Chapter 4: Women as Peace Makers and Role of Governmental and Non Governmental Organization in Conflict Management and Peace Building

4.0 Conceptualising Peace:

Peace is a concept embedded in justice. Peace is conceived as a holistic and comprehensive state of being that is all-pervasive within a polity or a society. Peace has always been among humanity's highest values for some supreme. Generally, peace means the absence of dissension, violence or war. It is opposed to antagonistic conflict, violence or war. Peace has two sides: absence of personal violence and absence of structural violence. First one is called as negative peace and the second one is called positive peace. The absence of personal violence does not lead to a positively defined condition, whereas the absence of structural violence, social justice, which is a positively defined condition, can be achieved. For Galtung, negative peace is defined as a state requiring a set of social structures that provide security and protection from acts of direct physical violence committed by individuals or groups. Positive peace in contrast is “a pattern of cooperation and integration between major human groups......It is about people interacting in cooperative ways; it is about social organizations of diverse peoples who willingly choose to cooperate for the benefit of all humankind; it calls for a system in which there are no winners and losers, all are winners; it is a state so highly valued that institutions are built around it to protect and promote it” (Leo R.S & Ray P.2002). Peace involves the
creation of a secure environment by fostering fundamental societal changes focussing on safety and protection, particularly of the most vulnerable segments of a population. Federico Mayor, former Director-General of the UNESCO defined “Peace is increasingly seen as dynamic, participative, long-term process, based on universal values and everyday practice at all levels-family, schools, community and nation” (ibid). According to Betty Reardon ‘Peace is the antithesis of exploitation, marginalization and oppression and the indicators of conditions of justice and equity and that comprise positive peace’. ¹ Nobody likes violence particularly women who are generally worst sufferers of conflict situations. It is commonly said that Men make war and Women make peace. The use of word ‘men’ and ‘women’ is actually a connotation for masculine and feminist thought respectively, where war is a masculine notion and equated with oppression and peace is a feminist notion, a symbol of justice and pacifism (Jamwal, 2008). In connection to women with peace, Jodi York says, ‘Although it sounds like a cliche; peace remains a women’s issue not for the reasons of motherhood but for the reasons of justice. It is not exclusively their domain but since they pay the primary price when peace is absent, women have a particular interest in pursuing peace’. ² The former Secretary-General of United Nations, Kofi Annan has said that “Women are always better equipped than men to resolve conflict. For generations, women have served as peace educators in their

families and societies.’ In their diverse capacities, women try to minimize the effects of violence. Caught amidst conflicting situations, women often take on roles that they never thought off previously. Women become the breadwinners of the family, breaking age old tradition, moving out of the rigid societal norms, to engage in activities, which were earlier to be a man’s sole domain. Women have for long been subjugated and excluded from structures of power. Knowing and living through these experiences, have shaped them into strong individuals, giving them an impetus to work for justice and peace. Women perhaps have a better understanding of pain and conflict because they experience it so closely in their lives. In a conflict, Women’s involvement is multilayered. The popular perception is that women have been endowed with qualities such as nurturance, endurance, strength, empathy and compassion that could go a long way in mediating between conflicting groups. Women and women’s groups in conflict situations use the emotional appeal of ‘motherhood ‘to show their link with the caring and nurturing role, and feel this gives them right and capacity to intervene. Women as peace initiator often take initiatives to facilitate changes in their communities and their efforts make a meaningful impression in conflict transformation. Women can play a key role in conflict transformation by initiating efforts to rebuild the community socially, emotionally and economically. Coming back to the importance of women as an agent of peace, UN Security Council resolution 1325 says, ‘Women, Peace and Security reaffirms the full participation of women in all areas of decision-making with regard to conflict resolution and calls for the adoption of a gender perspective at
all levels of peacemaking and peace building”\(^3\). Women can be seen mobilizing for peace and human rights at grass root levels in different ways in conflict.\(^4\)

Armed conflict is by no means always negative in its impact on women. Women and children are more susceptible to the misery, killings, disappearances, displacement etc. In every society, it is seen that women make efforts to bring peace in the society. Women mediating in war and conflict-ridden spaces are not rare in the modern world as it made out to be. ‘In countries around the world that have been stricken by protracted conflicts, women have been actively involved in the campaign for peace’’ (Emmasuwel, 2003). One of the most striking peace campaigns ‘women in black is active in the Israel-Palestine conflicts as well as in ethnic conflict-ridden zone of former Yugoslavia. In Peru, women’s organizations have persistently lobbied with the state to end the war and establish democratic process in the region. They used media and other communications networks to promote peace and were also directly involved in humanitarian works. In South Africa, women campaigned actively against measures that restricted their mobility in addition to the struggle

\(^3\)UN Security Council Resolution 1325: The civil Society campaign in peace building led to October 2000 signing of UN Security Council Resolution1325 on Women, Peace and Security. Resolution 1325 hereafter referred to simply as ‘‘1325’’recognizes that civilians particularly women and children are the worst affected by conflict and that this is a threat to peace and security. It includes calls for women’s participation in peace building and peacekeeping missions, and the protection of women in regions of armed conflict.1325 has further mobilized women around the world to recognize the important roles women play in peacebuilding and to ‘‘mainstreaming gender in peace building’’.

against apartheid. Countries like Sri Lanka affected by three decades long civil war in between LTTE and Singhalese, Nepal affected by Maoist revolt etc. we have seen the existence of various women peace organizations there.

