

Violence Against Women by the Army Personnel

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Abstract: Protectors or predators? Guardians of the Nation or devils outraging a women's modesty? The very simple question being asked here is how often in lieu of construction of National Security the protectors turn into predators? How does sexual desire get channelized into construction of National security? Do the gruesome acts of that of rape and other hideous crime conducted on the 'No Man's Land' justify as an immunity? And ironically, the most respected troop of the nation are the one traumatizing the women of the. As one rightly announces, atrocities against women, it not only exists within the boundaries of the nation rather it is in its most brutal form in the 'disturbed area' and that too in its most brutal form. The most heinous crimes are committed where the state boundaries end. Vulnerability of the she-gender: is like being in a constant state of war fighting for the very basic rights of being a human and not just rights as a women, be it within the borders or beyond and not being confined to any cultural boundaries. Crime against women is like being in an existing state of war against humanity and will prolong if necessary steps aren't taken. These can be clubbed in specific different spheres, and it ranges from acts of sexual violence, forced prostitution, of all cross border trafficking and murder.

In areas such as Manipur, Guwahati, Assam, Jammu and Kashmir which fall under the category of 'disturbed areas', the cry of the physically weaker section of the society goes unheard to the extent that they have to initiate the walk of shame by stripping down their clothes to get the inconsiderate audience, the media, the unsympathetic government and even the judicial authority to hear them. Such immunities to the men in uniform raise the question as to whether the society will ever emerge to be an egalitarian one. Manorma rape case in Manipur (2004), Khairlanji rapes and killings (2006), Shopian Kashmir rape case (2009) aggravated sexual violence in Guwahati (2012) and the incident as that of Delhi gang rape case; shifted the focus to re-evaluating and reframing protection of women under the present law based on recommendations from Justice Verma Committee, which was constituted to look into possible amendments of the Criminal Law within the State.

While the Verma committee called for a review to AFSPA (Armed forces special protection Act). It noted that "impunity for systematic or isolated sexual violence in the process of internal security duties is being legitimised by the AFSPA" and "women in conflict areas are entitled to all the security and dignity that is afforded to citizens in any other part of our country". While the central committee adopted all the recommendations of the subsequent anti-rape bill, it left out those about AFSPA. Though India is a signatory to many international Conventions on issues of human rights and conflict agenda, such as the Geneva Convention and CEDAW (The Conventions on the Elimination of All Forms of Discrimination against Women, the ground reality remains is different due to poor implementation of the international standard protecting women in armed conflict situation.

The armed personnel use various acts like AFSPA, Army's Act, 1950, Disturbed Areas Act 1992, as appanage against the punishments which relate to the crimes they commit against civilians. Various provisions of AFSPA are inconsistent with the laws relating to violence against the women in the country. The AFSPA calls for a separate tribunal for the army. The crimes which fall out of their 'call of duty' such as rapes, sexual assault are to be tried by court martial and not by the ordinary criminal court. In the year 2016 and 2018 after the landmark judgments in Manipur Murder Case and in the case of death of three civilians in Shopian, Jammu and Kashmir respectively the Hon'ble Supreme Court of India held against the Army Personnel using excessive

force and ended the impunity for the armed forces. It is only then that the 60 year old legislation again invoked sharp responses on the issue of immunity and the 'Army Doctrine'.

The paper initially deals with giving the backdrop of the Indian society which still has a traditional patriarchal set up that influence the law of land as well. The paper further lays down the provisions of AFSPA digging its inconsistencies with the penal law of the country and also the international law. Suggestions have been put forward to lessen such crimes in the future. Demand for separate protocol for women who have been victims in the armed conflict has been put forward along with few basic suggestions of not providing any immunity for armed personnel for sexual offences. The social development of the nation depends on how secured an individual feels without having to worry about their gender.

