Chapter 2: Conflict Situation in Assam: Role of State and Non-State Actors

2.0 Introduction:

During post-colonial history, insurgency and counter insurgency operations have been the part of the fabric of everyday life in Northeast India with militarization having become ‘a way of life’ in the region. Assam, a prominent state of North East has been the site of separatist movements and violent insurgencies since independence. It has witnessed itself the most serious rebellion waged by the United Liberation Front of Assam (ULFA) since 1979 demanding the sovereignty of the state of Assam. It is an armed conflict like situation as a result of interplay between State Actors as well as Non-State Actors for about last thirty years. State Actors - Police forces, armed forces as well as paramilitary forces who by themselves or through imposing various black laws have created tense situations since 1980s onwards. On the other hand, Non State Actors - militants or insurgents through insurgent activities has created atrocious situation in the society. The ULFA (United Liberation Front of Assam) is the main insurgent organization operating in this period. In order to know the situation fully, it is necessary to understand the historical and socio-political background of the conflict in the state of Assam, as well as the term insurgency vis-à-vis. counter insurgency. As a result of interplay between State actors and Non-State Actors, humanity has become the worst victims and human
rights of people are violated badly. Among them, women are the most vulnerable community. Gender oppression is an unfortunate reality in most societies. The systematic exploitation of women by a structure of control that places men by virtue of their gender in a position of privilege is accentuated in a place like Assam.

2.1 Conflict in the state of Assam: Historical and Socio-Political Background

Conflict in Assam is generally understood in the form of armed struggle. This armed struggle is not between the two states but between state and the armed activists or armed militants. Conflict in the North East is rooted in her peculiar political and historical past and the process of integration to the Indian mainland. The decisions of the British Administration such as Inner Line, Line systems\(^1\), and Fragmentation of the region etc, and even after independence the Official Language Act 1960\(^2\), Medium of Instruction in the educational institutions 1972\(^3\), holding elections in legislatures in 1983 and passing of the Illegal Migrants Determination by Tribunals shortly IMDT Act\(^4\) in the same year

---

\(^{1}\) Way back in 1920s, the Government of Assam adopted the policy of ‘line system’ which imposed restrictions on settlement in certain areas so as to protect the future interests of the indigenous population. According to this system, certain specific areas of the province were divided into three classes-immigrant’s line, mixed line and Assamese line.

\(^{2}\) In 1960, the Government of Assam passed the Official language Act announcing Assamese as the official language and sought to impose the Axamiya language upon all communities of Assam.

\(^{3}\) Assamese was declared as medium of instruction under Gauhati University with effect from the academic year 1972-73.

\(^{4}\) IMDT Act means Illegal Migrants(Determination by Tribunals)Act was by Parliament on 25\(^{th}\) December,1983.It was an act to provide for the establishment of Tribunals for the determination in a fair manner, of the question whether a person is an illegal migrant to enable the Central Government to expel illegal migrants from India. The Act brought some conflicting viewpoints. As a result, the Act was repealed by the Supreme Court.
caused conflicts and tensions in the social life of the region.

These are followed by the problem of insurgency multiplied by ethnic autonomy question. (Hazarika, 2011). The decisions of holding elections was itself violative of the principles of democratic set up as the electoral rolls on the basis of which elections were to be held, contained the names of foreigners who were not legally entitled to cast their votes. Assam was an independent state till the advent of the British Power in 1826. The traditional spirit of freedom and independence motivated them to fight against British Imperialism. Under the banner of Assam Association⁵ the politically conscious Assamese middle class had emerged in the foundation of mobilization for anti British rule (Phukan, 1984). Lakshminath Bezbarua, Chandranath Sharmah, Jananath Bora, Kamalakanta Bhattacharyya, Ambikagiri Roy Choudhury and others contributed immensely to the growth of Assamese nationalism. The intellectual articulation of their sentiment was reflected in the writings of Ambikagiri Roy Choudhury, a notable writer, poet, nationalist, Jnananath Bora etc. Ambikagiri Roy Choudhury did not allow Assamese nationalism to be merged into Indian Nationalism. He clearly distinguished ‘Asomiya Swaraj’ from ‘Bharatiya Swaraj’ and argued that the Swaraj for India might not bring Swaraj for Assam.⁶ He continuously emphasised the need for developing national consciousness. It was at the insistence of Roy Choudhury that in 1926 the Asom Sangrakhini Sabha, later

---

⁵ The Assam Association established in 1903 marks a significant step in the growth of Assamese nationalism. It served as the mouthpiece of the Assamese middle class in articulating their needs, grievances and aspirations against the Britishers.

known as ‘Asom Jatiya Mahasabha’\(^7\), was established to protect the interest of Assamese. The Deka Asom (an Assamese Weekly), a mouthpiece of the Sangrakhini Sabha pleaded for the protection of indigenous Assamese people against the aggression of outsiders. It also emphasised the fact that the ‘Swaraj’ for each component unit like Assam endowing it with full freedom to preserve and protect its individuality in respect of language and culture. In his Article entitled ‘Kamrupa and Bharatbarsha’ (Borah, J. 1936) Bora recalled the glory of the Kamrup Kingdom\(^8\) which was successfully remained a Hindu Kingdom even without being a part of Bharatbarsha (India). In another Article, ‘“Asom Desh Bharatvarshar Bhitarat Thakibo Kiyo?”\(^9\) (Why Assam should within India?) Bora insists that Assam’s regeneration would be possible only if it is separated from India. Although the British forcibly incorporated Assam into Indian Territory, the ‘Assamese’ have always considered themselves to be an independent nation, though it was an uphill task to define who is Assamese. The political arrangements were also no less faulty which created a massive resentment among the Assamese masses. Dr Bani Kanta Baruah, a noted Assamese intellectual in the course of his lecture at the Narayan Handique Memorial Historical Institute, Guwahati, was reported to have said culturally, racially and linguistically, every non-Assamese is a foreigner in Assam. He further argued

---

\(^7\) Asom Jatiya Mahasabha: Asom Sangrakhani Sabha was later known as Asom Jatiya Mahasabha in 1926. It was established to protect the interest of Assamese.