The Sri Lankan Women have been involved in peace initiative in their trouble-torn country from the early stages of turmoil.

The activists of the Mother’s Front of Sri Lanka in the early 1980 campaigned for peace and demanded the return of their sons who had disappeared in the North. Another leftist women’s group called ‘Women’s Action Committee’ formed in 1982 which took up issues such as ‘Prevention of Terrorist Act (1979)’, the release of women prisoners and the rehabilitation of raped women in the north and the east. Various Women Groups were working on the special humanitarian needs of women living in the conflict zones. So, we have seen the existence of various women peace organizations trying for rebuilding peace, in violence affecting every corner of the world.

Similarly at the regional level, we witness the existence of women peace organizations like Maira Paibis in Manipur, Naga Mothers Association in Nagaland, Mother’s Union of Tura etc. In Assam also various organizations were formed with the aim of bringing peace in the society. Among them, Kasturba Gandhi National Memorial Trust, Mahila Shanti Sena etc are important. Women in Assam have always provided a unique example of spontaneous initiatives to reduce the impact of conflict. As women are victims of violence and injustice in both conflict and post-conflict situations and are affected negatively by the structural inequality they are motivated to fight for peace. Though some women achieved positions of leadership in situations of conflict but since the laws and social construction has not changed and structurally hierarchical,
women as a group has not improved their position or receive equal rights. The multiple ways, in which women have initiated to bring order in their respective societies, they have been excluded from all official peace negotiations. Patriarchy wanted the women to remain in peace politics, and not to step out of it to desire share in the state power structure, which should remain exclusive domain of the men (Dutta, 2002).5

4.1 Structures and functions of various organizations working for peace in North East:

In North East, it is seen that various women organization have been working for peace as well as for conflict management.

The Naga Mothers Association and Maira Paibis are playing an important role in this regard.

i) Naga Mothers Association: It was formed in 1984 in response to the drug and alcohol addiction ravaging Nagaland at that time. In the 1990s, it played a pioneering role in tackling HIV and AIDS. It raised voices against the atrocities created by the Indian Army from Naga groups and civilians. They came out strongly against the imposition of the Armed Forces (Special Powers) Act (1972) on Nagaland and insisted that any incident involving an army on women and children be referred to them. The aim of the organization was to ‘uphold womanhood’ and articulate the Naga women’s fight ‘against social evils prevailing in the state’. The ‘Blood’ and ‘No More Violence’ as an appeal to take up issues peacefully. They addressed the issue of women’s participation in the Mothers initiated campaigns on ‘shed No More peace process to both

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their own society and government. Analyst Rita Manchanda contends that the Naga Mother’s movement has been a major contribution ‘in keeping open the channels of communication between warring factions and across intercommunity, in defusing tensions and paving the way for reconciliation’ (Manchanda, R. 2004). In October, 1994, NMA formed a peace team to do something about the deteriorating political situation. The NMA peace workers initiated dialogue with the ‘undergrounds’ (militant factions, self-styled as ‘national workers’) and the state government to stop violence and bloodshed. They organised public rallies with religious leaders to appeal for peace. The NMA spoke against killings not only by the army but also by the militants. In a pamphlet released on 25 May, 1995, representatives of NMA wrote that ‘the way in which our society is being run whether by the over ground government or the underground government, has become simply intolerable’. The NMA appealed to both parties to stop the killings ‘The assassinated man may be a husband, a father-son or a brother. His whole family is shattered by his violent liquidation no matter what reasons his liquidators choose to give for snuffing out his life.’ Each year on 12 May, Mother’s Day, NMA renews its appeal for peace. Once the 1997 ceasefire agreement had been negotiated between the Indian Government and the dominant armed Naga Group, the NSCN (IM), the Naga Mothers Association was at the forefront of strengthening the peace process. In support of the ceasefire, few members of NMA trekked across the border into Myanmar to the headquarters of the NSCN Khaplang faction to appeal to him to at least talk with the NSCN (IM) faction. In September, 2000, as the peace process came under increasing strain, the President of the NMA appealed to the
Indian Prime Minister A. B. Vajpayee and the chairman of the NSCN (IM) to heed their cry of peace and sustain the peace process. So, NMA have battled seriously on social, law and order problems in the North East (Banerjee, 2001). It has been continuously campaigned against gender violence, human rights violations in the state. With their “Shed No more Blood” movement it has nurtured and sustained a ceasefire between Naga underground groups and the government, and continues to monitor the peace process.

