# where 'peacekeepers' have declared War

Report on violations of democratic rights by security forces and the impact of the Armed Forces (Special Powers) Act on civilian life in the seven states of the north-east.

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## National Campaign Committee Against Militarisation and Repeal of Armed Forces (Special Powers) Act

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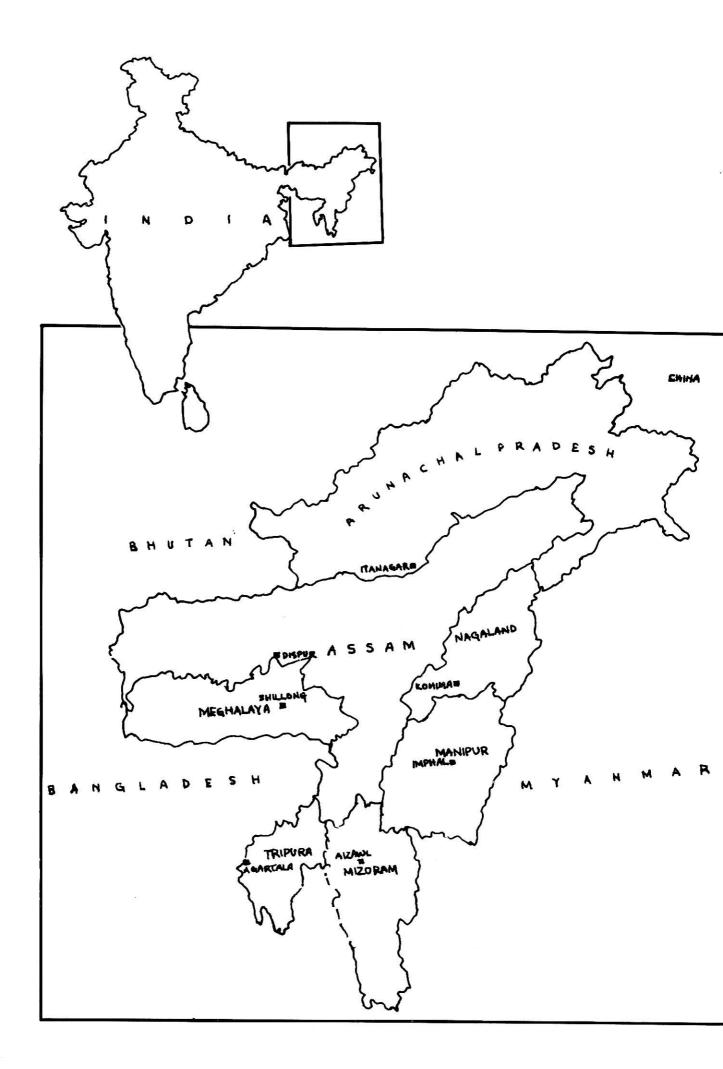
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## introduction

## The seven north-eastern states Still on the borders of our consciousness

Armed militancy, intercommunity killings, 'encounters' with security personnel ... or conversely, pretty girls and boys dancing in traditional costume. The north-east has always been a collage of the most contradictory images, that only reflect how little is known of the reality that lies behind them. The historical alienation of the people of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, their present day suffering at the hands of policy makers and the military establishment demonstrate the lack of political will to address the root causes of their discontent. Consequently, there is a tacit sanction to the extreme measures adopted by the State 'in the interest of national security'. This has primarily meant excessive militarisation of the region and the promulgation of legislations like the Armed Forces (Special Powers) Act, at the cost of the life and liberty of the people of this region. This report is an attempt to understand the impact of such militarisation on normal civilian life, democratic rights violations by the security forces which purport to be the peacekeepers of the nation and the manner in which the Armed Forces (Special Powers) Act serves to legitimise such violations.

The north-east has always been the backwaters of India. The British first reached the plains of Assam in 1826. During the next 80 years they sent several military expeditions to the Cachar plains, Khasi plains, Jaintia plains, Assam Hills, North Cachar Hills, Naga Hills, Garo Hills, Lushai Hills and the North Eastern Frontier Agency - present day Arunachal Pradesh. It was only in 1904, that the British consolidated their hold over the entire region. Upto 1935 the British experimented with different types of governance of the area, and eventually created the Excluded and Partially Excluded Areas Act of 1935. In turn, the fathers of the Indian Constitution created the VI Schedule in order to form a governable unit out of the north-east.

No doubt the people of the north-east are bound together by common features like terrain, racial characteristics, village systems based on familial ties, absence of the caste system, methods of cultivation, relative insularity in the past and a 'frontier existence'. But they are also sharply divided along lines of historically defined identities into tribes and communities like the Ahoms, Bodos, Nagas, Khasis, Garos, Mizos, Meiteis, Tripuris, Apatanis, Kukis and so on. But if the British had not entered the area and constructed it into 'frontier region', it would not have been the 'north-east'. Instead, it would have been the gateway of the subcontinent to south-east Asia. Unfortunately the makers of the Indian Constitution and the later day political masters of India made no attempt to develop a wider understanding of the "north-east". And therefore, even in independent India, the 'north-east' has continued to be a 'frontier region' whose control was imperative for strategic reasons. And her people 'defiant tribes' who had to be 'Indianised'. In the eyes of Indian nationalists, the dominant Hindu population of Assam became the last bulwark of Indian nationalism in the north-east. This image suited the dominant nationalist politics which marginalised, disciplined and punished the defiant communities.

Until today, the State has failed to acknowledge the ethnic, social and economic chasm that lies between the people of the north-east and the rest of the country. The extent of their alienation can be judged by the fact that despite claims of 'integrating them into the national mainstream', it wasn't until the recent VIII Schedule that languages of Tibeto-Chinese origin were recognised as Indian languages. In economic terms, the northeast as a whole is 30 per cent behind the rest of the country, even as its natural resources are freely exploited for the 'benefit of the nation' without a corresponding development of infrastructure and opportunity within the region. It is apparent that the Indian State has failed to respond to local needs and aspirations. Over the years, the political demands of various communities have manifested themselves as assertions for self-determination that range from seeking greater autonomy within the existing system, to a separate state within the Indian Union, and even complete independence. But all of these have consistently been dealt with as 'law and order problems'.

## The history of the Armed Forces (Special Powers) Act Military solutions to political problems

The process of disciplining the tribes of the north-east began in the early days of India's independence. The Nagas had already declared their desire to be independent. The Constituent Assembly of India debated the need to call out the armed forces to assist the civilian authorities to deal with emergencies like the secessionist threat of the Nagas. A reading of the debates of the Indian Constituent Assembly confirms that there was little discussion on the consequences of imposition of martial law. Yet, the Constituent Assembly not only provided for promulgation of martial law, but also empowered the Parliament to make laws with the provision of impunity for the armed forces and others for "actions taken by them in connection with maintenance or restoration of order in any area where martial law was in force". One wonders what motivated the makers of India's Constitution to ignore the horrible experience of martial law which was promulgated in large parts of Punjab by the British in April 1919 after the Jallianwala Bagh massacre.

Independent India retained many draconian measures created by the British rulers. In order to crush the 'Quit India' movement the British enacted the Armed Forces (Special Powers) Ordinance 1942, (Ordinance No.XLi of 1942). In 1953, the Government of Assam promulgated the Assam Maintenance of Public Order (Autonomous Districts) Act in the Naga and Tuensang Hills, declaring emergency in the area. Then in 1955, the Assam Disturbed Areas Act was passed. This was followed by the promulgation of the Armed Forces (Assam-Manipur) Special Powers Ordinance in May 1958. In September 1958, after a mere 3 hour discussion in the Lok Sabha and a 4 hour discussion in the Rajya Sabha, the Parliament converted it into the Armed Forces (Assam and Manipur) Special Powers Act. In 1972, the Act was extended to all the states and union territories of the country and amended as the Armed Forces (Special Powers) Act.

Since its enactment in 1958, the Armed Forces (Special Powers) Act has been in force intermittently in parts of Assam and almost all Naga inhabited areas of Manipur and Nagaland. In Mizoram, it was first imposed in 1966. It was also in operation in parts of Tripura in 1970 and then again in 1988, and in parts of Manipur and Assam since 1980 and 1990 respectively. The entire state of Nagaland has been under it since April 1995. Besides the states of the north-east, the Armed Forces (Special Powers) Act has also been imposed in parts of Andhra Pradesh, Punjab since 1983 and Jammu and Kashmir since 1990.

#### The Armed Forces (Special Powers) Act Legalising the misuse of power

The Armed Forces (Special Powers) Act [see Annexure] is one of the most repressive laws passed by the Parliament. Contravening all democratic norms, it gives the Central Government, in consultation with the Governor, the right to declare an area "disturbed" and impose the Act, even if the State Government does not deem such action necessary. While the Act specifies how it can be put into force, it fails to specify the conditions under which the authority would be justified in making such a declaration. And, unlike a state of emergency which, under the Constitution, can only be declared for a limited time, the Armed Forces (Special Powers) Act can be enforced for an indefinite period, without review. De facto serving to promulgate martial law through the back door. This is contrary to the Government's submission at the UN Human Rights Committee on the International Covenant on Civil and Political Rights [CCPR/C/76/Add.6] where it has claimed that 'the propriety of and the bona fides of the exercise of the power in this regard is always subject to judicial review'. Once in force, the Armed Forces (Special Powers) Act gives unbridled powers to the armed forces personnel. Under the Act, even a non-commissioned officer is granted the right to shoot to kill on the mere assumption that 'it is necessary to do so in order to maintain the public order' and need only give 'such due warning as he may consider necessary'. It also gives armed forces personnel the right to enter, search and arrest without warrant, any person against reasonable suspicion that 'he has committed or is about to commit a cognisable offence or use any amount of force necessary to effect the arrest'. Additionally, the Act merely states that after the military has made an arrest under the Act, they must hand the person over to the nearest police station with the 'least possible delay'. But no definition of what that term constitutes is to be found in the Act.

Further, the Armed Forces (Special Powers) Act gives armed forces personnel near total immunity for their actions. It clearly establishes that no prosecution, suit or other legal proceeding can be brought against any personnel acting under the Act without the permission of the Central Government. Thus, excluding the possibility of enquiry or investigation into the legality of their actions or redressal for excesses committed by them, and failing to provide any safeguards against violations of the peoples' rights.

## Other repressive laws prevalent in the states of the north-east Colouring the future of the region

In every forum, be they Parliamentary debates or the mass media, the Armed Forces (Special Powers) Act is justified as the only means to control the 'situation' and prevent the seccession of the north-east. Not only does this argument fail to address the real political, social and economic reasons for the peoples' disillusionment with the State, it also ignores the fact that as in the rest of the country, other repressive Central legislation like the National Security Act, the Unlawful Activities (Prevention) Act 1967, and the now lapsed Terrorist and Disruptive Activites [Prevention] Act (TADA) are in force here. Additionally, 'in order to further control the situation', several repressive laws have also been promulgated at the state level, like the West Bengal Security Act that was extended to Tripura and finally replaced by the Tripura Security Act, the Nagaland Security Regulation, the Meghalaya Preventive Detention Act, etc.

While there are variations in the specific provisions of each of these legislations, all of them have one thing in common. They approach the entire situation in the north-east as a mere law and order problem, that needs to be handled (read, suppressed) by strengthening the powers of apprehension, arrests, searches and shooting given to the security forces.

#### Presence of security forces in the north-east Threat to normal civilian life

The composition of the 'security forces' deployed in the north-east 'to aid civilian authority' is as multifarious as the legislations promulgated to empower them. They consist of the Army and the Air Force, paramilitary forces like the Assam Rifles, Border Security Forces (BSF), the Central Reserve Police Force (CRPF) and Rashtriya Rifles, state level forces like the Assam Armed Police, the Manipur Rifles, Nagaland Armed Police, etc., and special forces like the Special Operations Group (SOG). Today, in terms of numbers, there is 1 security person for every 10 civilians in some parts of the region.

Naturally, such heavy militarisation has taken its toll on the very notion of 'normal civilian life', and led to innumerable instances of violations committed against civilian populations. Among the widely known incidents of such excesses are the horror of army torture and violence against the villagers of Oinam (Manipur) in 1987; the gang rape of the women of Ujanmaidan (Tripura) by security forces in 1988; the terror wreaked by the army in Assam during Operation Rhino in 1991; the shelling of the town of Ukhrul (Manipur) with mortars in May 1994; indiscriminate firing on civilians by armed forces personnel when a tyre of their own jeep burst in the town of Kohima (Nagaland) in March 1995; torture of the villagers of Namtiram (Manipur) in 1995; the army's reign of terror in Jesami (Manipur) in January 1996; and the rampage of the village of Huishu (Manipur) in March 1996.

On the other hand, reports of routine harassment, indiscriminate firing, burning down of villages, looting and sexual assault barely trickle in through mass media, which like the State, tends to see and represent most north-easterners as anti-national seccessionists. In fact, so marginal is the coverage and importance given to these everyday realities in mainstream media, that there is no basis on which an understanding of the impact of militarisation and the Armed Forces (Special Powers) Act can be built.

#### The Fact Finding Mission

#### Discovering the real impact of the Armed Forces (Special Powers) Act

In April 1996, a 14-member Fact Finding Mission comprising lawyers, journalists, members of human rights' groups, democratic rights' organisations, peoples' movements and women's groups went to the seven states of the north-east. In addition to the states of Arunachal Pradesh, Assam, Manipur, Mizoram, Nagaland and Tripura that have either been or are still under the Armed Forces (Special Powers) Act, the team also went to Meghalaya where the Act has never been imposed. The reason for this was the high degree of militarisation of the state, and the fact that short of imposing the Act, the Central Government has opted for military solutions to all the major problems confronting Meghalaya.

The objective of the Mission was to identify areas which have been or are under the Armed Forces (Special Powers) Act, to understand the circumstances of its implementation, assess the powers exercised by security forces under the Act and its impact on democratic processes in the state, the civil administration, the economy, local communities and on everyday life and livelihood. To this end, the teams met with a wide cross-section of people, including representatives of students' groups, women's groups, civil and democratic rights groups; teachers, village elders, lawyers, doctors, journalists, farmers, shopkeepers and church elders; victims of army torture and human rights' activists; MLAs from the Opposition as well as ruling parties; government officials, commissioned and non-commissioned personnel of the Indian security forces. Due to various constraints, the teams could not meet members of every community or all relevant officials. But care has been taken to verify facts as thoroughly as possible.

The report of the Fact Finding Mission does not claim to be an exhaustive study of the effect of militarisation and the Armed Forces (Special Powers) Act in the north-east. It is a beginning towards arriving at a holistic understanding of the factors responsible for the alienation and suffering of the people of the north-east at the hands of the State and its security forces, especially in the context of government policies at both, the Central and State level. The report reveals the widespread impact of militarisation on lives and livelihoods of the common people, and exposes the patently undemocratic nature of legislations like the Armed Forces (Special Powers) Act.

The following seven state reports are presented in accordance with the chronology of the application of the Act. Since the states and Union Territories in the region have been re-organised in the last few decades, this chronology is based on current state boundaries.

#### Footnote:

In the months that have passed since the visit of the Fact Finding Mission to the north-east, the situation has continued to deteriorate. On 17th May 1996, prominent civil rights' activist and editor of Asamiya Pratidin, Parag Das was assassinated in Guwahati. On 23rd May 1996, prominent civil rights' lawyer Z.V.Yaopie, was brutally shot dead in Dimapur.

In Assam, following increased communal tension and killings, the Asom Gana Parishad government has been forced to accept the directive of the Union Home Ministry to set up a Unified Command under the Army's Chief of the Fourth Corps, in direct contrast to its election promise of finding political solutions to the problems of the state.

Between 16th-18th February, 10 police station areas of Tripura have been declared as Disturbed Areas and the Armed Forces (Special Powers) Act imposed. This follows communal tension in the Khowai sub-division, and an attack by All Tripura Tiger Force (ATTF) on non-tribal hamlets on 13th February. Significantly, during the attack, police personnel in the nearby posts failed to take any action, and intense communal riots have been sparked off in parts of the state. Within the few weeks since the imposition of the Act, reports of a high number of killings, arrests, detentions, and the cutting off of civil supplies to the troubled areas are already coming in.

This Fact Finding report is dedicated to the thousands who have borne the brunt of State repression, and extends its solidarity to those with the courage to continue the struggle for the restoration of peace and democracy in the region.

## nagaland

#### Team: Sanjay Sangvai, Narmada Bachao Andolan, Baroda and Lakshmi Murthy, Saheli, Delhi.

The team visited Dimapur, Kohima, Mokokchung, Wokha, Kohima Village, Jalukie, Ngwalwa, Kikruma, Chakhabama and Tseminyu, and met with a cross-section of people, including representatives of student groups, women's groups, MLA's from the opposition as well as the ruling party, academicians, business community leaders, trade union representatives, journalists, lawyers, doctors, Village Council leaders, village elders, church leaders, farmers, shopkeepers, victims of army torture, and human rights activists. The team also met with officers and non-commissioned personnel of the Indian security forces, in order to ascertain their views.

The following report, based on interviews, observations, published and unpublished documents is an attempt to present an overall picture of the impact of militarisation in general, and the imposition of the Armed Forces(Special Powers) Act in particular, on various aspects of life in Nagaland.

#### Introduction

The Nagas, with a total population of about 3 million, inhabit the hilly Patkai range running roughly parallel to the Brahmaputra Valley. This 1,00,000 sq. km. wide region is bound by the Hukwang valley in the North-East, the plains of Brahmaputra in the North West, Cachar in the South-West and Chindwin in the East. Division of contiguous Naga inhabited areas by locating about 40% of the Naga inhabited area in Burma (present Myanmar) and 60% of the area in India was carried out by the British. Further division of Naga inhabited territory into the states of Nagaland, Arunachal Pradesh, Assam and Manipur was carried out by the Government of India after independence.

The Nagas comprise of about forty tribes such as Angami, Sema, Lotha, Ao, Tangkhul, Chakesang, Konyak, Zeliangrong, Rengma, Mao, etc. of the Mongolian race. Each tribe and sub-tribe speaks a different language, though they belong to the Tibeto-Burmese group. The Nagas are the dominant ethnic group of Nagaland, with a small percentage of Kukis, Bengalis, Beharis, Andhra-ites, Nepalis and others making up the rest of the population. While English is widely spoken and is the official language, the Assamese-based Naga pidgin, Nagamese, is also commonly spoken.

Present Nagaland state, with an area of 16,579 sq. km. is divided into 7 districts and has a population of 12,09,546 persons.

#### Background

Contact of the Nagas with the outside world was minimal until the 19th Century when the British colonized parts of the Naga territory. By the Treaty of Yandabo in 1826 between the British and the King of Burma, the British established their authority over Assam and Manipur. In 1833 Raja Gambir Singh of Manipur was allowed by the British to annex a large area inhabited by the Nagas.

The British created the Naga Hills District in 1866 for administrative convenience. By 1881 they managed to establish their authority over the then Naga Hills District, southern part of the present Nagaland State. However, the traditional Naga village administration continued to function with a high degree of autonomy. Meanwhile, on the eastern side, the Tuensang area remained entirely self-governing until 1948 when Indian troops entered this region.

#### Emergence of Naga Nationalism

In 1929, the Naga Club, a group of prominent Naga leaders submitted a memorandum to the Simon Commission, expressing the desire of the Nagas for self-determination. In recognition of the Naga claim to be treated separately from British India, the British India Act 1935 renamed the Naga Hills District as the "Naga Hills Excluded Area", henceforth to be directly administered by the Governor of Assam. Meanwhile, Naga leaders discussed the issue with leaders of the Indian National Congress, who took differing stands. In fact by 1946, Nehru came out openly against self-determination.

In 1946, the Nagas formed a full-fledged political organ, the Naga National Council (NNC) and continued to negotiate with the British in order to protect their interests. In June 1947, the British India Government represented by Sir Akbar Hydari, then Governor of Assam, entered into a Nine-Point Agreement with the NNC. This Agreement recognized the NNC as the sole national political authority of the Nagas. The Governor of Assam as the agent of the Government of India would have a special responsibility for 10 years to ensure the due observance of the Agreement, and at the end of this period the NNC would be free to either extend the Agreement or go in for a new Agreement regarding the future of the Naga people.

However, within a few days of signing this Agreement, NNC leaders came to know that India would use force against them if they refused to join the Indian Union and that in Assam, security forces were getting ready for an invasion of Naga areas. A delegation of the NNC under A.Z. Phizo met Mahatma Gandhi in Delhi, who assured them: "If you do not wish to join the Union of India, nobody will force you to do that".

The NNC subsequently declared independence of the Naga people on 14 Aug 1947.

#### Post-Independence Developments

In June 1948, NNC leaders met the Governor and Chief Minister of Assam, and were given written assurances that the Nine Point Agreement would be adhered to. However, the Central government continued its programme of setting up its state machinery in Naga areas. In July 1948, A.Z. Phizo, President of the NNC, and several other leaders were imprisoned. Inspite of these moves, the NNC continued to dialogue, and in 1949, the Governor-General of India C.R. Rajgopalachari assured them that they were free to "either become part of India or to be separate if they felt it would be best in their interests."

In 1949, Gopinath Bordoloi, Chief Minister of Assam himself admitted that the Nine-Point Agreement was no longer considered valid by the Government. A month later, the NNC publicly resolved to establish a sovereign Naga State. The plebiscite conducted in May 1951 under the aegis of A.Z. Phizo revealed that 99% were in favour of a sovereign, separate Naga State. However, the Government under the stewardship of Pandit Nehru refused to take cognisance of the mood of the people. The near-total boycott of the general elections of 1952 and the mass civil disobedience movement which followed, was further indication of the public demand. Instead, the Government stepped up army presence in the area. The Assam Maintenance of Public Order (Autonomous Districts) Act, 1953, was enacted in order to deal with the "law and order" situation. Thereupon, the Assam Disturbed Areas Act, 1955 was introduced to enable the Assam Armed Police and Assam Rifles, to execute their tasks unabated and openly, without legal constraints.

This repression unleashed by the armed forces served to strengthen the so-called "underground" movement. In March 1956, the NNC inaugurated its Federal Government of Nagaland, and also formed a Home Guard (Naga army) in defence against the atrocities and massacres being perpetrated by the Indian armed forces. The late 1950's witnessed large scale devastation of Naga areas - entire villages were razed to the ground, and the armed forces indulged in unprecedented rape, murder, arson and looting. It became clear however, that the Government could not win the Naga areas through armed might unless the Naga population was completely annihilated.

Hence, in 1957, the Assam Government set up the "Naga Peoples Convention" (NPC) to give some concession to a section of Nagas, in order to break Naga solidarity. In the same year, Naga Hills and Tuensang Area(NHTA) was made an autonomous district under a Commissioner. However, this did not reflect the aspirations of the

people and the Government once again used brute force to maintain its control. One more draconian law was created - The Armed Forces(Assam and Manipur) Special Powers Ordinance, 1958.

The 16-Point Agreement between the NPC and the Central Government created the State of Nagaland and placed it under the Ministry of External Affairs. The creation of a State was looked upon as a compromise and not acceptable to the NNC. The extent of dissatisfaction with this move is also evidenced by the subsequent unrest, which led to the promulgation of the Nagaland Security Regulation, 1962, with the purpose of making "Special provisions for the maintenance of public order by the suppression of subversive activities endangering the safety or security of Nagaland". In effect, it gave the authorities wide-ranging powers to crush the Nagas.

The Cease-Fire Agreement of 1964, initiated by the Peace Mission consisting of Jaya Prakash Narayan, B.P. Chaliha (then Chief Minister of Assam) and Rev. Michael Scott was an attempt to pave the way for peaceful negotiations regarding the Naga political situation. Six rounds of talks between the Central Government and the Federal Government of Nagaland, resulted in a deadlock in 1967.

In continuation of its attitude of treating the challenge of Naga nationalism as a problem of law and order, In 1972 the Central Government declared the NNC, the Federal Government of Nagaland and the Naga army as "unlawful associations" under the Unlawful Activities (Prevention) Act No. 37 of 1967. At this time, the State of Nagaland was unilaterally transferred from the Ministry of External Affairs to the Home Ministry, in contravention of the 16-point Agreement of 1960.

In 1975, the State of Nagaland was placed under President's Rule, followed by the declaration of National Emergency. Taking advantage of the political situation, the State Government pressurized and threatened the relatives of underground leaders, many of whom surrendered to save their families. The Central Government obtained, under duress, acceptance of the Indian Constitution by underground Naga leaders. The Shillong Accord in 1975, was not acknowledged by A.Z. Phizo, the NNC President. Other NNC leaders Isak Chishi Swu and Thuingaleng Muivah denounced it outright as a sell-out of Naga interests. Ironically, adherence to the Constitution was gained in total violation of the letter and spirit of the Constitution itself, and this trend continues till date.

#### Present Context

The National Socialist Council of Nagaland (NSCN) under the leadership of Isak Swu and Th. Muivah has been articulating the voice of Naga nationalism since its formation in 1980. It emerged as the most radical section of the Naga underground freedom movement. Following intra-organizational upheavals, the NSCN split in 1988. One faction is led by Khaplang (NSCN-K) and the other by Isak Swu and Th. Muivah (NSCN I-M). In recent years, the NSCN (I-M) is recognized as the strongest section of the militant nationalist movement in Naga inhabited areas. The NSCN (all factions) has been banned since 1991 under the Unlawful Activities (Prevention) Act, 1967.

In 1990, after the death of A.Z. Phizo the section of the NNC which had rejected the Shillong Accord split into 2 factions - one led by Adino Phizo, daughter of A.Z. Phizo, and the other by Khudao, a life-long associate of Phizo.

The Naga Student's Federation, a federation of student's associations in Nagaland, is a prominent voice articulating the aspirations of youth. Several women's organisations, such as the Naga Mother's Association, Rengma Mother's Association, the Ao Women's Association, etc. have been highlighting issues related to women. Alongside, traditional structures in Naga villages continue to function effectively, and Village Councils and Hohos (apex body of each tribe), as well as the Nagaland Baptist Church Council (NBCC), the apex church organisation in Nagaland are part of the present political scene in Nagaland. Voluntary groups such as the Naga Council, have moved beyond their original mandate of social welfare, and broadened their activities to deal with issues related to militarisation and the tense political scene. The Naga People's Movement for Human Rights (NPMHR), formed in 1978 has been consistently struggling for the protection of civil and democratic rights in Nagaland, and is active in its vigilance of state repression and excesses by the army.

#### Extension of the Armed Forces (Special Powers) Act in Nagaland

The Naga nationalist movement, like other nationalist movements in the North East, has primarily been dealt with as a "law and order" problem since the past 50 years or so. Several draconian laws have been enacted and imposed in these areas with the aim of containing "insurgency".

The Assam Maintenance of Public Order (Autonomous District) Regulation 1953, was enforced in January 1955 in the Mengungchunga area of Nagaland. In 1956, it was extended to the Naga Hills and Tuensang of the then Assam State. In 1991, the whole of Mon District and a 20 km belt along the Assam-Nagaland border were declared disturbed. In April 1995, the whole of Nagaland State was declared as a Disturbed Area.

#### Application of the Armed Forces (Special Powers) Act : Politics by other means

The politics of the Armed Forces (Special Powers) Act, 1972, being extended to the whole of Nagaland in April 1995, is revealing. Through social activists, Naga movement leaders, opposition leaders and ministers, the fact-finding team got glimpses of the larger political games played by the Central Government and state level politicking within Nagaland. The role of the army and repressive laws like the Armed Forces (Special Powers) Act have to be seen within this political context.

It is a well known fact that in 1995, the Government of Nagaland had recommended that the Centre declare the whole of the state as a "Disturbed Area". However, according to some quarters, the State Government was compelled to make such a recommendation by the Centre which gave it the option to either opt for President's Rule or the Armed Forces (Special Powers) Act. In fact, it is believed that the Union Home Minister had personally given the Chief Minister, S. Jamir, the ultimatum. In their own self-interest, rather than that of the people of the state, the State Cabinet and the Chief Minister gave in. According to one Minister, the matter was not discussed in the House or the State Congress Legislature Party. The CM merely announced the decision to the Cabinet on 28th March 95 and left for Delhi. On March 31, 1995, the Cabinet endorsed the decision. On April 3, the State Congress Party (NPCC-I) approved the decision. This sequence of events clearly shows how the entire legitimate political process was systematically subverted by the Centre.

No prominent Naga organisations like the Naga Council or the Naga Student's Federation or even the Hoho (the traditional policy-making bodies of the Naga tribes) were consulted. Moreover, even the Opposition was kept out. "It was like a conspiracy, a secret, underhand dealing", said General Maken, an opposition MLA and the Chief of the Apex Hoho Council.

Before the proclamation, opposition parties and several Naga organisations had met the Governor pleading with him not to impose the Act. But, when their efforts came to naught, they observed a protest bandh on April 6 1995. In fact, immediately after the proclamation of the Act, there were impressive protests by almost all organizations and opposition parties. The people from towns and villages came out in large numbers. The Opposition had raised the issue in the State Assembly, and also appealed to the President to revoke the draconian law. According to Mr. Huska Sumi, MLA, "We have explored all the avenues of parliamentary political process. Now we find ourselves helpless".

#### The Armed Forces (Special Powers) Act in the context of ground realities

No analysis of the impact of the Armed Forces (Special Powers) Act and the army can be complete without taking into consideration some of ground realities of politics based on money and opportunism. As the student leaders of the Naga Students Federation, opposition MLAs and social activists pointed out to the team, "The money culture has been destroying the Nagas. This has numbed our people, their initiative and political consciousness". At the same time, the Central Government has been pumping money into Nagaland. Although this money remains essentially in the hands of ministers, bureaucracy and the political leaders, yet the easy-money culture has taken its toll on democratic processes in the state and normal civilian life.

Mr. Huska Sumi, MLA, describes votes as "a commodity which voters sell to the highest bidder". The elections have become the most important money-spinning method. "For an Assembly constituency of hardly 6,000 to 12,000 voters, the ruling party candidates are given Rs. 50-60 lakhs or even Rs.1 crore. Why?" protests Mr. R. Paphino, MLA. "About 90 percent of the money for development received from the Centre has been misused", admits Mr. Lohe, Minister for Law and Education.

It was pointed out that Nagaland leads in corruption in India. According to Dr. Senti Longkumer of Red Cross Society, Mokokchung, "The much touted havala scam is but a 'bakshish' (tip) compared to the kind of corruption in Nagaland. More important, the Centre has been deliberately neglecting the corruption issue. After many complaints, the CBI officials came to Nagaland, but they did not proceed on this matter. According to many, this lapse is deliberate, a green signal, for the corrupt so that the Centre may perpetrate its designs through a surrogate polity.

In fact today, political and social structures in Naga villages based on consensus and co-operation are steadily being eroded, and rivalry, competitiveness and corruption have taken their place. Naga society today shows the strains of the "divide and rule" policy adopted by the Centre. Factionalism and inter-tribal rivalry, cited to be the 'cause', of the problem in Nagaland, is in fact, heightened by the unwillingness of the Government, both at the Central and the State level, to deal with the main issues. Instead, the State has chosen to strengthen it's hold over Nagaland, through the Army and the Armed Forces (Special Powers) Act.

#### A people under siege : Army presence in Nagaland

The Indian security forces have become a part, albeit an undesirable one, of life in Nagaland since the past forty years or so. Present generations have been born and raised in a near warlike situation, having been brought up dealing with the intrusive presence of army and paramilitary forces. There is no family in Nagaland which has not been touched by suffering. The harrowing tales are many, and telling of the anguish of a people subjected to extreme violence by agencies of the State.

#### No more safety in the home

Daily life is constantly disrupted by "searches" in the home. Security personnel enter homes at any time of the day or night to flush out members of the underground, arms, and any evidence to prove links with the underground. Female members of the household are especially harassed during these "searches". The army men routinely behave rudely and abuse the residents with no provocation, using physical force arbitrarily e.g.: slapping and pushing people out of the way. Often they arrive, especially at night, in civil dress, or in war fatigues with no insignia, and black scarves around their faces. This sight itself serves to intimidate. It also provides no clue as to the regiment or rank for future identification.

Like many other people, Mr. C. Wati Ao of Dimapur reported that valuables and cash are often taken away by armymen during searches. People also said that their household goods and fields are vandalized during searches, and breakable goods often destroyed.

#### Terror on the streets

The security forces are visible everywhere in Nagaland in each nook and corner, along roads, atop buildings, throughout the day and night. Always armed, with black masks and often without insignia or identification, their mere presence is enough to overshadow "normal" life. Any query by these armed men serves to terrorize the public who are in constant fear lest they be stopped and questioned. As Mr. Kiezen, Town Committee Chairman of Jalukie Town says, "The army regards all Nagas as underground. This deep suspicion creates apprehension and insecurity in the minds of ordinary citizens."

Interrogation on the roads is routine. Every citizens' movements are suspect, and they are expected to furnish an identity card on demand. Villagers especially, are often not able to provide any proof of identification, and are subject to harassment and therefore, face the risk of being detained for interrogation. Women told us that it was a source of great tension and embarrassment to be stopped and questioned on the road by army men. Foul and abusive language, taunting, leering and sexual innuendos are part of this kind of 'questioning'.

Road blocks and searching vehicles is another routine disruption of life in Nagaland. Ostensibly looking for arms or "suspicious objects", the searches are used as a technique of harassment. On some stretches of the highway between Dimapur and Kohima, vehicles on the move are subject to searches every hour or so Occupants of the vehicles are also interrogated as to where they are coming from, their destination, and purpose of the trip. Brig. P.K. Singh, GOC Chakhabama, informed the team that the army had been "requested" to also search vehicles for heroin and other drugs to check trafficking in the region. The general opinion of the people is that the army personnel are themselves involved in the drug trafficking. Moreover, on the pretext of "searches", trucks laden with timber, paddy or other produce, are forced to pay a "cut" to security personnel. This sort of extortion is rampant, affirmed Mr. Hekhevi Achumi, Chairman of the Sumi Council, Dimapur since the security forces in the area have vested interests.

Restriction of traffic, especially during "road opening" procedures for the movement of army convoys, are routine obstacles to normal movement. The army does not have legal sanction to impose curfew. However, on the night of 28th Jan., 1996 upto the evening of 29th Jan., normal life in Dimapur came to a standstill. This was following the incident of 27th January when two army jawans were killed and seven injured in an attack by unidentified gunmen. Movement of vehicles and pedestrians was prohibited, shops were closed and hundreds of children were confined to their schools long after school hours. Even the S.P. Dimapur, Mr. S.S. Tripathi, was prevented from passing through. Despite requests from the ADC, the S.P. and other police officials, Brig. K.K. Singh, the Operations-In-Charge refused to release the stranded people.

The Armed Forces (Special Powers) Act has visibly given the security forces such powers, where they do not feel responsible or answerable to the political leadership in the State. There have been many instances, when even the ministers were harassed. As one Minister said, "There is little evidence that they take us seriously". There have been cases where MLAs were detained and harassed. One minister was made to stand with his hands up. Another, Mr. Khomo, an MLA from Tuensang, was detained without reason for a day at Mokokchung in 1995. On 5th March 1995, during the unwarranted firing and rioting by the army in Kohima, troops broke into the house of Mr. Sedem Khaeming, MLA (now the Minister of Civil Supplies) and beat him up. There are instances when army personnel have warned, "Even if your CM comes we won't allow him".

The security forces have become self-appointed overseers of every activity in Nagaland. On 23.4.96, when this Fact Finding team was meeting with village representatives in Tseminyu village, the Post Commander Major Uday barged into the room and demanded how a meeting was taking place without his "permission". He also demanded a list of names of the team members as well as those present at the meeting. This intimidation had an immediate effect on the village representatives, who became subdued and reluctant to talk. Rev. (Dr.) Wati Aier, Principal of the Oriental Theological Seminary, Dimapur, revealed that those who had attended the meeting with the team on 24.4.96 in the Baptist Church, Dimapur, would be subjected to checking and harassment that night once they left the meeting.

#### Dubious methods of 'Interrogation'

Picking up people for interrogation is carried out on an everyday basis and is intensified during "Operations". Countless people mostly men, and some women, are detained indefinitely. Since there is no official record of their detention, this literally amounts to kidnapping.

Although according to the Armed Forces (Special Powers) Act, any person taken into custody has to be handed over to the nearest police station, no time limit has been laid down, except that it is to be "with the 10. least possible delay". In practice, the army detains "suspects" from periods ranging from a few hours to even

## Armed Forces (Special Powers) Act, militarisation and media images Failing to reflect reality

The fragmented pictures painted by the mainstream media are also biased and incomplete. National media only highlights inter-community violence and helps to justify increased militarisation of the region. One reason is that in the many areas where no correspondents are posted, the only source of information is press releases from the Public Relations Department of the army. A responsible media would go a long way towards building an understanding about the situation in the north-east. Attempts like the recent Media Meet in Kohima help to lessen the isolation and alienation of the people of the region, and initiate a process of communication between the north-east and the rest of the country.

On the other hand, in states as distant as Nagaland and Meghalaya, the Fact Finding teams met members of the journalist fraternity who shared experiences of the harassment they face when they attempt to expose ground realities. Activists of human rights' and democratic groups also spoke of how they are intimidated by security personnel when they wish to do as little as give a statement to the press. Obviously, the Constitutional provisions of 'freedom of speech' and the 'right to information' are distant dreams for the people of the northeast. But the question is, how long will the State ignore this reality.

## Militarisation, Armed Forces (Special Powers) Act and armed resistance in the north-east Endless wheel of violence?

By their own admission, security personnel posted in the north-east believe that most locals are either 'insurgents' or 'supporters'. In fact, many officials even felt that 'outsiders' like the Fact Finding teams who go to make enquiries into human rights violations by security forces were 'stooges' of militant groups. This attitude is not just problematic, it presents a real danger to the life to every citizen in the north-east. Hence it is imperative that the Government begin by recognising the distinctions between the various movements in the north-east and ensure that security forces deployed there also understand them.

In addition to present day economic, social and political tensions, communities in the north-east are also divided by their history of ethnic conflict resulting in insularity and chauvinism, especially among some movements in the region. Unfortunately, this has contributed to intense tension, inter-community strife and even fratricidal killings of which the hostility of the Arunachalis towards the Chakmas; the Naga-Kuki clashes; and the massacres of the Santhals by the Bodos are well-known. It is clear that once militant groups take up arms, they must bear the responsibility for their actions and the impact of their armed struggle on civilian populations, especially on communities other than their own.

While militant groups must endeavour to find peaceful solutions to their conflicts, and work to establish their democratic credentials, the government must recognise the problems that all kinds of groups all over the north-east are articulating and find political solutions to them. An end must be put to the cyclical nature of violence in the north-east. But as long as the government deals with the issues as law and order problems to be suppressed by military solutions, it will only cause the escalation of armed resistance.

#### Armed Forces (Special Powers) Act or the interests of the people A choice the Government has to make

Today, the Central Government can no longer afford to turn a blind eye to all the evidence of excesses and human rights' violations committed by the security forces in the north-east. It has to accept responsibility for the alienation caused due to policy and military intervention. It must work towards greater transparency, restraint and accountability for the actions of the security forces. It must stop placing the security forces above the law and open avenues for immediate redressal for the victims of such violations with retrospective effect, and take

The Government must also drastically reduce the overwhelming presence of security personnel in the northeast. Daily life must be free from the harassment of contant checks and identifications, searches, detention and arrests, and freedom of movement must be restored. In fact, such militarisation directly impinges on the right to information and expression, life and liberty guaranteed to all citizens by the Constitution that must be restored immediately.

Until today, the Government has failed to give democracy a chance in the north-east. Today, there is no accountability of the security forces, virtually no law enforcing machinery, and no power for peoples' elected representatives. The Government must replace the prevalent trend of merely granting funds with sustainable economic development. It must seriously address itself to the needs and aspirations of the people in social, cultural, political and economic terms. And, it must couple de-militarisation with genuine negotiations in order to rebuild democratic processes in the region. Because militarisation has only served to shatter traditional institutions without allowing democratic structures to take root in the region.

Today, the Government has no choice but to repeal the Armed Forces (Special Powers) Act. Because such repressive legislation is a blot on its democratic framework. It has caused enough suffering and pain among the people of the country. And unless the Government does away with it, it cannot work towards ensuring that the people of the north-east have an opportunity to rebuild their lives.

## THE ARMED FORCES (ASSAM AND MANIPUR) SPECIAL POWERS ACT(AMENDMENT) Act - 1972 No-7 of 1972 (5 April 1972)

An Act to enable certain special powers to be conferred upon members of the armed forces in disturbed areas in states of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram. Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:

- This Act may be called the Armed Forces(Special Powers) Act, 1958.
- It extends to the whole of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram.
  - a) "Armed Forces" means the military and the Air Force of the Union so operating:
  - b) "Disturbed area" means an area which is for the time being declared by notification under Section 3 to be disturbed area;
  - c) all other words and expressions used herein, but not defined in the Air Force Act, 1950, or in the Army Act, 1950, or in the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.
- 3. If in relation to any State or Union Territory to which this Act extends, the Governor of the State, or the Administrator of the Union Territory, or the Central Government in either case: is of the opinion that the whole or any is in such a disturbed or dangerous condition that the used of Armed Forces in aid of civil power is necessary, the Governor of that State or the Administrator of that Union Territory or the Central Government as the case may be, may, by notification in the Official Gazette, declare the whole or such part of such State or Union Territory to be a disturbed area.
- 4. Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the Armed Forces may, in a disturbed area.
  - a) if he is of opinion that it is necessary to do so for maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise us force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or fire-arms, ammunition or explosive substances;
  - b) if he is of opinion that it is necessary to do so, destroy any arms dumped, prepared or fortified position or shelter from which armed attacks are made or are likely to be made, or any structure used as a training camp for armed volunteers or utilized as a hide- out by armed gangs or absconders wanted for any offense;
  - arrest without warrant, any person who has committed a cognisable offense or against whom a
    reasonable suspicion exists that he has committed or is about to commit a cognisable offense
    and may such force as Army be necessary to effect the arrest;
  - d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises: and may for that purpose use force as Army be necessary.
- Any person arrested and taken into custody under this Act shall be made over to the officer in charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest.
- 6. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government against any person in respect of anything done or purported to be done in exercise of powers conferred by this Act.

months. In many cases, detainees have "disappeared" without a trace. Detention in an army camp is synonymous with torture - from roughing up, to third degree methods.

