous types of laws including rights of men and women, children and slaves etc. (Charles, 1915).

Other evidence of the evolution of human rights is the Cyrus cylinder which was made by Persian king *Achaemenid* and human rights were inscribed in the *akkadian* language on a baked-clay cylinder. It found in *Bobylyon* (Iraq) in 1879. There is a written on cylinder that Cyrus the Great who was the first king of Persia, freed the slaves of Babylon who were captured by him in 539 B.C. after the conquest of Babylon and declared freedom for all the slaves and said that “all are equal” and every man is having right to choose their own religion (Kuhrt, 2007).

Later political rights and duties were provided by the Greek city-states to the male citizens which are become a path for the evolution of human rights. After spreading in different parts of the world human rights flourished in Greece and human rights become synonymous with natural rights. Socrates and Plato said that natural law is law that reflects the natural order of the universe, essentially the will of the gods who control nature. In the Roman Empire (27 B.C. to 476 A.D) developed natural laws and women enjoyed some basic rights equal to men except right to vote but later gained right to property (Abbott, 2009).

Even in India, there are number of inscriptions regarding human rights in the edicts of king *Ashoka* which state that humans are to be provided medical care, prisoners must be humanely treated etc. He was the first Indian king who banned on the slaughter of animals and was against of the torture to prisoners of war (Mehta, 1998).

Islam also contributed in the promotion of human rights after doing many types of reforms between the years of 610 to 661. Muhammad spoke out against the

slavery and social evils which were prevailing that time in the Islamic society. Muhammad had given his contribution towards human rights after condemning the practices of the pagan Arabs such as female infanticide, exploitation of the poor, murder, and theft etc. Constitution of Medina which was drafted by Muhammad in 622 to end the warfare among the different tribes provides freedom of religion and security of women (Lewis, 1998).

Later on Magna Carta 1215 which originally written in Latin played a very significant role in the evolution of human rights because it was the written document which provided the power to the people and reduced the power of the king. Magna Carta was a written document between King John and the Lords of England. The Magna Carta provided the important writ Habeas Corpus against the unlawful detention of human being and the Clause XXIX of the Magna Carta pointed out that:-

“No Freeman shall be taken or imprisoned, or be diseased of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will we not pass upon him, nor condemn him, but by lawful judgment of his Peers, or by the Law of the Land. We will sell to no man; we will not deny or defer to any man either Justice or Right.” Under this Magna Carta King John announced many liberties and rights to the people which still exist today, this was the first document which was an attempt to reduce the powers of the King of England (Danny, 2004).

Petition of right (1628) is a document which was produced by the parliament of England and approval on this concept was given by Charles I. it provides many specific liberties like taxes can be levied only by the Parliament, martial law may not be imposed in time of peace, and prisoners must be able to challenge his detentions through the writ of *habeas corpus* etc. It also provides that king cannot break any law which is made by the parliament of United Kingdom (Russell, 1979).

Further, the bill of rights 1689 was an act of the Parliament of England has a long title of which is "An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown" and this bill was passed in the parliament in 1689 which provides many rules to the people on the freedom of speech in the

parliament, right to the petition to the King without any kind of fear of severe punishment in revenge for something, rule regarding regular elections of the parliament etc. (Thatcher, 1907)

The first detailed theory on human rights was developed by the philosopher John Locke who wrote that people form societies, and societies establish governments in order to assure the enjoyment of natural rights. Locke stated that government is a result of contract between people and ruler and main function of the government is protection of natural rights (Life, Liberty and Property of people) of the people (Harvey, 1937).

In America there was established a organization to abolished the slavery from the colonies of British America in 1775 by Anthony Benezet and then later with the declaration of independence announced many types of liberties related with equality, racial, gender, disability, sexual orientation , freedom of religion, freedom of expression, freedom of movement, freedom of association, health care, justice system, death penalty, prison system, police brutality and also declared “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. Moreover, United States Declaration of Independence (1776) declared some certain natural rights including a right to revolution and later the constitution of the United States of America (1787) and Bill of Rights (the first ten amendments of the Constitution 1791) were become another milestones in the evolution of human rights. The constitution of America became the first constitution of the world which added the human rights and protected by legally by the constitution of the United States. On this way the concept of human rights accelerated with the declaration of Independence by the United States of America (Ignatieff, 2005).

French revolution 1789 was become another effort of declaration 1948 because the revolutionaries provided equal rights to everyone, even to religious minorities and suppressed people. French revolution provided freedom from the dictatorship of the king. The representative of French revolution granted political, civil

rights to the citizens of France and also made distinction between natural rights and civil rights and political rights (Hunt, 2004).

After the French revolution another miles stone in the evolution of human rights was the Geneva Conventions came into being between 1864 and 1949 which was a result of efforts by Henry Dunant who was the founder of the International Committee of the Red Cross (Dunant, 1986).

The conventions protect the human rights of men and women who involved in war battle and there are four Geneva conventions have been done on human rights which are mentioned below.

The Geneva Conventions are:

- In the year, 1864 the first Geneva Conventions held for the betterment of the soldiers who get any kind of causality in the war field.
- In the year of 1906, Second Convention held for the betterment of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.
- Another Geneva Convention held in 1949 related with the treatment of prisoners of war.
- For the protection of civilian in war time a fourth Geneva Convention held in the same year 1949 (Jean, 1949).

After First World War (1914-1918), an international organization came into existence which termed as League of Nations. The League of Nations established in 1919 with the Treaty of Versailles which signed to end the First World War. There were many provisions made by the International leaders for the protection of human rights (e.g. promotion of international co-operation peace and security, friendly and cooperative relations between nations, suitable and humane conditions of labor for men, women, and children, to curb the diseases etc. (League of Nations).

The Second World War (1939-1945) broke out in Europe which led to the estimated 6 million killing of Jews by Nazi and hundreds of thousands Jews displaced from German so in 1941 (Keslowitz, 2008).

“Four freedoms” were declared for the protection of people by the president of United State of America Franklin D. Roosevelt which are Freedom of Speech, Freedom of Religion, Freedom from Fear, Freedom from Want and later the president Roosevelt and Prime Minister of United Kingdom Winston Churchill adopted the Atlantic Charter which stated out "that all men in all the lands may live out their lives in freedom from want and fear." This charter also helped in the declaration of human rights (Sooahoo, 2007).

To check the Third World War and to protect the security and peace on international level a new international organization came into existence which is known as United Nations Organization (UNO) in 1945. The main purpose of this organization is to protect the dignity and life of human being and the Preamble of the Charter of organization declared that "We the peoples of the United Nations [are] determined... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...."

After the bloodshed of first and second world war, for the protection and welfare of human being a non-binding declaration came into light in 10<sup>th</sup> of December 1948 under the resolution 217 A (III) by the United Nations Organization (UNO) which termed as Universal Declaration of Human Rights (UDHR) 1948 which pleads the members countries to protect the human being, peace, security on national as well as international level and promotes the numerous types of human rights including Civil, Economic and Social rights. Its preamble states that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (Preamble UDHR, 1948).

Mr. John Humphrey a Canadian law Professor and a French lawyer Rene Cassin worked over the structure of the document of declaration and a research was also carried out by the both to make the draft for the Universal Declaration of Human Rights 1948 (Ann, 2004).

In the year of 1948, thirty articles of Universal Declaration of Human Rights (UDHR) came into existence after the signature of 48 members countries of UNO including India. Table 1.1 presents the 30 articles of UDHR 1948.

**Table 1.1: Universal Declaration of Human Rights 1948**

Art. No.	Human Rights
Art. 1	All are equal.
Art. 2	No discrimination.
Art. 3	Right to life, liberty, personal safety.
Art. 4	Slavery is prohibited.
Art. 5	Say no to any kind of torture.
Art. 6	Recognition as a person before the law.
Art. 7	Everybody is equal before the law.
Art. 8	Right to remedy by competent tribunal.
Art. 9	Say no to arbitrary arrest, exile.

**Contd...**

Art. 10	Right to fair public hearing.
Art. 11	Every victim would be considered as innocent until Proven Guilty.
Art. 12	Right of privacy, family, home correspondence.
Art. 13	Individual can move anywhere within and out of the country.
Art. 14	Asylum in other countries for individual.
Art. 15	Right of nationality and to change it.
Art. 16	Marriage and family is a right of human.
Art. 17	Right to property.
Art. 18	All are free related with their religion.
Art. 19	Right of opinion and Information.
Art. 20	A human being can assemble and also make association for their own welfare.
Art. 21	Right to election in the country.
Art. 22	Social security for human beings.

Art. 23	Individual can join any kind of trade unions or associations according to his wish.
Art. 24	Human being is having a right to rest and leisure.
Art. 25	Every man or woman is having a right to adequate living standard.
Art. 26	Every human being is having a right to education.
Art. 27	People can conduct the cultural activities.
Art. 28	All human beings are having a right to social order which assure human rights.
Art. 29	Community duties essential to free and full development.
Art. 30	For the protection of human rights all human being is having a right that state or any other organization would not interfere to check it.

**Universal Declaration of Human Rights 1948 (<http://www.udhr.org/UDHR/default.htm>)**

The Universal Declaration of Human Rights has been classified into three generations e.g. first generation rights, second generation rights and third generation rights. The First generations rights are civil and political rights (Right to life, no torture, no slavery or forced labor, fair hearing, freedom of expression, assembly, association, trade unions, religion, movement). Second generation rights include social and economic rights (right to food, water, housing, health care, standard of living, education, social security, rights of women, children, minorities and disabilities). Third generation human rights are related with peace, security, development, environment culture and language etc. (Lfe, 2001). Further these rights are also divided into five categories, Right to life, liberty, speech, religion, and free trial is termed as Civil and Political rights. Economic, Cultural and Social Rights consists of right to food, water, health, education, and clean environment etc. (Bhargava, 2003).

Many countries are trying to do their best for the implementation of human rights in their home countries, but still the violation of human rights can be found out easily in the world since with its origin by the number of institutions and individuals. The violation of human rights is that when any state, nation, institute, rejects to provide the basic and fundamental rights including all civil, political, social, cultural,

economic, humanitarian rights to the human beings or if state or non-state actors do not follow the provisions and instruction of Universal Declaration of Human Rights (UDHR) 1948 and breach the rules and laws of United Nations Organizations (Wikimedia).

The violation of women's human rights can be found out in every part of the world. Even though the Universal Declaration of Human Rights (UDHR) 1948 provides that human right of women and girl child is also part of a declaration. Moreover Vienna Conference 1993 declared that "The Human Rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights" (Bunch, 2000). It's a violation of women's human rights when girl children are denied food, drowned into water, suffocated, their spines broken by individuals, because they are born girls. It is an also violation of human rights of women, when women and girls are forced to slavery and prostitution, physical or mental torture. Other forms of the violation of human rights, when women or girls are doused with gasoline or become victims of acid attacks, burned to death because of small dowry, rape of women by individuals or army during war, molestation, harassment, domestic violence and practice of genital mutilation, forced to abortion and sterilization against her wish etc. (Clinton, 1995).

IN THE PRESENT SCENARIO WOMEN ARE FACING DIFFERENT TYPES OF VIOLENCE INSIDE AND OUTSIDE THE HOME AND ANY KIND OF VIOLENCE AGAINST WOMEN LEADS TO THE VIOLATION OF WOMEN'S HUMAN RIGHTS, ACCORDING TO UN GENERAL SECRETARY KOFI ANNAN SAID IN HIS SPEECH ON WOMEN DAY ON MARCH 8<sup>TH</sup>, 1999 IN NEW YORK THAT "VIOLENCE AGAINST WOMEN IS PERHAPS THE MOST SHAMEFUL HUMAN RIGHTS VIOLATION. AND IT IS PERHAPS THE MOST PERVASIVE. IT KNOWS NO BOUNDARIES OF GEOGRAPHY, CULTURE OR WEALTH. AS LONG AS IT CONTINUES, WE CANNOT CLAIM TO BE MAKING REAL PROGRESS TOWARDS EQUALITY, DEVELOPMENT AND PEACE" (HOFFMANN, 1999). ACCORDING TO THE SECRETARY-GENERAL OF UNITED NATIONS, *BOUTROS-GHALI* STATED OUT THAT, IN THE PRESENT SCENARIO, WOMEN ARE FACING NUMEROUS TYPES OF PROBLEMS LIKE DOMESTIC ABUSES, TORTURE, RAPE, CHILD

MARRIAGE, FORCED TO ABORTION, SEXUAL HARASSMENT, PROSTITUTION AND TRAFFICKING, ACID BURNING, HONOR KILLINGS, SEX DISCRIMINATION, DOWRY RELATED VIOLENCE ETC.

THE ILLEGAL TRAFFICKING OF WOMEN OR GIRLS ON GLOBAL LEVEL IS ONE OF THE REASON FOR THE VIOLATION OF HUMAN RIGHTS OF WOMEN BECAUSE ESTIMATED 4 MILLION WOMEN ARE TRAFFICKED YEARLY FROM ONE COUNTRY TO ANOTHER FOR NUMEROUS TYPES OF PURPOSES AND NEAR ABOUT 1 MILLION CHILDREN MOSTLY GIRLS ARE FORCED TO DO SEX TRADE EVERY YEAR (FRANCIS, 2002).

EVEN DURING PROSTITUTION WOMEN FACE THE VIOLATION OF THEIR HUMAN RIGHTS ON GLOBAL LEVEL. IT REVEALS IN THE STUDY ON 475 WOMEN FROM FIVE COUNTRIES (SOUTH AFRICA, THAILAND, TURKEY, USA, AND ZAMBIA), STATED OUT THAT 62% WOMEN ARE RAPED DURING PROSTITUTION, 73% WITNESSED OF PHYSICAL ASSAULTED, 72% ARE HOMELESS AND 83 % WOMEN ARE FACED THE ASSAULT WITH A WEAPON DURING PROSTITUTION (FARLEY, 1998). MOREOVER DOMESTIC VIOLENCE IS ANOTHER CAUSE BEHIND THE VIOLATION OF HUMAN RIGHTS OF WOMEN. ESTIMATED 60% WOMEN IN ZIMBABWE LOST THEIR LIVES DUE TO DOMESTIC VIOLENCE (ZIMBIZI, 2007).

