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HUMAN RIGHTS AND SOCIAL SECURITY IN NORTH-EAST INDIA

Edited by
GEORGE T. HAOKIP

Introduction by
DEBABRATA ROY LAIFUNGBAM



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Dedicated to



IROM SHARMILA CHANU

(b. March 14, 1972)

A civil rights activist, political activist and poet who is popularly known as "Iron Lady of Manipur", '*Menghoubi*' (the fair one) and 'Icon of Public Resistance' who since 2nd November 2000 has been on hunger strike to repeal '*law with lawless*' the Arm Forces (Special Power) Act, 1958, the most draconian law of the land. Having refused food and water for morthan 10 years, she has been called 'the world's longest hunger striker'.

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FOREWORD

The concept of Human Rights has been one of the most significant and talked about concepts since the Second World War. The Preamble to the Universal Declaration of Human Rights clearly shows how significant the respect and promotion of Human Rights have become nowadays all over the world. It describes their recognition as "the foundation of freedom, justice and peace in the world." The Human Rights obligations set out in course of international conventions and multilateral treaties further shows the ever increasing universal concern for respect and observance of Human Rights. It has also become one of the fundamental concerns of international law as well. However, in spite of all these concerns, gross violation internationally recognized norms continue unabated in almost all parts of the world. The overall situation has been characterized by large-scale breaches of civil and political rights as well as of economic, social and cultural rights. Cries of Human Rights violations can be heard from the land of the Status of Liberty to that of the farthest corners of African countries. The right to life; to an adequate standard of living; to freedom of expression; to protection from torture, inhuman treatment and arbitrary arrest; and many common standards of achievement for all people and all nations are far from realization now as ever. Nonetheless, Human Rights remain a subject matter of international attention because virtually all states are now subject to some international law and obligation regarding Human Rights of their people. As such, no country can altogether escape international scrutiny of Human Rights situation in their respective countries.

While talking about human rights, one has to remember that the concept of Human Rights is a dynamic one which is being continuously developed and evolved. In a narrow sense it is being understood as mere freedom from arbitrary government. As such, it may be defined as fundamental entitlements that all persons enjoy as protection against state conduct prohibited by international law

or customs. Among the forms of mistreatment that were most widely condemned, even now, were extra-judicial or summary execution; disappearance (in which people are taken into custody and never heard of again); torture, arbitrary detention or exile; slavery or involuntary servitude; discrimination on racial, ethnic, religious or gender grounds; and violation of the rights to free expression, free association, free movement and peaceable assembly.

However, the concept of Human Rights, if examined in all its comprehensiveness, means much more than mere freedom from arbitrary government. In fact, the roots of the philosophy of Human Rights lie in a basic understanding of human nature. To understand this is essential for a comprehensive understanding of the concept. It understands human nature as not merely a physical entity or a biological organism. Instead, it believes in the moral and spiritual nature of man. As such, it also believes in the basic unity and oneness of mankind, and gives utmost importance on the worth and dignity of man. In other words, man is a sacred entity having an inherent, inviolable and inalienable right to dignity. This truth about human nature is of supreme importance. Indeed, the Universal Declaration of Human Rights proclaims: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Basing on such an understanding of human nature, Human Rights are now being understood as those basic rights of the individuals that are essential for the preservation of the dignity of their human self. They are entitled to these rights by virtue of their being a member of the human family. As such, these rights have their origin not in an act of legislation but in the recognition of the inherent dignity, and of the equal and inalienable rights of all members of human family. They are inherent in all individuals because of their being human and irrespective of their caste, creed, religion, sex, language, ideology, etc. Without them the individual cannot realize their best self and live a dignified existence. As such, it is even said that whatever adds to the dignified and free existence of a human being should be regarded as Human Rights.

