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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

**BEARING THE BRUNT: A STUDY ON WOMEN'S RIGHTS
VIOLATIONS IN THE CONFLICT LANDSCAPE WITH
SPECIAL REFERENCE TO MANIPUR**

AUTHORED BY - THONRIN Y.K. THANGAL

ABSTRACT

"Mum, I don't know if I'll live or die today..." a young Meitei woman said over the phone, her voice shaking as she stood stuck outside her home, surrounded by aggressive Kuki men. "I don't know if I'll live or die today." What ought to be nothing more than a nightmare has turned out to be a dreadful reality for many people.

The dynamics of war and warfare have undergone significant transformations in the modern world. Changes in global politics, advances in technology, and shifting patterns of violence have all contributed to a transformation in the way battles are fought, and regrettably, who suffers the most as a result. The systematic use of violence against women as a weapon of war is one of the most terrible results that has resulted from this trend.

In recent years, civil instability has increased across a wide range of regions, and along with it, gender-based atrocities such as gang rape and sexual slavery have become frighteningly typical practices. These acts do more than only cause harm to people; they also destroy communities, severely weaken the standing and dignity of women, and deprive them of the most fundamental rights that they are entitled to as human beings.

This article investigates the deliberate targeting of women in conflict zones, with a specific emphasis on the continuing violence in Manipur as the primary area of investigation. This article takes a critical look at the ways in which the present legal systems fail to adequately protect the rights of women during times of crisis.

The purpose of this article is to disrupt that narrative by putting the experiences of women at the center of the discussion and bring attention to the fact that women face a disproportionate amount of the weight of violence, displacement, and loss. The objective is to elevate their voices, acknowledge their resiliency, and bring their tales to the forefront of attention so that they can no longer be overlooked.

KEYWORDS

Women's Rights, Gender based violence, conflict zones, Manipur Violence, Women Oppression

INTRODUCTION

“Freedom cannot be achieved unless women are freed from all forms of oppression.” – Nelson Mandela¹

As a result of the instability caused by violence, displacement, and social upheaval, the voices of innumerable women are stifled in war zones all over the world. These unseen battles are sometimes overlooked in the din of conflict, even though they constitute a reality that is catastrophic. Conditions are created that have a disproportionately negative impact on women because of the combination of insurgency, militarism, and deeply cultivated tensions in society. Women are not only exposed to systematic discrimination in these countries, but they are also subjected to other forms of sexual abuse² that are particularly harsh and are frequently used as a weapon of war.

The use of sexual assault in the context of armed conflict has regrettably evolved into an intentional strategy in combat, with the purpose of exploiting, humiliating, and destroying. Every time there is an outbreak of violence, there is a new wave of human misery that follows, and the most vulnerable people, especially women, are nearly always the ones who are forced to bear the biggest load.³ Many instances involve the transformation of women's bodies into battlegrounds, which are then utilized to convey messages of dominance and terror. The fact that sexual violence in conflict is not a chaotic outcome of war but rather a premeditated and orchestrated approach is what makes it particularly horrible.⁴ Rape is not a loss of control but rather a weapon that is handled with the intention of achieving political, military, or economic goals.⁵

¹ Nelson Mandela, Former President of Africa

² UNITED NATIONS, <https://www.un.org/en/observances/end-sexual-violence-in-conflict-day>.

³ Pramila Patten, *Pramila Patten on Preventing Sexual Violence in Conflict- Security Council, 8234th meeting*,

UNITED NATIONS, <https://youtu.be/6Uu9Zc2tWu4?si=IT2JgDzh7mP3veS5> ⁴ Graeme

Baker, *Manipur Violence: What is happening and why*, BBC NEWS,

<https://www.bbc.com/news/world-asia-india-66260730>

⁵ Bharat H. Desai & Balraj K Sidhu, *Sexual Violence in Conflict Zones*, UNITED NATIONS, <https://www.un.org/sexualviolenceinconflict/about-us/un-action/>