\(^8\) Present days Assam was known as Kamrup.

that Assam, from the very ancient times, never formed a part of India. (Reported in The Assam Tribune, 20th July, 1947).\textsuperscript{10}

The Cabinet Mission Plan (1946)\textsuperscript{11} grouped the country in three segments within a loose federation prior to Independence. Assam was placed with Bengal in Group C with 36 Muslim and 34 general seats in the Constituent Assembly.\textsuperscript{12} As soon as the statement was declared by the Cabinet Mission, there was sharp reaction in Assam against the grouping clause which had tagged the province with Bengal. The people of Assam felt that the Cabinet Mission’s decision to deny them provincial status was tantamount to effacing their culture and identity which in recent years was already dwindling in the social and political life of the province. (Mahanta, 2013). Had Assam become a part of Bengal it would have posed a serious threat to Assam’s identity as it would have

\textsuperscript{10}Reported in The Assam Tribune, 20th July, 1947

\textsuperscript{11}Cabinet Mission Plan: On 16th May, 1946, the Cabinet Mission declared its statement that it recommended for the unity of India, a three-tier constitution-the Centre, Groups and provinces and an interim government with the support of the major political parties till the constitution was complete. To expedite the composition of the constitution-making body, the Mission suggested the inclusion of representatives from the recently elected provincial Legislative Assemblies. Each province was to be allotted a total number of seats proportional to its population, approximately a ratio of one to a million. The population was divided into three major communities-General, Muslim and Sikh-which were to have equal representation. The representatives would be divided into three sections, A, B and C. Bengal and Assam were included in section C.

\textsuperscript{12} Group A-Madras, Bombay, Central Provinces, United Provinces, Bihar and Orissa (Hindu Majority Provinces); Group B-Punjab, North West Frontier, Province and Sindh (Muslim Majority Provinces), Group C-Bengal and Assam (Muslim Majority Provinces).
placed Assam at the mercy of Muslim-majority Bengal. Gopinath Bordoloi, the then Congress leader was invited to the Cabinet Mission to express his views in April 1946. He strongly argued against the inclusion of Sylhet in the future territory of Assam. Although the provinces within each group were granted the right to opt out after the first election, Assam was bitterly opposed to being placed for any purpose and for how so ever short period with avowedly and potentially ‘Pakistan’ group. Cabinet Mission’s proposal ultimately fell through and under the Indian Independence Act, the Muslim majority Sylhet voted in a referendum to sever its ties with Assam and joined East Pakistan and Brahmaputra was relieved. (Verghese, B.G., 1996).

In 1950’s, the North East meant Assam, Manipur and Tripura. The colonial power introduces a number of administrative concepts like excluded areas, partially excluded areas etc. (Madhab, J. 1999). The excluded areas were those areas where the vast majority of population was of tribal origin. They were not placed under the authority of the autonomous provincial government but continued to remain under the direct and exclusive authority of the British Governor. Partially excluded areas were areas composed of mixed population of Indians and people with tribal origin. Unlike excluded areas, these territories were transferred to the authority of the autonomous government, but with the restriction that the British Governor was empowered to adapt all promulgated provincial laws to local needs of the concerned areas. (Reid, R. 1994.)

The absence of line system in Assam has resulted in immigration. Assam has been the fastest growing area as a result of migration in the sub-continent for the past ninety years. Its population has grown by 67.6% from 3.3 million 1901
to 22.3 million in 1991, as compared with 354% for India as a whole from 238.4 million of 1901 to 843.9 million in 1991. The issue of illegal migration of Bengali Muslim Peasants from East Bengal was a pre-independent phenomenon. The British policy of ‘grow more food’ was the motive force behind such migration. After independence and participation of the country, it was expected that the migration problem would be solved. But it did not happen as it was supposed to be happening. The Bengali Muslim peasants continued to migrate to Assam even after participation of the country. The continuous migration of Bengali Muslims affected the demographic composition of Assam (Konwar, 2006.)

The following table demonstrates the trend of population growth in Assam as compared to all India level. It is a historical fact that the rate of growth of population in Assam has been much higher than that of India’s average since the colonial period. Interestingly when the population growth rate was negative for all India during 1911-1921, it was as high as 20.48% in Assam.

**Table 2.1.1**

<table>
<thead>
<tr>
<th>Year</th>
<th>Assam</th>
<th>India</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901-1911</td>
<td>16.99</td>
<td>5.7</td>
</tr>
<tr>
<td>1911-1921</td>
<td>20.48</td>
<td>0.3</td>
</tr>
<tr>
<td>1921-1931</td>
<td>19.91</td>
<td>11.0</td>
</tr>
<tr>
<td>1931-1941</td>
<td>20.40</td>
<td>14.2</td>
</tr>
<tr>
<td>1941-1951</td>
<td>19.93</td>
<td>13.3</td>
</tr>
<tr>
<td>1951-1961</td>
<td>34.98</td>
<td>21.6</td>
</tr>
<tr>
<td>1961-1971</td>
<td>34.95</td>
<td>24.6</td>
</tr>
<tr>
<td>1971-1991</td>
<td>52.44</td>
<td>48.2</td>
</tr>
</tbody>
</table>

(Source: Census Reports)
Table 2.1.2

<table>
<thead>
<tr>
<th>Decade</th>
<th>India</th>
<th>Assam</th>
</tr>
</thead>
<tbody>
<tr>
<td>1911</td>
<td>22.39</td>
<td>16.23</td>
</tr>
<tr>
<td>1931</td>
<td>23.49</td>
<td>22.78</td>
</tr>
<tr>
<td>1951</td>
<td>9.91</td>
<td>24.68</td>
</tr>
<tr>
<td>1961</td>
<td>10.71</td>
<td>25.30</td>
</tr>
<tr>
<td>1971</td>
<td>11.21</td>
<td>24.56</td>
</tr>
<tr>
<td>1991</td>
<td>12.12</td>
<td>28.43</td>
</tr>
</tbody>
</table>

(Source: Census of India, various years)

The immigration problem has overshadowed all other problems since 1979. Besides this there were fewer major migration flows into Assam and all started with the British movement of Assam in 1826: (a) Tea plantation migration flows, (b) Bengali Hindu Migration flows, (c) Bengali Muslim immigration flows, (d) Non-Bengali migration and lastly, (e) Illegal migration from across the border. For tea plantation purpose people from Chota Nagpur region migrated to Assam. For doing various government jobs in offices, Bengali Hindus migrated to Assam. Bengali Muslim peasants came to Assam for agricultural purpose mostly from East Bengal districts of Mymensingh and Rangpur. In addition to this huge Bengali influx, many non-Bengalis migrated into Assam. These include Marwaris from Rajputana who came as traders, Nepalese who came as herds, rubber tappers, and cultivators, coolies from Bihar etc. Tea Garden labourers tried to assimilate themselves linguistically with the Assamese. Moreover, none of those non-Bengali migrants had ever faced competition from local people and therefore not a major source of ethnic conflict (Chakravarty, R. 2006). The economic imbalances between East Bengal (now Bangladesh) and
Assam remained so great after partition. A large number of Bengali Muslims crossed over to Assam illegally. Increase of the Muslim population in such a large scale had paused apprehension regarding the Assamese culture and identity. The issue of migration of Muslim peasant became so dominant that in the post independent period it leads to the occurrence of an identity movement which was popularly known as Assam Movement (1979-85).