Such an understanding of the concept of Human Rights underlies certain significant things. For example, it underlies the acceptance of the idea that all judicial and political institutions which regulate life in human society, have as their principal aim, the protection of essential rights of man and the creation of

circumstances which will permit him to achieve spiritual and material progress, and attain happiness. It also underlies the acceptance of the idea that Human Rights of man are not derived from his being a national of a certain state, but based upon the attributes of his human personality. In other words, they are entitled to it not because a sovereign state guarantees it but because it is inherent in them by virtue of their being human. These rights are inalienable because the enlightened conscience of a community will not permit the surrender of these rights to any authority. They are also inviolable because without them man would be reduced to the level of an animal. Therefore, the state has no authority to violate them. The idea of Human Rights further implies that men are born free, have equal dignity and rights, and that nature has endowed them equally with reason and conscience. Another significant implication of the concept of Human Rights is that they are universal in character. Because its philosophy has its origin in the inherent attributes of man. Respect for it has to be upheld at all times irrespective of circumstances or political systems. Such rights of an individual or a group can be restricted only if they threaten or curtail the Human Rights of others. Finally, it also has to be noted that protection Human Rights is ultimately a matter of moral obligation on the part of the agencies which are potential threats to the Human Rights of the people.

All the above considerations show that the protection of the worth and dignity of the human self is at the core of the philosophy of Human Rights. In fact, this has become one of the most characteristic features of all laws, national and international. It also has to be noted that respect and observance Human Rights have been accepted as essential for the promotion of international peace, security and progress. For the denial of them is not only an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. That is why the Universal Declaration of Human Rights states respect for Human Rights and human dignity as the "foundation of freedom, justice and peace in the world."

It has to be noted that the expression "Human Rights" gained universal popularity during and after the Second World War. However, it has deep historical roots. Its roots may be traced to religion, humanitarian traditions and to the unceasing struggle for freedom and equality all over the world. The idea of man being created in the

image of God certainly endows man with a worth and dignity from which the components of a comprehensive Human Rights system can logically follow. Again, if one takes Human Rights as basically a result of men's efforts to protect the worth and dignity of human self, then its origin can be traced in ancient times. For example, the ancient Greek and Roman thought recognized the existence of immutable natural laws to which individuals might appeal in defiance of unjust state laws. The Stoics in particular regarded men as rational and enjoying certain rights. They believed in the worth and dignity of man and that man enjoy certain rights inherent in them by virtue of his being human. Later, the secular humanist strains of thought that appeared during the Renaissance and blossomed fully during the 18th century Enlightenment gave rise theories of morality grounded in the rights of the individuals. Subsequently, the emergence of the English Bill of Rights, 1688; the American Declaration of Independence, 1776; the Bill of Rights to the American Constitution, 1789; the French Declaration of the Rights of Man and of the Citizen, 1791; etc. followed as significant landmarks in the history of men's efforts to codify in law restraints on government power. The American Declaration of Independence upholds the equality of men and their being endowed with certain inalienable rights as self-evident truths. This faith found further expression in the Bill of Rights of the American Constitution, 1789. The French Declaration of 1791 also asserted that men are born free and remain free and equal in respect of rights. This Declaration further stated that the purpose of all political associations is the preservation of liberty, prosperity, security and resistance of oppression. Besides, theories of democracy and liberalism in the West started advocating ideas that went a long way in developing a scientific approach to the duties of the state in allowing freedom to the individuals. Philosophers such as J.S. Mill highlighted the empirical values of Human Rights to the society and warned the danger posed by the growing power of governments. John Dewey also focused on the dangers of accepting Human Rights in theory only. Finally, concern and efforts for the abolition of slavery and slave trade throughout 19th century also significantly contributed in upholding the inherent worth and dignity of man and their basic rights which they are entitled to by virtue of their being human.

Thus one sees that though Human Rights became a major concern of the international community during and after the Second World War. Protection of Human worth and dignity has been one of

the most important concerns of political philosophy at any given stage of its history. However, the most important catalyst that brought a wholesome international awakening to the notion of Human Rights was, as Jack Donnelly said, that of the spectre of Second World War Holocaust. In that Holocaust, the entire mankind, for the first time, together witnessed the extent of suffering which man can inflict on man, and also the horrible extent to which the worth and dignity mankind got actually violated. More significant was the fact that in witnessing the sufferings of the Holocaust victims, the whole mankind felt, as profoundly as it could be, as if they themselves were actually re-living the horrible sufferings of the victims. This gave rise to the notion of "crimes against humanity". Out of this collective experience emerged the firm resolve of the international community to ensure Human Rights to each and every member of mankind.

One can make certain observations here regarding the nature of the concept of Human Rights. Nowadays, the notion of Human Rights has come to include not only political rights and civil liberties but also socio-economic and cultural rights of the people. However, in the earlier part of the international Human Rights movements the socio-economic and cultural dimensions of Human Rights did not get much prominence. This was perhaps, because of the interpretation of Human Rights concept from the Western Liberals' point of view. Nowadays, it is no longer so. Increasing realization that proper socio-economic and cultural environment is essential for a true and meaningful exercise of these rights has been responsible for this.

