Chapter – II

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Nagaland, the sixteenth state of the Indian Union is bounded by Arunachal Pradesh on the north, Assam on the west, Manipur on the south and Burma on the east. The state has a total geographical area of 16,579 square kilometers which is divided into eight district namely, Tuensang (population, 414801), Kohima (State Capital, 314366), Dimapur (308382), Mon (259604), Mokokchung (227230), Wokha (161098), Zunheboto (154909) and Phek (148246). The total population of Nagaland according to 2001 Census is 19, 88,636 persons.1 The bulk of the population comprises of the Nagas belonging to different tribes like, Ao, Lotha, Angami, Sema, Chang, Chakhesang, Khiamniungam, Konyak, Phom, Pochuri, Rengma, Sangtam, Yimchunger and Zeliang.2

The Nagas belong to the Mongolian race and they are of the Tibeto-Burman families with each tribe having a distinct dialect from one another.

1. Basic Facts of Nagaland, 2002, (Published by Directorate of Information and Public Relations, Nagaland, Kohima.
The Nagas were a people who, though unaware of the democratic principles of the Western civilizations, lived and governed by democratic principles and practices since time immemorial.\(^3\) The Nagas lived in villages and each village was a democratic unit of the tribes they represented. Each village headed by the Council of Elders was represented by each clan they existed in the village. Each village was self-sufficient in itself. Another feature of the Naga leaders is that they exercised powers not according to the hereditary system as in the monarchic and feudal system but were elected to leadership on the basis of their merit and efficiency.

India’s North-East has attracted the attention from a wide spectrum of people both within as well as outside the country. The region has been a hot bed of political activity right from the time India got its Independence. The indigenous tribal group who occupy much of the region such as the Nagas had always been fighting to maintain their political identity. The Naga National Movement based on ethnic identity aimed to comprise an ‘independent nation-state’ for themselves, that is, for the several ethnically related tribal groups which had come together and recognized themselves as ‘Nagas’ or ‘Naga’. From time immemorial the Nagas had remained isolated from their neighbouring people and even from one village to another.

During the rule of Ahoms, they had periodical clashes with the rulers of Assam and their attitude was a curious mixture of antagonism and cooperation. The British too administered them loosely and there was no interference in the local administration.

EMERGENCE OF NAGA MOVEMENT

The history of the Naga Consciousness can be traced back to the early part of the 20th century when the first organization known as the Naga Club was formed in 1918 in Kohima under the official patronage of the British administrators. During the First World War, the British Government sent nearly 2000 Nagas to serve as the Labour Corps in the French Front in 1917. It was during this period the Nagas for the first time had the exposure outside. This exposure and experience made the Naga soldiers who were on this assignment to realize their own ethnic, linguistic, social and cultural uniqueness leading them to form the Naga Club in 1918 at Kohima, with the joint efforts of Government officials, village headmen and Dobashis (interpreter) after returning from the war. The objectives of the Naga Club were primarily to formulate and thereafter consolidate a distinct Naga nationality, to develop fraternal feelings of the various

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5. Aosenba, *Ethnicity in International Politics: Naga Problems across the International Border*, (Ph.D. Thesis Centre for International Politics, Organisational and Disarmament, School of International Studies, Jawaharlal Nehru University, New Delhi, 1998), p. 76
inhabited tribal areas, to look after the welfare and unity amongst the various tribes of Naga areas.

In 1927 the British Government set up a Commission known as the Simon Commission to study the administrative working system in India and to make recommendations for its improvement. This Commission under the Chairmanship of Sir John Simon along with Mr. Clement Atlee as one of the member visited Kohima on 26th March 1928. During their visit to Kohima they met the Naga tribal leaders at the local ground asking them whether they would like to join the New Reformed Scheme of India. The Naga tribal leaders who were also the members of the Naga Club in their reply to the visiting British team refused to join the New Reformed Scheme but the Nagas preferred to be under the British rule as it will safeguard their right and freedom against all encroachments from outside. On 10th January 1929, the members of Naga Club submitted a Memorandum stating that the Nagas should be placed directly under the British Government and at the same time should be kept excluded from the proposed Reformed Scheme of India. Also included in the Memorandum was the desire of the Nagas to be left alone as in the past.6 The result of the Memorandum was the change in the position of the Naga Hills

Districts which was declared as an "Excluded Area" within the Province of India from 3rd March 1936 and directed the Governor of Assam Province to act as more or less caretaker of the Excluded Areas of the inhabited various Naga tribes areas, and therefore to look after their affairs with effect from the 1st April 1937.

During the Second World War, the Nagas were said to have participated in both the warring forces and the war cemetery in Kohima stands as a witness even today of their participation during the War. C. R. Pawsey, the then Deputy Commissioner of the Naga Hills formed a body known as Naga Hills District Tribal Council in 1945 in order to unite all the Naga tribes and to take up post-war reconstruction work to repair the damages caused during the Second World War. In February 1946, at a meeting in Wokha, the Naga Hills District Tribal Council was transformed into a political organization known as ‘Naga National Council’ (NNC) with Mr. Mayang Nokcha, as its President. Initially, the NNC was limited to fostering the welfare and social aspiration of the Nagas and to give active support to the British Officers with regard to the overall development of the Nagas particularly in the fields of economic, political, social, and cultural. But it soon developed into a political party and a pressure group whose

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political activity was to achieve Naga 'Independence' from the Indian Government. It is apparent from the fact that when the Cabinet Mission came to India to prepare ground for granting Independence to India, the Naga National Council submitted a four-point Memorandum on 19th June 1946, which contained the following:8

1. NNC stands for the solidarity of Naga tribes including those in the unadministered areas.
2. This Council strongly protests against the grouping of Assam with Bengal;
3. The Naga Hills should be included in an autonomous Assam in free India with local autonomy and due safeguards for the interest of the Nagas.
4. The Naga tribes should have a separate electorate.

