A. Introduction

India is facing the menace of terrorism right from its inception or even before. The most affected states include Jammu and Kashmir, Punjab, U.P, Delhi, Maharashtra, Tamil Nadu, Andhra Pradesh, Gujarat, and North-Eastern states. The nature of the problem and issues of terrorism, insurgency and naxalism is different in different states in view of their varied social, economic cultural and geographical conditions. Therefore, for the convenience of study, the problem and the related issues are discussed state-wise as under:

1. Terrorism in Jammu and Kashmir

(i) General:— If there is a paradise on the earth it is here in India, in India, in India—Amir Khushro-Famous Medieval, poet (Musician and Philosopher 1253-1325 AD).

The Jammu and Kashmir was a peaceful and beautiful state before 1947. There were no disturbance and the situation was normal. The famous Medieval poet, Amir Khushro said, if there is a paradise on the earth it is here in India. Today, peaceful, beautiful and normal situation of Jammu and Kashmir has become deteriorated, exploited and breed disaffection among the different sections of society.

(ii) Problem of Terrorism:— Pakistan has been aggressing on India in different kinds of forms, exploiting and killing of the innocent people since 1947. This brutal exploitation of the peaceful people has been marked by over 80,000 killings, the disruption of society and the calculated destruction of basic health, education and economic infrastructure. The blackest mark on this period will remain the mass exodus of Kashmiri Pandits and many Muslims driven by an enveloping fear through use of terror, which was deliberately fanned by those who would see an end to the aged tolerance of the Kashmiri Psyche.1

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India claims that most of the separatist militant groups are based in Pakistan and Pakistan administrated Kashmir. Some like the All Parties Hurriyat Conference and the Jammu and Kashmir Liberation Front, demand an independent Kashmir, and other groups such as Lashkar-e-Toiba and Jaish-e-Mohammed favour a Pakistani-Kashmir. Both of these organizations no longer operate under these names after they were banned by the Indian and Pakistani government, and by other countries including the USA and UK. Of these groups, the Hizbul Mujahideen, a militant organisation based in Indian administered Kashmir, unlike other groups, has only kept its name.\(^2\) Several new separatist organizations have also emerged. According to United States intelligence, the AL-Qaeda also has a main base in Pakistani Kashmir and helping to ferment terrorism in Jammu and Kashmir.\(^3\)

Despite well documented evidence to the contrary, Pakistan persists in claiming that it is only providing “moral, political and diplomatic support” to what it calls an indigenous Kashmiri uprising in Jammu and Kashmir. Musharraf says that Kashmir is its “vital national interest” and will not be compromised at any cost. He also pledged to continue providing political, diplomatic and moral support to the Kashmir’s cause.\(^4\) He further said that Kashmir runs in our blood.\(^5\) The lashkar-e-Toiba Hafis Mohammed Saeed told a gathering in the Lahore that Indian Muslims had come to realize that “there is no future without Jihad”. In October, 1997, Saeed had warned. “We feel that Kashmir should be liberated at the earliest. Thereafter, Indian Muslims should be aroused to revolt against Indian Union so that India gets disintegrated”. An Inter-Service Intelligence (ISI)


chief explained the primary objective that “our aim is to weaken India from within and we can do it”.6

The biography of the Former Chief of Pakistan’s Inter-Services Intelligence, General Akhtar Abdul Rehman spelt out in the Book ‘Fatah’. His biographer Brigadier Haroon Rashid states, “the plan which general Akhtar Abdul Rehman had made for Kashmiri movement for independence was to come into effect in 1991.7

However, the Kashmir plan was inaugurated in 1984. The Kashmiris were provided with some arms which were not suitable for the Afghan Mujahideen. The year 1984, mentioned by Haroon Rashid, is significant as it was in 1984 that an Indian diplomat, Ravindra Mhatre, was murdered in Birmingham (UK) by the Jammu and Kashmir Liberation Front (JKLF). Amanullah Khan Chairman of the Jammu and Kashmir Liberation Front (JKLF), sought refuge in Pakistan and still lives there and conducts his anti-India activities openly. Hashim Qureshi, an associate of Amanullah Khan, now resident in the Netherlands, has in his book “Kashmir : Unveiling the truth” laid bare the plotting of the member and the horrors that were to follow in Kashmir.8

Terrorism escalated in the Kashmir valley in 1989. Pakistan first used the Jammu and Kashmir liberation Front, with its pro-independence ideology, to mobilize a mass movement. The period between 1989-90 was marked by the targeted killing of Government officials, media personnel, members of the Judiciary, and members of the minority Kashmiri Pandit (Hindu) community and Kashmir Muslims who dared question the terror to tactics and excesses of the terrorists. One immediate effect, between January and April 1990 was the resignation of the duly elected state government, the massive exodus of nearly

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8 Ibid.
2,50,000 Kashmiris Pandits and over 50,000 Kashmir Muslims from the valley with the Pandits taking shelter in refugee camps in Jammu, Delhi and other cities in India. The objective of creating terror and mayhem, paralyzing the state administration had met therefore with what would have seemed quick success. This in turn led Pakistan to distance itself from those seeking independence, who it had earlier sought to cultivate to instigate disaffection in the state, and increasingly seek to encourage those, who favoured joining Pakistan.9 The tactics used to telling effect by the militants were to attack the security forces from the cover of crowded market places and civil facilities, so as to have a human shelter or embroil civilians into cross fire. The state’s response inevitably led to clashes with both militant and civilian causalities. The deaths of civilians then became the substance of campaigns orchestrated by Pakistan and the militant groups alleging oppression of the Kashmiris and violation of their human rights by the government. Because in each case of such allegation, government would immediately seek to investigate the truth through its own administrative infrastructure, it was established that while in some cases there might have been overreaction by the security forces working under enormous threat and pressure, other cases were widely exaggerated. In each case of established excess, legal action against personnel implicated, was initiated by government. Cordon and search operations to flush out the militants provided militants and their supporters the ground to accuse the security forces of mass rapes. Such was the case in March 1991 in Kunan Poshpora village of Kupwara district, in which a mass rape of 23 women was alleged. The allegation was enquired into by a team of senior civilian and military officers, on the site of the supposed occurrence with

interviews with alleged victims. The allegations were found to be groundless. Women were particularly affected since some extremist groups, defying the very grain of Kashmir's culture, tried forcibly to confine them to indoors and the veil, akin to what the Taliban have done in Afghanistan, but without success, to teach a lesson some Muslim girls were in fact attacked and injured. This in fact generally alienated women folk from the movement although many had earlier been supportive of the secessionists through organisations like the Dukhtaran-i-Millat.

(iii) **Factors Responsible for Terrorism** :- There are various factors responsible for the emergence of terrorism in J & K namely; Historical, Political, socio-cultural and Economic factors which have been discussed as under:

(a) **Historical Factors** :- Maharaja Harisingh, the autocratic ruler of state of Jammu and Kashmir, had also preferred to maintain the equal distance from both country India and Pakistan, to continue his autocratic dynasty rule, as well as the sovereign status of his government. Further, it appears that two major mistakes were made by the Government of India regarding the issue of J & K viz.,

(i) accession was accepted provisionally and its finalization was made subject to the will of people to be ascertained through plebiscite/referendum.

(ii) The Kashmir issue was referred to United Nations by government of India, where security council passed the resolutions for holding plebiscite in Jammu and Kashmir.

(b) **Political Factors** :- The people who opted for gun to change the history of Jammu and Kashmir were given the arms, ammunition, financial help/assistance and training from across the border by Pakistan. Amanullah Khan, Chief Commander of the Jammu and Kashmir Liberation Front (JKLF) encouraged the

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11 Supra n. 7. See also, "Design to Destabilize" *The Hindustan Times* New Delhi) August 18, 1989.
12 Id at 191.
Kashmiris youth choose the way of violence and to recruit in Pakistan Inter service Intelligence (ISI) for launching the armed struggle. Pakistan provided the diplomatic, political, moral and financial support to local Kashmiris in the name of 'Azadi'. The command and control of the JKLF and HUM ultimately headed over to the non-Kashmiri militants. Due to this the situation in state become very worsened and after death of Sheikh Abdullah, general Zia had instigated a plan to train the Kashmiri youth to launch an "armed crusade" in the valley. But, it could not get much success and until the mid 1980 that plan had again revived. The Indian Analysts analysed that trouble was instigated by the Pakistan. They also argued that Pakistan's ISI had played a leading role in the Kashmir. The JKLF started to make the target Indian institutions like, police, judiciary, politicians and media and also raised the slogans of liberation of Jammu and Kashmir from India.

Soon it became an important factor in motivating the youth to seek arms, training from across the border. By 1993, the foreign militants had registered their presence in Kashmir as mercenaries. When the Jehadis in Pakistan gave a call against the Musharraf government to support the United States policy in Afghanistan, Hurriyat Conference openly supported the Musharraf's move as against the Kashmiri militant organizations, which supported the Jehadi move and gave the call of strike in Kashmir.

(c) Socio-Cultural Factors: The socio-cultural factors are also treated as major causes for eruption and emergence of terrorism in the name of "Jehad" in the Jammu and Kashmir. The creation of Pakistan as a Muslim majority country in the neighbourhood of Kashmir provided an ideal solution, in which radical political Islam was propagated, promoted and transported to Kashmir. The propagandists of two-nation theory took the refuge of certain Quranic versus which stress that Islam does not recognise the barriers of language, race, and

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13 Id at 184.
14 Ibid.
15 Id at 195.
domicile and thus discarded the Kashmiri nationalist as an un-Islamic ideology. Such type of ideological position found its supporters both in Pakistan as well as the western world.\textsuperscript{16}

The political groups and organizations like Jamat-i-Islami opened its schools to educate Kashmiri children their religion and Islamic solidarity as against traditional Sufi Islam of Kashmir and Kashmiriat. The Kashmiri peace-loving secular citizens were denied their avenues of employment in the government institutions by the hardcore elements. The Islamists introduced dress code for women, forced the people to close the cinema halls, wine shops, entertainment television channels, discouraged people to visit shrines and institutions involved in promotion of Kashmiri language and culture.\textsuperscript{17}

(d) Economic Factors: The economic factor is considered one of the main reasons for Kashmiris to accede to India. The abolition of feudalism was the main reason for National Conference to win the support of Kashmir peasants and poor. The land reforms were carried out in the state of Jammu and Kashmir, the supporters of the ruling party managed to project their economic interests through illegal means. A large number of estate of un-irrigated land under maize, apple, almond and walnut trees were kept away from the Land Reforms Act, to benefit some of the top level members of National Conference. The infrastructural development was confined to the urban areas only and a huge population was denied roads, drinking water, electricity, schools, hospitals and other socio-economic facilities. The admission in professional colleges became the monopoly of the influential and the government services were provided to the supporters of the ruling party and the people who could pay for being appointed. The corruption of all sorts became the main incentive for upward movement and merits were neglected in admissions to higher education and employment. The various poverty eradication schemes launched in the state were mis-appropriated.