Keywords: Army; AFSPA; Crime; Sexual offences; women

Introduction

*"Humanity is male and man defies woman not in herself but as relative to him, she is not regarded as autonomous being. And she is simply what man decrees, thus she is called 'the sex' by which is meant that she appears essentially to the male as a sexual being. For him she is sex-absolute sex, no less. She is defined and differentiated with reference to man and not he with reference to her, she is incidental, the inessential as opposed to the essential. He is subject; he is Absolute-She is the other."*ⁱ

This definition given Simone de Beauvoir mocks the history for being so generous to women. But deep down the question that crops in the head is that, was it only history and no further? Has the status of women been better off since then? Has the crime against women lessened? The answer apparently and statistically is positive but the reality is not. The paper brings to the notice of the readers, the plight of women. The women are the victims of rapes, sexual assault, murders in the disturbed areas of the nation. These areas are directly under the control of the militants. The unfortunate irony is that the army which has to protect the civilians is the one which traumatizes them. The sexual violence against women in the 'disturbed areas' is sarcastically called 'collateral damage', a damage which the war times require. There are several legal provisions which are enacted in the country for the crimes against women committed in any part of the country, be it a conflict zone or not. Indian Penal Code, Criminal Procedure Code and Indian Evidence Act compile several provisions dealing with crimes against women.

Armed Forces Special Provisions Ordinance, 1942, which was used to quell the Quit India Movement, conferred special powers to certain officers of the army. AFSPA was introduced in 1958 in Nagaland to fight the Naga secessionist movement and was later applied in Manipur and Jammu and Kashmir, and some other parts of the Northeast as well. The provisions of these acts which provide various immunities to the army in the disturbed area are discussed henceforth. They can enter and search any premise in order to make such arrests, or to recover any person wrongfully restrained or any arms, ammunition or explosive substances and seize it. Also, they can stop and search any vehicle or vessel reasonably suspected to be carrying such person or weapons. Together with a report of the circumstances occasioning the arrest of such person arrested and taken into custody under this Act shall be handed over to the officer in charge of the nearest police station with the least possible delay. Army officers even have legal immunity for their actions. An officer under this Act cannot be prosecuted, neither can a suit or any other legal proceeding be filed against anyone acting under that law. Nor is the government's judgment on why an area is found to be disturbed subject to judicial review. Protection of persons acting in good faith under this Act from prosecution, suit or other legal proceedings, except with the sanction of the Central Government, in exercise of the powers conferred by this Actⁱⁱ.

The offences of murder, culpable homicide not amounting to murder and rape in relation to a person subject to Military, Naval or Air Force Law shall be tried by court-martial under section 69 of the Army Act. These offences can also be tried by court-martial when committed on active service, out of India, or at a frontier post specified by the General Government.

International Laws on Protection of Women in Times of War

Of all the laws which are related to the protection of woman, fourth Geneva Convention 1949 is the earliest source. The aim of the Conventions is to give protection to pregnant women, nursing mothers and also to address the vulnerability of women to sexual violence in times of armed conflict. It has around 19 provisions which regulate the crime against woman but the provisions don't exclusively relate to woman. The international committee of the Red Cross (ICRC) supervises their implementation. Article 27(2) of Geneva Convention provides for "[w]omen shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or

any form of indecent assault". Attempts have been made to deal with the outrage of rape assaults such as rape, enforced prostitution and any form of indecent assaults. Though feminists have argued that designating rape as a crime against honour embodies the masculine notion of women as property rather than as victims of violence, humiliation and degradation.ⁱⁱⁱ Common article 3(c) of the four Geneva conventions does not expressly refer to rape or forced prostitution, but it does prohibit 'outrages upon personal dignity, in particular humiliating and degrading treatment', which can be taken to include these forms of abuse.

The Vienna declaration of the United Nations in 1993 declared that "violations of the human rights of women during an armed conflict are violations of fundamental principles of human rights and humanitarian" and that they require a "particularly effective response". The Programme also emphasizes that "the equal status of women and the human rights of women" should be "integrated into the mainstream of United Nations system-wide activity" and "form an integral part of United Nations human rights activities."

This growing movement to address the problem saw the adoption by the General Assembly in December 1993 of the Declaration on the Elimination of Violence against Women. The Declaration expressly recognizes that women in situations of armed conflict are especially vulnerable to violence^{iv}. Even the preamble of United Nations talks about protecting humanity from the scourge of war and humanity calls for putting women on par with men so that they are not looked down upon as weaker sex or as sex objects. Over the years ICRC has been active in attempts to mitigate the horrors of conflict for women. They made efforts in Second World War to ensure that woman prisoners are given humanly treatment in times of war. ICRC has tried to bring to the podium of the world the plight of women in armed conflicts has been certainly in conflict with humanitarian law.