The Cabinet Mission could not take any decision as demanded by the NNC for the future course of the Nagas. Another Memorandum was submitted on 20th February 1947 to both His Majesty and the Government of India wherein it stated that the Naga people were independent and their country was not subjugated by the Ahom Kings of the Assam Valley since Nagaland never formed a part of

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8. Mao, Dr. Ashikho Daili, n. 2, p. 34.
Assam or India at anytime before the advent of the British. Further, it was argued by NNC through the Memorandum that the Indian Constitution was unsuitable and unacceptable as the same was drawn up by the people who had no knowledge of the Naga Hills and the Naga people. They felt that “thrown among 40 crores of Indians, the one million Nagas with their unique system of life would be wiped out of existence”. As a result, the NNC demanded to His Majesty for setting up of an Interim Government with India as the Guardian Power for a period of ten years at the end of which the Nagas should be left to choose their own Government.

Again, NNC submitted another Memorandum on 19th May 1947, clarifying that the ten years interim government should be Government of the Naga people, with full powers of legislative, executive and judicial except on defense. After a series of meetings and hectic discussions it ended up with the Nine-Point Agreement known as Hydari Agreement which was signed between Sir Akbar Hydari, the then Governor of Assam and the leaders of the NNC in June 1947. The preamble of the agreement recommended that “the right of the Nagas to develop themselves according to their freely

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expressed wishes is recognized." In other words, it was equal to ranging from prevalent tribal laws to the ownership of land and taxation. But when the question of interpreting the Ninth Point Agreement came up, trouble started as there was a misunderstanding between the Nagas and the Government of India due to different line of interpretations. The clause 9 of the Article of the Ninth-Point Agreement says:

The Government of Assam as the agent of the Government of the Indian union will have a special responsibility for a period of ten years to ensure the due observance of this agreement; and at the end of period the Naga National Council be asked whether they require the above agreement to be extended for a further period, or a new agreement regarding the future of the Naga people would be arrived at.

According to the interpretation of the Nagas, after ten years, they would have their right to self-determination. On the other hand the Government of India asserted that Nagaland would remain a protected State of India even after the expiry of ten years. Therefore, this Article became controversial as it failed to bring any clear understanding and solution between the two parties. Further, the controversy resulted in splitting NNC into moderates and the extremists.

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13. Horam, M., n. 11, p. 43
with A. Z. Phizo as the leader of the former group. The split was mainly due to two different lines of understanding and interpretations of the clause 9 of the agreement between the Nagas and the Government of India. The extremist group of the NNC started opposing strongly the interpretation of the Government of India in not conceding the right to self-determination of the Nagas. This was said to have been the beginning of the NNC's strong opposition to the Government of India and struggle against the Indian Army deployed in Nagaland. However, in spite of their opposition, negotiation was brought to a close as they were in minority. Thus, in the process of refusing to accept the Hydari Agreement, a delegation consisting of six members of the minority group including Phizo met Mahatma Gandhi at the Bhangi Colony in New Delhi on 19th July 1947, and demanded that the Nagas be left outside the India Union when the British withdrew from India. Then Mahatma Gandhi told the delegates the following:

Nagas have every right to be independent. We did not want to live under the domination of the British and they are now leaving us. I want you to feel that India is yours. I feel that the Naga Hills are mine just as much as they are yours. But if you say that they are mine, the matter must stop there. I believe in the brotherhood of man, but I do not believe in force or forced unions. If you do not wish to join the union of India, nobody will force you to do that.14

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However, when the Naga delegates pointed out that Sir Akbar Hydari was threatening to do exactly that, Gandhi exclaimed: “Sir Akbar is wrong. I will ask them to shoot me first before one Naga is shot”. On returning to Nagaland and inspired by the words of Mahatma Gandhi, this group led by Phizo declared the Independence of Nagaland on 14 August 1947. But unfortunately Gandhi died before his promises made to the Naga delegation led by Phizo could be fulfilled since the Indian Constituent Assembly refused to consider Gandhi’s promise. When A. Z. Phizo became the President of NNC in December 1950 the Naga Movement for self-determination became more consolidated, defined and stringent. No sooner, he was recognized as the leader of the Naga National Movement by the Naga people.

Since no concrete decision was made as regard to the future of the Nagas the NNC conducted a plebiscite in 1951 under the leadership of A. Z. Phizo. It was reported that 99.9 percent of the Nagas voted for the Independence of Nagaland. However, the Government of India refused to accept the outcome of the plebiscite. After the refusal of the Government of India to accept the outcome of this

plebiscite, a non-co-operation movement was led by the NNC and the Nagas boycotted the elections to the District Council, Assam State Legislative Assembly and Parliament in 1952, though all necessary arrangements were made by the Government of India for holding the general elections. Following this development, Indian Government with the objective of bringing peace and to maintain law and order situation started deploying security personnel in Nagaland from 1955.