Another dimension of immigration was from Bengal which created the tension between the Assamese and Bengalis. The British ascendancy over Assam created a large number of jobs in the government offices. Bengali Hindus who had studied at the British created missionary and government colleges and were waiting for gainful employment. Since more Bengalis were educated compared to the population of Assam, they were positioned as clerks, officers and other officers in company administration in Assam. Language provides a bond of unity among its speakers and defines a line of separation making one speech community from another.  

It is a historical fact that taking advantage of non co-operative attitude of the Assamese people towards their British during early years of annexation of Assam in 1826, the Bengali people, who gave support to and held various administrative positions under the Britishers, persuaded them to believe that Assamese was an “uncouth dialect” of the Bengali and to make Bengali the medium of primary and secondary education in Assam. (Baruah, H., 1961).As a result of this Bengali was made the language of

the courts and schools in Assam as early as 1837. This encouraged further flow of Bengali Hindu Migrants as teachers and school administrators etc.

With the growth of Assamese sub-nationalism, the Assamese intelligentsia became increasingly conscious of establishing their language on sound footing. It took the Assamese people decades to persuade British rulers to redress their wrong and reinstate Assamese to its rightful place. Prior to this scenario, Assamese was lingua franca which was spoken by more than sixty percent of the total population and which was understood by a large section of the hill and other non-Assamese people. (Baruah, H., 1961). It was thought that language would create bond of unity.

The imposition of Assamese language backed by movements made the tribes suspicious about the hidden motive of the dominant section of the Assamese. The hills of Assam were the home of the tribal population, speaking various languages and dialects different those of plains. They possessed their own language and culture with different socio-political institutions. Inspired by the identity consciousness of the Assamese, the tribal population of Assam has also become conscious of their distinct identity, started reviving their language and projecting it as their symbol of identity and asserts their rights through political mobilization. (ibid, p2).

Along with the issue of identity, ‘underdevelopment ‘was another factor that gave birth to conflict. Historically, Assam used to contribute a large share of revenue to the central exchequer through her raw materials like crude oil, tea, timber etc. but she remained one of the most underdeveloped provinces of
India. (Phukan, G. 1996). “The perpetual backwardness was due to lack of infrastructure; particularly communication, transport and power were other critical issues. The partition snapped direct link with the rest of the country necessity greater transportation charges for her export and imports.” (Ibid, p. 31).

The desire for ethnic sovereignty coupled with the need to dethrone outsiders from their control over local resources has been the main motivating force behind the conflict in Assam. The secessionist urges existed in the minds of a section of Assamese elite, albeit in a rudimentary form. Most of the time, it remained dormant, but in some occasions it came to surface. It may be noted that the secessionist sentiments appear to have been articulated by different regional movements, such as the Language Movement 1960; Refinery Movement, 1967; Movement on the issue of Medium of Instruction 1972 and Anti-foreigner Movement 1979-85.

2.2 Birth of Secessionist Movement

Assam is considered the gateway of North East. For the last three or four decades, North East region has witnessed various forms of unrest, conflict and violence. The 1980s witnessed a mass movement in Assam led by All Assam Students Union (AASU) along with All Assam Gana Sangram Parishad (AAGSP) for the detection, deletion and deportation of foreign nationals from the state and the granting of greater autonomy. Initially, AASU started their protest with all democratic means. Later, it became violent.
Table: 2.2.1

Violent Incidents during Assam Movement

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Blasts</th>
<th>Number of Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>1980</td>
<td>47</td>
<td>8</td>
</tr>
<tr>
<td>1981</td>
<td>81</td>
<td>5</td>
</tr>
<tr>
<td>1982</td>
<td>39</td>
<td>27</td>
</tr>
<tr>
<td>1983</td>
<td>259</td>
<td>55</td>
</tr>
<tr>
<td>1984</td>
<td>41</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>471</td>
<td>101</td>
</tr>
</tbody>
</table>

Source: Special Branch, Assam Police

The movement came to an end after signing of the Assam Accord in 1985, and subsequent elections enabled the AASU leaders to form the new AGP government in Assam. However, a section of the youths was not satisfied with the mild strategies of the organization and the attitude of the government. These youths became violent and accordingly started preparing strategies of their own. Ultimately; a secessionist organization was formed. This organization was known as United Liberation Front of Asom (ULFA) composed mostly of ethnic Assamese youths, with an avowed belief in the establishment of scientific socialism (ibid, p113). Unemployment, poverty, a feeling of relative deprivation, corruption, underdevelopment, devastation caused by floods and lastly the issues of human insecurity are the factors that act as a breeding ground for ULFA. So, there is no single factor responsible for militancy in the state. A constellation of factors came together (Mahanta, pp104-105). ULFA in Assam had created a Robin Hood type image for itself in its initial years with the type of work it was doing. It took up a lot of social activities like campaigns against social evils such
as corruption, prostitution, molestation of women, drunkenness, private tuitions, drug trade etc. ULFA represents as its name implies, not only the Assamese nation but also the entire independent minded struggling people irrespective of different race–tribe-caste-religion and nationality of Assam. ULFA was established formally on 7th April, 1979 at Rangghar near Sibsagar. During the tenure of the first AGP government (1985-90) was the highest point for the ULFA. That was when they really ran a parallel government (Bhoumik, S., 2009). According to Sanjoy Hazarika, (2011) ‘AGP had become a cloak for ULFA’s activities. ULFA’S success in engendering and fostering legitimacy in public eyes was so great that it involved a gross depreciation of the Indian state. This can be seen in two ways : First, ULFA’s success can be seen in the way it had been able to infiltrate the police, ruling Asom Gana Parishad and other branches of state administration. Secondly, ULFA by and large was able to carve out a space in public life viz. civil society independently of and uninfluenced by an otherwise overwhelming state (Das, S.K., p.56). Its strength was estimated during that period at more than 3000 hard core militants with some 2000 weapons. They had committed 113 murders (Hazarika, 2011). The main aim of the organization was to liberate Assam from colonial rule in their language and to establish an independent state of Assam. It was mainly engaged in the activities of kidnapping, killing, extortion, raid and ambush on Security Forces, sabotages and subversion. State’s role in such situation was taken as an intervening process, which had and might open up further space for mobilization and resulted in a spiral of conflict.
On the basis of this background, the term insurgency and counter-insurgency can be discussed since both terms represent two facets of the same conflict. There can be no counter-insurgency without an insurgency, nor there insurgency either manifest or apprehended without counter insurgency.