Another thing that can be observed about the nature of Human Rights is that whenever the question of protection or otherwise of Human Rights comes up for discussion, the state and its various agencies have to be taken into consideration. This is because of the fact that the state is not only a legitimate institution of force but it is also the sovereign to which people owe allegiance. They have to obey the state. The question of political allegiance entails on the part of the political authority or the state a responsibility to promote maximum welfare of the people. This is the condition that will justify its existence and make its claim to people's obedience a legitimate one. In this context, the protection of Human Rights of its people becomes a most significant justification for the state to exist. Positively, it has to create the necessary conditions inside the society that will make the enjoyment of Human Rights by the people

possible. Negatively, it has to protect people from violation of their Human Rights. Besides, the state and its various law-enforcing agencies always remain a potential threat to the Human Rights of the people in as much as in that they remain instruments of force. Therefore, the state always comes up whenever the question of protection or otherwise of Human Rights of the people are discussed. In fact, R. C. Hingorani even went to the extent of making the remark: "Study of Human Rights is the study of confrontation between the Government and its citizens. While discussing Human Rights, it is mostly the Government or its agencies which are in the dock."

Human Rights are also inevitably linked with democracy. One cannot be there in the absence of the other. For, it is only in a true democracy that the respect and observance of Human Rights is assured. Similarly, the degree of respect and observance of Human Rights found in a country serve as a basic criterion for deciding the extent of democracy in that country. There is also close relationship between Human Rights and development. Their observance is a basic precondition for peace and harmony inside a society which are so essential for development and progress. It is sometimes alleged that talk of Human Rights in developing countries is futile when people do not have basic necessities of life and that economic development must supersede the Human Rights phobia. It is difficult to swallow this misconception. Human Rights and development can go hand-in-hand provided man is conscious of his rights and his social and national responsibilities. One may also remember here what Sydney Jones said about the Asian concept of Human Rights. The Asian Concept of Human Rights, he found, holds that economic development has to precede the full flowering of political and civil rights; that the Asians place a greater value on the harmony of community than on the individual freedom; and that the individual states should be able to interpret international standards of Human Rights in accordance with their history, culture, political system and levels of economic development. Jones, however, pointed out a flaw in this concept. He argues that there is no obvious correlation between economic growth and protection of Human Rights and cited Indonesia, China and South Korea as examples.

The ever increasing concern shown by the international community towards Human Rights shows the universal appeal of the philosophy behind these rights. The evolution of these rights is the result of mankind's aspiration for a life in which the inherent dignity and worth of man will receive respect and protection. These

but also in highlighting its impact on the people and their efforts to make a positive and constructive intervention to these realities which affect their individual as well as social life. The Editor and the paper contributors should be congratulated for their commendable efforts.

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INTRODUCTION

“A country should be judged on the basis of how it treats its minorities.”

—Gandhi

Any mapping of human rights violations and human security in the North East region of India necessarily brings in the setting of conflicts involving indigenous peoples or national, ethnic, linguistic or religious minorities and states. Over the last quarter of a century, India became a state with increasingly violent conflicts affecting a major portion of its territory from the North to the South, and from the central to the North East regions. A study of these conflicts would reveal common threads that have immense policy and legislative implications for India. For historical and political reasons, the North East region of India have been theatres of insurgency and armed self-determination movements for many decades. The Government of India acknowledges that since 2005, Manipur is the most violent State in the country today, where armed conflict is still persisting, with casualties in both conflicting sides surpassing those in Jammu & Kashmir. But human rights violations and the dismal situation of human security is a continuing concern in the entire North East region.

Widespread human rights violations in the region have arisen from two basic conditions. Firstly, Government of India, since its succession from British colonial government in 1947, has yet to effectively confront deeply discriminatory institutional, legislative and policy practices. In other words, India's human rights obligations are still far removed from its implementing practices. Secondly, India's response to these political issues has remained mainly militaristic, accompanied by ruthless security laws and a steadily burgeoning internal security apparatus.