On 11th March 1952, A. Z. Phizo, NNC President met the Prime Minister, Jawaharlal Nehru, in New Delhi which was reported to have been a stormy meeting, as the issue of Naga Independence and the verdict of the Naga plebiscite was raised. Nehru exploded with anger and banging his fist on the table and said; “whether heaven falls or India goes into pieces and blood runs red in the country, whether I am here or anyone else comes, Nagas will not be allowed to be independent”. Seeing the attitude of Nehru, the Nagas were depressed as there was no sympathy left from the Government of India towards the Naga’s demand for independence. For the NNC all efforts and pleas to the departing British Government did not create any positive outcome. All their pleas to the Indian leaders also did not materialize. And even the verdict of their plebiscite stood nullified by the Government of India. The ignorance to the pleas of the NNC by the

Indian leaders made it difficult to resolve the Naga issue which only resulted in confrontation. However, on hearing that both the Prime Ministers of India and Burma would visit Kohima on 30th March 1953, one last appeal for a negotiated settlement was undertaken by the Naga leaders. They thought that since the appeal to a single Prime Minister had failed, an appeal to both Prime Ministers of the newly Independent Countries (India and Burma) who were taking a joint tour to Nagaland might succeed. During the joint visit of the Indian Prime Minister, Jawaharlal Nehru and his Burmese counterpart U. Nu to the Capital of Nagaland, accompanied by Mrs. Indira Gandhi and B. N. Mullick on 30th March 1953, the NNC who were eagerly awaiting to submit a memorandum and to speak openly in front of the Naga public with Nehru on the desire of the Nagas for independence could not be materialized when the then Deputy Commissioner of the Naga Hills, Barkokati, turned down the NNC's request. The action of the Deputy Commissioner resulted in protest by the Naga leaders who said, "If the Prime Minister would not hear us then we would not hear him either".19

There, thousands of Nagas who came, staged a walk-out from the public meeting when Nehru was about to make his address, excepting a few non-Naga government servants. It was a great shock for both the Prime Ministers especially for Nehru as he has never encountered such an incident. This humiliating experience by Nehru, led to the issue of

arrest warrants against eight NNC leaders.\textsuperscript{20} Prior to the enforcement of the Armed Forces Special Powers Act 1958, two Acts namely the Assam Maintenance of Public Order (Autonomous Districts) Act 1953 was enacted in order to deal with the "law and order situation". Thereupon, the Assam Disturbed Areas Act 1955 was introduced to enable the Assam Armed Police and Assam Rifles to execute their task openly without legal constraints.\textsuperscript{21} This action angered the Naga leaders, who under the leadership of A. Z. Phizo with the support of Thungti Chang (Chief of the Chang tribe) led them to take an extreme step when on 18\textsuperscript{th} September 1954 the first so called Hongkin\textsuperscript{22} or ‘People Sovereign Republic of Nagaland’ was formed in Tuensang area.\textsuperscript{23} Thereafter, Assam Rifles launched several large scale armed operations in Tuensang Frontier Areas by burning down villages, churches, granaries and even standing crops in an attempt to bring the Nagas to submission besides their normal duty of maintaining law and order. An armed forces wing of the Hongkin Government\textsuperscript{24} was formed to counter and confront the Assam Rifles. This armed wing of the Hongkin Government attacked police outpost, looted arms and kidnapped personnel belonging to the Assam Rifles.

\textsuperscript{22} Hongkin means get out in Chang tribal language implying to force the government of India out of the Naga hills
\textsuperscript{24} Singh, Chandrika, n. 17, p. 51.
On 24th October 1954, an incident took place in Tuensang Frontier Divisions where a Government dak runner, the son of a Pangsha warrior, was killed by Yimpang villagers. Following the incident on 15th November 1954 Pangsha villagers retaliated with the help of the Indian Government and killed 60 men, women and children including three NNC leaders. The Government of India through a report presented in the Parliament by Prime Minister Jawaharlal Nehru denied any involvement.25

Another inhumane episode took place was on 27th November 1954 when a battalion of Indian armed forces bombarded the Chingmei Village causing unknown deaths.26 All these were carried out simply because of mere suspicion of the presence of NNC activists. By the beginning of 1955, lawlessness and violence had flared up in Tuensang Frontier Areas. On 25th March 1955 fighting between the Free Naga Government forces and the Indian army started in the Tuensang division. About sixty houses and some granaries were also burnt down by the Naga army.27 The Government of India was unable to contain the force of Naga resistance particularly in the two areas of Tuensang and Mokokchung which were subsequently declared as 'disturbed

areas'.

During the period from 1953 to 1955 it was reported that the activity of the Naga Movement resulted in lawlessness, violence and created a fear psychosis in the minds of people living in the Naga Hills. By 1955 over 10,000 Nagas had been beaten up and tortured, 1562 women were beaten up and assaulted, out of whom 709 girls were below 20 years of age. 515 granaries were destroyed or burned down, 1811 men were maimed through torture, 482 houses had been looted by Indian soldiers; 60 houses belonging to Naga leaders were pulled down and many schools were occupied by the Indian armed forces; 46 villages, containing 10, 791 houses had been attacked as many as 223 times, and Rs 86, 517.6 0 was been imposed as “fines”.

As lawlessness was spreading throughout the Naga Hills, deteriorating the situation, one section of the NNC considered as the moderates led by Sakhrie (Phizos' cousin), and Jasokie came forward to condemn the violence and terrorism. This group felt the need for a peaceful solution to the Naga problem and promised to use peaceful methods for redressing their grievances. They even tried to reorganize the NNC and take it away from Phizo's leadership. As a result, towards the end of 1955, there was a split between the moderates and the extremists as both differ in their approaches. While the moderate's

approach to the Naga problem was through peaceful means, the approach of the extremist on the other hand was through armed struggle. Further, Phizo and his followers launched their activities making it difficult for the Assam Rifles to control them. According to some reports, Sakhrie was kidnapped from his house, and murdered brutally on 18th January 1956 with a view to striking terror in the minds of the peace seekers and those supporting the Indian Government. The Indian Government could no longer tolerate the activities of Phizo and his followers and hence, instructed the Assam Government to take stern action in order to curb the hostile activities. Subsequently, this development led the Government of India to declare the entire Naga Hills as 'disturbed area' on 31st January 1956. In retaliation, Phizo and his followers further stepped up their rebel activities against the Indian army.

