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The Status of Human Rights Violations in Manipur

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Abstract

Manipur is one among the states in North East India, where popular discontent around the illegal and unconstitutional merger and subsequent discriminatory treatment fumed resistance movements ever since 1949 and escalated into open armed conflict since late 1970's. Since 1949 Manipur signed Merger Agreement with India, there has been ongoing civil unrest on the issue of demanding greater autonomy or independence from India by various armed underground groups. Government of India is also still unable to introduce any suitable means for the permanent solution of the issue in the state. And she has still taking the responsibility for arising of those unrest by introducing several Draconian Laws including the Disturb Area Act, Indian Arms Act, 1959, Explosives Act, Explosive Substances Act, UAP, Punjab Security Act, Prevention of Seditious Meetings Act 1911 and Armed Forces (Special Power) Act, 1958 in the state. The Armed Forces, Polices and Underground Groups were the violators of the Human Rights in Manipur. The level of education and literacy level too affects the understanding of civil liberties and freedoms. Thus, the paper tries to focus on the status of Human Rights, its violations in Manipur and along with that some suggestions to solve present Human Rights violations in the State will be discussed.

Key Words: Human Rights, Human Right Violations, Merger Agreement, AFSPA 1958.

Introduction:

Manipur is one among the states in North East India, where Popular discontent around the illegal and unconstitutional merger and subsequent discriminatory treatment fumed resistance movements ever since 1949 and escalated into open armed conflict since late 1970's. The government of India responded by promulgating the colonial Armed Forces Special Powers Ordinance on 16th April 1950, six months after the merger, through the provision of an Act, in Manipur. Since then the Merger Agreement with India, there has been ongoing civil unrest on the issue of demanding greater autonomy or independence from India by various armed underground groups. Government of India is also still unable to introduce any suitable means for the permanent solution of the issue in the state. And she has still taking the responsibility for arising of those unrest by introducing several Draconian Laws including the Disturb Area Act, Indian Arms Act, 1959, Explosives Act, Explosive Substances Act, UAP, Punjab Security Act, Prevention of Seditious Meetings Act 1911 and Armed Forces (Special Power) Act, 1958 in the state. The Armed Forces (Special Powers) Act, 1958, which gave enhanced powers of arrest and detention of any people. According to Advocate Indra Kumar, a Human Rights activist expressed on the programme of International Human Rights observation Day held on 10th Dec., 2012 at Manipur Press Club that total 1528 people been killed in Manipur from the year 1979 to May 2012 in encounters. Of these, 1399 were males, 31 females and 98 were children.

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Human Rights:

The term 'Human Rights' has come into existence during the 17th and 18th centuries. Human rights are generally moral rights claimed by everyone and held against everyone, especially against those who run social institutions. These rights include cultural, economic and political rights, such as right to life, liberty, education and equality before law, rights of association, belief, free speech, information, religion, movement and nationality. Human Rights enable us to respect each other and live with each other peacefully.¹ In other words, they are not only rights to be requested or demanded, but rights to be respected and be responsible for. Therefore these rights must be respected mutually. With the advent of the United Nations Organization (UNO) and the subsequent adoption of the Universal Declaration of Human Rights (UDHR) on December 10, 1948 by the General Assembly, the concept of human rights has turned out to be one of the most contemporary issues across the globe. The UN Charter, which was adopted in 1945, was the first international document to recognize the protection and promotion of human rights as a requirement to be carried out by individual, as well as collective states.²

Human Rights Obligations in Manipur:

India played a crucial role in adopting UN General Assembly resolution declaring the right of the peoples to self-determination in 1960 (Resolution 1514 [XV] adopted on 14th, December 1960). However, by putting reservations to common Article 1 of the two International Covenants, International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). India deliberately denied the inalienable right to self-determination of the people of Manipur. India continues to declare the non-state organizations of Manipur demanding the right to self-determination as "terrorist" under the Unlawful Activities (Prevention) Act. The UN Human Rights Committee (HRC) has pointed out that the problem is political and that the approach to resolving it must also, essentially, be political in nature. In doing so, the Committee reminded government of India to bear in mind the right to self-determination of peoples, the right to freedom of expression and the right to participation in governance.³

India also continues to disregard recommendations of other human rights treaties monitoring bodies. The HRC specifically requested the Indian Supreme Court to examine the Covenant compatibility while examining the constitutional validity of the Armed Forces (Special Powers) Act 1958 (AFSPA) in Manipur. The request was completely ignored by the judgment pronounced by the apex Court on 27 November 1997. India has ceased to report to the HRC and the 4th Periodic Report under the ICCPR is overdue since 2001.