2.3 Conceptualising Insurgency:

V.K Anand in his book *Insurgency and Counter Insurgency: A study of Modern Guerrilla Warfare (1981)* states that ‘Insurgency is an extra-constitutional, compositely progressive and variegated struggle launched against the incumbent authority by the consciously mobilised sections of indigenous masses for the fulfilment of certain conceptual goals, manifesting emancipation’. Bard O’Neil defined Insurgency ‘as a struggle between a non-ranking group and ruling authorities in which the former consciously employs political resources and instruments of violence to establish legitimacy for some aspect of political system it considers illegitimate’. Insurgency is a protected struggle conducted methodically, step by step, in order to attain specific intermediate objectives leading finally to the overthrow of the existing order. The genesis of the insurgency movement is mainly deprivation, economic backwardness, regional economic imbalance and neglect. It can be said that insurgency is an expression of the failure of nation-building. (Prashad, R.N.1996). According to Lt. General (Retd) S.K Sinha, ‘Insurgency thrives when local people have a feeling of separate identity in terms of ethnicity, culture and history. It gets compounded when it is combined with a feeling of neglect and being discriminated against. And it is aggravated when there is a lack of good

---

14Bard o Neil, Insurgency and Terrorism, from Revolution to Apocalypse.
governance and economic backwardness, particularly large-scale unemployment. The availability of outside support from across the border adds fuel to the fire. All these factors which contribute to eruption of insurgency have been present in Assam to a marked degree.” (1998). As a result, an insurgent organization ULFA was born in Assam. Insurgency may be defined as an organized resistance movement that uses subversion, sabotage, and armed conflict to achieve its aims. Insurgencies normally seek to overthrow the existing social order and reallocate power within the country. They may also seek to 1) Overthrow an established government without a follow on social revolution. 2) Establish an autonomous national territory within the borders of a state. 3) Cause the withdrawal of an occupying power. 4) Extract political concessions that are unattainable through less violent means. (‘Insurgents vs. Guerrillas vs. Terrorists’, US Military Academy training manual document) The group or the sections of the people who adopt terror as a method to achieve some political goal develop a psyche in which the suffering of others is seen as a triumph of theirs. But one needs to be aware that behind such psychological deviation there are root causes and these causes arise in the state’s own socio-political space. The unresolved causes take the form of social conflict, and when they are protracted, a desperate group may see solutions only in their liberation from the prevailing power-mould. They may move into a terror psychology in which the resistance to the state power or the ruling elite is sought through extreme violence. Innocent victims become their soft targets whose destruction is used to communicate a strong message. Some of the aims and objectives of ULFA could be understood by looking at what
the organisation has to say about its existence: i) To liberate Assam, through armed national liberation struggle, from the clutches of the illegal occupation of India and to establish a sovereign independent Assam. ii) It represents, not only the Assamese nation but also the entire struggling peoples with independent thinking, irrespective of the different race, tribe, caste, religion and nationality of Assam (Mahanta, 2013). iii) The organisation believes that in the economic sphere, India has been engaged in large-scale exploitation. Despite its rich resources, Assam remains one of the most backward states. Therefore, the question of the real threat to the national identity of the people of Assam under the colonial occupation and exploitation of India has become the basic problem. As a whole, the problem has become a question of life and death to the people of Assam. (http://www.geocities.com/CapitolHill/congress/7434). To achieve its goal ULFA as an insurgent organization was mainly engaged in the activities of kidnapping, killing, extortion, raid and ambush on security forces, sabotage and subversion. ULFA insurgency since 1988-89 caused irreparable damage to the State’s image and economy driving out men and capital for the past two decades. It involves violation of human rights of people. In the midst of this situation, women are singled out for sexual violence and tortures and bear the brunt of the onslaught unleashed by the repressive regime.

Table: 2.3.1

Total Fatalities in Violence Associated with United Liberation of Assam (ULFA)

<table>
<thead>
<tr>
<th>Year</th>
<th>Civilians</th>
<th>Security Personnel</th>
<th>Suspected Militants</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>35</td>
<td>10</td>
<td>16</td>
<td>61</td>
</tr>
<tr>
<td>1993</td>
<td>48</td>
<td>15</td>
<td>21</td>
<td>84</td>
</tr>
<tr>
<td>1994</td>
<td>49</td>
<td>07</td>
<td>53</td>
<td>109</td>
</tr>
<tr>
<td>1995</td>
<td>16</td>
<td>14</td>
<td>18</td>
<td>48</td>
</tr>
<tr>
<td>1996</td>
<td>59</td>
<td>48</td>
<td>35</td>
<td>142</td>
</tr>
<tr>
<td>1997</td>
<td>68</td>
<td>50</td>
<td>111</td>
<td>229</td>
</tr>
<tr>
<td>1998</td>
<td>97</td>
<td>42</td>
<td>116</td>
<td>255</td>
</tr>
<tr>
<td>1999</td>
<td>55</td>
<td>29</td>
<td>122</td>
<td>206</td>
</tr>
<tr>
<td>2000</td>
<td>162</td>
<td>27</td>
<td>218</td>
<td>407</td>
</tr>
<tr>
<td>2001</td>
<td>59</td>
<td>27</td>
<td>145</td>
<td>231</td>
</tr>
<tr>
<td>2002</td>
<td>7</td>
<td>7</td>
<td>123</td>
<td>137</td>
</tr>
<tr>
<td>2003</td>
<td>74</td>
<td>09</td>
<td>108</td>
<td>191</td>
</tr>
<tr>
<td>Total</td>
<td>729</td>
<td>285</td>
<td>1086</td>
<td>2100</td>
</tr>
</tbody>
</table>


