CHAPTER IV

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In the contemporary world, the Non-Governmental Organizations (NGOs) have been playing an important role in all spheres of human life including all round development and issues relating to the protection and promotion of human rights. There has been an explosive emergence of local, national and international Non-Governmental Organizations formed by different groups of people on every continent and in almost every country of the world which are working for the promotion and protection of human rights. In protection and promotion of human rights, the NGOs seek not only to investigate, but more importantly, to publicize the cases of human rights violations in order to pressurize the offending governments to comply with international law and recognized norms of human rights. They are in essence, investigators and disseminators of information who collectively comprise the human rights movement. The rise in the numbers of human rights NGOs has occurred as a response to abuses of human rights perpetrated both by State agencies such as the army, paramilitary or police forces, and by dominant sections of the society and other_elements exercising exploitation and domination through various forms. But most of the organizations were established
in direct response to what were seen as gross and systematic violations of rights by the State. They strive to play a role in promoting and protecting rights of individuals and groups, often mediating between them and the state. However, in practical functioning, this task is rather complex and the relationship between the state and the NGOs does not make it easier due to mutual mistrust at times.

The United Nations Economic and Social Council (ECOSOC) defined the NGO, “as international organization which is not established by inter-governmental agreement”.1 Later the scope of this definition was expanded to include all those organizations which accept members designated by governmental authorities, provided that such membership does not interfere with the free expression of views of the organization.

Since human rights claims are addressed to governments, and various administering authorities, governmental practices and recognition of NGOs form an important part of the human rights movement. As the NGOs seek solutions to various kinds of abuses, they are often forced to recognize the paramount importance of the role of governmental agencies. Though NGOs differ in their origins,

histories, ideological orientation and strategies of intervention, however, they share the same basic perspective of gathering information and influence the governmental agencies for implementation of human rights. Nonetheless, these NGOs in all their diversity comprise a common feature of human rights movement, the dynamo that had driven the struggle against arbitrary rule, and to secure social and economic justice.

While drafting the United Nations (UN) Charter, NGOs played an important role as they lobbied for the inclusion of human rights provisions in it and for a system that would give NGOs a formal institutional affiliation. Consequently, it resulted in the incorporation of Article 71 of the UN Charter which provides the provisions that “Economic and Social Council (ECOSOC) may make suitable arrangements for consultation with Non-Governmental Organizations which are concerned with matters within its competence”.2 In 1993, the World Conference on Human Rights held at Vienna in Austria had recognized the significant role of the NGOs in the promotion and protection of human rights. In its Resolution No.38, the Declaration says:

The World Conference on Human Rights recognizes the important role of Non-Governmental Organizations in the promotion of all human rights and in humanitarian activities at the national, regional and international levels. The World Conference on Human Rights appreciated their contribution to increasing public awareness of human rights issues, to the conduct of education, training and research in this field, and to promotion and protection of all human rights and fundamental freedoms. While recognizing that the primary responsibility for standard settings lies with States, the conference also appreciates the contribution of Non-Governmental Organizations to this process. In this respect, the World Conference on Human Rights emphasizes the importance of continued dialogue and co-operation between Governmental and Non-Governmental Organizations.\(^3\)

Today, NGOs have been significant catalysts in the promotion and protection of internationally recognized human rights and there are more than hundreds of such organizations playing an active role in the field of human rights throughout the world. They often confront governments to safeguard human rights. It may be appropriate to discuss about some prominent Human Rights Organizations of International stature.

The International Committee of Red Cross (ICRC) founded in 1863 in Geneva\(^4\) is an Organization known widely throughout the world. The principal activities of the ICRC range from providing

\(^3\) Singh, Gurjeet, n.2, pp. 587-88.
humanitarian assistances and securing humane treatment in international and non-international armed conflicts to seeking excess to prisons and presenting confidential reports and thereby ensuring humane treatment to political prisoners of internal tensions. The objective of their activities is not to challenge the legitimacy of detentions or to question the legality of a particular war but to mitigate excesses of both phenomena. The operations of ICRC are strictly confidential and reports are published only if the concerned Government issues selective or inaccurate information. Its work depends on the cooperation of Governments and confidentiality of their operations.

Amnesty International was established in 1961 with its headquarters in London. Its main thrust is to secure immediate and fair trials of political prisoners. It seeks an end to torture, execution, disappearance, arbitrary killing, hostage-taking and other inhuman, cruel or degrading treatments or punishments. Meeting prisoners and mediating with the government officials concerned in trying to find remedies to the problems of prisoners has been an ongoing programme that is documented in the International Report published by Amnesty International every year. In 1977, Amnesty International
received Nobel Peace Prize and in 1978 it received the United Nations award for outstanding achievement in the field of human rights.⁵

Among such other human rights NGOs of international stature are the International Commission of Jurists (Geneva), the International Federation of Human Rights (Paris), the International League of Human Rights (New York) and the Minority Rights Group (London). All these organizations have a special consultative status with the United Nations. A special category of private human rights activity is undertaken by professional organizations whose membership and concerns transcend national boundaries. It has been noticed that Human Rights NGOs perform primarily the following six functions: (1) information gathering, evaluation and dissemination, (2) advocacy, (3) development of human rights norms, (4) lobbying and mobilizing of public opinion, (5) legal aid and/or humanitarian relief. (6) Building solidarity with aggrieved groups through greater exposure and condemnation of violations contribute substantially to the protection and promotion of human rights. Human rights NGOs have been working to promote the brotherhood of individuals and nations.

In India the first human rights organization known as Civil Liberties was formed by Jawaharlal Nehru and some of his colleagues in the early 1930's. The main objective of the organization was to collect information on violation of human rights and to provide legal aid to nationalists who were accused of sedition against the colonial authorities.\(^6\) The exercise of Preventive Detention Act in 1962 during Indo-China conflict on communist groups and police repression in several states in 1970's further flared up the civil liberties movement. For instances, various NGOs emerged like the Association for the Protection of Democratic Rights (APDR) in Calcutta, Andra Pradesh Civil Liberties Committee (APCLC), and the People's Union for Civil Liberties and Democratic Rights (PUCLDR) were started in 1970s. However, the PUCLDR was split in 1980 into two groups, namely, People's Union for Democratic Rights (PUDR) and People's Union for Civil Liberties (PUCL).\(^7\) Another trend appeared in Civil Liberties Movement that affected its dimension in the 1980s was in context of terrorist violence in Punjab and North-Eastern region. While on the one hand the atrocities committed by the militants on masses and on the other hand the phenomena of State-terrorism in form of police tortures and exercising of Preventive Draconian Laws like NASA, ESMA,


and TADA,\textsuperscript{8} etc. worsely affected the civil liberties. Therefore, various domestic human rights groups started condemning the Government repressive activities.

During the emergency period (1975-1977), a number of human rights organizations such as Civil Liberties and Human Rights Organizations (CLAHRO) of Manipur, the Committee for the Protection of Democratic Rights (CPDR) in Bombay, the Jammu and Kashmir Peoples Movement for Human Rights, Naga People’s Movement for Human Rights of Nagaland, and several other organizations have emerged and are fighting for some justice on behalf of the minorities and the oppressed. Although these organizations differ in their nature and structure, their activities are more or less similar that concern the promotion and protection of human rights.