ii) Maira Paibis: Maira Paibis (Torchbearers) originated as a movement in Manipur to prevent and control public disorder due to alcohol in the late 1970s. With the increase in narcotics abuse and consequently growing crime and public insecurity, the Maira Paibis decided to take up this problem seriously. The women would walk in groups at night, imposes fines on drunkard, and burn stock of alcohol. Liquor was eventually banned in the state. It raised voices against social evils. In the early 1980s, massive security operations were launched in the valley since Manipur was on the stage armed conflict situation. The entire state was brought under AFSPA (Armed Forces Special Powers Act) to counter insurgency. As innocent young men were often arrested, tortured and killed; the women took to the streets demanding the repeal of the act. They took to patrolling the streets at night. Women of every leikai or ward of every town and village in the valley participated in the daily patrolling, bearing no weapons except the Maira-the bamboo and rag torches. The Indian security forces tried to control this group through various ways like the violation of civil rights, rape, disappearances and murders to assaults, and even public shootings. In protest, Maira Paibis undertook various activities like public meetings, demonstrations,
road closures and public bandhs or shut down all essential services, hunger strikes and mass rallies. Till now they have been fighting against drug abuse, crimes against women and AFSPA. They are protesting against rape, torture and custodial killings of a young woman, Thangjam Manorama, by Assam Rifles Personnel. The Maira Paibis thus play multiple roles and their political activities are issue based and situational. In some cases they support peace and peace negotiations but also state that ‘sometimes militancy is necessary’ (Chenoy & Chenoy, 2010). Through such involvement, the Meira Paibis have become effective in the art of intervention in situations of violence, through at times their organizations, rooted in various localities, have got caught up in the factional politics of the Manipur conflict. Along with these two organizations, Mother’s Union of Tura played a critical role in brokering peace with militant outfits in the Garo Hills.

### 4.2 Women as Peace Makers in the context of Assam:

In Assam, various Women’s organizations like the Assam Pradeshik Mahila Samiti, Kasturba Trust and others protested the high handedness of security forces during counter-insurgency operations. Peace initiatives by Women’s groups like Matri Manch, Sajagota Samities, Mahila Shanti Sena are worth taking note of. These peace groups contributed greatly towards conflict resolution. There are other women’s groups which are successful in protesting against atrocities and campaigning for peace. Political Scientist Anuradha Dutta herself a chronicler of women’s peace initiative commented, ‘In North East India which has a history of conflict for more than of five decades, women have been kept away from peacemaking process......(But)now in place like Nagaland,
Manipur and Assam women activists are playing a positive role and are able to articulate a view of peace and security with social justice, women’s rights, economic rights, co-existence, tolerance and participatory democracy as its core (cited in Nag, S. 2006). In Assam, the Assamese women have played a significant role in social crisis. In fact, the six-year-long Assam Movement succeeded mainly because of their large scale participation (Barthakur & Goswami, 1990).

In Assam, the women have created a niche for themselves in non-formal sectors of the peace initiative. Mamoni Raisom Goswami mediated for peace between the United Liberation Front of Assam and Government of India on her own without associating herself with any organization. Such efforts to negotiate small spaces for peace are portrayed also in the activities of Kasturba Gandhi Memorial Trust, Ancholik Mahila Samiti and Sajagota Samiti of Assam. The Kasturba Trust created Stree Shakti Jagaran Manch to begin the dialogue between different communities. Among the issue based organization most outstanding was the Matri Manch based on Guwahati. This group became the rallying point for mothers whose sons have disappeared and protested against sexual violence of women by Armed Forces during counter insurgency operations (Dutta, 2002).

In Assam, there is All Bodo Women’s Welfare Federation having its branches in nineteen districts of Assam. Another organization namely the Bodo Women’s Justice Forum has been working on conflict resolution and rendering humanitarian relief to victims of violence.
4.3 Various Women Organizations working for peace:

i) Matri Manch: Matri Manch, based on Guwahati became the rallying point for mothers whose sons have disappeared and were killed during encounters with the police or the military. They took out protest marches on issues like sex abuse and violence against women both by the state as well as the insurgents. Insurgent groups threatened this organisation. But opposition from state and insurgent groups forced these women to withdraw its peace campaign. The pressure eventually led to the marginalization of the group.

ii) The Sajagota Mahila Samiti: The Samiti is not an active organization. They were not politically visible. When the incidence of violence on women took place, such as rape or police raids, the members of the Samiti immediately got organized and led protest marches and agitated for the restoration of human rights. Though they fought to uphold human rights, neither the state nor the rebel groups supported their action (Phukan, 2010).

iii) Mahila Shanti Sena (MSS): Shanti Sena or Peace Army was made up of Gandhi’s followers in India. Shanti Sena is a term first coined by Gandhi. Shanti means peace and, Sena means army. Inspiring by the concepts of Gandhism like non violence, peace, this organization was formed at Kumrikata in 2001 under the guidance of Tamulpur Ancholik Gramdan Sangha under erstwhile Nalbari District and present Baska area under BTAD. The main aim of this organization is to bring peace in the society. The women in Mahila Shanti Sena act as an agent of conflict transformation in Assam. Their technique also includes trying to bring to surface explicitly the rational fears, hopes and goals of the people
involved in the conflict. Peace, however, is a process and sustained effort to resolve conflict non-violently by addressing the root cause of the problem through negotiations and dialogue which has been rightly propagated by Shanti Sena (Mahanta, 2005).