Also, United Nations has asked India to repeal the Armed Forces (Special Powers) Act. It says that it had no role to play in a democracy. According to them, AFSPA in effect allows the state to override rights in the disturbed areas in a much [more] intrusive way than would be the case under a state of emergency, since the right to life is in effect suspended, and this is done without the safeguards applicable to states of emergency.^v

Ironically stating, it is important that one does not undermine the role of human right violations play in maintaining the subordinate status of the world's women. Their impact was powerfully apparent at The World Conference on Human Rights in Vienna in 1993 when governments recognized women's rights as "an inalienable, integral and indivisible part of universal human rights."

Laws on Protection of Women in our Country

The basic human rights declared under the universal declaration of human rights are held to be an integral part of the Right to Life under Article 21 of the Indian Constitution and also essential to other fundamental rights. Article 21 states that no person will be deprived of his life and liberty except according to the procedure established by law.

Due to the constructive judicial interpretation, scope of 'Right to Life' has been expanded and it has been read in the light of the necessary provisions which safeguard women of the nation from the sexual violence which negates their liberty and freedom. Liberty aims at freedom not only from the arbitrary restraint but also for securing such conditions which are essential for the full development of the human personality.

The fundamental rights embedded in the Indian Constitution, protects the sexuality of women per se. The makers of the Constitution have adhered to the Universal Declaration of Human Rights (1948) which had been adopted by the General Assembly of the United Nations Organisation, for India is a signatory to it.

Apart from Article 32 of the Constitution, which calls for the judicial intervention in case if the fundamental rights of the citizens is being violated in the country, it also allows the right to the citizens to directly move to the Supreme court to seek judicial remedy in case of the infringement of the fundamental rights. Also Article 15 prohibits discrimination on the basis of gender. The same article also provides for special provisions that could be made for the protection of women.

Article 253 of the Constitution extends the legislative power for giving effect to international agreements and conventions that the nation adheres to by being a signatory. Courts act as custodian for the protection of these rights. Various other acts have been instated by the legislature time and again, for the protection of women.

The penal code of the country earlier defined "rape" as the absence of consent for sexual intercourse. A comprehensive definition was required so as to change the laws according to the developing society. After the infamous Nirbhaya case the scope of the definition under section 376 which defines rape has been broadened. Justice Verma committee has given various recommendations which have been included in various legislations relating to sexual offences in the country against women. Protection of woman at work places and increasing

punishment for acid attacks has been recommended henceforth by the committee. Also the panel of the three judges (comprising of Justice J S Verma, retired Justice Leila Seth and Solicitor General Gopal Subramaniam) observed that offences against women in border areas/ conflict zone and their legal protection has been “often neglected”. The panel reported that it must be recognized that women in conflict areas are entitled to all the security and dignity that is afforded to citizens in any other part of our country. India has signed the International Convention for the Protection of All Persons from Enforced Disappearance.

Section 114A was inserted in the Evidence Act as a result of the outrage, agitation and public opinion on the apex court decision in the famous Mathura case. Public sympathy for agitation created what may be called as consensus in the favour of the change of attitude and legislation. Their arose a need to not merely appreciate a right and balanced attitude to the appreciation of the evidence of the complainant, but also to take care to maintain a balance between two sides, namely, the complainant and the accused. While it was rightly felt that the women complainant and the accused should be treated like any other witness and no corroboration as such should be insisted merely because she is a complainant in a rape case. It was also emphasised that her evidence should be assessed in the light of the gravity of the offence which is to be proved^{vi}

Situations of Armed Conflict

Charu Walikhanna in her special report to the United Nations Human Rights Commission, the Special Rapporteur on violence against women noted that in situations of armed conflict “rape is the symbolic rape of the community, the destruction of the fundamental elements of a society and culture-the ultimate humiliation of the male enemy”.^{vii} Irom Sharmila has been regularly released and re-arrested every year since her hunger strike began under IPC section 309 for her primary demand to the Indian government to completely repeal AFSPA which has been blamed for violence in Manipur and other parts of northeast India. The lady has continued her struggle since 2000 which actually has been known as “world’s longest hunger striker”.

If we monitor the scenario, approximately 50% of the uprooted persons belong to feminine gender which is under constant fear of sexual violence. These women are stripped off from their families and even their respective government. In a country where goddesses are worshipped with so much faith and dedication, girls on the other hand is raped, murdered and have been subjected to extreme mental torture and pain. Armed Forces personnel use sexual violence against women as a medium to instigate fear in the minds of the people of an area particularly near the borders.