Kashmir insurgency as well as the denouncement of Indian human rights record by the international Non-Governmental Organizations (NGOs) like Amnesty International, Human Rights Watch Asia, etc., further intensified the pressure in this direction. Therefore, the need for self-regulating human rights body became more apparent thereafter. The Indian Government started with the idea of constituting a self-vigilance body for monitoring the human rights

\textsuperscript{8} Kumar, Shashi, n. 7, p. 541.
situation in India. In fact, the Government had already intended to establish an internal body to counter the national and international pressure. Thus, the proposal for a commission as originally contained in a Human Rights Commissions Bill was introduced in the Lok Sabha on 14th May 1993. After incorporating certain amendments, the Commission was initially constituted on 12th October 1993 under the protection of Human Rights Ordinance of 28th September 1993, which was later presented to Parliament on 25th November 1993 to replace the Ordinance and became ‘The Protection of Human Rights Act’, 1993.9

The objective of the Act was to provide for the constitution of a National and State Human Rights Commissions and Human Rights Courts for better protection of human rights. It has twin objectives to fulfil namely, establishment of institutional structure both at centre and state level and to create enforcement machinery by way of human rights Courts for Protection of Human Rights. Such events of developments finally led to the establishment of National Human Rights Commission (NHRC) in September 1993. National Human Rights Commission (NHRC) advocated for the abolition of Terrorist and Disruptive Activities (Prevention) Act (TADA), its stand on custodial deaths, right to women and children and Police atrocities have all led

9. Palia, Arun Kumar, n. 6, p. 54.
to an atmosphere where NHRC has made its presence felt. The objectives of the NHRC are to create a culture of human rights throughout the country and amongst its citizens. As investigatory and recommendatory body with a specific stature powers, the NHRC acts as an advisory to the Government and submits its reports and recommendations for the future course of action on human rights issues. The role of the NHRC can be assessed in term of its achievements on several issues in the light of the manifestations of its objectives.

Since its inception, NHRC has been conducting many inquiries into complaints received from different States in the form of custodial deaths, custodial rape, police excesses, rape cases, dowry death, and indignity to women, excesses by armed forces, etc. On the basis of the section 12 (c) of the Protection of Human Rights Act 1993, the Commission is empowered to visit any jail or any other institution under the control of the State government where persons are detained. With this power in hand, the Commission has visited several jails throughout the country to study the conditions of prisoners. Many changes did take place on the basis of the reports and recommendations made by the Commission for improving the

11. Palai, Arun Kumar, n. 6, p. 145.
conditions of the jails and for the inmates. On account of the changing social realities and emerging trend in the nature of crime and violence along with the growing concern about the issues pertaining to human rights within the country and the world over, the NHRC is empowered to review the existing laws and proceedings. One of the controversial Acts the Terrorist and Disruptive Activities (Prevention) Act 1985 (TADA) was reviewed by the commission and thereby recommended that this Act should not be renewed on the grounds that it was "incompatible with our cultural traditions, legal history and treaty obligations".12

The NHRC is also responsible in spreading human rights literacy and awareness among various section of the society. A three-fold strategy was evolved by the Commission to carry out this responsibility of human rights literacy and awareness. Firstly, all political parties at national and regional levels were involved in such a manner as to promote and create awareness about human rights issues among its cadres, besides monitoring the conduct of their cadres and liaising with the Commission. Secondly, meeting with the Chief Ministers of States to sensitize their civil servants and thirdly, having dialogues with Human Resources Development Ministry and National Council for Educational Research and Training at the Centre and competent

12. Palai, Arun Kumar, n. 6, p. 149.
educational authorities at the state level. It is because of the effort of NHRC that the 10th December of every year is celebrated as Human Rights Day even in India. As research is one of the most important functions of NHRC, accordingly, the Commission has taken up several research studies in areas such as abolition of child prostitution, terrorism and violation of human rights in the Punjab, problems of the aged, abolition of child labour in the safety-matches and fire work industry in Tamil Nadu, and improving conditions of mental hospital and rehabilitation of cured patients.

The NHRC as an organization established to deal with human rights in India has taken up several cases even in the North Eastern Region. Some of the cases include the custodial death of Kheshiho Sumi of Nagaland while in the custody of the Assam Rifle who was arrested on mere suspicion on 12th November 1994. The outcome of the case was found to be a violation of law as per the provisions laid down in section 5 of the Armed Forces Special Powers Act (AFSPA) 1958 and as a result the Commission recommended compensation of Rupees 1 lakh to the next of kin of the victim.13

Another case taken up by NHRC was from Ukul town in Manipur. On 9th June 1994, the Commission received a complaint that

13 Palai, Arun Kumar, n. 6, pp. 125-27.
there was an alleged killing of civilians in cross-firing between 20 Assam Rifles and NSCN. Besides, acts of physical torture, looting of cash and valuables and destruction of properties by the Assam Rifles took place as a retaliatory act against the NSCN who were alleged to have shot dead two Assam Rifles Officers on duty in an ambush in Wino Bazar of Ukrl town. On 9th February 1995, the Commission recommended that compensation of Rs. 50,000/- be paid by the Ministry of Defence to the next of kin of each of the 3 civilians killed in the cross-firing.14

NGOs OPERATING IN NAGALAND

To understand the nature of the activities and role of NGOs in Nagaland, interviews were conducted through the structured and non-structured questionnaires, with the leaders of various NGOs, political parties, socio-economic and cultural organization. The interviews revealed that they have been handling with mostly cases of rape, custodial death, torture, arbitrary arrest and also to educate the common people and create awareness about their rights. The NGOs in Nagaland have been fighting against human rights violations committed mostly by the armed forces and to a certain extent by local police. The success and failure of the NGOs with respect to

14. Palai, Arun Kumar, n. 6, pp. 107-08.
solving the cases show that they have not been able to achieve much. The factors attributed to the failure are due to the fact that the Armed Forces Special Powers Act 1958 and the Disturbed Area Act cannot be challenged in the court of law though the enforcement of the Act has resulted in the violation of human rights. The political intervention and cumbersome of legal judicial system are the other factors contributing to its failure. In spite of their ineffectiveness in achieving their desired objective on account of the many hurdles they encountered yet the NGOs are still striving in their fight for the cause of protecting and promoting human rights as manifested in the form of support measures which they render to the victims of human rights abuses such as, rehabilitation and counseling, financial assistance in some cases, material support through humanitarian channels, etc.

The NGOs have been fighting for a revocation of this Act for a long time since according to them this Act is not at all effective as it has led to suppression of individuals' rights and freedom. They have expressed the Act as anti-democratic, and have even termed it a 'draconian law' that is applicable only to the animals and not meant for human beings. Several alternative measures to the Act were suggested including repealing the Act without any further delay, replacement of the armed forces by the local police and Reserved
Battalion and legal prosecution to those who were previously under immunity.