At the 52nd session of the United Nations Human Rights Council, which took place on December 15, 2023, a representative from the World Jewish Council made the following statement: "Women's rights are not bound by geography—they are universal and essential." On the other hand, the terrifying accounts that have surfaced because of the ongoing violence in Manipur portray a different tale.⁶

Long-standing disagreements between the Meitei and Kuki populations over land, identity, and political rights have left Manipur, which is renowned for its natural beauty and rich cultural legacy, scarred by decades of turmoil. These disagreements have been the driving force behind the unrest. The issue came to the notice of people all over the world when a distressing video was uploaded to the internet.⁷ The video in question showed two Kuki women being gang-raped and displayed naked. This event caused shockwaves to go all around the world. During an interview with Channel 4 News, a woman from Kuki related the experience of being beaten by a group of Meitei women, alongside the participation of men in the assault.⁸ She stated, "I was treated like an animal," and she was right. "Living with that trauma was already intolerable; however, when the video went viral two months later, I nearly gave up all hope of continuing," she said.

In times of conflict, the use of sexual violence as a strategy is not a novel concept. It was stated that in the 1990s, police forces in conflict zones employed rape and sexual abuse as a means of punishing dissent and maintaining power, which even resulted in deaths that occurred within the prison system. These acts were not isolated; rather, they were routinely carried out with the purpose of instilling fear, stifling resistance, and asserting power.

The persistent prevalence of sexual violence in conflict zones is alarming and terribly worrisome in a society that is increasingly advocating for women's rights, with global discourses about gender justice gaining momentum and laws being altered to punish such horrible crimes. In this environment, the incidence of sexual violence in conflict zones keeps on increasing. Not only does it raise critical questions about the efficiency of international

⁶ Vijaita Singh, *18-year-old-gangraped in Manipur after vigilantes hand her over to armed men*, THE HINDU, <https://www.thehindu.com/news/national/18-year-old-woman-assaulted-gangraped-in-manipur-on-may-15/article67110455.ece>

⁷ Divya Arya, *Manipur women in naked assault video 'will not give up'*, BBC NEWS, <https://www.bbc.com/news/world-asia-india-67291370>

⁸ Noman Siddique & Girish Juneja, *Manipur: The ethnic tensions behind the rapes and violence*, CHANNEL 4 NEWS, <https://youtu.be/jvUgUNkv9o0?si=wVVuxCH4On8WYeXQ>

initiatives, but it also raises questions about the genuine commitment of societies to safeguard women, not just intellectually, but also in practice.⁹

STATUS OF WOMEN IN MANIPUR

Manipur has been a bright example of women's fortitude, endurance, and leadership throughout the long and illustrious history of the state. The Manipuri society, in contrast to the majority of other regions in India, has long been characterized by a sort of societal matriarchy. In this culture, women have played significant roles in the process of forming the identity and fabric of the region. Scholars, sociologists, and anthropologists who have traveled to Manipur frequently express profound respect for the exalted standing that women possess in this community. This sentiment is an acknowledgment of the fact that women are present in everyday life and are valued for their presence.¹⁰

In her in-depth account of her time spent in Manipur, the British author Ethel Grimwood made the following observation: "The Manipuris do not shut up their women, as is the custom in the majority of parts of India, and as a result, they are much more enlightened and intelligent." A society in which women were not only permitted but also encouraged to speak up, participate, and take the lead is reflected in her comments, which show the inclusive and progressive nature of that society. Throughout the course of Manipur's history, women have not been relegated to the realm of the private; rather, they have been active agents of change in the public and political spheres as well. The Nupi Lan (Women's War) of 1939, which was a popular movement led primarily by women against colonial exploitation and economic inequality, is a startling witness to the collective power that they possessed. Activist and leadership qualities that are deeply ingrained in Manipuri women are highlighted by historical moments such as these.¹¹

Even in the present day, women in the region are acknowledged for their accomplishments in a variety of fields, including but not limited to the fields of the economy, politics, culture, sports, and community development. The Ministry of Science and Technology has developed

⁹ Nabih Gul, *Women in Conflict Zones: Case Study of Nepal*, JSTOR, <https://www.jstor.org/stable/41500093>

¹⁰ Victoria Haobijam, *Socio Economic Status of Kuki Women: A case study of Manipur*, SHODH GANGA, <http://hdl.handle.net/10603/293167>

¹¹ ETHEL ST. CLAIR GRIMWOOD, *MY THREE YEARS IN MANIPUR AND ESCAPE FROM THE RECENT MUTINY*, GYAN PUBLISHING HOUSE

a paper that sheds light on the dynamic roles that women continue to play in the process of building Manipuri society.