\textsuperscript{16} Id at. 196.
\textsuperscript{17} Ibid.
and the benefit accrued mostly to the well-to-do class. The peasant people have no access to power structure. To fight against all these factors the armed struggle became necessary for frustrated and unemployed youth. Therefore, the economic factors took the back seat in the political struggle in Kashmir but these are part and parcel of the turmoil in Jammu and Kashmir State.\(^\text{18}\)

(iv) **Terrorist Groups** :- There are a number of terrorist groups operating at a rapid role in the Jammu and Kashmir. These groups create terror through bombs explosions, indiscriminate firing at innocent, very Important Persons and Important functionaries of the government and attack on the security forces with purpose for grouping on snatching the Jammu and Kashmir. These groups are listed as under :-

(a) Laskhar-e-Toiba (LeT) 
(b) Harkat-ul-Ansar (HuA) 
(c) AL Mansurin (AM) 
(d) AL Nasirin (AN) 
(e) Jamaat ud-Dawa (JuD) 
(f) Jaish-e-Mohammed (JeM) 
(g) Freedom Force (FF) 
(h) Farzandan-e-Milat (FeM) 
(i) AL Baar (AB) 
(j) United Jihad Council (UJC) 
(k) Hizb-ul-Mujahideen (HuM) 
(l) Jamaat-e-Islam (JeI) 
(m) Jammu and Kashmir Liberation Front (JKLF) 
(n) Harkat-ul-Jehadi-e-Islami (HUJI) 
(o) AL Umar (AU) 
(p) Muslim Janbaz Force (MJF) 
(q) Kashmir Freedom Movement (KFM) 

\(^{18}\) Id at. 197.
(r) AL Madad  
(s) AL Mustaffa  
(t) Liberation Islamic Jung (LIJ)  
(u) AL Bert AB  
(v) Allah Tiger (AT)  
(w) Ikhwan-ul-Musalrneen (IUM)  
(x) Islamic Students League (ISL)  
(y) AL Shamas Organisation (ASO)  
(z) Jammu and Kashmir Students Liberation Front (JKSLF)  
(aa) Mujahideen-E-Islam (MEI)  
(bb) AL Inqlab (AI)  
(cc) Janriq Jehad Islamia (TJI)  
(dd) Pisdarani Islam (PI)  
(ee) Teriq-ul-Jehad (TuJ)  
(ff) Dukh Taran-e-Millat.  
(gg) People's League (PL)  

(v) Current Major Strikes/Selective Killings by Terrorists :- A selective killings of prominent persons Hindu, Muslims and Sikh, to spread fear, to paralyse the economy, press, Judiciary and administration, has been the strategy of the terrorists. Those killed included as:-  

➤ Mirwaiz Maulvi Farooq, the revered Muslim clerics and Imam of its Jama Masjid or Cathedral Mosque.  
➤ Maulana Maudoodi, a 90 year old scholar, veteran of the freedom movement  
➤ Former lieutenant Sheikh Abdullah and most respected leaders of the Gujar Community, Quazi Nissar Ahmed, the Mirwaiz of South Kashmir, Mir Mustafa, a legislator, Lassa Kawl,  
➤ Director of Doordarshan, Sri Nagar,  
➤ General Manager Hindustan Machine Tools, Sh. H.L. Khera.
In October 1993, the effort of Pakistan’s surrogates to establish their ascendancy in the movement reached its peak with the siege of the shrine at Hazratbal, considered the Holiest in Kashmir by its people, the administration of which had provided the launching pad for the career of Sheikh Mohammed Abdullah, whose sermons there were the bedrock of his movement for freedom. This was an effort to provoke a confrontation between Jammu and Kashmir Liberation Front militants and the military by feeding provocative and misleading information to each, so that the shrine would become a battle ground, thus simultaneously shaking the foundation of the Sufi tradition of Kashmir, not palatable to the narrow minded, who consider the religious practices there inheretical, decimating the pro independence JKLF and bringing the Indian army into disrepute. Simultaneously, all party Hurriyat Conference emerged, partly as a defensive mechanism to control conflict, and partly to give political voice to what had degenerated into a violent terrorist campaign with few remaining pretensions of liberty. The Hurriyat leaders Like to refer to themselves as the “true representatives” of the people of Jammu and Kashmir. They have sought legitimacy not by public alliance or through the acknowledged process of elections but through fear as many of their leaders are affiliated with one or other militant groups. They conducted a house to house campaign calling on people to boycott the election which was to be held in 1996. Despite their threat and pleas

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19 Supra n. 7 pp. 10-11. See also P.N. Jalali, “Pak Commandos directing Kashmiris Terrorists” The Tribune (New Delhi) June 24, 1990. See also, “How Pakistan forced the Kashmiris into Terrorism” The Patriot, July 17, 1990. A Kashmiri terrorist captured by the Army who revealed that how Pakistan instigated incited to torment trouble in J & K valley where situation is normal. The Pakistan told us that you create the difficult situation in side the Kashmir and we (Pakistan) will finish it by a military attack. Who was arrested was a 19 year old Salim Zagar, who was also accused of killing of vice-chancellor (Musheer-ul-Haq) of Kashmir University.
the people turned out in large numbers to vote in most parts of the state except in some pockets which were known to be controlled by the militants.20

By the end of 1993, however, it became more clear that after nearly five years of violence, the Kashmiris were thoroughly disillusioned, with the decline in numbers of Kashmiri youth willing to be indoctrinated and trained as terrorists, Pakistan took resource to sending in battle-hardened mercenaries from Afghanistan and other countries, including many veterans of the Afghan war. They came under the banner of the Harket Ul-Ansar and Lashkar—e-Toiba to bolster the fighting ability of the pro-Pakistani militant groups. Their disregard for the Kashmiri psyche, and their depredations in the valley, further strengthened the resolve of Kashmiris against violence and against the Hurriyat and its constituents who had willfully invited those foreigners into what the people had been led to believe was a Kashmiri movement to fight political wrongs with facts coming through mere, and more through propaganda, and peaceful resolution of the siege of Hazratbal, with civil and military authorities working closely together to ameliorate the difficulties of the people contributed, with developments to perceptible change in mood, with increasing numbers at people returning to work with government and security agencies in restoring order.21

In 1994, the Mirwaiz of South Kashmir, Qazi Nissar Ahmed, was killed in Anantanag. His widow and local people blamed on the Hizbul Mujahideen. In the same year the Harkat ul Ansar kidnapped two British tourists. The action was widely condemned by the people of Jammu and Kashmir leading to the militants capitulating their release.

In 1995, the mercenaries of the Harkat ul Ansar and the Hizbul Mujahideen led by a Pakistani national Mastgul seized another severed shrine in Charar-e-Sharief resulting in the mindless destruction of both the Shrines and surrounding township. Mast Gul was given a hero's welcome in Pakistan and paraded through

20 Ibid.
21 Supra n. 11 p 13.
the streets by the Jama’ate Islami the mentor of the Hizbul Mujahideen. The Harkat ul Ansar issued press releases stating that its cadres had been in shrine which further aggravated the divide between the centuries old Kashmiri’ ethos of harmonious co-existence and the extremist orthodoxy being sought to be imposed by the pro Pakistan groups.\textsuperscript{22}

Also in 1995, the AL Faran, a front for the Harket ul Ansar, kidnapped five foreign tourists and beheaded one of them, a Norwegian named Hans Christian Ostro. In light of widespread public disapprobation, the Hurriyat was constrained to condemn this act as wanton willing. The hostages remain untraced till today. The hue and cry in countries abroad was muted. One American made a daring escape from his terrorist captors and was rescued by a vigilant team on government helicopter. His adventure was largely ignored by foreign media. Johan Donald Chiles does not appear to have been interviewed in print or on the electronic media.\textsuperscript{23}

\textbf{In 1996}, 1530 civilians, 185 security forces and 1209 terrorists have been killed in the total 5014 incidents.

\textbf{In 1997}, 1105 civilians, 186 security personnel and 1075 terrorists killed in the total 3420 incidents. In November 1997, the Lashkar-e-Toiba held an open congregation at its headquarters at Muridke near Lahore in which it called for continuing Jehad against “Hindu India”, Cynically forgetting the secular nature of India with 240 million Muslims citizens, and acclaimed the activities of its ‘fighters’ in Jammu and Kashmir. On March 22, 1997, 7 Kashmiri Pandits were killed in Sangrampora village in the Budgam district.\textsuperscript{24}

On the eve of India’s Republic Day, January 25, 1998, terrorists massacred over 29 Kashmiri Pandits, men, women and children, at village \textit{Wandhama}, only a few miles from Srinagar. In April 1998 Pakistan’s Minister

\textsuperscript{22} Ibid.
\textsuperscript{23} Ibid.
\textsuperscript{24} Sangrampora villages : \url{http://www.Kashmiri.pandit.org./atrocities/ sangram-pura.html}. 
for Information, Mushahid Hussain, along with the Governor of Panjab, visited the Muridke Camp of the Lashkar and, in the presence of Media, blatantly commanded their activities. This is what Pakistan calls moral support. The next day 23 Hindu civilians were killed in Prankote village in Jammu division, by militants from the Lashkar-e-Toiba and Hezbul Mujahideen. Another massacre took place in June 1998 at Champani village in Doda district when 25 Hindus, were murdered.\textsuperscript{25}

In 1999, it is hard to determine the total number of casualties due to the ongoing terrorism in Kashmir according to the Government of India in the year 2000, 31,000 Indian civilians had lost their lives due to the terrorism. Human rights groups and the local NGOs put the total figure at more than 50,000 in year 2000.\textsuperscript{26}

\textbf{In year 2001}, A car bomb exploded near the Jammu and Kashmir State Assembly on October 1, 2001, killing 27 people, an attack that was blamed on the Kashmiri separatists. It was one of the most prominent attacks against India apart from on the Indian parliament in December 2001. During the year about 1090 civilians and 546 security forces were killed by terrorists.\textsuperscript{27}

\textbf{In year 2004 and 2005} :- A recent government report has revealed that military related violence has gone down in the Kashmir valley during past seven months when compared to the corresponding period last year. A detailed report compiled by police, clearly revealed that while between January 2004 and December 2004 as many as 244 explosions, including grenades attacks were carried out by militants, there were 139 explosions registered between January 2005 and August 2005. The report said the police eliminated 31 top ranking militants, including Divisional and District Commanders between January 2004 and July 24, 2005. Official report said that 153 security men were killed by militants between

\textsuperscript{25} Id at. 15.

\textsuperscript{26} Supra n. 55.

January and December 2004, not more than 73 security personnel lost their lives between January 2005 and August 2, 2005.\(^{28}\)

As a result of sustained operations by the police and other security agencies, 445 militants, including 293 foreign mercenaries, were killed in 2004, and rebel elimination rate went up as during the past 8 months 358, including 210 foreign mercenaries were killed in the Kashmir valley. In year 2004, 127 incidents of crossfire were registered.\(^{29}\)

- On July 20, 2005, A car bomb exploded near an Armoured Indian Army Vehicle in the famous Church Lane area in Srinagar, killing 4 Indian Army personnel, one civilian and the suicide bomber. Militant group Hizbul Mujahideen claimed responsibility for the attack.\(^{30}\)

- On July 29, 2005, 2 Jawans were killed and 8 Journalists and 12 security personnel were among 25 injured in yet another militant attack in the heart of the city of Srinagar.\(^{31}\)

- On October 18, 2005, suspected Kashmiri militants killed Jammu and Kashmir's then Education Minister Ghulam Nabi Lone. Militant group Al Mansurin claimed responsibility for the attack.\(^{32}\)

- On May 7, 2006, militants massacred 35 Hindus in Doda and Udahampur districts in Jammu and Kashmir.\(^{33}\)

- On June 12, 2006, one person was killed and 31 were wounded when terrorists hurled three grenades on Vaishno Devi Shrine-bounded buses at the general bus stand.\(^{34}\)


\(^{29}\) Ibid.


On May 21, 2006, Militants carried a suicide attack at rally of the State Youth Congress, killings at least 5 persons including 2 police personnel, and injuring about 21.\(^{35}\)

On May 22, 2006, at least 23 persons, including 4 security personnel, were injured in three grenades explosions hurled by the terrorists.\(^{36}\)

On June 30, 2006, A Lieutenant Colonel and 3 militants were killed in a counter between militants and security forces at Bandipore in Baramulla district.\(^{37}\)

On July 23, 2006, 3 securities personnel killed and 2 injured in attack in Srinagar.\(^{38}\)

2. Problem of Terrorism in Other States

(i) General:

There are also some other states which are badly affected due to terrorist activities. These are discussed below:

(ii) Punjab

The origin of terrorism in Punjab can be traced to the killings of the Nirankaris on 13 April 1978, the assassination of Baba Gurbachan Singh, the spiritual head of the Nirankaris on 24 April 1980 and such subsequent events as the murder of Lala Jagat Narain and his son Ramesh Chandra.\(^{39}\) The arrest of Bhindranwale in connection with the murder of Lala Jagat Narain sparked off large-scale violence near Mehta Chowk where the police party was attacked with deadly weapons. On 29 September, 1981, an Indian Airlines Plane was hijacked to Lahore by the Sikh extremists.\(^{40}\)

During those years, people were killed at random; buses were high jacked and Hindu passengers were identified and brutally murdered, to sound as a warning to vacate Punjab for Sikhs. Banks were looted. The anti-social


\(^{38}\) The Tribune (New Delhi) July 24, 2006. For Further Details See Appendix A

\(^{39}\) Ghosh, S.K. op cit p. 252.