The prominent NGOs in Nagaland include the Naga People’s Movement for Human Rights (NPMHR), Naga Mother’s Association (NMA), Naga Students Federation (NSF) and the Naga Hoho. Of all these NGOs, the most prominent in dealing with the issues of human rights is NPMHR. Thus, an analysis of the NGOs operating in Nagaland with regard to the protection and promotion of human rights issues with special emphasized on Naga Peoples Movement for Human Rights has been made.

**NAGA MOTHER’S ASSOCIATION**

Women’s groups in North-East India have persisted in their own way to express their desire for peace and to condemn violence. The most prominent among such groups are the Naga Mother’s Association (NMA) of Nagaland, the Mothers’ Union of Tura and the Naga Women’s Union of Manipur. In a symbolic gesture of condemnation and rejection of violence whosoever be the perpetrator; the NMA has persisted in covering the body of every victim of violence with a black shroud. This silent yet eloquent
statement has not gone unnoticed or unheeded, and today the NMA is also playing a pivotal role in conflict resolution.

The head office of the NMA is in Kohima, the capital of Nagaland. It came into existence on 14th February 1984, with a preamble that stated, “Naga mothers of Nagaland shall express the need of conscientizing citizens toward more responsible living and human development through the voluntary organization of the Naga Mother’s Association”\textsuperscript{15}. Any adult women, irrespective of whether married or single can be a member of NMA either on individual capacity or through the women’s organizations of their own tribes. The organization encourages human development through education and aims at eradicating social evils and economic exploitations and work towards peace and progress.

NMA has rendered valuable service for the cause of peace by mediating between the Government of Nagaland and the Naga Students Federation over age limit for jobs and came to an equitable settlement. In October 1994, NMA formed the Peace Team in order to confront the deteriorating political situation in Nagaland in which their theme was “Shed No More Blood”. The NMA also has several women units in different Districts in Nagaland of which Watsu Mongdung is

\textsuperscript{15} Constitution of the Naga Mother’s Association, (Reprinted in Kohima, 1992).
one of them in Mokokchung. An extraordinary case catapulted the Watsu Mongdung to fame through the incident that took place on 27th December 1994 in Mokokchung town. On this day, ten members of the Assam Rifles entered the town where several women were raped and arson was carried out. The Watsu Mongdung formed a special committee and investigated the matter. The identified eight victims and reconstructed the incident after a through discussion with them. None of the other social organisation wanted to take this up this matter, hence some members of the Watsu Mongdung filed a litigation on behalf of the rape victims and are still awaiting the verdict of the court.

The Watsu Mongdung carries out relief works during calamities, man-made or otherwise. They have led protests against any kind of oppression and violence. Once during a combing operation in Mokokchung when the army wanted to separate the men and women, they refused to be separated since they feared that the army would kill the men. Ultimately the army had to interrogate both men and women together and then released most of them.16

The NMA not only spoke against killings by the army but also by the militants. In a pamphlet released on 25th May 1995 the

16. Interview with Merenla Jamir, member of Watsu Mongdung, January 2003, Dimapur.
representatives of NMA voiced their concern at the conduct and activities of both the overground government and the underground government towards the deteriorating and intolerable Naga society.

Apart from peace initiatives, the NMA has worked for social regeneration. In Nagaland, there is a rampant abuse of alcohol and drugs. The NMA provides facilities for de-addiction. They collaborate with the Kripa Foundation of Mumbai for rehabilitation of drug addicts. The NMA has also started anonymous HIV testing. They are probably the first women’s organization in the North-East to test pregnant women for HIV virus. The NMA is providing pioneering service for care of patients afflicted with Aids. An important issue that is preoccupying the doctors of NMA is the increase in HIV positive cases among pregnant women. The total number of persons afflicted with HIV in Nagaland is 700 as on 31st January 2004.\(^\text{17}\) An NMA spokesperson is of the opinion that conflict in Nagaland is a result of chronic underdevelopment. Therefore, the NMA believes that without addressing developmental issues there cannot be any peace in Nagaland.

\(^{17}\) Based on information provided by North East India Drugs and Aids Care, Shillong, Meghalaya, 2004.
NMA's greatest achievement lies in its ability to integrate and collaborate all Naga Women's Organizations in Nagaland. The members of NMA also collaborate with the Naga Women's Union of Manipur. The rallies organized by NMA are always well attended by other Naga Women's organizations. NMA has been working very closely with the Naga Hohos. The NMAs enormous influence in Naga politics is borne out by the fact that they are the only women's group in South Asia who has participated in a cease-fire negotiation. In 1997 they mediated between the Government of India and the NSCN (IM) faction and facilitated a cease-fire.

THE NAGA HOHO

The Naga Hoho is an apex body of all the Naga tribes. It was formed on 25th June 1994 at Wokha District and its Constitution was adopted after official formation of the Naga Hoho during 11th and 12th March 1998 session at Zunheboto District. The Naga Hoho is neither a political nor a Government body nor like the other NGOs and social organizations. But it is the tribe-based apex body of the Nagas which operates under the traditional system and the practice of the Naga people.

18. Naga Hoho, White Paper on Naga Integration, (Published by Hekhevi Achumi, Secretary (Finance) Naga Hoho), Nagaland, 2002, p. IX.
The main objective of the Naga Hoho is to uphold the solidarity of the Nagas, to rebuild the Naga family, to safeguard and protect the Nagas and their traditional life, to promote the social, cultural, economic and political heritage and to facilitate early settlement of the Naga issues. The Naga Hoho functions like a mediating council with Governmental and other NGOs to resolve certain issues pertaining to the Naga peoples as a whole. However, there are not much reports of Naga Hoho’s involvement in specific cases of human rights.

**NAGA STUDENTS FEDERATION**

The Naga Students Federation (NSF) was formed in 1947 with the vision and sacrifices of educated Naga youths of that time, who felt the need to have an organized body through which collective aspirations could be articulated and at the same time respond to issues confronting the Naga students in general. It came into being at a time when there were only few Nagas who could apprehend futuristic possibilities with clear political and social acumen. Since then, the NSF has been striving for the larger interest of the Nagas—unwavering in its stand and persevering in promoting the rights of the Nagas. NSF stood firm without compromising on any issues, according to their own perspectives, which are matter of concerns for the Nagas.
as a people, irrespective of tribes or divisive elements that may prevail from time to time.

The head office of Naga Students Federation is in Kohima. NSF draws out funds from membership collected from students, contributions from well-wishers and various organizations and individuals. NSF not only operates in Nagaland but its activities extend up to all Naga inhabited areas in Burma, which is known as Eastern Nagaland, Naga areas in Assam, Manipur and Arunachal Pradesh. The main objectives of NSF are to cultivate and preserve the cultures, customs and traditional heritages of the Nagas, ameliorate social and moral activities, to look after the welfare of the students, and to play a complimentary role towards the Naga political movement.19

Since its inception, it is said that the NSF has been supporting the Naga struggle for freedom. This is substantiated in A. S. Atai’s thesis on “Naga Nationalism and National Socialist Council of Nagaland”, wherein he had mentioned that “NSF either directly or indirectly helped the Nationalist Socialist Council of Nagaland (NSCN) in espousing the cause of Naga unity”. The motto of NSF “for a greater Lim and glory of the Naga” in itself contains elements of NSF stands as

19. As said by the President of the Naga Students Federation December, 2003.
manifested in a Memorandum submitted to the Prime Minister of United Kingdom on 9th April 1994, which says:

We (Nagas) are the people who are independent. However, we are now a divided nation under forced occupation and military siege. We are fighting these occupational forces and under no circumstances will we accept the division of our land and people. Once again, we say "the occupational forces (of Myanmar and India) must go and our rights respected."