In case of Dolopa in the Sivasagar district of Kashmir the soldier attempted rape on a 19 year old girl. This incident led to intense outburst from the community.^{viii} Although the girl was saved from this Naik of 278 field regiment, but the fear still haunts the girl. Have protectors turned into aggressors and especially against women? To better understand what is taking place in Kashmir, it is important to bear in mind that India maintains an army of occupation of 700,000 in the state with a population (under Indian control) of some eight million people. These comprise the regular Indian army, Border Security Force and the Central Reserve Police Force (CRPF). Of the various forces, the latter are the most notorious. Its ranks are filled by racist Hindus who harbour a particular grudge against Muslims whether in India or in Kashmir. Another military wing, the Rashtriya Rifles, is equally demonic in their approach and takes special pleasure in humiliating Muslims.

In the capital, Srinagar, there are 300,000 Indian troops and other security personnel for a total population of one million. Thus, there is one soldier for every three civilians in Srinagar, making it the most militarized city in the world. There is a military bunker at every street corner. Naturally with such high concentration of armed personnel, the number of killings is also very high. Virtually every locality now has its own graveyard. Parks and open spaces have been turned into cemeteries. What is equally shocking is the total disregard for human dignity, especially the honour of Kashmiri women of whom more than 10,000 have been raped by Indian occupation forces since the latest uprising began in 1989. The mass rapes were widely reported in the international media including one report by Barbara Crossette in the New York Times (April 7, 1991) as well as Human Rights Watch report on India released on January 1, 1992. Despite overwhelming evidence, the Indian government brazenly dismissed the rape claims as a propaganda ploy by “Kashmiri militants” to garner sympathy for their cause. Even the US State Department in its 1992 report on international human rights, rejected the Indian government’s conclusion, and determined that there “was credible evidence to support charges that an elite army unit engaged in mass rape in the Kashmiri village of KunanPoshpora” (Barbara Crossette, New York Times, February 1, 1992).

KunanPoshpora may have been the most horrendous crime but it was by no means an isolated case. Another heart-wrenching attack occurred on May 29, 2009 when two women, 17-year-old Aasiya Jan and her 22-year-old sister-in-law Neelofar Jan, passed near a military checkpoint in Shopian. The two women were abducted, repeatedly gang raped by soldiers and then murdered. Their half naked bodies were dumped in a nearby river. Their

bodies were discovered only when water level in the river receded somewhat. Several weeks of protests followed but the Indian occupation authorities took no notice even when the local government set up a commission of inquiry and submitted its report on July 9. A Kashmiri business man, Mohammed Hussain Zargar was so upset at what had happened to the women that he took it upon himself to demand those guilty of this heinous crime to be punished. A few months later, his body showing clear signs of torture was discovered in an orchard. He had been abducted by Indian army personnel and tortured to death to make him an example to others that dare question the official version of events.^{ix}

The famous Manorma Devi rape case (AIR 2006 Gau 33) where the Guwahati High court raised their hands for having jurisdiction over the crimes committed by army personnel is an important landmark case for such offences. The nation was stunned when 12 brave women disrobed themselves near the Kangla Fort in Imphal, Manipur with slogans such as 'Indian army rape us'.

The forensic reports confirmed the presence of semen and even Justice Upendra who conducted the inquiry held the army liable but still no one was convicted. To no surprise, the report still has not been revealed. It is almost like people of North Eastern part of the country have learned to live with AFSPA and treat it as necessary evil. As Colin Gonsalves rebuked 'The Armed Forces Special Powers Act, 1958 is directly responsible. Security forces feel they are gods in Manipur, they have absolute immunity^x'. Though there have been many laws enacted by the legislature for the protection of women in the country but simultaneously they have even given enough immunity to the troop to be acquitted from charges of sexual violence committed by them. Most important of them being AFSPA(1958) , ARMY Act, 1950 which provide practical immunity to these men not only for the crimes committed by them against women but the society in general.

There have been problems related to the filing of First Information Report (FIR) by the victims against the accused that is army. Victims claim that it is difficult to file a case against army which shatters the hopes of the accused for justice. Rape is a cognizable offence yet the registration of the offence is refused. And if and when registration of FIR is done, it is only after numerous protests. This in turn results into delayed process of investigation. The medical examination of the victim is done after the required time period which immunises the accused from any further query.