THE SAME SITUATION LIKE ZIMBABWE CAN BE FOUND OUT IN CANADA, WHERE BETWEEN THE YEARS OF 1999 AND 2004, NEAR ABOUT 7% WOMEN BECOME VICTIM OF DOMESTIC VIOLENCE (BUTTS 2005). THERE ARE 9% WOMEN IN JAPAN, 46% IN PERU, HAVE BECOME VICTIMS OF DOMESTIC VIOLENCE (WHO, 2005). ESTIMATED 17 PERCENT TO 38 PERCENT WOMEN ARE BEING VICTIMS OF PHYSICAL ASSAULTS BY THEIR HUSBANDS ON GLOBAL LEVEL AND MANY TIMES IT LEADS TO TRAUMA AND DEATHS OF THE VICTIMS (UNDP, 1996).

HONOR KILLING IS ALSO A REASON FOR THE VIOLATION OF WOMEN' HUMAN RIGHTS BECAUSE THERE IS AN ESTIMATE 5,000 WOMEN EVERY YEAR FROM DIFFERENT PARTS OF THE WORLD ESPECIALLY FROM ASIAN REGION ARE BEING KILLED ON THE NAME OF HONOR (CPS, 2009). FEMALE

GENITAL MUTILATION (FGM) IS ALSO ANOTHER CAUSE BEHIND THE VIOLATION. FEMALE GENITAL MUTILATION IS THAT WHEN WOMEN OR GIRLS GET INJURY IN GENITAL ORGANS WHICH LEADS TO BLEEDING, URINATING PROBLEMS, OR EVEN INFERTILITY AND OTHER TYPES OF PHYSICAL COMPLICATIONS. THERE IS AN ESTIMATE THAT 1000 TO 140 MILLION GIRLS OR WOMEN ARE RUINING WITH FEMALE GENITAL MUTILATION (FGM) AND MAXIMUM IN NUMBER ARE GIRLS UP TO THE AGE OF 15 YEARS (MEDIA CANTER, 2012). RAPE OR ATTEMPTED TO RAPE LEADS TO THE VIOLATION OF HUMAN RIGHTS OF WOMEN. FEMALE INFANTICIDE HAS BECOME A GLOBAL LEVEL CAUSE FOR THE VIOLATION OF WOMEN'S HUMAN RIGHTS AND ESTIMATED 60 MILLION GIRLS LOST THEIR LIVES BECAUSE OF FEMALE INFANTICIDE OR ABORTION IN CASE OF GIRL CHILD (UNFPA, 2011).

There are many international institutions and organizations are working for the protection of human rights of women and for this purpose they made number of efforts and organized many seminars and conferences on national and as well as international level. Many steps have been taken by the international community to curb the violation of human rights of women and violence against women. For example, a declaration on the Elimination of Violence against Women 1993 was adopted by the United Nations General Assembly under the resolution 48/104, this declaration provides total six articles which stated out that gender based discrimination, physical, sexual, psychological harmful acts against women, coercion or arbitrary deprivation of liberty of the women and any kind of threats to women, whether in public or in private life is a violence against women (Art.1). So it covers all types of harmful acts like rape, sexual harassment, molestation, dowry related violence, acid burning, honor killing, female genital mutilation, exploitation, domestic violence etc. as violence against women which led to the violation of human rights of women. The other article (Art.3) of the declaration provides that women are having equal human rights in the political, social, economic, cultural, civil or any other field (UN, 1993).

NUMBERS OF EFFORTS HAVE BEEN DONE AND ALSO GOING ON TO CURB THE VIOLENCE AGAINST WOMEN BY THE UNITED NATIONS. UNITED

NATIONS DECLARED A DECADE 1976-1985 FOR WOMEN AND SPONSORED MANY CONFERENCES ON WOMEN LIKE CONFERENCE ON WOMEN IN MEXICO 1975, COPENHAGEN 1980, AND NAIROBI 1985 ETC. EVEN A CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) ORGANIZED BY THE UNO IN 1979 WHICH IS KNOWN AS INTERNATIONAL BILL OF RIGHTS OF WOMEN TO PROMOTE THE HUMAN RIGHTS OF WOMEN AND TO CHECK THE VIOLENCE AGAINST WOMEN. THERE ARE MANY COUNTRIES WHICH RATIFIED THE CONVENTION THAT TIME BUT NOT AMERICA (BUNCH, 2000). BUT STILL WOMEN ARE STRUGGLING TO GET DIGNITY, RESPECT AND SECURITY AND THE EVIL OF VIOLENCE AGAINST WOMEN IS STILL GOING ON IN THE GLOBALIZED WORLD IN SPITE OF NUMBER OF DECLARATIONS.

THE CAUSES BEHIND THE VIOLATION OF WOMEN'S HUMAN RIGHTS ARE NOT SAME EVERYWHERE IN THE WORLD. THE VIOLATION OF HUMAN RIGHTS OF WOMEN IS GOING ON DUE TO DIFFERENT REASONS LIKE UNREST, INSURGENCY, WAR, CIVIL WAR, COUNTER TERROR ACTIVITIES, POVERTY, ACTIVITIES OF STATE AND NON STATE ACTORS, RELIGIOUS CUSTOMS OR TRADITIONS, SELF INTERESTS OF INDIVIDUAL AND DIFFERENT CRIMES AGAINST WOMEN ETC. WOMEN IN THE DEVELOPED COUNTRIES ARE ALSO BEING VICTIMS OF THE VIOLATION OF THEIR HUMAN RIGHTS.

EVEN IN SOUTH ASIAN COUNTRIES (AFGHANISTAN, BANGLADESH, BHUTAN, INDIA, MALDIVES, NEPAL, PAKISTAN, SRI LANKA) WOMEN ARE STRUGGLING AGAINST THE VIOLATION OF THEIR HUMAN RIGHTS. THE SOUTH ASIAN COUNTRIES WERE THE COLONIES OF BRITISH EMPIRE GOT INDEPENDENCE AFTER SECOND WORLD WAR (1939-45), SO POVERTY, ILLITERACY, UNEMPLOYMENT AND LACK OF FOOD, WATER, ELECTRICITY, CLOTHING AND HOUSING ARE THE COMMON REASONS WHICH LED TO THE VIOLATION OF WOMEN'S HUMAN RIGHTS IN SOUTH ASIA, EVEN UNREST, CIVIL WAR, TERRORISM, ACTIVITIES OF STATE AND NON STATE ACTORS, RIOTS, SOCIAL, RELIGIOUS CUSTOMS ETC. ARE ALSO BECOME CAUSES FOR THE VIOLATION OF WOMEN'S HUMAN RIGHTS IN THESE COUNTRIES.

Women in Afghanistan are struggling against violation of their human rights because of terrorists groups (Taliban) and war. Thousands of people including women or girls have been lost their lives due to clash between fundamentalists groups of Afghanistan and United States and still this massacre is going on in Afghanistan. On the other side in Bhutan, ethnic clashes between original inhabitants *Drukpas* and *Nepali* origin *Lhotshampas* become reasons for the violation of human rights of women. After 1990, Number of clashes broke out between both groups led to murders, rapes and abduction of women in Bhutan (South Asia Terrorism Portal, 2001).

In Bangladesh, during independence war 1972 number of women abducted raped, molested and tortured by the military forces. The women from minorities groups were become primary subject of violation of human rights (Department of State, 1971).

The thirty years rules (1978-2008) of President Maumoon Abdul Gayoom become cause for the violation of women's human rights in Maldives because Gayoom's tenure was based on dictatorship and autocratic led to violation of human rights (Human Rights Commission of the Maldives, 2012).

In Nepal, violation of women's human rights occurred due to conflict between Maoists and Government so both are responsible for violation because numbers of people were killed, tortured, and abducted by Maoists and on the other hand Government security forces are responsible for unlawful killing, torture, arbitrary arrest and detention. Moreover gender based violence and domestic violence is also causes behind the violation (Acharya, 2007).

Political instability, dictatorship of army and fundamentalism is a one of the cause for the violation of human rights of women in Pakistan. After 1958 there has been prevailing political instability in Pakistan and many times political leaders over thrown by military rulers in Pakistan led to unrest and violation of human rights in Pakistan (Saleem, 2010).

Ethnic conflict between Liberation Tigers of Tamil Eelam (LTTE) and Government of Sri Lanka become major cause for the violation of human rights of women in Sri Lanka since 1983. Thousands of people including women or girls killed

during conflict of Sinhalese and Tamils and countless women raped, tortured, abducted and become widows (Wimalasuriya, 2012).

INDIA IS NO EXCEPTION OF THIS VIOLATION OF WOMEN'S HUMAN RIGHTS. IN INDIA, A SOVEREIGN, DEMOCRATIC, SOCIALIST, SECULAR, REPUBLIC COUNTRY IN THE WORLD, THOUSANDS OF WOMEN ARE STRUGGLING FOR THEIR HUMAN RIGHTS. A REPORT STATED OUT THAT THERE WERE TOTAL 194,787 CRIME CASES AGAINST WOMEN IN 2010 AND THIS PRACTICE OF CRIME AGAINST WOMEN WAS 109,559 IN 2009 WHICH LED TO THE VIOLATION OF WOMEN'S HUMAN RIGHTS. STILL 18 CASES ARE PENDING RELATED WITH *SATI PRATHA* IN THE DIFFERENT COURTS OF INDIA (NCRB, 2010). THERE IS RECENT NEWS THAT 195 CHILD MARRIAGES OCCURRED IN HARYANA IN 2010 AND 47 CHILD MARRIAGES HAPPENED IN 2009, WHICH INDICATES THAT STILL CHILD MARRIAGE IS PREVAILING IN THE STATES OF DEMOCRATIC COUNTRY (SUPRIYA, 2011). FEMALE FETICIDE ANOTHER REASON FOR THE VIOLATION OF WOMEN'S HUMAN RIGHTS IN INDIA, ESPECIALLY IN THE NORTHERN PART OF INDIA LIKE IN PUNJAB, HARYANA, HIMACHAL PRADESH, GUJARAT AND MAHARASHTRA ETC. (GUPTA, 2005). EVEN MANY TRIBES KILL WOMEN AFTER ALLEGING THEM AS WITCHES AND NEARLY 200 WOMEN ARE BEING KILLED EVERY YEAR AFTER ALLEGING TO BEING WITCHES. THIS EVIL IS PREVAILING IN THE PARTS OF JHARKHAND, ANDHRA PRADESH, HARYANA, CHHATTISGARH AND IN ORISSA ETC. (PTI, 2010).

State police of India is also a responsible for the violation of human rights of women because there are number of cases against the police for the illegal detention, custody, torture, rape and molestation of women in India. Recently a news came into light that seven women of the two villages *Bhatta* and *Parsaul* (Noida) raped by the Uttar Pradesh state police when victims were agitating against the land acquisition in May 2010. Even in Jammu & Kashmir near about 9,000 women were raped and molested, near about 22,000 women lost their husbands and become widow since the conflict (Das, 2011). The report of National Commission for Women in India 2009-10 stated that total 9181 complaints were reported by the women and out of them,

2750 (police apathy 2234, Police harassment 516) complaints were against the atrocities of the state police.

Table 1.3 shows the facts regarding violation of women’s human rights in India. It presents that police was responsible for the highest violation of women’s human rights in 2008-10. There were 2,234 cases registered against the police apathy and nearly 516 cases came into light due to police harassment. Total 2750 cases were found out against the police in India which was followed by domestic violence (matrimonial) with number 1339 led to the violation of women’s human rights in India.

**Table: 1.3 Status of Violation of the Human Rights of Women in India (2009-10)**

Sr. No.	Types of Violation	Number of Victims in 2009-10
1	Police Apathy	2,234
2	Domestic Violence/ Matrimonial	2,155
3	Dowry Harassment	1,339
4	Property Related	762
5	Rape	543
6	Dowry Deaths	521
7	Police Harassment	516
8	Molestation	461
9	Harassment at Work Place	401
10	Attempts to Rape	249
	Total	9,181

**Source: National Commission for Women, 2010**

EVEN WOMEN ARE STRUGGLING FOR THEIR HUMAN RIGHTS IN MANY INDIAN STATES INCLUDING PUNJAB, KASHMIR, ASSAM, AND NORTH EAST STATES ETC. THESE STATES ARE DEMANDING SEPARATISM FROM INDIAN UNION AND TO MEET THE DEMAND MANY GROUPS EMERGED IN THESE STATES AND ANTI- GOVERNMENT ACTIVITIES WERE (ARE) CONDUCTED BY THESE GROUPS. TO CURB THE ANTI NATIONAL ACTIVITIES NUMBER OF LAWS MADE BY INDIA GOVERNMENT (AFSPA TADA ETC.) AND EMPOWERED

INDIAN SECURITY FORCES LED TO THE VIOLATION OF WOMEN'S HUMAN RIGHTS IN INDIA (BASU, 2009).

THERE ARE DIFFERENT TYPES OF RELIGIONS AND CASTS CAN BE FOUND OUT IN INDIA BUT THERE IS AN ABSENCE OF HARMONY AMONG THESE DIFFERENT RELIGIONS SO CLASHES AMONG DIFFERENT COMMUNITIES BASED ON RELIGION, CAST AND REGION ARE ALSO A RESPONSIBLE FOR THE VIOLATION OF WOMEN'S HUMAN RIGHTS IN INDIA.

SO IT IS CLEARED THAT THERE ARE SOME COMMON AND NUMBER OF DIFFERENT TYPES OF CAUSES ARE RESPONSIBLE FOR THE VIOLATION OF WOMEN'S HUMAN RIGHTS IN SOUTH ASIA AND MANY SOCIAL, ECONOMIC, POLITICAL AND RELIGIOUS CAUSES ARE BEHIND FOR THE VIOLATION OF WOMEN'S HUMAN RIGHTS IN SOUTH ASIA BUT VIOLATION OF WOMEN'S HUMAN RIGHTS DUE TO TORTURE AND ILLEGAL DETENTION IN SOUTH ASIA WAS SELECTED FOR THE PRESENT STUDY. THAT IS WHY AN INDIAN PUNJAB WAS SELECTED FOR PRESENT STUDY BECAUSE INDIA IS A PART OF SOUTH ASIA AND PUNJAB IS A PART OF INDIA. EVER THOUGH IN INDIA WE HAD VARIOUS KINDS OF TRADITIONAL, MYTHICAL, SPIRITUAL DETERRENCE FOR VIOLATION OF HUMAN RIGHTS, BUT UNFORTUNATELY THE PROBLEMS OF MODERN WORLD THRUST US INTO DIFFERENT KINDS OF NATIONAL, ANTI-NATIONAL, SUB-NATIONAL STRUGGLES. ONE OF THESE SUB-NATIONAL STRUGGLES THAT TOOK PLACE IN INDIA WAS THE BIRTH OF ARMED MOVEMENT IN PUNJAB DURING 1978 TO 1992 WHICH LED TO THE MASSIVE VIOLATION OF THE HUMAN RIGHTS OF WOMEN. TO FIND OUT THE VIOLATION OF WOMEN'S HUMAN RIGHTS IN SOUTH ASIA THREE TRUSTS OF INDIAN PUNJAB WERE SELECTED WHERE WOMEN ARE SURVIVING WITH THEIR NEAR AND DEARS ONE AFTER BEING TORTURED OR ILLEGAL DETENTION.