2.4 Conceptualising Counter-insurgency:

The 21st Century Chambers Dictionary defines Counter Insurgency “Military action taken against insurgents or rebels”. Counter Insurgency, when conceptualized includes all methods and measures adopted to prevent which would frustrate insurgency without much overt action. Counter insurgency measures aim nullifying the prerequisites and elements on which insurgency thrives” (Prasad, R. N. 2006). Counter-Insurgency includes all methods and measures adopted to prevent insurgency. The counter insurgency starts with
political structure, responsive civil administration, judicial set up, intelligence organisation, material resources and economic infrastructure, finances, industries, agriculture, transport, communication, information and propaganda set-up, armed forces and diplomatic recognition to secure support from outside. The counter-insurgency measures also include population and resources control, civic action, psychological operations, political and administrative measures, and larger socio-economic reforms, uplift programmes based on distributive justice. Counter-insurgency includes both preventive and remedial measures to control, contain and defeat insurgency rationally and objectively.\textsuperscript{16} In order to control ULFA, the Assam Government conducted following Counter Insurgency Operations: Operation Bajrang -27\textsuperscript{th} November, 1990, Operation Rhino-13\textsuperscript{th} September, 1991, Operation Sher I Dil-9\textsuperscript{th} March, 91, Operation Cobra-In the mid part of 1992, Operation Golden Bird-May, 1995, Unified Command-20\textsuperscript{th} January, 1997 and lastly Operation All Clear, 2003. Counter-insurgency operations were conducted by imposing certain acts including AFSPA. ULFA had given on the loss of lives from violence. The outfit had lost 10,000 of their boys while nearly 30,000 of its boys had been wounded. The book “Swadhinata: Sapun aru Dithak” by one of their ex-cadres Parasmoni Aditya, first published in January, 2002 mentions that within nine years till 1999, 2206 common people,1679 army officers and 1173 ULFA cadres have lost their lives. So, like insurgency counterinsurgency leads to the violation of human rights of people. Manab Adhikar Sangram Samiti(MASS), a NGO had published a report that has recorded 13 cases of death in army

custody, seven rapes, 120 cases of torture, 139 cases of illegal detention and sixty-three cases of ‘indiscriminate’ army raids on villages and neighbourhoods.

2.4.1 Several Acts:

The Indian Government has passed several acts both at the Centre and State levels, to tackle insurgencies. The objective of such acts is to give the armed forces special powers not available under the Indian Constitution so that they can deal with such exceptional situations. In other words, in areas where these acts are used, rights generally available under the constitution do not apply. Human rights and claims of individual life, liberty and security of people within the area stand suspended under the acts and security forces are granted extraordinary powers over citizens under the guise of protecting the state. In order to tackle insurgency, over the years a number of acts have been passed in Assam such as The Disturbed Areas Act (1955), Armed Forces (Special Powers) Act (AFSPA) 1958 amended by 1972, The Unlawful Activities (Prevention) Act, 1967, National Security Act (1980), and The Terrorist and Disruptive Activities Prevention Act (TADA), 1987 etc. These laws are considered as Draconian laws since these have strengthened the power of the State over the individual and continue to undermine the fundamental rights of Indian Citizens. They give extra power to the police and armed and security forces and often deviate from accepted norms of criminal justice. Two hallmarks of anti-terrorist legislation are: the allowance for confessions obtained in police custody and a presumption against attaining bail. The armed forces are taking advantage here of the powers given to them under black laws perpetrating repressive acts like rape on

women, killing people under suspicion, torturing youth for information, committing sexual offences and massacre in the name of cross firing and ambushes, attacking the media persons, suppressing freedom of press and prohibiting peaceful democratic protest like dharnas, hunger strikes, street demonstration etc. It is also implicating human rights activists in false cases.

i) The Disturbed Areas Act (1955): After independence, the new rulers also followed the patterns established by the British in the use of emergency and security laws. Through the Disturbance Act amended in 1967 State Government can enable to notify tribal areas as “Disturbed Areas”, giving the police enormous powers, including that of shoot to kill.

In later years, the Central Government enacted the Disturbed Areas(Special Courts)Act(1976),which allows for an area to be declared disturbed when: ‘a state government is satisfied that( i)there was, or (ii)there is, in any area within a state extensive disturbance of the public peace and tranquillity, by reason of differences or disputes between members of different religions, racial ,language, or regional groups or castes or communities, it may .......declare such area to be disturbed area.’

Assam was declared as a disturbed area under Disturbed Areas Act in 1990 as a result of increasing violent activities of the insurgent group like ULFA.

ii) Unlawful Activities (Prevention) Act, 1967: It extends to the whole
of India provided that it shall come into force in the State of Jammu and Kashmir on such date as the Central Government may by notification in the Official Gazette appoint. It can declare any association as unlawful, activity which goes against the law of the country.\textsuperscript{19} In Assam as a result of imposition of this act, United Liberation Front of Assam was banned in 1990 since as an insurgent organization it was engaging in unlawful activities.

iii) \textbf{Armed Forces Special Powers Act (AFSPA) of 1958 as amended in 1972:} The AFSPA’S predecessor-the Armed Forces Special Powers Ordinance (AFSPO) of 1942 had been enacted to counter the Quit India Movement. First it was used to put down the uprisings in the Naga Hills of Assam in 1958. Later its activities were extended to ‘Disturbed Areas’ of Assam, Manipur, Arunachal Pradesh, Meghalaya, Tripura and Mizoram. In 1972, it was amended and extended to all the seven north eastern states of the country. It is a law just six sections granting special powers to the armed forces in what the act terms as ‘‘disturbed areas’’.

\textbf{Salient Repressive features of the Act are:}

1. It gives the Central Government, in consultation with the Governor, the right to declare an area ‘disturbed’ and imposes the Act, even if the state government does not deem such action necessary.

2. It does not specify the conditions under which the authority would be justified in making such a declaration.

\textsuperscript{19}Saikia, J(Ed) ‘Documents on North East India’, pp 85-86.
3. The Act can be enforced for an indefinite period, without review.

4. It gives unbridled powers to armed forces personnel to shoot or to kill in order to maintain public order.

5. It gives armed forces personnel the right to enter, search and arrest without warrant any person against reasonable suspicion or use any amount of force to effect the arrest.

6. It gives near total immunity to the armed forces for their actions, for it clearly establishes that no prosecution, suit or other legal proceedings can be brought against any personnel acting under the Act without the permission of the Central Government.

7. It excludes the possibility of inquiry or investigation into the legality of such actions or redress and provides no safeguards against human rights violations.