If every Naga is a suspect, the army attempts to turn every Naga into an "informer". Entire villages are rounded up at regular intervals, and hooded persons are brought to point out "suspects". If people are picked up others are picked up and brought to "identify" the first detainees. Failure to "identify" leads to reprisals like beating up, or even detention. The Chairman of the Kikruma Village Council described how he had been dragged out on one cold windy night, without even a shawl, to identify suspected "underground". Village elders (Gaon Buras) are constantly harassed by the army to provide such information. In fact one Gaon Bura who yielded to this pressure was killed by the underground for identifying the house of another member. Dr. Temsen Jamir a practising doctor in Dimapur told the team that he is constantly accused of "illegal practice", and harassed by the army to reveal if any "suspect" came for treatment. On 14 March '96, he was dragged out of his house at 3 am to identify a particular home. When he denied any knowledge, Dr. Jamir's entire family was dragged out. Incidentally, his wife's nephew is a Tangkhul, so the army men began to harass him. (Muivah of the NSCN I-M happens to be a Tangkhul, and that fact alone is enough to make this particular tribe the target of harassment). The fear of being further harassed forces many people to make wrong identifications, e.g.: After the incident of a bomb blast in a bus in February 1996, the Nepali driver 'identified' the mentally disabled nephew of Mrs. K. Terhuja as the suspect. The boy was tortured mercilessly, resulting in broken eardrums and a disabled arm. However, the bus driver later admitted to the S.P that he had never seen the boy before, and had only named him in order to escape torture himself.

#### Indiscriminate Firing

The Act empowers even a non-commissioned officer to fire at any person on mere suspicion. In an atmosphere where every Naga is a suspect, it amounts to every Naga being vulnerable to be shot at without any provocation. In Akuluto, on 23.1.95, Mrs. Hozheto Sema was shot at point blank range in her home by army men. She was killed and the child in her arms was maimed for life. In busy marketplaces and public gatherings, firing at "suspects" often results in many bystanders being injured (Mr. Gaibi, Jalukie, 19.2.96), or even killed (Kohima, 5.3.95), Mokokchung, (27.12.94).

Despite the hazards of firing practice being well known, firing practice continues in the 29 Assam Rifles camp situated in the densely populated capital of Kohima. On 27th April, 1981 at 10.15 am, Ms. Neibuno Angami a 20-year old woman of nearby Pfuchama village was killed by a stray bullet. There was a public pressure to restrict training only to training centres meant for this purpose, but the army has not taken any action.

#### The question of motive

The motives of the security forces come under question with regard to the issue of effectiveness. If they are posted in Nagaland with the stated aim of curbing insurgency, how are they tackling this? According to Mr. Ado Routsa, Chairman of the Kohima Village Council, it is well known that the underground live and operate in the jungles. The army however, hardly ventures deep into the jungles, but operates in villages and harasses innocent villagers. Mr. Sao, a member of the underground in the 1950's echoed this view. He feels there is a marked change between army tactics from then to the present day, when intimidation and harassment is targeted on the entire populace and not focussed on the underground Naga army.

That the army operates in an underhand and dubious way is obvious from their deliberate refusal to wear uniform, insignia, rank or identification, covering faces with black scarves, and their stealthy and covert manner. Another example is their use of civilian vehicles. On 27th Feb. 1996, the Naga Students Federation (NSF) jeep being driven by T.Akangtemjen was behind a Shaktiman truck. There was a bomb blast in the vicinity and the NSF jeep was confiscated by the army for 15 days. Eyewitnesses saw army personnel using the jeep with the name plate of NSF, until the NSF managed to recover the vehicle.

The vast powers given under the Armed Forces (Special Powers) Act to the security forces to intrude into the lives of people is a matter of grave concern. Over and above these so-called "legitimate" powers, there is a virtual reign of terror by the armed forces. Going on rampages at the slightest provocation, the armed forces have conducted themselves in a most irresponsible and indisciplined manner. Burning down towns - Mokokchung 27.12.94, indiscriminately firing at civilians - Akuluto 23.1.95, firing mortar shells - Kohima 5.3.'95, taking civilian lives, injuring hundreds and causing immense loss to life and property, are recent examples of the impunity with which the security forces operate in Nagaland.

The Chief Minister on 22 March '96 stated on the Assembly floor that 476 "suspects" had been apprehended after the imposition of the Disturbed Area Act on 4th April 1995. Of these, 169 had been released, and 216 were in jail. Thus 91 persons are unaccounted for, by the C.M's own admission. According to Mr. Huska Sumi, MLA, these figures are far below the actual incidence. He estimates that missing persons and untraced bodies are far more than the Government is willing to admit. One indication is that there were as many as 26 writ petitions for Habeas Corpus admitted in the High Court (Kohima Bench) between January-April 1996. Those who have gone to court are but a fraction of the number of persons actually missing.

It is difficult to estimate the number of troops in Nagaland. According to Brig. KVM Nair, "There is no change in the number of troops since 40 years. The battalions keep changing but it is a misconception to say that more troops have moved in since imposition of the Disturbed Area Act". The official figure, according to Mr. Huska Sumi, MLA, is 2 divisions of Army and 35 battalions of paramilitary forces. However, Mr. Neingulo Krome, Convenor, Naga Peoples' Movement for Human Rights [NPMHR], estimates that there is one army man for every 6-8 Nagas. Mr. Sumi estimates that the Central Government is spending Rs.1000 crore per year on the armed forces in Nagaland.

#### Torture by the army : Some recent cases

- 1. Mr. Humangot, S/o Reilpin, Jalukie: Mr. Humangot is an 18 year old farmer from the Zeliangrong tribe. He was picked up by the army on 4th April 1996 at 2.30 pm. from Jalukie town and taken to the 16th Assam Rifles camp at Samzuiram, 1½ km from Jalukie, under Maj. Rana. Mr. Humangot was blindfolded, his body pricked all over with pins, and a lathi squeezed on his lower body from hips to feet. For 5 days he was beaten severely and abused, to force him to admit that he was an underground NSCN worker. Not only were his wounds not treated, redchillies were rubbed into the open sores. He was then handed over to the police on April 9th. When the team met Mr. Humangot on 20th April, 10 days after his release, his bruises and wounds were still fresh and visible.
- 2. Mr. Gaibi, Jalukie: On February 19, 1996, Mr. Gaibi, a 20 year old youth, had gone hunting with a friend, and so was carrying his licensed gun. Some army men, began random firing in the market of Jalukie town. Mr. Gaibis' forearm was hit by two shots and got fractured. He was picked up and detained for one day and night, without food and water. No medical attention was given to his wounded arm, which had still not healed on 20th April during the visit of the team. Mr. Gaibi stated that Mr. Ngoulung, Mr. Saina, Mr. Hokshen and Mr. Raku were also picked up at the same time, and badly tortured.
- 3. Mr. Kehuing, Vill. Ngwalwa, Peren Sub-division: Mr. Kehuing is a 25 year old farmer with two small sons. He was picked up by the army on 17th April 1996 around 9 am, from the village weekly bazaar, and taken to the 26th Assam Rifles camp at Ngwalwa. He was blindfolded, and his hands were tied. He was interrogated at gun point, in Hindi, and beaten when he could not answer. Afterwards they interrogated him in Nagamese about whether he had a gun, he tried to answer, but was still beaten severely. He was released after two days on April 19, after signing a "no harassment certificate". When the team met him on 20th April, the bruises on his back were bluish and marked, and he had difficulty in moving and talking.

4. Mr. Messamo, Vill. Lakhuti (Reg. No. 1085, Civil Hospital Dimapur). Mr. Messamo, a 27 year old youth is a student of St. Anthony's College, Shillong. He was picked up on 15th March 1996 by army personnel, and tortured continuously. He was beaten, administered electric shocks, hung by his arms, and taunted that Jesus Christ too was hung in this manner. This form of torture is often inflicted upon the Nagas who are predominantly Christian, and therefore find it particularly traumatic. Mr. Messamo was given injections in both arms, after which he became unconscious. He regained consciousness on 19th March, to find himself in hospital, undergoing blood transfusion, unable to speak, and a large wound on his stomach. After signing a document which was in Hindi he was handed over to the police on 28th March, following which he was admitted in the Civil Hospital, Dimapur. Mr. Messamo was brought to the hospital with 27 stitches on his abdomen and 14 stitches around his neck. The stitches, according to the duty nurse, had been removed prematurely. He was giddy and weak, and could not walk for the first few days.

When the team met Mr. Messamo on 25th April in the Civil Hospital, he could barely whisper, because of the stitches around his neck. He was chained to the bed with a heavy metal chain. He has been chained from the day he was admitted despite the fact that he could barely sit-up, let alone stand or run away. The chains were not removed even during visits to the toilet and bathroom. Two armed policemen guard the room. Doctors at the Civil Hospital were mystified by the operation scars, and were unable to throw any light on the matter. They could not say for certain whether any organs had been removed, or any device planted inside the body. An ultrasonograph or a CT scan, which could provide such information, is not available in Dimapur.

- 5. Mr. Chon Tangkhul, Rongna, Manipur (Reg. No. 1084): Mr. Chon, 35 years old, was picked up by the army on 8th March 1996 in Dimapur where he had gone in connection with his log business. He was confined in the army camp near Kohima until March 28. After two days of interrogation at the army camp, a person was brought to identify him. When he could not identify him, army personnel began to beat the other person too. Mr. Chon was beaten severely, and electric shock was administered to his legs, stomach, fingers, and buttocks, when the team met him on 25th April, his wounds were still raw and infected. He seemed to be in great pain.
- 6. Mr. M., Dimapur (Reg. No. 1350): M., aged about 19 years, S/o Lakshmi, is a labourer in Dimapur. Emaciated to skeletal proportions, he had electric burn marks on his wrists and ankles, scars on his abdomen and cuts all over his body. Due to the beatings on his chest, he could not breathe properly or talk. His medical records stated that his eardrums were punctured and infected due to "external damage". He was in severe pain and constantly moaning when the team met him. He too was confined to the bed with a heavy metal chain.

A few days after this team met him, Celine Suguna and Madhu Bhushan, two other members of the Fact Finding Mission to the north-east, visited Dimapur. On hearing that M. had died, they rushed to the crematorium and met members of the family who were attending the funeral. According to M.'s mother and three sisters (who were too afraid to speak except on the condition of anonymity), the family is so poor that their single-room house is too small for all of them to sleep in, so M. used to sleep on the terrace of a neighbouring house. About a week before, some Black Panthers arrived in a jeep in the middle of the night and dragged him away. When he shouted saying "Why are you taking me away, where are you taking me?", they refused to say anything. When his mother and other relatives went to the police to enquire his whereabouts, the police merely said, "If the army personnel have taken your son, he will be brought here after three or four days. Come then...they usually bring them at night".

It was on the fourth day that the family finally found M. lying on the ground, wounded and bleeding. When he saw his mother he cried saying, "I swear I haven't done anything". But his mother was not allowed near him. The police dragged him away and admitted him in the Civil Hospital, and that is where he died. Another young life lost without reason.

#### Army Version

The team met Brig. KVM Nair, DIG AR, GOC Kohima, Brig. P.K. Singh, GOC Chakhabama, Major Rajesh Joshi, Post. Commander, Kikruma and Major Uday, Post Commander, Tseminyu. While Brig. Nair was initially reluctant to talk about violations of the civil rights of the people, he later consented to do so. Brig. Singh and Maj. Joshi were hospitable and willing to dialogue, while Major Uday was aggressive and intrusive, and disrupted a meeting of the team with the local people.

The main argument they put forth was that the security forces did not come to Nagaland of their own accord. but were called in by the popular elected state government. The army they claimed, has no mandate of its own, but works only in conjunction with the civil administration. Other interventions e.g.: checking for drugs etc. are also at the behest of the State Government. All army camps and allotment of sites to the army is done, according to Brig. Singh, as per legal procedures, and in consultation with civil authorities.

The army authorities claim that there has been considerable decrease in violence and harassment by the underground, factional fights and ethnic clashes. The villagers they claim, now feel more secure with the army presence. Even in towns, people feel safe and in fact want the army to continue to stay. The law and order situation, they feel has improved due to the army being brought in. "We are not an occupation army", asserts Brig. P.K.Singh. The army officers were at pains to establish that their motives were above board. Maj. Joshi pointed out that the special training they receive at the Counter Insurgency Training School in Mizoram equips them to deal with situations of conflict within the country. "Fighting an enemy is very different from fighting one's own countryman".

The officers denied that torture of any form took place in the camps. They also denied any delay in handing over detainees to the police. "We are human beings too," exclaimed Brig. Nair, "Torture of any kind is impossible at our hands". When specific instances of torture from Jalukie were brought up, Brig. Nair denied them outright, claiming that there was not a single case of torture or misuse of power under his jurisdiction. The so-called 10 commandments, the Corps Commander Directions, were oft-quoted to prove the good intentions of the army. The officers denied even the possibility of abuse of powers. They stressed that there were inbuilt mechanisms within the army set-up to deal with transgressions. The court-martial of the subedar responsible in the Akuluto firing of 23.1.95 was often cited as an example of the severity with which the army tackles erring personnel.

Although no officer was willing to admit that excesses took place, they did admit that sometimes, a "mistake" may take place. They justified these cases of mistaken identify by claiming that the level of "insurgency" was so high, that it is difficult to tell who is innocent and who is a suspect. These "mistakes" were also justified on the ground that the majority of the Nagas had links with the underground so unless they were picked up for questioning, how could the army ascertain the truth?

The army personnel, especially Brig. Nair, stressed that they too were victims of excesses by the insurgents. Many army men had lost their lives in ambushes. "Are these not human rights violations too?", they asked. Army men, stationed in Nagaland were under a lot of stress as they faced hostility and non-cooperation from the local population. On the other hand, Brig. P.K. Singh talked about the congenial relations between the locals and the army and that the villagers were extremely happy to have the army in their midst, especially now that the army was carrying out developmental work.

#### Women: Easy targets

While the impact of militarisation has been deeply felt by every section of society in Nagaland, women have become targets of specific forms of violence and sexual abuse.

Apart from the humiliation of being questioned on the roads and experiencing the taunting and leering by army personnel they also have to deal with the brute violation of the privacy of their homes as the army enters their home to conduct searches at any time of day and night. Privacy is non-existent, and women are 14. literally bared for "inspection".

The Supreme Court, in its order of July 4, 1991 regarding the arrest of women or searching of places occupied by women, laid down that the procedure meant for police officers as contemplated under various provisions of the Code of Criminal Procedure i.e. The proviso to sub-section (2) of section 47, sub-section (2) Sec. 51, sub-section (3) of section 100 and proviso to sub-section (1) of section 160 of the Code shall be followed. These sub-sections refer to searches being carried out only with female constables and police officers, with strict regard to decency. This provision, however, is flouted with impunity by the armed forces in Nagaland, who barge in at any time, with no accompanying female officer. Violations of these safeguards are common and routine.

Mrs. Neidonuo, President of the Naga Mother's Association, Kohima, described how women are always disturbed by the constant fear, and normal activities are plagued with uncertainty and apprehension. The psychological and emotional scars they bear are invisible, but the trauma they face is very real, she pointed out. Women cannot stand the sight of men in uniforms and young girls shiver and run to hide under the bed. There is intense terror during "searches", causing long-term mental and physical trauma.

Mrs. Alhouu, member of the Kohima Village Council reiterated that these are very sad times for Naga women. She spoke of the anguish and helplessness of mothers who had to watch their sons killed and women whose husbands, brothers and fathers were killed before their very eyes.

Members of the Rengma Mothers' Association, Tseminyu, stressed that women are not at all at peace. Women and young girls are not free to go to their fields to work, or to the jungles to collect firewood and other necessities. Security forces are ever present and ever ready to harass then, and lone women are easy prey for molestation. Movement has become very restricted, and the women now only travel in groups or in the company of menfolk.

In addition to this routine harassment, women also face the threat of sexual assault and rape. Dr. Yangerla Ao, District Mother and Child Health officer, Mokokchung and member of the Ao Women's Association, estimates that the incidence of rape of Naga women by security forces is four times more than the number reported. She cites the example of the rampage on December 27, 1994 by the Task Force of the 16 Maratha Light Infantry in Mokokchung. Many women were raped, sexually assaulted, stripped naked. Their clothes were dipped into petrol to burn down their homes. As a doctor, she examined and treated 15-16 cases of rape and molestation. However, only four victims of rape and four victims of molestation were prepared to come forward and testify. This is partly due to fear of reprisal by the army men, and partly due to the social stigma attached to rape. Dr. Yangerla pointed out that rape is very rare in Naga society. It is significant that there is no word for "rape" in any Naga language, so the English word "rape" is currently in use.

When the team visited Wokha on 23-4-96, we were told that a young girl of about 16 years had been raped by an army man during the previous week. The army had given Rs. 10,000 to the family in order to buy their silence, and also threatened them with dire consequences if they revealed anything, Although many in the locality were aware of the incident, the family was unwilling to talk to us.

The practice of picking up women or young girls, confining them to army camps and repeatedly raping them, still continues. There is a constant fear in villages about such abductions, and often, these abductions cannot be prevented. Women try not to attract any attention. "Its a curse to be pretty in Nagaland", was the telling remark of many women we met. Those who intervene are beaten up and silenced. A recent trend, in addition to these crude and sadist tactics, according to Mrs. Rosemary Thong, Co-Convenor of NPMHR, is seducing young girls with liquor, costly presents and clothes. Women who succumb to these temptations are looked down upon by the rest of the Nagas.

#### Youth: Experiences of being raised in Army-occupied Nagaland

The team had occasion to meet representatives of the Zeliangrong Students Union, Jalukie, the Ao Students Federation, Mokokchung and the Naga Students Federation (NSF), Kohima.

They described how student and youth life is completely overshadowed by army presence. Students are never certain about classes being held, and examinations too are often interrupted. Due to the uncertainty and psychological tension, most students cannot concentrate on their studies.

Young people are under constant threat of being picked up on the slightest pretext for alleged links with the underground, for "unlawful activities", the definition of which is very broad: for supposed involvement in arms-dealing, for drug trafficking, or on mere suspicion. Detention for interrogation inevitably means harassment and torture.

These young people reiterated the hazards of living under a virtual army regime where every Naga is suspect in their own homeland. They pointed out the hollowness of Indian democracy where a Naga has to prove his/her innocence, whereas the army is under no obligation to prove the guilt of persons they pick up. Student leaders are among the first to be picked up or harassed whenever there is any untoward incident. Mr. G. Apang, General Secretary of the Zeliangrong Students Union told the team how he had been detained and tortured by the army in 1995 following the incident when 12 year old Kaphidaubo of Jalukie town was killed. On 15th October 1995, Kaphidaubo happened to be watching a movie in a video parlour that was surrounded by army men who opened fire, and a stray bullet killed him. In February 1996 two members of the Naga Students Federation (NSF), Kohima, were picked up, blindfolded and interrogated by the army.

The NSF has been actively campaigning against the imposition of the Armed Forces (Special Powers) Act. They have launched a massive poster campaign, submitted memorandums to the concerned authorities, including an ultimatum to the Central Government through the Governor of Nagaland. The NSF resolved to boycott the parliamentary elections on May 7,1996 in Nagaland, to protest against the imposition of the Armed Forces (Special Powers) Act.

The youth we met were deeply affected by the intensive militarisation around them. Dr. Yangerla Ao predicts that if this current state of affairs continues, the future generation will not grow up to be normal. Most youngsters have "black and white dreams" rather than "colour dreams", disturbed sleep or insomnia. Any sudden noise, even the bursting of a balloon is ennough to make them nervous. "Childhood and the lightness of youth has ben denied to this generation", said members of the Naga Mothers Association.

The student leaders also expressed concern at the breakdown of civil administration and rampant corruption. They pointed out that lack of employment opportunities for educated youth resulted in an increase in criminalization and lumpenization among them. The Ao Students Association pointed out that healthy avenues for recreation were not available. Shops and the entire town life come to a standstill at 3 or 4 pm., due to army control. Social problems among the youth, such as alcoholism, drug abuse and the incidence of HIV positive cases, are also on the increase. The army presence has an adverse impact on all these. Despite prohibition, the liquor black-market is flourishing because of easy availability of alcohol from Indian army sources. Mr. Langno of Dimapur strongly asserted that "the army has ruined the people of Nagaland not only through atrocities but through cheap Ghoda (horse) rum. Distilled liquor was first introduced into Nagaland by the Indian army. An entire generation is being spoilt with liquor or drugs", he said. Gen. A. Maken, President of Ao Senden, traces this method of warfare back to the 1950's during the time of Gen. Thimayya of the Indian army who proposed the "W-3 policy" i.e. Women, Wealth and Wine. Where bullets failed to kill, the W-3 policy has contributed to ruining the Nagas", said Gen. Maken. Suppressing rebellion by raping women, pouring in money leading to corruption, and easy availability of liquor have been other methods of warfare employed by the Indian army.

#### Whitewashing the army's image -- "Operation Good Samaritan"

Recently, the army has been making several moves to shed its notorious record in the field of human rights violations of the people of the North-East. To project a "clean" image, "Operation Good Samaritan" was launched in June 1995, following the setting up of the Army Development Group (ADG) in early 1995. The ADG is under the jurisdiction of the North East Development Council which is funded by the Centre. As part of this initiative, roads, schools and public buildings are constructed, water supply ensured and playgrounds

Mr. Bangdih Ahuliunvi, Jalukie, a former Minister, referred to the "Operation Good Samaritan" as "Devil Samaritans" and denounced it as an eyewash. He said that the Government or security forces were now trying to use any means to improve their credentials since they had no legitimacy in the eyes of the people. Ordinary people are suspicious of the motives behind such seemingly welfare oriented schemes. Mr. G. Apang, General Secretary of Zeliangrong Students Union (ZSU), Jalukie, described the ADG as yet another way of harassing the public. The army, through projects under "Operation Good Samaritan" gains greater access into the village, gets to know who the village leaders are, the location of their houses and family members. This information is used later as a lever to harass them.

The press statement of NPMHR, issued in Imphal on 5.10.95, succinctly describes "Operation Good Samaritan" as part of counter-insurgency warfare in the region. "The counter offensive against the so-called secessionist movements has been done under the Low Intensity War Theory, an ideological integration including psychological warfare and propaganda to win the hearts and minds of the people in the North East".

Mr. R. Paphino, MLA said that through the ADG, the army was stepping in to areas where the Government has failed to act. The army is exploiting the vacuum created by the Nagaland civil administration's failure in carrying out developmental activities. But Mr. Hekhevi Achumi, Chairman of the Sumi Council, Dimapur, alleged that the ADG was deliberately creating strife between tribes and villages by favouring one or the other tribe. Although the ADG is supposed to be working in consultation with the State Government, there is a lack of openness as regards its working. Mr. Paphino raised a question in the Nagaland Assembly as to the quantum of funds allocated to the ADG but received no answer. "There is a great deal of corruption and misappropriation of funds", he alleged. Mr. Bangdih too pointed out that while Rs.10 crore was earmarked under "Good Samaritan" for 3 sub-divisions in Jalukie - Longleng, Kiphire and Peren, very little work was done. He estimated that the work done till date was worth about Rs. 3 lakhs. Mr. P.C. Ao, Chairman of the Environmental Society and State Organizer of the Consumer Protection Council, Mokokchung, was derisive about the ADG and called it a mere farce. "The army only makes playgrounds, and only the army boys play on them. That is their idea of development". If and when people make use of army facilities, for instance bull dozers for levelling, it is with the rationale that "Now that the army is here we may as well exploit their resources". The claim to popularity and village support enjoyed by the army, as propounded by Brig. P.K. Singh, is without any basis, and can only be viewed as a weak justification for continued army occupation.

#### Peace Offensive: A contradiction in terms

The new initiative launched in the month of January 1996 by the State Government, the "Peace Offensive", is looked upon with skepticism. Since the Jamir Government was responsible for imposition of the Disturbed Area Act, people are cynical about the launching of a 'Peace Offensive' which itself has aggressive connotations. The fact that the Central Government has allotted Rs. 113 crore for this programme, is itself a point of suspicion. "Why do we need money for peace?", asks Dr. Senti Longkumer of Mokokchung.

Mr. Huska Sumi, MLA, revealed that within less than 60 days of the launching of the 'Peace Offensive', 40 people were killed in factional violence.

Mr. Hekevi Achumi voiced the apprehension in many peoples' minds, that this sum of Rs. 113 crore would go towards arming one or the other faction and would in no way contribute to peace. The Central government policy of "divide and rule" continues to operate through the armed forces. The government, we were told. through the army, provides arms and encourages factional violence in Nagaland. These allegations could not, however, be substantiated by the team.

#### Unhealthy trends in health care

The security forces in Nagaland have ravaged the physical, mental and emotional health of the people. Permanent scars and maiming, mental imbalance and psychological trauma are the fallout of army operations in this region.

#### Civil Administration: In a state of disarray

The declaration of any area as 'disturbed' and the conferring of special powers on the armed forces, is ostensibly in aid of the civil administration. However, observations and interviews conducted by the team revealed that the armed forces are not responsive, or accountable to the civil powers and act above the authority of the civil powers.

The SDO (Civil) of Jalukie, Mr. Zeneituo Angami reported that the army never gives prior information to the civil administration about raids or arrests. Although the SDO also functions as the Magistrate Ist Class, he is kept in the dark about all army actions. Whenever the civil administration, SDO, ADC or Town Committee have intervened in any case of detention, the results have not been positive. Although identification of bonafide citizens is a criterion to free a detainee, the army authorities disregard vouching by the civil administration. Mr. Kiezan, Town Committee Chairman, Jalukie, said "The army treats us like worms. Our positions and office mean nothing to them". The murder of Mr. Inashe Ayemi, 36 year old Project Director of the District Rural Development Agency (DRDA), Zunheboto by army men on September 7, 1995 is further evidence of the army's contempt for the civilian officers. Mr. Ayemi was kicked and hit with gun butts by army men in front of his mother and sister, who were helpless. Mr. Ayemi was dragged away into an army camp. When his body was handed to the police, he had bruises all over, and a deep gash on the head, which had been stitched up. There was stamp-pad ink on his fingers which is itself suspicious. Why should an educated person give his thumb impression, if he was conscious? Foul play by the army cannot be ruled out.

The process of picking up persons for interrogation or detention by the army is supposed to be done in cooperation and consultation with the civil authorities. A detainee is supposed to be handed over to the nearest police station with the least possible delay. However, the SDO of Jalukie, and the Additional Deputy Commissioner of Dimapur, Mr. Khalo Kapfo reported that many detained persons are not brought to their notice. Handing over to the police is also delayed in most cases. The police is merely at the receiving end of torture victims.

The officers of the civil administration are not immune from harassment by the army. The SDO of Dimapur was beaten up in Purana Bazaar area on 18th April 1996. The ADC Mr. Kapfo refused to talk to the team about the incident, saying that it was probably a "misunderstanding". The MLAs we spoke to lamented the fact that the State Government does not protect its own officers against such transgressions by the army.

Leave aside working to "aid" civil administration or working in harmony with them, in several instances, the army has obstructed civilian officers from carrying out their functions. During the Mokokchung incident of December 27, 1994 when the town was set ablaze by army men in reprisal for firing by undergrounds, the Deputy Commissioner Mr. Temjen Toy and the S.P. Mr. Bendangtoshi had to repeatedly plead with the Assam Rifles officers to allow the fire brigade to proceed to the arson area. The S.P. was threatened by jawans who were objecting to the fire engines moving out. The fire had started at 11 am. and the fire engines could proceed to the area only at 1.10 pm. About 7 persons were burnt to death in the fire, despite the fact that civil authorities were already on the alert and desperately trying to deal with the situation.

Similarly, during the March 5, 1995 Kohima incident [details follow], the S.P of Kohima was prevented at gunpoint from proceeding to Mohan Khola to deal with the chaos that prevailed. He identified himself as S.P. of the District to the JCO, Subedar Harbans Lal. Later on when he introduced himself to Col. Soni, the latter did not pay heed to any of his inquires, nor seek his co-operation in controlling the situation. This disregard for the head of the civil police on the part of the Commander of the 16 R.R. amounts to gross illegality, since under the Armed Forces (Special Powers) Act, the Army is to operate only in the aid of civil powers.

Justice D.M. Sen, Chairman of the Commission of inquiry into the Mokokchung, Akuluto and Kohima incidents, concludes from his question to the Brigadier of ADM 3 Corps that, "the army seems to suffer from a deep mistrust of the civil police. It seems they are under the impression that the civil police in the State of Nagaland have liaisons with underground elements. There is no basis or foundation for such misgivings". At best, the army view as articulated by Brig. P.K. Singh, GOC, Chakhebama, is that the police force is inept and incompetent to deal with the current law and order problem.

In addition, the army has occupied a fully functioning 12-bedded hospital in Kikruma in Phek District. This Primary Health Centre had one doctor permanently in residence, four nurses, two mid-wives and one female attendant, and was providing medical aid to the people in and around Kikruma.

In August 1995 the army moved in because, according to Major Rajesh Joshi, the Post Commander, "There was a spurt of insurgent activity in the area". The Kikruma Village Council related the sequence of events. In mid-August 1995, the army wanted to occupy the school and began to move in. This was in direct contravention of the Supreme Court order of February 14, 1983 which prohibits army authorities from using educational institutions or religious places for purposes of setting up camp, detaining or interrogating people. Any reasonable person would extend this logic to include a public service institution like a hospital. The Council elders raised objections and were successful in keeping the army out of the school. However, the army moved into the hospital on 25th August 1995 despite the protests by the villagers. Initially, the doctor continued to function from the premises, but after a week was unable to continue. All medical work was suspended, and the doctor was forced to move out of the hospital.

When the team visited the hospital on 22.4.96, the Medical Room was occupied by the Post Commander. The hospital has been completely transformed into an army post with sandbagged sentry posts, high lookouts, olive green tents and armed personnel in war fatigues and boots.

The army occupation of the hospital is causing great hardship to the people of the region. They now have to go to Kohima for medical attention which is a 3-hour journey, or to Phutsero about one and a half hours by road. Maj. Joshi claimed that the villagers have been put to no hardship, since the army medical facilities at Chakhabama had been made available to them. The Village Council expressed dissatisfaction with this alternative, since there are no in-patient facilities in the army hospital. Moreover, they feel that army doctors are useful only to treat injuries and not illness. The Chairman of the Village Council revealed that the death rate during September '95 - March '96 has doubled. Since September '95, i.e. after army occupation, 14 males and 6 females have died, whereas the usual mortality rate was about 1 per month.

That the army acts in blatant disregard of the needs of the general population or even the civil administration. is clear from this incident. The army occupied the hospital on August 25, 1995. The order of the Deputy Commissioner Phek, requisitioning the hospital building, is dated September 2, 1995 i.e. after the actual occupation. Further, the requisition order states that the hospital premises was 'lying vacant' - a blatant falsehood in order to justify the use of civil premises by the army.

Maj. Joshi and Brig. P.K. Singh, GOC of Chakhabama (under whose jurisdiction Kikruma falls) were at pains to assure the team that the occupation of the hospital was purely temporary, and that an alternate camp was being constructed. One fails to understand why it has already taken 8 months to make alternative arrangements. To add insult to injury, the permanent camp is being constructed on prime land in an excellent location, and valuable to the village. 'Consent' to occupy this land has been taken under duress from the Village Council of Kikruma.

Another incident in the Civil Hospital, Zunheboto demonstrates the utter disregard for doctors, nurses and medical norms. On August 18, 1995 suspected NSCN activists were undergoing treatment at the Civil Hospital in Zunheboto. The security personnel forced open the bandages of all patients who had undergone surgery, in order to check for gunshot wounds. Protests of the medical staff were ignored, and the army men continued to take off the bandages of all patients in the hospital.

The team, on its visit to the Civil Hospital, Dimapur, found under-trial patients chained to their beds with heavy 3 feet long metal chains. Mr. Messamo, Mr. M., Mr. Ahuno and Mr. Chon were chained to their beds. The room was also guarded by two armed Nagaland Police constables. Chaining of patients is a violation of medical ethics and all standards of humanity. According to the ADC Dimapur, Mr. Kapfo, this was to prevent them from escaping. All of them were victims of army torture and none of these 4 patients had the strength to even sit up, let alone run away. In any case, the two armed police at the single entrance ought to have 18. been capable of preventing these under-trials from escaping.

#### Justice D.M. Sen Commission: Vindication of Peoples' Rights

The Commission of Inquiry under the chairmanship of Justice D.M. Sen, retired judge of the Guwahati High Court, was constituted by the Government of Nagaland under its order No. CON-35/95 dated 3 April '95. The Commission was to inquire into the incidents of firing and arson and shelling in Mokokchung (27.12.94) Akuluto (23.1.95) and Kohima, (5.3.95). The causes and circumstances of the incidents; whether the resultant casualties or damages could have been averted; identification of the persons responsible for causing casualties and damage, and recommendation of corrective measures to prevent recurrence of such incidents were dealt with by the Commission.

The Commission has held the 16th Maratha Light Infantry responsible for the arson in Mokokchung leading to the loss of 7 lives and lakhs of rupees of property, rape by army personnel. In the Akuluto incident, the Commission has held the 15th Assam Rifles responsible for indiscriminate firing and arson leading to one death and maiming of a child, and arson leading to loss to property; and cold blooded murder of 2 civilians. The Commission has indicted the 16th Rashtriya Rifles for the death of 5 civilians due to indiscriminate firing, and indiscriminate mortar shelling in a thickly populated town of Kohima, leading to death and injury.

Justice Sen emphasises, "the legitimacy of any Army operation depends on whether such operation is in aid of the civil power and not in supercession thereof. Armed forces must be educated and warned as regards the parameters of their role, when acting in aid of civil power. They cannot act on their own, without express or implied consent or authorisation of the civil authority, except in emergency situations, for example when there is a sudden confrontation with insurgents or large scale attempted infiltration across the border".

The Commission also comes down heavily on the misconduct of army personnel. As regards the Kohima incident he says, "The 16 R/R personnel acted in a most indisciplined manner and some of them were guilty of heinous offences e.g.: attempt to murder, assault and damage to property. In the circumstances that obtained on that day, individual responsibility cannot be affixed; however the 16 R/R personnel, including their officers and JCOs cannot escape collective responsibility for the offences they have committed that day. In point of fact, I feel that this body of troops behaved in such a manner as would justify their disbandment".

As for compensation to the victims, the Commission recommends that the State Government should approach the Central Government for necessary funds to meet the expenditure, since the Central Government is morally and vicariously responsible for the misdeeds of their agency i.e. the army, and other security forces operating in this area.

#### Legal Tangles

During the course of investigation by the Commission, the counsel for the GOC 3 Corps on 23.7.95 had moved an application challenging the competence of the State Government to appoint a Commission of Inquiry during the proceedings of which the role and conduct of the army may come under its consideration. The Commission had rejected the application and held that the State Government was competent to constitute such a Commission of Inquiry. The Commission was fortified in its decision by a Full Bench judgement of the Guwahati High Court reported in 1988 (2) Guwahati Law Reports 452.

The GOC 3 Corps moved the Guwahati High Court at Kohima Bench on September 19, 1995, but its application was summarily rejected on October 26, 1995. The Commission was not, however, informed by the GOC 3 Corps or any of his representatives as regards the filing of that application or its rejection. The Chairman after waiting for a considerable period had to personally contact army authorities who were instead contemplating to file a suit under Article 131 of the Constitution.

The reports of the Commission of Inquiry were tabled and accepted by the State Assembly on March 26th 1996. However, on 28th March, 1996, the Supreme Court granted a stay order to the Defence Ministry to

stop further proceedings of the Commission. The Defence Ministry's objection to the Inquiry Commission refers to Section 2 (a) (i) (ii) of the Commissions of Inquiry Act which specifies that an "appropriate government" under the circumstances is the Central Government. The VII Schedule of the Constitution (entry I & II) takes away central forces, including army, air force and navy, from the purview of the State Government's authority for the purpose of ordering a probe for omissions and commissions in the discharge of their functions in aid of the civil power. Pending final adjudication, the stay was vacated by the Supreme Court in August 1996.

Thus, the moral indictment of the reprehensible conduct by the army is clearly established. If at all an escape route exists it is a mere technicality.

#### Media: The wrong signals

The mainstream media does not seem to be in touch with the ground realities in the North-East, more so, those in Nagaland. Reports are confined to factional and ethnic clashes, and official versions of "ambushes" and "encounters". Analysis of the situation within a political framework is lacking, and the press reporting also views it as a "law and order" problem. Reports of atrocities, arson, looting and plunder by the army are largely ignored. Representation of peoples' struggles and the lives of ordinary people in Nagaland does not reach the mainstream press. It is significant that there is no correspondent from a single national daily stationed in Nagaland. The only news filtering out is through the PTI and UNI, which have their own limitations and biases. Mr. Manik Bhattacharjee, a prominent citizen of Dimapur, stressed that the rest of India has no idea about the reality in Nagaland. While the news of a road accident in Delhi is reported in the national dailies, hundreds of victims of torture and army atrocities feature nowhere in the news. The isolation and alienation felt by the people of Nagaland is not from their side, he said but due to the attitude of the so-called mainstream Indians, reinforced by the media blackout of Nagaland.

Mr. Geoffrey Yaden, Editor of Nagaland Post, an English language daily with a circulation of 17,000, spoke of the pressures, veiled threats and intimidation by the army officials for publishing reports of victims of torture, or missing persons. Mr. Yaden was accused of being anti-national by a GOC of the army for publishing press releases of underground factions. The DAVP also withdrew its advertisements for this reason. The Nagaland Post also condemns killing by factions, thus trying to present an all-round picture.

The clampdown on news from Nagaland is evident also from Dr. Senti Longkumer's efforts to send out articles about the December 27, 1994 Mokokchung incident. Four days after the incident, he sent articles to Times of India, Telegraph and Indian Express. Not one of these papers published the articles. This sort of censorship, he feels, disheartens even the moderates who lose faith in the system.

Mr. Hekhevi Achumi of Dimapur described how army men would regularly scout the market for copies of the North East Sun, and confiscate them, since this is one of the few papers which reports army atrocities in the North-East.

Mrs. Terhuja, Principal of the Christian English School emphasised that muffling the voice of the people in Nagaland is no solution. Unless steps were taken towards finding a political solution, suppression would only lead to greater resistance. Information about Nagaland is so sealed at the borders that she likened it to "a closed box in which we are being killed".

#### Strange business: Impact on the economy

No substantial analysis about the impact on economy vis-a-vis the presence of Army and the Armed Forces (Special Forces) Powers Act came to our notice. There is a need to have a comprehensive and deeper analysis of political economy of Nagaland, Naga society and their interaction with the State. We met Mr. Lhouvitsu the President of Kohima Chamber of Commerce and Mr. Sayiekuolie, President of the Contractors and Suppliers Association of Nagaland, MLAs and Ministers to elicit their views on the economic fallout of militarisation.

The KCC Chief complained that no economic or trade activity could be carried out due to the state of uncertainty and instability. Shops are burnt down and vandalised by the army, leading to huge losses. The businessmen are under constant threat from both the undergrounds and the security forces. According to the MLAs, and business community leaders the security forces act as dacoits, as they come in unmarked vehicles, with masks and threaten the business community, forcing them to part with large sums of money.

Nagaland remains, at the most a consumer state, receiving heavy financial assistance from the Centre, which has so far failed to generate any economic activity. On the contrary, the spoon-feeding seems to have numbed the self-propelled and self-sustained economic activity in the state and the easy money has only increased corruption and consumerism. Payments are made only to the business community sitting in Delhi or Calcutta, while the small Naga businessmen wait endlessly for their bills to be honoured.

There has been no investment in Nagaland's infra-structural facilities. Outsiders are reluctant to invest in Nagaland. Even basic amenities like roads are in abysmal conditions. State highways are little more than dirt tracks. There is one sugar mill and a paper mill employing at the most 4,000 persons. We could see Dimapur bustling with trade and other economic activities where outsiders too contribute their lot. However, the constant fear either of the military and the "undergrounds" made their lives seem insecure. Dr. Senti Longkumer of Mokokchung reported that his income has dropped by 50% because after the December 1994 incident, because patients are too scared to come to Mokokchung.

Large scale tree-cutting and logging by contractors by luring the individual owners has considerably damaged the unique forest resources of the state. The army too, in the name of anti-insurgency operations had been cutting down roadside forests and burning down slopes of the hills. It seems to have temporarily stopped when people protested against it.

#### Non-Nagas in Nagaland : Victims of Suppression too

The Fact Finding team also encountered a few non-Nagas who are in Nagaland for various reasons. Their experiences too are reflective of the overwhelming influence of the army on the life of the people in Nagaland.

Rev.(Dr.) Wati Aier, Principal of the Oriental Theological Seminary, Dimapur, proposed the use of the term "people of Nagaland" which would be wider and more useful than the term "Nagas" in the context of repression by the army.

Mr. N.L. Sharma from Alwar, Rajasthan, shopkeeper in Kikruma, and the Nepali chowkidar in the Electrical Rest House, Mokokchung, have been in Nagaland for the last 20 years. They are witness to the growing militarisation and highhandedness by the army. The chowkidar was in fact considering going back to Nepal because of the tense atmosphere and insecurity, especially after the December 27 incident.

Mr. Manik Bhattacharjee, Dimapur, has lived in Nagaland since 1939. He said that while he too undergoes narassment, searches and questioning, it is less than what Nagas are subjected to. He was critical of the Government which raised its voice in protest against violations in Vietnam and South Africa, but is silent on the happenings in Nagaland.

Mr. P.P. Singh of Dimapur related the incident of a Punjabi boy, Rajiv Diwan, who was picked up by the army on April 15, 1996. He was detained for 36 hours, beaten, kicked and given electric shocks. He has been branded as "grey category" i.e. suspect, and is now at the risk of being picked up again at any time.

Nirudas Gupta, son of a railway employee in Dimapur has been missing since 4 months. His father has filed a case in the High Court, but nothing has moved.

Suhas, a Nepali, was killed by army men in civil dress while he was out on his bicycle.

Tarun Nandy was tortured and then released after interrogation. Two Bengali boys are still missing. They are alleged to have been taken to Golaghat.

Mr. Tarachand Bansal, a trader in Dimapur, received "donation letters" from a faction of the underground. When Major Rao got this information, he arrested Mr. Bansal who was forced to negotiate with Major Rao. Mr. Bansal ended up giving a Maruti 1000 to Major Rao as "protection". Four months later, Mr. Bansal was killed.

#### Conclusion

The Armed Forces (Special Powers) Act, imposed on April 4, 1995 was recommended by the State Government. Its imposition is an articulation of the policy of the Central Government to view the political situation in Nagaland as a law and order problem. It is an attempt to use force and military strength to subdue political aspirations.

The official claim that the imposition of the Act has resulted in a decrease of violence and insecurity is unfounded. There has instead, been an intensification of the terror unleashed by the armed forces. Ordinary citizens have become apprehensive even to move about, and there is a constant fear of being picked up as "suspects". The only quarter which admitted to feeling more safe with army presence were those in power i.e. some Ministers and the richer classes, who were subject to extortion by the underground.

The ordinary people experience the hostility of the army in everyday life. Despite official claims that the army does not look at insurgents as their enemies, every Naga is looked upon as a "suspect". The "enemymentality" is very much evident in the aggression and violence directed at the ordinary Naga people.

The army claim that there have been no excesses at all was disproved by the number of cases of torture we heard about, and the victims of torture we met during our visit. A few sample cases from the last four months are described below.

Based on the victims of torture met by the team, and experiences related by their family members, a picture of terrorisation by the security forces has emerged. There are various ghastly ways of enforcing submission, used singly or in combination. A list of these methods follows. The army, conscious now of its inhuman image, also makes attempts to whitewash its public face. These methods are also listed.