**Need of Study:** Keeping in view of the status of violation of human rights of women in the world, the present study is an attempt to study the violation of human rights of women in Punjab during the period of unrest (1978-1992). The study is based on the following objectives:

- To trace the evolution of human rights.
- To discuss the issues of human rights in South Asia.
- To find out the various reasons of rise of terrorism in Punjab.
- To find out an empirical evidences of human rights violation in Punjab in group and woman in particular.
- To examine the profile of women victims of human rights violation.
- To discuss the role of three trusts to help the women victims of human rights violation.

**Database and Methodology:** The study has used both types of data including primary and secondary. For collection of primary data, the survey has been conducted to get the primary data from the victims and their relatives. Secondary data have been collected from multiple sources including personal and professional websites and blogs, number of books, articles, magazines, news papers, speeches and reports of individuals, reports of public and private institutions. Following random sampling method, 55 persons are interviewed to collect primary data. Out of these 55 persons, 30 are victims and 25 are victim's relatives. Finally as per the information a sample of 45 (30 victims and 15 victim's relatives) are selected to develop a report. The selected sample has not enough education to read and write, therefore, the questions were asked from the questionnaire given in appendix and then filled by the researcher himself. Three districts of Punjab namely Patiala, Mohali and Amritsar were selected for the collection of data. There are three trusts in these districts of Punjab, where the bereaved families of the deceased persons are surviving with their near and dear ones after unrest. Present study's sample has been collected from these three trusts namely Mata Gujri Sahara Trust (Village Kaler Bhaini, Patiala), Guru Asra Trust (Mohali) and Khalsa Dharam Singh Trust (Village Sultanwind, Amritsar).

**Plan of Study:** The study consists of five chapters. The first chapter deals about the brief history and status of human rights in South Asia. Second chapter of the study reviews the different studies related to the violation of human rights of women in India between the years of 1978-1992. Third chapter explains the causes behind the Emergence of unrest led to the violation of human rights of women. The fourth chapter analysis the results of field survey conducted to develop a report. The

last chapter concludes the results and also suggests some recommendations for the protection of human rights of women in Punjab.

**Limitations of the Study:** Only three trusts of Punjab were selected for present study but there are thousands of women victims are surviving out of these trusts. There are number of reasons behind the violation but only illegal detention and torture are selected for the present study. Number of victims died after the unrest and their relatives either knew very less about the violation of human rights or they deliberately misguided the researcher by giving false information. Even people are not ready to accept that their women were detained, tortured by the police because they take it as a disgusting issue which compel them not to speak. Many of the victims feel scared that if they speak out against the violation, then their children would have to suffer in future

## CHAPTER II

### REVIEW OF LITERATURE

The present chapter reviews the different studies related to the violation of human rights of women in India between the years of 1978-1992. These studies revealed that there was a massive violation of human rights in Punjab during the period of unrest due to number of reasons. Numbers of women or girls were illegally detained and tortured by the police to get information of armed Sikhs. Even many of them were arrested after alleging that they are harboring the armed Sikhs. The illegal torture and detention led to the violation of women's human rights in Punjab between the years of 1978-1992.

Malik (1984) pointed out that uncountable people were tortured in Punjab since 1980 including women and children by the police or security forces. Even many innocent disable persons became a victim of Police torture. Malik narrated the number of stories of those people, who lost their limbs in the attack on Golden Temple in 1984 and aftermath people admitted in a hospital where 300 people were under medical treatment in a single ward. The study also pointed out the story of those 40 children, who were between the age of 4 to 14 years, were also detained by the security forces and later they were kept in Sangrur jail led to the violation of human rights of children in Punjab.

Economic Political Weekly (1985) provided the information about the number of laws which came into light to curb the anti state activities. After the president rule in Punjab in 1983 many laws including Anti Terrorist Disruptive Act (TADA) 1987, Punjab Disturbed Areas Act 1983, Chandigarh Disturbed Areas Act 1983, National Security Acts 1984, Armed Forces Special Power Act (AFSPA) 1983 and many more were implemented by the government the study revealed that these laws were misused by the police and security. As a result, thousands of people were become victims of torture and faced illegal custody under the patronage of these laws.

Leaf (1985) found that several causes were responsible for the crisis which emerged in Punjab after 1978 including the dispute over water, hydel projects and Bhakra Nangal Project, Land Reform Act 1972 and later the movement of *Punjabi*

*Suba* which made the demand for the reorganization of Punjab on language basis. But after with the dissatisfaction of the demarcation of the boundaries of Punjab a resolution was passed by the Sikh leaders which termed as Anadpur Sahib Resolution 1973, National emergency imposed by Indira Gandhi in 1975 which accelerated the conflict. The numbers of economic problems of Punjab, low level politics by the Akali leaders, and Operation Blue Star 1984 led to the assassination of Indira Gandhi and aftermath massacre of Sikh people became causes for the unrest in Punjab.

Tully (1985) illustrated the many causes which led to the attack on Golden Temple by Indira Gandhi in 1984. Tully stated in his study that there is political role of the leaders behind the unrest in the Punjab which emerged after 1978. This study pointed out that how Saint Bhindrawala emerged under the patronage of political people after being the head of *Damdami Taksal*. It covered the full detail of conflict between Sikhs and *Nirankaris* 1978. The study developed with political, historical and religious point of view which proved that there were number of reasons which led to the emergence of conflict between Indian Union and Punjab and this conflict become a main cause for the violation of human rights of women in Punjab after 1984.

Nayar (1986) explained the whole story of attack on Golden temple in 1984 in his study. Nayar gave the detail of the preparations, fortification of Golden Temple by the Indian Army. The study stated about the personal life and background Saint Bhindrawala and the period of his emergence as a religious leader of Sikh community. Moreover the study presented the tragic picture of Punjab and people of Punjab aftermath the operation blue star 1984 which cleared that there was massive violation of human rights of innocent *Punjabi* people occurred in the year of 1984-85. It pointed out that victims were visited at Golden Temple to give obeisance to God on the day of massacre, but later they treated like a terrorists by the Indian Army.

International Human Rights Organization (1987) highlighted the violation of human rights and the miserable conditions of the women in Punjab after 1984. The study stated out that women suffered most during the unrest period in Punjab because they had been become a tool to get information about their near and dear ones by the police. Resulting is number of women were tortured, beaten by the police

to get information of armed Sikhs after 1984. Moreover study pointed out that many women paraded were naked in front of the village and then were raped in Police Custody. Even army men became victims of the violation of their human rights by the police, who fought for Indian country against China 1962, Pakistan 1971 also were tortured by Police.

Human Rights Watch (1990) stated the many stories of number of women in Punjab who were killed, raped, tortured and molested by the security forces and police after 1980. Moreover, many Journalists, political leaders were kidnapped and killed by the armed Sikhs during unrest 1984 to 1992. Further study pointed out that many Indian Laws came into existence including National Security Act (NSA), and Armed Forces Special Power Act (AFSPA) to curb the unrest in Punjab and study also illustrated that these laws were misused by the police and security forces in Punjab for their own interests. This study provided the number of districts of Punjab where civilians were killed by armed Sikhs and security forces between the years of 1984 to 1994.

International, Amnesty (1991) illustrated the violation of human rights of people of Punjab during unrest and revealed that numbers of women became victims of torture and ill human treatment by the police during the period of 1984 to 1992. Further study stated out that all ages of women saw the violation of their human rights including the women of age 16 to 60 years. Thousands of people from Punjab were arrested and detained illegally by the security forces and police where they born torture on their bodies. The whole information was taken by the Amnesty from the different affidavits of the victims and reports of Justice Tiwana commission 1985 and Justice Sodhi commission 1989 which were set up by the Punjab government for the enquiry of the cases of torture and many facts were taken from the judgments of the courts and articles which were published in the news papers between the years of 1984 to 1994. The report of amnesty illustrates that many Indian laws, security forces, armed Sikhs and individuals are responsible for the violation of the human rights of women in Punjab during insurgency.

International Amnesty (1992) asserted that in every Indian state torture is a common phenomenon which led to the massive violation of human rights. The study provided that estimated 415 people have been lost their lives in police custody in many Indian states between the years of 1985-1992. Amnesty showed statistical data of every Indian state related with the deaths of individuals in the police custody. Women are the primary victims of rape and molestation by the police in police custody. The study found out that there are different types of pattern of tortures in the police custody and in Punjab thousands of people became victims of these patterns of torture by the police during unrest. Amnesty revealed the many names of interrogation centre in Punjab where people were tortured physically as well as mentally by the police. Amnesty concluded that main victims of the violation of human rights in India are minority groups' criminal suspects, *dalits* and *adivasis* etc.

International Human Rights Organization (IHRO) (1994) pointed out that women and children tortured, and detained illegally by the Police in Punjab between the years of 1984 to 1994. Moreover hundreds of women were raped in police custody. The study took number of examples from the districts of Amritsar, Batala and Ludhiana of those women, who faced the violation of their human rights by the Police after 1984. It stated out that thousands of women from Ludhiana, Amritsar and Batala districts became victims of torture and molestation by the police during the period of insurgency. IHRO pointed out that police misused the ant-terrorist laws against the innocent women and children for the sake of money and extortion.

Jaijee (1995) discussed the position of Sikh society in the pre independent India and after 1947 in his study. The study illustrated the disputes which were emerged between Punjab and Centre government and become responsible for demand of independent state. Study stated out that there are many disputes between India and Punjab including the dispute of river water, hydal projects and Punjabi speaking areas which excluded from Punjab after 1966. This study stated out about the Operation Blue Star 1984, Operation Woodrose 1984-85, and massacre of Sikhs in Delhi 1984 in detail and also statistical data about the killing and disappearances of the people of Punjab after 1984. The study showed that uncountable people in Punjab

including men and women became victims of brutal torture by the Police which led to the massive violation of human rights in the prosperous state.

Singh (1996) explained that violation of human rights of Sikh people has not occurred only in Punjab and Delhi but also in other Indian States like in Assam, Nagaland etc. The study revealed that more than 25,000 people were killed after the assassination of Indira Gandhi 1984. Anti-terrorist laws were misused by the Police and imposed president rule in Punjab after 1984. Many operations were launched by the Government including operation Woodrose, Rakshak to curb the armed Sikh movement and for this purpose thousands of new policemen recruited, resulting was number of armed Sikhs were killed by the police till 1992.

Dhillon (1997) discussed the root causes of the conflict between Indian government and Punjab since 1947 which was later accelerated by politics for its own interests. Dhillon stated out that dispute over river water between India and Punjab, *Dharam Yudh Morcha 1982*, struggle for *Punjabi Suba 1966*, attack on Golden Temple in 1984 by the Indian Army are the main root causes of the conflict between Indian Union and Punjab which emerged after 1978. The study asserted that numbers of negotiations were held between Sikhs and Indian government to check the activities of armed Sikh people in Punjab and also study discussed the white paper of Government which issued after the attack on Golden Temple 1984. There are many reasons for the conflict between India and Punjab which led the demand for state autonomy and violation of human rights in Punjab.

Gill (1997) briefed the problems of Punjab since 1978 with the clash of Sikhs and *Nirankarie* in Amritsar and resulting is the killing of Lala Jagat Narayan and *Nirankari* Baba Gurbachan Singh by the Sikh armed. The study provided the background and activities of Saint Bhinderawala and Bibi Amarjit Kaur, who were fought for the Sikh community. The last chapter of the study stated about many famous armed Sikhs and the success story of the police operations which were launched by the police in Punjab after 1984. Moreover the study proved that from both sides (Police and armed Sikhs) there were Sikh people and resulting is the deaths of 65 percent Sikh policemen and thousands of innocent Sikhs also were killed by the Sikh police.

Singh (1997) emphasized over those disputes which emerged between Indian Union and Punjab after 1947 including dispute over water, Bhakra Nangal Project, reorganization of Punjab etc. Singh said that these disputes are responsible for emergence of conflict between Punjab and Indian Union. The study stated out that many genuine demands of Punjab were not accepted by the Indian government after independence 1947 which led to the demand for separate state and resulting is the violation of human rights occurred on the ground of Punjab which claims the thousands of lives of the innocent people of Punjab after 1984.

Laws (2002) revealed that thousands of innocent people including women in Punjab were tortured by the security forces after 1984. 202 people were interviewed (168 men, 24 men, 10 excluded due to missing data) from 126 villages and 17 districts of Punjab in 1997. The study found that numbers of people were tortured after alleging that they had provided food and shelter to armed Sikhs. The violation of human rights and torture was on peak in the year of 1992-93. The methods of torture were brutal led to the permanent disability of the limbs of many victims and most of them had suffered with physical and mental disorders.

International Amnesty (2003) revealed that thousands of people became a victim of the violation of their human rights due to the torture and illegal detention by police and numbers of people lost their lives between the years of 1984 to 1992. Every type of people including the poor, *dalits*, women, Children, and aged people were tortured and beaten by the police in illegal custody led to the violation of human rights in Punjab. This violation and torture is still going on aftermath the unrest in Punjab. The victims are still waiting for justice from Indian courts but result is zero. Amnesty stated out that many human rights activists disappeared who were working for the promotion of human rights in Punjab including Jaswant Singh Khalra and the eyewitness of Khalra case. Further study provided the ineffective role of Indian judiciary including Punjab & Haryana high court and Punjab State human rights Commission to curb the violation.