The Mahila Shanti Sena’s present strength is almost seven hundred that spreads over hundreds of villages. The Mahila Shanti Sena follows the decentralized model of structural arrangement. Peace workers are formed in every village and quarter of a village. Ten peace workers from the neighbourhood will form a dasta (team of ten). Every dasta will have a leader or chief to be unanimously selected from among them. For selecting the chief a name will be unanimously selected from among ten peace workers—one who can devote and engage more time in peace work. Women of 18 years of age or more can become a member of the Mahila Shanti Sena. She must be a believer in peace and non-violence and must be prepared to share responsibility in the campaign for creating a violence free neighbourhood and a violence free society.

The Prakhand Mahila Shanti Sena will be formed with chiefs at the panchayat level and peace workers working at the block level. The leader will be selected from among these. The chief of the block Mahila Shanti Sena and peace workers working at the district level will form the district Mahila Shanti Sena and they will have a Nayak or a leader. In the State level Mahila Shanti Sena, the leader or chief from every district and peace workers who wants to work at state level will participate. The state level Mahila Shanti Sena will work for organization and coordination. In an emergency situation, the lower unit will intimate the upper unit for proper action that means there will be a solid networking between
the units. The team at village or quarter of the village will communicate to the panchayat unit of the Mahila Shanti Sena, the unit at panchayat to the block unit, the block to the district, the district unit to the state unit.

The Mahila Shanti Sena has a Rapid Action Force. The main aim of this force to remove tensions from society based on caste, religion or ethnicity.

The aims and objectives of Mahila Shanti Sena are:-

i) To empower women to build a peaceful and just society.

ii) To raise mass awareness among women to realize their strength and power.

iii) To focus on women’s problem such as violence, poverty, illiteracy and unemployment.

iv) To provide women training in peace, democracy and development.

v) To educate them in the Gandhain tradition of engaging in constructive village service.

It is the duty of the peace workers to reduce clashes, building of trusts amongst the various communities, caste and creed, creating a platform for interaction amongst themselves and so on. The workers of Mahila Shanti Sena are involving themselves formation of self Help Groups to become self sufficient, imparting vocational training, spreading literacy amongst women, AIDS control, reducing militancy in conflict prone areas etc (Bhuyan, 2006).
iv) Kasturba Gandhi National Memorial Trust, Assam Branch: It was established on 9\textsuperscript{th} January, 1946. This women organisation was based on the ideology of Mahatma Gandhi. In the memory of Kasturba Gandhi, this organization was formed. The aim of Kasturba Trust is to reconstruct the lives of rural women and children by removing their ignorance, poverty and other difficulties. Its aim is to implant in the hearts of women feelings of fearlessness, determination and self reliance and to enable them to take rightful place in society. There are twenty one centres of it in entire North East. At present, there are fifteen members in Guwahati branch and sixty five members in entire Assam. Through the principle of non violence, peace, truth, love and compassion, it has been raising its voice on all issues of society e.g. agitation over the medium of instruction in 1972, spreading literacy among adults, banning alcoholic drinks etc. In 1996, women of Kasturba Trust were involved in the restoration of peace and harmony in violent prone areas of Assam. To remove violence from society, the members of Kasturba Trust along with the members of Bharatiya Santi Sena undertook peace march in the affected places from 24\textsuperscript{th} September to 29\textsuperscript{th} October, 1989. During the padayatra they went to the people who had suffered during conflict and offered their support and sympathy. On the occasion of birth centenary of Vinobaji, the disciple of Gandhi, four sevikas of the Kasturba Trust undertook padayatra from 18\textsuperscript{th} April, 1991 and continued up to 11\textsuperscript{th} September, 1995. At that time the Assam was under President’s rule and Army’s Bajrang Operation was going on. People were under the grip of fear psychosis and apprehensions. In such a crucial juncture, the padayatrees while proceeding through different localities made it a point to
spread Gandhi-Vinoba’s message of peace, friendship and emotional integrity and non-violence. To propagate awareness in spiritual, social and economic areas among the rural women, the Kasturba Trust has regularly organised various programmes including women’s awareness camps. From the time immemorial it has been trying to spread message promoting peace and harmony in society. It is seen that conflict and violence have been perennial problems in the North East India. The forms of conflict are varied and multidimensional. They are borne out of inter and intra-ethnic feuds, conflicts between the insurgents and the state. It is expected that the Kasturba Gandhi National Memorial Trust, Assam Branch will be able to play a vital role by spreading the message of non-violence as well as peace (Mukashi, 2002).

v) North East Network (NEN): It is a women’s rights organisation working in the North East Region of India with a focus on women’s human rights. Ever since its inception in 1995, its role has been that of a facilitator to empower women of this region around issues of livelihood, health, conflict and governance through capacity building, awareness raising, networking, research and advocacy.NEN has raised different issues related to women’s rights violations. It has been working actively to ensure violence-free world for women.⁶

Women in the Northeast have spearheaded a number of successful movements and worked for peace in the region on their own.

The Naga Mothers Association, Maira Paibis in Manipur, Mahila Shanti Sena all have been active in trying to resolve disputes and conflicts and negotiate

⁶NEN website.
for peace in different states of the region.