New emerging democracies seem to occupy the unenviable position of being at the forefront of theatres of internal violent conflicts

across the world today; India and other States of the South Asia region are such democracies. The second half of last century saw most conflicts worldwide within states and in most cases have erupted through ethnic or community mobilisation over grievances. The long-standing conflicts in Sri Lanka and Sudan, and the genocide in the area of the Great Lakes in Central Africa are some of the most outrageous recent examples. The number of conflicts around the world has been increasing steadily since the 1960s, although their intensity has in a general sense lowered in recent times, especially where national minority rights are respected and some sort of autonomy arrangements have been negotiated.

To explain the causes of ethnic conflict and its special type of violence, many theories have been advanced. But, to date, no theory covers all types of ethnic conflict and the circumstances in which they occur. Contrary to what is often believed, many ethnic conflicts do not begin as a quest for territorial sovereignty, but in reaction to grievances which are permitted to fester over long periods of time. And also contrary to assumptions made only a few decades ago by liberal, socialist and Marxist theoreticians, conflicts involving ethnicity have not progressively faded away. It was widely believed in the second half of last century that development, increased urbanisation and literacy, the growth of communication networks and globalisation would all contribute to the creation of modern societies. All those "quaint" ethnic identities and "tribal" affiliations would eventually be replaced by loyalties to larger communities represented by truly modern political entities like the United States or the European Union. This vision of a Brave New World hasn't quite worked out as many, perhaps most, experts had expected.

It is necessary to fully understand the links between national minority rights and the prevention of ethnic conflicts to appreciate the nature of the profound causes or sources of instability in most parts of the world. To start off, one could advance the perhaps controversial hypothesis that in most countries where a conflict or potential conflict exists, it is not a "minority problem", but a majority problem, or rather the refusal of the majority and public authorities to abide by basic principles of human and minority rights.

Although it is normally members of an ethnic, religious or linguistic majority who control the state machinery and can therefore see their own language, religion or culture reflected or favoured in the operations of the State, there are in modern times well-known examples of a minority being politically dominant. The political exclusion of the

non-White majority in Apartheid South Africa is perhaps the most well-known. However, such examples are an exception to the prevailing pattern of minority rights violations and discrimination.

International human rights do not prevent a state from privileging the cultural, religious or linguistic preferences of the State (and its ethnic, religious or linguistic majority). In other words, human rights do not in themselves have the effect of automatically prohibiting such preferences, subject to one major proviso: no cultural, religious or linguistic preferences are permissible in international law if they amount to a violation of fundamental human rights such as freedom of religion, non-discrimination, etc.

Ethnic conflicts do not go hand in hand with the presence of minorities. Or to put that in a different way, it is not the presence of a religious, linguistic or ethnic minority in a State that is in itself a natural source of conflict. What is most amazing if one thinks about human diversity in terms of multitude of language, religious and cultural textures is that despite the perhaps hundreds of thousands of various "minority combinations" worldwide, there are in fact so few conflicts. Clearly, there must be a unique combination of factors under which some minority members are willing to resort to violence to advance their claims against the state, and willing to kill if necessary to achieve this aim.

Minorities worldwide involved in so-called ethnic conflicts; the Catholics in Northern Ireland, Basques in Spain, Corsicans in France, Muslims in the Philippines, Nagas and other ethnic minorities in India, Uighurs in China, Chechens in Russia, Albanians in Macedonia or Yugoslavia, Abkhazis in Georgia and Kurds in Turkey may be minorities but they do not instinctively enjoy killing their neighbours. For a segment of the minority population to rise up in arms against the State, there generally must be in place a relatively unique set of conditions given the actual absolute rarity of such conflicts in proportion to the number of minorities groups around the world.

There is a particular setting found in common in most minority or ethnic conflicts which have arisen in Europe, Asia, Africa and other parts of the world. Conflicts almost always involve "substantial minorities" who are a majority in a part of the State in which they live, or at least a very high percentage of the population on a given territory. This territory which they occupy is also generally "their" traditional or historical territory.

Very small minorities or recent immigrants almost never revert

to violence against the state — and the dominating majority — in support of their demands. It is with larger, historically established minorities with some territorial identification that one finds a setting with a potential for conflict under certain conditions. But even in the setting just described, minorities generally will only revert to violence in the presence of deep-laid sources of instability.

Eileen Lemass, a member of European Parliament, reflected upon this deep-laid sources of tension and minority rights in 1987 when she stated, "Linguistic and cultural diversity never causes conflict, it is the refusal of some people to adapt or accept diversity that causes problems and strife."