The gross human rights violations committed by the security forces which is prevalent in Nagaland has become an instrument used by the NSF in bringing about unity among the Nagas and at the same time using it to campaign for the right of self-determination as indigenous people.

The nature and cases that the Naga Students' Federation (NSF) has dealt with prior to the enforcement of Armed Forces Special Powers Act 1958 (AFSPA) till the period of the cease-fire between the Indian Government and the Naga militants are rape cases, custodial death, torture and arbitrary arrest. After the cease-fire agreement in

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1997, the NSF have been dealing mostly with cases of torture and arbitrary arrests.\textsuperscript{21}

\textbf{NAGA PEOPLE'S MOVEMENT FOR HUMAN RIGHTS}

In 1978, a representative of the Naga Students Union based in Delhi (NSUD) attended the Conference of Asian Forum for Human Rights which was held in Hongkong. It was from this experience of the campaign that NSUD conceived the idea of having an organization which will not only represent the students but also raise people's voice. As a result, on 9\textsuperscript{th} September 1978, the NSUD appointed a steering committee of five members for the purpose of launching a human rights organization. After several rounds of deliberations, the committee presented the idea of forming an organization called "Naga People's Movement for Human Rights" (NPMHR) along with the draft declaration. The title was formally approved by the NSUD in a general meeting held on 26\textsuperscript{th} 1978 November and adopted the declaration of the NPMHR. In that meeting, they elected a five member executive committee with P.S. Lorin as the first Convenor.\textsuperscript{22}

\textsuperscript{21} Based on an interview conducted with the President of the Naga Students' Federation, on December, 2003.

\textsuperscript{22} Naga Peoples Movement for Human Rights (NPMHR), 20 years of NPMHR (1978-1998), (published by NPMHR), p. 22.
Thus, NPMHR was primarily formed to protect the Nagas from the atrocities committed by Indian armies and para-military forces in Naga inhabited areas.

The main objective of Nagaland People's Movement for Human Rights (NPMHR) is to highlight army atrocities on the Nagas in Nagaland and Naga inhabited areas. The organization in these areas responds to the special circumstances created by a vast army presence. This organization seems to have emerged from backdrop of ethnic struggles. The NPMHR has the peculiar distinction of having a cosy relationship with the Government of Nagaland but it is on antagonistic terms with the Government of India as it protests an army presence and atrocities in Nagaland and all Naga inhabited areas.

The NPMHR has its unit offices at Kohima, Capital of Nagaland and Senapati in Manipur with the Secretariat at Kohima. Outside the Naga areas the unit is at Delhi but if there has to be creation of any new unit it will depend on the merit of the circumstances and with the prior approval of the General Assembly of the Organization. NPMHR seeks to collaborate with other organizations working on the similar principles and objectives. NPMHR is a non-political, non-religious
organization. Membership is opened to any Naga who is in agreement with the declaration of the organization. However, the members of any political party are not eligible to become its member.

ORGANIZATIONAL STRUCTURE OF NPMHR

The success and failure of any organization depends upon its structure, support base and objective dynamism. An effective organization brings together interdependent parts to form a united whole through which authority, co-ordination and control may be exercised to achieve a given goal. An organizational structure as a framework holds the various functions together according to the pattern, order, topical and legal arrangements and built-in relationships.

The NPMHR, as an organization, fighting for promotion and protection of human rights is dedicated to facilitate, support and strengthen solidarity, unity and peace among the Nagas and also with other indigenous peoples and other human rights organizations. To achieve such objective it has a well defined organizational structure. At the top of the structure is the General Assembly which is the highest decision making body. The General Assembly is composed of all individual members including the Executive and
office bearers. The meeting of the General Assembly is held once in a calendar year. The venue of the meeting is selected in different districts of the Naga inhabited areas on the basis of rotation. The General Assembly after discussions and deliberations gives policy direction to the organizational activities of the NPMHR.

In order to foster co-ordination of its various activities towards the attainment of its goals, precise and effective delegation of authority, proper direction, motivation and control, a Secretariat composed of Executive Council headed by the Secretary General and assisted by five members nominated by the General Assembly carry out the day-to-day activities of the organization besides acting as a coordinating body among the different functioning units.

The purpose of having a Secretariat is to carry out activities which are within the parameter of goals of the NPMHR. It is the Secretariat that promotes maximum participation of the people in the decision making process particularly in the areas of human rights, ecological justice, social development, culture and education through bulletins, annual reports and other activities such as relief works for victims of human rights violations including economic development programmes. The Secretariat also looks after the financial management of NPMHR and it is entrusted with the
responsibility of preparing budget, maintaining and preparing records of income and expenditure.

As said, going by the reports and documents, the NPMHR seems to have emerged to fight against the atrocities committed upon indigenous communities and weaker sections of the societies by the Indian army deployed in Naga inhabited areas to eliminate militancy. The concern of NPMHR is not only confined to the violation of civil rights but also the State structure and the development model. The Programme of NPMHR includes awareness building, organizing the struggle for protection and promotion of human rights, documenting and disseminating human rights violations which include taking to the Supreme/High Courts of India against such violations. Organizing relief works for victims of human rights violations including economic programmes of rehabilitation also occupies an important aspect of NPMHR.

The NPMHR is based on the universal belief that "violation of human rights in any part of the world is a threat to the human race as a whole and protection and promotion of human rights anywhere is a
concern for all."\(^{23}\) The NPMHR has been attempting to give an organized expression to the Naga peoples' fight for their rights.

**DECLARATION OF THE NAGA PEOPLE'S MOVEMENT FOR HUMAN RIGHTS**

The NPMHR is a movement for human rights for the full realization of the human personality through social transformation. Mankind has made history through the struggle for freedom from exploitation and subjugation. And the history of the Naga people has manifested that there are forces both inside and outside the society collaborating in strangulating social progress. The Naga people have seen economic exploitation, political and military domination, social suppression with the imposition of alien cultural and legal systems and the distortion of their history.

In the light of these experiences, the Naga People's Movement for Human Rights takes upon itself the task of initiating organized struggle to ensure and safeguard the following:\(^{24}\)

1. the right to life;
2. the right to work;

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\(^{23}\) Naga Peoples Movement for Human Rights (NPMHR), n. 22, p. 1.  
\(^{24}\) *Ibid*, p. 3.
the right to live together as a people and the unification of all Naga lands;

4. the right to hold and communicate one's beliefs;

5. the freedom of movement, assembly and association;

6. free access to all places of learning;

7. maximum participation in the making of decisions affecting their lives;

8. freedom from socio-economic exploitation, political domination and military repression;

9. against anti-democratic practices and the dismantling of institutions and the social values which legitimize and perpetuate these within our society;

10. against the practices of arbitrary arrest, detention, torture and execution, and the use of unconventional weapons; and

11. against the imposition of undesirable alien legal systems and socio-cultural concepts and ways of life.