#### Methods of Intimidation and Torture by the Army

- Verbal abuse, taunting.
- Interrogation in Hindi and other languages unknown to the Nagas.
- Insulting religious sentiments e.g., hanging the victim with arms spread, mocking that Jesus Christ too was tortured.
- Denial of food, water, sleep, and toilet facilities, stripping off clothes.
- Beating, kicking, stretching all limbs, whipping.
- Tying up limbs, immobilising.
- ~ Rolling lathis/bamboos on the limbs under extreme pressure.
- Suspending from the arms, leaving feet off the ground.
- Coiling metal wire around wrists, ankles, other body parts and running electric currents through them.
- Electric shocks to the genitals and other soft body parts.
- Forcing the detainee to urinate in a bucket of water in which an electric current is passed.
- ~ Rubbing red chillies into the eyes, nose, throat, rectum and open wounds.
- Injecting drugs inducing unconsciousness and loss of memory.
- New and bizarre forms of torture include surgery and possible experimentation on the body of detainee, Scars, stitches and wounds inflicted even after death indicate interventions even on dead bodies.
- Use of civilians as human shields in camps and during operations, so that the "undergrounds" do not attack the army.

#### Forms of Cover-Up

- Detainees are blindfolded, and hoods are tied around their heads, so that they cannot identify the particular army camp, officer and jawans who inflict torture. They are also not able to accurately identify the means of torture. In addition, they cannot see other detainee or make contact with them.
- Engines of several army vehicles are rewed up, in order to drown out the screams of detainees being tortured.
- Before release, detainees are forced to sign two documents. Failure to comply means continued detention and torture.
  - (i) A "no-harassment" bond, to certify that they have not been ill-treated or tortured by the army.
  - (ii) A "Medical Fitness" certificate to establish that the detainee was in good physical condition when released or handed over by the army to the police.
- The PRO of the army is always, prompt in issuing press releases of the army version of "encounter" deaths, murders in army custody, and other incidents where civilians have lost their lives, been tortured or harassed.

The torture victims met by the team disprove the army's claim that no excesses are committed in the name of "interrogation" and "detention". Stern action is required to be taken against the security personnel responsible for these violations of human dignity. The number of custodial deaths and 'missing persons' is further evidence of the atrocities committed by the security forces. The Chief Minister himself admitted on March 22, 1996 in the Assembly that 91 persons were missing since April 4, 1995 i.e. since the extension of the Armed Forces (Special Powers) Act to the entire state.

Nagaland is a land under seige, reeling under the violence wreaked by the State for the past fifty years. Generations of Nagas have been brought up under the shadow of a virtual army rule, and violence and bloodshed forms the backdrop of so-called 'normal' life. Unless serious efforts are made to address the real issues and the frustrations of the people, there appears to be no scope for the torn social fabric to be rewoven with peace and mutual co-operation.

The team is convinced that the excessive militarisation and wide-ranging powers given to the armed forces under the Armed Forces (Special Powers) Act are the major causes of the unrest in Nagaland today. De-militarisation would go a long way to pave the path towards peaceful negotiations and a political solution to the issues

### manipur

Team:

Mr. P.A. Sebastian, Advocate, & member, Indian Peoples' Human Rights Tribunal, Bombay Ms. Shiraz Balsara, Kashtakari Sangathana, Dahanu, Maharashtra, Mr. Ravindra Bhat, Advocate, & member, People's Union of Democratic Rights(PUDR), Delhi.

The members of the team individually visited separate areas. Mr. Sebastian visited and reported on Chandel and Imphal areas, Ms. Shiraz Balsara visited and reported on Ukhrul and Churachandpur areas, and Mr. Ravindra Bhat visited and reported on Tamenglong and Senapati areas. In order to make the report broad based, a conscious effort has been made to reflect not only the views of the affected people, but also that of government officials, political leaders, religious leaders, police, army and the paramilitary forces.

#### Background

Manipur existed as an independent kingdom until the conflicts with Burma and internal differences greatly weakened this Kingdom in the early 19th century leading to the Burmese invasion of Manipur, known as the 'Seven Years Devastation' (1819-26). The Burmese threat led Manipur to look to the British for support. Consequently, by the 1820's the British had already established control over the Hindu Kingdoms in the Brahmaputra Valley of Assam and the Imphal Valley of Manipur. The British occupation of Manipur and the massive drainage of raw materials was formalised by the annexation of Manipur by the British in 1891. In 1932, at the invitation of the Hindu rulers of the plains, the British troops forced a passage through the Naga Hills. They were escorted by Raja Gambhir Singh's Manipuri troops. However, the colonial system of administration was not set up in the Naga inhabited areas of Manipur, where the Naga Village Councils continued to carry out most of the administrative and judicial work. During the colonial period, there were several anti-British agitations, such as the First Nupi Lal (Women's Agitation) of 1904 protesting against forced labour; the rise of the Kabui Nagas in 1930-32, the Kuki Rebellion, 1917-20; and the Zeliangrong Movement under Jadonang and Rani Gaidinliu, 1930-49. On Oct.15, 1949, Manipur was merged fully with the Indian Union.

The present state of Manipur is bounded by Nagaland in the north, Assam on the west, Mizoram on the south and Myanmar on the south and east. It is one of the smallest states of India, having a total area of 22,129 sq. km. Except for the narrow central valley, the rest of Manipur is hilly. Of the total population of 1.8 million, about 67.5% lives in the valley, while the hills of Manipur, which account for nearly 90% of the state's territory, are inhabited by about 32.5% of the population. The state is divided into eight districts -- Imphal, Bishnupur and Thoubal in the valley, and Ukhrul, Senapati, Tamenglong, Churachandpur and Chandel in the hills. Agriculture is the main occupation of the people of Manipur. The yield however, is so low that at best, subsistence agriculture can be carried out. Except for a handful of small-scale and household industries like handicrafts, weaving and cane and bamboo work, industrial development in Manipur is almost non-existent. Infrastructure, be it electricity, transport or communications, is underdeveloped and roads are poorly maintained, more so in rural and semiurban areas.

#### The people of Manipur

Manipur is a complex mosaic of what is probably, the maximum number of tribes and cultures inhabiting any one state of the north east. This region was one of the ancient trade routes between India and South-East Asia which probably accounts for the remarkable combination of ethnic and cultural diversity. There were different waves of migration of Aryans, Mongolians, and even Dravidians in this area over the centuries.

The Meiteis, usually referred to as 'Manipuris', constitute more than 50% of the population, and mostly inhabit the valley districts of Imphal, Bishnupur and Thoubal. The Meiteis, who are Vaishnavite HIndus, have about 25. seven different clans. The origin of the Meiteis, who claim to be the earliest residents of Manipur, is difficult to ascertain. Although some theories suggest that the Meiteis are an off-shoot of the tribes of the hills, contact between the two gradually got minimised due to the brahminisation of the Meiteis. The People's Liberation Army (PLA) led by the late Bisheswar emerged in the 1970s as a movement against the Vaishnavite cult. They also rejected the Bengali script, which they believed suppressed their language and culture.

The Manipuri Muslims or the *Pangans* are roughly 17% of the total population of Manipur. They are settled in the districts of the valley along the banks of the Imphal and Iril rivers and around the Loktak Lake. They have been settled in Manipur since the 17th century and have adopted the Meitei language and now form an integral part of society in Manipur.

The Nagas refers to a group of tribes spread over a wide region including the states of Arunachal Pradesh, Assam, Nagaland, Manipur and in the neighbouring country of Myanmar. In Manipur, the Nagas occupy extensive areas in the five hill districts, with the exception of Churachandpur district which is inhabited primarily by the Mizos and the Kuki tribes. A few Naga tribes also live in Churachandpur district. The Tangkhuls occupy Ukhrul district, with some pockets of Kuki population along the Manipur-Myanmar border and in the areas closer to the plains. Senapati district is home to the Mao, Maram, Koirang, Tarao, Thangal, Chiru and Puimei Nagas. Tamenglong district is the home of Zamei, Liangmei and Rongmei or Zeliangrong or Kabui Nagas. Chandel district is occupied predominantly by the Anal, Lamkang, Moyon, Maring, Mongsang and Chothe Nagas, interspersed with the Thadous (Kukis). A section of the Kabui and Tangkhul Nagas are settled in the Imphal Valley.

The *Kukis* are a team of the Zo or Chin people who migrated from the Chin Hills of Myanmar. Some records show that a large number of Kukis were brought from the Chin Hills by the British, and provided with rations and firearms in order to fight the Nagas. It is difficult to ascertain the constituents of the Kuki tribes because of the prevailing controversies amongst the Kuki teams. Earlier, groups such as the Hmar, Simte, Thadous, Vaiphei, Gangte, Paite and Ralte, were placed within the 'Kuki' alignment. But these tribes except the Thadous do not call themselves Kuki. Today, this term seems to be primarily reserved for the Thadous. Today, many Kuki organisations are demanding a Kuki homeland, with variations of degree from an autonomous state to an independent nation.

Other inhabitants of Manipur include the Mizos, as well as other communities from different parts of India who migrated to Manipur at the end of the 19th century, such as the Bihari oil crushers and Bengalis, Marwaris and Nepalis. After India's independence, the Punjabi Hindus and Sikhs, Tamils and others also migrated to Manipur.

#### Peoples' Organisations in Manipur

Since before the occupation of the state by the British, even during the period of the Burmese aggressors, the people of Manipur have struggled against their suppression. Over the ages, these struggles have changed into specific demands for autonomy and even absolute independence on the basis of community.

Naturally, there is an entire gamut of organisations within the state. Student's organisations like the All Manipur Students' Union (AMSU), the All Naga Student's Union of Manipur (ANSUM), Hmar Student's Union, etc., that address the concerns of the youth have, surprisingly, emerged as a pressure group articulating the needs of the community.

Then there are militant groups which are fighting an armed struggle for their communities. eg. The Peoples' Liberation Army (PLA), People's Revolutionary Party of Kangliepak (PREPAK) and the United National Liberation Front (UNLF), are such groups of the Meiteis. Others are the Kuki National Army, Kuki Independent Army and the Kuki Defence Force; and the two factions of the National Socialist Council of Nagaland (Isak-Muivah)[the NSCN(I-M)] and NSCN (Khaplang). Several of these groups, like both factions of the NSCN have been banned under the Unlawful Activities (Prevention) Act, 1967.

In addition, there are a number of human rights organisations addressing issues of human rights' violations in **2 6**. the state like the Naga Peoples' Movement for Human Rights, Kuki Human Rights Movement, the Committee

On Human Rights - an umbrella organisation of student's organisations, women's organisations and human rights groups, several of which are part of a larger network in the entire region called the North East Committee on Human Rights (NECOHR).

The diverse composition of the population of Manipur has always contained the potential of ethnic conflicts. This situation is exacerbated by problems of scarce natural resources, lack of development and the highest rate of unemployment in the region. In addition the ruling classes of the state, whether in British times or in the present, have also pitted these communities against each other in order to gain control over the state as a whole. Not surprisingly, the current ethnic strife, like that between the Nagas and Kukis (especially since 1992), is being used to justify the continued deployment of hundreds of thousands of security personnel as well as the application of draconian legislations. Intervention by the State in the form of militarisation is only serving to deepen the mistrust between communities. Further, questions of identity politics and community identity are treated as law and order 'problems' rather than as social and political issues.

#### Application of the Armed Forces (Special Powers) Act

The Armed Forces (Special Powers) Act hereafter referred to as "the Act" was made applicable to the State of Manipur by virtue of the Armed Forces (Assam and Manipur) Special Powers Act, 1958 and continued by the amendment made to that Act, in the year 1972. The Act, as described in the introduction to this report, is remarkable for its brevity as well as the amplitude of powers it conferred on the armed forces of the Union of India. These powers, coupled with the existence of the legislation and their rigorous enforcement have created a situation where the entire people of Manipur live in a state of perpetual siege in their own land by armed forces which belong to their own country. In this part of the country, fundamental guarantees like freedom of speech, freedom of movement, freedom to reside in any place and the right to lead a dignified life virtually do not exist. In comparison with citizens from other parts of the country, the people of Manipur find these rights and access to judicial remedy a distant dream. Which isn't surprising, if you consider the various army and paramilitary forces of the Union and the State presently deployed in Manipur.

- a) Units/Regiments of the army such as the Sikh Light Regiment, the Bihar Regiment, Rashtriya Rifles, Rajputana Rifles, Mahar Regiment, Maratha Regiment, Gorkha Rifles;
- b) Battalions of Assam Rifles;
- c) Battalions of the Central Reserve Police Force and other paramilitary forces of the Union;
- d) Manipur Rifles, a force raised by the State of Manipur.

#### Current status - Living in the line of fire

According to officials, the raison d'etre for application of the Act is to tackle 'insurgency' in the State. Factions of the National Socialist Council of Nagaland (NSCN), Peoples' Liberation Army (PLA) and other such groups have been active in Manipur for nearly four decades, and that is why, they contend, the army and security forces have been virtually ruling this part of the country for almost the same period of time. Yet, no solution seems to be in sight.

As the Act confers wide and almost uncontrolled powers to the personnel of the armed forces and paramilitary forces, with virtually no degree of accountability, its practical operation has resulted in the collapse of the rule of law, where life, liberty and dignity of the citizens have become the first casualty. Curfew-like conditions exist in all parts of the State around the day, at all times of the year. Free movement is not allowed. Anyone can be stopped and subjected to search, questioning and detention at any point, without being furnished any reasons. In fact, even a casual walk in the capital city of Imphal is something that the residents do not dare to indulge in.

Barricades within residential areas and on highways are a regular feature. Buses and cars are stopped and delayed for hours for the purpose of checking by the armed forces. Even ambulances are not exempt from such routine searches. Almost at every street corner, one can see armed personnel of one force or the other, standing with their fingers on the trigger. By many accounts, the army and its men not only disrespect the local people and their traditions, but also refuse to recognise any other civil authority.

Many accounts exist where civilian administrators, including Deputy Commissioners(DC) and Superintendents of Police (SP) have been brushed aside, ignored and treated with utter contempt. In one incident, a Chief Judicial Magistrate was arrested, tortured and detained for a few days. An atmosphere of fear stalks the entire state of Manipur. In Tamenglong, a group of civilian administrators [on condition of anonymity] recounted incidents where their homes were searched and their families harassed. Such accounts make it clear that the army and paramilitary forces treat the people of Manipur as hostile aliens and not citizens of India.

Civilian authorities, police and the political leadership even some of the top brass of the army that the team met agree that military intervention has failed to solve the real problems of Manipur. They feel that the solution lies in understanding and dealing with the socio-political and economic causes of the peoples' discontent, and not increased militarisation. And yet, the saga of repression by the army, paramilitary forces and even the police continues unabated. Strengthened by the immunity given to them by the Armed Forces (Special Powers) Act.

#### Extrajudicial killings, torture & other violations - No evidence of 'normalcy'

During the four day visit the members of the team met many citizens who were victimised by the army and other security forces in Manipur. Hundreds of cases of extrajudicial killings, custodial deaths, rape, torture, disappearance, illegal detentions, forced labour and destruction of property were reported. Most of these reports were well-documented. The members of the team verified the accounts from other independent sources wherever possible. Since it is not possible to include all the information, we are presenting here a representative selection from the last few years, in order to provide an idea of the widespread nature of the violations and the gravity of the situation. The accounts are being presented on district basis.

#### A. CHANDEL DISTRICT

In Chandel, the south-eastern district of Manipur and the home of some Naga and Kuki tribes, the fact-finding team heard heart rending tales of the suffering of innocent villagers at the hands of the security forces. They narrated innumerable instances of harassment in the name of 'weeding out extremists' and 'revenge' at not being able to do so.

- a) Thamplun s/o. Late Pishol, an 18 year old student of M.G. Evergreen English School narrated an incident which took place on March 26, 1993. About ten armymen with some Kukis entered the village and opened fire. People ran helter-skelter. His father, a school teacher, was carrying an infant. Both were hit, and his father died on the spot. The people who hid in the nearby forest were called out by the army and ordered to collect the empty shells. Then they were also beaten up and interrogated about the activities of NSCN in their area.
- b) M. Rumche, the Gaon Bura (Village Elder) of Tarao Tribe, Leishokching village described an incident that occurred in Laimanai village on April 13, 1993. After an 'encounter' in which the army had killed one NSCN activist, they entered the village and ordered all persons to assemble in the common ground where the villagers were accused of harbouring and assisting NSCN activists. Three young men were picked up as a part of the 'jungle operation', detained for three days and tortured with electric shocks.
- c) K.H. Rungting, Chief of Penachung, and M. Rumshe described an incident where people from nine villages: Livachangning, Laishokching, Penaching, Komlathabi, Heikru Tampak, Purunchungoang, Thamnapokp, Khoringmol and Laipung Tampak were ordered to collect wood, thatch and other construction materials and construct a camp for the army between Penaching and Thamnapokp. The villagers were forced to work without wages. Then structures built by the villagers were not used. The village chief said that such incidents of forced labour without wages were common. Frequently, after construction the army personnel would pull down entire structures or sections of it, or even set them on fire and order re-construction. The sole motive appeared to be harassment of the villagers.
- d) J. Rocky Lamkang, Secretary, Thaniakuren village authority recounted that subsequent to an ambush **28.** by the NSCN in October 1994, in which some army personnel were killed, there was panic in Angbrasu

village. All the able-bodied men ran and hid in the jungles. Other army personnel who entered the village threatened the womenfolk with molestation and forced them to call the men back. When the men came back, two of them (brothers) were arrested - one from Chandel Bagar and the other from the jungles. While the first brother was kept in custody for a month, and tortured, the latter was kept without food for two weeks. He died soon after his release.

- e) S.K. Motu, s/o. S.K. John of Parloh village recounted that on 2nd June, 1995 he went to the village, with four others to catch fish. As they were returning home after fishing, some army men spotted them and opened fire. One person died and the others were injured. The army personnel who did this later went to them and said that they opened fire out of panic and asked to be pardoned. Those injured were given first aid and asked not to speak about the incident, or the death of their friend. Then, their hands were bound and they were taken back to the village. The next of kin of the deceased was given Rs.7000/- but no other compensation has been given. And the villagers are too scared to ask for it.
- f) D. Kowdoson and S.K. Motu of Paraodon village said that on February 18, 1996 army personnel picked up four persons from the refugee camp of the village, accusing them of being NSCN colloborators. They beat them severely, as a result of which one of them died.
- g) D. John Lamkang, also of Paraodon village, narrated an incident that occurred on August 15, 1994 when CRPF personnel opened fire on hearing the sound of an approaching scooter. Five persons got injured. Then, the army came and asked the people, to lie down on the ground. Three girls were among them. They were all hit with rifle butts. The persons injured were K.L. Chumringe, N.L Piningam, S.N. Elpis, L.S. Hopeson, P.S. Shungnal and S.R. Ngantun, who was tortured for 12 hours.
- h) S.R. Monohringanal, a resident of Dard Ku village, President of Sulam Area Sports Association stated that when the association held a function on January 27, 1996, they invited Sriram Taranikanti, Additional Deputy Commissioner as the Chief Guest; and Major Sadique of 22 Assam Rifles as the Guest of Honour. The latter did not attend, and instead deputed Captain R.C. Kothari who publicly announced that the Major was annoyed that a person of a lower rank was invited to be Chief Guest. Early the next morning, Major Sadique with several Assam Rifles personnel arrived at the village, caught the people who had participated in the event and took them to the camp. There they were forced to wear army uniforms and photographed, alongwith the threat that the photographs would be published as members of the Naga 'underground'. On January 29, 1996, villagers made a representation to the Commanding Officer of 22 Assam Rifles, Tengnoupal, the Brigadier in charge of 22nd Assam Rifles, and forwarded copies of the representation to the Chief Minister.
- i) S.T. Wangtong Mobi, village chief, Mobi village described an incident involving a clash between two rival underground factions (NSCN Isak-Muivah Group and the Khaplang Group) which took place on April 10, 1994. By the time the army the arrived next day, all the villagers had fled, and only he was left. The army picked him up and interrogated him about the clash. On their way back the army was apparently ambushed by underground personnel leading to injuries to some of the jawans. Army personnel returned to the village, arrested Wangtong Mobi and tortured him for 24 hours. Later, he was handed over to the police who produced him in court, which released him on bail.
- j) K.L. Ngamvd, aged 42, Secretary Duthang Baptist Church, Anal Duthang village narrated how in May 1995, after a clash between NSCN and army personnel, three persons two men and one woman were taken in to custody for two nights in Tenonoupal army camp and tortured them. Later, they were produced before the police, who released them 15 days later, after taking a bribe.

# B. IMPHAL, BISHNUPUR AND THOUBAL DISTRICTS

The districts of Imphal, Bishnupur and Thoubal, in central Manipur, is inhabited primarily by the Meiteis alongwith a smaller number of Kabui and Tangkhul Nagas and Pangals. Sadly, the peoples' history of struggle is matched by the emotional, physical and psychological pain they have had to bear as a result of the high deployment of central and state security forces in the area.

# Excesses committed by the Central armed forces

- a) A student of class ten, Mr. Baharul Islam (14 years) of Moijing Wangmataba Makha Leikai was arrested by the 7 Assam Rifles. He was later found dead on 22nd November, 1993.
- b) On 12th November, 1994 CRPF personnel indiscriminately fired at the District & Session Judge court complex.
- c) On 30th December, 1994 CRPF brutally shot dead Ningthoujam Ingocha (29 years) who was working in his paddy field. 19 people were arrested and tortured by CRPF personnel.
- d) On 14th August, 1995 Mr. Soibam Sanjoy, a student was gunned down by personnel of 2 Mahar Regiment and 2 persons suffered bullet injuries.
- e) On 19th December, 1995 personnel of CRPF battalion fired indiscriminately at a crowd at Bashingkhong and killed three innocent persons, Mr. Thokchom Imocha Singh (30 years) a hockey player of 1 Manipur Rifles, Mr. Ningmbam Babuni Singh (50 years) a cultivator and Mr. Sapam Ibocha Singh (65 years) a tailor. 5 other people sustained bullet injuries and another 4 persons severely beaten up.
- f) At about 10.45 am on 5th April, 1996 personnel of 127 CRPF battalion fired indiscriminately, killing Mrs. Keirakpam Ningol Cinam Ongbi Amina Devi (24 years). Her 2 year old son suffered bullet injuries.

# Excesses committed by the security forces of the Manipur state

- a) On 28th February 1996 Mr. Thokchom Netaji (16 years) student of Johnsgone Higher Secondary School, Imphal was shot dead by personnel of R.A.P.F. (of Manipur Police) while he was waiting at a bus stop to go to school at Naorem Leikai at about 9.30 a.m. Subsequent public pressure resulted in the suspension of the two ASI's, Rajen Singh and Krishnatombi Singh who led the police team.
- b) Senjam Dhananjoy Singh (45 years) of Taotchong Khounou was shot dead by a guard of the Lamshang police station on 8th October, 1993 when he entered the police station to ask for help after an accident.
- c) A team of the 2nd Battalion Manipur Rifles led by Assistant Commandant Mr. Dhiren Singh shot down Ms.Thingbaijam Ambrabati Devi of Nagirangbam Mayai Leikai on 20th Nov., 1993 while she was returning home with her husband on a scooter.

#### **Custodial Deaths**

In addition to violations including death, maiming, serious injury and mental trauma caused to innocent citizens by various security forces, there are a disturbing number of cases of custodial deaths in Imphal, Bishnupur and Thoubal. Some recent representative cases documented by Committee On Human Rights, Manipur are presented here:

- a) Md. Nashir Khan of Lillong Haoreibi Chandrakhong was found dead with both hands handcuffed after arrest by police on 28th July 1991.
- b) On 16th Feb., 1994, Mr. Wahengbam Deban Singh, a graduate (22) s/o W. Chaoba Bridaban of Oinam Mayal Leikai P.S., Nambol was found dead in the custody of Nambol police station.
- c) On 6th April, 1994, Mr. Mutum Premjit Singh (18) s/o. M. Kalachand of Nongmeibung Pung Makhong, **3 0**. Imphal Dist. was found dead in the custody of the Lamlai Police.

# Indiscriminate firing on civilian population

A firing incident at the RMC Hospital, Lamphelpat, Imphal took place took place on January 7, 1995. Two eyewitnesses, N. Rafi Singh, Caretaker, Sulabh Toilet Complex and N. Sarat Singh, an autorickshaw driver, spoke to the members of the team about the incident.

Before the incident, a few CRPF personnel who had been injured in an ambush were hospitalised at RMC hospital and being guarded by some other CRPF personnel. On the morning of the incident, 3-4 persons attacked a CRPF guard in the toilet complex. The CRPF guards opened fire and first killed 2 civilians including Momi Riba, a medical student. Then they lined up and shot dead 7 autorickshaw drivers including Saikhom Premchand Singh. The incident led to a public outcry and a judicial enquiry was ordered. Justice D.M. Sen, the Chairman of the one-man Commission, in his report indicted the CRPF personnel. After considering the affidavits and oral evidence, the Commission held "The Commission on an appraisal of the evidence on record, the affidavits and exhibits filed, finds there can be no other explanation for the death of the nine civilians and injury to another, except that they were fired upon by the CRPF after the militants had already retreated and when there was no further need for resorting to any firing by the CRPF."

# C. TAMENGLONG AREA

The district of Tamenglong is a high rainfall area situated in the western hilly region of the state. The poor infrastructural facilities of the state make communication and travel an arduous task, , even to a town like Tamenglong which is only 170 kms from Imphal. Hence, the fact-finding team could not meet everyone who had wanted to come and talk of their experiences. But the people we did meet, had many an unhappy incident to recount.

- a) Chahotjin, a 63 year old Naga said that on 6th October, 1993 personnel of the 17 Bihar Regiment burst into his village, Khonjaron and, without any provocation, started to fire in all directions. People panicked thinking that this was an attack by militants, or Kukis. Chahotjin ran outside to assure them that it was only the army. He was promptly arrested and alongwith Gaidling, Dicham and a young boy called Kadingpoi, taken away in an army vehicle. They were taken to a local church for interrogation and accused of collaborating with militants. All of them were humiliated, their hands were tied behind their backs. While the others were harassed for 24 hours at a stretch, Chahotjin was repeatedly beaten on his back and legs with rifle butts, and kicked brutally despite his pleas of being a church elder. As a result, he now has rheumatism and even today, the cold gives him acute pain, bringing back memories of that fateful day.
- b) Giukianding, of Tamenglong Khunjao also recollected that on the morning of 8th October 1993, the same 17 Bihar Regiment, this time led by Col. S.V.E. David arrived at the village and directed all the males of the village, above ten years of age, to gather in the church compound. 47 people came out and were detained at the behest of a masked informer, whose identity was unknown to the villagers. The villagers were detained in a camp for three days where they were interrogated, severely beaten and tortured. Among the villagers picked up by the army were Kadi and Gaikhinlung. Guikianding told the team that he was administered electric shocks several times. He also said that on their release they learnt that all the efforts of the (then) DC, Mr. Shambu Singh to secure their release from the army, were in vain. Soon, the DC himself is said to have disappeared from the town.
- c) 57 year old Meisuang narrated an incident that resulted in the death of T.P. Singdiupou, an agricultural labourer from Tamenglong Khunjao. On 29 October, 1993 at about 9 a.m., Singdiupou was in the fields of one Sulakpou near the Barak river on the Tamenglong Haflong Road. At that time, a patrol party was on passing by. As soon as they spotted Singdiupou, they started to shell mortars in his direction. Splinters from one of the mortars hit him and he fell down. The army personnel leapt down from their vehicles, approached the inert man and started beating him up severely. Later, they kicked him and crushed his testicles. As if this was not enough, they also shot him several times. His body was loaded into the vehicle of the patrol party and taken along with five other persons. All of them were tortured and beaten. Later, when the body of Singdiupou was dragged and thrown into the marketplace, the people didn't dare to pick it up until the DC gave them the assurance that the concerned persons would be punished and compensation given to the family of the deceased.

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The fact-finding team also met T.P. Namthipou, son of the deceased Singdiupou. He is about 22 years old. He said that besides him, his father had 8 other dependants. After the incident, the local administration sanctioned Rs.20,000/- as interim ex-gratia relief, and he had been assured that compensation of Rs.1,00,000/- would be paid to the family. He was also told that one of the family members would be given a job by the State Government on compassionate grounds. This was reiterated by the Governor during one of his visits, but nothing came of all these assurances and promises. He showed the team copies of his representations to the Government of Manipur and the Governor.

# The Namtiram Incident: 7-12 August, 1995

This incident has been documented in detail in a report by the Joint Fact Finding Team of the Naga Peoples' Movement for Human Rights (NPMHR), alongwith four women's organisations, Naga Women's Union (NWUM), Zeliangrong Naga Union (ZNU), Zeliangrong Women's Organisation (ZRL Tanpui) and Joint Women's Programme (JWP). Unfortunately, the members of the team were not able to speak to any eyewitnesses, but we did speak to Ms. Ashurna Panmei, Vice President of TANPUI, Mr. Athenbou, Chairman, Namtiram Village Committee, and Mr. I. D. Kaipisinang.

On 7 August 1995, a convoy of Rajputana Rifles was attacked and ambushed by some militants near Namtiram village in the Tousem Sub-Division of Tamenglong District. This led to the death of one army personnel and injury to another. Reprisal on the innocent villagers was swift and savage. In 'operations' carried out for about 5 days, people in the villages of Namtiram, Phellong, Asuram, Saramba, Thiulon and Jute Pabram were not allowed to stir out of the village. The villagers were subjected to terror and continued harassment and not even allowed to eat. About 119 people were injured among whom 10-12 suffered serious injuries. The common methods of torture adopted was beating, immersing people in muddy waters, hanging them upside down, and crushing their fingers. About 20 women, 14 government servants and some school teachers were among the people who were tortured.

There was a complete blackout of news about this incident. Top officials of the civil administration like the Superintendent of Police, Deputy Commissioner, Assistant Commissioner and Chief Medical Officer were not allowed anywhere near the area. At that time the local river had started rising and some of the villagers were in a seriously ill condition. Inspite of requests, doctors and volunteers were not allowed enter the villages. After about 5 days of this mass torture, the district authorities were allowed to enter. Even government vehicles carrying doctors and paramedics were not allowed to move freely. Everything was thoroughly searched, including medical kits and medicines.

Mr. Athenbou recounts that he was in Tamenglong at that time, and made efforts to enter the village. The army did not permit him to do so, and instead beat him up severely. After people were permitted to enter, he remembered that many of the victims were in such a bad condition that they were suffering from convulsions.

A detailed and exhaustive report of the incident, listing all persons affected, methods of torture and the various representations prepared by the Joint Fact Finding Team was shown to the team. It may be mentioned that a representation urging for immediate inquiry and action was made by Professor M. Kamson, Member of Parliament from Tamenglong to the Prime Minister. Later, Professor Kamson himself became Union Minister of State for Home, in the Narashimha Rao Government. However, nothing has been done, either to compensate the people for their suffering or to bring the guilty to book.

Mr. Kaipisinang also added that during the entire incident, the youth of the affected villages were used as 'human shields' in the sense that they were asked to bstand in the moving vehicles of the army whenever the latter suspected an ambush so that these boys would receive the first salvo. He also described that vehicles belonging to the local people were confiscated and used by army personnel for a long time and that the local people were employed as forced labour without payment of wages. He stated that even now children, especially small boys, were being regularly used as dak-carriers by the army. A common practise is to ask village elders or the headman to 'supply' a specific number of people as labour from the village. Kaipisinang also spoke about the fact that three army personnel were implicated in an FIR in the Namtiram incident which was registered by the local police. On During the team's visit to Tamenglong, various lists were submitted, outlining such violations in different villages of the district during the last 30 years, including a detailed list between 1992-94. It is obvious that over the years, the people of Tamenglong have suffered harassment in the 'safety of their own homes' and imprisonment and torture in army camps. Enduring brutal torture, such as administration of electric shocks to their private parts, crushing of fingers and maiming. The scars of those incidents, both physical and mental, are still fresh. It is not possible to describe all their grievances. And the fact is that such violations continue unabated in this inaccessible part of Manipur.

# D. SENAPATI DISTRICT

Located in the far north of Manipur, Senapati district is home to some Naga tribes as well as Kukis and a smaller presence of Nepalese. The area that the team covered in Senapati District was essentially Mao Gate, a village near the Manipur-Nagaland border.

#### The Oinam Incident, 1987.

The Oinam incident of 1987 has gone down in history as a symbol of the terror that security forces can unleash on an innocent populace. Although it occurred more than a decade ago, it remains deeply etched in the minds of the people of Manipur, and in fact, most of the north-east. The facts of the incident are hence important to recall.

On 9 July, 1987, in the middle of the day, the Assam Rifles post in the village of Oinam was raided by militants. They killed 9 personnel and seriously injured 3 others before decamping with large quantities of arms and ammunition. The Assam Rifles in turn, launched Operation Bluebird to recover the looted arms and ammunition. Carried out in Oinam and 30 of its surrounding villages, Operation Bluebird lasted till the end of October 1987. During these 4 months, the Assam Rifles went on a rampage, subjecting villagers to all kinds of torture and breaking every code of human conduct.

Villagers were made to stand for weeks on end in the scorching sun and torrential rain. Local churches were used as concentration camps where hundreds of villagers were severely beaten up. Men were hung upside down, buried alive and given electric shocks. Women and young girls were sexually assaulted. And two women were even compelled to give birth to their babies in full view of the jawans. The Assam Rifles jawans also destroyed hundreds of houses, churches and schools. The villagers were not even allowed to go to their fields or graze their cattle, which resulted in losses worth lakhs. Instead they were forced to construct camps, build roads and carry rations for the Assam Rifles for free! In fact, the situation was so bad that the Chief Minister, in a confidential communique to the Union Home Minister wrote, "The civil law has, unfortunately, ceased to operate in Senapati District Manipur due to excesses committed by the Assam Rifles with complete disregard shown to the civil administration. ....the Deputy Commissioner and the Superintendent of Police were wrongfully confined, humiliated and prevented from discharging their official duties by the Security Forces".

# MAO GATE

The village of Mao Gate is situated amidst hills in the north of Manipur, and is only about 35 kms. from Kohima. Its proximity to Nagaland, and the fact that it has a high concentration of Nagas makes it, in the terms of the security forces, a 'sensitive area'. Consequently, it is well-known that the security forces have been proportionately severe on the people of the area. Yet, not many people, and in fact no victim of any incident was willing to come forward and give any kind of information to the fact-finding team. It was apparent that the villagers were scared and reluctant to talk. On one prior occasion, apparently after the Oinam incident, when the villagers had spoken to some people from outside Manipur who had visited the area to make enquiries, the paramilitary forces had retaliated by going on a rampage.

But some of the village and church elders as well as a few local social workers ventured out to meet this fact-finding team and speak of their experiences with the army over the past few years. The general observations were as follows:

Over the years, it has been a common practice for the army and paramilitary forces to enter the village whenever they believe that there is any 'militant activity' in nearby areas. Villagers are continuously accused of being sympathetic to the NSCN or other 'militant groups'. The villagers claim that the army personnel know as well that if 'militants' come into the village and coerce the villagers to give them shelter, food and money, the villagers have little choice but to do it.

Yet, the security forces round up the villagers and randomly pick some of them up for harassment and torture. Forced labour was, and continues to be, a common practice it this area. The army and paramilitary units merely 'order' for the supply of a certain number of persons from the village. These villagers are then forced to do all kinds of jobs. From making inventories of equipment, to cutting wood and even building entire camps! And, no one dare refuse to follow these orders. In fact, units often impose sanctions and fines on villages, in case of default. Sometimes even subjecting villagers to collective fines.

A common practice in Mao Gate is to grow potatoes and other vegetables in special nurseries. Army personnel on the rampage deliberately go into these nurseries and destroy the saplings, causing considerable financial losses. This is of course, in addition to beating up the young men, entering the houses on the pretext of a search, turning the place upside down and even looting household goods. In a recent 'incident', after NSCN militants snatched the arms of two CRPF jawans, the forces entered the village, beat up the men and molested a number of young women.

Needless to say, village women are afraid to go to the fields alone because there are innumerable instances of sexual harassment, molestation and rape by the jawans of the army and paramilitary.

Of late, the Maratha Regiment Unit stationed near Mao Gate village, has discovered a novel method of terrorising the villagers. At about 1-2 am in the night, they suddenly start continuous firing over the village. Naturally, even when the villagers go to work the next morning, they are still in a state of terror.

The army does not respect the shrines and the sacred places of the local population. At least on two occasions when the villagers requested army officers to shift their camps from such sacred places, the army not only refused to do so, but instead desecrated the places intentionally. They also have no respect for cultural values and local habits. In a recent incident, a shopowner was brutally beaten for selling beef in his shop.

# E. UKHRUL DISTRICT.

Located in the north east of Manipur, Ukhrul district probably has the highest concentration of army and paramilitary forces in the state. The hilly areas of the district are primarily inhabited by the Tangkhul Nagas, while the areas closer to the plains are the home of the Kukis.

# The 9th May Incident, 1994

Like many other instances of terror wreaked upon the innocent civilian population of Manipur, memories of the 9th of May 1994 are still fresh in the minds of the people of Ukhrul. At about 5.00 p.m. on that fateful day, as Major Bakshi and Asstt. Commandant Labh Singh were approaching Wino Bazar (the central market of Ukhrul town) from their 20 Assam Rifles town post just 30 metres away, suspected militants fired upon them, killing Major Bakshi on the spot and seriously injuring Asst. Comdt. Labh Singh, who later succumbed to his injuries. Captain Singh and Lance Naik N.P.Singh were others injured in the ambush. Immediately, the Assam Rifles personnel started firing in the direction that they thought the militants had escaped. And as a result, Wino Bazar was devastated. S.Mathotla, 43, a petrified widow hiding under a bed in her tailoring shop was killed when a hail of bullets splintered her head. 500 metres away, S.Soshikat, a 12-year old boy, was killed as he

Officials allege that while the victims were being taken to Samsai Unit Headquarters, they were again fired upon near Phungyo Baptist Church, causing the vehicle to turn turtle and injure some more army personnel. But the local people believe these are just stories propagated to justify army action.

In his letter to The Secretary (Home), Govt of Manipur, K. Moses Chalai, ADC Ukhrul, and In Charge Deputy Commissioner, Ukhrul acknowledges that "Incessant firing continued in Ukhrul town for half an hour and after 5 minutes gap sporadic firing continued till around 6.30 p.m.". In the hour and a half in which the town was subjected to indiscriminate firing, people were pulled out of their shops, beaten up and their establishments looted. The sad fact of the matter is that following the incident, there were hardly any houses in the Wino Bazar area without bullet marks on their tin roofs and wooden walls. Meanwhile, it is worth noting that all the police could do was 'request the Assam Rifles to stop'. But that's not all. The Assam Rifles also resorted to shelling 2inch mortars, although they are forbidden to use them in civilian areas. One of these mortars ripped open the roof of the Ukhrul Higher Secondary School and landed where eighth standard classes are held. Luckily the students had just left for the day. Another mortar landed in a grazing ground and killed 83-year old Panghom Shimray while he was returning home. In all, the people claim that the jawans shelled about 20 mortars, but army sources accept that they fired only one! This in the face of the fact that the police itself discovered shrapnel of 10 shells!

In the night that followed, houses were ruthlessly searched by the security forces, while the district administration and police patrolled the area. There have been innumerable complaints to the civil administration of beating, breaking down of doors, and even looting of houses and shops of goods and cash by the security forces. Among them is a complaint by T. Ashang, Development Officer, United India Insurance Co. Ltd., Ukhrul Branch, whose residence-cum-office, was 'checked' by Assam Rifles personnel who beating and kicked him all over his body, including his private parts. As a result, he fell to the ground and his left ear is so seriously injured that he has lost his hearing. Moreover, his relatives who took shelter in his room were also tortured without any reason to the extent that they all had to be hospitalised. One village elder who the team met observed that even ex-army men are not spared when the army swoops down on the village with the intention to terrorise or seek revenge. Kong Kan, a second world war veteran was badly tortured after the May 9 incident.

In a confidential communique to the Home Secretary, Imphal the ADC also acknowledges that "over forty are admitted to district hospital Ukl (.) The town is under deep shock and fear and is under apprehension of further harassments/excesses (.) Request to kindly take up the matter with highest army authorities." Another communique from the ADC reflects the lack of implementation of any proper systems as concerns the confinement of women by the security forces. It states: "On 9th May, 1994 A.R. personnel apprehended 19 persons and took them to the Somsai Camp. This includes 4 women. They were handed over to the police on 10th May, 1994 night. On 15-5-94 in my meeting with Commander 'B' Range, 10 Sector & C.O. 20 A.R. it was pointed out that in future it would be better to hand over the women suspects to police custody and questioning/ interrogations may be done in police custody itself, and that the district Administration can hold them as long as Security Forces desire so. ... Needless to emphasise that confining of women in the Security Forces Camps is a highly sensitive issue and this does a lot of damage against the best interest for evey one concerned and particularly for the State."

Naturally, the security forces merely deny all the charges. In a situation where they stand protected by legislation like the Armed Forces(Special Powers) Act, no further action can be taken against them. In order to gain a picture of the current status, the extent and effect of militarisation in the area, the team met with leaders of the Tangkhul Naga Community, Student Leaders, Women Leaders and other elders in Ukhrul town.

The President of the Tangkhul Naga Long (Council), Mr. Kazing Mei of Lunghar village summarised the role that he security forces had played in the area over the last 4 decades. "The army has come here to protect the people but instead they harass us. The army has been here in Ukhrul since 1956. We have grown up with it in the centre of town. In the beginning the army was friendly, cooperative and helpful. Today, they are fighting the civilians instead of the insurgents. There is hardly any family where a single member has not been a victim of army atrocities. Every family has a sad story to tell."

About the effect of such militarisation in the area on the lives of women, women leaders Veronica Zingkhai, President, Tangkhul Shanao Long and Thokchuila Hongray noted, "Women are frightened to go anywhere 35.

near uniformed men. Let alone grown up women, even little girls are ogled at by army personnel and they pass rude comments". In fact, it was pointed out that the women in Ukhrul do not take the main road that cuts through the Assam Rifles town post, choosing instead to take a long detour through a rough track to avoid the army. "Women are the mainstay of Naga economy", they continued, "and the presence of the army has restricted their mobility considerably. There have been cases of rape but they are not brought out into the open. There are many incidents of physical torture and killing by the army, but the fact of the army sitting in the centre of town is the biggest mental harassment. They can reach anywhere within a very short time. Nowadays even when a tyre bursts, ordinary citizens fear blank firing by the army. Recently, a child was run over by a private vehicle. The people were angry and wanted to beat up the driver. Some army personnel saw the commotion and came running to the spot, fired a few shots in the air, beat up a few men and left... no police, no complaint, nothing! We have made several applications for the removal of the army post from the centre of Ukhrul town but our pleas have fallen on deaf ears."