ENSAAF (2005) argued that many people became victims of human rights abuses in Punjab between the years of 1984-1995. Although there are many national as well as international laws like Universal Declaration on Human Rights 1948 (UDHR) and International Covenant on Civil and Political Rights 1966 (ICCPR) both prohibited the human rights abuses and torture. The study also provided the detail about those Indian domestic laws which provide the provisions to curb the torture and violation of human rights in India. The study said that in spite of all above laws the torture and human rights abuses are going in Punjab, where number of people were detained illegally and torture by the police. Further study provided that the number of stories of the victims, who faced the violation of their human rights by the police and also study gave many recommendations to the Indian government to check the violation of human rights in Punjab.

Physician of Human Rights (PHR) (2006) explored the massive violation of human rights of the people in Punjab (1984-1992) including women and children. The members of PHR made a visit ten days in the year of 2005 and collected the data from the district Amritsar of Punjab and 189 people from Amritsar were interviewed by the PHR. More than twenty types of torture were faced by the victims in police custody including men and women led to the different types of medical disorder to the victims. Study stated out that many of them, don't have sufficient economic sources to get treatment for their medical disorders, showing that still surviving families of the deceased are facing the another form of violation of their Human rights in Punjab after 1984.

Singh (2006) pointed out in his study that there were different types of circumstances under which leaders of Sikh community decided to join the Indian Union in the year of 1947. Further study stated about the Sikh and Muslims politics that how leaders of the both religions were trying their best to save the interests of their people before 1947. The study showed that there were many historical and as well as religious causes which led to the demand of autonomous state by the leaders of Punjab.

Singh (2008) studied that there are many promises of India which were given by the leaders of congress to the leaders of Punjab during the period of British

Empire. But after getting independence these have not been fulfilled by the leaders of congress and resulting is the many types of agitations were raised by the leaders of the Sikhs but there was no positive result for the leaders of Sikh people. To meet the demands Sikh leaders adopted the non violent ways which later converted into the violent movement because Indian union was not ready to accept the genuine demands of the Sikh leaders which led to the attack on Golden Temple by Indian Army and number of Police operations against the armed Sikhs after 1984.

ENSAAF (2009) revealed a very important and analytical detail on the violation of human rights in Punjab between the years of 1984-96. Study presented detailed information of lethal violence in every district of Punjab since 1984. Further study stated out that Amritsar is one of the main victim districts of violation of human rights where maximum people were killed and disappeared during unrest. The study suggested for the direction for future research in Punjab with the detailed information on enforced disappearance, extrajudicial execution, illegal cremation and fake encounters which occurred in Punjab.

Grewal (2009) studied the facts and root causes of the conflict between Indian Union and Punjab before independence 1947. Singh pointed out the history of Sikhs including the background of Sikh community from the beginning of Sikhism 1469. The study also revealed the image of that politics which played a key role for the demand of independent Punjab. The study showed that a demand for *Azaad Punjab* is not a new concept but old one which emerged pre independence 1947 but later it converted into armed movement which led to the massive violation of human rights of innocent people in Punjab after 1984.

The above studies discuss the violation of human rights and terrorism in Punjab during the period of unrest. But there was not a specific study on the violation of women's human rights in Punjab during unrest. The present study is an attempt to explore the different reasons led to the illegal detention and torture of women in Punjab led to violation of women's human rights.

## CHAPTER III

### VIOLATION OF WOMEN'S HUMAN RIGHTS (1978-1992)

Rise of militancy in Punjab after 1978 become main cause for the sorrows of women led to the violation of their human rights by both sides' Indian security forces and armed Sikhs. The roots of militancy could be found out after the clash between Sikhs and Nirankaris at Amritsar in 1978 but ground for such unrest prepared before and after independence of India in 1947. Pre independence a demand, for the *Azad Punjab*, was made by the Sikh leaders to protect the interests of people of Punjab but they could not get success. Later on after joining the Indian Union by Punjab, a new crisis emerged on the land of five rivers in the form of *Punjabi Suba* (State for Punjabi speaking people) in 1950 (Brass, 2005). A demand for the reorganization of Punjab State on the basis of *Punjabi* language was made by the leaders of Punjab in 1950 and for this purpose a political protest was started but after the achievement of *Punjabi Suba* in 1966 a political protest converted into social protest after the imposition of national emergency in 1975 and moreover, the political leaders of Punjab were not satisfied with the demarcation of boundaries of Punjab and also they raised finger against the central government for discriminated behaviour towards the *Punjabi Suba*. But after social protest, violent activities emerged on the ground of Punjab after 1978 led to the rise of militancy.

There were three major phases (first phase 1978-1984, second phase 1984-1985, third phase 1985-1992) of militancy in Punjab led to violation of women's human rights. First phase started in 1978, when a clash broke out between followers of Jarnail Singh Bhindranwala and Nirankaris led to the killing of 15 followers (twelve followers of Bhindrawala and three Nirankaris) and later on violence accelerated with the assassination of Nirankari chief Gurbachan Singh. The second phase started when Indian army controlled Punjab in 1984 and operation blue star conducted by Indian Army led to number of killings in Golden temple resulting was the assassination of Prime Minister Indira Gandhi in the same year. To end the violence in Punjab an accord came into light in 1985 which is known as Rajiv-Longowal accord and with this accord third phase of militancy started because Saint Harchand Singh

Longowal assassinated by unidentified persons in 1985. Later on number of armed groups emerged in Punjab led to anti Indian government activities (Sekhon, 1999) and till 1992 number of women become victim of violation of their human rights due to the activities of armed Sikhs as well as Indian security forces.

Major events led to unrest in Punjab

The ground for unrest was started to prepare before independence of India 1947 when a demand was made by some leaders of British Punjab that central part of British Punjab should be as an *Azad Punjab* where Hindus and Sikhs were giving their presence (Singh, 2006). Later on in 1942, Stafford Cripps mission came to India and released a draft which stated out that every state of India has a right of separatism. Any state which is not willing to merge into Indian Union can be separated. So the leaders of Punjab made demand for Azad Punjab (Grewal, 2009). But later on the riots broke out in Rawalpindi against the Sikhs because they (Sikhs) were against the creation of Pakistan. The leaders of Punjab decided to join the Indian Union because they could not get success for the making of Azad Punjab (Talbot, 2009). But after joining Indian Union, a new demand was made by the people of Punjab in 1950 as a *Punjabi Suba* (Reorganization of Punjab on language basis) as per the promise of leaders of Congress party. Pre independence the leaders of congress declared that

*“Every section of the Indian people which has a contiguous territory as its homeland, common historical tradition, common language, culture psychological makeup and common economic life would be recognized as a distinct nationality with the right to exist as an autonomous state within the free Indian Union or federation and will have the right to secede from it, if it may so desire.....”* (Desai, 2010)

Moreover, in the year of 1946 Nehru said in a press conference that” The brave Sikhs of the Punjab are entitled to special consideration. I nothing wrong in an area and a set up in the North where in the Sikhs can experience the glow of freedom.” These lines confirmed that Nehru made promise to the Sikhs that after independence Sikh people will enjoy the autonomous status within the Indian union but later after independence he denied to fulfil his assurance (Singh 1999). Even in the year of 1948, a JVP committee (Nehru, Patel, Pattabhi Sitaramayya) was formed

which decided that Andhra Pradesh State should be created on the basis of Telgu language but other states were neglected by the committee which gave birth of feeling of discrimination from other states by the JVP which resulted is the agitation by the Akali party for the formation of *Punjabi Suba* (Singh, 2008).

After the end of Indo- Pak war 1965, congress passed a resolution on March 10, 1966 for the formation of *Punjabi Suba* and in April 1966 Shah Commission was set up under justice J.C Shah for demarcation of the boundaries of *Punjabi Suba*. Finally a language based new state of Punjab came into existence on November, 1966 (Singh, 1997). But after the creation of *Punabi Suba* in 1966, unrest accelerated in Punjab because of numbers of disputes between Centre and Punjab e.g. dispute over the ownership of water Because, before the creation of *Punjabi Suba* 1966 Punjab was the owner for its own water but after 1966 central Government become master of the water of Punjab (Singh, 2002). Another reason behind the emergence of unrest was that the control of Central government on Bhakhra project, Beas project including other head works like Ropar, Harike, ferozpur etc. There are many other inter-states disputed over projects but those projects were not under the control of Central government (Singh, 1997). Moreover many Punjabi speaking areas were excluded from *Punjabi suba* after its creation in 1966 so agitation started by the leaders of Punjab to add these areas into *Punjabi Suba* which led to the emergence of unrest (Singh, 2002).

Another reason was that in the year of 1973, some socio-political, demands were made by the Akali Dal at Anandpur Sahib which is known as “Anandpur Sahib Resolution”. Under this resolution leaders of Punjab made the following demands:

- a. Chandigarh should be merged into *Punjabi Suba* which was a part of Punjab before 1966
- b. Other Punjabi Speaking areas should be part of *Punjabi Suba*
- c. More powers or autonomy should be given the states under existing constitution and decentralizations of the powers of central government.
- d. Emphasis on the land reforms, industrialization and protection of the interests of weaker section of population in the Punjab.

- e. Review over water dispute by the supreme court
- f. Return the administration of thermal head works and the Punjab Electric Board to Punjab.
- g. All *Gurudwara Sahib* in India should be under single act.
- h. Focus on the safeguarding of the minorities within and outside the India.
- i. Special status for the Sikhs in Indian Union and the quota of Sikhs should be increased in the Indian defence service (Deol, 2000).

#### Rise of militancy and violation of women's human rights

Later on, In the year of 1978 on the day of *Vaisakhi* a clash broke out between *Nirankari* and Sikhs, resulting deaths of many Sikh people which agitated the clash between Sikh and Nirankari people in the other parts of Punjab and many violent incidents occurred which became the cause of unrest (Arora, 1990). So after 1978 violent violence emerged in Punjab led to the rise of militancy.

In 1981, Dharam Yudh Morcha was launched by Saint Harchand Singh Longowal a political leader of Akali Dal, for the implementation of Anadpur Sahib Resolution 1973 and to get more autonomy for Punjab. Numbers of people were arrested by the police during agitation and resulting emergence of unrest in Punjab (Tatla, 1999).

In the year of 1982, Indira Gandhi inaugurated digging of Satluj Yamuna Link (SYL) canal in the village Kapoori near Patiala which was protested by the leaders and farmers because the water of Punjab was going to be diverted against the wish of the people. So Akali made the demand to stop digging and for this purpose they launched agitations which become one of the reasons for the birth of unrest in Punjab (Singh, 1990).

Later on the Akal Takhat (The Throne of Almighty, supreme seat of Sikhism) at Golden temple Amritsar was occupied by the religious Sikhs. The operation Blue Star carried out by the central government on the name of that violent activities are run by the Sikh leaders from Golden Temple. During Operation Blue Star around 3,000 innocent people lost their lives. The operation blue star in 1984 became major cause for the emergence of unrest in Punjab (Tully, 1985).

To maintain peace in Punjab, an accord was signed between Harchand Singh Longowal and Prime Minister Rajiv Gandhi in 1985 termed as “Punjab Accord” that includes 11 points to resolve the problems of Punjab. But Longowal was assassinated by the unidentified persons and the violence accelerated in Punjab (Singh, 1999).

After the attack on Golden Temple, assassination of Indira Gandhi and Longowal, a number of armed groups emerged in Punjab led to violent activities so the number of laws and acts were made by the Government to curb the armed movement in Punjab like the National Security Act (NSA) 1980 which empowered the security forces to arrest and detain the persons for up to two years. Moreover, the Armed Forces (Punjab and Chandigarh) Special Powers Act (AFSPA) 1983, was the most powerful act which provided the unlimited powers to the officers and non-commissioned officers of armed forces in Punjab and Chandigarh. Under this act officers could recruit or hire the pernicious team for the maintenance of public orders and even arrest the persons if there is a doubt regarding his activities. Moreover, officers of armed forces were empowered for searching the houses and other buildings without any kind of the orders of court or search warrants and had a power to finish the resources, equipment and structure of militants.

Another Act was the Punjab Disturbed Areas Act (PDAA) 1983, which empowered the officers and non-commissioned officers of the police on the same way as the Armed Forces Special Powers Act (AFSPA) 1983. A Terrorist and Disruptive Activities Prevention Act (TADA) 1987 provides the definition of terrorism and provided more powers to the security forces resulting in longer detention and custody for the anti-Indian people and with this act punishment increased up to death or life imprisonment. To secure the religious places from the activities of armed Sikhs, an ordinance was issued by the President of India under the name, the Religious Institutions (Prevention of Misuse) Ordinance (RIO) 1988 (Kiss, 2009).

But laws and acts which were created to curb the anti-national activities became the major sorrow for women of Punjab when these laws were misused by the Police and security forces for their own interests on the name of counter terrorism which led to the massive violation of human rights in Punjab after 1984. The powers of the Police and security forces increased after making numbers of anti-terrorists

laws and acts which came into existence after 1980 and resulting is hundreds of thousands Sikh people including women lost their lives in fake encounters, uncountable young people disappeared and tortured including women in Punjab, who are still waiting for justice from Indian courts and Government.

In an article of India Today, published on 15 August 1988 highlighted that these laws were misused by Punjab Police for their own interests. Further article pointed out that many people including women arrested and detained by Punjab Police after alleging that they are harboring the armed Sikhs and later Police released these people after receiving extortion from the victims. Police also used these laws to get extortion from the people of Punjab. Moreover the property of the victims either illegally sold by the police or devastated resulting is number of women become homeless. Even in many cases the houses of the victims were devastated by the police and the bereaved families of deceased were forced to pay money to get bail, who were illegally detained by the police under anti-terrorists laws either to get information of armed Sikhs or arrested after alleging that they are harboring the armed movement (Narayan, 2003).