So, the Act permits arrest without warrant, with whatever force necessary, of any person against whom suspicion exists. This has provided the basis for indiscriminate arrest and the use of brutal force including firing against innocent civilians. It authorizes the entry and search, without a warrant of any premises to make arrests or to recover any person or confiscate any property. For military personnel operating in a culturally alien terrain, ‘beliefs’ and ‘reasonable suspicions’ are often wholly unfounded, and may lead to human rights abuses, as documented by many human rights reports. The State Legislature has absolutely no jurisdiction in the matter and the AFSPA thus civil authority. Officers guilty of rights violation thus often get impunity because of this Act,
instilling, a deep sense of collective grievance within the community. The Act has facilitated grave human rights abuses, including extrajudicial execution, disappearance, rape and torture and, since inception has deplorable effects on the human rights of minorities and vulnerable communities in areas where it is in force.\textsuperscript{20} The armed forces are taking advantage here of the powers given to them under black laws perpetrating repressive acts like rape on women, killing people under suspicion, torturing youth for information, committing sexual offences and youth and massacre in the name of cross firing and ambushes, attacking the media persons, suppressing freedom of press and prohibiting peaceful democratic protest like dharnas, hunger strikes, street demonstration etc. and also implicating human rights activists in false cases. Since this Act of 1958 shortly AFSPA gives military forces wide powers of arrest, the right to shoot to kill and the right to occupy or destroy property in counter-insurgency operations. State officials justify the powers given to the military and security forces on the basis that the Act is only in force in areas where national security is at risk due to armed combatants and terrorists.

Several sections of the AFSPA are, in fact, found to be incompatible with the Articles of the International Covenant on Civil and Political Rights (ICCPR, 1966), which the Indian Government has

\textsuperscript{20} Ibid pp 64-73.
ratified. The Human Rights Committee has objected that Clause 19 of the Protection of Human Rights Act prevents the National Human Rights Commission from directly investigating complaints of rights violations by the armed forces, including paramilitary forces. They have also stated that the one year time limit imposed on complaints to the Commission prevents it from looking into past violations. The experts in the UN Human Rights Committee which met in Geneva in March 1991 were categorical that the AFSPA violates several Articles including 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 in the International Covenant on Civil and Political rights, as well as the Indian Constitution. Despite this, the apex court upheld the AFSPA on 27 November 1997 and this Act continues to be used.\(^{21}\) The Amnesty International admits that the act reflects the features similar to those found in emergency legislation. This organization says, “Emergency laws often results in a subordinate of civil to military power”. No doubt any such legislation are loosely defined so that the wider groups of people can be held on suspicion of a broad range of offences overruling the fundamental liberties of the citizens enshrined in the constitution.

The provisions of this act violate the most significant fundamental right i.e. right to freedom provided by the constitution of India under Article 21. Even it seems contradictory in case of Article 22. Though Article 22 provides

safeguard against preventive detention to some extent, yet Article 22(3) provides
the legal immunity to the security forces quick look at the section of Article 22
will give a clear picture regarding this) No person who is arrested shall be
detained in custody without being informed, as soon as may be, of the grounds
for such arrest nor shall be denied the right to consult, and to be defended by, a
legal practitioner of his choice. ii) Every person who is arrested and detained in
custody shall be produced before the nearest magistrate within a period of
twenty four hours of such arrest excluding the time necessary for the journey
from the place of arrest to the court of the magistrate and no such person shall be
detained in custody beyond the said period without the authority of a magistrate.

iii) No law providing for preventive detention shall authorise the detention of a
person for a longer period than three months unless (a) an Advisory Board
consisting of persons who are, or have been, or are qualified to be appointed
as, Judges of a High Court has reported before the expiration of the said period
of three months that there is in its opinion sufficient cause for such detention.

iv) Nothing in clauses (1) and (2) shall apply (a) to any person who for the first
time is an enemy alien; or (b) to any person who is arrested or detained under
any law providing for preventive detention. When any person is detained in
pursuance of an order under any law providing for preventive detention, the
authority making the order shall, as soon as ,may be, communicate to such
person the grounds on which the order has been made and shall afford him the
earliest opportunity of making a representation against the order. vi) Nothing in
clause (5) shall require the authority making any such order as is referred to in
that clause to disclose facts which such authority considers to be against the
public interest to disclose. vii) Parliament may by law prescribe a)the circumstances under which ,and the class or classes of cases in which a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub clause(a)of clause(4);(b)the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention and(c)the procedure to be followed by any Advisory Board in an inquiry under sub clause (a)of clause (4)Right against Exploitation. But AFSPA provides the platform to security persons to violate all the provisions of Article 22 .Rights against any arrest or detention are due to each and every individual and it was well established in the D.K. Basu vs. West Bengal verdict in 1996 which imposes certain restrictions on the power of arrest. AFSPA goes beyond this verdict and it needs no prior warrant or any other criteria to make its way to arrest or detained. There are several instances of missing detainees in every army operations. Some are detained and missing, and some are missing during operations. The act goes beyond the limits set by either Criminal Procedure Code (CrPC) or by the constitution. Section 6 of AFSPA suspends the constitutional right to file suit. Thus in this way it paved the way for violation of constitution’s Article 32(1)which says that every Indian has the right to move to the Supreme Court by appropriate proceedings for the enforcement of the fundamental rights conferred by part III. The soldiers operating under AFSPA can be tried under court martial law, not by any civil procedure. However if a person wishes to file any suit against any abuse then he or she has to seek prior permission of the
central government. It permits a localized form of indefinite emergency rule. The central government can declare any area or region as ‘disturbed area’ and then AFSPA comes to that area. Originally when it was enacted in 1958, the state government had the power to declare ‘disturbed area’, but after its amendment in 1972 the Central Government got the said power. If a person detained under this act should be handed over to the nearest police station with the ‘least possible delay’. Since this version is not well defined, arbitrary detention took place in various occasions. The act ironically surpasses all the acts like Army Act of 1950, CrPC, ICCPR or provisions of the constitution of India. Taking advantage of the Armed Forces Special Powers Act and the ignorance of people such forces often torture and harass people of the region. The AFSPA encourages the military officers to violate human rights because it allows armed forces to base arrests, searches and seizures on their subjective suspicion. The armed forces know their actions will not be reviewed and they will not be held accountable for their actions even so many cases of rape, fake encounters had been registered against security personnel. According to Human Rights Report (2008), “The Act violates provisions of international human rights law, including the right to life, the right to be protected from arbitrary arrest and detention, and the rights to be free from torture and cruel, inhuman or degrading treatment. It also denies the victims of the abuses the right to a remedy”. A fact-finding commission, appointed by the Government in 2004, complained that the “AFSPA has become a symbol of oppression, an object of hate and an instrument of discrimination and highhandedness”. As a whole, the Armed Forces (Special Powers) Act is considered as a draconian
law and is the most critical factor in cases of human rights violations in the region. Violations of human rights in the conflict situation imply two things. First, the emergence and continuing law and order problem in a given society or region and Secondly, the enforcement of particular Act intended to contain the problem.

