

ARMED FORCES ACT

(As amended in 1972)

An Act to enable certain special powers to be conferred upon members of the Armed Forces in disturbed areas in the 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 :

1. (1) This Act may be called the Armed Forces (Special Powers) Act, 1958.
- (2) It extends to the whole of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram.
2. In this Act, unless the context otherwise requires,
 - (a) "Armed Forces" means the military forces and the air forces 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, 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 conditions that the use 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 so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use 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 force 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 so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;
 - (c) arrest, without warrant, any person who has committed a cognisable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognisable offence and may use such force as may 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 reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises: and may for that purpose use such force as may be necessary.
5. 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:

Did the Army go berserk in Ukhrul?

There is widespread resentment against the army for the attack and bombing of Ukhrul after 20 Army men were killed in an ambush. ANH. SAAR.

Senapati

58 Kms. from Imphal is the District Headquarters of Senapati district. It is a picturesque town having pleasant climate throughout the year.

LALTHLEI RUMI

Cry Of Anguish

THE LITTLE PARADISE ON EARTH

manipur

MANIPUR

Death's Wings

INSURGENCY

Brewing Revolt

MAO

106 Kms. from Imphal and is noted for its eye-catching landscape and bracing climate.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

Mao : Mao, a hill station between Imphal and Dimapur on the way No. 39. It is at 106 Kms. high, the highest point of the National Highway. The place is an object of beauty and way. The climate is healthy and never too hot.

1987

SC to ascertain army torture in Manipur

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

Ukhrul: 83 kms. from Imphal in the east. It is 1900 metres above sea level and is the high station of Manipur. It is practically as high and cold as Simla. Its famous land Lily is grown on the Shroy hills.

the blue, blue hills.
Their hearts too grieved to heed the harvest
maidens ceased song and mourned the brave ones
and blindly followed a broken people
who turned their backs
and slowly walked away
from a burning village, a burning village.

—Easterine Kire
Naga poetess

The Background

Our tourist pamphlets invariably describe the Naga People as warrior-like, colourful and smiling people. These pamphlets are full of Naga men in traditional dress with a spear in the hand, the women with beautiful smiles. But behind those smiling faces lies hidden the story of untold suffering and humiliation of a people who have been the victims of the most brutal State violence in Independent India.

Nagas have throughout history fiercely maintained their social and cultural independence. This fact was recognized by the Parliament when it made special provisions for the administration of Nagaland in Article 371A of the Constitution :

Article 371A. Special provision with respect to the State of Nagaland.

- (1) Notwithstanding anything in this Constitution,—
 - (a) no Act of Parliament in respect of—
 - (i) religious or social practices of the Nagas,
 - (ii) Naga customary law and procedure,
 - (iii) administration of civil and criminal justice involving decisions according to Naga customary law,
 - (iv) ownership and transfer of land and its resources, shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides ;

It was in December 1963 that Nagaland became a full-fledged State. However, when Nagas refer to Nagaland they mean the entire area inhabited by Nagas which was partitioned by the British between two sovereign states i.e. India and Burma. In India, though geographically a compact area the Naga inhabited territories have been placed under four States, namely Nagaland, Assam, Manipur and Arunachal Pradesh.

The Naga people are divided into 16 major tribes and a number of sub-tribes with different dialects. Naga society is based on principles of equality and they have resented attempts made by caste society to integrate them at the bottom rung of a highly segregated society as untouchables.

It is in this background that we have to see the growth of Naga insurgency. Instead of looking upon Naga nationalism as a political problem the government has treated it as a problem of law and order. In the name of putting down insurgency the armed forces have indulged in widespread tortures of villagers, rape of women, assaulting village headmen and pastors and looting.

We believe that the problem posed by Naga insurgency has to be solved politically. It cannot be resolved by the use of military force—as the past forty years experience has shown.

PEOPLE'S UNION FOR DEMOCRATIC RIGHTS, DELHI
OCTOBER, 1987.

THE STRUGGLE FOR HUMAN RIGHTS

It was on September 9, 1978 that the first Naga human rights organization was born—the Naga People's Movement for Human Rights (NPMHR). It was formed in "response to the Naga people's long-felt need for an organized movement to protect and further their human rights which have been trampled under the boots of the Indian military for the last 25 years."

The NPMHR began by observing the 30th Anniversary of the Universal Declaration of Human Rights by the United Nations. They organized public meetings in Naga villages where for the first time people spoke out against the army's atrocities and gave moving accounts of the frequent torture, hunger and humiliation.