Stan Hope Verrah, President, Tangkhul Student's Union said, "We are not against the army personnel, but we are against the policies of the Central Government which does not want to solve the half a century old 'Naga problem'. Everytime the Naga nationalists create a problem there is an over-reaction from the army against the civilians. We are against that. Ultimately what is needed is a political solution. In the 50's and 60's, the Nagas were united, now we are fragmented. Naga nationalism is no more and tribalism has taken over thanks to the policies of the Indian Government. They have realised that it is difficult to fight united Naga nationalists. So, they did everything to divide the Naga people. Now they have thrown a bone between two dogs. New Delhi has proposed unconditional talks...but whom will Delhi talk to? Which faction can control all the insurgents? This will be the big problem ... Our problem has been compounded and complicated in the last 50 years."

But the fact is while the policies and attitude of the Central Government have played a critical role in determining the lives of the people of Manipur, it is the army and other security personnel posted in the state who affect their lives on an everyday basis. Wilson Repung of Sheikhor village, a school teacher posted in Ukhrul since the last one year recounted his experiences to the fact-finding team.

Wilson was earlier teaching at the local school in his village Sheikho. He has been picked on by the army three times and harassed. "The first time I was picked up was in 1982 by the Sikh regiment. Twenty four of us were taken to the jungle. I was one of the lucky one to escape being given electric shocks. In fact, one of the villagers was beaten so badly that he could hardly breathe. Earlier, it was common for civilians to be tortured after an attack by the 'underground forces'.

The second time I was picked up at Talloi junction. My wife was working there as an Anganwadi worker. On the way, we were stopped by the army and asked to produce identification. I told them that I was a teacher. The Captain interrogated me and started hitting me. He then wanted to know whether the militants took money or asked me for information. I told him that when they visit our village we have to pay them. He blindfolded and beat me, while my wife who was with my seven month old child was harassed. I believe that I was 'identified' by an informer but I have not been able to find out who that person was.

The third time I was harassed in September 1990. I was doing my B.Ed. in Imphal and I had gone home for holidays. Col T.K. Mehendiratta and Lt. Col. V.K. Patel came to the village asking for me. They charged that underground friends frequented my house. I had to clarify the charge. They had actually come to take me but after a long discussion they came to believe that the charge against me was false. They also searched my house but did not find anything. The entire episode has left a deep scar on the psyche of my children. After I left for Imphal some of the sepoys began harrassing my six children, especially my elder son who is now 20. Indians propagate Gandhism and non-violence but out here the army perpetrates unwarranted violence on innocent civilians".

# Some observations and asides gathered in Ukhrul

The President of the Tangkhul Shanao Long, Veronica Zingkhai and her family was the host of the team. They were a oldest family with modest means, extremely warm and obviously had played host to many people who 3 6 visited the area in solidarity with the Naga people. Their house was destroyed in the May 9, 1995 incident.

Three years after the incident, the broken clock (bought through scrapign and saving) a cracked mirror and a framed copy of the preamble to the Indian Constitution adorn the wall of the hall. In a corner the children have scribbled in chalk "If you smoke, I will kill you". Similar graffiti was on the walls of the other rooms of the house. Upon talking to the children it was discovered that killing was something quite commonplace for them. Guns and shooting was the favourite games of the children of Ukhrul. A little 4 year old said he wanted to shoot the sepoy with his new gun. His mother explained that because his older brothers keep talking of beating, destruction etc. by the army, the children have picked up these games.

In village Sirarakhong the village kids had mastered the art of playing 'undergrounds'. They make costumes and haversacks of leaves, fashion guns from wood and play in the forest for hours. Once they were spotted from the army post. Luckily the officer asked the village chief to accompany his men to the forest. Upon seeing the army approaching, the children jumped off the rocks and began rolling down the hill. The officer was about to order shooting when the village chief stopped them and told the children to come out.

# A brief report on the Huishu Incident

Huishu village comprises of 109 households with a total population of little less than 700. It is situated on the international border of India and Myanmar - between Border Pillars 124 and 126, about 60 kms north-east of Ukhrul town.

On March 11, 1996, at the crack of dawn (about 3:30 a.m.) a group of armed personnel believed to be National Socialist Council of Nagaland (NSCN) attacked the 20 Assam Rifles at Huishu post. The heavy exchange of fire between the NSCN and the Assam Rifles lasted for about three hours. The panic stricken villagers who were caught unawares by the burst of rapid-fire of the encounter and the subsequent explosion of a few 2 inch mortars in the civilians areas ran for safety leaving behind all their belongings. One third of the villagers who had gone to participate in the Centenary celebrations to mark the coming of Christianity to Ukhrul could not return home because of the reign of terror unleashed by the Assam Rifles. Those who fled to the jungle managed to find shelter while those who took the main road to Poi village were intercepted by the reinforcements from the Poi outpost near Sharok stream. The Assam Rifles personnel fired upon the unarmed civilians. The reinforcement from Poi outpost under the command of one Captain Sharma forced the villagers (about 26 of them) to march back to Huishu. As this group of villagers and the personnel of Assam Rifles neared the village, a few shots were fired towards them. As the villagers ran for cover, they were brutally pulled back by the Assam Rifles personnel and used as human shields by placing the muzzle of their guns on the shoulders. Meanwhile the Assam Rifles personnel fired randomly. In fact this was the first time that women were used as human shields by the army. Ms. Khachungla was made to cover Captain Sharma with a Naga shawl while approaching Huishu.

As this group reached the Huishu Assam Rifles post, they saw the dying flames of the Storeroom, Medical Inspection Room and Mandir of the Assam Rifles outpost. The group was beaten up and interrogated on reaching the Assam Rifles post. None of them (men, women and children) were spared the wrath of the security personnel who continued to rain blows, kicking them and thrusting wooden sticks and gun butts. From among the captives, Mr. Paisho (51) - a sector leader of Village Voluntary Force (VVF) attached to SSB, Poi post and Mr. Parshuram Karki (45) a carpenter of Nepalese origin were taken away. In a short while, a few shots were heard. Later that evening the villagers saw the bodies of Mr. Paisho and Mr. Parshuram Karki being dragged towards the stable. Mr. Paisho was found with several deep cuts on both arms, a broken left arm, and cut marks on leg and thigh. His intestines were oozing out from the right side of his stomach and he had five bullet holes on his back. Mr. Parshuram Karki was also found with marks of torture all over the body and gun shots.

Meanwhile at the outpost, the villagers saw a large number of Assam Rifles personnel walk towards the village with bottles of kerosine and torch the village, house by house after ransacking and collecting all the valuable goods in sacks at around 10:30 a.m. Except the Church building, School building and other six houses which were located at odd places, everything else was burnt down. In this way, a total of 103 dwelling houses mostly with CGI roofing and 19 granaries/barns were reduced to ashes. The villagers stood helplessly and watched their village go up in smoke.

The villagers spent the night at the Church whose window panes, bulbs and tubes had been smashed by security personnel in a lunatic frenzy sometime during the day. Property worth several lakhs of rupees were either looted or burnt to ashes by the so-called "Friends of the Hill People" following the March 11, 1996 Huishu incident. And cash to the tune of Rs.15 lakhs is believed to have been pocketed by the rampaging personnel of Assam Rifles. The scene at the village now is one of utter desolation. Burnt down CGI sheets and wooden pillar skeletons stand in silent testimony of the deliberate pillaging and burning that took place unchecked.

This fact-finding team to tried to inquire about the motive of the attack by the NSCN. Villagers suspected that taking advantage of the Tangkhul Baptist Long Centenary Celebrations in Ukhrul, which was being attended by many members of the underground forces, the army had decided to raid one of the NSCN camps on the Burmese border. The Huishu Assam Rifles post may have been attacked by the militant group to distract the army. Some facts about Huishu village make the trauma following the incident of 11th March all the more poignant. The nearest bus stop is almost 20 kms. from the village while the closest medical aid is 10 kms. away. The nearest source of water is located at a distance of 4 kms from the village. There used to be piped water but it is all burnt down. The army post which is less than half a km. away has its own water supply. There is a government school in the village but it does not function. The hills around the village are completely bare and desolate. One wonders where the people will get the timber to rebuild their houses. Or the mental strength to rebuild their lives.

# An encounter with Major Mahesh Adhikari

He is the officer in-charge at Huishu. The moment he learnt that we were in the village he sent his men to summon us. Once the army personnel were there it was impossible to talk to anyone. The people just clammed up for fear of reprisal. The major welcomed the members of the team, but was extremely hostile to the others. He openly threatened Stan Hope, saying he was a rumour-monger and troublemaker and he would "see to him". He abused all Nagas, called them hostile and 'un-Indian' in their behaviour. It was shocking to see such immaturity from an officer of the rank of major and such an open display of hatred.

The above account of the incident at Huishu village was therefore reported by Ms. Aram Pamei and Mr. K. S. Paul Leo on behalf of the Joint Fact Finding Team comprising of NPMHR, NWUM (Naga Women's Union), ANSUM (All Naga Student's Union of Manipur), JWP (Joint Women's Programme), Imphal and two journalists from Imphal.

When the fact-finding team met Col.L.B. Mishra, Commanding Officer, Somsai, Ukhrul he was impatient to give his version especially on Huishu. According to him, Huishu is "a free corridor for the NSCN people for the smuggling of drugs ... a lot of timber smuggling also goes on. With a view to stop their activities we put a post there ... we killed three people", he said, referring to the VVF person and the Nepali who were tortured to death, and the one member of the underground who was killed during the attack on Huishu post. He insisted that he had "a lot of affection for these people" and was therefore trying to 'compensate' the villagers of Huishu by giving them blankets, and requesting the ADG (Army Development Group) for money and requirements like cooking utensils, water supply etc. At the same time, he called everyone who came to inquire about the Huishu incident 'a stooge of the NSCN'.

On the question of army presence in the state he had contradictory positions. On one hand he said that the "Army is no solution"; but while discussing their withdrawal he said "The moment army is out ... no sanity will return, in fact the situation will deteriorate".

### The Jesami Incident, 2nd Jan., 1996

Jesami is the last village of Ukhrul district on the Nagaland - Manipur border and is an important junction on the trade route. The village appears prosperous and there is an urban ambience to it. The population is mixed with Chakesang Nagas, Tangkhul Nagas, Meteis, Nepalis and Biharis. However, the Chakesang Nagas form the largest group.

The army has been stationed in Jesami since the 1950s. Essentially a marketplace with a floating population, (1,600 according to the last census) and a market mentality, the village has never been mobilised as a stronghold of any underground group. However all factions of the Naga underground have milked the cash-rich population from time to time. Over the years, the people of Jesami have negotiated their co-existence with both the army and the underground with their characteristic "market-craft". They have accepted the fact that in order to carry out their legal and illegal businesses, they must pay a price.

The reason the team went to Jesami was that on January 2, 1996 the army conducted a so-called operation to nab some militants and in the bargain assaulted and brutalised the entire population. The village authority had already been informed that if anyone came to inquire regarding the January 2, 1996 incident they should first be brought to the army camp. Accordingly, we were taken there. Captain Ashwini met the representative of the team and made tall claims about the welfare measures being undertaken by the army. He severely criticised the civil administration. After detaining the team for nearly two hours in the camp he followed the team to the village with a gun toting jawan. He managed to successfully disrupt the meeting organised by the village authority. He pulled aside the secretary and warned him not to recount his own behaviour in the church, creating an atmosphere of tension so that people would not speak freely. After addressing the gathering for a while he left, taking the village secretary - the most articulate person and also an enabling leader - along with him. But the villagers spoke to a member of the team through half the night. recounting the incident in all its detail.

On January 2, 1996 at about 4.00 p.m. six or seven army personnel came to the Jesami bazaar in a "jonga". They turned the vehicle around and then alighted. Vicky Tamang, a Nepali was sitting in the Muslim Hotel. The moment he saw the army personnel he ran out and began shouting. The army personnel asked him, "Where is that man?" He pointed to one Jesami boy who began running. They fired towards the running boy but he was not hit. Hearing the shots of gun fire, 15-16 more army personnel came down from the army post towards the bazaar. Then all of them began firing indiscriminately in all directions. (The army claimed that the Nepali was shot at by NSCN militants. The SP of Ukhrul who interrogated Tamang was categoric that the Nepali was not shot at all and the entire story he was giving was false and inconsistent).

People who were outdoors began running helter-skelter. They were systematically caught by the army personnel, assaulted with rifle butts and the blunt edge of dao's (machete), kicked with boots and herded into the market square which they called Zero Point. A party of army personnel commanded by one Major Singh and Captain Sahni began dragging people out of their homes and congregating them at Zero Point. Men, women and children of all ages were beaten without exception. Shortly after all the people were grouped, those at Zero Point saw some houses being set on fire. They pleaded with the officers that they be allowed to put off the fire and salvage their homes, but to no avail. In fact, whoever stirred was kicked, slapped and beaten down. The helpless villagers saw the houses of Raju - a Rajasthani shopkeeper, Augustine - a policeman and Mrs. Pamreiphy - a business woman going up in flames. When the houses were almost completely gutted, the officers shouted, "Go and put out the fire. What are you doing here?" A water tanker was brought from the camp and the fire was extinguished.

Another set of villagers were attending service in the church, Captain Ashwini rushed into the church and onto the pulpit. With a revolver pointing to the congregation he shouted, "Stop praying and chanting or else I will shoot you". Every one fell silent. The jawans immediately took up positions at the church windows pointing their rifles inwards. The men and women were grouped separately on either side of the aisle. After some time the Nepali was brought to the church and all the persons were checked. One person from Talloi village, a Tangkhul, was brutally beaten inside the church compound. Two other visitors from Kachai village were taken to the camp and tortured. After two days, they were handed over to the village authority. One of them could not even walk because of the torture.

A Nepali blacksmith, the police wireless operator, the school principal, the village chairman and village secretary were especially targeted for attack and they sustained serious injuries. All of them had to be hospitalised in Imphal. In all, 63 persons were injured.

As if all this was not bad enough, 2 Nepali women were also sexually molested. One of the girls, 14 year old Leela Thapa, said: "I was in my paan shop along with my elder sister. There were some Biharis in the shop. 39. When the trouble broke out we shut the doors of the shop. Three army personnel came and forced us to open the doors. The Bihari Bhaiyas were taken away. One of the army men began fondling me. My sister screamed but she was silenced at gun point by the others. I tried to fight the sepoy who was molesting me at which he squeezed my breast so hard that I was seriously hurt. There were nail marks all over my chest. He had thrown me on the charpoi and would have done worse things to me, but just then the houses near my shop were set on fire..."

The President of the Jesami Women's Organization stated that another woman, a mother of four, was molested by shoving fingers and other objects into her vagina. The SP of Ukhrul who took her statement and had her medically examined, corroborated her statement. He also noted that although the reason for the fire has been given as a short circuit, that is highly unlikely as no short circuits have been reported in the area.

As we moved around Ukhrul, it was apparent that the army (by their own admission) perceived the entire Naga population as 'hostile' and believed that no militant attack can be successful without the active connivance of the villagers. Therefore, they feel that their attacks on civilian populations after an 'ambush by militants' were justified. However, in the case of Jesami, there wasn't even such provocation to justify army action. When the fact-finding team enquired about the motivation for the 'OP(Operation)' a village elder explained. "After the murder of General Proveso, a Chakesang leader of the underground by the NSCN, which is perceived as a Tangkhul organization, tension was rife between the two communities, and the Chakesangs who were originally supporters of the NSCN [I-M] had distanced themselves from it. This conflict was almost subsiding when the army perpetrated this incident to fan the flames of inter-community hatred by using a Nepali who was new to the village. They concocted a story of attack on him as they wanted to spread terror in the village and put the blame on the NSCN [I-M]".

This was corroborated by a school teacher saying that the army got wind of the fact that the NSCN was once again collecting taxes in Jesami. The army Major had visited his house to confirm this information. The teacher candidly informed the Major that he was told that if he did not pay up, the militants had threatened to shoot at either a patrolling party or at him. Left:with no choice, he paid his share. The Major reassured him and left. Shortly afterwards this conspiracy was hatched. The local blacksmith was asked to make 42 dao knives all of which reappeared in Jesami on Jan. 2, in full public view. A student leader added, "Jesami is a very important junction and every one wants to have control ... the police gate is here, the forest gate is also here, all the militant outfits also collect taxes here. Trafficking in drugs and timber is also through here. The army was only trying to capitalise on old Naga rivalries to keep us divided, but they could not succeed".

The villages authority of Jesami responded promptly and effectively after the incident and made a series of representations at all levels starting with the DC all the way up to the Chief Minister and the Prime Minister. They have also requested the GOC to remove the 4th Sikh Light Regiment from their area, but till date their pleas have fallen on deaf ears.

Due to the various representations at high levels and because of the sensitiveness of the area, some inquiries were held. Subsequently, the Chairman and Secretary were summoned to the camp and asked to sign some papers. But they refused, saying that they could not sign anything without the consent of the village committee, so the army hosted a "Burra Khana" for all of them. Alcoholic drinks were served and even those who did not drink were forced to take a peg so as not to insult the Colonel. Once the people were inebriated, each one was called aside and asked to sign a statement which he was not allowed to read. Apparently each one was also photographed while signing. Yet, Captain Ashwini Nayyar went so far as to tell the team that the army has a very good rapport with the villagers of Jesami who are actually very simple and alluded that members of the village authority had made false accusations against the army because they were 'misguided'.

#### CHURACHANDPUR <u>F.</u>

Although the team was rushed for time at Churachandpur, it met a few leaders like the Chairman of the Hmar National Union, a political party, Song Lien Thang Songate of Hmar Joint Action Committee, D.V. Infimate, a student leader, all Hmars. Though Churchandpur is a mixed area the team could not meet anybody from the 40. other tribes despite serious efforts to do so.

T.K. Buongpui, a former teacher and seasoned politician, who stood for elections in 1996, was disqualified because he overspent. He is presently Chairman of the Hmar National Union a political party and is active in Hmar politics. Since he had a good grasp of events, he began by giving an overview of Hmar political formations, the evolution of Hmar militancy, peace talks and the present situation.

"In 1987 there was a rally demanding an Autonomous District Council for the Hmars in Mizoram (the VI schedule offers this). The rallyists were brutally attacked by the Mizoram police. Many of the youth fled to the forest and this marked the beginning of Hmar 'insurgency'. About two years ago a Peace Accord was signed by the Mizo government and the HPC (Hmar Peoples Convention) but it is not yet implemented. No elections have taken place to the Singlung Hill District Council. The government wants to club several tribes together and create a hill district. But we Hmars have a distinct identity and we do not accept the grouping of the Government. There are sanctuaries to preserve animals, but our assimilation is being enforced in Mizoram. We cannot preserve our social and cultural identity. We know we cannot challenge the might of the state. Because of our political frustration we were compelled to join hands with the Nagas and other groups".

Joseph Lalrothang, President - Hmar Youth Federation and Headmaster in a government school went on to explain that the Hmar Revolutionary Front (HRF), is a small band of the Hmar Peoples Convention, HPC, which did not surrender after the peace talks. The existence of the HRF is not to fight the state but to defend the tribe. Each tribe has its own defence force. The reason is insecurity due to ethnic clashes. These boys never have any encounter with the government. When they see the security forces they run away. A week ago an incident took place at Parbung. By mistake one bullet was fired by the HRF. On hearing that, the security people fired at them. For seven days, security forces fired intermittently into the ravine below the village where they thought the HRF boys were hiding. Due to this firing, some areas were burnt. Many of the HRF escaped. Two were still hiding. After four days one of them came out. He was trying to surrender but he was killed. So the other partner did not come out. HRF and other militant organisations trouble the villagers and extort a lot of money. Among themselves they kill each other, like the goondas in U.P."

Song Lienthang, of the Hmar Joint Action Committee, showed the team a letter written to him by the villagers of Tuiring asking for help and advise as the KNA (Kuki National Army) had demanded a tax of Rs. 100 per house and some quintals of rice. The deadline was the next day. The letter said, "Every night the villagers complained of being hounded by the KNA. There were no security forces in the village. No complaint has been made because of fear of being killed by the underground. We have no confidence in the security forces. If we say drug peddlars are there they come, if we report extortionists with guns are threatening us, the come very slowly. The 8 Bihar Rifles are stationed here. They are of no help. Sometimes when we get tip offs the army picks up people and tortures them for paying the underground. Politicians are demanding the deployment of army to protect their own interests. In 1960 there were the Hmar-Kuki clashes. The Assam Rifles intervened when the Kukis were cornered. The Hmars have often depended on the NSCN. The NSCN has used our villagers as corridors before. We fed them. There was no extortion from them. We believe who ever comes to our houses must be fed and protected."

# Saidan Village Incident, 1992.

Like the Oinam incident in Senapati district and the Namitiram incident in Tamenglong, memories of the Saidan incident still haunt the people of Churachandpur. D.V.Infimate, the son of the village Chief, recounted the events of the fateful day:

"On Sept. 17, 1992, even before daybreak, Mizoram Police, CRPF and Manipur Rifles surrounded the 200 houses in our village thinking that two members of the underground were hiding inside. Every house was searched and all of us questioned in Hindi. Those who could not answer were very badly beaten. A group of men who had been drinking in a friend's place the previous night had slept in that house. Since they were not found in their own homes they were picked up by the CRPF on suspicion. Two of them were handcuffed and thrown into the jeep. When the people saw this they were furious as these were not militants but innocent villagers, so the women started ringing the village bell. Upon hearing the bell, people whose houses are farflung, congregated at the village centre, carrying dao knives because the village bell is rung only when an enemy attacks the village. The moment the security forces saw the people coming, they began firing at them.

Five people were injured. The next day, Manipur Rifles gathered all male members between the age of 15 and 40 on the charge of indulging in anti-government activity. They were released on bail the same day. The Mizoram Armed Police were the first to shoot at unarmed villagers. Among them we recognised some members of a breakaway faction of the Hmar Peoples' Convention, and we believe Hmars were hired to kill Hmars. Two HPC leaders Saikaplien and Lalbieklien were tortured and killed by the Manipur Rifles. Lalkiembo was tortured and released, he died a few months later.

Since the bell was rung by the women some of them were badly beaten up by the security forces, especially Angelmawi who was singled out and later tortured. This is the story of Angelmawi as told by her father, L.T. Khuma Pulamte: "In the beginning my son Nglisanglien was arrested as a supporter of HPC. After one week I was arrested by the 14 Garhwal Rifles. I was badly tortured and was brutally beaten in my compound before my family. Then, in the army camp I was given electric shock and questioned about the NSCN. After that I was handed over to the Churachandpur police. From there I was sent for further interrogation to Imphal. They questioned me a lot about the formation of the HPC and NSCN. I knew nothing. I told them that I supported the HPC morally but not physically.

Angelmawi was in college when she was arrested from this house on 20 August, 1995 on account of a false report by the CID. She was taken into custody by the Manipur Rifles and was kept in lock-up for seven days. I was running around for her bail; but I know that they tortured her very badly. She was kept inside a dark room and threatened. One policemen beat her with a stick on her legs. She was given electric shocks. On the seventh day, the police admitted her to the hospital because she was falling unconscious. They kept asking her about her relationship with the underground. She could only reply she had no connection with them.

After I had satisfied the SP about her character and credentials, she was finally released unconditionally and no case was filed. The SP asked me if I would file a case in the court. I said, since we are joining hands with you I am not going to file any case in the court as long as you release her unconditionally.

After ten days she began to improve. According to her doctor, Dr.L.F.Tusing, Superintendent, Churachandpur hospital, she was suffering from neurosis that developed after her arrest by the police.. After she was released from hospital she would keep falling unconscious, so I had to take her to the hospital in Imphal. I then admitted her to RIMS (Regional Inst. of Medical Science), Imphal. She was advised a year long treatment as an outpatient. It was quite impossible for us to afford the treatment for one year (commuting to Imphal alone was beyond our means), but still I tried to get the medicines ... but there was no improvement. She was not be able to open her eyes, her breathing would stop. She kept describing how she was kept in the dark room in the dark night. Finally she died on January 30, 1996.

Note: Angelmawi's brother is a known HPC supporter. He has been arrested before and has been in jail for over a year. He too was severly tortured, but the family does not want to talk about it. Unfortunately, the people of Manipur have begun to believe that if you are even related to a supporter, you run the risk of being harrassed, arrested and even tortured.

# Interview with Dr. Akhtar, D.C. Churachandpur

The DC has a history of unpleasant brushes with politicians and has had a record number of transfers in his ten year long career. He said, "Fortunately I have good relations with the armed forces as well as with the SP. I feel lucky, and together I feel we have been able to reach out to the people. Fortunately I do not have a problem with the underground either because I have the right perspective. Every person has the right to disown the Constitution, and if we had gone strictly by the Constitution we would not have got freedom either".

He went on to the narrate a humourous story," Out here we have the problem of fake undergrounds. One guy was caught with a toy pistol extorting money. The SP was so peeved he wanted me to book the guy under 4 2 NSA. Only today I discarded the papers. These incidents occur quite often."

"I have been recently threatened that I will be shot. I do not believe it is from the genuine underground. As a rule genuine undergrounds do not interfere in civil administration if you are doing your job honestly". There is an interesting connection between the undergrounds and the politicians. Corruption is rife here. It is very difficult for an honest officer to function. Presently I am busy with the appointment of assistant teachers. The ministers have opened their tenders for the highest bidder for the post and I am being pressurised to appoint their persons". Then, he said, "The 73rd and 74th amendments have not been introduced in the hill areas. I am not aware of any efforts to introduce them either. I don't think introducing the VI Schedule will solve the problems of the average tribal person because the so-called peoples' representatives will continue their dirty business. The fund are never utilized for the purpose they are meant for. That's why I call this place "Money Pour" because the government pours money into this area... but it is also "many pore", because the money just drains out of the many pores."

# Telephonic conversation with Col. Rana C.O., 8 Bihar Rifles, Churachandpur.

In his conversation with the fact-finding team, Col. Rana said, "We give importance to local leaders and chiefs. We are not doing anything to suppress them. We have realised from experience that no information comes from the village, so we don't try to get intelligence from ordinary villagers. We realise they are under certain compulsions so there is no point in forcing them."

# The Official point of view - Blind to the plight of the People

In addition to officials of the local civilian administration, superintendents of police, and in some cases, army officials, members of the fact-finding team met the Chief Minister of the state, the Chief Secretary, the Director General of Police in order to ascertain their views on the need, usefulness of militarisation in Manipur, and the impact of laws like the Armed Forces (Special Powers) Act on normal civilian life.

# The Chief Minister

The Chief Minister of Manipur, Mr. Rishang Keishing is a senior politician, and a member of the first Lok Sabha, currently in his fourth term as Chief Minister. He gave a two hour interview to the members of the team. According to Mr.Keishing, the presence of the army is necessary, even though they have been in the region for nearly 40 years. He says that the local police force is inadequate, both in terms of manpower as well as training, to combat militancy, and the newly added menace of ethnic clashes. He however, was of the firm opinion that the problem could not be solved if seen only as a law and order one, but required a political solution. Mr. Keishing mentioned that he had written to the Prime Minister suggesting unconditional negotiations with various groups, as a step to achieve peace. Yet he maintained that the State Government of Manipur did not have any policy about reviewing the Armed Forces (Special) Powers Act. It also did not propose to ask the Central government to review the continuation of the Act in Manipur. To a specific query whether he felt the Act was necessary, he said that it "may not" be necessary.

Specially on the presence and role of the army and various paramilitary forces, Mr. Keishing stated that there were a number of instances when army/paramilitary personnel had acted in a highanded manner, even with high-level functionaries. He cited the case of harassment of the Dy. Chief Minister and, allegations of phone tapping of the Governor. He maintained, however, that the forces and the civilian administration worked in a cordial atmosphere and there was no question of the army dictating the administration.

The Chief Minister also admitted that the State Government did not have a uniform policy, about instituting inquiries into incidents involving death/injury to civilians as a consequences of army/para military operations in the state. He said that upon receiving information about any such incident, the normal course is to have an administrative enquiry and if there was public pressure, a magisterial or a judicial enquiry.

Mr. Keishing also mentioned that a co-ordination council/committee existed comprising members of the civilian administration, and senior army personnel, which met periodically to review matters of common concern. The council also examined various complaints, and looked into incidents of human rights' violations. He stated that soon Manipur would have its own Human Rights Commission. However, when asked how such a body could have jurisdiction over army and central paramilitary forces, he said that the same had to be worked out. As regards the existence of any policy regarding relief and rehabilitation as well as compensation to the victims of various incidents, Mr. Keishing admitted that each incident was dealt with on a case-to-case basis. Mr. Keishing, on being asked about the various forms of harrassment by the army and paramilitary forces, particulary forced labour, expressed his ignorance. He insisted that the church leaders who often interacted with the government had never brought this to his notice.

# The Chief Secretary

The present Chief Secretary of Manipur is Mr.H.Jel Shyam, a senior IAS officer of the Manipur cadre, who has come into office recently. Mr. Shyam stated that the government did not have any policy regarding inquiries into incidents where civilians were affected due to army action. He also said that there was no relief and compensation policy specifically applicable to such cases, and such relief was given by the state as a general measure. The Chief Secretary mentioned that the continued presence of the army, and the application of the Armed Forces (Special Powers) Act had not achieved 'desired results'. He admitted that as a result of the Act, the Armed Forces had misused their powers on many occasions, and the people were affected.

As regards the present situation in Manipur, Mr. Jel Shyam was of the view that terrorism was the result of a large number of unemployed youth having nothing to do and no means of livelihood. He also thought that the lack of adequate employment opportunities, and inadequate resources, had led to alienation of the youth in the state, and such persons had taken to arms. Mr. Jel Shyam said that the problem was both economic, and political, and could be effectively tackled from those angles, and not by deploying more and more armed forces of the Centre. and by viewing it only as a "law and order" problem. Interestingly, the Chief Secretary and the Home Secretary (whom he contacted on the phone during the course of the interview) were unaware of the action taken on the Inquiry Report on the incident of firing in the Medical College, Imphal which took place on 7 January 1995.

#### The Director General of Police

Shri. D.S. Grewal is the present Director General of Police, Manipur. He defended the use of the Armed Forces (Special Powers) Act, stating that the police forces were inadequate in meeting the challenge posed by terrorism. He said that Manipur being a border state, and a hilly area, it was not possible to rely only on the police forces to tackle the militants. In his view, even though the normal political process was on, continued application of the Act was essential. He denied that the Army was dictating terms, and emphasized that both the civilian forces, and the armed forces were acting in co-operation. He however admitted, that there were many instances where the armed forces had acted in excess and innocent persons were affected.

Mr.Grewal justified the need for extension of the Armed Forces (Special Powers) Act by saying that without it. the armed forces would not be effective. When specificially asked whether he thought it was a long term solution, he replied in the negative, and stated that the problem which necessitated the Act was militancy, which had to be tackled politically, and more importantly by providing job-opportunities in the state, which were at present inadequate, in his opinion. As regards human rights' violations, Mr. Grewal said that incidents where people were affected were inevitable, because during operations, the armed forces personnel could not distinguish between innocent persons and militants. When asked about obvious violations where houses were destroyed (like in Huishu) or indiscriminate firing was resorted (as in the Imphal incident) he had nothing to say

Mr. Grewal, on a specific query, said that in his career as a senior police officer of Manipur, he had not come across any instance where a person of the armed forces had been allowed to be prosecuted. He maintained that whenever there was a case of torture or custodial death in the hands of the armed forces, medical records and FIRs were maintained. Mr.Grewal also stated that complaints were forwarded to the Centre. However, 4 4 there was no mechanism for monitoring or following up with the Central Government.

## Conclusion

The tensions of everyday life of the people of Manipur are apparent to the most casual visitors to the state. Take the matter of economic development in the state, or rather, the lack of it. Despite its history as a surplus producing state capable of healthy exchange with its neighbours, Manipur has now been reduced to a market that is largely controlled by Rajasthani traders, wresting control over the economy away from indigenous communitie. And as importantly, taking re-investment away from the state itself. Further, almost no new developmental activity has been undertaken in the state to utilise available natural resources or generate employment.

Caught between their alienation and pain, and their suffering at the hands of security forces the various communities in the state are trying to articulate their needs in ways that range from the most democratic to the most militant. But it is obvious that neither the problems (nor naturally, the solutions) are matters of "law and order". There is an urgent need for the Indian State to recognise that generations of suppression of the various communities of Manipur and decades of virtual army rule in the state have taken a very heavy toll. They have affected people's livelihoods, their attitudes, and in fact, even their notion of 'normalcy of life'. It is almost as though they cannot imagine a life that is not at the barrel of a gun.

Threatened by the political, military and cultural impositions of the Indian state, the various communities in Manipur are also dealing with issues of cultural and community identity that further complicate the picture. In fact, little has been gained by such militarisation of the state. It has only served to push the people into more militant agitation, while placing civil administration and the army establishment at loggerheads. In this context, the SP of Ukhrul, Mr.A.D.Singh, said in an interview, "The army is of no assistance to us. They run a parallel administration. There is no transparency in the way they function".

And then, is the matter of excesses committed by the security forces. While there is sufficient evidence to illustrate gross violations of the human rights of the people of Manipur, there is no hope for justice until the repeal of draconian laws like the Armed Forces (Special Powers) Act that protect security personnel and *de facto* encourage such violation.

Teams: Upper Assam: Gautam Navlakha, Peoples Union for Democratic Rights, Delhi;

Madhu Bhushan, Vimochana, Bangalore

Lower Assam: Celine Suguna, Vimochana, Bangalore; V.T.Joshi, Journalist, Bhopal
North Cachar Hills: Sujata Bhadra, Association for Protection of Democratic Rights, Calcutta:

Sujata Bhadra, Association for Protection of Democratic Rights, Calcult

Sarvesh, Photo-journalist, Delhi.

#### Introduction

Assam, over the centuries, has been India's frontier, not only in the literal sense as a border state touching Myanmar, Tibet, Bhutan and Bangladesh, but also a new fertile land attracting millions of settlers from other regions of the subcontinent. The Assamese of that area, an Indo-Aryan agricultural community in the plains of the Brahmaputra valley, and the hill peoples under the control of the Ahom kings had lived independently of the rest of India until the absorption of the area into the British Raj in the nineteenth century.

The Ahoms were of Shan origin, a group which conquered the area in the 13th century and adopted the culture and religion (Hinduism) of the country they had conquered. The Ahoms married into the local Assamese community, and gradually assimilated with them. With a smooth administrative set-up and efficient system of revenue collection, the Ahoms managed to sustain their rule for about 600 years. Weak rulers and the fierce Burmese invasions in the early part of the 19th century led to the decline of the Ahom rulers. The British routed the Burmese in a series of military encounters. They were ousted out of the area and ceded all rights over Assam by the Treaty of Yandaboo in 1826. Subsequently, the Ahoms were taken over by the British, who swiftly set about exploiting the natural resources of this abundant land.

#### The Colonial Heritage Continues

The present state of Assam, with a total area of 78,438 sq km. is divided into 23 districts, and has a population of 22,414,322 persons. On the face of it, Assam seems to be no different from similar pockets of underdevelopment in other parts of the country. The floods of the Brahmaputra, India's largest river, which devastate large parts of Assam every year, symbolise the feeling of neglect of the region by the centre. This feeling is sharpened by the fact of the richness of the resources in Assam - oil, natural gas, limestone, dolomite and tea.

The hundred year old oil refinery at Digboi, is India's first oil refinery. Digboi, Duliajan and other fields in Upper Assam were later joined by new refineries at Noonmati and Bongaigaon. The petroleum resources in the state are owned and operated by Assam Oil, which is now part of Oil India Limited (OIL), Oil and Natural Gas Commission (ONGC) and other public sector undertakings. Ironically, as per the Constitution (VII Schedule), most of the country's underground resources belong to the centre. Thus, the royalty from the oil produced in Assam is essentially controlled by the centre. The industry, which has little scope for employment, remains literally a channel to drain the state of its resources.

Similarly, tea stands out as another symbol of the resource drain from the state. Assam produces about 55% of the country's tea, from 850 tea gardens owned by private and foreign capital. About 10 lakh people are employed, mostly from outside Assam. About Rs 600 crores a year is earned from foreign exchange alone. However, since both the capital investment and labour are from outside, and the profits are not enjoyed by the Assamese, there is wide spread resentment against this exploitation of natural resources.

The fact that the Indian state goes as far as using its army to protect the interests of these industrialists is illustrated by the events of November 1989. In the early hours of November 7th, the Indian army and air force were involved in airlifting top executives of Brooke Bond, Lipton and Doomdooma tea companies, following pressures from the United Liberation Front of Assam (ULFA) to donate large sums of money. The entire exercise was carried out in complete secrecy, and not even the State Government was aware till the next day, of this extraordinary decision to allow a foreign company use the Indian army. Three weeks after the tea company executives were moved out of Assam, troops moved into the Tinsukhia area as part of "Operation Bajrang", President's Rule was imposed, the ULFA and the NSCN was banned, and the entire state of Assam was declared as a "Disturbed Area".

#### Issues of Identity

The history of modern Assam is also a history of recurring tensions between different social groups within the state. In fact, the criterion to identify a social group is itself a source of controversy. Religion, ethnicity, language, nationality - have all served to make or unmake a social group. The range of demands of these social groups reflects a heterogeneity of politics. Some communities are demanding the status of scheduled tribes, others are demanding an autonomous state, while still others like the ULFA demand a sovereign state. All, however, articulate their suppressed aspirations and the threat of their identity being swamped by the dominant mainstream.

#### The Assam Movement

The All Assam Students Union (AASU) under the leadership of Prafulla Kumar Mahanta, in the early eighties spearheaded the agitation against the 'foreign nationals'. The formal demand of the movement was detection, deletion (from the voter's list) and deportation of illegal immigrants especially those from Bangladesh. In the early days of the movement, AASU led the formation of eleven parties and groups called the All Assam Gana Sangram Parishad (AAGSP). The movement became very powerful in the Brahmaputra valley, and administration and oil production soon came to a grinding halt. In 1980, first the North Kamrup district and later the entire state (except the Bengali dominated Barak Valley and Cachar) were declared as "Disturbed Areas".

Over time, the movement was directed not only against immigrants, but also against minorities - linguistic, tribal and religious. In August 1985, the Rajiv Gandhi Government signed the 'Assam Accord', subsequent to which a new regional party emerged - the Assam Gana Parishad (AGP), which emerged with a clear majority in the December 1985 elections. Prafulla Mahanta was sworn in as Chief Minister. The popularity of the AGP government waned with its land and language policies which alienated most sections of non-Assamiyas. The AGP government failed to see the state's problems in a larger perspective that embraced the communities of the valley and their special concerns. Corruption, life-styles of its leaders, arbitrariness and factionalism contibuted to people's frustration with the new regime.

#### United Liberation Front of Assam (ULFA)

The ULFA emerged in 1979, with many of its members from the AASU movement. It talked of the need for a *swadhin* (free) Assam, where 'scientific socialism' would be the way of life and where its natural resources would be exploited for the benefit of its own people. The most positive feature of the ULFA was the assertion that it stood for all the people of Assam including the immigrants, and not for the Assamese people alone. It has also been making a effort to acquire a base among the diverse communities of Assam.

ULFA's activities right from the start involved "constructive programmes" in addition to intimidation of buisinessmen and big companies to contribute funds. The organisation gained in popularity with its people-oriented schemes. Punishment of corrupt public servants included making erring teachers take part in ULFA's literacy campaigns. The campaign against liquor, bootleggers and drug peddlers earned the ULFA much public support. They also dealt stringently with those who molested women or indulged in trafficking of tribal

girls in prostitution rackets. The ULFA has also undertaken activities oriented to the agrarian economy of the Brahmaputra Valley. Many young people participated in constructing roads and embankments in many places - a long felt need in the flood-prone regions. Experimental community farms were set up in some places like Goalpara, Lakhimpur and Dhemaji. The ULFA also encouraged young men to take over the uncultivated part of large tea estates and surplus land above the ceiling level. This strategy of giving a boost to tea production from below has created as much tension for the big tea companies, as the much publicised extortions by the ULFA. Within a decade, the ULFA clearly was a force to reckon with. The ULFA was simply everywhere - its sphere of influence spreading even in the administration and police where it had an intricate network of informants. The spread also had its own fall-out: lumpenisation of its ranks, sometimes referred to as the "naqli ULFA", carring out extortions and other activities in the name of the organisation. The crackdown by the Centre began in November 1990, with the imposition of President's Rule in Assam, dismissal of the AGP Government and banning the ULFA under the Unlawful Activities (Prevention) Act, 1967 (Clause 3(i); Order S.O. 915 (t) Dt. 27.11.90). The NSCN too was declared banned by the same order. Simultaneously, "Operation Bajrang" was launched to flush out the ULFA. Thence followed large scale plunder, looting, torture, detention, murder and rape by the security forces - a situation which continues till date.

# The Immigrants

The so-called immigrants in Assam - Bengalis and/or Nepalis, have come in waves at different stages of the economic development of the state. The 1985 Accord distinguishes between two streams of illegal immigrants - those who entered between Jan. 1966 and March 1971, and the rest who came later. The first stream is to be detected with the help of a range of legislations right from the Foreigner's Act, 1946, and are to be disenfranchised. The second stream "shall be detected, deleted and expelled in accordance with the controversial Illegal Migrants (Detection by Tribunals) Act 1983 [IMDT]. The immigrants regard the procedures under this Act as safeguards, while almost all Assamiya organisations, including the AGP and AASU, see them as cumbersome and as obstacles to detection.

The linkage of the immigrant issue with the electoral politics of the state has served to obfuscate the land question. Immigrant cultivators, despite being settled for decades, have no legal status regarding land holding.

#### Tribal Movements

#### Plains Tribes

The terrain of Assam has contributed to the division of tribal groups into plains and hills tribes. The plains tribes, which do not have the status of being 'scheduled', include large groups like the Bodos, Mishings, Sonwal Kacharis, Rabhas, and smaller groups like the Lalungs, Deorias, Hojai and numerous others. Some of these are Hinduised and become part of the lower rung of Hindu social heirarchy. The plains tribes, who are largely engaged in subsistence agriculture, do not live in geographically contiguous areas. Bodos are spread in Kokrajhar, Udalguri division of Darrang, some blocks of Sonitpur and other areas. Mishings are concentrated in parts of Dhemaji, Lakhimpur and the north bank of Darrang and Sibsagar on the south bank. Rabhas are settled in Goalpara, Barpeta in lower Assam and some pockets in the south bank of Upper Assam. Tiwas are settled not only in plain areas like Nagaon, Marigaon and Kamrup but also in hill districts. The lack of geographical contiguity influences the social history of these tribal groups of the plains.

In terms of language, distinctions set these tribes apart. In their attempt to reassert their identity in recent times, some like the Bodos have adopted a Devnagri script, while others like the Mishings have opted for the Roman script. The common factor, however, is the rejection of the Assamese language and script. The younger generation of tribals has been articulating the resurgence among tribal communities in Assam. The formation of the All Assam Tribal Student's Union (AATSU) in the late seventies marks a departure point in this resurgence. Within a decade, almost every group had its own distinct representative organisation, with demands ranging from complete autonomy to demanding scheduled tribe status. Of these, the Bodo movement has been one of the most bitter and violent in the recent history of Assam.