A very different picture emerges, however, when one considers the ongoing fighting that is taking on in the region. However, despite the fact that there is a long history of women's empowerment, the continued violence has significantly diminished the sense of protection and agency that Manipuri women formerly had experienced. In the midst of this upheaval, women, who were previously in a position to stand strong as pillars of resistance and reform, are now being driven into positions of passive suffering, with their bodies being turned into battlegrounds in a conflict that they did not choose.¹²

In light of this troubling contrast between historical empowerment and contemporary fragility, it is imperative that immediate introspection be undertaken. When we go deeper into the bleak reality of women's rights abuses in Manipur, which is rife with conflict, we are compelled to confront the layers of structural injustice that exist everywhere. The necessity for gender-sensitive approaches that not only acknowledge the pain of these women but also restore their dignity, security, and the place they should have as leaders in their communities is of the utmost importance.¹³

GLOBAL STANCE ON THE CONFLICT-BASED VIOLENCE ON WOMEN IN MANIPUR

It is not uncommon for society to use the word "honor" in ways that are quite unsettling, particularly when the honor in question is not connected to principles or justice but rather to the bodies of women. The responsibility of an entire community's dignity is placed on the shoulders of its women, and their pain is transformed into a symbol of social shame rather than individual anguish as a result of this mistaken notion. It is a cruel irony that communities vow to safeguard their honor, yet at the same time, they turn a blind eye to the violence that women experience in the name of honor.¹⁴

Dr. Denis Mukwege, winner of the Nobel Peace Prize and a human rights crusader who is widely known around the world, has made a profound statement suggesting that rape

¹² M Yurreseim, *Narratives of violence against women in armed conflict: A study of Naga Women in Manipur*, SHODH GANGA, <http://hdl.handle.net/10603/343584>.

¹³ DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH, https://www.dsir.gov.in/sites/default/files/2023-06/TDUPW_DeskReport_2022_e.pdf

¹⁴ DENIS MUKWEGE, GYNAECOLOGIST, HUMAN RIGHTS ACTIVIST AND NOBLE PEACE PRIZE LAUREATE

committed during times of conflict is not an act of desire but rather an act of destruction. The purpose of this thing is to destroy a person's identity, deprive them of their humanity, and make them forget that they even exist.¹⁵ In situations like this, sexual violence is used not merely to brutalize women but also to humiliate, demoralize, and destabilize entire communities. It is a weapon of war that is employed on purpose. The message that it conveys is chilling: that the bodies of women are territory that must be won, and that their suffering is collateral damage in the context of political or racial strife.

It is a reflection of this brutal dynamic that we are currently witnessing in Manipur. Not as individuals, but as symbols—used to degrade entire populations through their suffering—women have been targeted, violated, and dehumanized. This has occurred not as persons but as symbols. The grave breaches of human rights that have been taking place in the region have, very rightfully, captured the attention of the international world. Alarms have been raised by international forums and watchdog organizations, underlining the urgent need to confront these atrocities and restore the fundamental rights of all those who have been affected, notably women.

Throughout the course of history, international legal frameworks, such as the Geneva Conventions of 1949,¹⁶ have consistently placed an emphasis on the unique protection that is owed to women during times of conflict. In the conventions, it is stated unambiguously that "women shall be treated with all consideration," and it is specifically requested that protection be provided against "rape, enforced prostitution, or any form of indecent assault."¹⁷ These principles are not only appeals to morality; rather, they are internationally binding rules of humanitarian law, and any violation of them constitutes a crime that is committed on a worldwide scale. To turn a blind eye to such abuse is to betray the very foundation upon which justice and human dignity are built.