\(^{40}\) Ibid.
elements joined the religious fundamentalists to create terror in Punjab for non-Sikhs. Between 4 August 1982 and June 3, 1984 there were over 1200 violent incidents in which 410 persons were killed and more than 1180 injured. As Atwal, DIG of Police Jalandhar Range was shot dead on 23 April 1983, while coming out of the Darbar Sahib, within the Golden Temple complex. On one day 37 railway stations were burnt down while innumerable attempts to derail the trains by removing fish plates and planting bombs on the tracks were made.41

On 2 June 1984, the army was called in aid of civil power, and was given the task of checking and controlling the extremists and communal violence and establishing law and order. At 1900 hrs on 5 June 1984, the army commenced “Operation Blue Star.” The Government of India issued a White Paper giving details of the action taken during this operation. Government sources claimed that 300-400 militants and 90-odd army personnel were killed inside the temple complex. Bhindranwale was killed during the operation. The army action touched a sensitive nerve of the Sikh community.42

After identifying 42 religious places where the Sikh terrorists were based the army got down to hush them out, and in doing so encountered stiff resistance in the gurudaras where they had stockpiled arms and ammunition. Although the Golden Temple and other gurdwaras were cleared of the terrorists, several terrorist organizations sprang up and spread to different parts of Punjab and even outside, kidnapping Hindu civilians and demanding the release of arrested Sikh militants in exchange. Later, in collusion with the criminal gangs who had infiltrated into the militant ranks, they resorted of kidnappings for ransom. The eulogisation of terrorism and terrorists by the vernacular press encouraged the unemployed youth to take up arms.43

In Pune on 10 August 1986, General AS Vaidya, the retired Chief of Army Staff was assassinated by Sikh militants for leading Operation Blue Star.

41 Ibid.
42 Ibid.
43 Id at 254.
Similarly, some 20 Sikh militants, Pakistan born Kashmiris and members of the Jammu and Kashmir Liberation Front (JKLF) were arrested in England, while attempting the assassination of Rajiv Gandhi during his visit to UK in October 1985. The terrorist activity continued and increased each year. During the tenure of JF Ribeiro as DGP Punjab (March 86 to April 88) the average killings were 1052 civilians, 81 policemen and 232 terrorists. This escalation in killings continued even during the succeeding years. About the end of 1991, over 2000 civilians, 450 police and security men and 1900 terrorists were killed. The war of attrition between the police and the terrorists took a fierce turn when not only police but also their family members were being targeted to terrorise the police from acting against the terrorists. Thousands of people were arrested and hundreds detained in different parts of the state.\footnote{Id at 256.}\footnote{Ibid.}

The situation was particularly grim in the border districts of Amritsar, Ferozpur and Gurdaspur. Pakistan was obviously fully aiding, abetting and also funding and training the terrorist Sikhs to foment trouble for India. However, as a result of stern police measures and swift action, the terrorists started fleeing to the neighbouring stats like Haryana, Delhi and Uttar Pradesh. Their activities in Bombay and West Bengal for the collection of funds also came to notice. Extortion of money and kidnapping for ransom became the order of day in Punjab. While the police eliminated some of the terrorist gangs, new gangs appeared. At this juncture, KPS Gill was brought back as the DGP Punjab, to handle a demoralized police force against emboldened terrorists. It must be said to the credit of KPS Gill (his great policeman) who successfully utilized the political patronage given by the then Chief Minister of Punjab, the late Beant Singh (who ultimately gave his own life on the altar of terrorism), to bring back peace to this terror stricken state in a period of about two years. Today the problem of terrorism is not completely wiped out from the state.\footnote{Id at 256.}\footnote{Ibid.}
(iii) Uttar Pradesh

The Ayodhya problem finally culminated in a terrorist attack on the site of the 16th century Babri Majid Ram Janambhoomi Hindu Temple on July 5, 2005. Following the two-hours gunfight between Lashker-e-Toiba terrorists based in Pakistan and Indian Police Force, in which 6 dreaded terrorists were killed, The opposition parties called for a nationwide strike with country’s leaders condemning the attack, which was, believed to have been master-minded by Dawood Ibrahim.46

In the Varanasi, a series of blasts occurred across the Hindu holy city on March 7, 2006. In this act about 20 people have been killed and 50 people reported to have injured. No-one group has taken the responsibility for the attacks, but it is speculated that bombings were carried out in retaliation. In February 2006, an agent of the Lashker-e-Toiba was arrested in Varanasi. On April 5, 2006 the Indian Police arrested 6 Islamic militants, including a clerk who helped plan of bomb blasts. The clerk is believed to be a commander of a banned Bangladesh Islamic militant group, Harkatul Jihad-al Islamic and is linked to the Inter-service Intelligence. (ISI) of Pakistan.47

(iv) Delhi

The most gruesome act of terrorist violence came as an aftermath to Operation Blue Star of June 1984. As a retaliation, Indira Gandhi, the then Prime Minister of India, was assassinated on 31 October 1984 within her residential complex, by Sikh terrorists working in the garb of her security guards.

This incident triggered a sharp reaction against the Sikhs in the capital and on 1 and 2 November 1984, widespread anti-Sikh riots led to the massacre of over 25000 Sikh men, women and children in the country’s capital, including attacks on and the destruction of their houses and business premises. The anti-Sikh riots

46 The Tribune (New Delhi) July 6, 2005.
spread to other parts of the country, with anti-social elements joining the few prominent politicians wanting to avenge Indira Gandhi’s assassination.

Not long after, political figures Arjun Das and Lalit Makhan and his wife were murdered in Delhi. Terrorists planted transistor bombs in buses, shopping centres and railway stations, killing and injuring innocent people. Places of social functions attended by the Hindus were attacked and social congregations were sprayed with bullets.48 There were indiscriminate acts of slaughter, like at New Delhi’s Chittaranjan Park, followed by acts of kidnapping and murder. A number of dreaded terrorists from Punjab made their way to Delhi, provoking violent encounters with the security forces. A top terrorist Kuldip Singh Bitta, a senior babbar Khalsa Commander, was killed with his associates in an a three-hour long encounter in the Pashchim Vihar area. In 1993 on December day, Mokkum Singh Khandelwala treated terrorist arrested by Delhi Police.

Three explosions went off in New Delhi on October 29, 2005 in which 60 people were killed and at least 200 were injured. The higher number of causalities made the bombings the dead list of terrorist attack in India.

On 13th December 2001, terrorist attacked on the Parliament of India and many people were killed and injured. The bombings came only two days before the major Hindu and Sikh Festival Dewali, and Less then a week before the major Islamic festival Eid-ul-Fitr. The bombs were triggered in two markets in central and south Delhi and in a bus in Govindpuri area in south of the city.

On, April 2006 year 2006, in Delhi a bomb exploded in the masque and many people were killed and injured.

On December 18, 2006 three Lashkar-e-Toiba militants namely Kalam Khurshid, Abdul Rehmat and Mohammad Akbar Hussain were arrested alongwith two kg of RDX, two detonators and one hand grenade from the Red Fort area.49

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48 Supra n. 40 p. 32.
On April 25, 2007, again three activists/militants of Lashkar-e-Toiba along with two kg RDX, three detonations, one timer and Rs. 25,000 cash, were arrested by the Special cell of Delhi Police from the busy Dilli Haat area of South West Delhi.\(^50\)

On May 30, 2007, Insaf Ali arrested for spying from the old Delhi Railway Station and some important documents and maps also recovered.

(v) Maharashtra

Maharashtra State, is also affected from the problem of the terrorism. The terrorists have many attacked in this state which are discussed as under:

(a) **First Major Attack** :- On March 12, 1993, a series of blasts occurred in the Mumbai in which 257 people were killed and a large number injured. In the days leading up to March 12, 1993, Tiger Menon using this core team of accomplices, false cavities were made in the vehicles. The explosive material stored at the different places was then transported to a garage used by Tiger Menon at AL Hussaini Building in Mahim. One by one, the new vehicles were brought into Menon’s garage and RDX mixed with iron scrap, nails, bolts, etc, was filled in the cavities. Finally, on the night before the blasts, the vehicles rolled out.

The charge sheet for the 1993 series bomb blasts case lists 123 accused persons, but about 55 of them comprise the core team of perpetrators.\(^51\) The alleged masterminds Dawood and Tiger Menon are out of India.\(^52\) Thirteen years after the serial blasts, a court constituted under special anti-terrorist laws which finally pronounced its verdicts convicting 100 persons.\(^53\)

(b) **Second Major Attack** :- Thirteen years after terror again struck the most potent symbols of India’s financial capital in the series of 7 blasts which 200 people and injured 714 in sub western railway. The horrors of March 12, 1993

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\(^{51}\) Ibid.

\(^{52}\) Swati Deshpande, “93 blasts : Judgment day today” *The Times of India* (New Delhi) August 10, 2006.

\(^{53}\) “93 blasts: Menon’s Brothers Found Quietly” *The Tribune (New Delhi)* September 13, 2006.
come back to haunt Mumbai on Tuesday. July 11, 2006 Evening when seven high-intensity bombs ripped through first class compartment of sub-urban trains headed towards the distant suburbs between 6.25 AM and 6.40 PM. Two of the Blasts accused when the trains were on platforms at Mahim and Borivli. Maharashtra Chief Minister Vilas Rao Desh Mukh later said that initial evidence pointed out to the Lashkar-e-Toiba whose activists have been arrested in the state with high-intensity explosives including RDX in the post several months.  

(c) Third Major Attack :- On September 8, 2006, terror struck in Malegaon Town, 180 km from the Mumbai which claimed at least 37 lives and more than 200 persons were injured in the incident. According to police source at least four blasts took place within minutes of each other shortly after 1.45 PM when people were coming out in large numbers after the main Friday Namaaz. While two bombs went off near the entrance of Noorani Masjid near the Bada Kabrastaan area, a third went off at Mushaberat chowk. The first two bombs were disguised as goods on bicycle while the third was hidden in a flower bouquet. It was not clear where the fourth bomb went off. Two unexploded bombs wired also recovered in Malegaon Town.  

(vi) Tamil Nadu

The Tamil Nadu is also not spare from the problem of terrorism. On 21 May 1991, Rajiv Gandhi and 17 others died at Sriperumbudur in Tamil Nadu, when a human bomb, a woman, triggered the, plastic explosive RDX, which she carried on her back. The assassination of Rajiv Gandhi is only one part of a grand design to form a greater “Eelam” by the LTTE, comprising north-eastern Sri Lanka and Tamil Nadu. The infiltration by the LTTE had spread deep into the political parties and even the state government in Tamil Nadu. On October 1, 1991, with the arrest of 17 Tamil National Retrieval Troups (TNRT), men from


Dindigul, it was discovered that the LTTE had been providing them with logistical back-up to combat the Sri Lankan and Indian governments. Some of the TNRT were even used to fight the Sri Lankan army in LTTE's battle to retain Elephant Pass.\textsuperscript{56}

The LTTE used TNRT cadres as well as smugglers to stock arms and ammunition. A hand grenade factory in Coimbatore and an explosive godown near Nellore in Andhra Pradesh led to the arrest of three LTTE men in August 1991; 45 LTTE members even owned a few ships to transport arms purchased from other countries in Western Europe, Panama, Cyprus and the Honduras. The Tamil Nadu Liberation Front (TNLF), a protégé of the Marxist-Leninist ideologue, shot into prominence in 1987 when it blew up a bridge spanning the Coleroon river near Trichy just minutes before a passenger train was to cross the bridge. Twenty five passengers were killed as a result. The TNLF received a boost when Sri Lankan Tamil militants became active during the latter part of eighties. After Rajiv Gandhi's assassination, the police crackdown that followed virtually sent them into oblivion.\textsuperscript{57} On May 17, 2007 sixteen persons were killed and 50 injured in a bomb blast inside the historic Mecca Masjid in Hyderabad.

3. Problem of Insurgency in North-East States

(i) General :- The North-East states of India i.e. Nagaland, Manipur, Assam, Tripura, Mizoram and Arunachal Pradesh etc. are facing the problem of insurgency for the last so many decades. Due to this, the developmental process of these states is stand still and people's rights are violated in routine. These are parallel governments of insurgents in these states. These states have different types of cultural heritage and background. Most of these states are bordering states. The dimensions of problem and the issues pertaining to these states are also different. The problem in these states could be discussed as under:

\textsuperscript{56} Supra n. 48 p. 269.  
\textsuperscript{57} Ibid.
(ii) Nagaland

Nagaland is a land locked state and about one-third of the state’s total geographical area is hills and the rest in the valley. Nearly one-third of the total population live in the hills and rest in the valley which has a fairly high density of population. The population started increasing fast and in 1985 it was about 15 lakhs. Its total area is about of 22,489 sq. miles. The tribals are mostly Christians.