In 1982 the NPMHR wrote a letter to Justice Chinnappa Reddy of the Supreme Court regarding the atrocities committed by the armed forces in Ukhrul District of Manipur—the home of the Tangkhul Nagas. This letter was treated as a petition and notice was given to the army. In a complementary petition the PUDR challenged the constitutional validity of the Armed Forces (Special Powers) Act. These two petitions are pending before the Constitution Bench of the Supreme Court.

The NPMHR also moved a habeas corpus petition on behalf of two women whose husbands had been taken away by the army and who did not return. There was never any allegation that these two men, a pastor and a school teacher, were in any way connected to the underground. In 1984 the Supreme Court gave its historic judgement in Sebastian Hongray versus Union of India (A.I.R. (1984) S.C. 1026) in which it directed the army to give one lakh rupees damages to each of the widows and directed the District Superintendent of Police to begin prosecuting the guilty army personnel.

In 1985 the NPMHR organized a unique human rights conference at Ukhrul in which activists from all over India shared their experiences and there was an open exchange of ideas.

Published by Gobinda Mukhoty on behalf of PUDR, Delhi and printed at Sahiti Sravanti, Munirka, New Delhi.

For Copies Contact : Nandita Haksar

56 Munirka Enclave, New Delhi -110067

Suggested Contribution Rs. 2/-

COUNTER-INSURGENCY VERSUS HUMAN RIGHTS

"Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment."

—UN Declaration on the Protection of All Persons from Torture, and Other Cruel, Inhuman or Degrading Punishment.

Under the Indian Constitution and the general law of the land the responsibility of maintaining law and order is given to the civil administration, specifically the police. The police has the powers to arrest, detain, interrogate, search and seize. It is the police which prosecutes criminals. However, the police cannot use its power in an arbitrary manner and it has to follow the rules laid down in the Criminal Procedure Code. If a citizen is subjected to extra-legal harassment he or she has certain remedies, however inadequate, under the law.

The Criminal Procedure Code also provides for extraordinary situations in which the civil administration may take the assistance of the armed forces to deal with a law and order situation. Under our Constitution armed forces can be used only in aid of civil power. There is no provision for imposition of martial law.

It was in the North-East that these basic Constitutional principles were violated with the passing of the Armed Forces (Special Powers) Act in 1958. It was this Act which gave the armed forces vast, unfettered powers and virtually allowed them to impose military rule in many parts of the North-East. In 1983 a similar Act was passed allowing the same powers to the armed forces in the Punjab.

This Act comes into force once an area is declared to be in a "disturbed or dangerous" state either by the Governor or the Central Government. Once this declaration is made there is no provision for a review of the decision.

Section 4 of this Act gives the power to the junior most officer of the armed forces to arrest anyone, detain, seize, raid or even shoot a person on mere suspicion. (see Act). Section 5 of the Act does

stipulate that the armed forces must hand over any person detained to the nearest police station within the shortest possible time.

The government has justified this Act on the grounds that the armed forces need to be equipped with such powers if they are to deal with insurgents. In the counter-insurgency training given to the armed forces they are taught to mix with the villagers, share their problems, build roads, bridges and churches. They even provide medical assistance and distribute rations.

However, the experience of the people of our North-East States, specially Naga citizens has been that every counter-insurgency operation carried out by the armed forces has left a trail of brutal tortures, rape, assault and death. And the people get further alienated.

From the 1950's Naga villages were burnt down repeatedly during combing operations. In 1956 Rev. Pelesato Chase was burnt alive on Bible Hill, Phek District of Nagaland. In 1962 the army tortured twelve men to death at Metikhu village in the same District, next year six students from Pfutsero Government High School were taken away by the Army and their corpses were found butchered to pieces. Four girls were tortured and raped in the Yankeli Baptist Christian Church in July 1971. One young woman, Rose of Ngaprum Village, Ukhul District of Manipur committed suicide after she was raped by two officers of the security forces.

In 1980's naked military force was used on the Naga villagers of Ukhul District, after an ambush in which 22 jawans were killed. During combing operations pastors, village headmen, school teachers and farmers were brutally tortured and given electric shocks and subjected to other cruel and degrading forms of torture.

Counter-insurgency operations invariably mean villages are looted and villagers are made to give their labour free. Collective fines are imposed on people. For instance, collective fines were imposed on 18 villages of Mon and Tuensang District (Nagaland) coming to a total, of Rs. 106,500 in 1980-81 and Rs. 124,000 in 1981-2, according to the Directorate of Information and Publicity, Kohima.

There is no legal remedy available for Naga citizens who have suffered at the hands of the armed forces. Section 6 of the Armed

Forces (Special Powers) Act forbids anyone from filing any complaint, suit or proceedings against any member of the armed forces even for criminal offences committed by them.