**ACTIVITIES OF NPMHR**

In June 1978, NPMHR along with representatives of Naga Students Federation and its unit based in Shillong went to Phek town in Nagaland to enquire into the torture of two students by the Assam
Rifles. They also went to visit the victim of alleged raped case of Mrs. Kuono (65 years) by 99 Border Security Force at Kohima and the arrest of four Naga youth movement workers. Soon after the publication of the report of their visit, NPMHR organized protest rallies in Delhi, Shillong and Kohima against continued violations of human rights in Naga inhabited areas. These rallies were conducted in order to create awareness of human rights and to mobilize support for the organizations.

Following its formation, the NPMHR organized a Human Rights Week in Nagaland from 10th to 15th December 1978, in order to observe the 30th Anniversary of the Universal Declaration of Human Rights by the United Nations. But the Government of Nagaland tried to prevent them from having such rallies. Thus, on 14th December the Government of Nagaland imposed the Assam Maintenance of Public Order Act 1953, banning public meeting, and rallies for one month starting from 14th December 1978. Further, the assembly of more than five persons was also prohibited and any violation was to be dealt with two years imprisonment along with fine.

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Despite the tough measures initiated by the Government, the Week’s programme organized by the NPMHR was reported to be a great success which culminated in the adoption of several resolutions. The resolutions include demand for immediate withdrawal of Indian armed forces, revoking of all ‘black laws’, and also atrocities committed by the Armed Forces on the Nagas and the State Government for imposing the Assam Maintenance of Public Order Act of 1953 in order to prevent peaceful rally and processions.

During the above mentioned week long observations and tour, public meetings were held in all the villages they visited, wherein people expressed their long-suppressed feelings without any fear. Many of them gave moving accounts of the frequent torture, hunger and humiliation, etc, committed by the Indian armed forces. Some of the reports and nature of repressions used by the military and para-military forces of India on the Nagas were said to be:

1. execution in public;
2. mass raping;
3. deforming sex organs;
4. mutilating limbs and body;
5. electric shocks;
6. puncturing eyes;
7. hanging people upside down;
8. putting people in smoke-filled rooms;
9. burning down of villages, granaries and crops;
10. concentration camps;
11. forced starvation and labour etc.26

Besides all such incidents, forced labour was also imposed on the Naga people. Villagers were forced to carry heavy loads, and when they collapsed due to the heavy weight or were unable to walk they were whipped. It was reported that some were even shot death. Women were also not spared as they were made to dig trenches, build bunkers, fetch water and fuel for the army. Many a times, villages were burnt down and the villagers were herded into concentration camps. Relatives of those who were suspected to be involved in the Naga Movement were kept separately along with their children and for days together they were made to starve. As they were kept in concentration camps and not allowed to go out they could neither cultivate their fields nor have any contact with their families and relatives. Even when they were released after two or three years, the victims were so weak due to malnutrition that most of them died on their way before reaching their respective villages. All these incidents took place mostly in the 1960s and 1970s in Nagaland.

Since its inception, NPMHR drew the attention and support of many in Nagaland and outside. Prominent among these are; Justice V.M. Tarkunde, Prof. Dhirendra Sharma, Prof. Phadnis, Govinda Mukhoty, Nandita Haksar, Kirti Singh, Mohan Ram, Nikhil Chakravarty, Sudeep Majumdar and many others. Organizations such as People’s Union for Civil Liberties (PUCL), People’s Union for Democratic Rights (PUDHR), Jawaharlal Nehru Students27 were the backbone in the protest March rallies organized in Delhi on 15th October 1979.

Besides, NPMHR also held a workshop in October 1980 at Dimapur in which discussions on social, economic and political aspects of the Naga society took place. As a result of its contribution towards human rights, NPMHR was again invited to participate to the Asian Forum for Human Rights Conference held in Manila (1981). As the only organization formed in the State with the objective of protecting the rights of the Nagas against any kind of violation committed by the Indian armed forces, and at the same time acting as the voice of the people, the NPMHR took upon itself this mantle by bringing to light several such cases by filing ‘public interest litigation’ in the Supreme Court of India. For instances, in 1982, the Naga Peoples Movement for Human Rights filed a case with the Supreme Court of

India challenging the Constitutional validity of the Armed Forces (Special Powers) Act 1958 at the same time giving details of atrocities committed by the armed forces in Manipur and Nagaland.

In the words of V. K. Krishna Iyer former judge of the Supreme Court:

The stark and tragic fact remains that Army excesses under the guise of Armed Forces (Special Powers) Act are taking place, the military stationed in that area is menacing the common people’s life and liberty...it becomes the compelling duty of every Indian to protest against such gross violence. Even judicial remedies are becoming futile on account of Army indifference to court orders.28

The statement clearly explained about the menace of army atrocities calling for concerted efforts from all citizens of the country to protest against such violence. However, after 15 years in 1997, the Supreme Court finally gave a hearing and passed the judgement upholding the Act, saying that the “the Act in itself is good”. The act in itself may sound good but the manner in which it has been misused and misappropriated by the army personnel, resulted in lot of hardship, harassment, torture, suffering and death of many common innocent people.

28. Shimray, Atai , A. S. n. 20, p. 324
The NPMHR moved a Habeas-corpus petition on behalf of two women, whose husbands were taken away during March 1982, by the 21st Sikh Regiment and did not return. There was never any allegation that these two men namely C. Paul and C. Daniel a pastor and a school teacher were in any way connected to the militant activity. In 1984, the Supreme Court of India gave its historic judgement in Sebastian Hongray vs. Union of India, Case No. A.I.R. (1984) S.C.1026, in which the Court directed the army to give rupees one lakh as compensation to each of these widows and directed the District Superintendent of Police to initiate prosecuting the culprit army personnel.29

NPMHR took up some of the specific cases of violations of human rights with his Excellency, the Governor of Nagaland, on 16th November 1990 through a representation, which was submitted by about ten thousand students and villagers in a public rally-cum-peaceful procession to the Raj Bhavan in Kohima and enlightened him on the following for his careful perusal and necessary action:30

30. Ibid, p. 175.
1. On 25th March 1990, at Zubza 20 kilometer away, from Kohima, Captain Hooda of the Assam Rifles shot at and fatally wounded Mr. Nungshi Ao, an employee of the Nagaland Government.

2. On 19th July 1990, at Zubza, Mrs. Gono, an old woman of about 70 years was tortured and raped by a jawan of the Assam Rifles.

3. On 27th August 1994 following an encounter at Yakhunou village, the 3rd Assam Rifles went on a mad rampage wherein the villagers were tortured, houses were ransacked and valuables were looted, a school teacher and student were pulled out of church service and beaten up and seriously injured. Against Supreme Court directives and restorations, the armed forces also used educational institution as concentration camps creating neighbouring villages a nightmarish time.