It was reported, that the Indian army terrorized the people through cruel and inhuman methods. One such means was to display the bullet-riddled corpses of Nagas to convey that any Naga who refused to accept the authority of the Indian army would face the same fate. At Kohima on 18th to 21st March 1956, the dead bodies of Thepfucha, Purhielie and Lhouphizhu were displayed in the market for

30. Singh, Chandrika, n. 17, p. 52.
31. Roychowdhury, Profulla, n. 27, p. 140.
many days without any respect to the dead, depriving the family members to pay their last respect to the departed soul. On 22\textsuperscript{nd} March 1956 NNC set up the Federal Government of Nagaland at Phensinyu Village in the Rengma area under Kohima District, and a Constitution was drafted which declared Nagaland as a People’s Sovereign Republic. A separate military wing known as “Naga Home-Guard” later named as Naga army was formed to drive out the Indian armed forces from Nagaland. The first clash that took place between the Naga Home Guards and the Indian Army was on 24\textsuperscript{th} March 1956. However, India brought in more than a hundred thousands troops in re-enforcement and occupied Nagaland again.

The Assam Police and the Assam Rifles operating under these Acts were said to have unleashed a reign of terror and intimidation on the general public. Various reports said that military hardware and rations were transported using forced labour and anyone who refused to comply with, are made to pay heavy fines. So much so that by the end of 1956 the fines collected amounted to Rs. 86,517.60 p. [Rupees

\footnotesize{Luithui, Luingam and Nandita, Haksar, n. 21, p. 27.}
\footnotesize{33. For details see, Singh, Chandrika, n. 17, p. 52., Nibedon, Nirmal, n. 14., p. 72., Mao, Dr. Ashikho Dailu, n. 2., p. 54., Vashum, R., n. 4, p. 82., Aosenba, n. 23, p. 53.}
\footnotesize{34. The terms ‘Naga army’ and ‘Naga Nationalist’ are used by the Naga Movement leaders. However, the Government of India refer to them as ‘Naga insurgents’ or ‘Naga underground’ or ‘Naga Militants’. Nonetheless all these terms have been used interchangeably to refer to them.}
\footnotesize{35. Nuh, V. K., n. 3, p. 149}
eighty six thousand five hundred seventeen and sixty paise).³⁶ Labour or imposition of fines on anybody who refused to comply with soon became the order of the day. The Naga people were confirmed and described as “unlawful” and even termed as “dacoits”, “gangsters”, “terrorists”, “hostiles” “ruthlessly bloodthirsty” and “misguided”.³⁷ Therefore, in order to check the so-called “unlawful activities” of the Naga people, Assam Armed Police Units and Assam Rifles battalions started moving into the Naga villages. These units set up camps using forced labour from villages and even made villagers fetch water and carry firewood for the camps without any payment.

The failure of the Assam Rifles to bring the situation under control necessitated the Indian armed forces to replace them on 2nd April 1956³⁸ with an instruction not to function as in war time but strictly in aid of the civil power³⁹ in order to maintain law and order and to stop violence and blood shed. However, several cases of human rights violations took place from the time the Indian army took control over the law and order in the Naga Hills. On 16th April 1956, twelve men belonging to the Chakhabama Village under Phek District were caught by the personnel of the Sikh Divisions and started shooting

³⁶ Iralu, D. Kaka, n. 20, p. 84.
³⁷ Ibid, p. 84.
³⁹ Singh, Prakash, n. 12, p. 97.
them. On 19th April 1956 Colonel Gurksh Singh, Commanding Officer of the Sikh Division, burnt three men alive, who were serving in the Indian Government at a place more than 50 miles away from Kohima.

Besides these two acts, the Government of India imposed the Armed Forces (Special Powers) Regulation of 1958 in April 1958. This was converted into The Armed Forces (Assam and Manipur) Special Powers Act on 11th September 1958. Subsequently this Act was amended on 5th April 1972 and henceforth known as the Armed Forces (Special Powers) Act 1958. The subsequent division of States in the North-East led to amendments in 1972 and 1986 extending the Act to all the newly created States. The amendment additionally gave powers to the Central Government to apply the Act, a power which was hitherto a sole prerogative of State Government through the Governor.

What was more surprising to the people of Nagaland was that even such empowering laws to flush out the militancy were considered inadequate by the Indian army. Thus, in 1962, a much more infamous law, called the Nagaland Security Regulation 1962 was introduced. This

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41. Ibid.
regulation aims at maintaining public order by suppressing subversive activities endangering the safety or security of Nagaland, maintaining supply of essential services and for the control of possession and disposal of certain articles in Nagaland.43

However, the Armed Forces Special Powers Act did find favour from some section of the Naga people since it had produced a positive result and this can be justified from the two statements released by the Naga leaders themselves during 1956–57. For example Kenneth Kerhuo, the then Field Director of the Angami Baptist Mission, said:

Owing to the violent activities of the Naga Home Guards, most of the Churches stopped functioning in Naga Hills sometime ago. The villagers were so terror-stricken that they could not even enter their own homes. How could they come to the Churches? Thanks to the Army, confidence has returned to the villages, and the peaceful Nagas are able to look after their affairs unafraid. The Churches are having regular services attended by bigger congregations than ever. Quite a number of Army officers and men are Christians. They make it a point to attend Church services. I have heard nothing but the highest praise of army officers and men in general from several Nagas of different tribes. They all say the way Army personnel rehabilitate villages and bring medical succour to the infirm shows that they literally implement the following words of the Lord: 'Love your enemies, do good to them that hate you, bless them that curse you, pray for them that despitefully use you.44