Many in Mizoram do not even talk about those days when such trauma was so prominent as to bring gushes of trauma to them. Those instances have been simply called as "troubles" and no discussion takes place, such is the trauma that has been inflicted on people. And according to some competent authorities people are merely supposed to forget all this and to sweep it under the carpet and "move on". The question that lies most closely to it, as to why should the victims continue to pay the price? Why not those who inflicted the devastation, who gave the orders and who carried them out are paying the price for the wrong that was inflicted by them on the innocent.

The cases are tried in the martial court where the victim feels alien to the surroundings. The trauma the victim faces hearing after hearing cannot dishearten them more. In a court full of those related to accused, little are the chances of deriving the justice for the victim.

There have been instances where the victims have been bribed with promise of job and with compensation to the survivor and also they have been forced to take back the allegations against that soldier. When such mental agony is not enough to shake the victim what follows is the accusation by the society and the questioning of the virtue even by the family leaves no option for the victim but to take the atrocious act of committing suicide and this is how the system in this country works, where the victim is being accused of the crime she was subjected to.

Family releases its frustration over the rape victim through acts of physical violence and gags her for raising her voice against the wrong because of the cobweb of family honour and shame.

Conclusion

Passed in 1958 when the Naga movement for independence had just taken off, AFSPA is a bare law with just six sections. The most damning are those in the fourth and sixth sections: the former enables security forces to "fire upon or otherwise use force, even to the causing of death" where laws are being violated. The latter says no criminal prosecution will lie against any person who has taken action under this act. In 54 years, not a single army, or paramilitary officer or soldier has been prosecuted for murder, rape, destruction of property (including the burning of villages in the 1960s in Nagaland and Mizoram). In the discussions over the past days, no one has even mentioned the regrouping of villages in both places: villagers were forced to leave their homes at gunpoint, throw their belongings onto the back of a truck and move to a common site where they were herded together with strangers and formed new villages. It is a shameful and horrific history, which India knows little about and has cared even less for.^{xi} The problem however remains that the area has been declared "disturbed" under the Disturbed Areas Act, the

enabling provision of law, which facilitates the summoning of the Army to the aid of civil authorities who are unable to control armed insurrection. This is the call of the State government or the Centre^{xii}.

It is unarguable that the existing provisions of the law of armed conflict are designed primarily to help women in times of armed conflict. After years of regarding what happens to women in armed conflict as a part of the price of doing business, the international community has acknowledged that change is needed. This is particularly evident in the context of the wholesale sexual abuse of women in warfare. The rape of the women in the former Yugoslavia has received unprecedented attention. For the first time states have taken steps to bring to justice those responsible for these breaches of law. Moreover, further indications of a possible change in attitude can be discerned in the recent focus on the so-called “comfort women” used to provide services to the Japanese troops during the Second World War.^{xiii} Also there is a requirement for a new protocol for protecting the women in an armed conflict. What has been witnessed in relation to the situation of women and rape is a concerted effort on the part of many to expand the interpretation of existing treaty provisions to cover up in warfare. When the definition of grave breaches was formulated in the Geneva conventions, rape was not regarded as the type of activity that constituted a serious infringement of the rules and was not intended to be covered by the system of grave breaches. Thus there is dire requirement for a new protocol.^{xiv} The proposed protocol will be needed to affect satisfactorily the issue of its application in situations of armed conflicts or it will fail in the important task of satisfying even the most elementary requirements of universality^{xv}. Also the language in which the provisions have to be drafted should not be vague and outdated but it should be kept in mind the modern perceptions of women, the changing phases of the sexuality and the terminology like modesty and chastity attached to her. Rules provided by the protocols should be such that protect the women and simultaneously create a mirror image to those that regulate the torture and mistreatment of men.

Participation of women is another important aspect which needs to be brought into limelight. Women participations is necessary for efficient preparations and drafting of future laws in the broader interest of the national community. Not only does it restrict women being a part only of the drafting committee but should be appointed as judicial officers in the army tribunals. The concept of court martial has to be evolved. It should not be gender specific but should be women-oriented. The crimes committed by the army personnel should be tried in front of the female officials to ensure ‘Relative’ justice to the victim.