The fact is that the human rights were violated from both the sides, by the security forces as well as by the armed Sikhs during the period of unrest (1978-1992) in Punjab. There is a report of Amnesty International, 1991 pointing out that thousands of people including women were arrested and detained illegally by the security forces and Police. Many of those people lost their lives during or after the torture of Police in illegal custody. The reason of the detention and torture of people was that many of them were relatives of the armed Sikhs and another reason was the unreasonable extortion which was the motive of the Police. All victims were arrested by police under those laws which came into existence, on the name to curb the terrorist activities in Punjab. Even number of women aged between 15 to 60 years were also arrested, detained, tortured, raped, killed, physically and mentally harassed and molested by the security forces and police under the deadly laws, on the name of security reason and to get the information of armed Sikh. Many times police made the visits at the villages of Punjab for hospitality at night under the identity of armed Sikhs and in the next morning police returns in uniform at the same homes where they

visited at last night after posing as armed Sikhs. The families, including women were arrested by police after alleging that they provided food and other facilities to the armed Sikhs last night. Later on police made demand for money or extortion from the victims but in case the demands were not fulfilled by the victims then they had to face tortured and harassment by the police and security forces in illegal detention. (Amnesty International, 1991)

A report of Human Right Watch 1994 stated out that there was a special reward for policemen and even for the people of Punjab for killing or abducting armed Sikhs. For this purpose Government had set up a special secret fund and the result was the killing of armed Sikhs including innocent people of Punjab for getting reward by the police and black cats. Moreover many families of the victims, including children, women and aged people had been tortured and killed by the police, informers, and black cats etc. On the other side in revenge armed Sikh killed many constables, police officers, and their family members including women in Punjab. Moreover many journalists, politicians, social workers, religious leaders, and human rights activists were killed by the armed Sikhs during unrest (1978-1992) (Human Right Watch, 1994).

During the period of unrest about 25,000 Sikh people including women lost their lives in the fake encounters. Numbers of studies have been carried out on this issue and found out that the people of Punjab become victims of fake encounters, torture and harassment by the Police led to the violation of human rights. Thousands of children in Punjab have lost their fathers, women lost their husbands and parents are still waiting for their young children, who disappeared in the period of bleeding Punjab. The uncountable wives and aged parents living with this hope that their children or husband ran away from Punjab after the terror of torture by the police and a day will come when they will be at home but many of them left away from this earth along with the this hope but everything is vein.

Even in the Operation Blue Star in 1984, Number of women were detained and tortured illegally by the police as well as by the security force. The White Paper 1984 of Government stated that 1,283 men and 309 women arrested during the operation and many of them women faced the illegal custody (Singh, 1999). Moreover many

women were killed in the operation, the report of army pointed out that near about 100 women and 75 children were killed and 7 women and 4 children injured during the operation but the reality is that number of deaths of women is more than this report (Brar, 1992). During the period of counter terrorist activities number of people were hired by the police as vigilantes and black cats who worked as police informers but these were not policemen but having police support. They (hired people) violated the human rights of women and committed number of crime against women including looting, extortion, molesting and raping the women. Number of girls from Punjab left the school and other educational institutions due to the terror of Policemen because these policemen were protected by their seniors and laws also and 80% girls were dropped from the Banga high school in district Sangrur (Singh, 1999).

A report stated out that many women were tortured by the police to get the information about armed Sikh and many of them beaten and abused after alleging that they provided food and shelter to the armed Sikh people. To develop the report 192 people were interviewed during the survey and among those, 24 were women who gave the information regarding the torture which they suffered. The violation of human rights of women was highest in the year of 1992-93; according to a police officer at his police station every year estimated 4,000 to 5000 people were tortured including women during the period 1985 to 1990 (Laws, 2002). Hundreds of women were detained in Batala, District of Punjab after 1984 and also they tortured and paraded naked in front of the village. The houses of these women were looted by the police during search. Numbers of times women interrogated by male police and also kept in illegal custody after being alleged that they supported the armed Sikhs, even unmarried girls became victims of the cruelty. Women became a tool for the police to get information of armed Sikhs. After being tortured by the police these women got physical injuries and the result caused permanent disability in some women. On the same way numbers of women were tortured and detained by police illegally in Ludhiana, District of Punjab where many women survived after being victims of the brutality of the police (Narayan, 1989).

There are many cases of the violation of human rights of women in the villages of Punjab where women were tortured badly after being alleged that they are

harboring the armed Sikhs by the police and police sprinkled salt in the eyes of the women during torture. Numbers of women were tortured because they had some relations with armed Sikhs. Women were tortured by the male police in illegal custody which led to the rape of many women by policemen. Many of them women took legal step to get justice but there is a no hope for these victims (Narayan, 2003). Even many women killed by police in illegal custody which was not highlighted (Kaur, 2005). Hundreds of women detained after alleging that they had weapons or living cartridges and many of them fate less women are witnessed of gang raped by the policemen during interrogation (Amnesty International, 1991).

In the year of 2005 a team of Physician of Human rights (PHR) and Bellevue New York university (Bellevue/NYU) school of medicine Program for survivor of torture, personally conducted the interviews of many victim women in Amritsar Punjab where they found that many victim women are suffering from different types of problems physically as well as mentally after being tortured by the Police which they faced during illegal custody and many of them were tortured by heavy rolling wood or iron bar, slapping, kicking, punching, beating on soles of feet, electric shock, deprivation of food or water, forced postures, suspension by rope, burned, stretching legs, death threat, mock execution, death threat to family, poured salt or chilli powder on the private parts of the body etc. which led to the permanent disability of limbs and physical disorder, mentally abnormality, phobic Anxiety, interpersonal sensitivity, psychoticism, paranoid ideation, global severity index, suicide, sleep disturbance, etc. (Bellevue/NYU, 2005).

Unrest became a major cause for the violation of human rights of the women in Punjab. Although numbers of studies have been done on the massacre of Sikh youth during the period of unrest but another side of the tragic picture is that hundreds of thousands women have become victims of the violation of their human rights during and after the period of unrest. But this violation did not come into light properly. There are some national as well as international articles and reports which pointed out that women in Punjab suffered most during and after the period of unrest because they had lost their husbands, children, parents, brothers. Thousands of mothers, sisters,

wives, daughters are suffering aftermath of unrest, who were tortured, raped, detained illegally, physically and mentally harassed by the Police.

## CHAPTER IV

### UNREST IN PUNJAB DURING 1978-1992: A CASE STUDY

This chapter is an output of the field study which has been carried out in different parts of Punjab including three trusts namely, Mata Gujri Sahara Trust in *KalerBhaini* village (Patiala), Guru Asra Trust in *Palsora* Village (Mohali) and KhalsaDharam Singh Trust in *Sultanvind* Village, (Amritsar). In these three trusts, many women are residing with their near and dear ones after being victims of the violation of their human rights. There are also many women who faced the violation of their human rights during the period of 1978 to 1992. Out of them, 55 women victims were interviewed (30 victims and 25 victim's relatives) during field study to get sample and only 45 samples (30 victims and 15 victim's relatives) were selected to develop the report.

During the survey it was found that thousands of women have become victims of the violation of their human rights after 1978. Such violation is still prevalent in 2012 but the violation goes on in different forms because most of the women are homeless, they don't have right to get share in the property of their husbands, because their in-laws have denied to give a status of their daughters-in-law to these victims after the death of their husbands. Even many women are suffering from different types of health related problems but they don't have money or sufficient income sources to get medical treatment or medicine.

Many women were tortured by the police in illegal police custody to get information of armed Sikhs. Still the terror of torture haunts these women. That is why victims are not ready to speak out about that brutality during the field survey. Every woman talks about the atrocities of the police with tears in her eyes. Now they are not worried about themselves but about their children, who don't have fathers but a dark future. Still there is not any kind of relief from the state or central government to those women, who were tortured and detained illegally by the Police (Khalra, 2011).

The Central government has declared that people who have lost their lives in fake encounters and were later cremated by the Police have died but state government is not ready to provide the death certificate to the bereaved families of the deceased, which led to the different types of hurdles for surviving families like officials ask for death certificate at the time of registering the land, many children don't have passport due to the lack of death certificate of their fathers, even these surviving families and their relatives are facing discrimination by the government offices because these families are being considered as families of terrorists. Some of these families got death certificates of their dead relatives but the occupation of the deceased mentioned was as terrorist (Kaur, 2011).

These women are still waiting for justice to be given by Indian Courts and also demanding punishment to the culprits, some women even took legal steps to get justice but these cases were dismissed by the court. Many a times the victims also made demands for compensation from Indian government so that they can get access to the medical facilities in order to get relief from the physical disorder which they suffered during torture in illegal Police custody. After collecting information from the victims, the data has been put into the different tables. Out of 55 victims, 45 (30 victims and 15 victims' relatives) are selected to develop a report.

**Table 4.1: Ages of Victims at the Time of Torture**

Sr. No.	Age Group	Number of Victims	Percentage
1	10-20	2	4.44
2	21-30	22	48.88
3	31-40	9	20
4	41-50	5	11.12
5	Above 50	7	15.56
	Total	45	100

Table 4.1 shows that the selected victims have of various ages at the time of torture and illegally detention by the police under various types of anti-terrorist laws. Even girl child had been detained under the same law. The women victims of the age of 21-30 were the main victims of the violation of their human rights. Out of 45 samples, there are 22 victims (48.88 percent of total sample) belonging to this age category. 7 victims belonging to the age of more than 50 years were also arrested and tortured by the police. Out of 45 women victims, 3 were unmarried and rest of married at the time of torture and illegal detention (Table 4.2).

**Table 4.2: Marriage Status of the Victims**

Sr. No.	Status	Number	Percentage
1	Married	42	93.34
2	Unmarried	3	6.66
3	Widow	--	--
4	Divorced	--	--
5	Separated	--	--
	Total	45	100

**Table 4.3: Occupation of Victim**

Sr. No.	Occupation of victims	Number	Percentage
1	House wife	36	80
2	Agriculture	--	--
3	Govt. job	1	2.22
4	Private job	2	4.45
5	Own Shop or Business	3	6.66
6	Unemployed	--	--
7	Labor in Agriculture or Non Agriculture	1	2.22
8	Student	2	4.45
9	Retired	--	--
10	Any other	--	--
	Total	45	100

Table 4.3 depicts that most of the women victim 36 (80%) were house wives and only 3 (6.67%) victims were doing private, public job and there were 2 (4.45%) students also who were tortured and detained illegally during unrest.

Table 4.4 states that women victims had different types of family system, out of 45 samples, 10 (22.24%) victims belong to extended family system and on the other side only 4 victims (8.88%) belong to nuclear family but majority of the victims were from join family who give their presence with 31(68.88) numbers.

**Table 4.4: Nature of Family**

Sr. No.	Category of family	Number	Percentage
1	Nuclear family	4	8.88
2	Extended family	10	22.24
3	Joint family	31	68.88
	Total	45	100

Table 4.5 depicts that baptized Sikh women became primary target of torture and illegal detention by the police because out of 45 respondents, 26 (57.77%) victims were *Amritdhari* (Baptized) Sikh women who stated that they were detained illegally by the police due to different reasons and on the other side 19 (42.23) were *Sehazdhari* (Non-Baptized) Sikh women who became victims during the period of unrest 1978-1992.

**Table 4.5: Category of the Victims**

Sr. No.	Category of Victims	Number of Victims	Percentage
1	Baptized ( <i>Amritdhari</i> ) Sikh	26	57.77
2	Non-Baptized ( <i>Sehjdhari</i> ) Sikh	19	42.23
	Total	45	100

Table 4.6 gives an account of those victims who survived and lost their lives after being brutal and unbearable torture in illegal police custody. There were 45 women victims of different ages and 3 victims lost their lives during detention and 1 woman lost her life after being tortured at her place but on the other side there is a 1 victim

who died due to the police firing. 5 victims lost their lives during or after being tortured in illegal police custody or in police firing. Out of 45 victims, 40 survived after being tortured in illegal detention. Thus, Right to Life, Liberty (Article 3 of Universal Declaration of Human Rights 1948) and Right against Torture or Inhuman Treatment (Article 5 of Universal Declaration of Human Rights 1948) was violated by the police. For further analysis, the information regarding dead victims (Sr. No, 2, 3, 4) has been collected from the family members or relatives of the deceased during field study.

**Table 4.6: Categories of Victims**

Sr. No.	Category of Victims	Number of Victims	Percentage
1	Surviving victims after being tortured	40	88.88
2	Victims killed by Police in illegal custody due to torture	3	6.68
3	Victims lost their lives after being tortured in illegal custody	1	2.22
4	Victims lost lives in police firing	1	2.22
	Total	45	100

Table 4.7 illustrates that sometimes these victims were arrested by male or female police or sometimes by both but in the most case women victims were arrested by the male police alone and 73% victims (33 out of 45) were arrested or detained by male police in the absence of female police. Moreover, these 33 victims were also tortured by male police and on the other side only 7 (15.56) respondents told that they were tortured by both male and female police (as per Table 4.8) while only 2 victims were tortured by female police during illegal detention (Table 4.8).

**Table 4.7: Arrest and Torture**

Sr.	Category of Victims	Number	Percentage
1	Victims arrested by male police (in the absence of female police )	33	73.35
2	Victims arrested by male along with female police	4	8.88

3	Victims arrested by female police only	0	0
4	Exact information not available	8	17.77
	Total	45	100

**Table 4.8: Victims Tortured by Male and Female Police**

Sr. No.	Victims tortured by male or female Police	Number of Victims	Percentage
1	Victims tortured by male police only	33	73.34
2	Victims tortured by female police only	2	4.44
3	Victims tortured by both male and female police	7	15.56
4	Exact information not available	3	6.66
	Total	45	100

Table 4.9 briefs the information regarding interrogation of victims in illegal custody. As mentioned in the above tables (Table 4.7-4.8) that 73.34% women were arrested and tortured by the male police only but this table gives an account that most of women (64.45%) were kept and interrogated in the same cell along with the men suspects in front of them. Only 5 (11.11%) respondents stated out that they were interrogated separately from men but on the other side 6 (13.33) told that they were tortured sometimes separately or in the same cell along with men suspects.

**Table 4.9: Interrogation of Victims along with Male in a Same Cell**

Sr. No.	Category of Victims	Number of Victims	Percentage
1	Interrogation in same cell along with men	29	64.45
2	Interrogation in separate cell	5	11.11
3	Interrogation sometimes along with men or in separate cell	6	13.33
4	Exact information not available	5	11.11
	Total	45	100

Table 4.10 shows that the violation of human rights was faced by women for many years and it increased year by year and accelerated after 198. The violation of human rights of women was on peak in the year of 1991-1992 in Punjab. There were 19 (42.24%) victims told that they were arrested in the year of 1991 but 16 (35.55%) said they faced violation of their human rights in the year of 1992 due to illegal custody and torture but this violation started after the year of 1984 and 4 (8.88%), out of 45 women become victims of this violation in the year 1989 which increased in the following year. But majority of these victims could be found out in the year 1991-1992 with number of 35 out of 45 respondents. In these years 77.79% women became victims of the violation of their human rights highest violation could be found out in 1991 which slightly decreased in 1992.