43. Nuh, V. K., n. 3, p. 158.
44. Singh Prakash, n. 12, p. 98.
The other statement was released by a group of Nagas leaders including Jasokie, Kenneth, Ruzhukhrle, Khieya, (Mrs) Lucy Dino, (Mrs) Dzovunno and (Miss) Kerino Zinyu, who protested over the charge of immorality against the Indian armed forces:

We are shocked to hear that the Nagas who are at present engaged in violent activities in Naga Hills, in their zeal to vilify officers and men of the Armed Forces, speak light-heartedly of Naga women-Folk and even describe their own daughters, sisters and wives as harlots and prostitutes. To say the least, these Nagas who speak so irreverently of Naga girls, have lost all sense of proportion as also sense of shame. We, who are intimately connected with the Angami area and are engaged in social or religious uplift work, can say that the Armed Forces personnel in our area have behaved in the most exemplary manner possible. On several occasions they have praised the modesty of the Naga girls. No Armed Forces in the world could have behaved better than the Indian Armed Forces have done in Naga Hills.45

The two statements clearly contradicted the opinion voiced by a section of the Naga people on the conduct and activities of the Indian army which were always termed as anti-people.

The extent of excessiveness committed by the Indian army operating in the Naga hills has been substantiated by none other than a high ranking Government official, B. N. Mullick, the then

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Director of Intelligence Bureau (IB), who stated that, by 1956 "nearly two divisions of the Indian army and thirty-five battalions of Assam Rifles or Assam Police were in operations in the Naga Hills and Tuensang Frontiers Division and the adjoining areas exerting pressure". He went on to say; "and though there were nearly one security troop for every adult male Naga in the Naga Hills Tuensang area, there never was a time when it could be claimed that the Naga Guerrillas had been broken into submission". Through the Government of India increased the number of Indian armed forces in the Naga Hills, the NNC fought back with great determination protecting the penetration of the Indian army. In course of time, however, it was the innocent civilians who had suffered immensely. This can be justified by citing one of the articles that appeared in India Today which stated that:

Nowhere has the experience of insurgency been longer and greater than in Nagaland, and nowhere else in the North-East human suffering been more painful and protracted. Nagaland was the laboratory in which the Indian Army, new to counter-insurgency, committed its biggest errors.

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Dessan Tagore an ardent critic of the Government of India’s policy while writing about the Naga issue vehemently asserted: “Nagaland has seen the worst horrible form of the state terrorism - women are raped, men and children tortured, and people moved into concentration camps. The Nagas have no recourse to civic justice”.48

Since the Naga Independence issue was not favoured by the Government of India, the NNC decided to send Phizo to London to seek foreign help. Therefore, Phizo slipped out via East Pakistan (now Bangladesh) to London to internationalize the Naga issue in November 1957.49 While Phizo was away on his mission abroad, the fighting between the Naga army and the Indian armed forces continued unabated, and it was the innocent civilians who had to bear the brunt of this fighting. During the fighting, many civilians were arrested, tortured, beaten, women were raped, villages burnt, crops destroyed and many forms of inhumane acts violating the human rights were committed by the Indian army as retaliation against the Naga army. All along, the Indian armed forces were alleged to have been indulging in several inhumane activities both to the Naga civilians as well as Naga army. A report sent by Phizo to the

49. Horam, M., n. 11, p. 78.
International Commission of Jurists dated 11th February 1962 explicitly elucidated the atrocities committed by the Indian armies during the operations in the Naga Hills. Many Naga villagers were taken to custody and sent to concentration camps where they were subjected to various forms of torture. As a result, many died in jails and concentration camps because of torture and of starvations, many houses in the villages were razed to the ground and properties damaged resulting in the loss of worth crores of rupees.  

There were also reports giving an indication that the inhumane activities were committed even by the Naga army in the form of torture and brutal murder of the Nagas, whom they suspected of helping the Indian Government. During this time (1957-1958), two civil officers namely Kapoor and Carvalho, the then Commissioner and the Deputy Commissioner respectively adopted an idea to regroup villages in order to cut off the communication of Naga army from the civilians as the Naga army depended for their supplies and information on the villagers. So by regrouping the villages the residents of several villages were taken to one central village, which was fenced round and kept under protection of strong security forces. The villagers were allowed to go out during daytime and cultivate their fields under escorts but

50. Iralu, D. Kaka, n. 20, pp. 139-47.
51. Roychowdhury, Profulla, n. 27, p. 54.
before nightfall they had to come back to the grouped village and there was no permit to go out before daybreak. Then another major step was initiated by raising of local militia or village guard to fight against the Naga army. However, these measures initiated by the civil officers proved to be more counter productive as the Naga army became more aggressive thereafter.\textsuperscript{52} It was reported that, at the 'concentration camps' many died due to lack of food, clean drinking water, sanitation and medical care.\textsuperscript{53}

At the same time, the army was freely operating in the jungle in full-scale. The Indian Air Force was brought into action in a tactical role, bombing and strafing rebel oppositions.\textsuperscript{54} Even Jaya Prakash Narayan, a member of the peace commission could not seal the factual account of Indian army atrocities. Having studied the ground reality in Nagaland he admitted saying: "Many atrocities were perpetrated by the Indian security forces, of which every decent Indian I am sure is ashamed".\textsuperscript{55}

It was at this point, S. M. Dutt, an Indian Intelligence Officer, realised that the Naga problem will not be solved by simply fighting