There have been problems related to certain provisions of AFSPA which even the Verma committee pointed out and certain provisions have to be amended and repealed for the purpose of efficient enactment of the act. At present it is in the form of recommendations which the legislature is yet to enact. The central government is yet to consider the report. The continuance of Armed Forces (Special Powers) Act (AFSPA) in conflict areas of the nation needs to be revisited. The Committee has recommended that the requirement of sanction for prosecution of armed forces personnel should be specifically excluded when a sexual offence is alleged. The army personnel should not be provided with any immunities of AFSPA for offences which do not fall in the category of their ‘On Job’ duty.

Efforts have to be made by the legislature to redefine ‘military necessity’. The legislature must take into consideration that with the passing of time from the date of the independence the state ought to take step forward to being a welfare one. Although, it is naive to expect a sudden shift in the priority given to the protection of the combatant in the law of the armed conflict without a successful challenge and what it represents. Thus the concept of ‘military necessity’ needs to be redefined. Specific concessions should be given to the women over and above those that relate to civilians generally^{xvi}

Complainants of sexual violence must be afforded witness protection. There should be no fear in the minds of these victims and family for filing a report against the sexual assault committed upon them. Filing of First Information Report should be made possible with stricter policies against nepotism and genuine implementation of AFSPA.

Special commissioners should be appointed in these conflict areas for monitoring and prosecuting sexual offences by the army. The problems lies in the fact that army itself tries the cases which are initiated against them. This not only protects the army from harsher punishments but also gives them a green signal for commission of crimes against women. The government should appoint separate judges for trying of cases against the army personnel because different level of prudence is required to decide the cases related to those who protect the nation. But the offences which are committed against a particular sex and do not relate to any duty which these troops have to perform, should be tried in the normal criminal tribunal for the reason stated as obvious.

Training of armed personnel should be reoriented to emphasise strict observance of orders in this regard by armed personnel. They no doubt have been taught to fight for the nation but they should be inculcated with the knowledge of being humanly towards the other sex.

AFSPA was initiated to protect those acts of the army which could not be justified in the ordinary tribunals of the nation. The courts of the country have also been weighing in on the issue related to violence against women. The Supreme Court has time and now cleared its stand on this act. Supreme Court in the famous Dolopa case have ruled that these provisions of AFSPA cannot summarily replace general laws of the land, and that all such cases need not be tried in a Defence service court.

The Supreme Court has also asserted that the AFSPA's protection was limited to acts conducted in the line of duty. It stated that offences like 'rape' and 'murder' are normal crimes and do not require special courts to be tried.

Section 197 of Criminal Procedure Code causes no less harm than the provisions of these acts. The section calls for the protection of the public servants against prosecution. Section 197 (2) Criminal Procedure Code states,

"No Court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union whole acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Central Government."^{xvii}

"This clause should be repealed so as to make all the courts of the country competent enough to take cognizance of the offence committed by the armed forces of the union. The clause bars the courts from taking any action against the armed personnel until proper sanction has been obtained by the government."

In the end, as Justice Krishna Iyer rightly says

"The fight is not for woman's status but for human worth. The claim is not to end inequality of women but to restore universal justice. The bid is not for loaves and fishes for the forsaken gender but for cosmic harmony which never comes till woman comes".^{xviii}

The society won't ever emerge until the status of women in the society increases, the crime that is committed in the border areas is reduced. The nation will prosper when the laws in the country are such that keeps all its citizens at the same podium for justice. The offences committed by the army in the name of their duty is should be curbed. Lastly, the Constitutional validity of each act should be laid before enacting them. The protectors should not turn aggressors and the act should not prove draconian.

The simplest of suggestions is to recognise the work of nongovernmental organisations (NGO's). It is an internationally acclaimed suggestion that every state should have more and more NGO's serving the purpose of protection of women during warfare. Domestic groups play in challenging human rights abuses in their countries. NGO's not only in India but worldwide should put pressure on their respective countries by reporting the state of the violations by the state itself of its international obligations that have been related to women. They should continue to lobby for ratification of instruments and withdrawal of any reservations.

Clearly the international women's human rights movement has raised the visibility of abuses human rights, and the international community has made welcome statements supporting the cause of protection of women. But the gap between government rhetoric and reality is vast. The challenge now would be to ensure that government should be combating violence of women's rights do not credit for deploring abuse when they do nothing to stop it. The time actually has come for reassessment of humanitarian law that takes into account the actual ways in which women experienced armed conflict.^{xix}

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