4. During 1st-5th October 1990, innocent villagers of Pherima, Zuyekhu, Phiphema, Ciepama and surrounding areas in Nagaland experienced untold harassments and indignities. Travellers between Kohima and Dimapur on National Highway 39 were subjected to harassments likewise.
6. During 12th-15th October 1990, most of the Northern Angami areas, comprising of 8-10 villages were subjected to various degrees of torture. Entire villages were herded into concentration camps. Church building was again used as a concentration camp against Supreme Court directives. Several reports say that women were herded like cattle, while the men were systematically tortured. Chili powder was reported to have been put into their eyes, while water was poured down through nostrils. Over 50 innocent villagers sustained serious injuries. The area MLA was told to shut up, when he tried to intervene. High government officials including the Home Secretary were reported to have been harassed and humiliated. On 12th October 1990, while the Minister for Power, Government of Nagaland, was travelling from Wokha to Kohima, his official car was shot and his bodyguard disarmed at gun-point. The Minister was asked to come out of the car and made to stand with his hands up in the air for about three hours.

As regards the excesses of the Assam Rifles personnel's, the Chief Secretary to the Government of Nagaland had to write this letter to the Inspector General of Assam Rifles, C/O. 99 APO, and the
Deputy Inspector General of Assam Rifles, Nagaland Range on 13th October 1990:

While expressing our heartfelt sympathy over the unfortunate incident in the ambush on the men of the Assam Rifles personnel yesterday, the 12th Oct. 1990 in Kohima-Wokha road, and the serious views taken by the Government of Nagaland on the incident, it is regretted to say that number of innocent citizens including a Minister and responsible officers were harassed and ill treated by the Assam Rifles personnel operating in the area indiscriminately. It is felt that this old method will only result in losing sympathy with the loyal citizens and create more administrative problems. You may therefore issue instruction to the forces operating in the area to stop forthwith any unnecessary harassment to the innocent villagers and other persons. On the other hand, the district administration and police have been asked to ensure extension of cooperation with all other agencies of maintenance of law and order to ensure that rule of law is enforced.31

However, as, the above directive was simply ignored, again the Chief Secretary to the Government of Nagaland was compelled to issue another order to the Deputy Inspector General of Assam Rifles, Nagaland Range (south) c/o 99 APO, on 15th October 1990:

You may kindly refer to my letter no. CON/90(A) dated 13th October 1990 and my discussions with you on the 14th October 1990 morning regarding the incident on 12th October 1990. It is regretted that, in spite of our request to you to issue instruction to the Assam Rifles personnel operating in the area to stop forthwith harassment and ill-

31 Sanajaoba, N., n. 29, pp. 175-76.
treatment of innocent persons, we have received detailed reports about beating up and physical tortures as under:

Botsa village; 5 persons were harassed and beaten up badly. The five persons are now undergoing medical treatment.

In Nachama Village; 16 persons were physically tortured and beaten up and 2 among them, including the village headman were very serious and later taken, to Kohima for treatment.

In Nerhema Village; 29 villagers were beaten up; out of which six persons whose conditions were serious were taken to Kohima for treatment.

In addition, the persons traveling between Kohima and Wohka were dragged out from vehicles, slapped and ill-treated, including responsible State Government officials and serving jawan of the Assam Regiment. The Minister for Power, traveling from Kohima to Wokha with his official vehicle and national flag was stopped, interrogated, harassed and made to stand for about three hours even after verification of his identity.

Resorting to this kind of excesses did not seem to help in isolating the elements indulging in unlawful activities. It is important that the law enforcing agencies should not also indulge in unlawful acts. You are, therefore, requested once again to ensure that necessary instructions are issued to the men under your command to stop harassing and torturing innocent villagers and citizens without any further delay, and to ensure that the orders are complied with."

On 30th January 1992, Mr. Neipelie Chucha was shot dead in cold blood, as he got off from the vehicle which he was driving from Meluri to Kiphire under Phek District, while in company with two-members, Mr. David Ward and Steve Hillman of London based Human Rights Group called the ‘Naga-Vigil’ along with 13 other

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32. Sanajaoba, N., n. 29, pp. 176-77.
Nagas, who were then arrested and detained in an Army camp at Jessami in the State of Manipur. It was reported that even after 13 days of detention, they were not produced before any court of law, and instead, they were reportedly tortured, harassed and kept blindfolded all the time. NPMHR then moved a Habeas corpus petition in the Gauhati High Court, under Civil Rule No. (HC) 41 of 1992 and secured an interim order. The order included a provision, “to provide such medical aids as may be considered necessary to the detenus”, Dated 17.2.92. They were reportedly lodged in Imphal jail of Manipur and Naini jail Allahabad in Uttar Pradesh respectively.33

With a view to get international attention on the Naga problems, some members of the NPMHR attended the United Nations Conference on Indigenous Peoples at Geneva from 25th-29th July 1994. In this Conference, they voiced their concern over the forced occupation by the Indian armies in the Naga Hills and along with this illegal occupation of the land, the Government of India had enforced several 'black laws' which the Indian Armed Forces have used them as instruments to unleash a reign of terror in the Naga areas.34

33. Sanajaoba, N., n. 29, pp. 177-78.
34. Shimray, Atai, A. S. n. 20, p. 378.
The NPMHR had played an important role on many issues relating to human rights violations in Nagaland. Out of these issues in which NPMHR’s role became prominent following two cases are discussed here under:

1. MOKOKCHUNG INCIDENT OF 27th DECEMBER 1994:

On 27th December 1994, one patrol of a Task Force of 16 Maratha Light Infantry, comprising of 30 men and one JCO was moving from the hospital location to the Police Point and onwards to the Micro hills in Mokokchung town. At 10:20 am, when the patrol party came under heavy fire from a kutcha house across the road, one jawan, who was the first man in this patrol, was shot and dead by militant. The patrol party immediately returned fire and a hand grenade was lobbed in that Kutcha house. One militant inside that Kutcha house was also shot killed while another trying to escape from the same house was chased and shot death. Two army eye-witnesses namely Major D. K. Sharma and Nawab Subedar Chidambara, stated in their affidavits that the Kutcha house caught fire because of explosion of the hand grenade and fire started spreading fast due to strong wind blowing on that day. Also, due to heavy exchange of fire, a number of electric wires got snapped and a few shops caught fire
due to this short circuiting. The fire started spreading fast due to high speed winds and the highly inflammable items like paints, clothes, gas cylinders kept for lighting purposes in those shops. Soon thereafter a number of shops and houses caught fire leaving 12 (twelve) persons death and considerable damage to properties. Another reason why fire could not be controlled was due to acute shortage of water and limited number of fire tenders available in Mokokchung town. It was however reported that fire was brought under control only by the late afternoon of 28th December in 1994. Allegations were also made on rape and molestations to four women by jawans of the Task Force during the incident. An FIR was lodged suo moto by the officer-in-charge of Mokokchung Police Station No.1, with regard to the arson, casualties, damages to properties and rape.