Whether democracies or not, developing or developed, States that are the scene of minority or ethnic conflicts tend to have one important point in common that can with some degree of certainty be seen as one if not the main root-causes of many conflicts: they quite clearly did not comply in the period leading up to the conflict with what would now be recognised as international minority rights standards as enumerated in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.

It is a commonly-held, but ultimately incorrect assumption that modern, democratic, secular — and typically "Western" — states are somehow immune to ethnic preferences and are therefore ethnically neutral. On the contrary, all states usually tend to reflect and protect to a greater extent the interests of the majority, including in some cases demonstrating definite cultural, linguistic or religious preferences. Persons who belong to minorities therefore find themselves in a double-dilemma: they have interests in a number of areas that may be different from those of the majority, while in the electoral process and the political sphere, persons who belong to minorities tend to be outvoted and under-represented. Indigenous peoples and national minorities tend therefore to suffer disproportionately from a "democratic deficit" in terms of numbers and influence in many if not most political systems.

Constantine the Philosopher (Cyril) of the 9th Century A.D. said, "Does not the sun shine equally for the whole world? Do we not all equally breathe the air? Do you not feel shame at authorizing only three languages and condemning other people to blindness and deafness? Tell me, do you think that God is helpless and cannot bestow equality, or that he is envious and will not give it?"

The questions that need to be answered for the North East region of India are not found in the newly emergent lexicon of random "terrorism" as this term has arguably gained coinage in current academic and political discourse infecting the debate of human rights, which are state obligations. It is very important not to confuse the issues concerning "terrorism" with those addressing human rights violations and human security in the region.

Human rights violations in the region do not occur in a void of arbitrary violence. A wide pattern of human rights violations exist in the region because of the failure of the State to establish a credible and accountable system to guarantee rights to its national ethnic minorities. Absence of such a system throws the people to the mercy of majority and other vested interests whose degree of tolerance may be questionable. Racism and intolerance exist in democracies, east and west, and developed and lesser developed. India is no exception.

Human rights may be able to play a considerable role in addressing and responding to ethnic tensions and insecurities as well as rights violations arising from discrimination and intolerance. When properly understood and applied, they provide a flexible package consistent with traditional democratic principles – but principles that go beyond majoritarian rule - and therefore conducive to greater stability within a State and throughout the international community.

It is generally when national minority members are subjected to discrimination, denied freedom of expression, are unable to use their language, practice their religion or enjoy their culture, or cannot obtain their "just desserts" from public authorities to the degree appropriate to the strength of their relative numbers and territorial concentration that a situation of ethnic conflict may develop. It is no accident that since the 1960s, according to one study, the worst cases of ethnic violence "were responses to communal rebellions which were, in turn, reactions to state policies of discrimination and political exclusion aimed at communal groups" (Helen Fein, *Genocide Watch*, 1992). The situation may be transformed into an uglier one of gross human rights violations threatening human security in its widest interpretation when the state response becomes militaristic and when militarism gains permanence, informing legislation, public policy and governance in a discriminatory manner.

Early and accountable government responses are critical in

determining if a conflict will further escalate. Policies of respect for the rights of national minorities, of accommodation and autonomy are much more likely to contribute to civil peace than involuntary assimilation, suppression and denial of the human rights.

Ethnic tensions must be seen for what they are: a symptom of underlying problems, such as discrimination and violation of the basic rights of national minorities. As the UN Secretary General indicated in his Agenda for Peace presented on 17 June 1992 to the General Assembly, the threat of ethnic, religious, social, cultural or linguistic strife cannot be solved unless one address the "deepest causes of conflict: economic despair, social injustice, and political oppression".

What the human rights of national minorities involve is a way of identifying the types of conduct by governments, democratic and otherwise, which constitute injustice and oppression, and describe the conduct that governments must adopt in order to correct and avoid deep sources of tension and violence, and denial of the inherent rights of millions of ethnic minorities.

In this context, the compilation of the views and opinions of researchers and 'students' of the human rights situation, the determinants of and factors bearing upon the conflicts in the North East region should constructively contribute to the ongoing search for a just and human rights based solution to the long-standing deplorable condition of the peoples of the region within the polity of a resurgent India. This compilation also brings together a number of expert views on the oppressive Armed Forces (Special Powers) Act of 1958, and the emergence of and protracted insurgencies in the region. Importantly, the views also touch upon the larger issues of marginalization, development and human security and their influence on the ethnic violence that has become an enduring characteristic of this region. The rich discussion contained in this book should open our eyes and bring a better understanding to the vexed situation of the region and its indigenous national and ethnic minorities.