There is no doubt that women in the North East region have historically played the role of peace makers in their traditional societies. But with the advent of British rule and decline of inter-tribal or inter village warfare, this role ceased to exist as an institution. The advent of Christianity only strengthened the process as priest (nun) took over this role. The role of peace making by women in modern times is an extension of their traditional role (Nag, 2006).

There are two reasons which made women assume the role of peacemakers in times. Since both the underground and the over ground politics have been the exclusive domain of the male, the only space left for women is the civil space. Moreover, the prolonged political upheaval has taken a heavy toll on their society. Under the tragic impact of violence, subsistence has ceased, families disintegrated, children traumatized and women outraged. In the confrontation many men have ran away to the jungles or have fallen victim to state oppression. The rest of the younger generation, failing to cope with the deterioration have been borne by women as mothers, wives, sisters and daughters. Secondly, often women have been used as a shield by their male counterparts. It is common in North East India (ibid).

Women came to challenge patriarchal structures through their experiences of war. It is seen that they are not involved either with the state or the opposition since they are not considered a ‘party’ to the conflict. Their role, therefore, gets restricted to the ‘soft option’ of nurturing and working in the family, community, and civil society. Women are asked to work, on issues of
drug abuse, trauma, counselling, etc, while the issues relating to ceasefire, political or public policy, arms, peace are taken without consultation (Srestha & Thapa, 2007). Women are never present or represented in the decision making and policy making processes regarding conflict transformation. Even in case where women have taken active roles in peace initiatives, they have given up their rights to be negotiators and or/ have remained in the background (ibid).

Women as peace maker in peace keeping operations can be explained along the lines of the feminist analysis on inequality, difference and oppression. Women are more co-operative and less hierarchical as a result of socialisation process. Generally, their contribution in the movements was unreported. The State also has evolved a counter to the strategy by deploying women armed cadres in such situations. Most of the underground organizations have its female wings where scores of young women cadres were mobilized. It is thought that in a male dominated society, women are thought to be not competent enough to be in these positions. Actually there was no trust on the capability of women yet they were co-opted in peace initiative. In matters of decision making related to peace it still rests with the patriarchy (Nag, 2006).

In Assam, as long as the Matri Manch was working in the civic domain away from public eye there was no problem. But when it acquired visibility their existence was seen as a challenge to the patriarchal structures. Hence both the state as well as the underground activists attacked the organizations forcing it to disintegrate and break up.7

The Assam Pradeshik Mahila Samiti was established in 1926. A large number of district and rural women’s Mahila Samities came to play a larger role in social movements and the national freedom struggle. In the early part of the 20th century Mahila Samities took certain welfare measures like stitching, weaving, knitting etc for needy and illiterate women. Though they claimed that they did a lot against militarization, counterinsurgency, human rights violations etc, however in the 70s and 80s there was very little engagement of women’s groups on issues of raising militarization and rights violations.8

As Roshmi Goswami says, Women’s vulnerability increases depending on the kind of role they choose to play in the peace process. Women are accepted as ‘healers’ and ‘pacifiers’ but not when they attempt to play a more decisive role and raise questions of peace, linking it with basic concepts of democracy. Women who protest against state oppression are seen as the ‘overground agents’ of the ‘underground non-state actors’, while women who raise their voices against non-state oppression are branded as ‘state agents’ and silenced.9 Demobilising the combatants and reintegrating them into normal life is one of the most challenging priorities in post conflict situations. In most cases, women are almost completely excluded from post conflict decision making process. There has been no effort on the part of the State or the non-State agencies to involve women in the actual negotiations. Women are included in the

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8 www.google.com

process only because of their own initiative. This merely goes to re-emphasis the lack of understanding of peace in terms of mutuality and equality in the current process, where the peace process is viewed as a kind of ‘settlement’. During field survey a no of peace makers have firmly said that no Mahila Samiti or other organizations come forward to help the victims of police or armed atrocities, as they thought that if they did so they might lose the financial assistance from the government as well as they might fall to the suspicious eyes of police. During the days of Assam Movement, Mahila Samities staged protest movements occasionally.

4.4 Role of NGOs in matters of Conflict Management:

NGO means a non-profit, voluntary citizen’s group which is organized on a local, national or international level. It is task oriented and driven by people with a common interest. NGOs perform a variety of service and humanitarian functions, bring citizen concerns to Governments, advocate and monitor policies and encourage political participation through provision of information. Some are organized around specific issues, such as human rights, environment or health. A NGO is a citizen based association that operates independently Government, usually to deliver resources or serve some social or political purpose. NGO are legally constituted corporation created by natural or legal people that operate independently from any form of government. The term originated from the UNOs, and normally refers to organizations that are not a part of a government and are not conventional for profit business.NGO are funded totally or partially by governments, the NGO maintains its nongovernmental status by excluding government representatives from
membership in the organization. In Assam it is seen various organisations have been playing an important role in matters of conflict management. Among them the followings can be discussed:

i) **Assam Public Works (APW)**: It was established on 24th November, 2000. It is a self financed voluntary organization. Since its formation, it has been raising voices against atrocity committed by ULFA on innocent people of Assam. On 6th June, 2002, in its initiative, 202 victim families of Assam registered cases against Paresh Baruah; the Self styled Commander-In-Chief of ULFA at Assam Human Rights Commission. Assam Public Works organized a rally at Dighali Pukhuri Par against terrorist activities of ULFA with the families of innocent victim of Assam in 2005. The organization organised a plebiscite from 6th August to 5th January, 2007 on the question whether the people of Assam want Swadhin Asom (Independent Assam) or not. The organization has been providing legal assistance to the members of the victimised families. Generally the Government lawyer conducts the cases. Unfortunately many cases remain unresolved because of lack of evidence. (Source: Assam Public Works Website).