It is clear that the world community has not been mute on the situation in Manipur. The "slow and inadequate response" by the Government of India has been brought to the attention of the United Nations, which has voiced deep concern over the gross abuses of human rights it has

¹⁵ EUROPEAN PARLIAMENT, <https://www.europarl.europa.eu/topics/en/article/20141124STO80018/denis-mukwege-rape-is-a-weapon-that-dehumanises-women>

¹⁶ GENEVA CONVENTION ON PRISONER OF WAR, 1929, art 12

¹⁷ DECLARATION ON THE PROTECTION OF WOMEN AND CHILDREN IN EMERGENCY AND ARMED CONFLICT, 1974

witnessed. The United Nations¹⁸ human rights experts have asked the Supreme Court of India to continue keeping a careful eye on the situation, particularly with regard to issues of justice, accountability, and restitution for those who have been affected by the tragedy. The violence has also been criticized by the European Parliament, which has expressed its disapproval of the loss of life, the damage of homes, and the systematic acts of cruelty. A call has been made to the authorities in India, urging them to take prompt and firm action in order to put an end to the violence and protect the safety of all those who have been impacted.¹⁹

An fundamental reality is brought to light by the increasing pressure from the world community: global knowledge can have an effect on national accountability. Those in positions of authority are more likely to take action when the entire world is watching, when the news media accurately record and portray the reality that is occurring on the ground. In this way, the media becomes a strong bridge between communities who are suffering and the procedures that are in place to guarantee international justice. It brings stories of suffering and of overcoming adversity across borders, forcing organizations on a global scale to take action.

In times of crises such as the one that is currently taking place in Manipur, the role of international organizations, activists for human rights, and the media becomes extremely important.²⁰ Not only do they play a key role in exposing injustice, but they also play a part in amplifying the voices of those who have been silenced and calling for the change that they so urgently require. This world must not turn its back on us. The dignity and lives of women, who have been regarded for a long time as the foundation of Manipuri society, are dependent on it.

WOMEN VS WOMEN - ROLE OF MEIRA PAIBIS

Over the course of many years, the Meira Paibis, who are commonly referred to as the "women torchbearers" of Manipur, have been considered as a potent symbol of resistance and communal guardianship.²¹ Through their emergence as a grassroots women's movement, they have been instrumental in the protection of Meitei neighbourhoods, particularly during periods of social

¹⁸ THE UNITED NATIONS ORGANISATION

¹⁹ UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER,
<https://www.ohchr.org/en/press-releases/2023/09/india-un-experts-alarmed-continuing-abuses-manipur>

²⁰ EUROPEAN PARLIAMENT, https://www.europarl.europa.eu/doceo/document/B-9-2023-0337_EN.html

²¹ Tora Agarwala, *Feminist icons or violent vigilantes? The contentious role of Meira Paibis in Manipur's conflict*,

SCROLL.IN, <https://scroll.in/article/1053761/feminist-icons-or-violent-vigilantes-the-contentious-role-of-meira-paibis-in-manipurs-conflict>

upheaval and political instability. As a result of their presence on the streets, which frequently involves brandishing burning torches, they have become a symbol of resiliency, vigilance, and an unrelenting devotion to justice. They are held in extremely high regard within Meitei society.

The legacy of the Meira Paibis, on the other hand, has been called into question in the context of the ongoing struggle in Manipur. It has been stated that their engagement has taken on a more problematic role, with reports alleging that they have been intentionally impeding humanitarian assistance that is directed toward villages in the Kuki region.²² According to some reports, Meira Paibis have caused disruptions in the delivery of crucial food supplies to areas that are dominated by Kuki. This raises concerns about the politics of relief efforts in a scenario that is already in a precarious state.

This conflict has been acknowledged by the Manipur Police, who have cited the necessity of locating alternative ways in order to transmit important documents to districts that are dominated by the Kuki people. The authorities are concerned that if these records were to fall into the hands of the Meira Paibis, they may be destroyed. This is an indication of the level of mistrust and division that now exists amongst communities.