28th April 2012

DEBABRATA ROY LAIFUNGBAM

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Dr. Debabrata Roy Laifungbam was qualified in 1977 as a doctor at the Christian Medical College, Vellore (India) and completed post-graduate training in Germany and the Netherlands. In early 1990s he did pioneering work with WHO and OXFAM to overcome discrimination

against people living with HIV and AIDS. He founded Centre for Organisation Research and Education (CORE) in 1987 that worked on issues of discrimination relating to racism, indigenous and tribal peoples, women and children. He had worked with the UN's Sub-Commission on the Protection and Promotion of Human Rights, Human Rights Council and Permanent Forum on Indigenous Issues, and WHO, UNDP, UNESCO and UNICEF. With the IRCT and the Oak Foundation, CORE undertook a project on young torture survivors since 2000. In 2008 CORE initiated the Human to Humane Transcultural Centre for Trauma and Torture (H2H). The H2H centre presently takes care of over 200 torture survivors and their family members as clients.

PREFACE

India's North East region is severely plagued by insurgency, ethnic movements, resurgent sub-national movements and unabated foreign infiltrations. The people are practically living in a state of threats, turmoil, tensions and traumas caused by Arms Opposition Groups, militancy and militarization. This prolonged unrest has paralyzed its socio-economic, political, cultural, administrative and strategic developments affecting not only the social harmony but also jeopardized the development of national unity and integrity in the region. Since, the last many decades, the region has also witnessed human rights violations throughout the States. The activities of both the insurgent groups, Arm Opposition Groups (AOG's) and notorious law — the Armed Forces (Special Power) Act, 1958 popularly known as '*Draconian Law*' or '*Law with Lawlessness*' have cause immense human rights violation in the region.

The present volume is an attempt to academically bring forth the various challenging issues relating to human rights and security problems in the region. Our contributors not only highlight but also investigate, examine and analyses the context, factor and extend of the regional problems ranging from social and human security, human rights abuse, and migrationality to social, economic and political problems.

The volume has five sections as theme representing the main focus of the various chapters. The first section deals on Armed Forces (Special Power) Act, human rights violation and movements. The first chapter by **P.K. Pandey** entitle "Critical Analysis of Armed Forces (Special Powers) Act, 1958: Human Rights Perspective' elaborates the various provisions of AFSPA and discusses the various recommendations. He made his suggestion to improve the present condition to make it possible everyone taste the real fruit of democracy. He critically analysed at length the various norms fixed by the state which are antagonistic to basic human rights. He pointed

out that the so called 'Armed Forces (Special Powers) Act, 1958' is perilous for a well established society. **A.S Kingson** a JNU scholar in his 'Trajectory of Draconian Laws in Northeast India: People's Movement against AFSPA in Manipur' observed that the Act is region specific since the Act is enforced only in North East region and Jammu and Kashmir unlike the Prevention of Terrorist Act (POTA) and Terrorist and Disruptive Activities (Prevention) Act (TADA) which are national in character and enforced throughout the country. He called this Act purely a 'Martial Law' under which the perpetrators of crimes are immune by certain provision of the Act. He also discuss on the excesses committed by Security Forces to civilians in remote and tribal inhabited areas. Sexual abuse on women, abduction, torture and involuntary disappearances he observe, are some of the crime perpetuated under this Act in Manipur in particular and creating counter-productive by shrinking the democratic space in the region in general.

Ajay Kumar Singh in his paper 'Armed Forces (Special Power) Act, 1958 and the Human Right Violations in North-East' analysed human rights from the Constitutional mandates of India, and international law sources with an emphasis on the International Covenant on Civil and Political Rights. He highlighted how the Armed Forces (Special Powers) Act, 1958 has invited wrath from different circles of the society. He mentioned the Convent, to which India acceded in 1979 which recognises a number of fundamental human rights, including the right to life, the right not to be tortured or ill-treated, the right to liberty and security, fair-trial rights, the right to privacy, and the right to freedom of assembly. Interestingly, Singh discuss the applicability of Armed Forces (Special Power) Act, 1958 in the North East States with an aim to clarify by both theoretically and practically the cases of human rights violations under this Act. **Rajib Mallik** "Human Rights Issues and Its Violation in North-East India" has first defines what is human rights and later analysed the context of human rights in the region covering all the eight states. He overviewed human rights in india with some strategies and responses as well as the way forward to protecting the human rights in the region.