Divisions between the Assamese and the Bodos became apparent in the thirties, when Bodo delegations met the Simon Commission to press for recognition as a separate entity from the Assamese mainstream. The All Bodo Student's Union (ABSU), though launched in 1967, emerged twenty years later as a force to contend with under its dynamic leader the late Upendranath Brahma. It has been at the forefront of the demand for a separate state. The sense of deprivation was more marked in the 1980's, heightened as it was by the failure of the AGP government to do anything for the Bodos.

The Bodo movement is intrinsically linked with the power struggle between the Congress(I) and the AGP. Congress(I) appears to have provided tacit support to the movement, and AGP sources allege that the Government intelligence wing, RAW was involved in attempts to destabilise the AGP Government through the Bodo struggle. With the death of Upendranath Brahma in 1990, the movement seemed to be slipping out of the hold of the ABSU, and in 1993, it reluctantly accepted a watered-down autonomy package in the form of the Bodo Accord.

Meantime, in the mid-'80s, a far more militant group, the Bodo Security Force (BdSF) had emerged, headed by Ranjan Daimari. The BdSF, now called the Bodoland Army, along with its political wing, the National Democratic Front of Bodoland (NDFB) is spearheading the movement for an independent Bodo nation. The Peoples' Democratic Front (PDF), formed in early 1996, headed by Rabiram Brahma, started off with the demand for the creation of a separate state, but has now accepted the Bodoland Autonomous Council envisaged under the Bodo Accord. The newest militant group on the scene is the Bodoland Liberation Tigers (BLT) which is fighting for a separate state within the Indian Union. The BLT has accepted responsibility for the railway and road bridge blasts in December 1996.

# Hill Tribes

The position of hill tribes is slightly different, in that they are more homogenous and live in geographically contiguous areas. Both the hill districts - Karbi Anglong and North Cachar Hills are notified as Autonomous Districts under the VI Schedule of the Constitution.

The Autonomous State Demand Council (ASDC) formed in 1986, is demanding a separate state for the Karbis. State repression inevitably followed the emergence of this agitation. Normal democratic activities lay suspended as parts of the district, including Diphu, the headquarters, were declared as "disturbed areas' under the Assam Disturbed Area Act, 1955.

# Tea Garden Labourers

The labourers of tea estates and their descendents constitute a unique group in the state. Almost all these plantation labourers, right from the establishment of the first company in 1845 were brought from outside as indentured labour. Originally, they were Santhals, Mundas, Oraons among others. Although they have now been settled for generations, they remain on the periphery of Assamese society. In recent times, apart from their economic struggles, the tea garden labourers (baganiyas), estimated to be about 2 million, are emerging as a strong ethnic group. They are now called Chai Janjatiya (Tea Tribes) and are demanding a Scheduled Tribe status.

#### <u>UPPER ASSAM</u>

#### Background

When the entire state of Assam was notified as a Disturbed Area in November 1990, it was the sixth time that the whole or part of Assam was declared as Disturbed Area. However, unlike earlier times when the Act was withdrawn after maximum of 18 months, this was the seventh year of continuous operation of the

Armed Forces(Special Powers) Act. It is true that "Operation Rhino" was suspended in April 1993 but within days of the killing of a Congress (I) candidate, Mr.Binu Chetia on April 25, 1995 in Margherita (district Tinsukhia) and the killing of Assam's minister for Rural Development, Mr. Nagen Neog on the following May 5th at Singorijan (district Golaghat) allegedly by ULFA, the army re-launched "Operation Rhino" on May 7, 1995. It is significant that army detachments were already deployed in four Bodo inhabited districts of lower Assam (northern banks of Brahmaputra) since April 1. But with the relaunching of Operation Rhino, the army fanned out into the five districts of Upper Assam (Golaghat, Sibsagar, Dibrugarh, Nagaon and Tinsukhia). Interestingly in 1990-91 the main area of army operations was Upper Assam which was considered the stronghold of ULFA. By 1993 the State Government had declared that army had "restored peace". However, the relaunching of army operations within three years implies that the army succeeded only in weakening the ULFA, and was unable to end militancy.

# Highandedness of Security Forces

Most people complained about the atrocities and the highhanded behaviour of the armed forces personnel during earlier operations. The taxi driver who drove us to Itanagar spoke vehemently of the "bahut bura kaam" (bad deeds) of the Punjab commandos. A lawyer who was defending many detenus in 1991 said, "At that time the army behaved with us like foreigners". In fact, most people referred to the soldiers questioning them in Hindi. Their own inability to converse in Hindi had made them doubly vulnerable to the so-called third degree methods of interrogation. All the eleven All Assam Students Union (AASU) members we met during our stay in Dibrugarh recounted how they were picked up by the army, taken to interrogation centres, tortured, and then released. Charge-sheets were not filed against any of them.

We were told about the so called SULFA, i.e members of ULFA who surrendered, who were allowed to retain their weapons, provided with money and cars by the government. The Maruti Esteem without number plates is said to be the favorite of the SULFA. We were unable to verify this. But this was repeated in a matter of fact style by all who spoke to us. Street talk is that SULFA operates as counter-'insurgency' force and are accused of extortion and killings. Infact during the period when army operations were suspended, SULFA became active and accusations against them mounted.

The records of cases between 1990-95 at the prosecutors office at Dibrugarh reveals that the bulk of those chargesheeted were between 1992 and '93. Out of the 19 cases, 16 were booked under Section 121 (Waging war against the State) and Sec.121 (A) (Conspiracy) of IPC. Most accused were held under TADA. No cases were filed in 1994 and only three cases were booked in 1995. In the 16 cases filed during 1992-93, 36 persons were indicted. Whereas in the three cases filed in 1995, 26 persons were indicted. Significantly, cases chargesheeted in 1995 did not invoke TADA by implicating the persons in cases prior to May 1995. This is despite the fact that they were charged among other things under Sec 121 of IPC. The other interesting thing is that all the accused were released on bail by the designated court in Guwahati. However, travelling around in April we saw no visible indications of the state being under Armed Forces (Special Powers) Act or the violence that the people were exposed to. Only once while we were returning from Khonsa at Naharkatiya we saw army deployed. Our vehicle was stopped and a jawan looked at us and then waved us to move on. But the surface calm remains deceptive. The re-launching of Operation Rhino confirms this.

## Dibrugarh District

The two districts of Tinsukhia and Dibrugarh are the highest revenue earning areas for the Assam State Government. Although they are connected by air and rail, the former is known more for cancelled flights and the latter for the long slow journey. A distance of 450 kms between Guwahati and Dibrugarh takes between 24-36 hrs because the rail line links the tea gardens and takes a round about route. If one wants to travel from Dibrugarh to North Lakhimpur the journey takes 7-8 hrs. Had there been a bridge across Brahmaputra in Upper Assam it would not take more than 2 hrs. Other signs of neglect abound. For instance the loss due to floods every year is estimated to be Rs. 70 crores. Cumulative loss over 50 years comes to Rs. 3,500 crores. If to this is added poor harnessing of water for irrigation and power there is a substantial loss suffered

by Assam. Approximately 15% of the land is irrigated and the rest is rain-fed. While malnutrition and starvation are absent, agriculture remains backward.

We had travelled by road and train—all the way from Itanagar to Khonsa, headquarters of Tirap district, in Arunachal Pradesh a distance of about 800 kms. We drove across Upper Assam and crossed the Brahmaputra near Tezpur. On our travel to and from Khonsa we passed areas which account for bulk of the tea gardens in Assam and the main oil bearing areas such as Digboi, Duliajan, Naharkatiya etc.

We were taken by some AASU activists to an election meeting in a village outside Dibrugarh. Village Notun Bolai is located 28 kms west of Dibrugarh. About 25 kms on NH 37 just before crossing the bridge over river Burhi Dilung there is a kuchha road on the left. The road is actually the surface of the mud embankment built some years back to control flood waters during monsoons. Every now and then we got down from the car to give it a push. The meeting was held in a high school, a private institution Bolai Jana Jatiya High School, which caters to a cluster of nine villages. There are altogether 250 families who live here. About 20% own less than one bigha, 40% between 1-5 bighas and another 40% more than 5 bighas, but none more than 14bighas. (One Bigha = 1100 sq mtr.) Villagers say that no more than 50% of the land has been surveyed and for which records exist. Land revenue is Rs. 1.50 per bigha. Rice, mustard, potato and cabbage are cultivated. None of the elders of the village have noticed any major change in their area brought about by the development work undertaken by the government. Most of it is due to their own hard work. They point to the embankment which has been breached in several places by the flood. A health sub-centre was set up without a nurse, compounder or doctor. The nearest doctor lived in Dibrugarh. Their demands from political parties was simple; a pucca road, functioning health centre and better schools. Strangely not one of them spoke about improvement of agricultural yields through supply of power, irrigation, fertilizer, credit etc. When we asked about flood and the damage it causes one old man said that the embankment is no good because it has resulted in lowering rice yield. There were others who said that it would certainly help improve life if flooding was reduced and water better used. But then they laughed and said we do not want it to become like the health sub-centre.

While people we spoke to did not appear too enthusiastic about the election, which may have been on account of it being the sowing season, but everybody still nursed memories of police and army repression. The belief is that change in government will bring peace. "Now there is still ashanti because of the foreigners and ULFA" said an old woman. Although there was a deliberate silence on support being given by the villagers to the ULFA, women were vocal about their anger against police and army violence. Collective action has been strong in protecting their sons. "One year back in April the police came to the village and took away 5 boys and kept them for two days. All of us women got together, did dharna in front of their station and brought them back. Their legs and hands were swollen from the beatings". But there was general consensus that the presence of the army and police had reduced over the past couple of years. Returning, we took the backroads through the forest. Where the forest ends, the tea garden begins.

#### Tea Gardens

Between 30-35% of the most fertile land in Assam is under 850 tea plantations spread over 4,50,000 acres. Tea gardens pay a tea cess of no more than Rs. 3-4 per bigha depending upon their production. Thus whereas they paid a Tea cess of Rs. 100 crores in 1991-92 it declined to Rs. 40 crores in 92-93. Most of the tea garden workers live inside the gardens and no more than 30 % are permanent employees. The rest are contract workers who are entitled to none of the benefits in the form of housing, medical, education etc.

The oil industry pays the state a revenue of Rs. 35-40 crores in the form of royalty. There is no development of ancillary industries in Assam. Refineries at Noonmati and Bongaigaon are the result of the Assam Movement. Significantly, at a conservative estimate, Rs. 30 lakh worth of natural gas is burnt everyday because it was found cheaper to burn it rather than carry it through pipeline all the way to the plains of mainland India. While a decision was taken to set up a gas cracker plant in Assam, no progress has been made and it remains a distant dream. Assam derives little benefit from this natural resource either in the form of royalty or industrialization which could go some way in easing un-employment in the state.

On appearance Assam provides a classic instance of a periphery which provides scarce resources and brings economic benefit for mainland. Against this background, if the previous experience of army operations (See PUDR's Restless Frontier, 1991) is a pointer, we fear that since the conditions that first led to the emergence of ULFA persist, recourse to military methods will result in an aggravation of the problem. It was obvious that the entire region is geting militarized. The Government makes its presence felt through the ubiquitous and unnecessary presence of 'black cats' parading around with their black hoods and guns. They carry no name tags, travel in un-registered cars and their index fingers tensely grip the trigger. The ominous presence of the army remains although they were not cracking down, probably because it was election time and Government could not afford to antagonise voters.

We were constantly reminded by those we spoke to privately as well as by public speeches that the problem of 'insurgency' required political response and was not a law and order issue to be dealt with by the military. It was not that these ordinary people or even the political parties were supporters of or sympathized with the ULFA. It was widespread perception that 'insurgency' cannot be solved by recourse to military means and that arbitrary powers given to armed forces results in generalized repression in which no one is spared.

# B. LOWER ASSAM

# Darrang District

The visit coincided with the general elections overshadowed by the illness and demise of the Assam Chief Minister, Hiteshwar Saikia. In the course of our two day visit to Udalguri and nearby areas beyond Mangaldoi, the district headquarters, and not far from the Bhutan border, we had opportunity to talk, on the one hand, with those actively associated with the Bodo movement, candidates of the People's Democratic Organisation (PDF) contesting the elections, teachers of the local school, clergy of the Church besides members of a few families. And, on the other hand, with the local police chief, Ram Prasad Meena, BSF personnel etc.

#### Background

Darrang is one of the districts worst affected by militarisation. It is a region where the Bodo underground movement is most active. The other active areas are parts of Kokrajhar, Bongaigaon, Barpeta, Nalbari and Kamrup. The overall feelings of the people in Darrang district was that Saikia's Government was the most corrupt Government which has ruined the culture of many ethnic groups and has created an insecure future for many peoples in Assam. The Government has failed the people and is terrorising people with its army. This feeling came strongly from people of all classes, whether urban, rural, educated, and the illiterate. Except for a marginal support which he has created for himself no one seemed to want Saikia's Government. Saikia, it was obvious, was the most hated political person in this part of Assam.

From talking to different people we came to know that the Government created 7% reservation for tribals. There are five different tribes including the Bodos. According to some of them, the total tribal population in Assam was nearly 40%. The Government had promised better education facilities, jobs, better economic programmes to improve the conditions of the tribal people. But it was all in theory. The Bodos were forced to declare their religion as Hinduism. They rejected Assamese script as they considered it a sign of domination.

## The Bodo Agitation

52.

Rabiram Brahma, President, Peoples' Democratic Front (PDF) provided a context to understand the present struggle of the Bodos. "The Bodos were a royal clan. The British, like they did with many royal clans, took away all the riches and later during independence declared them as tribals. Subsequently, the State Government gave them 7% reservation in jobs, education, scholarship etc. for their development. There has been continuous violations of the rights of the Bodo community. They were forced to give up their original identity and become

what the government wants them to be. The Bodos have their own religion, language, culture, way of life, tradition, work. Today everything, including language, is forced on them. They are forced to write their religion as Hinduism, though most of them are Christian. Many have been converted today to different religions."

"In 1967, the Bodos demanded a Union Territory in the name of Udyanchal Plains Tribal Council of Ahom (PTCA). Though the government has declared Bodos as tribals, there are Bodos living in other parts who are not considered as tribals. The government lets immigrants from Bangladesh to settle in Bodoland creating problems of ownership of land. The Government is using the Bangladesh migrants as a vote bank and to fight with Bodos on many issues."

According to Mr Brahma, "The land of the Bodos is also being taken away by others. The Government is not bothered that the natural resources of Assam are being exploited by people coming from outside." They seemed to resent the presence of Bangladeshi refugees who have become vote banks for political parties. The Bangladeshi refugees have been given ownership of land which the Bodos claimed as their own.

## Militarisation: A way of Life

The Army was brought in to deal with Bodo 'insurgency', and particularly targeted the Bodo Security Force. At times as many as six different military and para military forces - the Assam police, Assam Rifles, Border Security Force, Army, Punjab Commandos and Black Panthers were operating in Assam. The Government is obviously following a policy of terrorising the ordinary people through such a heavy deployment. When we were travelling we ourselves felt unconfortable about heavy and oppressive presence of the police and paramilitary forces. Our car was stopped many times, questions were asked and only then were we allowed to proceed. This is a regular pattern. For every few steps there were uniformed men with guns pointing at people on both sides of the road. In the market places there were the members of the Special Task Force(STF) dressed in black with a scarf tied on their head and another tied around their nose and mouth exposing only their eyes pointing their guns at the passers by. At busy market crossings one had to bend one's neck or body to avoid the pointed guns like one would avoid a basket or a bag or a pole being carried in busy street.

While we were travelling, a Maruti Gypsy carrying uniformed men holding guns pointed towards the road in different directions overtook us. Anzalee Daimari of the All Bodo Women's Justice Forum who was accompanying us looked at the vehicle and commented, "They are taking some one for questioning". She mentioned that she saw a man lying down in the back of the Gypsy with his legs bent and a plaster on his mouth. We were surprised to hear that because it was a very busy public road.

After a while we stopped for lunch. Our car was parked just behind the Gypsy. They too had also stopped for lunch at Mangaldoi. And yes, there was this man, his hands were tied behind his back and his mouth was sealed with a patch of sticking plaster. His captors had gone to eat lunch. It did not seem to disturb any local person who saw this man tied up like this. It seemed that such happenings were normal and regular in Mangaldoi. The fact, that these things have become a part of the daily life of common people living there was the most blood chilling experience for us.

## Udalguri

At Udalguri we visited several villages. We met people who were direct victims of police and army atrocities. The common people there were tortured both mentally and physically by the police and the army. The Bodo Security Force was active in Kokrajhar, Neilbow and Kamrup. The army, obviously was desperate to finish off the Bodo Security Force. But a majority of the people seemed to be in favour of them although some expressed their opposition to armed struggle. In one incident as reported to us, there were a few people distilling liquor and selling it. The people selling the liquor were warned to stop immediately by the Bodo Security Force. Drinking is considered as an evil by the Bodos. All the people knew about this warning. But these people continued to visit the weekly market to sell the liquor. Two or three warnings were given by the Bodo Security Force which were not heeded. So the Bodo Security Force one day went to the market and shot them. Nobody apparently sympathised with the victims as everybody felt that it was the right action.

We repeatedly heard from different people how the army operated. Most of their operations were at midnight or during early hours of the morning between 3 to 4 A.M. They came knocking at the doors and ordered the people to come out, searched the house, took things, questioned people if they knew anyone in the terrorist gangs etc. They would ask if the leader or a member of Bodo Security Force was related to them. If people denied having any relation they would be accused of telling a lie. The army personnel would then beat them up. Someone's name would be mentioned and the people asked whether they knew him? They were supposed to answer yes or no. They were not allowed to explain or talk. The Army kept them without food for a few days and then they would be sent back. There was no principle or criteria in the army's picking up of people and taking them for questioning and torture.

We were also told of how the army men came one night knocked at the door and woke up the people sleeping inside. They wore black dress and had tied their face with scarf covering one eye. They had brought with them one man whose face was also fully covered. They called the man of the house and asked him. "Is your name Gohain?" He said, "Yes". The army asked, "Did you receive any bag or shawl the other day?" Gohain said, "No. I received nothing." Then the man with covered face said loudly, "I came and left a bag and shawl in this man's house two days back. He is lying by saying no." Then the man was dragged back. Other army men came and took Gohain, tortured him, accusing him of receiving things for Bodo Security Force and hiding information.

#### Sexual Harassment of Minors: Swept under the Carpet

When we were at Udalguri we heard that one girl aged about 13 years was raped. The next day as we were passing the DSP's office we decided to meet him. After waiting for sometime the SP, Mr.RP Meena, agreed to meet us. When asked about the incident of rape, he denied it and said it must be the work of Bodo Security Force to create such rumours to spoil the reputation of the army personnel. He said rape is considered as a very serious crime among the local people. Hence no one would dare attempt any such thing. He said he had not received any complaint. He informed us that on that particular morning Border Security Force recovered 19 electric detonators from the same village. He even offered to show us the detonators.

Both Mr.Meena and his colleagues strongly refuted allegations of atrocities and excesses committed by the police and the para military forces in dealing with an admittedly difficult situation. In a significant remark the police chief said if the bewildering variety of atrocities and excesses were really perpetrated by the security forces as alleged there would not be any 'insurgency' problem at all. Implying that the underground movement could have been easily crushed if the security forces had a free hand in dealing with the situation.

On our way back to Guwahati, we decided to visit the village where the incident of rape was supposed to have taken place. As we reached the village, many women and children and few men came towards us. The women in the house started explaining how the police came at four in the morning and created havoc. Within ten minutes of our entering the house we heard the sound of vehicles. A few women went to find out who they were. They came back running, gesturing with their hand to the children to go away. All the children disappeared within seconds. Hardly anyone remained. We heard one woman saying "Police are coming". Within minutes some twenty security personnel with guns came and surrounded the house. They included senior officers from Assam Police, Border Security Force and Intelligence. They wanted to find out what had happened. They called Anzalee Daimari to come aside as they wanted to talk to her She refused and told them to question her where she was - which they then proceeded to do.

Two pathetic looking WPC's stood in one corner. The victim very disturbed, was sitting with her head down. The behaviour of the army was atrociously casual and highly intimidating. Anzalee then spoke to the girl and found that although there was no rape - her sister-in-law entered the room just in time - but there definitely was molestation. When Anzalee said this to us the reaction of the police was, "Well nothing has happened here,". This very clearly shows the lack of understanding our security forces have regarding the agony women go through due to sexual harassment. For them molestation means nothing and especially when it is done by their own men.

If rape is ugly the manner of its investigation by the Udalguri police was uglier. In the first place they had no business to arrive on the scene with such a menacing show of strength apparently in a bid to scare the poor

victims and the villagers into denying the allegations. Secondly a senior woman police officer, who could talk to the victim in quiet confidence, should have led the investigation into a sensitive matter like rape or molestation. She should have been accompanied by just about a handful of plainclothesmen (or rather women) and not by a large contingent of armed men.

However, all this if the police were really serious about finding out the truth. Which did not seem to be always the case. Right from the beginning, senior officers on the spot seemed to be dragging their feet, extremely casual and light hearted, pointing out in hushed tones or apparent anxiety that the culprit would face court martial and lose his career. It would "demoralise" the security forces. The investigators showed not even a trace of concern for the morale of the victims and the people they were supposed to protect. They appeared to be at pains to do little about the complaint and gloss over it. They invented the discovery of the detonators in the neighbourhood as a "cover up" for the misconduct.

We asked one of the senior police officers of the rank of circle inspector if they hoped to get at the truth by frightening the teenaged victim and her relatives through such a show of strength. He did appreciate the point but indicated that the police and para military force prefer to move in strength and in large groups in the disturbed areas because of the fear of ambush and sudden attacks by the underground militants. He certainly had a point in his argument. Even so it should be possible to conduct sensitive investigations while taking care to keep the force in hiding at a safe distance and not to make its ugly presence so blatantly conspicuous.

# This incident raised many issues:

- The District Superintendent of Police (DSP) had claimed that he did not know about the incident. Yet
  a senior officer of the Border Security Force told us he had visited the village around 11 A.M. to meet
  the girl and her parents to find out about the details of the allegation of rape.
- 2. Do we need 20 armed men police in four gypsies and a big police van to investigate an allegation of rape?
- 3. None of the intelligence officers seriously spoke to the victim. So what was the investigation all about?
- 4. How seriously is the crime of molestation seen in the context of their overwhelming concern with ambush, attacks and other incidents?
- If it is true that 19 detonators were enough to finish a whole village why was no one arrested. The DSP said it was a deserted house in which the detonators were found. However, when we visited the house two hours later it was occupied.
- 6. How does one know of any other women victims who have been silenced.

# Testimonies of Local People

# 1. Rev. Santosh Daimari, Executive Secretary - The Baptist Church, Udalguri

At the time we visited the village they were having a prayer conference for which participants from other countries like Thailand, Philippines and America had come. They also had participants from other parts of the country. The prayer meeting was for 'World Peace'. From what we noticed this programme had attracted many youth, both girls and boys apart from other members of the family. It seemed to us like it was a community programme. There was not much room in the houses as each house had a few guests who had come for the prayer conference.

Rev. Santosh Daimari told us that there was a lot of harassment caused by the police and army personnel to many people in his district. He narrated to us his experience with the police. On 27th December 1994 police came to his house looking for him. At that time he was not at his residence, so the police questioned his wife. When he returned, he came to know that the police were looking for him. He also learnt that three of his colleagues (from church) were already at the police station to find out why they came looking for him. (At this point he said: we have nothing to fear for we have not done anything wrong).

At the police station they were questioned. Same questions were repeated many times. The police suspected them to be terrorists. They tried to tell the police that they had nothing to do with politics and were only serving God and were full time involved with the church. But the police did not believe him. He was detained for 2 days at the station. The reason for this - there was a motorcycle stolen by someone and it was left behind the church compound. So the police thought that these people were involved in the theft.

# 2. **Rev. Puhar Daimari**, Regional Secretary at Baptist Church for six districts: 4 in Assam and 2 in Arunachal Pradesh.

His experience with police: Rev. Puhar Daimari was to go to Bangkok to attend a programme of the Church Council during November 1995. On 25th November 1995 he was asked by Intelligence Office at Guwahati to submit his passport. He informed them that it was with the travel agency for visa purposes. But they did not believe him. His house was searched. The next day the SDPO came and searched the house again, and this time they took away some correspondence files and papers. He was taken to the Police station and made to wait for the whole day. Finally the police came to him at 8 p.m. and questioned him till 2 a.m. He was then asked to leave and come again the next day at 8 a.m. So, he came home and again early in the morning he went to the Police station. They made him wait till 12 noon and sent him back.

After two days they went after his wife. She is the Principal in Baptist School. They went to the school and questioned her as to where her office room was. Every one knows that there is no office room at the school. She was working from home. They came to the house and searched again. This time they took away many photographs of Rev. Puhar Daimari who studied for one year in U.S.A. and had photographs taken there with friends. They questioned his wife about how many brothers he had. They asked her whether the president of Bodo Security Force was related to their family.

They made her tell the whole life history of her husband. They insisted that Rev. Puhar Daimari and his wife say things which they had no idea of. They wanted to know the names, activities and details of Bodo activists. The pattern was the police will ask questions giving name and other details and there people will only have to say yes or no .... which answered either way leaves room for lot of doubt!

#### 3. Mr. Prasad Deuri, Peoples' Democratic Front (PDF) candidate contesting from Narainpur - Borduri Gaon.

We met him at the Peoples' Democratic Front office in Udalguri. He has been in politics since his school days. From 1979 he started with the All Assam Student Union. Last time he contested from the United Resistance Movement Council of Assam (URMCA). When asked why he is contesting as PDF candidate, he said he is convinced that PDF really wants to work for the people and is very democratic in its structure.

He adds that many people understand today the injustice done to them. The PDF works with the people. They know the people personally. PDF does not canvas just with loud speakers and posters but goes and meets people personally and explains to them the PDF agenda. For him as an activist, struggle is their path and there will be no compromises. He says that the older people who were hesitant earlier are today supporting the movement. According to him during the British rule there were many sub-sections who had their own royal communities. But after independence, they were forced to merge as one tribal society.

#### 4. Dr. Debukanta Rameshiari, contesting as Peoples' Democratic Front (PDF) candidate from Udalguri.

A medical doctor by profession, he is convinced that through the Peoples' Democratic Front he will be able to bring some peace to the suffering people in his district. He felt he was sure to win the elections. Asked what made him so sure he said there were other candidates who filed their nominations but withdrew in support of PDF. Asked whether they were threatened to withdraw their nominations he said that it is a rumour. These people withdrew because they knew that PDF had majority support and they did not have a chance to win. According to him the police and army barge into the residence of innocent people and conduct searches and question people. It is a continuous harassment in the area.

His recent experience with police: After filing his papers he informed the Deputy Superintendent of Police. He also requested the police for protection including security at his residence. Nothing has been done in

response to the request. Just few days ago the police had raided his house. He was out campaigning and his wife was alone in the house. They questioned the wife and tried to intimidate her.

He is angry. "Who do I go and question? I had asked for protection and this same police are raiding my house". When he called the police and asked them what happened to the police protection, police said to him, "You have every one's support. You don't need any police protection". He feels that police are so biased - that even if he wins this election, the police will accuse him of having underground help and that is how he won!

He adds, "This is how cynical the police are. Though we are campaigning in every village and talking to each family, convincing them about our democratic struggle the police are always suspicious. This leads us nowhere - only mistrust and unpleasant events follow..."

5. **Mr. Laheswar**, Teacher - Lal Bahadur Shastri High School and **Mr. Madhav Chandra Narzari,** Advocate, Udalguri.

They said that government identified five different communities and recognised them as tribals. They are Raba, Mishing, Lalung, Bodo and Karbi. The government reserved land for these tribals living in villages. But the government has not implemented any of the schemes meant for the uplift of the Bodos. Bodos are fighting with the government on this issue.

On paper the government has all these programmes. In reality it is only people with money who get these benefits by bribing officials. The officials are very corrupt and what they say becomes law. Whether it is land or job, it is the same. For example there was this youth in the village who got a first class in his degree examination and applied for a job. But he did not get the job. The officer was asking him to give about Rs.20,000.

The boy's parents sold their land and gave the money to the officer. The officer was transferred and the youth neither got the job nor got his money back. He was haunted at home for selling the land and not having the job. This fellow went and joined the Bodo Security Force.

There are many such incidents. The government's inefficiency and the frustrations of people leads many people to revolt and fight against the government. There are so many brilliant students who could otherwise have served the country.

# C. NORTH CACHAR HILLS

The team visited N.C. Hill areas including some areas of Haflong and met a cross section of people including victims of army atrocities and their families. We also met members of political parties like Cong(I), Autonomous State Demand Committee (ASDC), women activists and president of N.C. Hills Women's Organisation Ms. Lalremaiani Ngamlal, Mlima Thaosen, General Secretary of Dimasa Women Society, leading members of N.C. Hills Student Federation and Kuki Students Organisation, Dimasa Students Union, Mr. Jayanto Rongpi, MP and local journalists.

#### Background

The area (including Karbi Anglong which we could not visit) is a tribal dominated zone. Major tribes include Dimasa, Jema, Hmar, Kuki and a large number of Nagas. According to the 1991 census, the Dimasa tribe is the largest, numbering about 40,000 while the population of Jemas is 20,000, Hmars 15,000 and Kukis 14,000. Apart from these, there are other ethnic groups comprising Rengmas, Tiwas, Thadous, Garos, Man-Tais, Nongtung-Khareangs, Khasis, Jaintias, Bodos, Zeliangrong Nagas, Baites, Hrangkhawls, and scores of other minority tribes including Manipuris and adivasis from central India. There are also several Bengali families living in the area.

Since 1986, the movement for an autonomous state gained strength and the support of the people at the grassroots level. The slogan was, "No autonomous state, No rest". The movement under the leadership of the Autonomous State Demand Committee (ASDC) has been able to forge unity among various political and ethnic forces to achieve "real autonomy and democracy in Karbi Anglong and North Cachar (NC) Hills". Subsequently, the Tribal Peoples' Front (TPF) was formed in 1992. The aspirations of the people are well reflected in the fact that in the 1989 local election, ASDC captured the Autonomous Council of Karbi Anglong by ousting Cong (I) from power.

Economically the area is extremely backward. In the N.C. Hill areas the movement has its own distinct features:

- 1. The movement is a combination of various factors, failures of different political parties to represent the socio-political, economic and cultural aspirations of diverse ethnic communities.
- 2. As a result, each ethnic group is organising itself in order to preserve and protect indigenous culture and identity. For example:
  - i) ASDC with the demand for separate state
  - ii) Mishing Mimang Kebang (MMK) peoples' movement for their rights to autonomy with clear-cut boundaries under Constitutional provisions
  - iii) In the hill district of Assam, Karbis/Garos of the plains, Tiwas/Tea tribes and Bodos raised the demand for "Scheduled" status, about which the government is silent
  - iv) The demands of the Nepali people under the initiative of Nepali Suraksha Parishad:
    - a) amendment of Article 6 and 7 of Indo-Nepal Treaty
    - b) provision of nomination of Nepali representative to the parliament
    - c) reservation of seats in the proposed Legislative Council of Assam and
    - d) constitutional provision for recognition of Nepalis as a special protected community.

These movements have achieved some of their demands, for instance, in April, 1995 a Memorandum of Understanding (MOU) relating to fullest and effective autonomy, was signed between the Government of India and these organisations. Accordingly, a Constitution Amendment Bill has been passed. But the state government, as some of these organisations complained to the team, has be en deliberately creating all possible obstacles to implement the MOU. Some movements in order to achieve statehood, having lost faith in peaceful means, have been pushed into taking up arms and go underground. These include Dimasa NSF, Dima Halam Daogah (DHD) and Bodo underground outfits.

# Government Reactions

58.

Instead of responding in a democratic manner to the demands of autonomy, statehood, self governance, economic backwardness and cultural rights, the central and state governments have shown total insensitivity and indifference to the people of north east India. The policy of military crackdown continues. Para-military forces like Rashtriya Rifles, CRPF and Assam Rifles are operating in the region with full powers to crush all political dissent. This military response to political movements has proved totally counter productive particularly in the light of the fact that most of these para-military forces have behaved in a rather uncivilized manner with the common peoples of these areas.

In the early '90s, battalions of Punjab Police were deployed. During their stay, they looted the shops, assaulted protesting people and molested the local women in open market places. They used abusive and filthy language. After several complaints the Punjab Police were withdrawn in 1992.

At present, security forces are deployed in Halflong, Umrangsoa, Harangazo, Maibang, Monea and other places. The Armed Forces (Special) Powers Act is in operation. The investigating team received several complaints of army torture, ill-treatment, rape and sexual harassment of women.

It was evident that the presence of army camps in and around villages is a constant and perennial source of fear and insecurity in the minds of local inhabitants. The copies of testimonies of victims, received by the team in the form of petitions, memoranda and mass petitions reveal the serious nature of army torture, gender based oppression, illegal detention, disappearances and death. A few examples are given below:

# 1. Rape of Minor Girl

On 23rd Nov '95 at around 1.30 p.m. when three girls of village Amlangbra, namely (1) Miss Dipali Nunisa, 14 years. D/o. Sri Losojoy Nunisa, a student of class V in Thanalambra M.E. School, (2) Miss Archana Nunisa 14 years D/o Late Solochandra Nunisa, a student of Class VI in Thanalambra M.E. School, (3) Miss Polja Nunisa, 17 years D/o. Sri Jamensing Nunisa were returning home from Thamalambra, two Army personnel of Dihangi/Gunjung Camp on duty suddenly came across the three minor girls on the main road (Haflong-Dihangi) in between Thanalambra and the approach road to Amlangbra. They asked the girls to stop as if for checking their belongings. As soon as the checking was over, the two army personnel once again asked them to go downhill from the main road. When they refused to do so, the two men dragged them about 50 to 60 feet away from the road to a downhill forest at gun point. Seeing their attackers behaviour and ferocious looks, the girls began to shout and cry at the top of their voices. Even then, they were not freed. Instead, the two Jawans pointing their guns, ordered the three girls to take off their clothes. To oppose their order, the girls had to wrestle with the army men helplessly for about 15-20 minutes time. One of the girls, Miss Archana Nunisa was forcibly undressed by one of the army men and then raped.

Due to these terrorising activities of army personnel camped at Dihangi/Gunjung, the life of the inhabitants of Thanalambra area is jeopardised. Woman have stopped going to their to jhum fields, market place and customary gatherings. Young girls have stopped going to schools since the incident occurred. The people of the villages such as Thanalambra, Amlangbra, Lamadisa, Thaijupang, Dhersi, Thaisiling Hawar, Longmaisa Dikreng, Gajo, Thaimodoling, Maibangsa, Gunjung and Dihangi etc. and other road-side villages feel insecure these days. Most of the girl students of the schools at Thanalambra coming from the nearby villages have been abstaining from their classes till today because of such incidents.

The villagers, in several petitions have urged the authorities to take necessary steps for immediate Judicial enquiry into the incidents and award stern punishment to the two army personnel responsible for the molestation and rape, and also award compensation to the victims. They also demanded immediate withdrawal of army camps from Gungung and Dihangi so that the people there are secure and free from these incidents.

#### Attempt to Rape

Three women of Nablaidisa village were going to their Jhums when two army personnel of Nablaidisa camp attempted to rape them. But the women managed to escape by raising a hue and cry. Later, accompanied by the Gaon Bura of the village Sri Paresh Nunisa, Mouzadar Sri Rupsing Daolagupu and Ori Nehru Langthasa, the women went to the camp of RR and identified one of the culprits in front of the Camp-in-Charge.

# 3. Illegal Detention

i) On June 23, 1995 at 3 am, Manoj Hijai of Purana Maibang of N.C. Hills was taken away by Rashtriya Rifles (RR) personnel from his residence. RR says that they did not take him. State Intelligence Bureau (SIB) enquired into the complaint and found that RR had taken away Manoj Hijai on June 23, 1993 at 3 a.m. As per the SIB report, Mr. Manoj Hijai was released by RR in jungle. He remains missing till date.

ii) Mrs. Lamnem Doungel (24 years) mother of three children wife of Kamkholen Hamping, resident of village Songpijang, Halflong was taken away in 1995 by two Jawans of Punjab Police. Still Missing.

# 4. Torture by Army

Arrested by Rashtriya Rifles (RR). Mr. Lenlam Lenthang 28 years of Village Pangmoul Mahur N.C. Hills in June '95 was kept in Halflong Jail for 9 uays where he was beaten up mercilessly. Later he was sent to Central Jail. He was released on a bail bond of Rs. 30,000/-. His case was completed recently.

#### 5. Custodial Death

Mr. Kaisat Lhourum and Latngul Doungel were arrested by RR on the allegation that they were transporting arms and ammunition. A TADA case was filed against them. They were tortured and given electric shock. Both nearly died in the middle of 1995. They belong to village Song Bung.

# 6. Indiscriminatory Pick-Up

Mr. Seilen Doungel and two other persons were arrested by RR in early 1995 at Kephre Bazaar N.C. Hills. The RR personnel led them to Maibang in N.C. Hills naked and blind folded. They were planning to shoot them as they suspected them to be NSCN (I-M) activists. Luckily one of the RR personnel who had visited their village (Taijal) earlier was able to recognise them. The lives of the three persons were saved at his intervention. They were later released on bail at the intervention of the Kuki leaders from Maibang Police Station.

Following are some examples of atrocities committed by the army and security force personnel on innocent villagers in the past few months:

- 19th January, 95: Sri Gisimdae Jehari, Gaonbura of village Digandu-1 (Diyungbra) died following inhuman torture by the Punjab police commando in their camp at Umrangse. Three others released along with the unfortunate Goanbura were maimed for life.
- On 21st February, 95: Assam Rifles personnel forcibly entered the house of one Mayasing Daelagupu
  at 10:45 pm, woke him up and tortured him. His wife and 7 year old daughter were also not spared.
  The handicapped girl died next morning.
- 3. 4-8 May, '95: Personnel of Rastriya Rifles (RR) detained the entire population of the village of Thengikro in Khepre area under Maibang PS. All male members were detained in the grounds below a community hall built on stilts. The area was full of human and animal excreta. Even the female members who were detained in the upper floor were made to defecate on the men below.
- 4. 13th May, 95: A bus-load of passengers travelling from Haflong to Khepre were detained at Hajong and mercilessly beaten up continuously for nearly the whole day from 10 am to 3.30 p.m.
- Local villagers of Basabari, near Kalachand, passengers waiting for buses including some forest department employees and traders, were disrobed and beaten up mercilessly. On the same day at Kalachand, innocent passers-by were picked up at random and tortured.
- 6. 16th May, 95: Villagers of Arda (Kimkridisa of Kalachand) Mahurwaphu (Haklik) gathered for a wedding-party were made to kneel down the whole day and tortured. The food items were eaten up by the Rashtriya Rifles personnel. The traditional marriage function had to be abandoned, while the priest was disrobed and tortured. The operation was supervised by the Maibang SDPO who took sadistic pleasure in torturing the villagers. At Kramthengdelia, the villagers were tortured by the same group of RR personnel.
- 7. 1-19 May, 95: Innocent passers-by were picked up at random in and around Maibang and tortured, and even administered electric shocks. The innocent victims, about 7 in number, are still in the custody of the security forces.
- 8. I- 9 June, 95: Hazar Naiding, Vice President of ASDC Umrangse constituency committee was detained by Anwar Ali, Circle Inspector of Assam Police.
- 9. 29th June, 95 : Amlangbra Village inhabitants were tortured by Rashtriya Rifles.
- 10. 13th August, 95: Two school going boys of Class VIII, Sri Perbanen Langthasa s/o. Rakeswar Langthasa and Sri Lejen Bathari s/o. Raijenen Bathari were inhumanly tortured and Miss Dilika Batha, aged 12 years of Drang Bathari village, was raped by Rastriya Rifles personnel.

- 11. 13th August, 95: Mr. Prakanta Warisa President of NCHSF and Sri Jyotirmey Khersa General Secretary DSU while on their way from lower Haflong to Maibang for Organising a programme were picked up by personnel of Assam Rifles from the Mehur Railway station. They were taken to their camp and forced to wear army uniform. They were blind folded and tortured with electric shock.
- 8th October, 95: Mr. Daniel Haflongber, Executive Magistrate of N.C. Hills Autonomous District Council, Haflong, went to call Mr. Samir Kemprai, Executive Magistrate from his residence at about 4.30 pm. Later, a short distance from his residence he was shot dead.
- 13. 23rd June, 95 : Mr. Monoj Hejai was arrested by Rashtriya Rifle at Maibang around 3 A.M. He is still in their captivity.
- 14. 24 27 Sept. 95 : Punjab Police personnel went berserk
- 15. 16th October, 95: Mr. Ichelungbe Zeme who went to purchase meat from the bazaar was picked up by personnel of Assam Rifles. They brought him to Haflong camp and then forced him to wear army uniform and ordered him to run from the A.R. camp. At a distance of about two kilometres from the A.R. camp, personnel of Assam Rifles shot him from behind.
- 4th to 8th Nov. 95: Mr. Akil Hejai, President of DSU, Umrangso Branch Committee, Mr. Shanto Hejai, Assistant Secretary of ASDC Umrangso Constituency committee, Mr. Disendra Naiding ASDC Member were arrested by CRPF and were released only after a bail application was moved in High Court.
- 17. 16th December, 95: A suspect was arrested at the residence of Mr. Kontelal Kemprai, Executive Magistrate N.C. Hills Autonomous District Council, Haflong.
- 18. In the last year (May 26, 1995) ASDC, NC Hills Students Federation and Dimasa Students Union, jointly submitted a memorandum to the Governor of Assam which states that a bus service between Halflong and Khepre was withdrawn, thereby "totally disrupting the supply of essential commodities to the people". The memorandum also states that under the army's proven patronage and encouragement, the lumpen and anti-social people carry out their activities, such as day-light robberies on roads, looting of houses and private vehicles, particularly between Mahar and Jatinga. Another policy adopted by the army to deal with the "extremists" is the formation of BANNER/CRPC which serves as the ready tool to carry out rapes, murders, kidnapping and intimidations.
- 19. The team also learnt that the army personnel have occupied several educational institutions and hostels. It adversely affects the normal academic atmosphere, particularly in Halflong and Maibang areas, which are the main centres of higher education in this backward district.