ii) **Forum for Terrorist Victim Families, Assam**: it was established on 8th August, 2010. The Chief Advisor of this organization is Dhananjay Saikia from Sibsagar. The Organising and Publicity Secretary of this organization is Indraneel Kalita. At present there are 15,000 families in Assam who had suffered by the hands of ULFA one way or other. The members of the victimised families as a result of insurgency as well as counter-insurgency are the members of this organisation. They are basically innocent common people from society. The main objective of this organization is to assure justice to the
people. Till now two conventions of this organization have held - one at Sibsagar and other at Jorhat. At Jorhat Convention, altogether seven demands were raised. One demand was for financial benefit of those victim families. Before 2004, the Government had provided Rs 1,000,00 as compensation to the victim family and a job to one adult member of each family. After 2004, the Government has been providing Rs 3,000,00 to each family. Moreover the children of these families are getting the support of AASHWAS and Rajeev Gandhi Foundation Scheme. There are more than 1000 students under AASHWAS and 23 students under Rajeev Gandhi Foundation Scheme. Though the Government has been providing compensation, and children of victim families have been getting financial benefits in the field of education yet many families still stand outside of those benefits and facilities. Still they are living under economic hardship.

(Source: ‘Shanti’ a booklet of Forum for Terrorist Victim Families of Assam).

iii) Manab Adhikar Sangram Samiti (MASS): In 2nd November, 1991, MASS, a non profit human rights organization was founded in Assam by a group of intellectuals and journalists. The organisation is related with the issues such like human rights and civil liberties, human rights protection, human rights education and human rights monitoring. It works to unite the people of the region in defence of civil and human rights. MASS also challenges human rights violations allegedly committed by the Indian Army, Paramilitary forces and State Police. It has been demanding impartial inquiry into all human rights violation cases in the northeast and withdrawal of ‘Black Laws’.

The objectives of the organisation which were highlighted by Parag Das, the founder of MASS are:
a) To highlight with facts and figures the human rights violations committed by the Indian Security Forces.

b) To mould public opinion against such violation of civil rights and make people aware about draconian laws such as Armed Forces (Special Powers) Act (AFSPA), NSA, TADA etc.

c) The organisation adopted three –prolonged strategies to espouse the cause of human rights in Assam.

As its first strategy, it organised several public meetings in various parts of Assam and prepared periodical reports to highlight the state terror with proper documentation supported by audio-visual sources.

As the second strategy, the organisation attempted to create constituencies for their cause at the national level. Attempt was to visit various places of India and unify the other exploited nationalities and groups by the Indian State. Purpose was to create national stakeholders and express the true character of suppression and oppression of the Indian State.

The third strategy was to internationalise the cause of Assam. (Source: Parag Das, Rastradhir Dinlipi, Guwahati: Udangshi Prakashan, February, 1994 cited in Mahanta N.G. Confronting the State: ULFA’S Quest for Sovereignty, 2013).

Apart from these activities, MASS has also been taking up cases relating to corruption, arrest, unnatural deaths etc. Due to pressures exerted by MASS, the National Human Rights Commission visited the state in July 1994 and urged the setting up of a State Human Rights Commission and a Human Rights Court. (Source: MASS Website).
IV) **United Women Protective Forum:** In Nalbari, an organization called ‘United Women Protective Forum’ was formed under the leadership of Ruparani Bhuyan, a social activist to raise voice against armed atrocities. This organization organised an eleven days strike programme against incidents of rape in Paikarkuchi, Kaira (Nalbari) and Darrang by army personnel in post-1990s. The life span of this organization was short and it ended with this issue very soon *(Source: Conversation with Ruparani Bhuyan, Ex. Secretary of United Women Protective Forum).*

4.5 **Role of Governmental Organizations in conflict management:**

Like NGOs, many governmental organisations have been formed to deal with conflicting situation. Among them Assam Human Rights Commission, National Human Rights Commission, National Commission for women, State Commission for women, Legal Authority etc are important.

The National Human Rights Commission (NHRC), which was established on 12th October, 1993 under the Protection of Human Rights Act (PHRA) in 1993, has been playing a significant role in monitoring and investigating human rights violations in the country. It was fully an autonomous body.

The NHRC enjoys all the powers of a civil court under the code of civil procedure. It sends summons to the concerned persons, enforces the attendance of witnesses and examines them on oath. It can ask for any public power of receiving evidence on affidavits. It can ask for any public record or
copy thereof from any office or court to carry on its inquiry. The Commission may enter any place of office where the Commission has the reason to believe that any document relating to the subject matter of inquiry may be found. Since its inception NHRC has issued a considerable number of instructions and guidelines to the Central Government concerning such issues as custodial violence, rape and death, encounter killings, visit to police lock-ups, arrests and detention and human rights standards in prison. The commissions also advises the government on human rights issues and works to further human rights awareness.