Following the gravity of the incident and pressure from the various NGOs prominent among them being the NPMHR, the State Government constituted on 3rd April 1995, a Commission of Inquiry headed by Justice D. M. Sen (Retd.), Gauhati High Court, to probe into the causes and circumstances leading to the above incident. The Inquiry commission cross-examined 22 (twenty two) civilians, 4 (four) Government officials and 3 (three) Army personnel. During the investigations an eye witness, Colonel Malik, stated in his affidavit that "the persons of NSCN (I-M) not enjoying the local support and having
failed in gaining a foot hold in the town resorted to create chaos and setting property to fire which thus resulted in the loss of property of the civilians".35

However, some prominent civilian witnesses namely Dr. Senti Longkumer, Mrs Marjungla, Shri Karikishan Bajaj, Shri Bajranglal, Shri Govindaram Chandak gave a different picture stating that "three Army jawans" were the main culprits in setting the houses and shops on fire. This deposition statement was corroborated by other civilian witnesses as well. Allegations of rape and molestation by personnel of the Task Force of 16 Maratha Light Infantry and 10 Assam Rifles were also made though these allegations did not come within the purview of the commission. Nonetheless, evidence on these allegations was collected from the victims.36

After the thorough investigation and probing evidence, the Inquiry Commission in its final report stated that the shooting was indeed started by the insurgents prompting "preventive and punitive action from Task Force of 16 Maratha Light Infantry". On the case of arson to the houses and shops, the Inquiry Commission found that it was a "deliberate act of setting fire" by 3 to 4 Jawans of the 16

36. Ibid.
Maratha Light Infantry Task Force, that resulted in seven casualties. The Inquiry Commission also found that the complaints of rape and molestation were fully substantiated.

On the basis of the findings, the Inquiry Commission in its report, stated that the settling of fire to the shops and houses by three Army jawans “was a most indisciplined act and it could not be justified, even if some insurgents had taken shelter in those houses /shops, they had to be flushed out, since there was every possibility of innocent inmates being there inside those premises at that time”.37

Another recommendation made by the Inquiry Commission was with regard to the role of the Indian armed forces when acting in aid of civil power, whereby, “the Armed Forces must be educated and warned as regards the parameters of their role. They are not to oversee the law and order situation and cannot act on their own, without expressed or implied consent or authorization of the civil authority, except in emergency situations, like, when there is a sudden confrontation with insurgents or large scale attempted infiltration across the border. Evidently, some of the Jawans in the Task Force patrol on that day were not aware of their limitations; otherwise, they

would not have threatened Shri Bendangtoshi, Superintendent of Police, as stated in the latter’s evidence” before the Commission.  

2. KOHIMA INCIDENT OF 5th MARCH 1995:

On 5th March 1995, while a convoy of 16 Rostriya Rifles Personnel coming from an election duty in Manipur was passing through Kohima town along the National Highway No. 39 towards Dimapur, at around 1310 hrs, a loud sound like bomb blast was heard. Alleging that the loud sound was an attack by the militants, the convoy took a defensive stance by randomly firing and shelling with mortars towards residential areas and then which continued till nearly 1530hrs. This incident killed 7 (seven), innocent Naga civilians on the spot due to bomb blast and gun shot. It also injured 20 other innocent Nagas, while destroying numbers of residential buildings and vehicles as well. However, it was later confirmed by the eye witnesses that the loud sound actually came from a bursting of a truck (vehicle) tyre in which army personnel were traveling.

The NPMHR, one of the premier NGOs operating in Nagaland and fighting for promotion and this protection of human rights took up

this matter by lodging a complaint that the whole incident was a clear case of atrocities committed by the armed personnel on the innocent people. Following this complaint an inquiry committee was constituted by the Government of Nagaland under its order NO. CON-35/95 dated 3rd April 1995, which was headed by the Justice D. M. Sen (Retd.) of the Gauhati High Court. After thorough inquiries and investigations from the cross-section of eye witnesses of civilian, armies and State Government officials on the unwarranted incident, the inquiry commission in its report submitted to the Government the following findings:

1. The tyre of one of the convoy shaktiman vehicles got accidentally burst, whereupon occupants of that vehicle got panicky and thought that the insurgents had fired on them. They immediately resorted to retaliatory firing, which should, however, have been discontinued immediately, since no insurgents had actually ambushed or fired on them. The firing by the occupants of that vehicle was followed by supportive firing from jawans in other vehicles, starting from the CRPF complex to the Naga Hospital complex area. Even innocent passers-by and labourers were suspected to be insurgents. The convoy personnel lost
all restraint and did not act as a disciplined and trained body of troops.

2. On the question of whether the firing incident and the resultant casualties and damage to properties could have been averted or restricted; the finding says that the initial firing by the 16 Rastriya Rifles could be justified, as they were under the impression that they have been fired upon. But such firing should have stopped immediately on discovering that they were not fired upon by any insurgent. Therefore, it is considered to be unjustified and indefensible as they continued firing and also shelling of mortals. At the same time the casualties and damage to properties were also considered to be unwarranted. The deaths of the innocent people caused by the 16 Rastriya Rifles personnel were said to be cold blooded murder.

3. The use of mortars in one of the most densely populated areas of Kohima township was a most insensitive and indefensible action on the part of the convoy personnel. It shows that the 16 Rastriya Rifles officers and men had abandoned all restraint and had no regard for the life and property of innocent and helpless citizens.
4. The 16 Rastriya Rifles personnel of the convoy were fully responsible for causing the casualties and damage to properties.

5. On the questions of whether there was any lapse or dereliction of duty on the part of the civil officials of Nagaland Government entrusted with the maintenance of law and order; it was said that there was no lapse or dereliction of duty on the part of any civil officials entrusted with the maintenance of law and order. On the contrary, Justice D. M. Sen commented that the Director General of Police and Superintendent of Police acted with great courage, regardless of their personal safety. The Superintendent’s conduct throughout was commendable and deserves recognition by suitable President’s award. The Director General of Police also acted most creditably, as he did his best to control the situation, but his efforts did not evoke any proper response from the officers and men of the 16 Rastriya Rifles.

However, the Commission commented adversely on the role played by the Road Opening Party (ROP), provided by 29 Assam Rifles
on that day. It was their responsibility to check and sensitize the entire route to be taken by the convoy, while passing through Kohima township and cover that area by effective patrolling. It seems that ROP proved totally ineffective; had they done their job properly, the firing would have not escalated into a major catastrophe, as it unfortunately did over a length of 5 to 6 kilometers on the National Highway on that day.

On the basis of their inquiry and findings, the head of the inquiry commission strongly commended that

the 16 Rastriya Rifles personnel acted in a most indisciplined manner and some of them were guilty of heinous offences like, attempt to murder, assault and damage to property. In the circumstances that obtained on that day, individual responsibility cannot be affixed; however the 16 Rastriya Rifles convoy 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. The way these troops acted that day would indicate that they would crack down and be a liability in actual combat condition with any entrenched enemy. I, therefore, urge serious consideration of the Army authorities whether commanding officers of the 16 Rastriya Rifles should not be relieved of his command and all the five officers be not posted to different units and their performances be subjected to review for at least a year or more. JCOs and men should also be disembodied from this particular battalion and absorbed in other
battalion or regiments where they would be subject to more rigorous discipline.\textsuperscript{40}

Further, the Chairman of the Commission recommended that the next of kin of all those persons killed be granted speedy compensation of Rupees 2 lakhs and Rupees 25, 000/- to Rupees 1 lakh, to the injured, along with medical facilities. For those, whose properties were damaged, compensation will be paid accordingly as per the assessment of a Technical Committee to be set up for that purpose.