\textsuperscript{52} Mullick, B. N., n. 16, p. 313.
\textsuperscript{53} Aosenba, n. 23, P. 55.
\textsuperscript{54} Palit, Major General., \textit{The Sentinels of the North-East}, (Palit and Palit Shanti Niketan, New Delhi, 1984), p. 224.
against the Naga army. Therefore, in the midst of such chaotic conditions, and sufferings of the common people caused by the activities of the Naga army and the consequent operations of the Indian army, Dutt, conceived an idea of separating the Naga Hills District from Assam into a separate unit. Mr Dutt along with the liberal leaders (who broke away from Phizo) formed the Naga Peace Organizing Committee in 1956 and appealed to abandon the policy of armed rebellion. Meanwhile, the Church leaders also openly came forward and condemned the violence. Finally, the efforts of the Church leaders resulted in the formation of; the Naga Peoples Convention (NPC). The First Convention of the Organization (NPC) was held at Kohima from 22nd to 26th August 1957 under the leadership of Dr. Imkongliba Ao. The main objective of the Convention was to act as an ‘intermediary’ between the Government of India and the Federal Government of Nagaland to settle the Naga political problem. The outcome of the First Convention was a resolution passed for the creation of a separate Administrative unit. Thus, on 1st December 1957 the erstwhile Tuensang Division was taken out of the North East Frontier Agency and amalgamated with the Naga Hills District of Assam. The newly formed Naga Hills Tuensang Area was under the Ministry of External Affairs

who appointed a Commissioner to administer the area and who was responsible to the Governor of Assam. The First NPC brought calm to the otherwise volatile situation as both the Indian armed forces and the Naga militants adopted a policy of “wait-and-see". On 21st May 1958, the Second Naga Peoples Convention was held in Ungma village in Mokokchung District to review the effect of the First NPC. The only important resolution adopted in this Convention was the appointment of a Liaison Committee under the Chairmanship of Kevichusa along with eight other members in order to contact the Naga Nationalist leaders to assess their views with regard to the Naga political settlement. This Committee reported that the Naga Nationalist were not prepared to start any negotiations with the Government of India unless the issue of Naga Sovereignty is taken up, whereas on the part of the Government of India, it had categorically stated that there could be no talks with any group on the issue of Sovereignty. The leaders of the NPC brushed aside the request of the underground leaders and went ahead with their own plan for a solution of Naga problem. Later, the Sixteen-Point Memorandum for the Constitution of a separate State to be called ‘Nagaland’ within the Indian Union and under the jurisdiction of the Ministry of External Affairs was drafted which was passed with little modifications in the Third Naga People’s Convention held at Mokokchung from 22nd to 

57. Luithui, Luingam and Nandita Haksar, n. 21, pp. 64-66.
26th October 1959. Accordingly, the 16th State of India called “Nagaland” was constituted on August 1962 and was inaugurated on the 1st December 1963 58 by the then President of India Dr. S. Radhakrishnan.

However, the Naga Nationalist leaders were not happy to reconcile with the creation of the State of Nagaland. Hence, their activities stepped up in 1964 in order to show that the Naga problem will be solved only on achieving complete political independence. But on the other side, the liberal Nagas made serious efforts to bring about a lasting peace by putting an end to the activities of the Naga rebels. In 1964, with the initiative of the Naga Church leaders, a three-member peace mission was set up consisting of Rev. Michael Scott, Jaya Prakash Naryan and B. P. Chaliha to bring about the Naga rebels into a negotiating discussion. This initiative resulted in the First Cease–Fire Agreement signed between the Naga Nationalist leaders and the Government of India on 15th August 1964, which came into force with effect from 6th September 1964. In accordance with the terms of the agreement, peace talks began between the Naga militants and the Government of India. Though, there were as many as six rounds of talks no solution could be brought regarding the

problem of the Naga Issue.\textsuperscript{59} It was reported that even while the talks were going on, Naga militants continued their hostilities; the cease-fire agreement remained operative only on paper, and it was officially brought to an end on 1\textsuperscript{st} September 1972.\textsuperscript{60} Immediately after this, Naga National Council, Federal Government of Nagaland and the Naga Federal Army were declared outlawed and brought under the Unlawful Activities (Prevention Act, 1967).\textsuperscript{61} Under this Act, any Naga civilian who supports the Naga Movement through speech, writing, giving rations, shelter or any other form of support was subjected to be punished and treated as criminal and offenders. The Government of India banned these organizations after the unsuccessful assassination attempt made on the life of Hokishe Sema, then Chief Minister of Nagaland, on the National Highway 39, about four miles away from Kohima on 8\textsuperscript{th} August 1972, by suspected Naga militants. The reason for the ambush on Hokishe Sema was the transfer of the Naga affairs to the Ministry of Home Affairs which was otherwise under the Ministry of External Affairs since 1957.\textsuperscript{62} Following the incident, the Indian army was called back into action and in retaliation, the Naga Federal Army also counteracted against the Indian armies. In due course, the situation in Nagaland started deteriorating.