In the context of the North-East region of India, where the Armed Forces (Special Powers) Act is in operation in many of states, section 19 of the PHRA acquires special significance. This section restricts the mandate of the NHRC by specifying that it is not empowered to investigate allegations of human rights violations by the armed forces. When human rights violations by members of the armed forces or paramilitary forces are reported to the NHRC, it can merely seek a report from the Central Government, but has no power to institute an investigation. On receiving the government’s report, it can either drop the case or make recommendations. The Central Government then has a duty to inform the commission about the action taken on the recommendations within three months. This seriously impairs the NHRC’s capacity to tackle the impunity provided for in Armed Forces (Special Powers) Act.

Similarly, the State Human Rights Commission (SHRC) has been set up in 1996 under the protection of Human Rights Act, 1993 to lend a voice to and
represent the victims of violence and make inquiries into violations of human rights and fundamental freedoms. The SHRC has even fewer powers in relation to the armed forces.

**Categories of cases registered in the AHRC**

- Custodial Death in Jail
- Custodial Death in Police Custody
- Custodial Torture
- Custodial Rape
- Death in Police Encounters as reported by Police, District Magistrate, Government
- Death due to allegedly Fake Encounters as reported by the media/public
- Rape
- Illegal Detention / arrest
- Police Excess and Negligence
- Jail Conditions
- Violation of the Rights of Prisoners
- Violation by Health & Family Welfare Department.
- Dowry Torture / Death
- Indignity to Women/ Sexual Harassment at Workplace
- Violation of the Rights of the Child
- Violation Of The Legal Rights Of Mentally Retarded Children
- Complaint against Education Department
- Violation Of The Legal Rights Of Physically Challenged
- Mysterious Death
- Mysterious Disappearance
- Abduction
- Electrocution
- Violation by Public Health & Engineering Deptt.
- Pension
- Cases of Pollution
- Condition of inmates in relief camps set up during natural calamities
- Violation Of The Right To Religion
- Erosion of River and Resultant Threat to Life
- Ragging in Educational Institutions
- Hill Cutting and Threat to Life
- Loss caused to life and properties by Wild Animals Menace / Negligence by Forest
- Unlawful Eviction By Public Authorities
- Miscellaneous
- Referred to NHRC

Till now no. of registered cases of Assam Human Rights Commission is 7,847. Out of these 7,148 cases are being solved. Registered Cases processing for solution are 699 (Source: 14th April, Amar Asom, 2013).

Another major weakness of the NHRC is its inability to investigate human rights violations until a matter is formally brought to its notice or if another statutory body is already looking into an issue. In addition, the NHRC is only able to address cases relating to events which took place within the last
year. The time limit is problematic, as many victims bring cases to the NHRC over a year after the incident; because they approach Commission is a last resort after exhausting other mechanisms. The NHRC has no independent powers of investigation, but rather must rely on the police and other state bodies for information. There is serious flaw and often leads to a farcical situation in which the very police station responsible for human rights violations which is given authority to investigate them. In order to human rights violations to be properly addressed, the Indian Government must endow the NHRC with independent investigatory powers. NHRC has no power to enforce its decisions relating to the matter of Armed Forces (Special) Powers Act. When its enquiries discover human rights abuses, the NHRC and SHRCs can only recommend that the Government take action against the perpetrator or grant relief to the victim. If a state government refuses to accept the recommendations of the Commission, there is no legal provision that empowers the NHRC to force the government to implement its recommendations. In other words the NHRC can’t do anything to stop army atrocities.

The NHRC is under-funded, under-staffed and labours under a stultifying back-log of cases. Complaints made to the NHRC often go uninvestigated or are rejected on frivolous grounds. The Commission relies for financial support entirely on the Central Government which can allocate funding as it deems fit (Source: State Terrorism: Report of the Independent People’s Tribunal 9-10 February, 2008, Reaearched & Edited by Grace Pelly, Human Rights Law Network, New Delhi, pp239-240).
National Commission for Women is a statutory body for women established in 1992 by Government of India under the provisions of Indian Constitution as defined in the 1990 National Commission for Women Act. The objective of the NCW is to represent the rights of women in India and provide a voice their issues and concerns. The subjects of their campaigns have included dowry, politics, religion, equal representation for women in jobs, and the exploitation of women for labour, and about police abuses against women. Similarly, Assam State Commission for women came into existence on 25th January, 1994. The Assam State Commission for Women Act 1994, says ‘‘Whereas it is expedient to provide for the constitution of the Commission for furthering the fundamental rights guaranteed by Article 14,15 and 16 of the constitution of India with respect to women and to give effect to the Directive Principles of State Policy and in particular those enshrined in Article 38,39,39(A) and 42 of the constitution to improve the status and dignity of women in the society, to investigate into and take or suggest suitable remedial measures against practices derogatory to women to effective monitor and implement laws affecting women and to advice the Government and all matters related to the improvement and uplift of the status and dignity of women in the society’’. It was set up to investigate matters relating to constitutional safeguards and other laws, and takes up violations with appropriate authorities. It was to call for special studies or investigations into specific problems of discrimination and atrocities against women and undertake promotional and educational research to ensure representation for women in all spheres and identify factors for impeding their advancement. It is
a statutory body which strives to achieve equity and justice. It tries to give counseling and assistance to women victims of atrocities and women in distress in the state. The power of the commission is like that of a civil court, it can examine any document regarding a case, can give charge sheets and also can interrogate.