Some areas of human rights violations in Assam are -

a) **Insurgency**: Insurgency in the state of Assam rose in a political context, as has happened in the other adjoining states. But the Government has chosen to view it solely as a problem and has adopted policies to root out insurgency militarily. Not only has it borne no fruit, but it has aggravated the human rights situation drastically.

b) **Rape**: Rape generally takes place during search and arrest operations. Generally, security personnel, belonging to the Army, Paramilitary or the state police forces, forcibly enter a house and commit the crime.

c) **Torture**: Almost all people picked up for questioning, whether belonging to any insurgent group or not, whether combatant or non-combatant is tortured for information. Some of the methods used included-electric shocks to genitals, cigarette burns, pulling out of finger–nails, dunking the head under water/urine repeatedly, hanging upside-down for a prolonged period etc. A
favourite method of beating is wrapping the victim in a quilt and hitting with a thick bamboo stick.

d) Extra-judicial killings: Sometimes when the conditions of torture, victims are killed and killing passed off as due to an encounter.

e) Vigilant Groups: In Assam, vigilant groups have also taken part in the context of the violation of Human Rights. A number of vigilant groups are active in the region. For example, Parag Das, a well known human rights activist and journalist, was killed by unidentified gunmen, suspected to be members of a vigilant group.

f) Disappearances: In certain cases, persons picked up by the security forces have simply disappeared. The army denies having arrested them. Killings by Non-state Agencies have not only continued, but increased. Insurgent outfits continue political killings and kidnappings.

iv) National Security Act (1980): The National Security Act was introduced in 1980, which extended the powers given to the police and armed forces in areas that are not declared disturbed. The Act provides the police and armed forces with wide powers to preventively detain people subjected to activities ‘prejudicial to the defence of India’, the relations of India with foreign powers ‘or the ‘security of India’ for up to one year. National Security Act has also been found in violation of 6, 7, 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR, 1966).
v) **Terrorist and Disruptive Activities (Prevention) Act (TADA) of 1985:**

TADA was introduced in 1985 as an anti-terrorism law to combat the insurgency in Punjab after the assassination of Indira Gandhi. A modified version of the Act was enacted in 1987. Both the 1985 and 1987 TADA Acts were introduced as temporary measures for two years until it was allowed to lapse in 1995 after public outcry over its misuse. TADA gave governments and police officials such sweeping powers that any alleged terrorist could be arrested and kept behind bars for years on end without allowing him to seek normal judicial intervention. The TADA provided for capital punishment and empowered authorities to tap telephones, censor mail and conduct raids on individuals allegedly posing a threat to the unity and sovereignty of the nation. The law renewing the TADA in 1987 provided for in camera trials, and reversed the legal presumption of innocence if the government produced specific evidence linking a suspect to any terrorist act. Section 21 of TADA provides that if the prosecution proves that arms or explosive were recovered from the accused, and establishes that those arms were used in committing the offence, or that the fingerprints of the accused had been found on the scene of the crime, the court will presume guilt, unless the contrary was proved.

The TADA and its procedures are exceptions or ultra virus of various key Articles of the Constitution, including fundamental rights guaranteed in Article 14 (right to equal protection under the law) and Article 21 (right to life and liberty). Experts in the UN Human Rights Committee have held that the provisions of this Act violated the International Covenant on Civil and Political Rights to which India is a signatory. TADA was an affront to the rule of law and
marked a major rupture in Indian criminal jurisprudence. The Act derogated from accepted norms of criminal jurisprudence in allowing— for the first time— confessions of an accused in custody to be admissible as evidence. This paved the way for conviction of individuals solely on the basis of alleged confessions given in police custody. Provisions of the CrPC were not available under TADA unless specifically provided for, and the TADA courts curtailed many legal protections provided by other courts. Under TADA, bail was difficult to attain and the presumption was in favour of detention (even without charge) for up to 90 days. During the ten years it was in force, 75,000 persons were arrested under its provisions. The law gave special powers to the security forces in the use of force, arrest and detention and was extensively used. Of the 52,998 persons arrested under the Act until March 1993, for example, only 434 (8 per cent) were convicted. Of these, not a single one was under the section relating to ‘terrorist activity’. There were more than 1,800 persons under detention under the TADA, which was allowed to lapse in May 1995.

As a result of the imposition of AFSPA, many parts of Assam have virtually turned into graveyards for human rights, with the common man sandwiched between insurgency on the one hand and ruthless anti-insurgency operations on the other.

Extra-judicial killings by security forces in the form of fake encounters

---


23 Ibid, p.97.
and custodial deaths are nothing new in the volatile region. Draconian Acts like the AFSPA have provided the security forces with a licence to indulge in blatant violation of human rights and then go scot free. This is because apart from conferring on the armed forces sweeping powers including arrest without warrant and shoot to kill in the ‘disturbed areas’ also makes it next to impossible to fix accountability even in instances of gross violation of human rights of innocent civilians. The spurt in extra-judicial killings and even killing of innocents in insurgency affected state ought to be treated as a matter of grave concern by the centre. This implies gross violation of human rights, and is a blot on governance. With police and security forces indulging in such criminal acts and trampling upon the human rights of the innocent people’s faith in the law enforcing agencies is bound to erode. It creates a vicious cycle of violence and counter-violence, perpetuating lawlessness and underdevelopment. The five-decade-old experience with the AFSPA has shown that its effect has been counter-productive, as abuses perpetrated under it effectively alienate the people from the Government and make them sympathetic towards militancy. It is the absence of an effective deterrent which ensures that the violations of human rights seldom get punished, and appalling situation continues. Scrapping of the AFSPA or amending it substantially is an urgent necessity and the centre must acknowledge this reality. The security forces often engaged in terrorizing the local population and the least vulnerable became easy victims. The Armed Forces (Special Powers) Act is, due to the all-pervasive powers it bestows,