\textsuperscript{59} Mao, Ashikho Daili, n. 2, p. 130.
\textsuperscript{60} Horam, M. n. 11, p. 162.
\textsuperscript{61} Ibid, p. 178.
\textsuperscript{62} Vashum, R., n. 4, p. 93.
At that period of time, many cadres of Naga Federal Armies went to China for training and successfully returned with sophisticated arms and ammunitions. This made Government of India to deploy more forces in order to restrain the activities of the Naga militants leading to a lot more atrocities against the civilians. As the prevailing situation became more tense, another Peace Council known as the Nagaland Peace Council (NPC) was formed by the leaders of Nagaland Baptist Church and Sarvodaya Peace Observers in 1974. A Liason Committee was formed on 5th February 1975 by NPC with its members namely Rev. Longri Ao, Kenneth Karluo, Klungshim Shaiza, Dr. Aram and L. Lungalang. The NPC through its Liason Committee succeeded in bringing both parties to talk leading to a peaceful negotiation which was acceptable from both sides. The President of the Naga Federal Government, Zashi Huire appointed six members from the Federal and NNC representatives led by Kevi Yalley, brother of A. Z. Phizo, in order to negotiate with the Government of India. The six member delegation led by Kevi Yalley met the then Governor, L. P. Singh, who was representing the Government of India, on 10th November 1975, at Raj Bhavan, Shillong. There were nearly four rounds of talks between the Governor and the Naga representatives. The outcome of these discussions was the Shillong Accord containing
three points which was signed on 11<sup>th</sup> November 1975<sup>63</sup> between the Governor and the Naga representatives. But, out of the six Naga representatives, one did not sign the accord as he refused to become a party to the accord. The points of Agreement according to the Shillong Accord were:

1. The representatives of the underground organizations conveyed their decision of their own volition, to accept without any condition, the Constitution of India;

2. It was agreed that the arms, now underground, would be brought out and deposited at appointed places. Details for giving effect to this agreement will be worked out between them and the representatives of the Government, the security forces and members of the Liaison Committee;

3. It was agreed that the representatives of the underground organizations should have reasonable time to formulate other issues for discussion for final settlement.<sup>64</sup>

As a result of the accord, the Unlawful Activities (Prevention Act, 1967) was lifted from Nagaland leading to the released of many political prisoners. However, Clause III of the agreement was never

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<sup>63</sup> Singh, Chandrika, n. 17, p. 157.
<sup>64</sup> Horam, M., n. 11, p. 178.
implemented as the Nagas in general and the NNC, leaders overseas never agreed to endorse the Shillong Accord.

Meanwhile the President of the NNC A. Z. Phizo, who was in London, showed no sign of approval to the Shillong Accord when the matter was discussed by three Naga delegates who had gone to meet him. Further, he met the Prime Minister of India, Shri Morarji Desai in London in June 1977, to discuss the Naga problem but the discussion came to a standstill as the Prime Minister declined to discuss anything to do with the Independence of the Naga people. As it has been mentioned already that the Naga leaders overseas along with the Eastern sector of Nagaland never accepted the Shillong Accord and they further condemned the Accord saying that it was signed without the approval of the NNC President, and General Secretary. The signing of Shillong Accord further led the Nagas to disunity, misunderstanding and differences in opinion among the Nagas. Isak Swu and Th. Muivah who were in China denounced the Accord as treason and the signatories representing NNC, Federal Government as traitors. With regard to these, seven Naga delegation urged Phizo to condemn the Accord without delay. But Phizo was said to have remained silent on this matter and his silence was taken as an
approval to the work of the Shillong Accordists. The Government of India thought that it was a successful endeavor on their part to bring an end to the Naga issue but it only resulted in forming a new organization. Therefore, a three-member team namely, Isak Swu, Thuingaleng Muivah and S. S. Khaplang, a Hemi Naga of Burma declared the formation of the National Socialist Council of Nagaland (NSCN) on 31st January 1980, which represented the most radical section of Naga Nationalism till today by breaking away from NNC. This new organization stands for sovereignty. The new organization also established the Government of People's Republic of Nagaland (GPRN) by replacing the Federal Government of Nagaland (FGN).

Since the breaking up of the NNC in 1976, a new dimension was added to Naga National politics which began with bitter killings among those who once fought along side each other against the Indian army. The worst came about when the NSCN was split in 1988 which saw massacres and the birth of fratricidal conflict resulting in the deaths of many innocent people in Nagaland.

In a short period of time after its formation, the headquarter of NSCN at Hangsen was allegedly attacked on 30th April, 1988 by Kaplang faction in collaboration with the Burmese armies killing over 200 persons.

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65. Aosenba, n. 23, pp. 77-78.
including women and children, which proved to be a great disaster for the Naga National Movement.67

Differences in ideology, to capture power through elimination of all those cadres standing in their way, started gripping in the minds of the leaders since they mistrust one another. After this incident, NSCN was reported to have been vertically split into two factions. One led by Isak Swu and Th. Muivah called NSCN (I-M) and the other led by S. S. Kaplang NSCN (K).

As mentioned earlier, it has been alleged that human rights violations in Nagaland has not been perpetrated by the Indian armed forces and paramilitary forces alone. There have been several instances of human rights violations by the Naga Movement as well. The fratricidal conflict among the Nagas themselves has also been largely responsible for the countless instances of killings and human rights violations in the strife-torn state of Nagaland. Under the circumstances, the study will remain incomplete without an attempt to analyze the viewpoints from cross-section of society.

Nevertheless, the use of powers under the Act has resulted in a situation far worse than under an emergency. To make matters worse,

brutal acts performed in exercise of these powers, under the Armed Forces Special Power Act 1958, have made a mockery of the legal system, and this power has been used against innocent people, in ways unimaginable in contemporary laws. Thus, the atrocities of the Indian army on the innocent Naga people are almost uncountable and unrecordable.

Infact, after the inhuman atrocities perpetrated by armed forces in the fifties till seventies in Nagaland, the other dark chapter in Naga history remains the fratricidal conflict and random killings for over last one decade. As a result of the clash between the two factions, the scourge of the nineties witnessed a wide spread fratricidal killings. The nature of killings, characterizing house arrest, ambush, kidnapping, intimidations, chasing people like hunted animals, holding foreign made guns in public place including church buildings, and its surroundings, villages, towns and streets, random killings and assassination attempt and spraying bullets\textsuperscript{68} are clear cases of human rights violations.