Worse still, there have been serious complaints made by members of the Kuki community, stating that certain Meira Paibis may have played a role in promoting or permitting episodes of sexual abuse. These allegations are extremely unsettling. These allegations, if they are accurate, indicate to a devastating collapse in the moral fabric of society, where even women, who have historically been considered as defenders and nurturers, may become complicit in injuring other women.

Developments of this nature challenge the basic foundation upon which women's emancipation is built. This indicates a deep-seated societal fracture as well as a collective failure to defend the principles of empathy, solidarity, and justice. When women begin to participate in or fuel acts of degradation against other women, it is a reflection of this failure.²³

²² Ananya Bharadwaj, 'Mothers' or 'vigilantes'?- unravelling the role of the Meira Paibis in Manipur's ongoing conflict, THE PRINT, <https://youtu.be/EYEy4GSicxw?si=8sYQyXn3-kelFPnS>

²³ DECCAN HERALD, <https://www.deccanherald.com/india/manipur/in-manipurs-brutal-ethnic-war-women-are-participants-as-well-as-victims>

Additionally, there have been allegations that Meira Paibis has targeted young women at private meetings, publicly shaming them for wearing Western apparel and accused them of ruining the honor of the community. These occurrences are a frightening example of a trend of victim-blaming, in which women themselves become enforcers of patriarchal standards that police the choices and autonomy of other women.²⁴

This internalized sexism not only contributes to the perpetuation of damaging stereotypes, but it also contributes to the reinforcement of a society in which gender-based violence is ignored, accepted, or even promoted under the pretense of upholding tradition or morality. When compassion and justice are replaced with feelings of shame, control, and hostility against the community, it is quite evident that genuine women's empowerment cannot exist in certain contexts or settings.

To effectively address this matter, it is not sufficient to merely denounce the behavior of each individual. This asks for a debate that is broader and more inclusive regarding gender, power, and conflict. It is a conversation that challenges the narratives that set women against one another and instead encourages unity in the face of violence and division.

INTERSECTIONALITY AND DISCRIMINATION

The concept of intersectionality provides us with an important lens that enables us to gain a deeper comprehension of the more complicated aspects of women's life. The experiences of women are affected by a myriad of overlapping identities, including race, caste, class, ethnicity, religion, ability, and age. Gender is not the only factor that defines women; all of these identities are interconnected. These identities do not exist in a vacuum; rather, they interact with one another to produce one-of-a-kind experiences of discrimination, privilege, and marginalization. Kimberlé Crenshaw, a legal scholar, was the first person to use the term "intersectionality" in 1989.²⁵ She did so in order to illustrate the way in which different types of inequality are interwoven and cannot be addressed independently. The concept that all women are subjected to the same level of oppression on the basis of their gender is called into question by her

²⁴ Sainico Ningthupjam, *In Manipur, violence against women, impunity, and apathy show a familiar pattern of events*, THE WIRE, <https://thewire.in/women/in-manipur-violence-against-women-impunity-and-apaty-show-a-familiar-pattern-of-events>

²⁵ Syracuse University, Kimberle Williams Crenshaw : 'Intersectional Feminism', <https://diversity.syr.edu/kimberle-crenshaw-discusses-intersectional-feminism/>

argument. The statement instead accepts that a woman from a more wealthy background may be subjected to quite different and multifaceted types of injustice than a woman from a conflict-ridden region like Manipur, a woman from a tribal background, or a woman who is a member of the Dalit caste.

Justice DY Chandrachud, who is now the Chief Justice of India, emphasized this precise point while he was speaking at the statewide launch of the Legal Awareness Programmes that are being implemented under NALSA. With regard to women as a group or a class, he declared, "There is no one identity for women." There is a wide range of identities that may be found within the big group of women... It is essential for us to comprehend the necessity of adopting an intersectional strategy in order to eliminate the prejudice and violence that women are subjected to. It is because of his remarks that we are reminded that meaningful legal and social remedies need to acknowledge the variety of experiences that people have.²⁶

One of the fundamental components of intersectional oppression is patriarchy, which is a system that is so firmly ingrained that it transcends all other types of discrimination completely. When patriarchy is combined with other institutions such as casteism, ethnic nationalism, or economic elitism, it creates even more challenging terrains for women who are marginalized to travel. Patriarchy is responsible for maintaining male supremacy and firmly established gender hierarchies.