The human rights violations in Nagaland had caught the attention of International Organizations involved in human rights activities. In 1995, the United Nations Commission on Human Rights (ECOSOC E/CN.4/Sub.2/1995/NGO/35-10 August 1995) through the Secretary General circulated ‘the human rights situation in Nagaland’ in consonance with ECOSOC resolution 1296 (XLIV) (3 August 1995) wherein it stated that the United Nations Human Rights Commission “profoundly regretted that four-decade long genocidal campaigns of the Indian and Burmese armed forces against the Naga people have never been called into question by the commission on Human Rights. We urge that the danger inherent in the suppression of the

\textsuperscript{40} Report of the one man commission of Inquiry, Justice D.M. Sen Retired Judge of Gauhati High Court, Volume-4, n. 39.
people's right be looked into before it is too late, if peace and justice are to prevail".41

In order to find out the truth about violations of human rights, a fact finding team was instituted by the NPMHR to meet and conduct interviews with the cross-section of victims. The following are the statements recorded during the interviews conducted by the fact finding team with the victims in Nagaland in 1996:

1. Mr. Humangot, S/O Reilpin; an 18 year old farmer from the Zeliangrong tribe was picked up by the army on 4th April 1996 at 2.30 p.m from Jalukie town and was taken to the 16th Assam Rifles camp at Samzuiram, one and a half kilometre from Jalukei, under Major Rana. He was blind-folded, his body pricked all over with pins, and a lathi was squeezed on his lower body from hips to feet. For 5 days he was beaten severely, abused and forced to admit that he was an underground worker. Not only were his wounds not treated, red-chilies were rubbed into his open sores. He was then handed over to the police on 19th April 1996. When the team

met him on 20th April, his bruises and wounds were reported to be still fresh and visible.  

2. Mrs. K. Terhuja, Principal of Christian English School, Dimapur, narrated the traumatic incident that her son underwent in March 1996. Her teenage son was picked up by the army personnel and taken to the police station, just one day before he was due to appear his class ten examination on biology paper. He was beaten up, leaving bruises all over his body. Mrs. Terhuja was able to get him released only after the intervention by the Naga Mothers’ Association. Despite this harrowing incident, the boy appeared for his examination the next day.  

3. Mrs. K. Terhuja, Dimapur, narrated yet another harrowing tale of her 30 year old nephew, who was a disabled person, his mental age being about 15 years only. After following the incident of a bomb blast in February 1996, the Nepali driver “identified” Mrs. Terhuja’s nephew as the suspect. The boy was tortured mercilessly, resulting in broken eardrums and disabled arms. Ironically, the driver responsible for identifying the boy later told the Superintendent of Police, that he had

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43. Ibid, p. 5.
never seen him before, but felt compelled to identify any person, to escape inevitable torture.

4. Mr. Alu, Dimapur (Reg. No. 1350): aged about 19 years, S/O Lakshim, was a Tamilian working as a labour in Dimapur. Emaciated to skeletal portions, he had electric shock marks on his wrists and ankles, scars on his abdomen and cut all over his body. Due to torture on his chest, he could not breathe or talk. His medical report further stated that his eardrums were ruptured and infected due to external “damage”. At the time when the team met him he was in severe pain and was also confined to the bed with a 3ft heavy mental chain. He was later reported to have succumbed to his injuries on 28th April 1996.

When the Indian State and the National Socialist Council of Nagaland entered into a ceasefire agreement on 1st August 1997, it brought a new sense of hope and aspiration to heal the wounded spirits and reclaim a rightful place as a free people. As an outcome of the meeting between Indian Government representatives and Naga Civil Society on Human Rights, Freedom and Justice from 18-19 August, 2001 in Kohima, a Memorandum was submitted to the President of the Republic of India, Shri. K. R. Narayanan in New Delhi, on 24th April 2001. The excerpt of the memorandum reads as:
Despite the enormity of the crimes committed against the Naga people for over fifty years, their generosity and grace show their conviction and desire for a negotiated solution. We in the rest of India can no longer escape the consequence of a military suppression of the Naga people, which throw away the nation's human and material resources and carry the real danger of subversion of our democratic process.  

Soon after the declaration of the cease-fire in August 1997, the various Naga people's organizations like Naga Hoho, Naga Students' Federation, Naga Mothers Association and Naga Peoples Movement for Human Rights took initiatives to broaden the democratic space to ensure that the voices and the participation of the common Nagas at the grassroots were accounted for in the peace process. Thus, in an effort to strengthen the peace process, the Naga Peoples Movement for Human Rights (NPMHR) initiated a peoples-to-peoples dialogue to reach out to the people of India and to share their history, their struggle and their vision to live as free peoples with dignity. The dialogue calls for the imperative need to have the political will and the political courage to work together with reasoning towards a peaceful and democratic solution. This initiative of NPMHR was called as 'A Journey of Conscience' which started in January 2000.

44. Memorandum submitted to the President of the Republic of India, 24th April, 2001 by Krome, Neingulo, Secretary General NPMHR on behalf of 133 Members of Indian as well as Naga Civil Society Groups who participated in the meeting on human rights, justice and the Naga Peace Process held from 14th to 19th March 2001.
The 'journey' pointed out the nature of human rights violations by the Indian army deployed under the Armed Forces Special Powers Act and its failure to bring about the decisive ends. It also points out that the use of force cannot resolve differences as it only destroys human’s hopes and dreams. The Naga people through the journey reaffirms that in spite of these bitter experiences, they would continue to manifest through their struggle a strong yearning for their rights to freedom, respect, equality, justice and commitment to self-determination through non-violence.

In order to reduce or eliminate abuses of human rights in Naga dominated areas, the various NGOs operating in the region have suggested the following measures:

1. The armed forces have to be kept away from towns and villages.
2. Setting up Tribunal courts to re-address the grievances of the victims and common Naga people.
3. The armed forces must be withdrawn from the State of Nagaland including all laws like the AFSPA 1958, Disturbed

4. The District administration has to fight with the Centre not to extend it again in order to safeguard the welfare of the citizen as is expected in any democratic set up.

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45. Disturbed Areas: If, in relation to any State or Union Territory to which this Act extends, the Governor of that State or the Administrator of that Union Territory of the Central Government in either case, is of the opinion that the whole or any part of such State or Union Territory, as the case maybe, is in such a disturbed or dangerous condition that the use of armed forces in aid of the 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, by notification in the Official Gazette, declare the whole or such part of such State or Union Territory to be a disturbed area.

46. A Regulation to make special provision for the maintenance of public order by the suppression of subversive activities endangering the safety or security of Nagaland, for the life of the community and for the control of, possession and disposal of certain articles in Nagaland and for matters connected therewith.