**Table 4.10: Numbers of Victims during 1989-1992**

Sr. No.	Year of victims illegal detention	Number of Victims	Percentage
1	1989	4	8.88
2	1990	6	13.33
3	1991	19	42.24
4	1992	16	35.55
	Total	45	100

Table 4.11 reveals that there were a number of women who were detained and tortured illegally again and again by the police and frequently women faced the violation of their human rights. There were 18 (40%), out of 45 victims said that they were arrested by the police 4-6 times due to different reasons which was followed by 15 (33.34) women victims who said that they were also went on the same way but these women arrest 1-3 times during unrest. There was a 1 women victim out of 45 said that she was arrested and tortured a number of times and on the other side 9 (20%) told that they faced illegal police custody more than 7-9 times. So it shows that these victims were arrested and detained a number of times due to different reasons which led to the violation of article 9 of the Universal Declaration of Human Rights

(UDHR) 1948 i.e. 'an individual shall not be subject to arbitrary arrest or detention' was violated.

**Table 4.11: Frequency of Victims Detention**

Sr. No.	Frequency of victims illegally detention	Number of Victims	Percentage
1	Arrested or detained, 1-3 times	15	33.34
2	Arrested or detained, 4-6 times	18	40
3	Arrested or detained, 7-9 times	9	20
4	Arrested or detained, number of times	2	4.44
5	Exact information not available	1	2.22
	Total	45	100

Table 4.12 depicts the duration of illegal custody of women victims where they were tortured by male and female police illegally. As mentioned in above table 4.11 that 45 women victims were arrested and tortured again and again in illegal custody by the police and there were number of women who were detained illegally more that 4-9 times so due to the repeated illegal detention these women were kept sometimes for long time in illegal detention. There were 18 (40%) victims, out of 45 who stated out that they were kept in illegal detention for 1-10 days but on the other side 5 (11.12%) victims told that they spent more than 6 months in illegal detention. Moreover, 13 (28.88%) told that they were kept in illegal police custody for 11-20 days and other 9 (20) respondents said that they faced the violation of their human rights due to illegal police custody of 30 days.

**Table 4.12: Days of Detention**

Sr.	Number of days of victims detained or arrested	Number	Percentage
1	Arrested or detained, for 1-10 days	18	40
2	Arrested or detained, for 11-20 days	13	28.88

3	Arrested or detained, more than 30 days	9	20
4	Arrested or detained, for 6 months to one year	5	11.12
	Total	45	100

Table 4.13 shows the status of pregnant women who were also arrested by the police and tortured in illegal detention during the period of unrest in Punjab. There were 42 women who were married, out of 45 (table 4.2) and 3 were unmarried. Here table states that out of those 42 women victims 3 (6.66%) were pregnant at the time of torture, illegal custody and out of those 3 women, 2 victims (4.44%) lost their infants during or after being tortured in illegal detention.

**Table 4.13: Status of Pregnant Victims**

Sr. No.	Pregnant Victims	Number of Victims	Percentage
1	Victims pregnant at the time of torture	3	6.66
2	Victims who lost their babies due to torture	2	4.44
3	Other victims	40	88.88
	Total	45	100

Table 4.14 depicts that total 45 victims faced the violation of their human rights during the period of unrest because these women were arrested again and again due to different reasons and also kept in the illegal police custody. Moreover respondents were also tortured on the same way as men by the police. Most of the victims witnessed the use of abusive language, slapping, kicking, punching etc. which led to the violation of Universal Declaration of Human Rights 1948's Article 2 (Right to Freedom), Article 3 (Right to Liberty), Article 5 (Right against Torture), and Article 9 (Right against Arbitrary Arrest or Detention). There are 14 different types of tortures faced by the victims. Maximum victims (43) faced torture of abusive language by male or female police while 42 victims faced slapping, kicking, punching. 34 victims were

beaten with heavy sticks (34), 29 were forced to lie on the ground. Many other victims faced number of other tortures like hanging with roof, forced to remove religious things from their bodies etc.

**Table 4.14: Different types of Tortures faced by the Victims**

Sr. No.	Methods of Torture	Number of Victims
1	Abusive Language by Male or Female Police	43
2	Slapping, Kicking, Punching	42
3	Dragging With Hair	16
4	Heavy Wooden Roller Over Thighs	26
5	Hanging With Roof	15
6	Beating With Heavy Stick	34
7	Molestation	14
8	Force to Remove Religious symbols	17
9	Threaten to Kill	5
10	Electric Shocks	11
11	Leg Stretching	14
12	Deprivation of Food, Water	17
13	Deprivation of Sleeping	21
14	Force to laying on Ground	29
15	Others	18

Table 4.15 reveals the different reasons which led to the illegal detention and torture of women. The table shows that there was no single but multiple reasons for being a victim of torture and illegal detention and victims were detained for different types of reasons. The highest number of victims (31) who detained to get information about armed Sikhs who were (Armed Sikh) either a family member of the victim (husband, brother, father, son etc.) or relative (son- in-law, uncle etc.). There were 22 respondents who told that they were detained after alleging that they were providing

food, shelter and help to armed Sikhs. But 14 victims said that they were detained by the police to get extortion so to get bail they paid money although they had nothing to do with arm Sikhs or movement on the other side, there were 13 women victims said that they were detained and faced torture because their relative had joined the armed movement.

**Table 4.15: Reasons of being Victim**

Sr. No.	To Get Information about Armed Sikhs	Torture After Alleging that her Son, Father, Husband, Brother is a terrorist	Being a relative of Terrorist	After alleging victim involved in terrorist activities	On the basis of doubt that any male member of victim is a terrorist	After alleging victim Provide food, shelter help to terrorists	After alleging victim have deadly weapons	For extortion
1	1	1	1			1		
2	1	1	1			1		
3	1				1			
4	1				1			
5	1	1				1		
6	1					1		1
7				1			1	1
8				1	1		1	
9	1							
10		1						1
11						1		1

12	1	1	1			1		
13						1		1
14	1				1			
15	1	1						
16			1				1	
17					1			1
18			1			1		
19	1	1	1			1	1	
20	1							1
21	1				1	1		1
22	1					1	1	
23	1			1				
24	1	1					1	
25	1	1	1			1		
26	1							1
27					1		1	
28	1				1			
29	1					1		
30	1				1			
31	1			1				1
32	1	1	1			1	1	
33	1				1			
34	1	1						
35	1	1	1			1		
36	1				1			
37	1		1			1		
38				1				1
39								
40	1		1			1		
41						1		1

42						1		1
43	1		1			1		
44						1		1
45	1		1			1		
Tot al	31	12	13	5	11	22	8	14

**Table 4.16: Reasons of Torture**

Sr. No.	Different types of reasons of torture	Number of reasons
1	To get information about armed Sikhs	31
2	Tortured after alleging that her son, father, husband or brother is a terrorist	12
3	Tortured after alleging that victims are providing food, shelter and help to the armed Sikhs	22
4	Tortured after alleging that victims have deadly weapons	8
5	Being a relative of Terrorist	13
6	After alleging victim involved in terrorist activities	5
7	On the basis of doubt	11
8	For extortion	14

Table 4.16 presents the eight types of reasons of torture and illegal detention. The victims told that they were tortured not only for single but multiple reasons. The highest reason behind illegal detention and torture was to get information about armed Sikhs. There were 31 victims detained and tortured illegally to get information about armed Sikhs and 22 victims were detained after being alleged that they provided shelter, food, help to the armed Sikhs.

Most of the victims did not take legal steps to get justice, some of them said that they thought of taking legal step but later left this idea due to the terror of police. Only 5

victims out of 45 decided to go to trial against the violation of their human rights (Table 4.17).

**Table 4.17: Legal Actions taken by Victims**

Sr. No.	Category of victims	Number of Victims	Percentage
1	Victims took legal steps to get justice	5	11.11
2	Victims had idea to take legal steps but later gave up due to the terror of Police	11	24.44
3	Victims neither took nor had idea of legal step that can be taken to get justice	19	42.23
4	Exact information not available	10	22.22
	Total	45	100

**Table 4.18: Current Health Status of Victims**

Sr. No.	Category of victims	Number of Victims	Percentage
1	Victims suffering with medical disorder after being tortured	30	75
2	Victims do not suffer with medical disorder after being tortured	6	15
3	Exact information not available	4	10
	Total	40	100

Table 4.18 points out that after long detention, torture and repeated arresting, women became victims of different types of medical disorders after being victims of violation of their human rights during the period of unrest. There were total 45 victims who faced the torture and illegal police custody led to number of health related problems and 5 died during or after being tortured. Moreover 30 victims suffered with different types of medical disorders and struggling to recover.

Table 4.19 depicts the eight different types of medical disorders suffered by victims. There are 24 victims suffering from severe pain in the body and 22 victims suffering from depression. On the other side 19 are suffering from sleeping disorder. There are number of other medical different disorders like depression, anxiety, sinking heart etc. suffered by victims.

**Table 4.19: Different Medical Disorders suffered by Victims**

Sr. No.	Different types of medical Disorders	Number of Medical Disorders
1	Sleeping disorder	19
2	Damaged Muscles	14
3	Severe pain in the body	24
4	Depression	22
5	Anxiety	18
6	Sinking Heart	11
7	Mentally ill	3
8	Bed ridden	9

**Table 4.20: Medical Treatment after being tortured**

Sr. No.	Category of Victims	Number of Victims	Percentage
1	Women are taking medicine regularly after being	21	70

	tortured		
2	Women are not taking any medicine regularly after being tortured	4	13.24
3	Exact information not available	5	16.76
	Total	30	100

Table 4.20 shows the conditions of medical treatment of victims who faced different medical disorder after being torture. Table shows that 30 victims are (out of 45) suffering from medical disorders but out of these 30, only 21 victims are taking medicine regularly and 4 women are not taking any medical treatment or medicine .According to these women ,they have been used of such pain and health related disorder . And also, 5 women's exact information is not available as their information was collected from their near or dear ones.

Table 4.21 gives an account of those 21 women who are suffering from medical disorder. Table presents that out of these 21 victims, 16 victims' economic condition is very pitiable even they cannot arrange of their daily meal and don't have money to get medical treatment so out of these 16 victims, 13 victims are taking help of the different trusts and 3 (out of 16) are taking help of their near and dear ones. Only 5 victims out of 16 are arranging medical treatment for themselves.

**Table 4.21: Sources of Medical Treatments of Victims**

Sr. No.	Category of Victims	Number of Victims	Percentage
1	Medical treatment or medicine arranged by victims themselves	5	23.8
2	Medical treatment or medicine arranged by the relatives of the victims or someone else	3	14.28
3	Medical treatment or medicine arranged by the Trusts or <i>Ashrams</i> , where victims are residing	13	61.9

	Total	21	100
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Table 4.22 depicts the property status of the victims received by their in laws. Most of the victims lost their husbands during unrest and after the death of their husbands, in-laws denied them to give status of their daughter in laws and also denied to share in the property of their deceased husbands which led to the violation of Art.17 e.g. 'Right to Property of Universal Declaration of Human Rights 1948'. There were 11 women victims out of 45 have not received any type of help from their in-laws.

**Table 4.22: Property Status of the Victims**

Sr. No.	Category of victims	Number of Victims	Percentage
1	Victims who were married later denied to share in the property of their deceased husbands by their In-laws	11	24.45
2	Victims who were married but have share in the property of their living or deceased husbands	29	64.44
3	Victims who died during or after torture( information not available)	5	11.11
	Total	45	100

Table 4.23 briefs that number of women became homeless during or after unrest in Punjab and presently these women victims are still struggling to get home for their children as after the death of their husbands they were forced to leave the home by their in-laws of their deceased husbands along with their children and became homeless. Many women became homeless because of their homes were divested or burnt by the police under AFSPA (Armed Forces Special Power Act) which empowered to the security forces to devastate the infrastructure of terrorists. Out of 45 respondents, 5 have been lost their lives during or after being tortured and there were 11 women residing with trusts or aged homes in Punjab after being homeless because their in-laws forced them to leave the home along with children and 2

victims 's property ( even their homes ) have been sold illegally by the police. Only 18 women have their own home s but 9 women have their own homes but yet residing with trusts as there is no male in their family to earn the bread for their children.

**Table 4.23: Homeless Victims**

Sr.	Different Categories of Homeless Victims	Number	Percentage
1	Victims don't have home and residing in Trusts or <i>Ashrams</i>	11	24.45
2	Victims don't have own home residing on rented house because Police sold their homes illegally	2	4.44
	Victims have own home	18	40
3	Victims have own home but yet residing with Trusts or <i>Ashrams</i> because of worst economic condition.	9	20
4	Victims died during or after torture.	5	11.11
	Total	45	100

Table 4.24 points out that there were few women who received compensation from Centre government after the numbers of efforts of *Khalra* Mission. There women victims received the compensation because of their near and dear ones were killed by the police in fake encounters and later were cremated by police after declaring as unidentified bodies but notable thing is that there is not a single women victim who has been compensated by the centre or state government for their illegal detention and torture during the period of unrest. As per the statement of women victims, there is not any step was taken by the state or centre government for their rehabilitation.