Insurgency in Nagaland is possibly the longest lasting insurgency in the world. Till the early 1970s it was really a case of insurgency and only since then it has turned in a case of terrorism. Nagaland state, in the north-eastern part of India, is adjoining with Burma country the story of Nagaland may be discussed in two fold i.e. pre-independence and post independence.

(a) Pre-Independence Phase: The British were never interested in making Nagaland a part of their empire as this area was of no economic use for them. They just wanted to exploit for the oil, timber and tea gardens of Assam. As British association with Nagaland came into being in 1826. When it annexed Assam after the ‘Treaty of Yandabo’ the principle of the watershed was to govern the demarcation of boundaries. Thus, the end result was that the Naga as an ethnic race got divided between India and Burma. Thereafter, to safeguard their interests in the Tea Industry, the British had no other option but to enter Naga region, to curb the Naga inclination to the plain area. The British sent a number of punitive expeditions and annexed this area but kept it sealed.

In 1856 British opened their first outpost in the foothills. In 1866 She (British) established a new administrative zone called ‘Chumukedima’ and shifted the traditional Assam-Naga Boundary from the traditional bunds and Dhoderali, deep into the Naga region. To that extent when the Nagas demand greater Nagaland they have some justification if the concept of ethnicity is the governing

58 Supra n. 5. p. 46.
factor. This act can be termed as the root cause of Assam-Nagaland border crisis. Simultaneously the British used the traditional Naga-Kuki rivalry and hatred to stand up and fight against the Nagas. This was the second act that has led the Nagas to clash with their neighbours.\textsuperscript{60}

In 1878, the British setup one outpost each at Kohima and Wokha. In 1890 they established another one outpost at Mokukchang. They left all tribes, North of that region, in tirap, as an undaministered region. All this, they refused to let the Christians Padres inter all tribes, and rest of India was in ferment, demanding freedom, and agitating against the various reforms being thrust on the Indians. The British in Nagaland, setup what they called the Naga club; with aim of educating the Nagas and railing the Naga political opinion. As the demands for freedom were gaining ground and by 1945 it had become apparent that the British would have to go, the British setup, what they called the Naga council, with aim of generating a demand for local autonomy and self government.\textsuperscript{61}

During the second world war, Phizore/turned to Nagaland from, Myanmar where he had been co-operating with Japanese, hoping that they would be able to throw out the regime of British Phizo, thereafter championed the cause of the Nagas. The British now found an ally to create disruption in India which they were being forced to leave. He (Phizo) was helped to place his linchmen in various departments of the administration as well as Naga National council.\textsuperscript{62}

It would be naive to believe that Angami Zapo Phizo, the chief of the Naga National Council, the political wing of the Naga insurgents and father figure of the underground elements who claimed to have a “government” of their own, styled as “Federal Government of Nagaland”, could find his haven in London without direct help from the authorities there. Even if the British Government may not officially extend their help to Phizo, he could have found a shelter there without the active assistance of those circles in the Great Britain who control

\textsuperscript{60} http/www. Insurgency in Nagaland/Insurgency/ The Kurani Veena Kumar)
\textsuperscript{61} Ibid.
\textsuperscript{62} Ibid.
British politics. This was also time that Indian Nationalists in Assam, led by Gopinath Bordoloi and Bimala Prasad Chaliha were struggling to keep Assam in the Indian union.  

On January 10, 1929, the first significant document “Naga Memorandum” was submitted to Simon Commission in which they raised the issue of their (Naga) communities outside the Naga hills district:

Our country within the administered areas consists of more than eight regions quite different from one another, with quite different languages which cannot be understood by each other, and there are more regions outside the administered area which are not known at present. 

It is not clear/obvious whether ‘more regions’ mentioned in memorandum/correspond to the Tuensang Frontier Division of the North East Frontier Agency (NEFA) that was merged with Naga Hills under the Naga Hills Tuensang Area Act, 1957, of Parliament, or to some other regions continuous to the Naga Hills. It needs to be noted that the Manipuri Nagas, like Tangkhals, were not associated with this memorandum. 

When the Cabinet Mission Plan for a federal India was being debated the Naga National Congress (NNC) passed a resolution on June 19, 1946, which expressed that the Naga National Congress stood ‘for the solidarity of the Naga tribes including those of the un-administrated areas’. The resolution also demanded separate electorate, due safeguards and autonomy within Assam. Another Naga National Congress (NNC) on February 20, 1947, submitted memorandum to his Majesty’s Government (United Kingdom) and the Government of India, was silent on the issue of uniting Naga territories.

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65 District Gazettes of India vol. 11 P. 596.
66 Ibid.
67 Ibid.
68 Supra n. 60.
Similarly, the issue of unification of all Naga-inhabited areas did not find mention in the demands put forward by the (NNC) to the Gopinath Bordoloi Advisory Committee, constituted under the constituent Assembly to deliberate upon the administration of tribal areas, which visited Kohima on May 27, 1947 to discuss the matter with Nagas.69

The next significant document is the Nine-point Agreement on June 27-29, 1947 between Sir Akbar. Hydari, Governor of Assam, and the Naga National Congress in which one finds explicit mention of the demand for unification of all Naga-inhabited regions. The relevant 6th point reads as follows:-

"Boundedaries: that present administrative divisions should be modified so as to (i) bring into Naga Hills District all the forests transferred to the Sibragar and Nowgong, Districts in the past and (ii) bring under one unified administrative unit, as far as possible, all Nagas."70

In needs to be pointed out that the tribes which constitute ‘all Nagas’ are not listed in the Agreement. Koijam points out that the only the Nagas of Naga Hills district and North East Frontier Agency (NEFA) signed the agreement. None of the Manipur based Naga Tribes were party to this Agreement. Also, it is clear that NNC had wanted the unification of Forests of Sibsagar and Nowgong alone. Later on, the NSCN (IM), an offshoot of the NNC, claimed the right of Nagas on whole districts. Further the 8th point of the nine point agreement described that both are the parties agreed that ‘the Chin Hills regulations and the Bengal Eastern Frontier Regulations will remain in Force’. These archaize colonial regulations, purportedly enacted to protect the tribal identity, had hardly any thing to do with the tribal identity. A reading of the regulations reveals that they were enacted to control the trade in forest products in the tribal regions. However, all separatists have stressed the indispensability of these Regulations.71
(b) Post-Independence: On July 9, 1948, Phizo was arrested for his anti-India campaign, but released after his wife was injured and his son killed in a car accident. A few months later Sir Akbar Hydai died due to massive heart attack. Soon after Gopinath Bordolai repudiated the Naga Accord. In fact, this should have been done much earlier. However, the Government failed and he took full advantage. Phizo step by step, consolidated his position and influence. By then he had enough influence to be elected unanimously to the presidency of the Naga National Council. Thereafter, he claimed that he had conducted or a referendum and ninety nine percent had voted in favour of independence day.\(^{72}\)

It was not accepted by the Government of India. The Naga, as a result boycotted the 1952 General elections. The hollowness of this claim was spelt out by Phizo’s own nephew Sakhrie, who warned Phizo of his mad rush to take on the Indian Government. The result was that Sakhrie was ambushed, kidnapped and tortured to death. It was after Sakhrrie’s death that the Indian Army was inducted into Nagaland, in 1956, when Phizo once again declared Nagaland’s independence on March 2, 1956. Therefore, Phizo first fled into Pakistan, and then Britain on a forged Peruvian passport and Britain accepted him. There after he used the British soil to continue his fight against India which was indirectly supported by Britain.\(^ {73}\)

After the 1962 Chinese aggression on India, the Naga insurgent leaders possibly felt that Peking would now be interested in harassing India and hence, it could be counted upon as an alternate source of inspiration and assistance, both materially and otherwise. So, not long after the Chinese aggression of India, Kaito Sema, one of the top leaders of the Naga insurgents, at that time the chief of the Naga underground Army, flew to Peking from London where he had gone to meet and consult Phizo the self-exiled leader of the Naga insurgents. According to some press reports, a contract was made between the representative of Peking in

72 Supra n. 58.
73 Ibid.
London and the Naga insurgent leaders in London itself. According to plan Kaito Sema went to Peking as the ‘envoy’ of Phizo and Peking unrolled its red carpet for Kaito Sema. Since then Peking has been rendering help and assistance to Naga insurgents. One may say that the Maoist leadership of Peking now took upon themselves the responsibility of completing the unfinished task of imperialism that had instigated the Naga insurgency or they, themselves have been conducting this anti-India guerilla war a rear-guard action by proxy.74

It is true fact that Kaito Sema later on broke with the Phizo led underground setup and its Federal Government of Nagaland and he formed with his followers, a parallel setup that he named as “Revolutionary Government of Nagaland” – the name itself deserves attention of prevailing situation of Nagaland. Kaito Sema with his “Revolutionary Government of Nagaland” eventually came to terms with the Government of India and he was physically liquidated by his erstwhile comrades as “renegade” and shot to death in Kohima itself in broad daylight. Peking did not break its diplomatic relation with India. Though the relation was maintained at a low key. The representative of the “Federal Government of Nagaland” was also received in Peking with all the diplomatic honour that the ambassador of a country receives.75

There have been several evidences that the Peking leadership took batches of Naga youths to different places in China in order to give them training in the use of different varieties of arms. The Peking leadership also provided the training in guerilla warfare and technique of counter espionage to these Naga youths and after completion of training these youths were sent back to Nagaland in batches. They (Naga youths) were also provided with a little cash. In the meantime, the Peking leadership made their contract with the various groups of insurgents in Burma where the ‘White Flag’ communist party had come under its influence. It began to act as the coordination of these different groups. Peking become the

74 Supra n. 5 pp. 17-19.
75 Ibid. See also Ved Marwah, “Terrorism and Insurgency” The Hindustan Times (New Delhi) May 29, 1996.
rendezvous of these insurgent groups, which is operating against both India and Burma. The Peking played a big role in bringing them into fold of the Naga insurgents. Gradually, the operation of the insurgents began to extend. From 1962 to 1965 the insurgents have crossed over to Pakistan.76

In March, 1956, the ‘Federal Government of Nagaland’ was formed by the Phizo. The ‘Government’ setup had an ‘elaborate’ structure “There was a “parliament” called “Tatar Hoho”. There was an organisation, called Home Guards with a “commander in chief” and a “council of Ministers”. (Council of Kiloness) with an Ato Kiloser” or “Prime Minister”. There was also a president called “Kedaghe”.77

From 1956 to 1958, the insurgency was stepped up and it was a period of armed confrontation of the insurgents with the Government of India with large scale violence. This meant a night Marish-life for the average Naga. There were killings by insurgents and the counter-insurgent operations were not peaceful.

In 1956, “Naga peace committee” was organised and next year in 1957, some Church leaders issued a call for peace. In Nagaland, almost the entire population is Christian and hence, the Church leader call had some effect.78

(c) First Peace Convention :- As result of this exercise the organised peace committee continued to built up the public opinion in favour of peace and they also gave their thought to a kind of ‘political solution’ of the problem. The First Naga people’s convention was convened in August, 1957. This convention was a turning point in the process of evolution of Naga politics. The convention recommended the formation of a new unit the “Tuensang” with the then Naga Hills district of Assam – Tuensang was then under the Administrative Jurisdiction of NEFA. It was believed by the organizers of the convention, that it would meet the urge for Naga integration that had been generated among the Nagas, particularly the newly emerging elite. The convention also considered that the atmosphere had become such that restoration of peace might be impossible unless

76 Ibid.
77 Id. p. 24.
78 Ibid.
the Naga Hills district was separated from the administrative jurisdiction of Assam.\textsuperscript{79}

Prime Minister Nehru could grasp the significance of the recommendation and he accepted it. According to new unit – Naga Hills and Tuensang Area came into in existence in December, 1957.