In the state of Manipur, women have been bearing the weight of this intersectional oppression for a very long time. The state's emphasis on "national security" has meant that women's voices, safety, and well-being have been marginalized; this has been the case for decades, even since the country gained its independence. This results in what academics refer to as "double marginalization," which means that women are not only marginalized by the patriarchal norms of their own communities, but they are also disregarded or injured by a state machinery that places a higher priority on control and militarization than on justice and gender equality.

According to Harish Sadani, secretary of MAVA (Men Against Violence and Abuse),²⁷ "Patriarchy is the common enemy of all gendered persons."²⁸ This statement is really accurate.

²⁶ Mehal Jain, *Awareness about rights of women can be truly meaningful if that awareness is created amongst the younger generation of men in society: Justice Chandrachud*, LIVE LAW, <https://www.livelaw.in/top-stories/justice-dy-chandrachud-empowerment-of-women-legal-awareness-nalsa-ncw-intersectionality-sexual-violence-division-of-labour-184737>

²⁷ MAVA- MEN AGAINST VIOLENCE AND ABUSE

²⁸ Sudha Nambudiri, *Why some women are more equal than others*, THE TIMES OF INDIA, <https://timesofindia.indiatimes.com/blogs/tracking-indian-communities/why-some-women-are-more-equal-than-others/?source=app&frmapp=yes>

The perpetuation of stereotypes, the silencing of criticism, and the fueling of violence—not only against women but against anybody who does not adhere to traditional gender expectations—are all consequences of this ideology.

In locations such as Manipur, where ethnic identity plays a large role in conflict, women confront far more severe vulnerabilities than they do in countries like India. Due to the fact that they are situated at the nexus of gender and ethnicity, they are disproportionately vulnerable to being subjected to violence, being displaced, and being neglected. Not only do these overlapping identities make it more likely that abuse will occur, but they also establish avenues through which abuse can be legitimized or ignored by both the state and society.

An intersectional approach is one that listens to the unique voices at the margins, acknowledges the multifaceted problems that women face, and pursues justice not only in theory but in practice. It is vital that laws, legal frameworks, and advocacy initiatives embrace an intersectional approach in order to effectively protect and empower women.

CONCLUSION

In times of crisis, the legal system ought to serve as a steady protector—a force that is powerful enough to safeguard women from harm and ensure that those who violate their dignity are held completely accountable for their actions. In spite of this, women in Manipur have been subjected to traumatic experiences, particularly in the form of sexual violence, and they have frequently been denied the justice that they so passionately demand.

A more in-depth examination, which takes into consideration both the international perspective and the function of domestic legal institutions, uncovers a problematic landscape that is rife with inconsistencies, delays, and voids in responsibility. In spite of the fact that laws exist, their implementation continues to be inconsistent and frequently disconnected from the realities that survivors really experience in their lives.

In addition to leaving bodily wounds, such violence often leaves behind long-lasting emotional and psychological scars, which are not only visible on the people involved but also on the larger community as a whole. As a result of the trauma, the entire fabric of social trust and security is broken, which makes the process of rehabilitation a lengthy and excruciating one.

When it comes to crimes as heinous as rape and other types of gender-based violence, they must never be regarded as isolated events or as unfortunate side effects of conflict. These destructive instruments are employed on purpose to silence, shame, and destroy those who speak out against them. Collective accountability is required in order to address such atrocities, and this duty must come from governments, institutions, communities, and individuals.

Active advocacy, which includes raising awareness, standing with survivors, demanding justice, and developing institutions that prevent such atrocities from ever occurring again, is the next step that we need to take and go beyond passive anger towards. Just then will we be able to have hope for a future in which the weaponization of sexual assault is not just condemned, but really inconceivable; this is a terrible chapter that we will not allow to be repeated.

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