Malem Ningthouja "The Monster AFSPA in India: Manipur Experienced Withered Democracy" argues that India's commitment to democracy has only produced contradictory situations. He observed that the conscious effort to erase any mark of difference through guaranteeing constitutional rights in principle have allowed

the people of Northeast to politically bargain for their rights and secondly, the policy of stationing troops in the region for national security too prevents the people from enjoying the fruits of peace and democracy. **Rajib Mallik** in the chapter "Human Rights Issues and Its Violation in North-East India" has first defines what are human rights and later analysed the context of human rights in the region covering all the eight states. He overviewed human rights in India with some strategies and responses as well as the way forward to protecting the human rights in the region.

In Section Two covering theme on human rights discourse, armed conflict and insurgency issues, **L. Muhindro Singh** in his chapter "Enduring Diabolical State of Affairs in India's northeast Manipur (Human Rights Discourse and State Actors in Armed Conflict)" has attempted to illuminate the phenomena caused by armed conflict in a scientific way of analysis that how far the hoi polloi have been living with insecure life on the one hand, and to insight the modus operandi of state actors that often led to uncertainty on the other. His main focus includes challenges to right to life like arbitrary arrest; extortion and killing for cash; challenges on women chastity — rape and molestation; extrajudicial execution and involuntary disappearances; etc. His method of presentation is based on the data that he collected through a structured questionnaire and on selected verifiable facts and case study. **Rajesh Kumar Meher** "Insurgency and Human Rights Abuses in Assam: An Overview" examine the link between insurgency in Assam and human rights violation. While focusing on how the most fundamental right of human being that is right to life has been ignored, disregarded and denied to the people deliberately also explained the concept of human rights that can be simply explained as those rights which are inherent in our nature by virtue of being a human being. Here, Meher pointed out how human rights have been severely threatened in the region in general and Assam in particular due to insurgency problems. On insurgency in Mizoram **Jangkhongam Doungel** in his paper "Impact of Insurgency in Mizoram with special Reference to the Sixth Schedule Area" traces its impact in the Sixth Schedule area of the state which was once a unified regional council and for which it faced certain hardships and difficulties. He also analysed the social, economic, political, religious, psychological issues impacted by the so called 'insurgency' in the state. He also discussed at length the two short-lived insurgent groups of the area and suggests a corrective measures to avoid insurgency related movement.

Lalthlamuana Darlong in his 'Impact of Insurgency on Economic Development of Tripura' also discuss on insurgency, the negative correlation between economic development and insurgency problems and points out various options available for reconciliation between issues relating to insurgency and development in the state. He argues that while insurgency has seriously hinder economic development process in the state, the issue however is yet to be a subject matter of administrative or academic discourses.

Section Three on developmental approach, social and human security. In this section **Jitesh Chandra Saha** paper "Theoretical Determinants of Human and Social Security and the North-East India" illustrate and made in deep study on the existence of healthy living conditions for human beings, availability of economic and social security of livelihood, security in relation with protecting human lives, preventing gender offences and their earned income which are an important factor determining human security. He stress the need for improvement in poverty alleviation performances, literacy rate, capacity building, social security extension and moral education which according to him can reduce the impurities in the physical and mental environment and at the same time bring substantial externalities to uplift the level of human security.

Sukanta Sarkar paper "Terrorism in North-East India and Social Security: A Human Right Approach" while suggesting government to implement Anti-Terrorism Acts to avoid human rights abuse also has highlighted the problem of terrorism in the region in terms of human rights violation. He argues terrorism as a major problem in this region where these groups are working with the help of the surrounding countries. He pointed out the factors for human rights violation in the region mentioning the various Anti-Terrorist Acts such as Armed Forces (Special Power) Act, 1958, the Maintenance of Internal Security Act, 1973, Terrorist and Disruptive Activities (Prevention) Act, 1985, Prevention of Terrorism Act of 2002 and Unlawful Activities Prevention Act. The same author in his second paper in this volume entitle "Human Trafficking and Prostitution: A Threat for Social Security in North-East India" now highlight the situation of human trafficking in the region and pointed out that human trafficking occurs more or less in every state in this region. He view that there is strong relations between human trafficking and prostitution which mainly is the result of poverty and unemployment. While both national and international groups are working in this activity yet large numbers of girls are trafficked in various Indian cities and abroad. Sarkar suggests that

government should take initiatives to inspect trafficking and at the same time rehabilitate the effected peoples.