The Status of Human Rights Violations in Manipur:

The forcible annexation and resultant military occupation of the sovereign state of Manipur in 1949 by India has been opposed since 1978, as encouraged by the UN charter in self preservation of its sovereignty and espoused by several UN GA resolutions since 1960 till date, by the armed resistance movements of the Revolutionary People's Front [RPF- its military wing being the PLA(People Liberation Army)], the United National Liberation Front (UNLF-its military wing MPA), other Underground Groups etc. The rejection of merger agreement has also come from the people of Manipur.

In the prevailing armed conflict situation of Manipur, not less than 50,000 Indian soldiers in addition to several thousands of police, armed force, spies etc. in a population of 2.4 million are deployed. With the enactment of AFSPA, massive deployment of

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armed forces in Manipur continued; the armed forces are occupying sacred cultural sites and prime agricultural land, depriving primary survival sources of Manipuri peoples. Manipur has become one of the most militarized areas of the world.⁴

In the earlier period prior to 2005, the nature of the Human Rights violations was done by the government armed forces arrested the victims without issuing arrest memos, detained illegally, administered various types of torture forcing them to accept they were members of the outlawed organizations or to extract information, click photo of the victims in the custody, got recorded their names and other particulars adding to the list of so called extremists. According to “Human Rights Special Report Manipur - 2009”, A Report from Human Rights Initiative a total 60s in the hills and 80s in the valley, the common human rights violations by the government military forces were massacres, extrajudicial executions, enforced disappearances, rapes, tortures, human shields, arsons, plunders, forced labors and internal displaces, etc happened in Manipur prior to 2005. Many of the cases of the Human Rights violations were happening occasionally along with the so called (military) combing operations giving some fancy code names like Operation Thunderbolt, Operation Sunny Vale, Operation All Clear, etc.⁵ The promulgation of AFSPA for the last 53 years in Manipur, which grants the Indian armed forces special powers to kill on mere suspicion, search without warrant, destroy property institutionalizes impunity, blatantly violating the non-dirigible rights to life, right against torture, right against arbitrary detention and right to fair trial as provided by the ICCPR (International Covenant on Civil and Political Rights).

According to Advocate Indra Kumar, a Human Rights activist expressed on the programme of International Human Rights observation Day held on 10th Dec., 2012 at Manipur Press Club that total 1528 people been killed in Manipur from the year 1979 to May 2012 in encounters. Of these, 1399 were males, 31 females and 98 were children. According Human Rights Special Report- 2009 conducted by Human Rights Initiative (HRI), Manipur, a non-governmental organization, on the basis of Extra Executions, there are total 298 victims record in the year 2008, there are total 288 victims record in the year 2009 and a total of 1133 Illegal detain and arrested by Security Force in the year 2008 and a total no of 190 peoples are killed by the Unidentified persons and Non states Actors. In the 2009, total no of 142 peoples are killed by the Unidentified persons and Non- state Actors. But the above data is slide different in the case of Extra Executions victims data given by Universal Periodic Review 2011, Human Rights Council, UN. According to Universal Periodic Review the continuing pattern of extra-judicial executions by the government of India has recorded more than 789 persons may be seen in **Table-1**.

Killing of the Reporters by the state actor arm personals and underground groups is one of the frequent challenges faced by Media personals while promoting and broadcasting the reports of Human rights violation happened in the state. Reporters are facing to the lost of their life while performing their activities. For examples : Mr. Konsam Rishikanta (a Junior Sub-Editor of the Imphal Free Press daily) was assassinated in November 2008 by unknown persons, widely believed to be a State sponsored summary killing. And very recently on 23rd December 2012, Nanao Singh, a journalist of the Prime News, while taking the snaps of the protesters was killed in police firing on the second day of Manipur film actress Momoko Molestation Protest in the State.