Despite these positive developments, the NHRC and the SHRCs, in their current form, have limited enforceability mechanisms and are often sidelined to the status of mere commentators. Their powers were never to be truly meaningful.

State Human Rights Commission, State Commission for Women etc present the dismal picture where complaints have piled up without people getting any successor. The State Commission for Women deals with issues like domestic violence, witch-hunting, property related matter, kidnapping, murders, rape etc. The State Commission for Women does not even have rehabilitation programme for women who have been tortured and raped. There has been lack of political will by the Government in making these organisations effective. It is alleged that the Government have virtually turned these institutions into signboards and showpieces. It is seen that the State Government has been trying to give appointments only those persons who have followed their dictates. It is alleged that different cases were registered here and nobody find records of them being handled and solved by the commission. The suggestions given by State Commission for Women to the government on different issues from time to time remain within the files for years. There is no time limit for accepting or rejecting the suggestion.
In Assam, it is seen that Assam Human Rights Commission since its inception in the year 1996 has been striving to promote awareness of human rights among the masses. With the support of the National Human Rights Commission, it is organizing awareness camps in different districts of Assam. The protection of Human Rights Act, 1993, as amended in 2006 provides under section 12(h) that a Human Rights Commission shall spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means. But it is alleged that though Assam Human Rights Commission has tried to create awareness about human rights among people it has not yet got positive result since it has not been able to cover people of the grass root level. They have been getting lukewarm response from the common people as the Commission has been showing more interest in engaging only the influential persons of the locality in those camps (Field work observation).

These Commissions have not been able to attract people of rural areas. Most of them have heard the names of Commission; they are not interested to go there for solution. Many illiterate women misinterpret Assam Human Rights Commission as Manab Adhikar Sangram Samiti. State Commission for Women is busy only in solving certain common issues like dowry, divorce, trafficking and property disputes etc. They are not interested to solve conflict related issue. (Field work Observation). The Commission can barely organise rallies to protest against atrocities on women, said a spokesperson of the human rights organisation, Manab Adhikar Sangram Samiti (MASS).
So, in present situation the infrastructure of these bodies need to be upgraded. It is suggested that National Human Rights Commission should knock at the doors of the offenders. Cases should not be pending in never ending process. State Commission for women should try solving cases relating to women seriously. Strict action should be taken in this regard. It is equally important that the judiciary should take the recommendations of such bodies seriously.

Again, the judicial system of India is being completely overhauled by the British rule. Indian judicial system is pyramidal in structure—from lower court to High court and from High court to Supreme Court. It is seen that they seemed to be more concerned with their vested interests than to bother about the justice to the needy poor and illiterate clients. In other words, legal arrangements provide privilege to powerful. The vast majority of the lawyers and the judges are still not concerned with the needs of the people. No proper legal or regulatory measures available for the victims of conflict. Moreover legal proceedings are lengthy and expensive. National judicial system may lack adequate financial and human resources to handle the large number of cases. Actually, the exceedingly delayed process of disposal of cases robbed both patience and the purse of poor clients. Thus, the saying that “Justice delayed is justice denied”. Bina Das of Thamna Village of Bagsa was raped on 28th July, 1998 by BSF and killed her. A case was registered at Barbori Police Station under 92/98 no. Sixteen years passed, till now the family of her have not got justice. The main reason behind it that the family could not afford the payment of the court (Amar Assam, 24th July, 2014). Because of slow, lengthy
and expensive legal procedure most women could not go to court. Though few went to court along with their relatives, they were not satisfied with the proceedings of the court. Some cases against women militants are still going on in different courts of the state. But they are not satisfied with proceedings at all (Field work Observation). Wives of missing militants had been knocking every door for information about the whereabouts of their missing husbands. They even went to Gauhati High Court for getting justice. The Gauhati High Court admitted a habeas corpus petition by the wife of one of those ULFA members who had ‘disappeared’ India’s Defence Ministry told the court that the list of militants handed over to India by Bhutan was a ‘privileged document’ and could not be made public. But they were totally disappointed about the judgement of the High Court.  

For the protection of democracy and the democratic rights of the people, the court should always remain vigilant. However, a good government cannot be ensured by judicial directives alone. The judiciary should not only award compensation in proper cases, but it should also see that its directives are properly implemented. It is necessary that the responsible officers should not only be directed to pay a part of that compensation but they should also be admonished for the gross violation of human rights. If these things are considered by the judiciary, then only, we can expect a society, where there is no wilful and deliberate violation of human rights.  

References:


ibid 220-223.


ibid.


ibid.

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