**Table 4.24: Status of Compensation**

Sr. No.	Category of victims	Number of Victims	Percentage
1	Victims have received compensation	7	15.56
2	Victims have not received any compensation	33	73.33
3	Exact information not available	5	11.11
	Total	45	100

**Table 4.25: Different Human Rights Violated during Unrest (1978-1992)**

Sr. No.	Human Rights	Article	Number of Victims
1	Right to Dignity and Respect	Art. 1 of UDHR 1948	45
2	Right to Life	Art. 3 of UDHR 1948	5
3	Right to Liberty	Art. 3 of UDHR 1948	45
4	Right against Torture and Inhuman Treatment	Art. 5 of UDHR 1948	45
5	Right to Legal Step against the Violation of Human Rights	Art. 7 of UDHR 1948	5
6	Right against Arbitrary Arrest or Detention	Art. 9 of UDHR 1948	45
7	Right to Honor and Reputation	Art. 12 of UDHR 1948	45
8	Right to Property	Art. 17 of UDHR 1948	2
9	Right to Religion	Art. 18 of UDHR 1948	7
10	Right to Freedom	Art. 19 of UDHR 1948	45
11	Molestation	Art. 22 of UDHR 1948	14
12	Right to Food and Water	Art. 25 of UDHR 1948	17
13	Right to Security in the event of Sickness	Art. 25 of UDHR 1948	22
14	Right to Housing	Art. 25 of UDHR 1948	13

15	Right to Compensation	Art.9 provision 4 of ICCPR	45
16	Right to Appear Before the Judge	Art.9 provision 5 of ICCPR	39
17	Right to Adequate Time and Facilities for the Preparation of his Defence	Art.14 of ICCPR 1966	39
18	Duty of State to Protect the Families of Individuals	Art.28 of ICCPR 1966	45

Thus from survey it is clear that that different types of violation of human rights were faced by women during unrest (1978-1992). This violation was done by police and security forces in Punjab. Table 4.21 gives a detailed picture of this. Moreover table also points out that many articles of Universal Declaration of Human Rights, (UDHR) 1948 and articles of International Covenant on Civil and Political Rights (ICCPR) 1966 were also violated in Punjab during unrest. According to the study there was a violation of “Right to Life” under this period because five victims have lost their lives during or after being tortured in the illegal police custody and all 45 victims faced the violation of “Right to Liberty”, “Right against Arbitrary Arrest and Detention”, “Right against Torture and Inhuman Treatment”, “Right to Honour and Reputation”, “Right to Freedom” etc. The study stated that 2 victims faced the violation of “Right to Property” because their property along with their homes were sold by Police and 7 victims saw the violation of “Right to Religion” during illegal detention by the Police. There is a provision under the International Covenant on Civil and Political Rights 1966 that if an individual is arrested or detained under criminal, he shall be brought immediately before the judge or other authority, but this provision was also not availed, when 39 victims were not brought before any judge or court by the police after being arrested and other 6 victims appeared before the court were tortured for many days in illegal Police custody. Presently, 22 victims are still facing the violation of “Right to security in event of Sickness” because these victims don’t have sufficient economic sources to get medical treatment of their physical or mental disorder. Many of the victims have become homeless in Punjab after 1984; the study shows that 13 victims are facing

the violation of “Right to Housing” in Punjab after being homeless. The International Covenant on Civil and Political Rights (ICCPR) 1966 provides that victims of unlawful arrest or detention shall have a “Right to Compensation” but in Punjab this violation has also happened, as still there is no kind of sufficient amount of compensation from Government for those victims, who faced the illegal detention during unrest (1978-1992) in Punjab.

## **CHAPTER V**

### **CONCLUSION**

HUMAN RIGHTS ARE ESSENTIAL FOR THE OVERALL DEVELOPMENT AND PROTECTION OF HUMAN BEINGS. THE UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948 PROVIDES DIFFERENT HUMAN RIGHTS TO MEN AND WOMEN WITHOUT ANY KIND OF DISCRIMINATION BUT THERE IS A MASSIVE VIOLATION OF THESE RIGHTS ALL OVER THE WORLD. ESPECIALLY THOUSANDS OF WOMEN OR GIRLS ARE VICTIMS OF VIOLATION OF HUMAN RIGHTS. THERE ARE A NUMBER OF CAUSES BEHIND THE VIOLATION OF WOMEN'S HUMAN RIGHTS INCLUDING VIOLENCE AND CRIME AGAINST WOMEN. THE VIOLATION OF WOMEN'S HUMAN RIGHTS DOES NOT OCCUR ONLY IN DEVELOPING BUT THE DEVELOPED WORLD IS ALSO A WITNESS OF SUCH VIOLATION. EVEN IN SOUTH ASIA (AFGHANISTAN, BANGLADESH, BHUTAN, INDIA, MALDIVES, NEPAL, PAKISTAN, SRI LANKA) WOMEN ARE STRUGGLING BECAUSE OF THE VIOLATION OF THEIR HUMAN RIGHTS AND CAUSES BEHIND THE VIOLATION ARE UNREST, CIVIL WAR, TERRORISM, ACTIVITIES OF STATE, RIOTS, SOCIAL, RELIGIOUS CUSTOMS AND POVERTY, HONOR KILLING ETC. MOREOVER, INDIA, THE BIGGEST AND POWERFUL COUNTRY OF SOUTH ASIA IS ALSO MAKING EFFORTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS OF WOMEN BUT STILL THEIR VIOLATION CAN BE FOUND IN INDIA. VIOLENCE AGAINST WOMEN, POLICE

APATHY, DOMESTIC VIOLENCE, HONOR KILLING, GIRL INFANTICIDE IS ALSO RESPONSIBLE FOR THE VIOLATION OF WOMEN'S HUMAN RIGHTS IN INDIA. THERE ARE A NUMBER OF STATES IN INDIA WHERE VIOLATION OF WOMEN'S HUMAN RIGHTS IS PREVAILING INCLUDING IN NORTH EAST STATES, KASHMIR, ASSAM AND PUNJAB ETC.

Punjab, a prosperous state of Indian Union, is a place where massive violation of women's human rights occurred during the period of unrest and the main reason behind the violation of women's human rights was rise of militancy after 1978. After the creation of *Punjabi Suba* 1966, unrest started in Punjab which was at its peak between the years of 1978 to 1992. In 1984, the Golden Temple (Holy Place of Sikhs at Amritsar) was attacked by Indian Army after alleging that violent activities were run from the Golden Temple. In revenge, numbers of armed groups emerged in Punjab which led to armed movement against Central government. To curb the armed movement, many laws and acts including National Security Act (NSA) 1980, Armed Forces (Punjab and Chandigarh) Special Powers Act (AFSPA) 1983, Punjab Disturbed Areas Act (PDAA) 1983, Terrorist and Disruptive Activities Prevention Act (TADA) 1987 etc. were made by the government. But these laws and acts were misused by the police for self-interest and several innocent women in Punjab were illegally arrested, detained and tortured by police to get information about armed Sikhs or as extortion from victims. Thousands of women were detained and tortured in illegal custody by police after alleging that women harbour armed Sikhs or to get information of armed Sikhs led to the violation of women's human rights in Punjab during the period of unrest 1978-1992.

Thousands of cases of violation of human rights of women can be found out in the Punjab and this violation occurred during the period of unrest (1978-1992). The cause behind the violation of human rights of women was illegal detention, torture, physical and mentally harassment, molestation etc. But very few cases came into light related with the violation of human rights of women and rest of the cases are still buried in the rural areas of Punjab where people are not ready to speak about the illegal detentions of their women or girls but they try to do their best to hide the truth which had ruined the lives of their women or girls. The reason to hide the truth is that the self esteemed people of the Punjab consider their women or girls as an honor of

the family or clan and a number of women were detained, arrested, tortured in illegal custody by police which is a matter of disrespect for the people of Punjab. So they won't reveal the truth regarding detention, torture, and illegal custody which was faced by their women during unrest.

But it is clear that women suffered the most during unrest in Punjab. If we take an example of any war or battle in the world, we will find that there are women, children and aged person, who suffer the most. A similar situation has prevailed in Punjab. The armed Sikhs, who remaining left average age of two and half years after joining the movement were already mentally and physically prepared to kill or die but in case of women, it is totally contradictory. They were simply home makers caring for their children and aged members of the family at their home. Moreover these women were totally unaware of any kind of movement or struggle. These women were tortured by the police to get information about their armed Sikh husbands, brothers, fathers or sons etc.

The armed Sikhs had left the houses and joined the movement but they used to meet their wives far from the home in the remote areas or in the fields which led to the pregnancy of women which proved that women had some contact with their armed Sikh husbands and during interrogation police tortured the women to get the information after giving the reference of her pregnancy.

Even to get information about armed Sikhs, police always tortured the parents of the women (in laws of armed Sikh) and in case they revealed anything about the husband of the daughter, the woman had to face the rude behaviour and abusive language from the parents and family of her husband. Many women were even denied share in the property after the death of their husbands. As a result many women became homeless who are now surviving in Trusts or *Ashrams*.

Many examples are available which stated out that a single killing of a family member led to the destruction of the whole family along with women for example if a male member of a family is killed at night by an unidentified person who had covered his face with mask and nobody knows if the murder was done by armed Sikhs, police or black cats. The next morning, hundreds of police men raided the house of the deceased after getting the information of killing, resulting in the enquiry and

interrogation of the family members by the police about the incident. The entire family of the deceased was harassed by the police to get any kind of information or to find a link with armed Sikhs of deceased. Especially the other male members of the family became victims of interrogation to get information about armed Sikhs but the notable thing is that nobody knows who killed the victim, armed Sikhs or police.

The motive behind the interrogation of the family of the deceased was to get information of armed Sikhs or money because of police never harassed those families which paid money or extortion to the police. But in case the demands of police including money were not met by the families of the deceased the entire family became victim of interrogation and torture again and again until the police were not paid. After being the victims of the interrogation and torture by the police, male members of the family of the deceased used to leave the house and these people were declared armed Sikhs by the police. In the absence of male members in the family police began to harass and interrogate the women to get information about these male members of the family, who had left the house because they could not face the torture of police.

Earlier these women lost one male member of their family and later other male members also fled away from the house due to the terror of police and later these women were tortured and interrogated by the police in illegal custody to know about armed Sikhs including the disappeared male members. So women became the useful tool for the police to know about armed Sikhs and other male members of the family, who disappeared due to the harassment of the police. Under this practice, thousands of women were detained and tortured by the police illegally under various anti-terrorist laws and all these causes led to the violation of human rights of women in Punjab (1978-1992).

Many male members of the family who left the house due to the terror of police were killed later in fake encounters by the police and other who survived after the torture of police became drug addicts to get relief from severe body pain and other medical disorders. On the other side, the women from the families of the victims are still facing the different types of mental and physical diseases after being tortured by the police in illegal custody and these women are suffering from various medical

disorders like severe body pain, sleeping disorder, depression, damaged muscles, anxiety, sinking heart, fits etc.

The field survey stated that 26 victims are *Amritdhari* (Baptized) Sikh women and the rest 19 are *Sehazdhari* (Non-Baptized) Sikh women. 42 women victims were married at the time of illegal detention and 3 were unmarried out of 45 women. Out of 45 women victims, 36 (80%) were house wives who were illegally detained by the police, moreover, 2 (4.45%) victims were students at the time of illegal detention and 31 (68.88) victims were residing with their joint families and rest of 14 victims were from extended and nuclear families of Punjab, when they were illegally detained by the police. The selected victims were of various ages at the time of torture and illegal detention by the police under various types of anti-terrorist laws. Even girl children were detained under the same law. The women victims of the age of 21-30 were the main victims of the violation of their human rights. Out of 45 samples, there are 22 victims (48.88 percent of total sample) belonging to this age category. 7 victims belonging to the age of more than 50 years were also arrested and tortured by the police. Out of these 45 victims of different ages, 5 victims lost their lives during or after being tortured. Thus, Right to Life, Liberty (Article 3 of Universal Declaration of Human Rights 1948) and Right against Torture or Inhuman Treatment (Article 5 of Universal Declaration of Human Rights 1948) was violated by the police. For further analysis, the information regarding dead victims has been collected from the family members or relatives of the deceased victims during field study. Moreover, 73% victims (33 out of 45) were arrested or detained by male police in the absence of female police. These 33 victims were tortured by male police, 7 victims were tortured by both male and female police while only 2 victims were tortured by female police during illegal detention.

A number of victims were interrogated by the police in illegal detention and 29 victims (out of 45) reported that there was not a separate cell for the torture or interrogation for victim women, only 5 (11.11%) victims were tortured separately by male police. The violation of human rights of women accelerated after 1989 and the violation of women's human rights was on peak in the year of 1991-1992 in Punjab. The study pointed out that 18 victims out of 45 (40 %) were detained nearly 4-6 times

by the police, 15 victims (33 percent) were detained nearly 1-3 times by the police led to the violation of article 9 of the Universal Declaration of Human Rights (UDHR) 1948, states an individual shall not be subject to arbitrary arrest or detention. On the other side 18 victims (out of 45) stated that they were kept in illegal detention only for 2-4 days but 5 victims told that they had spent more than 6 months in illegal detention.

Even many pregnant women also became victims of illegal detention and torture during the period of unrest in Punjab. 3 victims (6.66) out of 45 were pregnant at the time of torture and out of them, 2 victims (4.44%) lost their fetus during or after being tortured in illegal detention. The study revealed that total 45 victims were also tortured in the same way as men by the police. Most of the victims witnessed the use of abusive language, slapping, kicking, punching etc. leading to the violation of Universal Declaration of Human Rights 1948's Article 2 (Right to Freedom), Article 3 (Right to Liberty), Article 5 (Right against Torture), and Article 9 (Right against Arbitrary Arrest or Detention). There are 14 different types of tortures faced by the victims. Maximum victims (43) faced torture of abusive language by male or female police while 42 victims faced slapping, kicking, punching. 34 victims were beaten with heavy sticks (34), 29 were forced to lie on the ground. Many other victims faced a number of other tortures like hanging from roof, being forced to remove religious things from their bodies etc.

There were mainly eight types of reasons of torture and illegal detention. The highest reason behind illegal detention and torture was to get information of armed Sikhs. There were 31 victims detained and tortured illegally to get information of armed Sikhs and 22 victims were detained after being alleged that they provide shelter, food, help to the armed Sikhs. Most of the victims did not take legal steps to get justice, some of them said that they thought of taking legal step but later left this idea due to the terror of police. Only 5 victims out of 45 had decided to go to trial against the violation of their human rights. There were 45 victims who faced the tortures leading to a number of health related problems and 5 died during or after being tortured. Moreover 30 victims suffered from different types of medical disorders and struggling to recover. Moreover, eight different types of medical disorders

suffered by the victims. There are 24 victims suffering from severe pain in the body, 22 victims suffering from depression, 19 suffering from sleeping disorder. There are number of other medical different disorders like depression, anxiety, sinking heart etc. suffered by victims and there are 30 victims suffering from medical disorders but out of these 30, only 21 victims are taking medicine regularly. Out of these 21 victims, 16 victims don't have money to get medical treatment so 13 victims are taking help of the trusts and 3 are taking help of their relatives. And only 5 victims are arranging money themselves.