(d) Second Peace Convention :- In May, 1958, the second Naga people's convention was organised. The organizers of Naga people's convention correctly realized that those who had started the insurgency and were living underground had to be won over to the new administrative arrangement and persuaded to give up violence. Therefore, it was necessary to be contacted them. A liaison committee appointed for this purpose and some contacts were made and discussions and debates began. The Naga people wanted a different administrative setup which could give them a sense of 'distinct identity'. However, this could not be accepted because in the constitution of the country, there was no provision for this kind of a setup.\textsuperscript{80}

(e) Third Peace Convention :- On the basis of an extensive discussion of the second Naga people's convention, the third Naga people's convention was held in Mokukchung, now a district headquarter of Nagaland, in October, 1959. The third convention came to the conclusion that Nagaland should be raised to a full fledged State within the Union, but under the Ministry of External Affairs. This was also not exactly in keeping with the provisions of the constitution. Nonetheless basic proposal of the third Naga people's convention was a serious attempt to accommodate the growing political aspiration of the Naga elite, as well as the masses, within the framework of the Indian constitution.\textsuperscript{81}

In July, 1960, a delegation of the Naga people's convention discussed their recommendation with the Prime Minister Jawaharlal Nehru. Nehru obviously appreciated the recommendations of NPC and eventually a 16 point agreement

\textsuperscript{79} Id. p. 25.
\textsuperscript{80} Ibid. See also Marwah Ved uncivil war pp. 249-50.
\textsuperscript{81} Id at. 26.
between the NPC (Naga People’s Convention) and the Prime Minister was made. Accordingly, on August 1, 1960, Nehru announced in the parliament, the decision of the Government of India to upgrade Nagaland into a full-fledged state of the Union. An interim body, was setup for the necessary preparations to upgrade Nagaland (comprising the erstwhile Naga Hills district of Assam and Tuensang area) into a state, and accordingly, the parliament gave its approval to the proposal. As a result of this exercise, the State was formally inaugurated by the president of the India on December 1, 1963.\textsuperscript{82}

On September 6, 1964, the ceasefire came into effect as a result of the efforts of the peace mission. The peace mission consisted of Jayaprakash Narayan, the Late Bimola Prasad Chaliha and Rev Michael Scott. It was formed in the early part of 1964.

In the period of the 1965 Indo-Pak conflict gradually become the major sanctuary of the Naga insurgents, the main supply source of their arms and ammunition and their training ground, though their link with Pakistan had not been snapped.\textsuperscript{83}

It was after the 1965 Indo-Pak conflict that the Mizo insurgency broke-out in the Midnight of February 28, March 1, 1966. The first conference of the “Meitei State Committee” was held in Manipur and demanded the formation of “Meitei Revolutionary Government”. The leader of the “Meitei Revolutionary Government” started to contact to the Manipuri population of the Cachai district of Assam and Tripura.\textsuperscript{84}

The six rounds of talks between the Government of India and the underground delegation between 1966-67 and nine rounds of talks between the two parties in 1964-65 were held. Though six rounds of talks held between underground delegation, headed by Kughato Sukhai and the then Prime Minister of India, Indira Gandhi. But, the situation changed in Nagaland as the liberation struggle started in April 1971, due to the culmination of birth of the Bangladesh, a

\textsuperscript{82} Id at 27.  
\textsuperscript{83} Id at 22.  
\textsuperscript{84} Id at 31.
sovereign country that was well established in December 1971. This was a further set back for insurgency in Nagaland. Beginning from 1972, the Chinese trainers stepped into shoes on a bigger scale in so far as Naga insurgency is concerned. They now came with assurance that all help would be provided to the insurgents in their struggle against India. In accordance with this decision one batch of youth was led by China’s The cerise, a Chakesang Naga leader of the underground and another batch led by Muiva a Tangkhul Naga, hailing from the Gangkhul Naga area of Manipur. He had now become a top leader of the underground set-up and he had already been elected General Secretary of the Naga National Council and the “Foreign Minister” of the “Federal setup”. About 500 to 1500 Nagas had crossed the international border en route to China in September 1974 including this batch.

In the beginning of 1975, the batches started sneaking back in Nagaland. Meanwhile, the prolonged ceasefire and a number of socio-economic changes were seen within Nagaland and some of the their activities leaders of the “Federal setup” began and it appeared that they came to realize the utter futility of the armed insurgency. As a result of all these activities, Shillong Accord was held. On November 11, 1975, and it was signed by a top leader of the “Federal set-up” and the Governor. The signing of this Accord rightly considered a landmark in the evolution of the Naga policy in the post-Independence period the said accord has three clauses:-

(i) The Federal set-up renounced the demand for sovereignty for Nagaland by accepting that Nagaland is an integral part of India and the “Federal setup”.

(ii) The underground undertook to deposit arms in their possession under the custody of peace council.

85 Ibid.
86 Ibid.
(iii) The underground would formulate “other issues” for discussion with the Government of Indian. It meant that their issues would be discussed with Government of India within the framework of the constitution.\textsuperscript{87}

In accordance with the said accord, some arms were deposited in Nagaland and few arms were deposited by the “Federalists in Manipur area. But, Phizo remained uncommitted to the Shillong Accord. The Emissaries were sent to him in London and talked to Phizo. But, his approval could not be obtained. Similarly, the Muiva-Swu group did not accept the Shillong Accord. There was indication that Phizo had not changed his stand in any way and he indicated his rigid stand in his talk with the then Prime Minister Mr. Desai. But, according to available reports till September, 1979, little progress was made in this regard.\textsuperscript{88}

The state had suitably dealt with the problem and the Nagas are no longer the turbulent people of 1947. They have been softened but by the extensive bribery practiced by the government officials. With the gradual economic development of the state, the extremist movement is likely to disappear altogether. However, a militant organisation called the National Socialist Council of Nagaland (NSCN) is still active.\textsuperscript{89} Later on, the National Socialist Council of Nagal and (NSCN) split into two factions in the late 1980s -- one led by Khaplang and other by Muivah. They have their support bases among different tribes.\textsuperscript{90}

It is to be noted here that the NSCN (IM)’s version of Nagaland’s ‘Unique History’ during which the Nagas lived in splendid isolation from the neighbouring Brahmaputra and Manipur valley is at variance with the real history. The identity of any group of people is largely defined by their religion and language written and spoken. There has been consistent propaganda to include Christianity, English and Roman Script among the roots of Naga identity. Vested interests are

\textsuperscript{87} Id at 34.
\textsuperscript{88} Id at 35-36.
\textsuperscript{89} Ranjit K. Panchananda, "Terrorism and Response to Terrorist Threat" (2002) pp. 84-85.
\textsuperscript{90} Supra n. 25 See also rediff.com. 2001.
unilaterally foisting an artificial identity on Nagas by altering the language and religions of Nagas to bolster their claim for ‘Greater Nagaland’. According to the general secretary of the National Socialist Council of Nagaland (Isak Muivah) Mr. Thuingaleng “Nagaland was never a part of India, either by conquest or by consent of the Nagas”. He refused to receipt Indian sovereignty but explained on the BBC’s hard talk India programme, telecasted on 29.4.2004, that he wanted “a special federal relationship” with the Indian Government for his homeland in the north-east. He said that they have been negotiating since 1997 without a solution a five-decade old Naga-Insurgency. Discussing the position which reached at the end of 41 rounds of dialogue Mr. Muivah said “we can come as close as possible but it is not possible for the Nagas to come within the Indian union or within the frame work of the Indian Constitution as it would amount to dismissing the whole history of the Nagas and the Nagas cannot do that”.

He continued: “Sovereignty of the Naga people belongs to the Naga people and to the Naga people alone. They have a right to decide their future, to determine their fate also. So long as that is there, adjustments can be made. So long as the National identity of the Naga’s is concerned, it is recognised and honoured, adjustment is possible. When we talk of a special federal relationship, it has to be on the terms of the agreement that can be arrived at. It should be a Federation of India and Nagalism (Greater Nagaland) within the Indian constitution.”

The ceasefire between the center and Khaplang group of the Nationalist Socialist Council of Nagaland (NSCN-K) was extended by one year. The nine year long ceasefire in Nagaland between the main separatists group (NSCN) (IM) and the Central Government expired on January 31, 2006. An influential leader of the group, R.H. Reising, recently said that there was no point merely extending the truce without finding a permanent solution of their demand for a ‘Greater Nagaland’ which encompasses Naga-inhabited territories in Manipur, Assam and

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91 Ibid.
Arunachal Pradesh. In some ways, the situation in Nagaland is analogous to LTTE's in Sri Lanka and the Maoists in Nepal. These militant groups control large tracts of territory and run a parallel government. But, in case of the Nagaland the NSCN (IM) actually runs the state government by proxy and being the oldest and most powerful insurgent group in the region, has the power to destabilize other-state government in the northeast especially Assam and Manipur. It is having enormous influence over ULFA in Assam and lays claim to land in north Catcher in Assam, Tirap in Arunachal and four hill districts of Manipur.

There are also reports that National Socialist Council of Nagaland (IM) has links with Al Queda organisation. In talks with NSCN (IM) negotiations must try to plug the existing loop holes in the ceasefire Agreement (CFA). The 6000 NSCN (IM) rebels are meant to be confined in designated camps but only 1000 have obliged. The rest is a floating population indulging in extortions, forces recruitment and eliminating the rival Khaplang group. The NSCN (IM) has a fighting strength of a round 6000 with AK rifles. The NSCN(K) has roughly 2500 fighters and 1600 AK rifles and latter have been under pressure from Burmese Army. At present, there are two brigades of Assam rifles, a BSF battalion and three CRPF battalions deployed in an integrated counter insurgency grid given the green signal, security forces will sweep down on NSCN (IM) hideouts in a series of short and swift operations probably supported by the Khaplang group. In 2001, the 'Greater Nagaland' issue sparked off protracted and violent protests in Manipur.

(f) Demand for the "Greater Nagaland" :- There has been a demand, from so many years in one from or the other for merger of all Naga territories into one political and administrative unit. However, the expression "Greater Nagaland" came into vogue in the late 1980s when the National Socialist Council of

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94 Ibid.
95 Ibid.
Nagalism (NSCN) called for unification of Naga-inhabited regions of India and Myanmar. The “Greater Nagaland” is also known as ‘Nagalism’. It may be relevant to mention here that in 1999, the National Socialist council of Nagalism (IM) substituted the word ‘Nagaland’ in National Socialist Council of Nagaland (IM) with Nagalism.96

Starting from the Forests of Sibsagar and Nowgong (presently Nagaon), today the Indian part of “Greater Nagaland” encompasses at least parts or whole of four districts of Arunachal Pradesh (Tirap, Lohit, Dibang valley and Chang-lang), eight districts of Assam (Sibsagar, Jorhat, Golabhat), Karbi Anglong (part of east while Nowgong). Tinsukia, Dibrugarh, Cachar and NC hills) and four districts of Manipur (Senapati, Ukhrul, Tamenglong and Chandel).97 The ‘Greater Nagaland’ includes 120,000 sq. km. (in between the longitudes 93 degrees E and 97 degrees E and the latitudes 23.5 degrees N and 28.3 degrees N) with a population of 35 Lakhs. Whereas the present constitutional state of Nagaland has an area of only 16, 579 sq. km. with population of about 16 lakhs.98

(iii) Manipur

Manipur literally means the land of the gems. There are many mythical stories about the origin of the name ‘Manipuri’. Some local people narrate its link with the Mahabharta. They say the name is from ‘Mani’, a Jewel. This ‘Mani’ or ‘Jewel’ was formerly in the possession of the Rajas of the country ages ago.99 The country was at one time named Mahindrapore but the Raja named Bubra Bala changed the name to Manipur. According to Mahabharata the name Manipur was in existence before the birth of Bubra Baha and Mahindrapore was the name of a high hill, which is situated a short distance to the east of the capital. This north-eastern state – surrounded by Nagaland, Assam Mizoram-has an international border with Burma in the east. Manipur formally became apart of the Indian

96 Supra n. 58 pp. 17-18.
97 Ibid.
98 Ibid.
99 Ibid.
Union in 1949 and a full fledged state in 1972. Jawaharlal Nehru described Manipur as the ‘Jewel of India’ By virtue of its geographical situation. Manipur is a state in north-eastern India having its capital in the city of Imphal and is bounded by the Indian States of Nagaland in the north, Mizoram in the south and Assam in the west. It also shares borders with Myanmar to the east.

(a) Problem of Insurgency :- Today, the biggest problem which Manipur faces is the armed insurgency. With the emergence of insurgency in the neighbouring Nagaland; a sizable section of the Manipur Naga tribes who had not been integrated with the valley’s political life came under the influence of Naga insurgency. and lately some leading leaders of Naga insurgency, like Muiva, Ramyo. belonging to the Naga tribes of Manipur also, influenced the insurgents and ultimately Manipur also had to bear the brunt of Naga insurgency.

Thus; the ground was prepared for insurgency with its inevitable concomitant of terrorism. The Meitei terrorism had its roots in 1964 but it was actually apparent in 1978 and became extremely bad by 1980. The very legitimate pride of the Meitei youth in the rich culture tradition of Manipur was exploited to build up a youth movement around the twin slogans of revival of the pre-Vaishnava culture of the Meitei and succession from India. The youth movement is now propagating the theory that India “enslaved” the Meities through Vaishnavism and thus ‘suppressed’ the original culture of the Manipuris. So, for survival, they should revolt against the vaishnavism and revive their original culture. This movement was called a “Culture Revolt” against the domination of the Manipur by other Indians.