an extremely critical underlying factor contributing to the elements of disadvantages suffered by women in the conflict situations in North-East India, viz. displacement, presence of the armed forces, women in relief camps and women as shelter providers. The presences of the armed forces and the powers that are vested by the Act have made legal redress difficult because the military and civil authorities actively obstruct investigation of sexual assault. Often, women may not be direct victims, but the arrest of sons, brothers, fathers and other male family members have contributed in large measure to the atmosphere of constant dread and deep-rooted fears with which women live out their daily lives. In addition, there are the numerous ‘search operations’ during which women are mentally and physically, sexually harassed and their human rights are violated. The ideology that perpetrates the subordination of women and underpins women’s social positioning in society runs through the entire gamut of disadvantages that women suffer in situations of conflict. While the Armed Forces (Special Powers) Act might have facilitated State Violence, as, there are different dimensions of the gender violence. And the other deeper and more insidious contributory factor to this is gender-intensively and deeply entrenched patriarchal values of control and domination and a perceived biological need of man. There is a greater attempt to control the mobility and sexuality of women. In all the cases which we have examined that their human rights are not only violated, women are denied their right to be, their rights to personhood and to an expression of their individuality. Since the primary cause or contributory factor of this is the
patriarchal ideologies of both the armed force personnel and militant groups. In some cases, women are somehow seen as less than human.

Since independence, the North East region of India has seen uprising and secessionist activities and as a remedy to that was born the Armed Forces Special Powers Act in 1958. Such armed activities spread to Assam and increased in the late 1980s. The activities of the insurgent group ULFA increased day by day. The people of Assam had witnessed enough violence, bloodshed and causalities. Senseless killings, cold-blooded murders, mass homicides in bomb explosions, ethnic violence have become the order of the day. As a result, the army was deployed to flush out the militants. Army operation began as Operation Bajrang and had been finally given a more institutional framework under the Unified Command at the beginning of 1997. The Army operations started with extensive search and arrest operations in the villages. Villagers were required to line up harassed, raped, assaulted and killed by soldiers attempting them to a nearly field, usually in the dead of night, and questioned. Some were taken to Army Camps for further questioning, which generally include torture. Many innocents had either lost their lives or had been maimed for life. Villagers had been threatened, harassed, raped, assaulted and killed by soldiers attempting to frighten them into identifying suspected insurgents.

Even without the operation of the Armed Forces (Special Powers) Act, redress for victims of violence and sexual assault are an almost impossible task in an area of conflict due to the non-functioning or apathy of the redress machinery. While women are affected directly, they are equally disadvantaged when the presence of the armed forces impacts on the lives of their men in the
community. Without their men, women are forced to become the sole bread earner. In other words, women are trapped badly between institutional barriers of the State like operation of the Armed Forces (Special Powers Act) along with the wrath of non state actors. In other words, the act has left no room for safeguards against human rights violations irrespective of sex. Army can pick up anyone in the name of inquiry and do whatever they want. Even if the women are arrested they never follow the detention rule, neither are they kept in a separate room from another male detainee which is against international form of humanitarian law. Ex Woman militant Baby Chetri has stated that she had become the victim of such type of situation. The greatest outrage of the AFSPA under both Indian and International law is the violation of the right to life. Moreover, the Indian Criminal Procedure Code (CrPC) establishes the procedure which police officers are to follow for arrests, searches and seizures, a procedure which the army and other paramilitary are not trained to follow.

The Central Government’s response of invoking the Armed Forces (Special Powers) Act in Assam strengthened the hand of the military as the law enforcement authority. Analysts in regions where the Armed Forces (Special Powers) Act is in place agree that this response of the central government towards the militia groups has been more militaristic than political. The insurgency and counter-insurgency operations have led to a structural pattern of state-backed violence and a vicious circle of counter violence. Such martial law has not helped the state to either lessen or resolve the conflict. UN Special Rapporteur on Extrajudicial Summary or Arbitrary Executions, Christ of Heyns on March30,2012 called the repeal of AFSPA saying that ‘It allows the
state to override rights. Such a law has no role in democracy and should be repealed’. AFSPA has been termed as ‘draconian’, ‘a fraud on people’ and even extra-constitutional. It is in violation of the right to be free from torture and cruel and degrading treatment. As a result of demands made by human rights activists, Jeevan Reddy Commission was constituted in 2004 by Union Government under the supervision of former justice of Supreme Court B.P Jeevan Reddy. This Commission was constituted to examine the AFSPA. The four other members of the committee were Lt. Gen. V. K. Raghavan (Retd), Dr. S.K Nakade, former Vice Chancellor of Marathwada University, P.P Srivastav, formerly Additional Secretary in the ministry of Home Affairs and Sanjoy Hazarika, Managing Trustee of the Centre for North East Studies and Policy Research. It submitted its report in 2005. The Commission has kept three basic conditions while devising a solution to the problem. First, armed forces can be deployed in the interest of security of the nation which is of paramount importance. Second, it is equally the duty of the union and the state to protect the fundamental rights of the citizens. And third, the deployment of armed forces to protect a State from internal disturbance ought to be an exception and not the rule. The Commission recommended for an act at the end of the report is at No.5 which is more humane and it advocated the repeal of such act. But the Government suspended such move by arguing that it is impossible for armed forces to function in those disturbed areas without such powers.

In all areas of conflict in India, especially where there is AFSPA, there have been thousands of ‘enforced disappearances’, where persons have been picked up by the police on suspicion of being involved in anti-national
activities and their whereabouts never revealed, leading to enormous trauma for the families. Enforced disappearances have also been linked to encounter killings and deaths in custody where the body is then cremated without any information to relatives (Pelly, 2008). The imposition of a number of draconian laws is totally anachronistic, to say the least, in a democratic polity, and the innumerable incidences of murder, rape molestation, and harassment perpetrated by the security forces under the protection of these laws. Interestingly, these incidences have mostly been perpetrated against innocent common people not directly related to any kind of extremist activities. This shows that the real intention of the Indian state is only to generate a fear psychosis among the Assamese people so that they lose all courage to assert their aspirations. This is a deliberate design on the part of Indian State to alienate the common people from the extremists. Thus, India has shamelessly used the common people as a pawn in its fight against the insurgents without tackling it face to face. This act of the Indian state today has characterized it as the actual perpetrator of terrorism.

References:


Ibid, p 2


Phukan, Assam......, Op Cit, p. 31.

Phukan, Assam......, Op Cit, p. 113.


Ibid.,p 28

*  *  *  *