Thus there is no check by the civil authorities on the possible abuse of military power by the armed forces during counter-insurgency operations. Often the army mistreats the district authorities and there have been incidents when the Deputy Commissioner has been illegally detained by the army, and stopped from discharging his duties.

"While one of the tasks given to the military by the government is to aid the civil power in the restoration and maintenance of law and order, overuse of the armed forces in this role can not only be non-productive, but can actually be harmful. The soldier is neither physically equipped with the right implements nor is he mentally conditioned to stand up to the peculiar strains and stresses of police duty for long periods. Very often too, he is from another part of India and so a decisive effect and in any case the enforcement of laws by force produces tensions between the two groups affected. At no time, is it desirable that military is alienated from the people or the people from the military. There is a difference between the two conditions, for the first case, the moral support a soldier needs, when he is functioning in his primary role, gets withdrawn. Without this moral support from the people, high morale and correct motivation are difficult to maintain. Therefore, an essential ingredient in the make-up of loyal troops is lost. Where the people are alienated from the military, the military themselves get incorrect ideas about their importance in relation to their constitutional role and position. It is really unnecessary to add how undesirable this can be."

Late Gen. J.N. Chaudhuri
Former Chief of Army Staff

OPERATION BLUE BIRD IN OINAM

Oinam. A village in Senapati District of Manipur. The home of Poumai Nagas (called Maos by the British).

July 9, 1987 : 11 a.m. Some unidentified people believed to be members of the National Socialist Council of Nagaland raid the 21 Assam Rifles Post at Oinam and walk off with arms and ammunition, killing nine jawans, seriously injuring three.

July 11, 1987 : Assam Rifles under the personal supervision of the General-Officer-in-Command (M Sector) Major-General Prem Lal Kukrety launch Operation Bluebird, to recover arms.

July to August-end : Operation Bluebird continues. The Result :

Human Loss — Fifteen men tortured to death by the Assam Rifles; six babies die of starvation and lack of medical assistance; six men and women die in the process of facing continuous harassment, forced starvation, standing in the open all day; two pregnant women forced to give birth to their babies in full view of the jawans; two teenaged girls were kidnapped by the Assam Rifles personnel and have not returned; more than 300 men and young boys of Oinam and neighbouring villages given electric shocks and subjected to third degree torture.

Property Loss — At least 125 houses dismantled and burnt by the Assam Rifles personnel; cattle and livestock driven into paddy and jhum fields destroying standing crops; paddy barns looted; pigs shot; homes raided; people's personal belongings including hand woven shawls, woollen blankets, radios, etc. taken away; nearly 50 schools forcibly closed down.

Political leaders and student activists attempt to intervene :

July 24, 1987 : Local member of the All India Congress Committee, Solomon Veino and the President of the National



Students Union, Theo Danial, detained at Oinam for five days, beaten and tortured. They were made to sign certificates stating that the Assam Rifles had treated them with hospitality.

July 25, 1987 : Independent MLA (Karong Constituency) Benjamin Bane and six elected members of the Senapati District Council prevented from entering Oinam and detained at the Assam Rifles Headquarters at Lairouching where they were beaten.

All these political leaders have been charged with offences under the Prevention of Terrorist and Disruptive Activities Act, and are out on bail.

August 7, 1987 : Naga Students Federation (NSF) send a goodwill mission to Oinam with the previous permission of the armed forces but are all detained at Lairouching and tortured. Chilly powder pushed up their noses and severely beaten. They are released without being handed over to the police in violation of Section 5 of the Armed Forces (Special Powers) Act (see Act).

August 22, 1987 : The Chief Minister of Manipur sends a memorandum to the Union Home Minister informing him that : "Civil Law has, unfortunately, ceased to operate in Senapati District of Manipur due to excesses committed by the Assam Rifles with complete disregard shown to the Civil Administration. The Assam Rifles are running a parallel administration in the area. The Deputy Commissioner and Superintendent of Police were wrongfully confined, humiliated and prevented from discharging their official duties by the Security Forces."

September 22, 1987 : NPMHR and PUDR hold Press Conference at New Delhi to expose the gross violations of human rights in Senapati District.

October 5, 1987 : Lt-Gen Moloy Kumar Lahiri, Director-General of Assam Rifles, issues a Press statement to UNI denying all allegations of torture or of "jeopardising normal functioning of civil administration."

October 7, 1987 : The Gauhati High Court issues notice in a Petition filed by the NPMHR on atrocities committed by the Assam Rifles in Senapati District.