#### **Postscript**

Since we filed this report last June (June 1996), major developmentshave taken place in Assam. For one, the AGP led coalition has come to power. For another, there has been a spurt in violence. If the murder of the editor of 'Pratidin' and democratic rights activist Parag Das in Guwahati was one end of the spectrum, there was a spurt in ULFA and Bodo militancy. The attack on Santhals by alleged Bodo militants, the blowing up of the railway track in which scores of people were killed, has enabled the Central Government to introduce some significant changes in the conduct of anti-insurgency operations. Thus, despite brave words, the Assam Government was forced to accept the directive of the Union Home Ministry to set up an Unified Command. The General Secretary of the AGP, Atul Bora, had claimed on January 16th,1997, that "the Assam Government has not conceded to the directive of the Union Home Ministry on giving all powers to the Army." Two days later it was announced by the Union Home Minister in Guwahati at a press conference that the operational control of the Unified Command will be with the Commander of the IV Corps of the Indian Army.

Given the mood of the people which is opposed to reinforcing Army role in anti-insurgency operations, and in favour of peaceful political solutions to tackle militancy, there was an expectation that the AGP government

in Assam will not allow the military to get an upper-hand. The dangers of empowering the "Armed Forces of the Union" with the Armed Forces(Special Powers) Act - an euphemism for total military control of the area is well known to the Assamese people and the AGP. In fact, the AGP accused the Army of maligning the State Government and for killing the convenor of its Dispur unit, Dilip Bora on January 13th.

In other words, Assam is back to square one. Undoubtedly in the spiralling violence and counter-violence, unarmed civilains suffer the most. The attacks on Santhals, or the blowing up of the train are inexcusable acts which point towrds the dangers of ethnic insularity. However, it needs again to be stressed that the Bodo movement which under the aegis of the Plains Tribal Council of Assam articulated their demand for an autonomous council along the lines of the Hill tribes and conducted their struggle peacefully, found the state and central government insensitive to their demands. It is this and the subsequent attempt by the Congress and the AGP to use them as pawns that led to armed struggle. Had the Bodo demands been addressed democratically there would have been no need for violence. The effort of the government to crush the peaceful agitation lent credibility to those sections that saw armed struggle as the only way out. In this sense the latest developments in Assam hold out the threat of prolonging the misery of the people and diverting attention from regional and social inequalities.

Team:

Sujata Bhadra, Association for Protection of Democratic Rights(APDR), Calcutta Ms. Sarvesh, Photo-journalist, Delhi.

The team proceeded to Aizwal, the capital of Mizoram and met government officials including the Chief Secretary of the Government of Mizoram; Mr. Lakhma, the ex-Chief Secretary of Mizoram who signed the "Peace Accord" in 1986 on behalf of the Government of Mizoram with the Mizo National Front (MNF); leading members of Mizo Zirlai Pawl (MZP - Mizo Students Association ) including its president, K. Venlalvena; members of the voluntary organisation - Young Mizo Association (YMA); Mr. Vanlalzawma, president of Peoples Conference Party; Brig. Sailo, former Chief Minister of Mizoram; Mr. C. Thungmea, Chairman, Citizens Committee of Human Rights; women activists including the president of Mizo Women's Association (MHIP) and some individuals like Patrick P. Haw Hmar, Wu-Shei and Mr. Thanth Khuma, former MZP advisor.

#### Introduction

Mizoram State is bound by 404 km of international borders with the Chin State of Myanmar on the east and south. In the west it shares borders with the Chittagong Hill Tracts area of Bangladesh. Mizoram also shares a border with states of Assam, Manipur and Tripura.

The present state of Mizoram was a part of Assam known as Lushai Hills district. In 1954 the name of the Lushai Hills district was changed to Mizo Hills District which in 1972 was made into the Union Territory of Mizoram. Subsequently it attained statehood on February 20, 1987. Mizoram is the cradle of diverse communities like the Lushais, Ralte, Paite, Baite, Pawi Dhlien, Lakher, Hmar, Piang and other smaller sub tribes. There are many linguistic, cultural and religious differences between the majority Lushai tribes and minority Pavi, Lakher, Hmar, Riangs and Chakmas. Most of the tribes are Christian (83.81%); Riangs and Chakmas are Buddhists (8.19%); followed by 14 others, such as Hindu (7%) and Muslim 0.45%. In addition to Mizo, five major languages used in Mizoram are Hmar, Chakma, Lai, Mara and Ralte.

Mizoram is highly mountainous, with ranges tending north to south. The state has a very limited communications network. Economically it is one of the backward states of India. All these factors have introduced elements of complexities in the political and economic environment of the state leading to a peculiar type of geo-political antagonism. According to one observer, the geographical factors played a vital role in creating the ethnic diversity and the survival of separate ethnic entities. The growth of regionalism and separatism in such a geographical situation is a natural corollary.

# Background

The term Zo or Jo was mentioned as the name of the people in a few historical accounts on the Indo-Burman people. Fanch'o a diplomat of the Tang dynasty of China mentioned in 862 A.D. the existence of a kingdom in the Chinwind valley whose princes and chiefs call themselves "Zo".

When the British annexed Assam and Manipur they came in contact with the Hmars. The British thought the Hmars were ethnically related to the Lusei people who had settled on the Lushai hills. The Hmar people came to Manipur and Tripura some time in 1600 and they were called Kuki by their neighbours. When in the middle of the nineteenth century Thado and Khuansai people migrated to Cachar and Manipur, the British called the Hmars Kuki, and the Thado "new Kuki". Later, the Paite tribe was also included under the name "new Kuki".

While the British called the Zo people by various names such as Lushai, Kuki, New Kuki, Khyang, Chin and Plains Chin, the Lusei and related clans who had settled in the Lushai hills called themselves Mizo. Lusei

designates only those clans who were ruled by Sailo chiefs. The term Mizo now covers all ethnic Zo people. Lushai hills or western Zo land is the present Indian state of Mizoram - Mizo meaning Zo people and Ram meaning land.( Eastern and southern Zo land are in Myanmar. This area is known as the Chin state. The Burmese have traditionally called the Zo people Chin.)

The physical barrier posed by the mountains was utilised by the British, who treated the tribal communities of this region as a "museum pieces" with the introduction of various rules, regulations and enactments. These included the Assam Frontier Tract Regulation 1880, Schedule District Act, 1874, Chin Hills Regulations 1896, Government of India Act 1919, Inner Line Regulations (Bengal and E. Frontier Act, 1873). The tribals, then British subjects, were debarred from going beyond the "Inner Line" without a pass from the district authority. Consequently the tribal people lost contact altogether with the plains people, and a sense of alienation developed. To date, non-Mizos require an 'Inner-Line' permit to enter Mizoram. This system of reverse permits is in operation because of apparent fear of loss of identity and of exploitation by non-Mizos, called "vais" (outsiders).

Mizoram has three districts - Aizwal, Lunglai and Chhimtuipui. The total population of the state is 6,89,756 (as per the 1991 census), out of which the rural population is about 53%. The population of scheduled tribes is about 95%.

The Chakmas are the latest migrants to the Mizo Hills. They have come mostly from the Chittagong Hill Tracts. Their concentration in the Chakma Autonomous Area in a border district is a source of tension for the local Mizos. In this state, two categories of Chakmas are recognised: Indian Chakmas and foreigners, whom the Mizos call "Takam". Census figures indicate a distinct increase in the Chakma population (see Table 1). According to MLP there are now about 60,000 Chakma foreigners in Mizoram. The present Chief Secretary admitted the fact, saving that the government is trying to identity them and "push them back", as stipulated in the Foreigners Act.

# INCREASE IN CHAKMA POPULATION

Census	Population	Difference
Year		
 1961	19.337	(+) 4.040
1971	22.393	(+) 3.056
1981	39.905	(+) 17.512
1991	Not yet finalised	

Source: Statistical Handbook, Mizoram, 1994

Nevertheless the local Hmars, Lakher or Chakmas are demanding greater autonomy for the preservation of their cultural identity. Recently it was reported that the Hmar youth have formed the Hmar Peoples Convention (HPC) and have articulated the demand for an autonomous region comprising the Hmar inhabited areas in Manipur, Mizoram and Cachar (Assam). The underground organisation is reported to have formed Hmar Militant Cell and which is undergoing military training in the Mizo-Cachar border areas inside Assam.

In 1994 the Government of India entered into a trade agreement with the Government of Myanmar to pave the way for import of agricultural and forest produce, consisting of mainly rice and teak from Myanmar to Mizoram, Manipur and Nagaland at cheaper prices. The formal inauguration of Border Trade took place on 12th April, 1995 at Moreh (Border town of Manipur). Indian traders are now allowed to buy 50,000 metric tons of rice from Myanmar annually. Another border trade sector at Hri-Champai will have great economic impact on the area, and existing illegal trade may suffer a set-back. However, overall economic deprivation and backwardness of Mizoram is evident from the statistics, published by the government of Mizoram. The road net work, communications, electricity, water supply, education and health infrastructure are poor and the pace of 64. development even after the Mizo Peace Accord (1986) is very slow.

### Early Upheavals

It took a natural disaster for people's frustration at neglect and exploitation to come to a head. The famine which broke out in the Lushai Hills in the late 1950's led to large scale starvation and death. Mizo leaders appealed to the State Government for help in 1959. But little help was forthcoming. Subsequently, the Mizos formed famine-fighting squads, the most prominent of these being the Mizo Famine Front launched by a dynamic young leader called Laldenga. The suffering caused by the famine lasted for two long years, during which neither the State nor Central Government responded to the crisis. Laldenga developed a network of workers who distributed food and other relief measures. Eventually, the Mizo Famine Front , reflecting the aspirations of the people, grew into the Mizo National Front (MNF), with independence as its goal.

In February 1966, the MNF took control of Aizwal and all its government offices. The retaliation by the Army was vicious. Air raids were ordered, and for the first time in the history of independent India, towns and civil populations were aerially bombed. Helicopters were used to bring in soldiers, while Laldenga's men melted into the jungles and continued their struggle. It was a week before the Army was able to recapture the town.

Alienation of the Mizos was intensified as the security forces carried out "re-grouping" of villages into virtual concentration camps under barbaric conditions. Tens of thousands of persons were uprooted and moved while their homes were demolished or torched, and they were denied access to their land. More and more young men and women joined the MNF, predictably leading to a clampdown on it by the Central Government. In March 1966 itself, the Government of Assam declared Mizoram (then a district of Assam) as a "Disturbed Area", and imposed the Assam and Manipur Armed Forces (Special Powers) Act. Years of violence and repression followed. Stories of rape, extortion, killing, illegal detention, torture, destruction of property and damage to churches abounded. The entire district was not under the contol of the State Government of Assam, but virtually under martial law.

With the re-organisation of Assam in 1971, the Mizo Hills District became Mizoram - a Union Territory of India. Laldenga began negotiations with the Central Government in 1976. In 1986, the MNF signed a Peace Accord with Rajiv Gandhi, the then Prime Minister, accepting the Constitution and laying down arms. In 1987, Mizoram became a state of the Indian Union. That year, the Mizo National Front swept the polls, and Laldenga became the first Chief Minister.

## Current Status of the Armed Forces (Special Powers) Act

At present, according to the Chief Secretary of Mizoram, the Act is not in force in the state. He told the fact-finding team that it had been withdrawn after the Peace Accord of 1986. However, Mr. Thengmura, a senior human rights activist of Mizoram categorically told the investigating team that the Act was still in operation, since the withdrawal of the Act was not specially mentioned in the Accord. He pointed to the fact that no formal notification for the withdrawal of the Act was issued by the Central or the State Government even after the signing of the Peace Accord. It may be relevant to mention that other special laws are still in operation in Mizoram - for instance, ESMA and TADA (now expired). In 1994, Mizoram had withdawn TADA cases and the detainees were released.

# Army Operations, Counter Insurgency Measures and Violation of Democratic Rights -- 1960-1970

On 28 February 1966, the Mizo National Front (MNF) took control of the administration simultaneously in different places like Aizwal, Lunglei, Vairengte, Chawngte, Chhimluans etc. and declared independence for Mizoram on March 1, 1966. The government's counter-insurgency measures began on March 4, 1966.

A major element of the counter-insurgency operation was to establish control over about 230 villages. In a bid to alienate the 'insurgents' from the 'common people', the army adopted ruthless measures, namely, the whole scale evacuation of villages to so-called "re-grouping centres" in order to cut off sources of food supply and support to the 'hostiles'.

The first phase of re-grouping was carried out in early 1967. Villages situated along the main Silchar-Aizwal-Lunglei road were selected for grouping into various centres. They were called Protected and Programme Villages (PPV's). The order for grouping was based on the authority vested in the Defence of India Rules (DIR). Subsequently the administration found that the legal basis for forceful grouping under DIR was weak, therefore the then Governor of Assam in 1968 promulgated an ordinance known as the Assam Maintenance Public Order (AMPO), which was used as the legal basis for continuing the grouping of villages by force. Over 35% of the population of Mizoram was shifted to "new sites" during this four year period between 1966-70. Such grouping centres in government parlance were known as "Thlawhlawk" (temporary dwelling places).

The villagers were put into a concentration-camp-like situation. Houses were allotted and they were forcibly made to do "jhum" cultivation on the Vaiveng-Aizwal-Lunglai Road. There were 18 PPVs which were constituted into five groups under Area Administrative Officers (AAO). Each PPV was under the administrative control of an administrative officer (AO) who was generally of the rank of a Deputy Collector. The AO was mainly concerned with supply of food rations to villagers, and the issue of movement permits. He was assisted by a number of civilian staff, including a medical unit. Additionally, all other government personnel such as school teachers, soil conversation officers, and forest guards were under the control of the AO.

Around each village, a double barricade was erected with barbed wires with gates, guarded by the security forces. Identity cards were issued to all the adults in the PPVs. All adults were photographed. Family photograph sheets were maintained in the shape of an album in the custody of the AO. No one was allowed to go out of or come into the village without a pass and even that, only through the authorised routes. However, no permit was necessary to go to the fields for "jhum". The AOs conducted surprise verification of people by roll call of the villagers.

The second phase of grouping of villages in the north-west and east of the northern part of Mizoram was carried out under AMPO in 1968. The third phase of grouping of villages in the central JSW parts under AMPO was carried out in later part of 1968. But the cases against such measures filed in the Guwahati High Court brought relief to the villages as these measures were struck down on the grounds that they were *ultravires* of fundamental rights. Stay orders were issued and the third phase had to be cancelled by the government. These actions not only alienated the people, they caused untold suffering and miseries. While recalling such measures. Mr.Lalkhana, former Chief Secretary, categorically termed this policy as "inhuman, cruel and unconstitutional".

The army's atrocities and ill-treatment reached such a point that Brig. Sailo who served in the Army for 31 years, was compelled to send a memorandum to the Indian Prime Minister on September 16,1974. On behalf of the Human Rights Committee, he wrote, "The feelings of the entire villages and population of Mizoram are now totally alienated by what amounts to the denial of all decencies of human rights and any picture which you may have been painted to you as the contrary, is false". He described such methods of grouping as "reminiscent of concentration camps".

Other methods, now widely prevalent in different parts of the country, like fake "encounters" were used too. After every so-called "encounter", the security forces either burnt down the village nearest to the place of "encounter" and beat up all the male members of that village. Or the same treatment was given to the first group of civilians whom the security forces met after the "encounter".

Armed with the 'Special Power', the security forces arrested anyone merely on suspicion, detained him or her for many days and inflicted severe torture. The Church congregations on Sundays were also prevented from worship. The soldiers drove villagers out of churches and detained them in the open for long periods in rain or sunshine. Attacks, sexual harassment, rape were common features, and have been widely documented.

The memorandum of the Human Rights Committee to the Prime Minister in 1974 mentioned 36 concrete cases showing details of atrocities/ill- treatment committed by the security forces. The Committee submitted that those 36 cases "represent only a fraction of several hundred cases which have occured since 1966".

Separately, Mr. Thungmura, a senior human rights activist, presently President of Peoples' Union for Civil 66. Liberties (Mizoram) and Chairman, Citizens' Rights Committee, prepared a long list of army atrocities in Mizoram.

In compliance with Clause 12 (a)+(b), of the Peace Accord, the Government of India through the Government of Mizoram had to sanction "ex-gratia grant" amounting Rs.1,74,45,000/- in 1992 (vide memo No. C220 11/7/89- DC(A)/-103 dated Aug. 18, 1992, Aizwal). This amount is to be distributed among the following:

- i) Families of 8,935 victims who were killed in counter-insurgency operations by security forces.
- ii) 704 persons listed as "new applications".
- iii) 206 persons who were disabled during the period.

#### Present Scenario

At present, Mizoram is more or less peaceful except for some reports of incidents of torture and sexual harassment by the Border Security Force in the villages on the international border. But the Chakma-Mizo conflict is likely to soon become a major cause of tension in Mizoram. The fact-finding team also learnt that in Mizoram and adjoining areas, the army has launched "Operation Golden Duck". However, we were not able to get any details about the Operation.

Recently there were reports of clashes in the border areas of Champai district between Mizoram Armed Police (MAP) and members of Chin National Army (CNA). Two MAP constables and many Chins are reported to have been killed in these clashes inside Myanmar. These clashes started after the CNA imposed a blockade on the movement of goods on the Champai-Falam Road which was opened up for border trade between India and Myanmar. One Young Mizo Association activist was also killed on July 12, 1996 in a border village allegedly by the CNA activists. In retaliation the Mizoram police and CID arrested more than a hundred Chin nationals who had taken shelter in Mizoram after the crackdown by the SLORC in Myanmar in 1988-89. The Chins and other Burmese refugees have been asked to leave Mizoram. The situation is rather tense. The Chief Minister of Mizoram has asked the Central Government to send contingents of Assam Rifles to the border areas for controlling the CNA which is still continuing the blockade.

#### Government of India held Culpable

After signing the Peace Accord, the new Ministry headed by MNF prepared a list of victims from all over Mizoram and submitted it before the court in 1991. The civil court of Guwahati comprising Justice Mr. Manisana and Justice Smt. M.Sharma gave directions to the Central Government and State Government on October 8, 1995, inter-alia that 11,32,097 families as well as 155 claimants belonging to the business community of Aizwal town should be accorded compensation within 3 months. The government preferred appeal in the apex court but lost, on 20.3.95.

In May 1995 the Central Government was compelled to sanction Rupees 18 crores to thirty thousand families who suffered during the counter-insurgency operations by the security forces (vide memo no: 4/1/92 New Delhi, 19th May, 1995 Government of India, Ministry of Home Affairs). Till date, however, the amount has not been distributed among the victims or victims' families.

## Lessons for the future

The Central Government systematically denies any reports of army torture of civilians in politically disturbed areas. It characterises the reports by national and international human rights organisations on army atrocities as false, motivated, subversive and anti-national. In Mizoram however, after 25 years, the Government was forced to sanction large amounts as compensation to victims. This is an open admission of the fact that the Army committed grave crimes against the citizens during the period between 1960 and 1970. It is tangible proof that the impunity granted to the security forces under the Armed Forces (Special Powers) Act can be challenged, and the security forces can be held accountable for atrocities against the civilian population. Today, with the entire North East reeling under the iron heel of military might, the Mizoram example is a glimmer of hope that the guilty can be brought to book.

## tripura

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The team visited Agartala, Gabardi, Takarjala, Shibthakur Para, Mandwai and Akhaura and met a cross section of people including representatives of a human rights organisation, students organisations, women's groups, academicians, doctors, political leaders, paramilitary and police officials, village elders, farmers and workers who have been victims of atrocities by para-military and police forces.

The following report, based on discussions, observations, published and unpublished documents, is an attempt to present a brief picture of the impact of militarisation on the life and people of Tripura.

#### Background

The former kingdom of Tripura is one of the smallest and possibly, most forgotten North-Eastern states of India. Its name brings to mind few images and little information besides the assumption that it must be yet another 'troubled state in the North-East'. Yet, its history and its problems have little in common with most states in any part of the country. In fact, Tripura is one of the few places in the world in the twentieth century whose indigenous people have been transformed from being a numerical majority and ruling community into a minority with almost no economic or political influence.

Bounded on one side by Assam and Mizoram, Tripura is a little thumb of land just 10,466 sq. kms in all, jutting into Bangladesh and sharing 80% of its border. Over the last five decades, this geo-political fact has played a significant role. Although the process of non-tribal migration into the region predates the partition of the subcontinent, the major inflow of migrants from (then) East Pakistan began in the early 1950s and reached a peak during the independence of Bangladesh. During the period between 1931-1951 alone, while the population of the Bengalis grew by about 3 lakhs, that of the indigenous people saw an increase of just 30,000. Since then, the process has continued unabated. The indigenous people who accounted for 95% of the population of Tripura in the 1931 census, have been reduced to a mere 31% in the 1991 census.

Needless to say, such a dramatic change in the demographic profile of the state has had wide ranging economic, political and social implications for its people. What started generations ago as working trade relations with the people of [what is now] Bangladesh, has now turned into a clash of interests on every front. The development efforts of the last 47 years since Tripura acceded to India have, far from benefitting the indigenous people, actually made their condition worse - worse even than that of the Bangladeshi refugees. According to a PTI report, over the years," the best of the cultivable lands held by the indigenous people were alienated to the non-indigenous people. The administration never implemented the rule that such lands could not be transferred or sold without prior approval of the authorities".

In addition to land, control of trade and business as well as white collar and bureaucratic jobs are now primarily in the hands of the non-indigenous people. Hence, the indigenous people of Tripura, 19 tribes collectively known as Boroks, believe that they have had to pay the price for the largesse extended to Bangladeshi refugees by the Indian government. Today, they are struggling for restoration of alienated tribal land, fair reservation of jobs, acceptance of the Roman and not Bengali script for Kok Borok [Tripuri] and real power in the Autonomous

## Borok - Non Borok: The Oldest Battle in Tripura

The Borok struggle for self-preservation is not new. On 10 June, 1967 they established a socio-cultural, non-political organisation called the Tripura Upajati Juva Samiti [TUJS] to strengthen existing social, cultural and religious bonds between the Borok communities in the state. In addition, the demand, raised in 1968, for the Fifth Schedule of the Constitution to provide a series of safeguards for indigenous people, became a source of controversy between the indigenous people and non-indigenous immigrants. Over the next decade, as tension between the two communities mounted, the TUJS gathered enough support to even win four seats in the 60 member legislature by 1978. In the same year, the Bengalis came together under the banner of a group pointedly called 'Amra Bengali' [We Are Bengalis].

In mid-1979, when the Tripura Tribal Areas Autonomous District Councils Bill was introduced in the CPI(M) led Left Front state assembly [which remained in power until 1988] it was severely opposed by the Amra Bengali and the Cong-I. Consequently, communal clashes broke out in the Teliamura district of Tripura in which 16 people died in a single day of rioting. The Tripura Tribal Areas Autonomous District Councils Bill was however, passed by the Assembly and received the President's assent in July 1979.

As a result of the bitterness created by its implementation along with that of the Restoration of Alienated Lands Act, 1976 (passed by the previous Congress administration), the Congress-(I) and Amra Bengali organised a violent bandh on 12 May, 1980. What followed was the kind of carnage that the rest of the country has only seen in the days of the Partition. While thousands of tribal people fled towards the jungles for safety, the Bengalis headed for cities like Agartala. According to official estimates, more than 350 people were killed in the immediate aftermath, over 500 seriously injured and almost 3 lakh persons [out of a population of just 18 lakhs] rendered homeless. Unofficially, more than 800 bodies mainly of indigenous people, were missing. Villages near Mandwai were razed to the ground and the city of Agartala remained under night curfew for over 2 months. This period also marks the large scale induction of security forces for the first time in Tripura. In addition to the Tripura Police and the Tripura State Rifles, the Army, the BSF, the CRPF and even 1000 jawans of the Rajasthan Armed Constabulary [RAC] were also pressed into action in this tiny state. In the name of mopping-up operations to control the situation, what followed was a complete counter-insurgency programme in three phases - Operation Isolation, Operation Flushout and Operation Combing. And in the bargain one thing was forgotten, that the problem in Tripura wasn't 'insurgency'.

## Counter-insurgency methods with no insurgency to counter

But in the meantime, a section of the TUJS had broken off to form the Tripura Volunteer Force [TVF] later known as the Tripura National Volunteer Force [TNVF], headed by Bijoy Kumar Hrangkhawl. The TVF, with its stronghold in the Jampui district bordering Mizoram, was believed to be closely associated with the Mizo National Front. From the security point of view, this was seen as a potentially dangerous situation and in 1982, contrary to the judgement of the Left Front run State Government, the Centre declared several parts of Tripura as 'Disturbed Areas' and imposed the Armed Forces (Special Powers) Act, 1972 - which had been extended in 1970 to include Tripura when it was still a Union Territory. This, despite the fact that even with reports of sporadic violence, the situation in Tripura was widely accepted as being no worse than that of several other states. When asked about this by the fact-finding team, Hrangkhawl said with a smile, "You see, those days the Centre was worried about the MNF, so they put Tripura under the Armed Forces (Special Powers) Act".

Six years later in January 1988, on the eve of assembly elections, the Centre thought it apt to bring the entire state of Tripura under the Disturbed Areas Act and invoke the Armed Forces (Special Powers) Act 'in aid of civil power', once again, against the better judgement of the state government, which had requisitioned additional paramilitary forces to combat the TNV Significantly, just seven months later, the TNV signed a Memorandum of Settlement with the Cong[I]-TUJS coalition government in the state, and its members surrendered their arms, and 'returned home' to a formal welcome by the state's top political and bureaucratic officials. Though 'peace' was supposed to have returned to Tripura, no action was taken to revoke the extraordinary measures of the Disturbed Areas Act and the Armed Forces (Special Powers) Act or remove the large number of armed forces, including paramilitary forces like the Assam Rifles, RAC, Madhya Pradesh State Armed Force [MPSAF] posted all over the state.

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Therein lies the greatest irony of the situation in Tripura. Firstly, the Disturbed Areas Act and the Armed Forces (Special Powers) Act have been enforced from time to time under dubious circumstances. Secondly, even in the interim periods, the state has had several other provisions to maintain a high degree of militarisation. On the expiry of the West Bengal Security Act, 1950, extended to the Union Territory of Tripura (and subsequently re-enacted by the West Bengal Security [Tripura Re-enacting] Act, 1967) it was promptly replaced by the Tripura Security Bill, now the Tripura Security Act, 1980 to 'provide for suppression of anti-social activities, subversive movements, danger to communal harmony or the safety or stability of the State and to prevent economic offences, smuggling of commodities in border areas. illegal acquisition, possession and use of arms and for maintenance of public order'. Despite such objectives, the Act fails to define 'anti-social, subversive acts and sabotage' in concrete terms. Yet, this is an Act under which all offences are non-bailable; that allows for executive action like externment even before the case comes before a court of law; that empowers any police officer of or above the rank of an Inspector to arrest a person without a warrant, while any officer of or above the rank of a Sub-Inspector can 'take such steps and use such force' that he deems necessary 'for securing compliance'; and that protects police officials from legal action against any damage done to persons or property, believing that 'they must have done so in good faith, and with good reason'.

## The Present Situation

Despite yet another change in the State Government [the Left Front, led by the CPI(M) is back in power], formation of an Autonomous District Council in the Hill Areas and the existence of the Restoration of Alienated Lands Act, 1976, the present situation in Tripura remains disturbing.

In all conversations, the team found that memories of the 1980 riots still stalk the streets and hamlets of the state. The years of confrontation and clashes of interest have distanced the two major communities and made each of them more insular. Organisations like the TUJS and leaders like Hrangkhawl, who once stood for the assertion of Borok identity, have through their association with the Congress[I] that has traditional links with the Bengalis, become a source of disillusionment rather than hope. Consequently, the countryside is now dotted with about 15 militant groups with various political affiliations. For example, the National Liberation Front of Tripura, an off-shoot of the TNV is believed to have close links with the Congress, while the All Tripura Tiger Force [ATTF] is supposedly aligned with the Left front. But it is common knowledge that in the case of many other armed groups, the term 'militant organisations' is little more than a euphemism for private armies of influential political figures.

Today, the state of Tripura lies divided. On one side, are the non-Borok migrants, primarily Bangladeshis, plus others from Bengal and Rajasthan etc., who today play a dominant role in the state. On the other side are the Boroks, who are struggling for a role in determining their desting. In an attempt to re-claim their land, some groups are demanding deportation of 'immigrants' who came into the state after 1949, while other groups are ready to accept 1971 as a cut-off point. In fact, even as this report is being written, the ATTF [who believe that the cut-off date should be 1949] has called for a 10 day bandh on the issue. So far, the response of the state has been predictable.

The Chief Minister, Dasarath Deb has denied that the census figures show such a dramatic change in the profile of the state and said, 'The government will have to strictly adhere to the Indira Gandhi - Mujibur Rehman Pact of 1971 to identify the foriegners and deport them'. However, in the 25 years since that Pact was signed, the people of Tripura have seen no sign of it being implemented.

Mever Jamatia, Vice-President of the Tripura Students Federation says "It is ironical that while many groups of the Boroks have made repeated demands to strengthen the border with barbed wire and more security, the government has taken no action". Despite the allocation of a national budget of Rs.831.17 crores, and a target of March 1996 for the completion of fencing all along the Indo-Bangladesh border, the team saw no activity on that front and miles of border with nothing more than pillars to mark it. In fact, Tripura Police officials that the team met at the border point of Akhaura, drew attention to the additional barriers set up by both, the BSF and the Bangladeshi BDR, in contravention to International agreements

Meanwhile, it is obvious that the problems between the Boroks and non-Boroks have been used, or rather misused, by all the major players for political gain. In the bargain, both communities have suffered huge physical, material, and emotional losses. Today, they live in an atmosphere vitiated by mutual mistrust that is further heightened by the role of the law enforcement agencies alike. And the palliative measures offered by the State have been too few, too late.

## The Administration: Not civil towards all

The most striking thing that visitors to the state, including this fact finding team, notice is the widespread use of the Bengali language and script. Every road sign, notice and billboard speaks to the people of Tripura in Bengali — a language that few Borok people really wish to know. Despite being their medium of instruction in government schools and colleges, it is for them, a constant reminder of how 'their land' has been taken over by the non-Borok, Bengali-speaking majority. Hence, also their age-old resistance to their language, Kok Borok being written in the Bengali script. As Sukhendu Deb Barma, a Lecturer of history in the Tripura University in Agartala puts it, "this is the reason why any Tripuri who can afford to, goes to the North Eastern Hill University in Shillong for higher studies. It seems the only way out".

For the first time in its history, Tripura today has a Borok Chief Minister, Dasarath Deb who heads the left front government. As for the rest of the state assembly, 20 out of 60 seats are reserved for Scheduled Tribes. But in real terms, it is the non-Boroks who occupy most positions of power - from the level of the Block to the Legislative Assembly. On this, Mr. N.C. Deb Barma, Director All India Radio, Agartala, says "their control of the bureaucracy and the state machinery translates into little support for the Boroks in the corridors of power".

That is not all. The fact-finding team also noted that most major business enterprises, commercial ventures or trading operations in cities like Agartala, Teliamura, Ampi Bazar and Amarpura were run either by Bengali or Marwari businessmen. This lends credibility to complaints heard by the team from the local Tripuris that they have little or no access to business avenues or job opportunities, which the 'outsiders' reserve for 'their own people'. So, the tribal people of Tripura except for a small percentage who still own land, primarily work as agricultural labour or landless 'jhumias'- shifting cultivators, as labour in mining, quarrying and construction, or make a living by breeding livestock, fishing or subsisting off forest produce.

Prior to 1992, the government had a few schemes for the rural populations like double rationing in the lean seasons of jhum, rural employment programmes and regular purchase schemes for marketable produce of the jhumias. But the rollback of these [limited] programmes has only deepened the economic crisis of the tribal people of the state. Today, their crops like 'til', mesta and cotton are bought by traders at throwaway prices. So much so that in times of despair caused by repeated crop failure, the tribals have been known to sell their tools, ration cards and even their children. In addition, they have little access to basic food needs at affordable prices. Government ration shops have little or no stocks because large quantities of rice, salt, sugar and kerosene are smuggled out to neighbouring Bangladesh. Obviously, the widespread economic power of the non-Boroks translates into control of various aspects of social and political life in Tripura. Not surprisingly, the team found the Borok people of Tripura unperturbed by the migration of a considerable number of Chakmas into South Tripura. When asked about it the response was merely, "They are indigenous people like us, so they are no threat".

#### Autonomous District Council: Struggling for real autonomy

The Tripura Tribal Areas Autonomous District Council [ADC] covering a total area of 7,132.56 sq. kms., came into being in January 1982 giving the indigenous people of the region legislative, executive, judicial, developmental and even financial powers. Originally, of its 28 seats a mere 7 seats were reserved for the Boroks. It was only after the implementation of the VI Schedule in 1985 that 21 of its [now] 30 seats, were reserved for Scheduled Tribes. "One would have thought that such provisions would go a long way in offering the Boroks some respite and power. However, the functioning of the ADC has to be seen in the perspective of what is called 'the all-pervasive' control of the non-Boroks. Firstly, 2 out of the 9 non-Borok members of the ADC are nominees of the Government. Secondly, allocation of funds for the ADC is at the discretion of

the state government" says Prof. Sukhendu Deb Barma. Also, final authority of all matters rests with the Governor, who even has the power to suspend or dissolve the Council. Further, the ADCs have to 'borrow' high ranking offficials from the State Government for policy formulation and the preparation of various development projects. So, the non-Borok nexus at all levels of the administration limits the ability of the ADC to be able to safeguard the interests of the indigenous people it is meant to protect. Sadly, the team often heard it said that, 'The ADC is meant for "us", but it is run by "them".'

#### The land and forests: Fertile ground for exploitation

Tripura is a hilly state covered extensively by forests, with valleys that are irrigated by many big and small rivers. Consequently, most of the land in Tripura is rich, fertile and easily cultivable for rice, vegetables and exotic fruit including the famous Tripuri pineapples. "In addition" says Dr. Bijoy Deb Barma, "the Borok way of life is closely linked with the land in lifestyle, habit and mythology. And it is for these very reasons that land is the major source of discontent between its major communities".

When Tripura merged with India in 1949 the accord signed between the ruling king and the Indian Union identified and declared 2050 sq. kms. of land as Scheduled and Reserved for the indigenous people. But before the year was out, 300 sq. kms. was de-reserved to accomodate refugees from across the border. Then in 1971, under the Chief Ministership of Sukhomoy Sengupta, the State Government evicted 20,000 indigenous people from Dumbur Reserve Forest, known to be one of the most fertile regions in Tripura. This time, the eviction was done in the name of 'development' to set up a hydro-electric project. When the people of Dumbur resisted, the Tripura Police, CRPF and the Army were sent in with arms, elephants and bulldozers. Widescale beating, arson, looting and even molestation of tribal women and children was reported, but no action was taken. In the same year, thousands of indigenous people were also evicted from their home and their land in Howaibari, Sardarkarkari, Teliamura Reserve Forest to build a 'Defence Colony' and 'Air Force Facilities'. Finally, in 1974 the State Government de-reserved the rest of the land. But stiff resistance from the indigenous people forced the Government to go back on its move. But today, other plans for a thermal power plant and wildlife sanctuaries are still on the anvil and the threat of displacement looms large.

Thus despite the existence of the Restoration of Alienated Lands Act, 1976, its implementation has been weak. The government, with the aid of its security forces has found various ways to alienate the indigenous people from their land with minimal compensation, and almost no alternative settlement or rehabilitation. Consequently, thousands of indigenous people have been reduced to being landless labour, often at the mercy of non-Borok landowners. This history of connivance of the government and the non-Boroks to acquire tribal lands has today led to distrust on every front — even about cross-cultural marriages that many people the team met allege to be just another means of acquiring land and benefits in the state.

## Presence of security forces: Security for whom?

For more than 25 years now, the tiny state of Tripura has had large-scale deployment of security forces comprising of the police and paramilitary. Today, when there is no particular crisis in the law and order situation, it has a state force of about 10,000 personnel in the Tripura Police, Tripura State Rifles I and II; 3500 Home Guards; 8 companies of the BSF; 117 Border Outposts; 40 companies of the CRPF; and 4 companies of the Assam Rifles. Of course, in times of 'need', the army, Rajasthan Armed Constabulary and even the Madhya Pradesh State Armed Force has been called in as reinforcements. In addition, the State has enforced the Disturbed Areas Act and the Armed Forces (Special Powers) Act from time to time [in parts of the state in 1982; and in the entire state in 1988], extended the West Bengal Security Act, 1950, and then enacted and enforced the Tripura Security Act, 1980. Given such a long history of militarisation and a high presence of security forces on an on-going basis, it isn't surprising to note that an entire generation of Tripuri youth cannot visualise 'normal' life without them. Unfortunately, the powers vested in the security forces by legislation like the AFSPA and the TSA, bring with it a history of excesses and human rights violations - unfortunately in most cases, against the tribal people of Tripura. Consequently, the people of Tripura that the team met, from farmers in villages to activists of the Borok Peoples Human Rights Organisation, found it difficult to separate the degree of militarisation and

excesses during the times when the Armed Forces (Special Powers) Act was in force and times when it was not.

Today, the tribal areas in the interiors of Tripura are constantly patrolled by CRPF, Home Guards, BSF, etc. Searching and combing operations to 'weed out' the militants are common and innocent people often find themselves caught in between. It was all the more disturbing to find that such 'operations' by the security forces almost always include harassment of the local people, arson, looting and ransacking of villages [Dumbur, 1971; Large parts of the state, especially South Tripura, June 1980; Raj Chartai, May 1993; Mohan Kukra Para, April 1995; Mandwai, Sep. 1995], sexual assault and gang rape of tribal women [Ujanmaidan, May-June, 1988; Ghachiram Para, June 1991; Raj Chartai, May 1993; Baksara, November 1994; Mitrajoy Para, March 1995; Thali Bari, April 1995; Kalyanpur, April 1995; Shibthakur Para, January 1996], arbitrary arrests and torture [Haridhan Deb Barma, 1980; Ranjit Deb Barma, 1980; Sanjoy Reang, September 1995] and even killing of tribal men [Renu Deb Barma, Sukhumoy Deb Barma, June 1980; Kalaram Reang, Debasingh Reang, June 1991; Harshjoy Reang and Honda Raj Reang, November 1993; Sukumar Deb Barma, Aghore Deb Barma, Anil Deb Barma and Sachin Deb Barma, January 1995] and mass killing of tribal people [Bagma November 1994; Nishan Choudhury Para, May 1995; Asapurna Roaja Para, February 1996]. In such a situation, there are also several cases of custodial death as wells as youths who are picked up and remain untraced. Narender Deb Barma, Joint Secretary, Borok Peoples Human Rights Organisation says, "Equally disturbing is the fact that in innumerable instances that range from the communal riots in 1980 to an incident of kidnapping of a Bengali businessman in Gabardi in December 1995, tribal people find that the security forces and the administration - local police, hospital staff and the bureaucracy - work in collusion against them".

Of the many cases of excesses, brutality and sheer lawlessness on the part of the security forces that the team learned about, it was impossible to personally meet victims and interview official personnel in connection with all. The following 4 accounts have been outlined from our conversations with activists, third person accounts and published documents. The team could only visit Gabardi, Shibthakur Para and Mandwai. Attempts to go to Kamalpur and Ujanmaidan were thwarted by unrest en route to the former and constraints imposed by the frequency and timing of police patrol required to reach the latter.

#### Communal Riots in 1980:

In the ethnic clashes between the tribals and non-tribals of Tripura, it was bad enough that as emotions ran high, both communities killed and caused damage to the other. What is even more worrisome to note is that the security forces called in to control the situation only served to aggravate it. In fact, service arms of tribal police personnel were confiscated while Bengali police personnel were given more sophisticated arms. There are innumerable witnesses to the fact that Bengali rioters were actually given protection when they entered tribal villages, looted and set fire to them. Thousands of tribal people, including women and children, were rounded up and subjected to torture of the third degree which includes merciless beating, burning of private parts with cigarette butts, hanging them upside down and even forcing them to eat their own excreta. In addition to hundreds of innocent tribals who died at the hands of the security personnel during the riots, following are some of the prominent people who were killed as a result of their brutality:

- i] Renu Deb Barma, an activist of the TUJS tortured to death at the Agartala Central Jail.
- ii] Janardhan Jamatia, a government official, killed by A.S.I. Prafulla Debnath
- iii] Hemanta Jamatia killed by police personnel in Kakrabon
- iv] Sukhumoy Deb Barma, founder of the Tripura Students Federation, shot dead at point- blank range by head Constable Rabindra Roy at Kalyanpur Police Station.

Ironically, while the tribal people of Tripura mourned the death of Sukhumoy Deb Barma as a martyr to their cause, Rabindra Roy was honoured as a hero by the State.

#### Rape of tribal women at Ghachiram Para

On 23rd June, 1991, five tribal women at Nutan Bari in Ghachiram Para were raped by 7 police personnel - the ASI and attached Border Vving Home Guards - of the Kanchanpura Police Station, North Tripura. The High Court ordered an enquiry that was carried out by the ASP, North. However, the original report which indicted the security personnel was changed by senior officials and sent to the High Court. Needless to say, the culprits still roam free.

## Gang rape by Assam Rifles' jawans at Ujanmaidan from 31st May-2nd June,1988

In those days, the entire state of Tripura was under the Armed Forces (Special Powers) Act. Under the pretext of flushing out the TNV, the 'sensitive' areas of the state were subjected to both kinds of paramilitary operations: 'search and cordon' and 'combing'. During such operations, the men were routinely tortured on the suspicion of either being directly involved with, or indirectly supporting the TNV, and the women were subjected to sexual harassment and abuse.

On three consecutive days from 31 May 1988, jawans of the 27 Assam Rifles, supposedly on duty to identify and capture extremists in the region, gang raped about 14 tribal women in Ujanmaidan. What followed was enormous public pressure to bring the culprits to book. The State Government responded by setting up five different Commissions to 'enquire into the incident'. All five acquitted the Assam Rifles jawans. Meanwhile, the Ganatantrik Nari Samity, Tripura State Committee in Agartala sent an all-women team to investigate the case. Then, in response to a petition by AIDWA - All India Democratic Women's Association, the Supreme Court set up the S.C.Deb Commission of Enquiry whose 137 page report concluded "that [I] some jawans of Assam Rifles had gang raped at least Radhika, Banapati, Sonakali and Subhalakshmi and raped Parvati and Laximiti and molested Panchalakshmi in Ujanmaidan during May 31 and June 2, 1988 and [2] the State of Tripura and the army officers are trying to hush up the aforesaid crime and the police proceedings in that direction".

This is the only incident in the history of Tripura where the paramilitary personnel responsible for the crime were held guilty and penalised, and compensation given to the victims.

#### Mass killing at Rajkubra Para

On 28th February 1995, 23 security personnel armed with sophisticated weapons went to Rajkubra Para in response to 'information' that some extremists had assembled there. On their arrival, the security personnel started firing indiscriminately, without giving any warning or even ascertaining the identity of the youth they were firing at. All 9 youngsters gathered there died on the spot without getting a chance to surrender or even show that they were not armed. Later, to 'prove their identity', the police gathered some country-made weapons and left them near the bodies. No proper enquiry or investigation has still been carried out on the incident and no punitive action taken against the guilty officials.