Section Four is on marginalization, migration, identity and ethnic conflict. In this section **Prasanta Chakraborty** "Narratives of the Marginalized in Temsula Ao, Haribhushan Pal and others" makes a critical assessment of how the terror theme binds both the communities. He shares the feeling that the marginalized of both the communities are the victims of the game played by an unidentified force far away from the centre of the trouble-torn land North East India saw a huge influx of refugees from erstwhile East Pakistan after the partition and even after the creation of Bangladesh. He discussed how initially, the hospitality of the Mongolian groups of people of the area was encouraging for the marginalized people from across the border and which gradually turns the tribes began to feel threatened and subjugated later leading to retaliation by the tribals. He pointed out the role play by regional affinity in unrest and insurgencies leading to a long history of bloodshed and troubles in India. The embattled communities, the refugees from across the border and the tribes — both being marginalized, have been bonded by suffering and opposition both to the brutality of government crackdowns against militancy and the terrorization of the tribal rebels. While Temsula Ao draws an afflictive picture of the Naga tribes suffering at the hands of the Indian military, Haribhushan Pal, Asit Datta and Kishore Ranjan De give a gruesome picture of the relentless torture by the tribal extremists on the non-tribal marginalized people.

In the chapter migration, Identity Issues and Ethnic Conflicts : An Analysis of India's Northeast **Kalidash Brahma** analysed the human migration scenario in the region and its impacts on the socio-economic and cultural identity of the people. On the large scale migration of the people in this region, he illustrate the demographic changes due to migration and which counterproductive into conflict between aborigines and the migrants' further leading to large scale human rights violations. Scholar of history **Dr. Lalrinnunga Hmar** made a historical introspection of the problems of migration and security in the so called 'Tripura State' in his paper "Revisiting the Problems of Migration and Human Security in Tripura". The author while studying the factors that leads to the strange growth rate of population in the last decades has also made his brief studies on the state ethnic conflict in a historical perspective with geo-political approach attempting in an attempt to finds out its causes and nature. For this he analysed migration and arms movement in this small

North East state. The author concluded with Subhir Bhaumik rhythm of Abraham Lincoln's democracy definition "*government of the refugees, by the refugees and for the refugees*"

The last section five dealing on peace process, initiative and peacemaking **Prof. C. Nunthara** "Civil Society Initiatives in the Peace Process" studies at length the civil society initiative for peace in the region. While analysing on the peace process in the region he mentioned MNF in Mizoram and ULFA and Bodo Movement in Assam. His studies on peace initiative elsewhere for comparative indicate a somehow different picture from the kind of peace initiatives in India's North East. For this purposed he made some selected study on peace initiative in Tajikistan, Georgia-Abkhazia Peace process, the Sierra Leone Peace Process, Civil society and Peace Process in Mindanao, initiatives to end violence in northern Uganda. He discuss how the failure of the State in providing transformative power to the people in newly emerging States in general has given rise to widespread frustration and campaign for civility in public discourse especially in connection with the processes of 'conflict confrontation' and 'peace-building' and the space between individual(s) and the state authorities which widens and many people feel something else should take centre-stage where the state is characterized as ineffective and even oppressive. On the role of women in peace making in the region **Joyati Bhattacharya** in her paper "Woman and Peacemaking: The Story of Northeast and Beyond" pointed out that women in this region have traditionally performed an important role in the peace process and increasing participation in the peace process in the region which is being considered as silver lining in otherwise doomed situation of the region. But she remarks her disappointment that when women's role in the peace process is praised and encouraged, their foray in active politics is being frowned upon. Despite their remarkable contribution, women in from this region could not make an expected assertion in the political process of the region. On women peace movement in the region she observed that it has still a long way to go to be an independent movement, not dictated by the terms of patriarchy. In the last chapter "Mapping Peace Process, Law and Order Problems in North-East India" **Dhananjoy Datta** draws his attention on law and order problems in the region for which he used brief review and assessment of the existing report, various relevant literary publication related to the subject to sketch the current and future scenario of the regional peace process, law and order and to help policy makers solve human rights and security problems.

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