Ibid.
Id at 49.
As a result of this revolt, in the mid-sixties the Meitei state committee came into existence and its convention held and announced the formation of what they called the “Revolutionary Government at Manipur” (RGM). The Pan Manipur Youth League provided the necessary political climate for this “Revolutionary Government” and a few youth of the Pan Manipur Youth League had sympathy with this “Government”, though not a very large number of them actually participated and joined in it.\textsuperscript{105}

Obviously, the “Federal Government of Nagaland” immediately recognised it. Needless to say that the various security forces started their operations against these revolted youths who were misled by Peking or Chinese. In 1969 the followers of the “Revolutionary Government of Manipure” were run away and some of them were arrested. \textsuperscript{106}

In 1972-73 some of those who had been detained were released from Jail. One section of released “Revolutionaries” formed a new party i.e. “Kanglei League”. This party did not follow the course of terrorism, it became an open party entering the battle of ballot. The other group, generally called the “hard core” maintained their secret set-up, rebuilding their organisation, extending their contacts both within and outside the country.\textsuperscript{107}

In 1973, a meeting of all insurgents elements – Chakmass (Chakma Liberation Front Bangladesh), Mizo, Nagas and Meiteis organised. The meeting held under the auspices of Peking Leadership. But; according to reports, it was held in Bangkok with collaboration of Peking Leadership and the CIA-Bangkok is known as the South-East Asian operational headquarter of the CIA.

In this meeting efforts were made from a common platform of the all the insurgent elements with a common ‘headquarter’, a common ‘command’ and common ‘strategy’, so that the insurgency in Nagaland, Manipur Mozoram and even Chittagong Hill tract of Bangladesh could be co-ordinated. But; there was

\textsuperscript{105} Supra n. 21 p. 50.
\textsuperscript{106} Id at 51-52.
\textsuperscript{107} Ibid.
problem of leadership which could not be solved. None of the insurgent groups accepted the leadership and at last the meeting failed to evolve the common organisation.\textsuperscript{108}

Meanwhile, as the old group disorganized, efforts were made to be organized the same. They soon come to conclusion that the method pursued by them was almost suicidal and imparting revolution and they could not get help from the Peking. The ‘revolutionaries’ ultimately into two groups, one headed by O. Sudhir kumar, known as the ‘Kangleipak’ and other group known as the Poirei Sena Leipak. Bisweswar Singh (Bishe) is identified as the main leader of this group. Both groups began to denounce each other and rivalry between them gradually assumed a fierce form.\textsuperscript{109}

By 1978, the Bisweshwar Singh’s group appeared to have become better organised with their “People’s Liberation Army” PLA and “Urban Guerilla Gang”. This group was responsible for the series of murders during 1978 and 1979. Bishweshwar Singh stated that he had some training in ceramic technology in Calcutta. He also went to Tibet as leading group of youth. In August 1979, a number of incidents took place in which a police station was raided and several policemen were killed and injured, a bank was robbed in daylight in the heart of Imphal. The Government of Imphal enacted a special Act under which the armed forces could be deployed in aid of the civil authorities and people could be arrested without warrant, residences could be sealed and searched at any time. The authorities came into action immediately and many of insurgents were arrested and rest disappeared. According to the Authorities some Insurgents and Gangs had crossed the border and gone to Burma. But, according to unofficial sources the whole gang had been operating within Manipur and these sources proved correct in the subsequent incidents.\textsuperscript{110}

\textsuperscript{108} Ibid.
\textsuperscript{109} Id at 54.
\textsuperscript{110} Supra n. 74. p. 142.
In course of interrogation some arrested youths disclosed their objectives that they want to strike terror and create dislocation of the administration and to seize power. Unfortunately, their objective of seizing power could not be realized as O. Sudhir Kumar with two of his associates, was shot dead in a tea shop in the broad daylight. In another incident, ‘urban guerillas’ whisked away one of their comrades who was injured in an encounter with the police from the Regional Medical College of Imphal. More than 5 Border security Force Jawans were killed in a daring action. A number of shops had been looted at gun point, one person was shot dead in the tea stall in the busy area of the city of Imphal, one police official on his way to office was fired upon and badly injured, one of the extremist youth was whisked away from the Court of the Sessions Judge, killing one policeman and injuring another and in the process one service rifle was also taken away. This was followed by another raid on a police station where one constable was shot dead and his rifles taken away.

On September 7, 1979, the Government declared 32 villages of the valley as disturbed and on October 26, 1979, Government notified a number of “terrorist bodies” as unlawful. But, today, there are, more than 10 separatist groups working in the Manipur.

(b) Insurgent Groups: Following insurgent groups are operating in Manipur:

(i) Hmar People’s convention (HPC) also known as HRF-Hmar Revolutionary Front.
(ii) Kuki Nation Front (KNF)
(iii) National Socialist Council of Nagalism I-M (NSCN-IM)
(iv) People’s Revolutionary Party of Kangleipak (PREPAK)
(v) United National Liberation Front (UNLF)
(vi) Chin-Kuki Revolutionary Front (CKRF)

Supra n. 58 pp. 55-56.
Ibid.
(vii) Hmar People’s convention (Democratic) HPC (D)
(viii) Islamic National Front (INF)
(ix) Indigenous People Revolutionary Alliance (IPRA)
(x) Islamic Revolutionary Front (IRF)
(xi) Kangleipak Communist Party (KCP)
(xii) Kuki Defence Force (KDF)
(xiii) Kuki Independent Army (KIA)
(xiv) Kuki International Force (KIF)
(xv) Kangleppak Kandba Kanglup (KKK)
(xvi) Kuki Liberation Front (KLF)
(xvii) Kangleipak Liberation Organisation (KLO)
(xviii) Kuki National Army (KNA)
(xix) Kuki National Front (KNF) (P)
(xx) Kuki National Volunteers (KNV)
( xi) Kuki Revolutionary Front (KRF)
(xxxii) Rem People’s Convention (KRPC)
(xxxiii) Kuki Security Force (KSF)
(xxiv) Kanglei Yawol Kanna Lup (Oken) KYKL(O)
(xxv) Kangli Yawol Kanna Lup (Toijamba) (KYKL) (T)
(xxvi) Manipur Liberation Tiger Army (MLTA)
(xxvii) Manipur People’s Liberation Front (Unified Platform of UNLF, PLA and PREPAK) (MPLF)
(xxviii) People’s Republican Army (PRA)
(xxix) People’s United Liberation Front (PULF)
( xxx) Revolutionary People’s Front (RPF)
( xxxi) United Kuki Liberation Front (UKLF)
( xxxii) Zomi Revolutionary Army (ZRA)
( xxxiii) Zomi Revolutionary Volunteers (ZRV).113

113 "http://en.wikipedia.org/wiki/Manipur"
(iv) Assam

Assam is considered as a gateway to the North-East and is connected to the main narrow patch of land measuring 28 km on its western side. It is also connected to North Eastern states and has a long border with two neighbouring countries Maynmar and Bhutan. Assam belongs to the seven sister regions of Southeast Asia, which consists of Arunachal Pradesh, Meghalaya, Manipur, Mizoram, Nagaland, and Tripura. A part of the rich north eastern legacy of India, the plentiful land of Assam, consists of magnificent hills and valleys and mighty rivers like the Brahmaputra and Barak.

Assam has been badly affected by armed insurgency over the last one and a half decades with various kind of insurgent groups like the Untied Liberation Front of Assam (ULFA), National Democratic Front of Bodoland (NDFB), Rabha National Security Force (RNSF), Bodo Liberation Tiger (BLT), Democratic Halam Daoga (DHT), United Peoples Democratic Solidarity (UPDS), Muslim United Liberation Tigers Association (MULTA), National Socialist Council of Nagaland (USCN) and the KNV. All these groups have their bases in Bhutan, Myanmar, and Bangladesh and other countries from where they operate killings and other sabotage activities i.e. bomb explosions, kidnapping for ransom extortion and murders which have had a serious bearing on law and order situation of the state.114

It appears that insurgency in Assam started due to the continuous immigration of landless people into the state.115 The people of Assam were also supposedly hurt by the dismemberment of the state into various provinces. Further, they had a

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114 B. Raman is additional secretary (retired). Cabinet Secretariat Govt. of India and currently director, inst for topical studies, Chennai and distinguished fellow and convener, observer Research foundation, Channai Chapter. E-mail. See also DR. (Col) P.K. Vasudeva (Retd.) "insurgency in north-east", Indian strategic Review, weekly Journal of Institute for Strategic Research and Analysis.
115 Ibid.
deep craving to have an identity of their own today. The problem of terrorism in state is still alive. It may be discussed in following parts.¹¹⁶

(a) Pre-Independence Migration Trends: The illegal migration flow to Assam started in the 1820s owing to the discovery of tea and it continues till date. After the discovery of tea in 1821, the British government took steps to convert the steamy verdant hill into rich tea plantations. Since 1826, there had been a regular flow of non-Assamese into Assam. In order to run the imperialist administration, clerks and officers were brought by the British company from outside the province particularly from Bengal. The Marwaris and Biharis in smaller numbers started trade and business in the Assam because of the opportunities created as a result of economic expansion under the British rule. By the end of the 19th century, there were 400,000 migrant laborers producing 145 million pounds of tea. Between 1911-21, the tea industry imported 7,69,000 labourers. Another 4,22,00 came during the next decade.¹¹⁷ The 1931 census indicated the presence of 14 lakh tea garden labourers in Assam.¹¹⁸

Both Hindus and Muslims also entered the Assam, but the influx of Muslims were much higher than the Hindus. The quantum of illegal migrants to Assam was phenomenal.¹¹⁹ The total number of Muslims in Brahmaputra valley in 1941 was 16, 96, 978 against the total Hindu population of 32, 22, 377. About 87 percent of the population in the Surma Valley were migrant Bengalis.¹²⁰

Line System: The government mooted the “line system” initially in 1916 which was implemented in 1920 to curb illegal migration to state. But, due to some shortcomings, the system failed to contain immigration flow. The Assam gazette extraordinary, of November 4, 1939 notified the new plan. Salient points of plan were as under:

(i) Settlement forbidden to both migrants and non-immigrants

¹¹⁸ Supra n. 114 p. 129.
¹¹⁹ Supra n. 117 p. 80. See also A M. Kar, "Muslim in Assam Politics" (1990) p. 12.
¹²⁰ Imperial Gazetteer of India vol vi (reprinted edition), (1908) p. 4.
(ii) Settlement was limited strictly to actual cultivators and in proportion to their individual resources, subject to a ceiling of 30 bigas.

(iii) The size of the protected areas should be larger. This was particularly applied to areas where the tribal belts and villages could be regrouped easily for protection.

(iv) Those who had settled before April 1, 1937 should be regularized, provided the settlers’ number in a village was not less than 15. After January 1, 1938, it banned settlement in wastelands by immigrants entering in Assam and decided to develop the land. In June, 1940 government advocated a development scheme to protect the interests of the Assamese.

In 1942, Saadulla returned to power and passed a new resolution on land settlement under the slogan “grow more food”. August 16, 1946 was observed by the Muslim League as “Direct Action Day” resulting in communal clashes in Sylhet. On March 24, 1946 the Cabinet Mission tried to prove that Assam was a Muslim majority province.

(b) Post-Independence Migration Trends :- The policy of the Muslim Leaders since Saadulla’s time has been to occupy the land for their ever-growing population. The post-independence migration trends further proves the fact that most of persons who infiltrated into Assam were from Bangladesh. Although the migration of people from within India to Assam continued unabated during this period.

(c) Birth of Insurgency :- The unrestricted trans-border movement of the cadres of extremist groups facilitated by the extensive porous border with Bangladesh and Bhutan, safe hide outs in Bangladesh Bhutan and Myanmar and the hilly terrain of neighbouring states have all contributed to the deterioration of law and order situation in the state. An insurgent movement is said to go through three major stages.

\[121\] Shekhar Gupta, Assam: A Valley Divided (New Delhi) (1908) p. 4.

\[122\] Supra n. 6.
(i) Legal-political stage: There is an initial legal-political phase, in which a political organisation attempts to gain power or achieve its political objectives legally.

(ii) Full-fledged outfits organisation: This second stage involves the evolution of the insurgent organisation into a fully fledged insurgent outfits.