Another tragedy with these victims was that most of the victims said that after the death of their husbands, in-laws denied to give them share in the property of their deceased husbands. This is a result of the violation of Art.17 Right to Property of Universal Declaration of Human Rights 1948. Moreover; most of the victims stated that after the death of their husbands they were forced to leave the home of their deceased husbands along with their children and became homeless. Moreover, 2 victims said that their property along with their homes have been sold illegally by the police. The study illustrated that due to the efforts of *Khalra* Mission some of the victims have received the compensation because of their near and dear ones were killed by the police in fake encounters and later cremated by police after declaring as unidentified bodies but there is not a single victim who has been compensated for illegal detention and torture during unrest.

The study revealed that different types of human rights of women were violated during unrest (1978-1992) by police and security forces in Punjab. Moreover many articles of Universal Declaration of Human Rights (UDHR) 1948 and articles of International Covenant on Civil and Political Rights (ICCPR) 1966 were also violated in Punjab during unrest. According to the study there was a violation of "Right to Life" under this period because five victims lost their lives during or after being tortured in the illegal police custody and all 45 victims faced the violation of "Right to Liberty", "Right against Arbitrary Arrest and Detention", "Right against Torture and Inhuman Treatment", "Right to Honour and Reputation", "Right to Freedom" etc. The study stated that 2 victims faced the violation of "Right to Property" because their property along with their homes were sold by police and 7 victims saw the violation of "Right to

Religion” during illegal detention by the police. There is a provision under the International Covenant on Civil and Political Rights (ICCPR) 1966 that if an individual is arrested or detained under criminal law, he shall be brought immediately before the judge or other authority, but this provision was not availed. 39 victims were not brought before any judge or court by the police after being arrested and other 6 victims who appeared before the court were tortured for many days in illegal Police custody. In the present scenario 22 victims are facing the violation of “Right to security in event of Sickness” because these victims don’t have sufficient economic sources to get medical treatment of their physical or mental disorder. Many of the victims have become homeless in Punjab after 1984. The study showed that 13 victims are facing the violation of “Right to Housing” in Punjab after being homeless. The International Covenant on Civil and Political Rights (ICCPR) 1966 provided that victims of unlawful arrest or detention shall have a “Right to Compensation” but in Punjab this is also violated, because after more than 25 years, there is no kind of relief or compensation from Government for those victims, who faced the illegal detention during unrest (1978-1992) in Punjab.

Government should take certain steps for the welfare of the victims .There should be a registry program for the victim families and for this purpose a team should be set up by the Central or State government. The registry program would be supervised by the team, so that impartial list of the victims (including deceased and surviving persons) can be prepared, who faced the violation of their human rights in Punjab during the period of unrest.

There must be an impartial and independent investigation team by the Center or State government including the members of international organizations which are working for the promotion of human rights so that truth can be revealed regarding fake encounters and violation of human rights of women.

Charity hospitals should be opened by the Centre or State government in the three parts of Punjab (*Majha, Malwa, Doaba*) for medical help of victims especially for women and every victim (including the surviving families of deceased) should be provided a separate identity card which will help to access the medical facilities from the hospitals either free of cost or with nominal fee.

After the period of unrest many families had lost or sold their property to save their near and dear ones and became dependent on others for their daily needs. Even they don't have sufficient resources to get medical treatment or medicines. For their relief victims should be given adequate compensation by the State or Centre Government.

In the present scenario, almost every woman is worried about the future of their children after unrest because many of the children of the victims had dropped their study during the period of unrest. An educational institution or academy for children of the victims must be opened to provide them free education.

Hundreds of women have become homeless as their property has been sold forcibly. A Number of victim women are residing in trusts along with their children and other relatives. The state government must take steps to investigate the property issue for the rehabilitation of the bereaved families.

As mentioned above, with the efforts of *Khalra Mission* some of victims have received compensation showing the government's acceptance regarding the illegal killing and cremation of victim's relatives but still the death certificates of deceased persons are not provided to the victims leading to the different types of problems for the surviving family of victims. For example, land cannot be registered in the name of the child of the deceased due to the lack of death certificate of father. The children of the deceased persons are denied passports by the officials because children don't have death certificate. The life insurance companies refuse to give insurance of the deceased to the relatives in the absence of death certificate. Even some of the victims have received the death certificate of the deceased person but the occupation of deceased has been mentioned as terrorist. Death certificates should be provided to the surviving families of the deceased people.

During the period of unrest in Punjab, a number of women faced the violation of their human rights and many of them took legal step against the brutality. More than 25 years have been gone but still these victims are waiting for justice. To provide justice to these people there should be a special fast track court which can finish these cases on preference basis.

A case has been filed by the *Khalra Mission* under the petition number 495/97 in the Supreme Court to provide the justice to the bereaved families but there is not any

kind of progress due to the inactive role of Indian judiciary. Even Central Bureau Investigation (CBI) registered 38 FIR (First Information Report) as cases of murder out of 2097 deceased people, who were killed by the police in fake encounters and CBI also provided the evidence in support of it that there are 400 policemen including officers who are responsible for the killing of 38 innocent people but this case was stayed by supreme court and culprits are moving freely in the society. It shows that there is discrimination with the surviving families of the victims. These cases should be reopened against the culprits and guilty must be punished by the courts under the Indian law

For the promotion and awareness of human rights of women in Punjab, a detailed research is required to be conducted. Human rights are violated because people are not aware of their human rights in Punjab so, human rights should be included in the school curriculum so that children could be empowered with knowledge right from their childhood.

Punjab State Human Rights Commission (PSHRC) which was set up under the protection of Human Rights Act 1993 in the year of March 1997 can play a key role for the awareness and protection of human rights in Punjab but it did not take up even a single case to provide the justice to the victims because commission cannot investigate any case after the expiry of one year from the date of the violation of human rights of individual. Even the section 19 of the Act 1993 states that the violation of human rights by the Central Armed Forces would investigate by the National Human rights Commission (NHRC) of India but not by the State Human Rights Commission. So there is an urgent need of amendment in the jurisdiction of the state commission and to provide more powers to Punjab State Human Rights Commission (PSHRC) so that commission could look into the matters of the violation of human rights of women in Punjab during unrest.

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APPENDIX  
Questionnaire  
**Central University of Punjab (Bathinda)**  
**Violation of Women's Human Rights in South Asia: A Case Study of Punjab:**  
**1978-1992**

Sr. No. \_\_\_\_\_

Investigator\_\_\_\_\_

Date\_\_\_\_\_

**Respondent profile**

Respondent (Name)	
Father or Husband Name	
Religion	
Age	
Address	
Contact Number	

**1. Household Information**



- 2 (E). In which police station was the victim kept  
 a. Tarn Taran                      b. Amritsar    c. Patti                      d. any other
3. Did the victim see other women in police custody during detention?  
 a. Yes                      b. No
- 3 (A). *If yes, how many women*  
 a. 0-5                      b. 5-10                      c. 10-20                      d. 20-30                      e. any other
4. Is the victim in possession of the land  
 a. Yes                      b. No
- 4 (A). *If yes, then how much*  
 a. 0-2 Acre                      b. 2-5 Acre                      c. 5-10 Acre                      d. If other
5. Has the victim a share in the property of her husband (*in case of married women*)  
 a. Yes                      b. No
- 5 (A). *If no, why her in laws denied to give share to her in the property of her husband*\_\_\_\_\_
- 5 (B). Has victim taken any legal action to get Share in the property of her husband  
 a. Yes                      b. No
6. Was the victim tortured ever or not by the police.  
 a. Yes                      b. No
- 6 (A). *If yes, By whom was the victim tortured*  
 a. Male    b. Female    c. both
- 6 (B). Was victim tortured along with men in the same cell or in separate cell of Women.?  
 a. Along with Male in same cell                      b. separate cell from men    c. bot
- 6 (C). What was the Victim's age at the time of torture or detention  
 a. 10-20    b. 21-30                      c. 31-40                      d. 41-50                      e. any other
7. Was victim pregnant at the time of torture  
 a. Yes    b. No
- 7 (A). *If yes, was how many months pregnant*  
 a. 0-1 Month                      b. 2-4                      c. 5-7                      d. 7-9
- 7 (B). What was happened to the fetus after being tortured  
 a. Died    b. safe                      c. any other
8. What methods were adopted by the police during torture (*multiple answers*)  
 I. Abusive language  
 II. Kicking, punching, slapping  
 III. Dragging with hair  
 IV. Paraded naked  
 V. Heavy wooden or iron roller  
 VI. Hanging from roof  
 VII. Beating with stick  
 VIII. Molestation  
 IX. Insulted of religious things  
 X. Threaten to rape or kill  
 XI. Electric shocks  
 XII. Rape  
 XIII. Chili powder into wounds

- XIV. Leg stretching
- XV. Burned
- XVI. Deprived of food, water
- XVII. Deprived of sleep
- XVIII. Forced to lay on the ground
- XIX. If Other....

9. According to the victim what were the reasons of torture (*multiple answers*)
  - a. For providing food, sheltering to the armed Sikhs
  - b. Getting information of Armed Sikhs
  - c. Asking for Arms and weapons
  - d. Alleging that their son/ bro./husband etc. is a terrorist
  - e. Don't know
10. Had the money been ever paid by the victim to get bail.
  - a. Yes                      b. No
  - 10 (A). *If Yes, how much money was paid by the victim?*
    - a. INR 5000-20000      b. INR 20000-50000      c. INR 50000-100000      d. if other
11. Was there any case registered against victim?
  - a. Yes                      b. No
  - 11(A). *If yes, under which law the case was registered*
    - a. NSA      b. TADA      c. AFSPA      d. Any other      e. Don't Know
12. Victim was died or alive after being tortured in illegal detention
  - a. Alive      b. Died
  - 12 (A). *If died, How did victim lose her life (Tick)*
    - a. in fake encounter
    - b. in real encounter
    - c. in illegal custody
    - d. during or after being tortured
    - e. any other
  - 12 (B). *Where was the victim killed or died*
    - a. At home      b. in jail      c. any other      d. don't know
  - 12(C). *From where did you come to know about her death (in case of death out of home)*
    - a. News Paper      b. from police station      c. at cremation place      d. any other
13. Did you receive her died body (*in case of death in jail or other place*)
  - a. Yes      b. No      c. don't know
  - 13 (A). *If no, then what happened with the died body of victim*
    - a. Cremated by police      b. thrown into canal      c. don't know      d. any other
  - 13.(B). *Where did cremation of the victim take place (in case cremation of by Police)*
    - a. Patti      b. Tarn Taran      c. Amritsar      d. don't know
14. Did you or her relative take any legal step to get justice (*in case of Death, illegal custody, torture of victim*)

- a. Yes b. No c. don't know
- 14 (A). *If yes, what is the response of court or government*  
 a. case dismissed by court b. culprits punished c. any other  
 d. don't know
15. Is victim suffering with any medical disorder after being tortured?  
 a. Yes b. No
- 15 (A). *If yes, what kind of medical disorders (multiple answers)*  
 I. Sleeping Disorder  
 II. Damaged Muscles or Limbs  
 III. Severe Pain in the body  
 IV. Depression  
 V. Anxiety  
 VI. Sinking Heart  
 VII. Mental illness  
 VIII. Loss of Appetite  
 IX. Bed ridden  
 X. Permanent disability  
 XI. If other
16. Is victim taking any medicine or treatment after being tortured?  
 a. Yes b. No
- 16 (A). *If yes, then where is the victim getting treatment*  
 a. Govt. Hospital b. private hospital c. private clinic d. local  
 Doctor
- 16 (B). *At what level?*  
 a. Village level b. City Level c. District Level d. National Level e.  
 Other
- 16 (C). *Cost of medicine ( per week )*  
 a. 200-500 b. 500-1000 c. 1000-2000 d. if other
17. is the victim in possession of a house (*in case victim is residing out of  
 home*)  
 a. Yes b. No
- 17 (A). *If yes, does the victim visit her home often*  
 a. Yes b. No
- 17 (B). *If yes, what has the duration*  
 a. 0-1 month 2-3 months c. 4-5 months d. 6-7  
 months e. if other
- 17 (C) *When did victim get shelter in the trust or Ashram*  
 a. 1994 b. 1997 c. 2001 d. if other
- 17 (D). *Where was victim residing before trust or Ashram*  
 a. Parent's Home b. Husband's Home c. On rent d. if other
18. Was any family member of the victim killed in fake encounter or not?  
 a. Yes b. No
- 18 (A) *If yes, Personal information of the deceased family members of victim*  
 I. Name -----  
 II. Age -----  
 III. Address -----

- IV. Occupation -----  
V. Relation with victim -----

- 18 (B). Did victim get any compensation from government?  
a. Yes b. No
- 18 (C). If yes, then how much  
a. INR 1 - 2 Lac b. INR 2 – 3 Lac c. INR 3 – 4 Lac d. if other
- 18 (D). *If no*, does victim want any compensation from the government  
a. Yes b. No
- 18 (E). If yes, how much compensation does the victim want  
a. INR 5 Lac b. INR 10 Lac c. INR 15 Lac d. INR if other
- 18 (F). Do you want more compensation from Government? (*In case victim is not satisfied from compensation provided by the government*)  
a. Yes b. No
- 18 (G). If yes, How much compensation do you want from government  
a. INR 5 Lac b. INR 10 Lac c. INR 15 Lac d. If other
19. Did victim get any compensation from government for her illegal detention or torture?  
a. Yes b. No
- 19 (A). *If yes*, then how much  
a. INR 1 - 2 Lac b. INR 2 – 3 Lac c. INR 3 – 4 Lac d. if other
- 19 (B). *if no*, does victim want any compensation form government  
a. Yes b. No
- 19 (C). *If yes*, how much compensation does victim want  
a. INR 5 Lac b. INR 10 Lac c. INR 15 Lac d. if other
- 19 (D). Do you want more compensation from Government? (*In case victim is not satisfied from compensation which received from the govt.*)  
a. Yes b. No
- 19 (E). *If yes*, how much compensation do you want from government  
a. INR 5 Lac b. INR 10 Lac c. INR 15 Lac d. If other
20. What are expectations or demands of the victim from government.  
a. Compensation b. Punishment to Culprit c. Both d. If Other