As a result, normal civilian life, especially in the countryside, is in a disarray. Few primary health care centres or government schools are found to be functioning. According to Dr. Bijoy Deb Barma, a general physician at the government hospital in Agartala, "Given the state of medical facilities in the villages and the pathetic state of accessibility in the state in general, people in the interiors have to manage with the medical treatment offered by traditional doctors/shamams. Even in a crisis, they are rarely able to reach Agartala in time for us to be able to do anything for them'. Sunil Jamatia, former member of the TSF adds, "Government schools are almost totally non-functional, only [Christian] missionaries care enough to brave the dangers of running the schools to provide regular education". While such plaints about government services may seem to echo those all over the country, the fact is that most of the problems in the interiors of Tripura are related to the fact that tension between the security forces and the villagers is caused/heightened by tension between the security forces and the militant groups. So much so that movement in many areas necessarily involves going with police patrol even in 'normal times'. In fact, when this fact-finding team tried to go Kamalpur to investigate a case, we had

jawans led by the Officer-in-Charge of Salema P.S. indiscrimately shot and killed 2 people, and caused serious bullet injuries to 3 others, while a tribal priest was performing rituals for the recovery of Krishna Mohan Tripura's ailing mother.

#### Cases of Excesses by security forces investigated by the Fact-Finding team

#### Wreaking communal vengeance at Gabardi

At 6.30 a.m. on 21st December 1995, 22-year old Bidhu Dev Barma, a matriculation student caught the first bus from his village, Narayan Para, Takarjala P.S., Tripura West to go to Agartala for a tuition class. Bishuroy Dev Barma also of the same village, boarded the same bus along with his wife Bijayanti, in the 7th month of her pregnancy, for a check-up at the government hospital. The bus was also boarded by many other students and workers heading for the town.

According to 24-year old Bijayanti, the bus was checked by police personnel just before it reached Gabardi market. Then, a few yards away, the bus was stopped by a mob of more than 200 people, who singled out the tribals in the bus, pulled them out and started assaulting them. Among those being beaten up was her husband, Bishuroy. She pleaded with the mob to let her go since she was pregnant and managed to run away. 100 metres from where this incident was occuring, just behind the hillock, was a police camp. She ran there for shelter, asked the police to intervene, stop the assault and take her husband to the hospital. But her pleas fell on deaf ears. For 11/2 hours she remained at the camp - pleading, crying and hearing the sounds of the mob attacking her husband and other tribals, unable to see what was happening or do anything about it. Then she was informed that her husband had been taken by two people in a private vehicle and admitted to the Govind Vallabh Pant Hospital in Agartala, Bijayanti was prevented from leaving Gabardi to be with her husband. The next day, the police brought Bishuroy's body home, saying he had passed away in the night.

The team also met Sumati and Shambhu Charan Dev Barma, the aged parents of Bidhu Dev Barma. Bidhu was their only son. They have six younger daughters. Due to Shambhu's poor health, Bidhu supported the family by giving tuition classes. On that day, he was headed towards town for one such class. While Sumati and Shambhu did not witness the incident, they rushed to the spot on hearing about it. However, Bidhu was not to be found either among the injured or the dead. For five days, they searched in vain. No one, neither the crowds nor the police could tell what had happened to their son. Then on the fifth day, the police informed them that Bidhu's body had been found two days ago, taken to Agartala for a post-mortem and cremated there. This, while everyone including the police had known of the parent's search for their son! As compensation, his parents were handed Rs. 3000/-.

In addition to the death of Bidhu and Bishuroy, one more youth was killed in the incident and 18 others severely injured. Eye witness accounts mention beating with lathis and rifle butts and nailing of palms and feet by the assailants. Apparently, this attack on the tri bal community occurred in retalition for the murder of a business man Mr. Khitish Rai on the previous day. The team heard plaints that whenever there is any mishap - a murder or kidnapping of an 'outsider' (immigrants from Bangladesh and West Bengal and a small number of other business communities), the tribals are always assumed to be responsible for it.

After Khitish Rai was killed in the market on the evening of 20th December, heavy police bandobast was organised in the Gabardi market area throughout the night in order 'to prevent any untoward incident from occuring'. In fact, the night patrol had continued into the early hours of the morning when they even checked the first bus for any miscreants or arms. However, when the same bus reached Gabardi at around 8 a.m, a mob of over 200 people, armed with lathis and rifles had collected there without being deterred by the presence of the police. Further, when the mob attacked the tribals, the police did not intervene or try to prevent the incident. They became mere spectators, allowing the beating and killing of the tribals

The fact-finding team met the DOC [Duty Officer-in-Charge] of the Takarjala P.S., who made contradictory statements on the role of the police in the Gabardi incident. Firstly, he said that the police camp did not have the personnel or infrastructure to take any action, despite being so close to the Gabardi market. Then, he said that 75. the real problem was that the policemen lacked the experience to control such a mob of more than 400 persons [police estimate of the mob].

When asked how such a big mob gathered there despite the police patrol in the area, he skirted the issue, choosing instead to attribute the size of the mob to the spread of rumours and communal feeling, and compared it to the way the 1980 riots spread all over the state. On being questioned about Bijayanti's repeated pleas for help, intervention or at least medical aid for her husband, he stated shortage of vehicles as the probable reason for police inaction. Also, he said that the Police Station was 'too far away' from the site of the incident for the police to respond in time. When he was reminded that the distance involved was a mere 3 kms, and that the incident occurred over an hour and a half, so surely the police could have done something if they wanted to, he admitted that the assault and killing took place because the police personnel did not do their duty properly. When asked why Bijayanti was not allowed to leave Gabardi to see her husband in the hospital in Agartala, he said she was prevented keeping in mind 'the law and order situation'.

Yet by his own account, the mob of about 400 persons was allowed to disperse at will. On the issue of the disappearance and subsequent mysterious re-appearance of Bidhu's body, the DOC claimed total ignorance and said that Bidhu was cremated as an unclaimed body. When reminded that both, the police and the community was aware that a hunt was on for Bidhu or his body, he confessed that while the procedure is that an identified body must be handed over to the family, the police often dispose bodies off by themselves to maintain law and order if they anticipate any 'problem' from the family or the community. 'Bidhu's must have been one such case', he said.

Further, the DOC informed the fact finding team that police investigation on the incident is almost complete. On the basis of eye witness accounts, he said that only 6 persons are under investigation. More persons could be investigated as the enquiry proceeds, or the number of people could reduce, depending on how the investigation proceeds. Curiously enough, he then admitted that 3 non tribal people had taken anticipatory bail just after the incident, but refused to identify them.

This incident follows a pattern which is horrifyingly common in Tripura. Murders or kidnappings of non-tribals are often followed by violence on the tribals by the 'outsiders' — while law enforcing agencies like the police and Tripura Security Rifles either play the role of mute spectators or actually support the dominant community's attack on the tribals. The Gabardi incident is one such case.

## Rape and assault of the women of Shibthakur Para

At around 8.30 am, on 28in Jan 1996, Mr. Sambhuram Deb Barma [s/o Narendra Deb Barma] of village Narasardar Para and Buddha Deb Barma [s/o Shambhu Deb Barma] of village Rambabu Para had gone to Donathar village near Shibthakur Para to attend a wedding. On the way, they were met by about 14 Tripura police and TSR personnel, who accused them of being insurgents, beat them up and arrested them. Naturally, as the two men protested their arrest and resisted the beatings, there was a lot of commotion. About fifteen women of Shibthakura Para who were transplanting paddy in the fields nearby rushed towards Donachar, to find out what the commotion was all about. But on their way, they were intercepted by the approximately 25 police personnel (Tripura Police and TSR). Most of the women were physically assaulted and molested, and some were raped. As they struggled to save themselves from the brutal attack by the police personnel, some of them even lost their gold ornaments. We met four out of the fifteen women assaulted in the fields. They were: [i] Buddhalaxmi - brutally assaulted by police personnel. [iii] 25-year old Ritu Deb Barma, w/o Anil Deb Barma was raped and beaten up. In the struggle to free herself from the assault, her clothes were torn off and finally, she became unconscious. [iiii] 55-year old Navalaxmi, w/o Magrai Deb Barma was hit with rifle butts. [iv] 65-year old Kanchanmala Deb Barma, w/o Jogendra Deb Barma was beaten with rifle butts. She was wounded on her forehead and had to be admitted to the Takarjala Rural Hospital that night.

Unfortunately, while the women were being assaulted in the fields, all was not well in the village either. Some police personnel came to Rashmi Deb Barma's house, ostensibly to search for her husband. They asked one of her daughters where he was and started to beat her up. Soon her other daughter also came home. All of them were beaten up and molested, and consequently required to be hospitalised for the next 3 days.

The same afternoon, the women and men of Shibthakur Para got together and went to Takarjala Police Station [the same police station at which the offending police personnel were posted] and lodged an FIR in which they named 12 victims. They are: Bishulaxmi Deb Barma, Rabikanya Deb Barma, Sambati Deb Barma. Budhalaxmi Deb Barma, Kanchanmala Deb Barma, Sandhyalaxmi Deb Barma, Bishukanya Deb Barma. Sukuswari Deb Barma, Gayatri Deb Barma and Ravalaxmi Deb Barma.

The villagers have heard that the State Government has ordered for an enquiry into the incident. But till date, nobody has come to meet or talk to them, so they have no clue about the current status or possible outcome of the enquiry.

When the fact-finding team went to the Takarjala police station to get the official version on the Shibthakur Para incident, the Duty Officer [DO] first decried the incident as something shameful and declared it as a blot on the police force. He said, "After all, we are tribals and so are they". But, on being asked to elaborate, he suddenly changed his tune and became defensive. He then claimed that 'the police personnel had gone to Shibthakur Para on a tip-off that one Sunil Deb Barma of the TTVF was there.

The police personnel, however, claimed that on reaching his house, they were prevented from performing their duty by the womenfolk who assaulted them. In self defence, they were forced to manhandle the women. On being questioned further about the attack on Rashmi Deb Barma and her daughters, he claimed that 'evidence' had been found in the house that Sunil was there. And the 'evidence' turned out to be just a pair of trousers hanging on the wall! When the DO was asked how just a pair of trousers [no papers, no arms, no identification] was sufficient evidence to beat up Sunil's family, he claimed ignorance saying, "You see, I was posted here at that time".

According to the DO, the enquiry into the incident is being supervised by H.M. Das, regional OC to ascertain the intention of the culprits who will be chargesheeted. But the fact-finding team, pleasantly surprised to hear that the culprits were to be brought to book so efficiently, was in for a rude shock. It turned out that the culprits the DO was talking about were the women of Shibthakur Para. What was even more shocking was that the enquiry at the level of the Police Station is being carried by one of the police officers who was part of the team which had visited Shibthakur Para and assaulted the women. The DO denied that an FIR had been lodged by the villagers of Shibthakur Para police station naming 12 women out of the fifteen women victims. On being quoted the date the FIR had been received by the police station, he countered that the police officer investigating the case [he refused to name him] had returned from Shibthakur Para and filed a counter-FIR accusing the women of assaulting the police personnel. When asked whether it was correct that an accused police officer be handed the charge of investigating the same case, he said the superintendent of the police of the area did not find anything wrong in it. It was also brought to the notice of the fact-finding team that all, barring one official posted at the Takarjala P.S. had been transferred out. But the DO claimed that that had nothing to do with either the Shivthakur Para nor the Gabardi incident. "It's just a matter of chance" he said.

So, while the police personnel are secure in their position as perpetrators of all kinds of human rights' violations, the villagers continue to live in fear. Six months after the incident, the women of Shibthakur Para are still afraid to go to their fields or even be outdoors unless they are in big groups, for fear of again being attacked by the police personnel.

The larger concern is that the Shibthakur Para incident is not an isolated one. The team learnt that it is a recurring event for police personnel to suddenly arrive at villages and claim to be on the look-out for 'militants'. It is during these kind of exercises that excesses are committed against the civilian population, including women and children.

#### A story of revenge in Mandwai and Nagrai

In fact, the third affected village that the fact-finding team visited was a victim of exactly the same kind of exercise - Mandwai Para and a neighbouring village, Nagrai, under Ampinagar P.S. in South Tripura. Here the team met women, men, children and village elders who had been severely beaten up, a couple of them arrested, and the entire village burnt down by CRPF jawans - in the aftermath of a clash between the CRPF and some militants.

In order to understand the events of 14th September, 1995, it is important to first understand a few geographical and other details of this part of the Amarpura district. This hilly region has a 24-hour CRPF patrol who man the upper stretches of the hills, overlooking among other things, the main Ampi-Amarpura road. On the other side is a virtual ring of hills with forests [under the administration of the Forest Department] and a number of villages and settlements. The valley within these hills is covered with rice fields and swamp land.

On that fateful day, 3 CRPF jawans were killed in a militant ambush at about 8 a.m. At almost the same time, a passenger bus with police escort came in towards Ampi from Agartala. As 22-year old Kishore Kumar Jamativa. an employee of the Autonomous District Council, alighted from the bus to visit his ailing father, he was shot down. While the official cause of Kishore K. Jamatiya's death is stated as 'caught in the crossfire'; villagers allege that he was killed in retaliation for the death of the CRPF jawans.

Within an hour the hilltops were crawling with CRPF jawans who started moving down towards the villages. beating and threatening the villagers, shooting indiscriminately at them, and looting their houses as they went by. Being the village closest to the site of the clash between the militants and the CRPF, [just a couple of kilometres through the hills] Mandwai bore the greatest brunt of their vengeance.

According to 95-year old Brajanitai Jamatia of Mandwai Para, at first 7-10 members of the CRPF, accompanied by Nityananda Sarkar, a Sub-Inspector of the Ampi P.S. [in mufti] came to the village at about 9.30 a.m. By this time, all the able bodied men had fled the village fearing the wrath of the security personnel, asking the women to look after the children and the homes. As soon as the CRPF and the SI entered the village, they started beating the women and children and Brajanitai Jamatia with lathis and rifle butts. Soon, they were joined by another 25-30 personnel who also joined in. 28-year old Padmalini Jamatia, one of the 6 women who was in the village at that time, says that they kept beating her, other women and even a 4-year old girl child, demanding to know where the extremists were. Those injured by the assault were: Subridra, Renubale, Chandrasakli, Brajo Netai, Mangalkanya, Padma Malini, Biroja Kanya, Lalita Sakhi, Ghumkhi Lakshmi, Kohodi, Krishna Sakhya, Chungrai Pada, Kshetrakumar, Sanee and Harmarog.

Then, the jawans started setting fire to the houses. All pleas for mercy by Brajanitai and the women fell on deaf ears. Instead they were only beaten up more severely. According to Mangal Mohan Jamatia, the villagers were not even allowed to take out their belongings from the burning houses, or even protect their grain from the fire. In the Mandwai incident of September 1995, the entire village of 18 houses was burnt to the ground due to arson by the CRPF. In fact, the team got some idea of the severity of the fire when it was shown a large pile of coins of various denominations that had been burnt to such an extent that many of them were only recognisable by their size. In fact, besides personal belongings, the people of Mandwai lost whatever cash they had in their homes, their grain and poultry. Additionally, their houses were looted of whatever the army personnel could lay their hands on.

Meanwhile, other villages in the forests and in the rest of the valley were being subjected to a 'combing operation' by another 40-50 security personnel. The team met Laxmipati Jamatia, Sarju Hari Jamatia, Surat Jamatia, Gauranga Kishore Jamatia and Joy Kishore Jamatia of village Nagrai to hear of their experiences.

45-year old Laxmipati Jamatia heard all the commotion and ran from the fields into what she thought was the safety of her home. But suddenly, some CRPF jawans broke into the house, broke her utensils, looted 10 silver coins and some old George V coins that she had hidden in the house.

At the time of this operation, 60-year old Sarju Hari Jamatia was resting on a charpai after his lunch following a morning of work in his fields. Suddenly, he found himself being jerked out of his sleep and beaten up severely. The jawans repeatedly asked him about the whereabouts of his son. "I honestly don't know where he is or what he is doing" Sarju Jamatia says pathetically, "if I did, why shouldn't I tell them?

The story of Surat Jamatia, Gauranga K. Jamatia and Joy K. Jamatia is equally ironic. Contract labour hired by 78. the Forest Department, they were on duty, working in the forest when they saw Mandwai burning. According to

Joy Jamatia, when they tried to rush to the help of the villagers they were spotted by the army men who started shooting at them without trying to determine who they were. Shocked and frightened, they ran for their lives. Fortunately only Gauranga was injured on his toes and he got caught, as did Surat. But Joy kept running until he landed in a swamp. For two hours, he stood there, neck deep in the swamp, praying that he wouldn't be found. By the time he came out, Gauranga and Surat had been arrested on charges of harbouring terrorists and paraded naked in their village, Nagrai. Then, they were taken to the spot where Kishore Kumar Jamatiya's body still lay on the road. They were forced to carry it to the Police Station and interrogated by the Sub Inspector. They spent 6 days in the lock-up, and were jailed in Amarpura for 2 months. Finally, they were released on a bail bond of Rs. 2000/- each, but in order to obtain it, each of them spent about Rs. 6000/-.

Surprisingly, it was the people of Mandwai who received the prompt attention of the police from the Ampi P.S. An hour after the CRPF jawans and the SI from the same P.S. left the destroyed village, the police came to 'enquire into the incident'. In fact, after gathering a detailed account, they asked the villagers to come to the station and file a complaint. It was evening before the men even had the courage to return to the village and noone in Mandwai dared venture out to the P.S. for the next 3 days. The next day, Ranjit Deb Nath, Minister of Transport and Communication, the SDO and the District Magistrate visited Mandwai. For the next few months, although even the landed in Mandwai worked as labour and ate half-burnt rice for food, each of the families received Rs. 500/- as compensation plus tin roofing material for their houses but no food, clothing or medicines. The people of Mandwai are clear that such prompt action has been taken only to buy their silence, for no action has been taken against the erring CRPF jawans or the SI of the P.S. But no-one in Mandwai has the courage to ask.

Ghachiram Para. Ujanmaidan. Rajkubra Para. Khowai. Gabardi. Shibthakur Para. Mandwai Para. Nagrai the list is endless. Wherever the fact-finding team went, and whoever we met, especially in the interiors of the state, we learnt that whenever an incident occurs, the security personnel, be they the police or paramilitary forces like the Assam Rifles and the CRPF, carry out angry reprisals. Looting and ransacking neighbouring villages and taking out their anger against any civilians unfortunate enough to be around. This pattern has beome so predictable in all parts of Tripura, that the men are the first to flee the villages to try and escape the bullets and the interrogation of the security personnel. While in the past, the absence of the men often served to protect the village, the situation has now worsened - with the women, children and households having to face the anger of the forces. And this has remained unchanged ever since the days when Tripura was first declared a Disturbed Area and brought under the Armed Forces (Special Powers) Act.

#### Conclusion

Geographically, economically, politically, culturally ... the people of Tripura have been alienated beyond imagination. The results are all there to be seen in the pain that they have borne at the hands of insensitive governments, lop-sided policies and development, opportunities lost to the immigrant majority and finally, to the brutality they have to face at the hands of the police, para-military and armed forces, whose presence and powers have only grown with the passage of time. It is undeniable that this all-pervading power of the security forces is directly linked with the powers bestowed upon them by the Armed Forces (Special Powers) Act, and other legislation like the Tripura State Security Act. But an exploration into the history and agony of the people of Tripura, the smallest state in the North East can teach us important lessons about the fate of forgotten peoples in the world's largest democracy.

#### Postscript

Before this report could go into the press, 10 police station areas of Tripura have been declared as Disturbed Areas and the Armed Forces (Special Powers) Act imposed. This follows the alleged abduction on 20th Jan., 1997 of Upendra Das, a leader of 'Amra Bengali' who was later 'rescued' in his own locality. On 6th February, 'Amra Bengali' and other like-minded organisations held a mass demonstration in which they are believed to have been carrying weapons and inflammable articles. On 7th February, non-tribal militants are said to have attacked tribals hamlets in Khowai sub-division. On 13th February, when the All Tripura Tiger Force (ATTF) attacked non-tribal hamlets, at least 31 civilians were killed and 200 houses set ablaze. Despite the existence 79. of police posts nearby, police personnel apparently failed to take any action. In the aftermath of these developments, intense communal riots have been sparked off in parts of the state.

Within the few weeks since the imposition of the Act, one militant group called the Tripura Ressurection Army has surrendered to the State Government. Meanwhile, reports of excesses on the people by security forces are pouring in. Among those are a high number of killings, arrests, detentions, gang rapes and the cutting off of civil supplies to the troubled areas. Within the first week itself, 56 arrests and 24 detentions had been made, and 5 women gang raped.

Obviously, this is no way for either 'law and order' to be restored, or any real solutions to be found. The State and Central Governments must seek political solutions fast, before more damage is done to the people of Tripura.

## arunachal pradesh

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#### Introduction

Arunachal Pradesh, with an area of about 33,000 sq kms, is entirely mountainous except for a few stretches. Two thirds of the state is covered by dense forests.

In 1838, the British extended their administration to the frontiers which now form Arunachal Pradesh. However, administrative intervention was minimal, because of poor communication. In 1914, the British government declared the North East Frontier Tracts as "Excluded Areas" of Assam. Consequently, they were administered by the Governor of Assam. When the Constitution of India came into force in 1950, another change was effected in the administrative set up. The Government of Assam no longer had the responsibility of administering the "Excluded Area". However, the discretionary power was vested in the Governor of Assam, who served as the agent of the President of India. In 1954, by the North East Frontier Areas (Administration) Regulation, 1954, all these tracts together with some Naga Tribal Areas were formed into the North East Frontier Agency (NEFA). With the enactment of the North Eastern Area (Reorganisation) Act 1971, NEFA was made the Union Territory of Arunachal Pradesh on 21 January, 1972. In 1987, Arunachal Pradesh was made a fullfledged state of the Indian Union.

The total population of 864,558 is exclusively tribal. Part X of the Constitution read with the VI Schedule governs the administration of Arunachal Pradesh. The entire state has been declared as a "Scheduled Area". The institution of Gaon Bura (Village Chief) and Kebang (Village Council) is still responsible for the maintenance of law and order and settling civil and criminal disputes. By Regulation 1 of 1945 which is still in force, these structures have been given legal sanction.

#### The "Foreigner Problem"

The Chakma and Hajong refugees hail from the Chittagong Hill Tracts and Mymensing district of present Bangladesh. These refugees, mostly Buddhist, came to India between 1964 and 1969, partly to escape religious persecution of the government of erstwhile East Pakistan, and also forced displacement as a result of the construction of the Kaptai Dam.

The decision to settle the refugees in Arunachal Pradesh was taken by the Governor of Assam. Consequently, about 15,000 refugees were settled in Lohit, Subansiri (present Papum Pare) and Tirap (now in Changlang District) districts, on about 10,000 acres of land. According to some estimates, their number has now grown to about 65,000.

The "foreigner" issue has become a source of intense tension and conflict between the indigenous tribal people and the refugees. Citizenship, land rights, legal status, political representation and encroachment of reserved forest land have become major issues of contention.

#### Application of the Armed Forces (Special Powers) Act

The Armed Forces (Special Powers) Act has been the instrument of much violence, destruction and militarisation of those societies in the North East, that are seen by the state as crucial sites of "insurgent" activities. In the midst of this area of violence, Arunachal has by and large remained an "island of peace". The underground militant movement for various reasons, has yet to take root here and the army on the other hand has been relatively more circumspect in its attempts to "contain 'insurgency". although reports have filtered through of harassment and excesses in Tirap and Changlang. These districts are home to a number of Naga tribes who the State fears will support the NSCN[National 81] Socialist Council of Nagaland] in its "anti national" activities. Besides, strategically placed between Assam and Nagaland - its northern borders provide a safe conduit for the NSCN [National Socialist Council of Nagaland] to link up with the ULFA [The United Liberation Front of Assam]. For all these reasons Tirap and Changlang were declared as Disturbed Areas in 1988 and later again in 1991.

Our search for evidence of promulgation of the Act began in Itanagar, the capital of Arunachal almost 800 kms. away from Tirap, the site of maximum tension. At the state headquarters we hoped to get at least official confirmation of the promulgation of the Act.

However even while the information about the Act remained elusive and the search frustrating, our experiences proved to be extraordinarily illuminating. For as in any fact finding mission, we collected not just facts but also some images, some impressions, some insights. In this short report we present some fragments of this reality; fragments that speak of a larger truth. And so, while we did not come across a state and a people visibly torn apart by military might and brutality, we did see in the society and its politics the seeds of a disturbing future.

#### Some Images

The serene, heavily wooded mountain slopes of Arunachal stand sentinel to our arrival as the Brave Brahmaputra and her tributaries escort us into Itanagar. While the State has made entry difficult by insisting that all "outsiders" need to have an inner-line permit to enter the state, nature naturally complicates matters - aided and abetted by a somnolent publicworks department that has allowed a couple of bridges at the entrance to Itanagar to collapse. Our car has to wade through the streams.

Arunachal Pradesh, preserved almost as the last bastion of "tribal culture" in the north east, presents some rather unusual and contradictory sights that indicate the presence of more than one "outsider". The first was the innocuous but very telling presence of the Ramakrishna Mission which has been allowed to set up base almost since the inception of the state. Surprising, since the Indian government took a policy decision to keep out the Christian Missionaries from the State to retain the natural genius of tribal societies.

The second was the rather disconcerting experience of hearing fluent Hindi, a very northern Indian language, being spoken by almost all the tribal people. It was surprising that in school the tribals have to compulsorily learn 3 languages i.e English [the International language], Hindi [the National inter-state link language] and Sanskrit [the forgotten language], or Assamese [the local oppressor] and never mind if the mother tongue was misplaced in the labyrinth of the three language formula.

The third was the omnipresent resentment of all the local tribal to the "refugees" - the Chakmas and the Hajongs - a resentment that seemed surprising considering the large land area as compared to the population, the abundant resources and above all, the almost mythical tribal world view that is supposed to be all encompassing and all inclusive.

And last but not the least. The most unusual sight of them all - "Protect the Rights of the Indigenous Peoples of Arunachal Pradesh" - a banner fluttering in the breeze at the entrance of Itanagar, proclaiming to the world that the wild west will always win - even if it is through the "liberal", "democratic" doors of the United Nations!

The Inner-Line-Permit system, it is obvious, has been unable to stop the onward march of the "outsiders" who come in unaccounted and are in fact today in many disturbing ways, determining and deciding the destinies of the tribal societies in Arunachal.

#### The Army and the people: Some impressions

Arunachal was, at least on the surface, striking for the lack of army presence. Striking, for we had just driven through Guwahati - the gateway to the North East in Assam, whose main streets including some overcrowded bazaar lanes, were routinely lined with the 'phantoms of the east' - the black cats

with their black hoods, black masks, and of course the macho AK 47's clasped in their hands against their chest in a permanent posture of attack. The local people there seem to have got as used to them as electric poles which just need to be avoided while walking. The routine acceptance of such violence is blood chilling in its normalcy.

Arunachal has been a bone of contention between China and India, but despite the army presence since the 1962 war, the militarisation of life and society in the other states of the North East is conspicuous by its absence here. Not many seemed to be aware of the existence of the Act. This is despite the fact that Arunachal has also felt the heavy arm of the police and army during 1986 and later in 1991, when, as some of the student activists we met, remembered angrily that the Assam homeguards routinely raided villages within 20 kms of Itanagar suspecting local people of harbouring ULFA "militants".

The Naga "'insurgency'" movement has also spilled over into Arunachal - especially in the Changla and Tirap districts - in the northern and eastern tip of the state. For it is these areas where a large number of the Naga tribes live and are therefore being claimed as part of the larger Naga land by the NSCN. In Itanagar, however, talking to some of the local student and political activists, we sensed that this demand is not supported whole heartedly by the "Arunachali Nagas" some of whom see themselves as distinct from the "Naga Nagas". The "non Naga" Arunachalis on the other hand see this as an encroachment on their boundaries.

The primary flash point of conflict that is most visible in Arunachal is on the issue of "refugees" who the local people strongly feel have been foisted on them without their consent or permission by a government that has its own vested interest in doing so. The hatred of the Chakmas and Hajong refugees is written large on the walls. "Chakmas go home". "AAPSU condemns Supreme Court ruling on Chakmas", proclaims the voice of the student movement in Arunachal that is strident and strong - echoing the anti foreign agitation of the AASU in Assam.

The resentment is not so surprising when you begin to understand the game that the Central government has been playing since 1964 to gain its own political ends when it sought to provide a safe haven in Arunachal for the Buddhist Chakma refugees from the Chittagong Hill Tracts(CHT) from where they were displaced due to various reasons. Primary among them was the construction of a Hydro Electric Project, as also the communal onslaught by East Pakistanis when the Chakmas chose to hoist the Indian tricolor in CHT in 1947. So the motives of the Indian Government were not all altruistic - for the Chakmas proved themselves to be useful pawns in proxy wars being waged between India, Bangladesh and Pakistan. They were later trained in bush warfare to be used against the Nagas who were daring to dream of "self determination". Of course, today with the phenomenal growth of their population from 4000 - 5000 in 1964 to about 80,000 today [as per official figures] they are being carefully cultivated as a vote bank. Therefore their land and economic interests, as also their citizenship rights as voters are being ensured and safeguarded. Not surprising then the explosive resentment against the Chakmas who it is felt will reduce the 8.5 lakh Arunachalis into "minorities" in their own land.

This apart, despite enquiries from all people concerned, mystery still surrounded the existence and implementation of the Armed Forces (Special Powers) Act. And when even the acting Chief Secretary and Development Commissioner of Itanagar, Mr. Ashok Nath was not able to confirm whether Tirap and Changlang had also been declared as 'Disturbed Areas' and were under the Armed Forces Special Powers Act, we decided to proceed to Khonsa, the headquarter of Tirap district, in search of what now seemed to be the holy grail.

#### Khonsa: Some Images

Arunachal acquires a deeper beauty as we approach Khonsa. The valleys seem to go on forever. The forests grow thicker and greener, the mountains mistier. The serene silence of the forests surrounds the senses even as the chirping of the many birds provides a rhythmic backdrop.

Khonsa was also relatively peaceful with the army not being very visible. We were told that the trouble spots were Lajo and surrounding villages bordering Nagaland about 40 kms from Khonsa. We made desperate attempts to get to Lajo but weather, broken bridges and lack of transportation prevented us from going all the way. We however attempted to meet people from Lajo who were in Khonsa - 83. local leaders, politicians, district administration and the Assam Rifles - and attempted to piece together a picture that would throw light on what role the army was playing in an area supposedly notified in 1991 under the Disturbed Area Act.

From some of the local people and youth, we got contradictory facts. The NSCN presence, in the sense of the Naga underground crossing over to taking food and shelter from the local villagers in villages surrounding Lajo and extracting money from local contractors and politicians, is a silently acknowledged fact. The question is greeted with an eloquent silence that speaks of fear of the army. It is obvious that attempts were made to cut off this support through intimidation and harassment of the local people, especially in 1991. We learnt that in the villages of Kothung, Kolm and Kanobari the village chiefs were taken in for interrogation and beaten brutally. In Kothung, the "Gaon Bura" (village elder) had died in a cross fire between the underground and Assam Rifles. Two army men also died.

The Zilla Parishad President of Lajo told us of an incident where he saw the Assam Rifles bringing in for questioning many locals who were suspected of giving rice to the NSCN. He said there was no trouble as such in terms of forced extortion from the NSCN. He felt that only if the State Intelligence Bureau gets information that a member of the NSCN has been spotted in the border and puts pressure on the Assam Rifles do they get activated. There is one company of the Assam Rifles [100 troops] located in Lajo. He spoke of his own house being searched about two years back in September/October 1994. The police barged in around 5 a.m took his keys and searched his cupboards and suitcases. They left after taking a statement from him that he had not been tortured or harassed—which is their usual modus operandi to keep their records clean. His surmise was that there were about two or three individuals detained in the Under Trial Prison Cell [UTPC] being run by the CRPF in Khonsa. The UTPC is the only place for judicial custody in Arunachal - after which they are remanded to Guwahati where the case is ultimately heard in the High Court. His main concern apart from the army operations seems to have been the restricted access to daily commodities like rice, whose sale is not allowed in the open market. This as we learnt later is probably to restrict its sale to the Naga underground, as indicated in a subsequent conversation with the commander of Assam Rifles.

The D.C. of Khonsa, Mohanjeet Singh's estimate was that about 75 "Arunachali Nagas" in the border areas had "crossed over" and joined the NSCN. As the Sessions Judge, apart from being the primary administrative authority, he has heard about 4-5 cases in the past year of those who have been arrested under section 121 IPC i.e. waging war against the Government of India. Prior to his arrival nine months back, in 1995 there were 30 cases registered. He was firm in his belief that the Armed Forces (Special Powers) Act was not in operation in the entire district of Tirap and Changlang - this he said, was in operation only within 5 km range of the border. This was confirmed by the Extra Additional Commissioner's office where a helpful Mr. Rajan extracted for us the records of how many cases had been registered under Section 121. According to the records, the whole of Tirap and Changla before bifurcation in 1986 were declared as a Disturbed Area. This was withdrawn in 1988 and was reintroduced, but only within 5 kms radius of the border in 1991. To date till 1996, 15 cases have been charge sheeted and are pending trial while 7 remain to be chargesheeted.

About 30 persons were granted bail while 12 were discharged. Nobody has been convicted yet under Section 121 of IPC and none of the cases registered under TADA have stood trial. 24 cases were registered under TADA in which 50 people were arrested. In the UTPC no detainee is kept for a long period since basic facilities are not available. And so according to him, cases are looked at leniently and discharged at the initial hearing itself. The longest period an undertrial has been detained is 3 years - and this is an exception since the man, Wakam Bam Babu, a Manipuri has not been able to get anybody to stand sureity for him. The District authorities have attempted to get in touch with their counterparts in Imphal to contact his family - but nobody has come forward.

#### The Assam Rifles

"The custodians of law and order, the pioneers of every advance into the interior, the guardians of our borders and above all, the friends of the hill people"

[Verrier Elwin -- in a moment of poetic dementia]

The Assam Rifles, first raised by the British to provide security for their tea estates in 1835 and later converted into a special force to contain 'insurgency' in the north east, commands no such love and

adulation among the people of the north east today. If anything they engender intense hate and mistrust, for they have become the primary purveyors of the might and brutality of a militarized state.

In pursuit of our aim to understand the exact status of the AFSPA, we walked up the hill to casually storm into the citadel of the Assam Rifles. Security it seemed was sleepy - for the rather gentle looking Jawan allowed us to get in with ease without checking our credentials or identity. Perhaps it was our middle class, educated arrogance that carried us through. But we were however stopped at the office of the Commanding Officer.

To our surprise, the Commanding Officer Col. A.M. Somashekhar was more than willing to grant audience. In an expansive lecture - demonstration, complete with maps and charts, he gave us a fairly good insight into Security Forces operations in the area - apart from giving us a glimpse into a military mind. He began categorically by stating that the entire area of Tirap and Changlang was still a Disturbed Area and therefore came under the Armed Forces(Special Powers) Act. This has been so since 1991 and has not been withdrawn. Only "we don't use it since we don't want to antagonize the local people. This is in terms of insurgency, a low key area, where the locals are not really involved. If they are, it is only out of fear or because they are paid money by the NSCN for food items." There are no direct encounters here he said, because of the terrain, unlike the situation in Jammu and Kashmir. [thank god for small mercies!] The typical military contempt for civil administration and politics seeped through on many occasions - the attitude of "we could manage people and the situation better". The civil administration he felt was totally apathetic to the existing realities.

He was of course immediately defensive about the role of the army and other security forces, saying that the reports of army atrocities are always exaggerated and blown out of proportion. A veteran of "anti terrorist" and "anti insurgency" operations in Punjab and Kashmir as well, he justified the use of the force as natural when the army is involved. However, he did accept the fact that the security forces were doing a fire fighting job with no clear direction and also agreed that for "'insurgency'" there can be no military solution - it has to be political. He felt that the army was being "misused" by the politicians and the superiors should take a stand against this.

And so it seemed we were back to square one. The army clearly asserts that the Armed Forces (Special Powers) Act is in operation in the entire district. While the District Administration reconfirmed categorically that it was not so. So it was as if the Armed Forces (Special Powers) Act was not in force, even while being there. Much like the violence that simmers below the surface there and yet not there.

#### After Images

The beauty of Arunachal too is real but ephemeral. Its serenity is deceptive. A deeper, darker violence lurks - a violence rooted in despair of another kind. The relentless push of modernization and the intrusion of the so-called democratic institutions have had their own effects. On the surface of it, avaricious commercialization and rampant corruption scars the geographical and political landscape of the society. The strong basis of a subsistence economy is being totally eroded, with nothing substantial or relevant taking root from the ashes of its destruction.

The ferocious felling of trees is ensuring that the once rich forests are getting absolutely impoverished. "Yes, the forests may last for another 5 years", says the D.C. Mohanjeet Singh almost callously. "Perhaps the perspective plan is to destroy the forests and bring in tea plantations instead" he adds, smiling suggestively. A deeper investigation might reveal that the remark is not so light or far fetched after all - especially considering the sight of the sudden mushrooming of tea plantations in the once deeply forested mountain sides of Arunachal.

A maximum number of 1000 permits are supposed to be given by the Forest Department to the timber contractors who apply for cutting down the trees. Everybody knows that this number is ficticious in the face of reality of thousands of trees being felled. The permits are now in the hands of the politicians who use it as a means to dispense and gain favours.

The younger generation of tribal people have taken to timber contracting in a big way - for it earns them quick and big money [apart from Maruti Gypsies]. "What other options do we have" asks a young man tiredly. The younger generation, products of fragmenting communities seem to have little to hold on to or look forward to. 85. Their elders have betrayed them - for most village chiefs and "gaon burras" seem to have been bought over by dominant commercial and political interests. One of the local political aspirants, involved obviously in the sleaziest kind of politics proudly spoke about the Namsong Borduria Fund (NBF) that was initiated by the Noctes way back in 1948. Incidentally it was made mandatory by the then Chief Secretary of NEFA, K.A.Raja who extended active state patronage to this fund, that a certain percentage of its income should go towards the upkeep of the Ramakrishna Mission and the Sharada Mission. The NBF which they claim, funds more development projects than the government, has been put together through the leasing out of their forest to the government for 50 years by the Chiefs of the Namsong and Borduria tribes. 75% of the revenue of the Forest Department has to be handed over to the NBF. The revenue of the forest department in turn is generated from royalties given by the timber contractors. So far so good. It seems the tribal communities too are learning to play the game of "maximizing resource potential". But at what and whose cost?

Despite the philosophy of the "Inner Line", that tribal society has to "develop" with its own genius - it is obvious that "outside" cultures have contributed greatly to eroding and destroying what existed. Hinduism primarily on one hand and Christianity on the other have done their essential damage. In Arunachal, the Hinduisation of society has been largely accomplished through the Ramakrishna Mission that came in after the 1962 Chinese war in the guise of doing welfare work for the Chakma refugees. It was given total support by the state administration and bureaucracy obviously so that it could be a strong bulwark against the overwhelming Christian-ness of the other north eastern states. As is wont to be with missionary Hinduism - it never sought to convert - but merely had to creep in insidiously and subsume tribal identity as part of the larger Hindu ethos. For instance it has taken over the tribal worship of the sun and moon by constructing a temple called the Doni Polo Mission and distributing to its devotees a *prasad* of "ginger and egg".

Christianization in Arunachal has taken place in parts -- and mainly one surmises, through the Naga tribes who live in the northern parts of Arunachal - Tirap and Changlang. While Hinduisation has been concentrating on homogenizing diverse tribal identities into a Hindu-sthan, Christianity on the other has opened out the tribal societies and sought to absorb them into a larger, more "universal" international mainstream. Christianity is a modern religion says a man who converted to Christianity 3 years back. "I can't become a Hindu if I am not born one. However, the Church is like a society that accepts anybody into its fold - there is no high, no low". But he makes a fine distinction between Christianity that has come into Nagaland and that into Arunachal. The former has bred "anti nationalism" he feels, while here they have been trying to convey the Church into propagating a more "Indianised Christianity". But in fact he betrays his true religion when he says "India has failed to exploit our potential and resources - it should hand us over to the United States".

Tribal self worth has been further eroded through the government's paternalistic attitude of seeing them as objects of development. It is strange that in a State where they are in the majority, the tribals have to claim a special category status - as the "scheduled tribes" - and this to enable them to claim special benefits that will help them to become part of the mainstream. It is as if they are doomed to be marginalised forever.

Democracy and development have brought in an increasing competitiveness between the very many clans and communities who are today clamouring to claim the crumbs of political power and development largesse that are being distributed by the Central Government. In this melee it is obvious that some of the "smaller" tribes end up feeling that the "larger" ones are dominating and claiming a major share of the benefits.

The tribal society here is wonderfully rich in its diversity. The Adis, the Apatanis, the Shardupes, the Mompas .... the list is endless. With such multiplicity, it is however obvious that inter clan and community conflicts abounded over issues like honour, land etc. However, these conflicts were naturally contained through a self imposed code and dynamics which are today being eroded and appropriated by an overwhelmingly centralized notion of governance. Tribal society for political, economic and cultural reasons is being socially engineered to fit into the framework of the nation state, even while the latter claims that it seeks to "protect" tribal culture and identity.

Ironically however some of the attempts of the State to preserve the tribal institutions and practices are being resisted by the communities themselves, particularly when it comes to women. For instance, women from within the communities who are raising questions regarding some discriminatory aspects 86. of tribal customary law like those related to property rights for women, are protesting the recent

move of the State Government to pass an Act legitimizing such laws. On the other hand, student bodies like the AAPSU are not very enthusiastic about the Panchayat Act that seeks to give 33% reservation to women.

However, even in this mainstreaming of tribal societies, some crucial institutions still survive in a defiantly subversive fashion. The most interesting fact we discovered was that the land on which Itanagar, the capital of Arunachal has been built, was gifted to the government by the Nishi clan. All land in Arunachal is still naturally owned by the tribals. There is no land act in operation, no land survey has been done, so there are no land records. If the government has to use any land it has to approach the clan in whose control the land is. The government even has to give royalty to that clan to use the sand and stone from the land. After 1971, there was a law passed which stated that no land can be bought by outsiders.

Arunachal at the moment is peaceful. But perhaps not for long. It will not be long before militancy will spill over into this "island of peace" and the situation becomes explosive enough for it to take root and flourish. The anti foreigner / Chakma refugees issues, the increasing impoverishment of a people and their resources through crass commercialization and exploitation, the problems of defining borders with neighboring states like Nagaland and Assam, the increasing despair of the youth of Arunachal who are lost between the past and the future, the escalating conflict of interests between communities, are all potential flash points which the state, going by its records, will attempt to contain and control through increased army action. Especially since it involves keeping at bay "hostile" neighbours.

While the military might remain relatively invisible today, what is disturbing are those visible images that echo hauntingly of what has been happening or being engineered by wider cultural, economic and political forces, in the other six states whose societies today are fractured and wounded. For, unknown to the outside world, a vicious cycle of violence has been unleashed in the land of the seven sisters, that has only been returning to destroy a land whose societies are getting as militarized as the State.