Several efforts had been made after signing the Shillong Accord in order to bring about the solution to the Naga problems. Shillong Accord had all the intention of solving the vexed Naga problem but it only led to further aggravation of the issue. Hence, the

\textsuperscript{68} Ao, Lanunungsang, A., n. 66, p. 98
Government of India started to take initiative for new agreement in order to solve the problem, but it never got materialized as there were always pre-conditions from the Indian side stating that any solution to the Naga problem should be within the framework of the Indian Constitution.

However, in the early 1990s, Indian leaders realized that military approach alone cannot solve the problem. Therefore, in 1995 the Government of India considered non-military options by inviting NSCN (I-M), to begin political negotiation at the highest level without conditions at a mutually agreed third country. After two years of preparations, the Government of India announced on 25th July 1997, its decision to enter into a "Cease-Fire Agreement" effective from 1st August 1997, to pave the way for political negotiations. The then Prime Minister of India, P.V. Narasimha Rao, called for a dialogue without setting any per-condition, which the NSCN-IM accepted. There were some preliminary talks on a prospective peace process. He further met the Naga Nationalist Movement leaders in New York in September 1995. When Deve Gowda succeeded Narasimha Rao, the Government of India continued the already initiated peace process. Deve Gowda also met the Naga leaders in Zurich (Switzerland) on 3rd February 1997 continuing the preliminary peace talk process which included proposition on a cease-fire. When I. K. Gujral succeeded
Deve Gowda, he took up the policy initiated by his predecessors. NSCN (I-M), leaders met Satish Chandra, the then Principal Secretary (PMO), acting as the representative of the Government of India in Geneva. The outcome of this meeting was announced by the Prime Minister of India in the Parliament, which was the decision to enter into peace negotiation with the NSCN (I-M), on 25th July 1997, and also to announce the ceasefire to begin unconditional Peace-Talks stating that there should be a total suspension of armed conflict from the two sides for three months with effect from 1st of August 1997. The term of the Cease-Fire Agreement was for securing a peaceful political solution, for which discussions were held between the Government of India and the NSCN leadership. It has been mutually decided to declare cease fire for a period of three months with effect from the 1st August 1997 and embark upon discussions at political level. The cease-fire was then extended after every three months till 31st July 1998. From 1st August 1998, it was extended on annual basis which is being continued without any lapse till date. The essence of the cease-fire agreement constituted the following four points:

1. The there will be total suspension of armed conflict between the two sides (initially) for three months, beginning 1st August 1997;

2. That Peace talks begin with no preconditions;
3. The Peace talks shall be conducted at the highest level, that is, with the Prime Minister;
4. That Peace Talks shall be held in a neutral country.\textsuperscript{69}

Finally, the terms and conditions of the cease-fire was agreed upon on 12\textsuperscript{th} December 1997 by both the representatives of India, Shri K. Padmanabhaiah and NSCN (IM) Mr. V. S. Atem, and arrived at the terms and conditions for the cease-fire on 12\textsuperscript{th} December 1997. It was agreed upon by both the parties for monitoring the cease-fire process by drawing members from both the sides including some Non-Government Organizations. The other group, NSCN (K) also announced a formal cease-fire with the Central Government on 9\textsuperscript{th} April 2000. Even during the cease-fire, the Armed Forces Special Powers Act 1958 continued to remain enforced. However, all parties to the cease-fire agreement had to comply with the terms and conditions of the cease-fire.

The objective of the cease fire in Nagaland was to pave the way for making political dialogue and no offensive operations like ambush, raid and attack leading to death/injury/damaged or loss of property to either side were to be carried out. No blockade of roads

\textsuperscript{69} For details see, Naga Peoples Movement for Human Rights (NPMHR), n. 36, p. 14.Vashum, R., n. 4, pp. 105-06.
and communications, disruption of economic or developmental activities as well as essential services by the NSCN were to be organised. However, even though, the cease fire exist in Nagaland, there have been many voices who had expressed their negative views such as those of the Governor of Nagaland, His Excellency Shri O. P. Sharma who said, 'the ceasefire ground rule is utterly meaningless'. He again stated that the present cease-fire agreement is a mockery of the entire spirit of agreement'. He further defined the Ceasefire agreement as 'a license to carry on criminal and anti-social activities that culminated in the dastardly attempt on the life of S. C. Jamir, the Chief Minister of Nagaland on 29th November 1999.70 S. C. Jamir, the former Chief Minister of Nagaland also said that, 'the cease-fire in the present form has not only become meaningless, but also counter productive to the national interest. He suggested that the ground reality should be comprehensively reviewed and cease-fire be meticulously implemented or the cease-fire should be altogether done away with'.71 The Council of Ministers, Nagaland Legislative Assembly defining the cease-fire agreement through a press release said,

70. Ao, Lanunungsang, A., n. 66, p. 194.
71. Ibid.
the cease-fire is a license to kill, to assassinate, to ambush, to kidnap, to rob, to extort and to intimidate with a view to creating fear psychosis in the minds of the people of Nagaland with naked tactics of terrorism.\textsuperscript{72}

Lanunungsang Ao, in his book, \textit{From Phizo to Muivah: The Naga National Question in North East India}, analyzed the post cease-fire scenario in Nagaland after which he is of the opinion that the cease-fire did not yield much positive result as yet due to the continued killings of innocent people and anti-social activities in Nagaland. Lanunungsang Ao expressed that the Naga people have lost their confidence on their leaders including the Government authorities as they feel that they should not be made to suffer for want of political solution. The common man needs peace, justice and economic progress and development which is the need of the hour.\textsuperscript{73}

\textsuperscript{72} Ao, Lanunungsang, A., n. 66, p. 194.
\textsuperscript{73} \textit{Ibid}, p. 195.