(iii) The third stage sees the insurgent outfit in direct military conflict with the contour-insurgents.

In case of United Liberation Front of Assam (ULFA) the organisation took a different path than its own allied organisations, AASU and AGP, preferring to escalate to second level that of an insurgency. The United Liberation Front of Assam organisation formed in 1979 and developed its strength in upper Assam and engaged in the selective acts of extortion and terrorism. By the late 1980’s ULFA boasted of running its own parallel government in upper Assam. At its height, the organisation boasted of some of 1250 active members, with a numbers of sympathizers and political and tacit support in varying degrees from members at the ruling AGP, and a number of armed camps in upper Assam, on Indian soil. The evolution of ULFA into an organisation capable of running a parallel government met with little opposition from the Indian Army, in the beginning.

(d) Incidents of Insurgency: In November 1990, the Indian Army launched an operation called operation Bajrang against the ULFA organisations and destroyed several of its camps and crippled the organisation. In a follow up to Bajrang operation in Rhino, in September 1991, the hundreds of ULFA cadres were apprehended. The ULFA was practically back to the legal political stage. The four leading members of ULFA, however, remained at large. The commander-in-chief of ULFA, Paresh Barua who hails from Dibrugarh, and who represented Assam at the Junior level of Soccer, and was a one time aspirant for a national cap-vetoed suggestions that ULFA enter talk with the Central Government. The United Liberation Front of Assam (ULFA) organisation is

\[123\] Ibid.
run by a group of four, Abrabindra Rajkhowa, is the chairman, Pradip Gogoi, the vice chairman. The General Secretary is Anup Chetia, and more famous Commander in chief, Paresh Barua. Barua is more visible face of ULFA and one must assume that he has hold over among the four dint of his persuasive character. Currently at large in Bangladesh Paresh Barua was responsible for bringing ULFA back from oblivion. It is, therefore, likely that ULFA organization will continue on as an irritant as long as Mr. Paresh Barua remains at large.124

The present Government, therefore, has taken a hardliner approach to the problem of insurgency in order to bring about an improvement in law and order front by coming down heavily on the extremist outfits. Counter-Insurgency operations launched under the unified command structure’ consisting of the civil administration Army, Central Paramilitary Forces and the State Police with effect from 21.01.1997; have produced spectacular results.125

After humiliation at the hands of the Indian Army, ULFA changed their tactics and sought to align itself with rebel groups in Burma and with the dreaded National Socialist Council of Nagaland (NSCN). ULFA cadres are now based and trained in small, likely mobile groups or camps in Bhutan and Bangladesh. The Burmese Army evicted ULFA from its training camps in Burma. It appears that ULFA numbers have dropped to a few hundred armed insurgents, low morale.126

It is a true fact that from May 15, 1996 to till November 30,2000, as many as 5860 militants of different groups have been captured and 842 hardcore terrorists have been killed apart from this, a huge quantity of arms and ammunitions have been recovered from the different militant groups. This is a remarkable achievement on part of the State Government in its fight against terrorism against all olds. 367 Security Personnel laid down their lives in this fight against terrorism during this period. In the year 2000, a considerable success was achieved by

124 Ibid.
125 Supra n. 115
126 Supra n. 122.
police and a large number of ultras were killed and arrested in addition to recovery of a huge cache of arms and ammunitions from their possession. While there were numerous allegations of human right violations directed against the security forces and public attention has began to focus on the actions of insurgents of ULFA and the Bodo Security Force in Assam.\textsuperscript{127}

In July 1997, the kidnapping of the NGO Environmental Activist Sanjay Ghosh and his death at the hands of ULFA met strong public criticism. On August 6, 1997, the ULFA confirmed that Ghosh died in captivity. The Chief Minister of Assam and a High Court Judge in Meghalaya survived attempts to kill during the years. According to the Union Home Minister’s report of 1996-97, a total of 201 persons were killed in Assam between 1996 and March 1997. The United Liberation Front of Assam was responsible for 107 deaths and National Democratic Front of Bodoland (NDFB) was responsible for 174 deaths during this period.\textsuperscript{128} However, MASS, a human rights organisation in Assam with credible record, claims that during the period January 1 to July 21, a total of 202 people were killed in the State (of which 68 died at the hands of security forces and 57 were killed by the ULFA). Compilation of reports of killings from the press suggests that numbers may be even higher. There have been 532 incidents of the extremist related violence in the state from 1-1-2000 to 30-11-2000 which resulted in the killing of 362 persons, including 74 police/PMF/Army personnel and Kidnapping of 73 persons for ransom. There were 235 encounters between police/PMF and the extremists of ULFA, NDFB and BLT resulting in the death of 308 militants.\textsuperscript{129} During operations, police and PMF recovered 319 weapons of different types from the extremists in addition to cash amounting to Rs. 14,59,620/- The security forces also apprehended 1375 militants during this

\textsuperscript{127} Supra n. 6.
\textsuperscript{128} Four Prolonged Strategy to Deal with Assam Militancy "The Hindustan Times" (New Delhi) February 6, 2001.
\textsuperscript{129} Ibid.
period. On 21.8.1999, Bodo militants gunned down 5 persons and kidnapped 3 tea executives in Assam.\(^{130}\)

During counter-insurgency operations from 01-01-2000 to 30-11-2000, police/PMF have apprehended 918 ULFA, 222 NDFB, 9BLT, 48 UPDS, 20DHDA activities and killed 168 ULFA, 90 NDFB, 5 BLT, 5 UPDS and UDHD activists and recovered 269 arms of different kinds from the three insurgents groups.\(^{131}\)

The reasons for the indiscriminate killings are not clear. In the first place, if appears, that by such indiscriminate killings, the outfits are making a determined effort to disgrace the State Government, which has taken a hard line approach to the problem of insurgency.

(ii) Plauged by the ideological differences cropping up between the middle and lower cadres of the outfits with the top brass compelling some of middle and lower level functionaries to return to the main stream by laying down arms, the outfits have suffered a great setback and are indulging in more and more killings in a desperate bid to prove their existence and to boost up the sagging morale of their remaining cadres.\(^{132}\)

(iii) The top Brass, including a section of hardcore cadres of the outfits, do not want the peace process initiated by the State Government to succeed and they have perpetrated the gruesome violence to derail the on going peace process.

(iv) Public of the state is rising in revolt against the outfits, the frustration and desperation of the outfits seem to have reached the limit.\(^{133}\)

\(\text{e) Link with ISI :-} \) Currently United Liberation Front of Assam (ULFA) has probably developed linkages with the Pakistan intelligence agency – ISI. The Assam police gathered sufficient evidence of Inter Service Intelligence’s involvement in spreading violence and terrorism in the State. The Assam police is in possession of the evidence to prove the nexus of the top ULFA leadership

\(^{130}\) ibid.

\(^{131}\) ibid.

\(^{132}\) ibid.

\(^{133}\) ibid.
with certain officials of the Pakistani High Commissioner in Dacca. According to the confessional statement of scores of arrested ULFA leaders, including their self-styled vice-chairman Pradip Gogai, presently lodged in Jail, the Pakistani officials in their High Commission in Dacca arranged for passports in various Muslim names and sent them to Karachi. During the Kargil conflict in 1999. The Untied Liberation Front of Assam (ULFA) issued a statement condemning the Indian Government’s role in Kashmir. The language of the statement was exactly same as that issued by the dreaded organisation the Harkat-ul-Mujahideen, a Pakistani based and controlled by the Pakistani agency – ISI.134

Another sufficient evidence is the arrest of four ISI operatives and agents by the Guwahti Police in the Middle of 1999. It shows that a section of Muslim religious leaders and youths from Goalpara Dhubri, Barpeta, Nalbari etc. districts have been making trans – border movement to Pakistan via Bangladesh for arms and ammunitions and explosive training organised by various Pakistani and Afghanistani terrorist outfits like, Harkat-ul-Jehad, Harkat-ul-Mujahideen and Laskar-e-Toiba, as per the plans of ISI.135 The recent arrest of Nanu Mia alias Bilal, a Bangladeshi, an activist of Harkat-ul-Mujahideen led to a sensational revelation that Fakaruddin alias Akram Master of Barpeta, the Amir, Hum of Assam, based in Pakistan came to Assam along with 20 other Harkat-ul-Mujahideen activists to attempt a jail break to free Quari Salim and other HUM activists presently lodged in Jails of Assam. This clearly indicates the involvement of ISI in the Assam. The top ULFA Leadership has been in close associated with officers of Pakistan’s ISI agency, who have arranged for passport in various names and travel to training camps run by the ISI and its affiliates.136

134 “ISI-backed Militants Group Busted in Assam” The Daily Hindustan September 26, 1996.
136 Ibid.
(f) Recent killings

In 2000, more than one hundred Hindi speaking citizens of the State were killed by the suspected militants in a series of attacks.

In November 2003, in a week long wave of ethnic violence in state at least 33 people were killed. On 8.8.2006, six persons were injured in blast. This the second time in recent year that Hindi-speaking people have been targeted in Assam. The suspected militants killed at least eleven workers and injured two others in a single attack. Men riding motorbikes and armed with automatic rifles gunned down a group of Hindi-speaking labourers from Assam’s neighbouring State of Bihar. In another incident four women and 2 children of a single family were killed. Earlier four people were shot to dead and several others wounded when suspected militants opened fire on a group of men who were watching a cricket match in Dubai town. All victims came from neighbouring Bihar State. The violence erupted when mobs began looting homes and assaulting people from Bihar, promoting thousand of Hindi-speaking settlers to seek refuge in police stations. In January 2007, ULFA militants shot dead 26 people and injured 5 others in three separate attacks in Tinsukia and Dibrugarh districts. On 7.8.07 three more shot dead all were Hindi speaking persons.137

➢ On January 6, 2007, ULFA gunned down 26 more innocent people and damaged the railway track.138
➢ On May 2007, at least 16 persons including a CRPF Jawan and a 10 year old boy were injured when suspected ULFA ultras detonated a bomb at Fancy Bazar in the heart of Assam’s capital city.139
➢ On May 15, 2007 ULFA militants killed 13 Hindi-speaking people in Dibrugarh and Sivasagar district of Assam.140

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137 Ibid.
139 16 hurt in Gauhati Blast”, The Times of India (New Delhi) May 6, 2007.
On May 16, 2007, ULFA militants gunned down three Hindi speaking traders in two separate incidents at Ghaladhari and Dishoi Tiniali in Golaghat district at 7 pm.141

On May 17, 2007, at least 20 persons were injured when members of the banned United Liberation Front of Assam (ULFA) set off a bomb near the central jail in Fancy Bazar.142

On May 21, 2007, at least 13 persons, including a minor boy, were injured when ULFA triggered a blast in the heart of Bongaigoen town in western Assam.143

On May 26, 2007, at least 7 persons were killed and 25 others hurt as a blast triggered by ULFA militants rocked Anthgaon areas in the heart of the city.144

On June 3, 2007 as many as four Assam Police personnel were killed when some identified militants attacked their vehicle with a Rocket Launcher at Dilai falling under Bokagan Police station of Karbi Anglong hill district of Assam.145

On June 4, 2007, two senior congress leaders were killed in an ambush by identified insurgent at Langlai basti.146

On June 6, 2007, one more leader killed by insurgent.147

On June 13, 2007, two persons, including an ULFA militant were killed and 30 civilians were injured in the separate incidents of violence in the state.148

142 "20 injured in Guwahati blast” The Tribune (New Delhi) May 19, 2007.
146 Bijay Sankar Bora “2 senior Leader congress killed” The Tribune (New Delhi) June 5, 2007.
In another incidents three persons were killed and a large number of houses torched when armed miscreants from Nagaland swooped down on two bordering villages in Sivasagar district of Assam in the wee hours. Dr. P.C. Ram Food Corporation of India (FCI) officer was abducted and killed.