## <u>meghalaya</u>

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Although the Armed Forces (Special Powers) Act has never been imposed in the state, the team visited Meghalaya with a view to determine the extent and impact of militarisation in the state and its effect on normal civilian life. The team visited Shillong and Sohra and met with a wide section of the people including MLAs, students activists, journalists, academicians, social activists, women groups and victims of police firing, and relatives of victims who had died as a result of police firing and torture.

There is a high, not to mention disturbing, military presence in the state, accompanied by the widespread enforcement of several draconian acts such as the erstwhile TADA, NSA and Meghalaya Preventive Detention Act (MPDA).

#### Background: Trouble in the abode of the clouds

Meghalaya - the abode of the clouds - has its capital in what is probably the best known hill town of the North East - Shillong. Comprising the hill areas around Shillong, the state is spread over an area of 22,429 sq. kms. that was originally a part of Assam. Today, it is bounded on three sides by Assam and shares a long international border with Bangladesh along its south.

But the verdant hills of Meghalaya have been etched with a long history of struggle. When the British staked their claim in the region, resistance followed and many Khasi leaders were seized, imprisoned and killed. An uneasy truce was arrived at in the years that followed when the British made Shillong [then in Assam] their North Eastern region headquarter. In time, the ruling elite tried to emulate the British, with the rest of the people maintaining a safe distance.

Unfortunately, independence brought little reprieve to these hill people. Although J.J.M.Nichols-Roy, a prominent Khasi leader had helped draft the country's Constitution, particularly those sections relating to the tribes of the North East, the hill tribes of [then] Assam felt sidelined as second-class citizens in their own land. Across party and tribal lines, the Khasis, Jaintias, Garos and Mizos formed the All Party Hill Leaders Conference [APHLC] to demand a separate hill state that would be more finely attuned to their needs and aspirations. But soon, divisions crept in, and the Mizos broke away. Finally, it took ten years of struggle against the irredentism of the Assamese, before the hills around Shillong, could become an autonomous state within Assam on April 2, 1970 and receive full statehood almost two years later on Jan. 21st, 1972.

According to the 1991 census, Meghalaya has a total population of 17,74,778 of which 85.53% are indigenous people. The main tribes in Meghalaya are the Hynniew Trep, a conglomerate of the Khasis and Jaintias or Pnars, and the Achiks or Garos. The Hynniew Trep who belong to the Mon-Khmer group live mainly on the Khasi and Jaintia Hills, while the Achiks who predominate in the Garo hills trace back to Tibeto-Burman origins. But despite having fought for, and supposedly won, 'a hill state for the hill people' almost 25 years ago, it is sad to note that the indigenous tribes of Meghalaya are still struggling for control over the states' land, resources, business, bureaucracy and cultural identity. And, more pathetically, trying to combat the apathy of the Central government and the antipathy of the defence

## The growth of Shillong: The eye of the storm

It is an irony of the times that Shillong, the very place that the people of Meghalaya have historically taken pride in, has played a historic role in the economic and political marginalisation of the original inhabitants of the state. It was the arrival of the British that in fact, led to the establishment of Shillong as the town we now know. They made it their capital, setting up a widespread infrastructure to support its administration and the military base - complete with an eighteen-hole golf course, horse racing on Saturdays, and cricket and church services on Sundays. In conjunction with the arrival of Christianity in the state in the nineteenth century, this led to the slow but certain breakdown of traditional indigenous practices.

In post-independent India, Shillong has continued to be an important centre of the North-East. Even today, it boasts of some of the country's most well known hospitals, schools and colleges including the North East Hill University [NEHU]. It is the seat of North East Economic Council (NEC). Shillong is the centre of an enormous amount of trade and business, especially in natural resources. The headquarters of the Eastern Air Command and 101 Communication Zone of the Army with training centres for the Assam Rifles and Gorkha regiments are located here.

It is apparent that the infrastructure that the British set up in the city of Shillong had little to do with the aspirations or needs of the people of Meghalaya. This precipitated the arrival of Marwari entrepreneurs from Rajasthan, traders from Sind, Punjab and Bombay, Bengali businessmen, migrant labour from Nepal, Bihar and Bangladesh, and tea planters from neighbouring Assam - communities that over the years have gathered control over the business and bureaucracy in the state, its land and resources. There is also a large student population from all over the North-East. In addition, ever since independence, or even the formation of Meghalaya as a separate state, the Central Government has done little to address the problems of the Khasis, Jaintias and Garos, continuing to establish instead a high military presence in the state. Viewed in this perspective, it is easy to understand why, despite being one of the few states in the North-East with no history of insurgency or militancy, the streets of Meghalaya are still teeming with tension.

## Alienation from the land: The hills roar with discontent

Like most indigenous communities, the inhabitants of Meghalaya have a well defined land system. They have two kinds of land *Ri Kynti* (private land) and *Ri Raid* (community land). The people are the custodians of the land to be passed on from generation to generation. Land has never been a commodity to be disposed of at will. But such values began to be eroded with the coming of British into this area.

In fact even today, almost 30% of prime city land of Shillong is occupied by the army and other security forces to be used as headquarters, bases, training centres and private accomodation and recreational facilities! Naturally, there is a growing resentment among the local people about their inability to get back the most valuable part of their land which had been acquired by the British under 'long-term leases' or through direct purchases. After independence, all the private and community land taken over by the British was inherited by the State. Today, when the indigenous people of Meghalaya find that their land is not returned to them even after the expiry of the lease periods, they obviously see it as an indirect act of dispossessing them of their homeland.

In addition, acquisition of indigenous peoples' land has continued in post-independence years. As recently as 1995 there has been a move to acquire more land in Madan Umiew by the Assam Rifles, and Mawlynrei by the BSF for their housing complexes. As Ms. Moli Suchiang, President of Tribal Women's Welfare and Development Association of Meghalaya [TWWADAM] says, "In recent years, it is common to find land owners sending petitions to state authorities and even going to court to get back their land. And these cases range from land that has been acquired for an army base to bungalows leased for private residence for defence officials". An interesting instance is that of 2 bungalows that now belong to Mrs.Redina Kharkrang which were rented out by her father to the Defence Department during the British rule in 1939, under the House Accommodation Act. When all attempts at acquiring rightful ownership of her house failed, she sent a memorandum to the Prime Minister asking him to intervene, but to no avail. Today, she has a case pending in the Guwahati High Court. Meanwhile, all that has happened is that one of her bungalows [No.7 'Lucky Cottage'] was razed to the ground under suspicious circumstances.

But even in the countryside, the story of alienation of the local people of Meghalaya from their land, finds itself sadly repeated. With the consolidation of British authority over Khasi and Jaintia Hills, large tracts of prime land outside Shillong were also leased to the British. En route to Cherrapunjee district, the fact-finding team was shown a newly built BSF complex which had displaced hundreds of indigenous people without even giving them a reasonable compensation. In addition, the people of the countryside have also paid the price for the attraction their rich forests have held for non-local merchants and traders. Valuable timber, and large deposits of coal and uranium have made the hills of Meghalaya fertile ground for exploitation of the people, their land and its natural resources. A fair indicator of the scale of opportunity and business in rural Meghalaya may be gauged even before a casual visitor reaches Shillong. On the way up from Guwahati, the sheer number of trucks loaded with timber and coal that pack the road drive home the point.

## Migrant populations: A thunderous relationship

Contrary to popular perception, Meghalaya especially Shillong, is not simply comprised of the Khasis, Jaintias and Garos along with a handful of defence personnel. It is a complex, multi-cultural place with communities from the northern and eastern parts of the country. And although the issue of migrants into Meghalaya has not been as much of a problem as in Tripura, over the decades, the migrants have increased in number, and more importantly, gained strength in determining the fate of the state. Naturally, this process has brought along its own baggage of tensions, turning it into a veritable tinder box.

All over Meghalaya, in every sphere of life, be it the labour market or the courts, the police or the administration, a visibly large proportion of the jobs and business is in the hands of the non-tribals. Providing the tangible basis for the sense of isolation these indigenous people feel in their own land. Prof. L.Mangkara K.Lyngrah, Chairman of Synjuk ki Seng Samla Shnong [SSSS - Federation of Traditional Youth Organisations] says, "The reasons why the indigenous people of Meghalaya are squeezed out of the economy are that on one hand, the immigrant labour is ready to work for lower wages and on the other hand, the migrant trading community has better links outside the state, and therefore able to command better terms of trade". Then, there is the matter of numbers. While the 1991 census figures for the state account for just 15% non-tribals, the fact is that in certain places there has been a dramatic change in demographics, eg. the main commercial and power centre of Shillong called Laitmukhra had a mere 10% increase in its tribal population between 1990 and 1995, while its non-tribal population went up by 50%!

On one hand, the tribals of Meghalaya feel that they have given the 'outsiders' a fair amount of space to make their own lives in Meghalaya. As Mr.Y.B.M.Lanong, President of the Hill Peoples' Union says, "Academically, professionally, personally, we have always had healthy respect for them. Even in our District Councils, we have have had a place for them since 1972". But on the other hand, like most other tribals he too feels that today, the situation is such that they now have to 'see to not just the welfare, but the survival of the indigenous communities of Meghalaya'. Mrs. Roshan Warjri, Opposition MLA and Chairman, Public Accounts Committee says, "We have a rich culture. In fact, the country has much to learn from the strength our matrilineal society gives to women. But instead, all that is happening is that we, our culture and our traditional institutions are all coming under threat. It is a real pity"

Yet the problem of adjustment between the various communities remains real. The city of Shillong is divided into virtually exclusive enclaves on the basis of community. And despite generations of living together, the various communities in Meghalaya, especially in Shillong have yet to arrive at an amicable living relationship. It is sad but true, that almost every year, Shillong is witness to communal riots, especially at festival times. During discussions, the fact-finding team was recounted the events of the December of 1979 when "a small incident sparked off a tragic riot so bad that Shillong didn't celebrate Christmas that year". In 1992, when communal tension recurred, an Assam Rifles regiment stormed into the Shillong Law College and turned it into a jail, holding tribal students captive and subjecting them to beating and torture. Then during curfew relaxation hours, they actually picked up many more young boys and girls and tortured them. It was equally distressing to hear Mr. M. Lawai, Jt. Editor of a Khasi daily called U Nangsain Hima say, "Today, even the freedom of speech of the tribals is at stake. And, pressure is not just on editors and journalists, even tribal activists delivering press releases on 90. social issues or rallies are invariably waylaid and beaten up". While sharing their concern over the fragile nature of the relationship between the various communities, almost everyone that the fact-finding team met, from students and social activists to journalists and academicians, criticised the role of security personnel, in heightening the tension instead of relieving it. In fact, many went so far as to say that in such situations, the security forces actually 'worked in collusion' with migrant communities.

#### Investigation of the communal violence wreaked by the police in Sohra

It isn't just the socially or politically active who become the target of prejudice and victimisation. Among the innumerable instances recounted to the fact-finding team, was the custodial death of 20 year old Shanskhem Kharsaiot, followed by the indiscriminate firing on the local public of Sohra town in Cherrapunjee district.

A resident of the Saitsohpew locality of Sohra, Shanskhem was a wage labourer in the Mawmluh Cement Corporation Ltd. factory a couple of kilometres away. The factory has a large mix of Bengali, Bihari and local Khasi labour. On the night of 29 October 1993, when he was asleep with his parents and his sister, the ASI of the Sohra P.S. D.N.Sharma [in mufti], three other policemen and one Bihari co-worker of Shanskhem's arrived in a police truck and banged on the door saying they wanted to talk to Shanskhem. When his father opened the door, they barged in, pulled Shanskhem out in his sleep, started beating him, dragged him into the truck and drove off to the police station. According to his mother, Mrs. Sorbina Kharsaiot, "All of us ran behind the truck until it reached the police station. When I saw Shanskhem there, he was severely beaten up, but conscious. The police said he had stolen a battery from the factory, so they wanted to talk to him. 'Go home and sleep', they told us, 'he is safe with us'. Left with little choice, the family went home. When they returned to the police station the next morning, Shanskhem was in the lock-up, his face and limbs severely swollen up with all the beating. His mother pleaded with him to tell the truth. Shanskhem said he had already done so.

The family then rushed to see the headman of their village, Ranjoy Rymbai and the Sardar. After they were apprised of the situation, the two of them went to the police station to talk to the officials. But it came to naught. When the fact-finding team met Ranjoy Rymbai, he said "They were just not ready to listen. We have heard that ASI D:N.Sharma was given a bribe to implicate Shanskhem. In fact, what concerned us even more was that even if he had stolen a battery, did it warrant such brutality?"

Two days later, Shanskhem was taken to the local hospital. When his family met him in there, he was conscious enough to talk a little, but could not eat due to his injuries. His back was welted with cane bruises. He died on the evening of the 1st of November.

But the November 1993 tradegy of Sohra didn't end there. By the afternoon of 3rd November, over a 1000 people - all tribals - from all over the taluka gathered at the junction near the police station in protest. Evina Laloo, the owner of a tea shop at the junction told the fact-finding team, 'You could feel the tension, the anger and the fear of the people all around'. They then proceeded to the thana and gheraoed the Officer-in-Charge, the Crime Inspector, the only officer in the police station, demanding that ASI D.N.Sharma be handcuffed and given legitimate punishment for his crime. However, he had already been whisked away to Shillong immediately after Shanskhem's death.

At this point it is important to understand that the police station was fully prepared for this rally. Magistrate Dhar had been called in from Shillong, as was the SDO of Sohra Division, Wahlang. In addition to the MLP, Home Guards had been called in to 'deal with the situation'. Fire engines were also on standby to help disperse the crowd. And yet, when the village headman and a few others requested the police to offer some reassurance to the crowd to prevent the situation from deteriorating, they suddenly found that they and the crowd was being fired upon by direct frontal hits. And that too, without prior lathicharge, water jets or even a warning!

The unarmed crowd was in a total disarray. To say that Magistrate Dhar's order to fire had taken them by surprise, would be an understatement. Observers and rallyists estimate that the firing continued for 10-15 minutes, 2 persons, Francis and Artis died - one on the spot, and the other in hospital, 9 others were injured, including the headman, Ranjoy Rymbai. When the fact-finding team met him, he had acquired a permanent limp due to bullet injuries in both his legs.

A judicial enquiry was ordered into the incident. Justice Sharma of the Guwahati High Court ordered that a compensation of Rs.1 lakh each be given to the next of kin of the deceased, and the injured by 91. given Rs.50,000 each. Three years later, the family of the deceased have only received Rs.25,000 each and SDO Wahlang was transferred to Khliehriet, where he was responsible for a similar assault on the local people in an incident in 1994.

Meanwhile, some government officials came to Shanskhem's family and gave them a compensation of Rs. 50,000 about 3 months after his death. But along with it came a warning 'not to ask for any other kind of justice or even talk about the incident to anyone'. So, Mrs. Sorbina, employed at the Circuit House has not only lost a son and earning member of the family, but finds that any attempt to get a fair hearing could well jeopardise her job. So frightened is she, that she only spoke to the fact-finding team on the condition that we would not take any photographs or tell the police what she had said.

Recalling such incidents with pain, a member of the Federation of the Khasi, Jaintia and Garo People [FKJGP] says, "After such things happen, it is difficult for our people to have faith in either the security forces or the government".

## Security forces and the Law: Gearing up for the storm, or precipitating it?

The first thing that anyone visiting the city of Shillong notices is its well-manicured Cantonment look. With signboards encouraging the youth of the nation to enrol with the army or the navy; declaring certain areas as prohibited; or merely giving directions to the Defence Club. While this may be a pleasant sight for some, it isn't long before another disturbing sight comes into view - jeeps of the Meghalaya Local Police [MLP] accompanied by other personnel in jungle fatigues with bandanas on their head, a black scarf tied under their eyes and no insignia or any form of identification on them - they are the infamous Special Operations Group(SOG). So, in addition to being the Eastern Air Command headquarters, and having the 101 Army Division, Assam Rifles and Gorkha regiments posted there, the State of Meghalaya is armed, so to say, with battalions of the MLP, the CRPF and the SOG.

The question that comes to mind is, why does a state with no exceptional law and order problem have such an excessive security machinery? The other specific concern that comes to mind is, what are the 'conditions in Meghalaya' that warrant the existence of the SOG in the state? What are the 'special operations' it is expected to fulfill? What is its charter? Where are its personnel recruited from? And why do they have no identification on them? While the fact-finding team could not get an official statement on the matter, both Mrs.Warjri and the former Speaker of the Assembly, Mr. Aubrey Scott Lyngdoh said that all their attempts to get clarifications or explanations on the floor of the House had failed to elicit a clear response. In fact even the fact-finding team found it impossible to get specific figures regarding deployment of security forces in the state. And from this emerges a larger question: Would the security bandobast in Meghalaya be the same if it wasn't in the North Eastern region of the country? How much of the paranoia is owed to the large North-Eastern student population, and their so-called 'activities' in NEHU and other colleges in Shillong?

At this point, it would be worthwhile to take a brief look at the kind of legislation that has been enforced in the state in order to safeguard 'national interest'. In addition to the widespread use of the erstwhile TADA and NSA (Advocate Mahanta was quick to point out that 6 tribals were booked under NSA during the International Year of the Indigenous People) Meghalaya has specific legislation like the Meghalaya Maintenance of Public Order [Amended] Bill and the Meghalaya Preventive Detention Act 1995 [earlier the Meghalaya Preventive Detention Ordinance], meant to meet the specific law and order needs of the state. In fact, the MPDA grants officers above the rank of a Secretary, the right to detain any such person/s who may be deemed to be a threat to 'the security of the state of Meghalaya, or to the maintenance of public order or of supplies and services essential to the community'. Despite such objectives, the Act fails to outline these threats in concrete terms. Yet, under this Act, a detention order may be executed anywhere in the country; grounds for detention need not be given for 5-10 days after detention; a hearing is to be conducted by an Advisory Board to determine the facts of the case, during which the detenue cannot seek the help of a lawyer to aid him; and most of all, no legal suit can be filed for excesses or injustice committed under this Act, because the instruments of the government are deemed to have acted 'in good faith, and with good reason'. "And, unfortunately", said Paul Lyngdoh of the Khasi Students' Union, "in most cases the MPDA and other such instruments of law and order have only been used to suppress the indigenous people of Meghalaya".

It was also interesting to note that while the Armed Forces (Special Powers) Act has never been 92. implemented in Meghalaya, many of the people that the fact-finding team met recognised it as 'the

draconian law in various other North-Eastern states' and were quick to add that "given the situation, who knows when they will enforce it in Meghalaya too!"

It is important to understand that the victimisation of the indigenous people of Meghalaya is not just an abstract notion. When the fact-finding team reached Shillong, the state was still reeling from the events of 1st. April, 1996 and the traumatic week that followed it. Events that are, in fact, symptomatic of the overall reality of life in Meghalaya.

## Investigation of the terror unleashed by security forces in Shillong on 1st April 1996

The background: In the centre of Shillong is a shanty town called Sweeper's Colony, established by the British for the cleaners, largely dalits from Bihar, employed by them. Originally, this land belonged to the Siem [king] of Mylliem state. Since independence, the land has been leased to the municipal authorities. Over the years, Sweeper's Colony has grown to become a virtual slum, densely populated by migrant labour from Bihar, Nepal and Punjab, a large number of whom are contracted to or employed by the government and cantonment authorities. Locals allege that in recent times, the Colony has become 'a hotbed of crime', and that repeated appeals to the government to 'clean up the place' have fallen on deaf ears. Consequently since 1992, the Joint Action Committee of Social Organisations [JACSO] consisting of the Khasi Students Union [KSU], Federation of the Khasi, Kaintia and Garo People [FKJGP], Tribal Women's Welfare and Development Association of Meghalaya [TWWADAM], Synjuk ki Seng Samla Shnong [SSSS - Federation of Traditional Youth Organisations], Khasi Jaintia Welfare Association [KJWA] and the Ka lewdh Khasi Pnar Association [KIKPA - an association of local Khasi businessmen]has been demanding that the Colony be cleared out and its residents relocated into the campuses that employ them, and other suburban areas of Shillong, 400 places in all.

In its place, JACSO suggests that the area be turned into a parking lot, and so help solve the problem of traffic congestion in the middle of the city. They also believe that the process of rehabilitating the residents of the Sweeper's Colony will serve as a tool to separate 'legal migrants from illegal ones". In mid-March this year, a fire broke out in the Colony, devastating a large number of houses. JACSO believed that although the fire was unfortunate, it provided an opportunity to the government to relocate the residents of Sweeper's Colony once and for all, before they rebuilt their houses. Hence on 28th March, they asked the government to take a decision within 48 hours, or threatened to take their campaign onto the streets.

While we found it hard to empathise with the position of JACSO on the Sweeper Colony residents, and felt their proposal for a parking lot in an area which had traditionally been the home of dalits for more than fifty years, was highly questionable, we were shocked to hear of the incidents of the next few days and the actions of the government, police and paramilitary forces.

The events of 1st April: JACSO organised a public meeting at Motphran Junction near Bara Bazaar. The meeting was attended by over a couple of thousand men, women, students, businessmen and concerned citizens, almost all of whom were Khasis, Jaintias and Garos. On the other side, were personnel of the MLP, the CRPF and the SOG - all male, despite the fact that the police had been informed that TWWADAM were co-organisers, so it was certain that the meeting would be attended by women.

After the meeting, the protestors wished to take a rally to the Assembly to give the Chief Minister a memorandum. The Magistrate present at Motphran granted them permission to do so. While they were still trying to decide the route they should take, they suddenly found themselves being beaten, teargassed and fired upon by the SOG! Taken totally by surprise, the crowd began to break up. With some ducking for cover and some pelting stones at the MLP, CRPF and SOG in retaliation ... all at the same time. running for their lives. The security forces pursued them, and thereby started the mayhem that led to the killing of 3 persons, serious injuries and hospitalisation of more than 20 and tension and curfew in the whole city of Shillong.

Instinctively, many of the protestors rushed towards Mission Compound, Mawkhar and Riafsamthiah residential localities of the Khasis, Jaintias and Garos. On reaching Mission Compound, the first thing the fact-finding team noticed was that it was a well-to-do middle class colony, the last place you would expect to see walls and lamposts with bullet holes and broken window panes. Some of the first people to notice the arrival of the CRPF personnel were Mrs.M.Bliene and her nephew, proprietors of a small 93. sweetmeat store at the entrance to the Compound. "The CRPF and police personnel rushed in, screaming and firing at random. We quickly closed the shop and ran. But from the window of our house, we saw them lying down on the road and firing into the houses for at least half an hour" they said.

58-year old Mrs.M. Lyngdoh, remembers that day with a shiver. Sitting on a chair in her ancestral home. the wall behind her is decorated with pictures of her husband receiving awards for exceptional service from former President Zail Singh, and paradoxically, dotted with bullet holes and shattered window panes. "I was in the kitchen when I heard the firing", she says "at first I presumed they were blank shots that are often used to disperse crowds, but then I realised with a shock that this was live ammunition". Her son K.Lyngdoh adds that he was watching television when he suddenly heard bullets whizzing through the house. He ran towards the door and looked out. There were three CRPF personnel at the gate, firing into the house and yelling 'Come out, Khasi extremist dogs' and other expletives. The Lyngdohs ran for the phone and called the nearby Lumdingri Police Station. The call was answered by the constable on duty who calmly informed them that there was 'no-one to look into the matter'. At the bookshop owned by the Lyngdohs that is attached is the house, the employees locked up and ran for their lives even before the firing began. Which was just as well, because 6 bullets were recovered from the one little room that is the bookshop. "We recovered 7 bullet shells from inside the house - there were 3 of us at home that day - it's a miracle that none of us were hurt or killed" Mrs. Lyngdoh says with a sigh. "A magisterial enquiry was ordered into the incident, but all that happened was that two or three days later, 2 lady magistrates came and talked to us and left. After that nothing".

Next, the team met Dr. E.B.Laloo. Just home after the day's work, Dr. Laloo, her daughter, her sister and her children ... 7 people in all, were at home when the firing occurred. She grabbed her daughter and forced her to lie on the floor. In the bedroom, a bullet narrowly missed her sister, embedding itself in a pillow and setting the bed ablaze. "It was like living in a battlefield" she said. "It seems like our own people have no right to call a meeting or do anything. In 1992, when the FKJGP held a rally to demand trading licenses, blank shots were fired upon them. In fact, a week before the 1st of April this year, a few boys were buying cigarettes at Mrs.Bliene's shop in the morning, when some CRPF personnel came by. They grabbed at the boys and started beating them. Now this... Will it ever stop?"

And that's not all. In Riafsamthiah, Donkupar Kharpuri was killed by a bullet. In Mawlai Nongpdeng, Pyndap Saibon, Finance Secretary of the Khasi Student's Union was shot in the leg; and Elias Jyowa, a 20 year old wage labourer was killed by a stray bullet from the SOG. When the fact-finding team met his mother Mrs. Therina, she was still in a state of shock. Living with her husband [also a daily wage labourer] and six children, she still finds it hard to believe that Elias is no more. On the 1st of April, Elias had left at 10 am to try and get some work, loading and unloading trucks. At 3.30 in the afternoon she heard that he had been shot at Mawkher Market, while he was returning home. By this time, the city was under curfew, but she just had to get to her son. She rushed to the residence of the headman who, along with the local MLA accompanied her to the Robert Hospital. There she saw a lot of injured people being brought in, and it was then that she learnt that Elias had died. The post-mortem stated 'death due to bullet injury from the back to the chest'. On 3rd. April, when the curfew was relaxed for 2 hours, Elias was buried. And along with him, were buried Mrs. Therina's hopes for him and the rest of the family he helped provide for.

#### The aftermath:

Two hours after trouble broke out in the city, Shillong was put under indefinite curfew. At that time, the Assembly was in session. As Mrs. Warjri puts it, "We were right there. We asked the government to take control of the situation. In fact, members of the House wanted to know why the CRPF and the SOG had been sent in the first place, but these matters are finally at the discretion of the District Magistrate or the Chief Minister, so they didn't even deem it fit to give us a satisfactory reply. Mr. A.Scott Lyngdoh and I managed to get a special pass to go into town. We were dissuaded, but the fate of my constituency and my children were at stake, I just had to go." But by this time, the city was in a state of disarray. Eye witness accounts and residents of innumerable localities told the fact-finding team that despite the curfew, or rather because of it, CRPF and SOG personnel were free to go on a rampage. Breaking into shops and smashing houses, looting, ransacking and unleashing terror. In Mawlai Nongpdeng, Arvind Synrem, a 10 year old boy was stripped, beaten and locked-up in police custody. In Mawlai Mawroh, Taiar Kharnaior was caught and beaten up. One week after the incident, when the security force personnel went to Robert Hospital in search of some of the injured who had been admitted there, they were told that the concerned people had been discharged. So

On 6th April, when the curfew was relaxed from 6am to 8.30pm, 53 year old Moraldow Swell went to see his aged mother. At about 7pm, he was walking home when he was accosted by some SOG personnel near a police station. They beat him with rifle butts, robbed him of his money [almost Rs.900] and left him injured on the road. Fortunately, some boys recognised him and brought him home. His wife, Mrs. Swell told the fact-finding team that when he came home, he had injuries on his forehead and a swelling around his rib cage. But he was conscious enough to tell her what had happened. For 2 days, he refused to go to the hospital despite his pain and misery. But Mrs.Swell could see him deteriorating. On the 3rd day, she took him to the hospital. That day, 2 policemen questioned him about his injuries. He told them everything. Soon after, he lost consciouness and on the 10th day, he died. The assault by the SOG personnel had broken his ribs, thereby puncturing his lungs. His death certificate states 'cardiac arrest due to massive pulmonary lesions' as the cause of death.

Today, his wife looks at their two children, the elder son is 11 years old, while the younger son is less than 1 year, and wonders how she is going to bring them up. Since her husband was a peon in the Additional Secretary's Office, she hopes that she will receive some compensation or even a job on sympathetic grounds. But even she is aware of the ground realities.

In the pain and the terror that has followed 1st April and its subsequent week, some questions remain unanswered: Why were paramilitary forces like the SOG and the CRPF assigned to duty when local citizens had gathered in a protest that had been given police permission? Despite prior information, why were women police not assigned for the rally? Who gave shooting orders and on what grounds? And all of this boils downs to one simple question: Do the indigenous people of Meghalaya have no right to assert themselves in a democratic fashion, without posing a risk to their lives?

#### Other storm clouds gather

On one hand, are issues of land, infrastructure, business and bureacracy and the stories of Shanskhem. Elias. Moraldow Swell. Mrs.Lyngdoh. Arvind Synrem. Taiar Kharnaior. Donkupar Kharpuri. Pyndap Saibon...an endless list of people of Meghalaya who have had to pay the price for being indigenous people in their own state. And on the other hand, is the State, which tackles these issues as law and order problems to be suppressed by force. So well-versed are the local people with this kind of 'solution' to all their problems, that even youngsters are able to be discern between blank shots and live ammunition; TADA, NSA and MPDA; the MLP, Home Guards, CRPF and SOG [those with no idea who the SOG are, merely describe them with a gesture of the palm placed under the eyes, indicative of their scarves].

Sadly, state policies and response to the demands and situation of its indigenous people, have resulted in just what they were trying to avoid. The various communities in Meghalaya have become increasing insular and suspicious of each other. In the bargain, the people, their economy and their environment are suffering. Lack of communication between the communities is only serving to heighten their differences. Economically, they are paying the price for putting community before competence. And amid all this, exploitation of the environment abounds, especially due to extensive coal and uranium mining. Yet, the response of the state is primarily in the form of action by police, paramilitary and other security forces. And even in the absence of the Armed Forces (Special Powers) Act, the effect of such militarisation can be seen in every aspect of civilian life. Today, the absence of any political solution is giving rise to tribal opposition to the State. And despite no history of insurgency, small militant groups are sprouting in the countryside and beginning to gain a following.

It is imperative that Meghalaya be recognised as a state whose indigenous people are merely struggling for their rightful place in the land of their origin. But as long as the state and central governments look for military solutions and treat Meghalaya as 'another troubled state of the North-East', they run the risk of actually turning it into one. And then, they will only have themselves to blame for the consequences.

## conclusion

Brigadier Sailo who served in the Army for 31 years, in a letter to Mrs. Indira Gandhi, nearly 26 years ago in 1974 wrote, "The feelings of the entire villages and population of Mizoram are now totally alienated by the denial of all decencies of human rights and any picture which may have been painted to you to the contrary, is totally false". Unfortunately, what Brigadier Sailo said about Mizoram in 1974 is valid for almost the entire north-east today.

The report of the Fact Finding Mission clearly establishes that the Central Government has failed to find political solutions to the problems of the seven north-eastern states, choosing instead, to resort to extensive militarisation and repressive legislation like the Armed Forces (Special Powers) Act. In the bargain, it has distanced itself from social, economic and cultural ground realities, and the needs and aspirations of the people of the region. This distancing has also meant that it turns a blind eye to the distinctions between the varying struggles of communities in the region that range from assertions for greater autonomy within the existing system, to the demand for separate states within the Indian Union, and sovereignity. But all of these, and struggles for greater democratic and civil rights have consistently been dealt with as 'law and order problems' to be solved by an ever increasing deployment of security personnel. Consequently, the State and its security forces treat everyone, be they common populations, or members of student's groups, women's groups, human rights' groups and democratic struggles as militants and secessionists to be suppressed by the use of military power. The Report also presents concrete evidence that despite denials to the contrary, the security forces have, over the last four decades, blatantly violated all norms of decency and the democratic rights of the common people of the region.

## Armed Forces (Special Powers) Act and normal civilian life The first casualty is the notion of normalcy

Generations of military suppression have taken a heavy toll on the peoples' lives, livelihoods, attitudes and in fact, the very concept of 'normalcy of life'. The Fact Finding teams found that in states like Manipur and Nagaland which have had decades of virtual army rule, it is almost as though the people cannot imagine a life that is not under the barrel of a gun. In most of these states, be they Assam, Nagaland or Meghalaya, security personnel line the streets, often dressed in black or jungle fatigues, with a scarf tied across the face to reveal nothing but the eyes. At crowded market crossings in Assam, people casually bend to avoid the barrels of guns, just as one would to avoid a basket or a bag being carried in a busy street. Main roads are often nothing more than a series of check posts, where locals are subjected to the harassment of identification, questioning and even detention without being furnished any reasons. Naturally, this causes endless delays, acute stress and makes basic freedom of movement a distant dream. In several parts of Tripura, Nagaland, etc., movement is further restricted to particular times of the day when army escort is available. In addition, countless curfews constantly interrupt 'normal life and routine'. And unreasonable restrictions have been imposed on movement of commodities and people causing hardship and financial loss. Such routine harassment must be immediately put to a stop. Security forces must carry identification, and be held responsible for their actions.

The Fact Finding teams found widespread use of the power to search and arrest given by Armed Forces (Special Powers) Act to security personnel deployed in the region. In all the states, the teams met with countless people and heard accounts of the harassment that they face regularly in the 'safety of their own homes'. At times like this women and children are manhandled, and the men most often, beaten up and taken away for 'interrogation'.

It was found that during this kind of harassment, the women are doubly victimised. Even routine road checks have sexual overtones, and molestation and rape by security personnel is frighteningly rampant. In many rural areas, women no longer dare to go to the fields, the market or even customary gatherings alone. In towns like Ukhrul, they avoid the main road that passes by the Assam Rifles town post, preferring instead, to take a long detour. This pattern of violence on women is just another strategy to subjugate the people of the north-east and totally unacceptable in a democratic state.

The fractured rhythm of life also has a deep impact on the youth of the region. Uncertainty stalks the regularity of school and college routines, and affects their future prospects. The fear of being 'identified as a sympathiser' threatens them at every step. Parents constantly fear that their young sons will be picked up without a trace. In fact, in certain areas, no family has been spared such a loss.

Although the Fact Finding teams did not attempt to assess the mental trauma caused by decades of military rule and the omnipresence of security forces, some facts were revealing. Almost anyone on the streets, be they housewives or shopkeepers, labourers or academics, have learnt to distinguish between personnel of different paramilitary forces and regiments of the army. The children refer to killings as though they are commonplace events, and their games centre around guns and shooting. And any sudden noise, even the bursting of a balloon is enough to make the people of the region nervous, irrespective of their age or sex. Hence, it comes as no surprise that in many places the army has adopted tactics like setting off firecrackers or firing blanks in the middle of the night to keep the people of the region in a constant state of terror.

The Government must realise that by allowing such atrocities by security forces in the name of 'protecting the national interest', it is failing in its responsibility to protect the interests of people of the north-east.

# Armed Forces (Special Powers) Act, illegal detention and custodial violence Freedom from accountability

The Fact Finding teams found it disturbing to note that security forces deployed in the north-east are also taking full advantage of the open ended powers 'to apprehend, detain and arrest without warrant' given to them by the Armed Forces (Special Powers) Act. In its submission to the UN Human Rights Committee on the International Covenant on Civil and Political Rights [CCPR/C/76/Add.6], the Government has claimed that the Act "specifically provides that once a member of the armed forces has arrested any person and taken him into custody, the person must be handed over to the nearest police station, to ensure that the normal rights of an arrested person are made available to him in accordance with the provisions of the Constitution and the Criminal Procedure Code". But, the failure of the Act to set a clear time limit within which arrested persons must be handed over to civilian authority, alongwith the immunity it gives security personnel have been the cause of their high-handed behaviour. Entire villages are rounded up at regular intervals and hooded persons asked to point out 'suspects'. Failure to do so leads to reprisals like beating up or detention. With no official records, such detention literally amounts to kidnapping. Hundreds of civilians and 'insurgents' have been captured and killed in 'encounters'. Custodial rape is rampant, and torture in custody ranges from harsh questioning to third degree measures.

In fact, the horrors of detention and custody are so well-known that whenever security forces attack a village, whether it is in Tripura or Mizoram, Manipur or Nagaland, all the able-bodied men have learnt to run away and hide, even at the risk of leaving the women, elders and children at the mercy of the security forces. But that's not all. When death occurs in custody, family members are often too scared to ask for the body for fear of facing further harassment, arrest or even torture. In recognition of this, the Supreme Court of India has stated, "Any form of torture or cruel, inhuman or degrading treatment would fall within the inhibition of Article 21 of the Constitution, whether it occurs during investigation, interrogation or otherwise. If the functionaries of the Government become law breakers, it is bound to breed contempt for law ... no civilised nation can permit that to happen". {Shri D K Basu vs State of West Bengal, JT 1997 (1) S.C.1}. Such detention and custodial violence is not just unconstitutional, it is a travesty of all principles of natural justice for the citizens of any civil society.

## Security forces on the rampage The legitimising power of the Armed Forces (Special Powers) Act

Among the many provisions of the Armed Forces (Special Powers) Act that have been left open to interpretation is the power given to any officer to shoot if 'he is of the opinion that it is necessary to do so for maintenance of public order'. The Fact Finding teams found that this too has been wildly misused. Security forces deployed all over the north-east use this as license to shoot at any civilian at will, without having to provide explanations or be held responsible for the consequences. The Report illustrates how this power has been used against individuals and communities that security personnel wish to intimidate or silence, either 'in the line of duty' or even to settle personal vendetta.

The Fact Finding teams also found another disturbing pattern repeated all over the north-east. Whenever the security forces, be they the Army, or paramilitary forces like the Assam Rifles, BSF or CRPF, have a clash with militant groups, they go on a rampage against the civilian population. Subjecting them to combing operations, rounding them up, looting their houses, desiroying crops and foodstocks, and even burning down entire villages. In such situations, there is ample evidence of security forces randomly shooting at entire villages and even shelling towns with mortars. Clearly, this kind of attack on civilian populations can never be condoned under any provisions in a truly democratic state.

## The Armed Forces (Special Powers) Act and army 'Operations' Greater license to kill

Everytime the security forces have launched an 'Operation' to deal with a crisis situation related to militant action in a state, the civilian population has always been caught in the crossfire. In states like Manipur and Nagaland, thousands of civilians have been forced to work as 'slave labour' for the armed forces without any wages. Standing crops have been destroyed to 'punish' villagers suspected to have given shelter to 'underground' elements, supplies to the state restricted, and the civilian authorities prevented from carrying out their duties. Suspected of being supporters (if not active members) of 'militant groups', citizens in the region, irrespective of their age and gender, have been subjected to unimaginable harassment and torture. and forced to bear serious economic losses.

Consequently, the Fact Finding teams found that any reference to Operation Rhino, Operation Bluebird or Operation Sunnyvale sparked off painful memories among the people, who feel that these are merely times when the security forces were given even greater powers to do they as they please, armed with the knowledge that no attention will be paid, and much less action taken, for excesses committed. Especially since Operations are carried out 'in the interest of the nation'.

## Armed Forces (Special Powers) Act and the Courts Justice is not for everyone

The immunity against punitive action given to security personnel under the Armed Forces (Special Powers) Act is probably the most damaging provision of the Act. The Report elucidates numerous ways in which they feel free to act with impunity becuase they are virtually unaccountable. In providing that permission for action against them be sought from the Centre, the Act makes it clear that the promise of 'justice for all' is clearly not applicable to the people of the north-east. Besides denying the right to justice guaranteed to every citizen of the country, this provision is in direct contravention of the ICCPR that India is a signatory to.

But with no other recourse, the people still approach the courts to demand that the army present arrested/ detained persons, and seek redressal for the terror and losses they have had to bear. In one landmark case, the Supreme Court has held the Central Government and the State Government of Mizoram culpable for excesses during counter-insurgency operations; while in another landmark case, it has held personnel of the Assam Rifles regiment in Tripura quilty of gang rape, and awarded compensation to the victims of both. But it is obvious that given the widespread nature of violence wreaked by security forces, these instances are but 98. drops of relief in an ocean of misery.

## Armed Forces (Special Powers) Act, security forces and the administration Breaking the power of civil authority

While in theory, the Armed Forces (Special Powers) Act and subsequent deployment of forces is meant to be 'in aid of civil authority', in practice, the Fact Finding teams found the picture quite different. Across the states, there was unanimity in the opinion that the presence of security forces, has only served to undermine civilian authority, not strengthen it.

The Report clearly shows how in most areas, the security personnel are virtually running a parallel administration, with mistrust and disregard for democratically elected representatives of the state. In states like Nagaland and Manipur, senior officials have been harassed at check posts on the streets. Deputy Commissioners, Superintendents of Police and even Ministers have been brushed aside, and even a Chief Judicial Magistrate arrested, detained for a few days and tortured! In Assam and Meghalaya, the houses of Police officers and Members of Parliament have been subjected to ruthless searches. The impunity of security personnel in the region can be further judged by the countless accounts of the army simply over-ruling decisions of the state machinery. In many cases all over the region, they also actively prevent government officials from carrying out their duties, especially during rampages or Operations when the army 'controls movement' in the area.

They have also occupied prime land without payment of due compensation, refused to vacate buildings on expiry of lease agreements, and gone as far as forcibly taking over hospitals and primary health centres for reasons of 'military necessity'. They have also forcibly occupied schools and churches in direct contravention of a Supreme Court order that prohibits them from using educational institutions and religious places for purposes of setting up camp, detaining or interrogating people.

Justice D.M.Sen, in his Commission Inquiry Report has pointed out that, "the legitimacy of any army operation depends on whether such operation is in the aid of civil power and not in suppression thereof." But the fact is that the hands of the army are strengthened by both, the Armed Forces (Special Powers) Act in particular and government policy in general. The Army Development Group (ADG) set up in 1995, is one such attempt to whitewash the image of the army. Under this initiative roads, schools and public buildings are constructed, water supplies ensured and playgrounds levelled. In the guise of aiding development, Operation Good Samaritan, is yet another means by which the Centre directly funds the army, and bypasses authority of the state. Such subversion of civil authority is in direct contradiction to the very notion of democratic state.

# Armed Forces (Special Powers) Act, Security forces and north-eastern society Dividing to rule

In addition to having utter disregard for civil adminstration, the security personnel, empowered by the Armed Forces (Special Powers) Act, also exhibit an astounding lack of sensitivity to the fabric of north-eastern society, where complex historical relationships bind the people together and yet, divide them along lines of tribe and community. Since the days of the British, inter-community (both tribal and non-tribal) rivalries have been used to disempower the people as a whole. Today, it is disturbing to note that security forces deployed in the region, are capitalising on these divides in order to strengthen their hold in the region. Some people that the Fact Finding teams met pointed out instances when inter-community conflicts had begun to subside, and security forces found ways to fan them again.

As the Report illustrates, these communal biases manifest themselves in the worst ways in times of crisis. So while all communities are subject to excesses and human rights violations by the security forces, the fact is that tribal communities, by and large, are paying the higher price. As a result, there is widespread fear psychosis, an atmosphere vitiated by mistrust and insecurity, insularity and chauvinism within communities. Instead of nurturing the social and cultural diversity that is India, such processes only serve to destroy them. The Government must take immediate steps to stem these processes and reaffirm its committment to the secular nature of the Indian state.