Human rights defenders are targeted for promoting and defending indigenous peoples' rights. Human rights defenders are labeled as terrorists, and charged under criminal laws. Human rights defenders are also arbitrarily arrested, detained and subjected to severe torture. Human Rights defenders and their organizations are subjected to close monitoring and surveillance including phone and email tapping, email and postal intercepting, hacking, post restrictions and postal theft, restrictions to movement, etc. Right to Information activists have been subjected to systematic targeting by the incorrigibly corrupt and abusive state bureaucracy through threats, arbitrary detention and torture.

The continued solitary confinement and detention of Miss Irom Sharmila, who has been on a hunger strike demanding the repeal of AFSPA since November 2000 constitutes severe mental and physical torture. Miss Sharmila has been charged for attempt to commit suicide under Section 309 of the Indian Penal Code and kept in detention for the past 12 years. An executive order issued

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by the Home Department, Government of Manipur dated 8th October 2004 stipulating “not to allow anybody” to meet her without “clear permission of the Home Department” severely curtails her basic human rights and fundamental freedoms including her right to communicate with her family, friends and supporters.

In Manipur, violence against women is also increasing. There were 269 cases of violence against women during the period between January and October of 2012 as per record published by local newspapers. The above cases include 21 rape cases, two rape and murder cases, 16 suicide cases, 7 molestation cases, 4 kidnapping cases, 56 missing cases and 78 trafficking cases.⁶

Suggestions:

- **Need for Repeal of the AFSPA, 1958 in Manipur:** Government of India should immediately repeal the Armed Forces (Special Powers) Act, 1958 in Manipur.
- **Need for Government of India and Manipur State to stop violation of Human Rights Defenders:** Government of India and Manipur State should stop rights violations of human rights defenders in Manipur and implement the UN Declaration on the Rights of Human Rights Defenders, 1999.
- **Need the knowledge of Human Rights to Polices and Commandos:**
The importance of the human rights needs to be taught to the police and commandos personals. They are often accused of violating human rights in Manipur. But sadly, no effort is made by the Home Department and State Government to include the subject in the curriculum of police and commando training academies. Here lies an opportunity to train policemen and commando men about the importance of respecting and observing human rights and the consequences of breaching them.
- **Need for proper functioning of The Manipur Human Rights Commission (MHRC) and Manipur State Women’s Commission:** The Manipur Human Rights Commission MHRC has remained defunct since 2010 as no new members has been appointed by the Government despite an order of the Gauhati High Court. The MHRC also receives most inadequate financial and personnel support from the government, despite repeated appeals by the members of the Commission.
- **Need for Human Rights Awareness and Education:**
Citizens of any state or nation cannot be expected to stand up for their own rights or to respect the rights of others, if they are not aware about their rights. It is our duty to get ourselves informed about what is happening around us, in our own state and country. Thus, by getting ourselves informed, we will be in a position to lend our support to human rights activists in our state, to make our own contribution towards the triumph of justice, to express our solidarity with the victims of human rights abuses and with their families, and to support those national and international humanitarian organisations which are struggling in order that the rule of law may be upheld everywhere.

Conclusion:

In conclusion, we may say that the continuous operation of armed forces for half a century in Manipur and the NE regions implies the need for invoking International Humanitarian Laws. The deep structured political and nationality questions that characterize the disorder in Manipur deserve political attention, just and fair resolution. The human rights violations following the invocation of special emergency laws, primarily the AFSPA for nearly half a century has been inextricably associated with the denial of right to Self- Determination of the people of Manipur and killed more than thousands of innocent people, rape and torture happened in state in the name of this Act. Despite intense pressure and call from human rights fraternity,

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to repeal AFSPA from Manipur and to resolve the deep rooted political conflict, the Government continues to be insensitive and has insisted on utterly useless and counterproductive military response in dealing with the Indo-Manipuri conflict. Along with this, the proper functioning of The Manipur Human Rights Commission (MHRC) and Manipur State Women's Commission is urgent requirement in state. MHRC has remained defunct since 2010 as no new members has been appointed by the Government despite an order of the Gauhati High Court. The MHRC also receives most inadequate financial and personnel support from the government, despite repeated appeals by the members of the Commission.

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Table-1

(Extra-judicial Executions victims during last few years)

Year	Killed in officially Claimed "encounter"	Refutation by family members as killed after arrest/abduction	Deceased's family deny any link with armed organization
2010	73	11	1
2009	298	43	34
2008	297	50	51
2007	121	15	12

(Source: 2nd Cycle Universal Periodic Review, 2011)