On August 4, 2007 at least 33 persons were injured, in three incidents of bomb blasts triggered by ULFA in Assam.149

(g) Government Response :- ULFA was held responsible by the State-Government for recent killings in Assam. The State Government blamed the killings by an outlawed militant group known as the United Liberation Front of Assam (ULFA). It is a powerful group fighting for an independent nation for the Assemese people, who are ethnically distinct from India’s Hindi-speaking majority, and who speak a different language than the national language, i.e. Hindi. The militant group warned all Hindi speaking settlers to leave the State or face retaliation. Since then, sporadic attacks targeted on these settlers, claiming many lives and wounding dozens. The thousands of Bihari settlers have fled the state and hundreds of others have taken shelter in the relief camps established by the State Government.150

Assam’s Chief Minister, Tarun Gogoi, has appealed for restraint and calm. He also urged the federal government to provide more security forces. The ethnic violence in state boiled over when Assamese youth attacked and prevented Bihari candidates from taking recruitment tests for jobs on the State-run-undertaking.151 Assam has a history of the resentment against outsiders, whom local Assamere blame for taking away scarce employment opportunities. Assam is rich in sources.152

150 http://www.insurgency in Assam/ B/Raman/Chennai chapter/ E-mail.
151 Ibid.
152 Ibid.
In June 1, 2005, a year long cease-fire pact between the Indian government and a tribal separatists group in the north-eastern Assam was held with a mid hopes of ending nearly two decades of violent insurgency in the region. The cease-fire with the outlawed National Democratic Front of Bodoland (NDFB) came into effect with military calling off its operations against the group. The National Democratic Front of Bodoland cadres will disarm and live in designated camps as per the pact. The Indian Government and top leaders of the NDFB signed a ceasefire accord in New Delhi that was expected to bring the curtains down to a violent campaign for a homeland for the Bodo tribes in Assam that left thousands dead since 1986.\footnote{Ibid. See also S.K. Ghosh, op cit pp. 245-246.}

The Government (New Delhi) also invited the State's other Front line rebel group, the outlawed United Liberation Front of Assam (ULFA) for the peace process talk although the outfits wants four of their jailed leaders to be released as a pre-conditions for the negotiations.\footnote{Ibid.}

On the initiative by the noted Assamese writer Indra Goswami, the ULFA chairman. Arvind Rajkhowa declared the formation of all member People’s Consultative Group (PCG) headed by herself. Indra Goswami is continuing negotiations with the Union Government on behalf of the Group. Two rounds of negotiations have already taken place between the Government and PCG. Prime Minister, Dr. Man Mohan Singh took part in the first meeting to reflect the seriousness on his part.

The modalities are yet to be worked out as to how the ULFA leadership will come over ground to take part in the talk in place of the PCG.\footnote{Ibid.}

But two days after six ULFA cadres were shot dead by the security forces in Assam and Meghalaya, Lachit Bordoloi, the spokesmen of the ULFA nominated people’s consultative Group (PCG) said the body would be “constrained to

\footnote{Ambarish Dutta, “With Congress Back, ULFA Takes on Course”, The Tribune (New Delhi) February, 2006.}
declare further continuation of the peace initiative as meaningless” unless there was an immediate halt to operations by the Army. Further PCG spokesman Bordoloi claimed that “the armed forces and state police had let loose a reign of terror in the name of so-called operation which has threatened to derail process”. He also accused the center of “betraying the peace initiative”.

Noted Assamese writer Indra Goswami who has played a key role in initiating contracts with the ULFA, also, condemned the killing of Six rebels, she, however, urged ULFA chairman Arabinda Raj Khowa to expedite the peace process. She further said that “if such killings and operations continue, the future of the peace process could be jeopardized.

The Chief Minister Taran Gogoi offered ULFA a direct invitation for talks. He further said that the union and Assam governments were keen to usher in peace and “end hostilities” but the ULFA should establish direct contact with the authorities for talks. He, however, said that “there has been no direct contact with the ULFA so for even though the peace process is on and we are only negotiating with a third party (PCG)”. Gogoi said “the moment they establish contact we will release the jailed cadres as demanded and go for a ceasefire to end hostilities”. He reiterated that there should be sufficient ‘indication’ from the ULFA that it is interested in parleys and a cease fire, we are sincere and we want talks for the sake of hastening peace, but there should be a similar gesture from the ULFA’s side.

He said Mizoram was the sole exception where any such talk ended on a positive result of permanent peace.” Show me one example beside Mizoram where it has been resolved through dialogue” he asked. At present at least two dimensions of the army (20,000 troops), over 10,000 paramilitary personnel besides 50,000 odd Assam policemen remain engaged in the battling against United liberation

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156 Zee News, Assam govt, tells ULFA to make direct contact for talks, 2006.
157 Ibid.
158 Ibid.
Front of Assam and to a lesser extent Nation Democratic Front of Bodoland (NDFB).\textsuperscript{159}

(v) Tripura

Tripura is the smallest of the hill states in north-east India and also the second smallest state in the Indian Union. Tripura is the princely state and the homeland of a number of tribes, living at different level of socio-economic development and speaking a number of dialects. Tripuris are the major tribes, with the Koloi and the Rupini as their subtribes. Marcham, Kaipeng, Usui, Mura Singh and some Garos and a very small numbers of Kharis.\textsuperscript{160}

Tripura became a full fledged state in 1972, before that it was a Union Territory or a Union Territory since 1956, Tripura became a state in 1972 encircled by Bangladesh on all sides, except in the north-east where it is bounded by Assam and Mizoram. Tripura has an area of 10,486 sq. km. (4050 sq mi).

(a) Insurgency in Tripura :- Tripura, State has been in the grip of insurgency for over two decades. There has been deep resentment among tribals over the demographic imbalance in the state manifested in the majority status of non-tribal Bengalis as a result of influx of refugees from the erstwhile East Pakistan (Present Bangladesh) and perceived threat to their identity, culture and tradition. But, the beginning of communal clashes involving Hindus and Muslims in British-ruled East Bengal (later East Pakistan and now Bangladesh) from 1943 led to a trickle of influx into princely Tripura from neighbouring Chakla Roshanabad, area, A Zamindari of Tripura kings spread over present Comilla Brahman Baria districts in entirely and parts of Habiganj, Syllet and Noakhali districts in present Bangladesh. The kings welcomed the refugees as they were their subjects and helped them settle down here. But, as communal clashes grew in intensity over


Muslim League’s demand for Pakistan, influx from other parts of East Bengal also started. In fact, the Bengali refugees had started coming to Tripura in 1939 after vicious communal riots in Dhaka. This became a precedent and refugees poured after the 1946 riots and again after partition. This influx led to the increase of the state’s population from 5.1 Lakhs in 1941 to 11.4 Lakhs in 1961.

(b) Major Outfits: There are many major outfits operating in the Tripura.

(i) Tirpura Upajati Yuva Samiti (TUYS)
(ii) Tripura Upajati Juba Samiti (TUJS),
(iii) National Liberation Front of Tripura (NLFT)
(iv) All Tripura Tiger Force (ATTF), Tripura National Volunteers (TNV) etc.

A large section of educated tribal youth formed the “Tripura Upajati Yuva Samiti” (Tripura Tribal Youth Association) in 1967. These unhappy tribal youths demanded to recognize of their language, Kak-Borak and creation of a separate autonomous districts for the tribals.

(c) Major Incidents: On June 1, 1980, a call for Bazar Boycott to arouse their hatred against non-tribals by the Tuys or Tujs was given. According to the Chief Minister even three days before June 1, 1980 the TUJS/TUYS extremists had started attacking on non-tribals. Between May 29, 1980 and June 5, 1980 at least 12 non-tribals were killed and bombs exploded in different areas. This was especially deplorable as the state’s inefficient police force of 6000 was quite inadequate to cope with the situation. On June 6, 1980, there was quarrel between a Bengali Shopkeeper and two tribal communities in Lembuchera market. As members of both communities were present, it took soon the shape at a clash. The violence soon overwhelmed the western and southern parts of Tripura appears to be pre-planned. The Mandari Bazar, only 35 km from Agartla, was the worst affected where over 300 Bengalis were butchered under a pre-meditated

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161 Supra n. 9.
162 Ibid.
163 Ibid.
and planned strategy. These massacres continued unchecked for 3 days more and perhaps over a thousand of Bengalis were killed. The Bengalis were not prepared soon they started revenge against the tribals.\textsuperscript{164} It was terrorism pure and simple first to frighten the Bengalis and then to frighten the tribals.\textsuperscript{165}

In 1983, there were about 50 clashes between the security forces and the terrorists and about 30 persons were killed in these clashes.

In 1984, the number of clashes increased and about 50 persons were killed and in the same year, the Union Government, under Mrs. Indira Gandhi, set up a high level team, under a major General, to evolve a Plan for fighting tribal terrorism. This plan visualized a much greater presence of CRPF battalions but it conceded on Mr. Nirpen Chakravarty’s main point that the Disturbed Areas Act, giving sweeping powers to the Armed Forces, need not be applied and that the situation should be controlled by para-military forces, working under control of the State Government.\textsuperscript{166}

In early April 1985, the outfit made an ambush at Saikaria in Tripura, which claimed 6 lives of the security forces. According to the ‘hit list’ of terrorists, there were about 50 names in it, the prominent one was the Dy. Chief Minister Dasarath Deb. In May 1985, there was a sense of insecurity in large parts of Tripura due to terrorism practiced by the Tripura National volunteer (TNV). According to statistics available to the press for period 1984 to April 1985, there were about 5 cases of ambushing security personnel and 61 other incidents in which 146 and 31 members of security personnel was further reported that 303 rifles 26, SLRs 14, stengun 8, Revolvers 3 and LMGs 3 were seized by the terrorists.\textsuperscript{167} The congress party in opposition was deeply interested to extending the Disturbed Areas Act to the whole state but the state government was opposed to it.\textsuperscript{168}

\textsuperscript{164} Ibid.
\textsuperscript{165} Supra n. 102 pp. 147-148.
\textsuperscript{166} Ibid.
\textsuperscript{167} Ibid.
\textsuperscript{168} Ibid.
On August 10, 1988, the Tripura National volunteers (TNV) headed by Bijay Kumar Hrang Khawal surrendered before the Authorities and more than 6600 militants formally surrendered before the government functionaries and security forces. But according to the government’s own estimate, the TNV had just about 800-900 militants.169

In 1990, Tripura witnessed a surge in terrorist activities. The Union Government blamed on Bangladesh for providing a safe haven to the insurgents operating from its territory. The area under control of the Tripura Tribal Areas Autonomous District Council was increased after a tripartite agreement between New Delhi, State Government of Tripura and Council. The government has since been brought the movement under control though certain rebellious factions still linger.170

In 2002, According to the official statistics 123 civilians were killed in the state during the first five months and 144 in whole the year. Incidents of kidnapping have also increased about 86 persons were kidnapped during the first five months of this year and 201 during the whole year.171

In 2003, 195 civilians, 39 security forces and 61 terrorists were killed.

In 2004, 66 civilians, 38 security forces and 63 terrorists were killed. On December 28, 2004, in one of the biggest militant strikes in the recent year in Tripura, the outlawed National Liberation Front of Tripura (NLFT) guerillas killed 17 people, including 16 Territorial Army Jawans and shot at two others at Dangabari in South Tripura District. The militants also took away 16 sophisticated weapons from the slain Jawans before leaving the area.172

On August 20, 2004, the National Liberation Front of Tripura, (NLFT) attacked the Tripura State Rifles (TSR) Jawans at Hirapur in which 21 Jawans were shot down by terrorists.\footnote{173 The Tribune (New Delhi) August 21, 2004.}

In 2005, about 73 people were killed including 34 civilians, 8 security forces and 31 terrorists. Till August 2006, total 34 people were killed including 5 civilians, 6 security forces and 23 terrorists.

\textbf{(vi) Mizoram}

The origin of the MIZOS, like other tribes in the North-eastern India is shrouded in mystery. The generally accepted version is that they came from China and moved into India to their present habitat. It is also said that the Mizos came from Shinlung or Chhin Lungsan located on the bank of the river Ya lung in China. They first settled in the Shan state and moved on to Kabaw valley to Khampat and then to the Chin Hills in the middle of the 16\textsuperscript{th} century.\footnote{174 http://www/History of Mizoram.htm.}

The earliest Mizos who migrated to India were known as Kukis, the second batch of immigrants were called new Kukis. The Lushais were the last of the Mizo tribes migrated to India. The Mizo history in the 18\textsuperscript{th} and 19\textsuperscript{th} century is marked by many instances of tribal raids and retaliatory expeditions of security. Mizo Hills were formally acceded as part of the British-India by a proclamation in 1895. North and south hills were united into Lushai Hills district in 1898 with Aizawl as its head quarters.\footnote{175 Ibid.}

During the British regime, a political awakening among the Mizos in Lushai Hills started taking shape the first political party, the Mizo Common People Union was formed on April 9, 1946. The party was later renamed as Mizo union. The Constitution Assembly of India setup an Advisory Committee to deal with matter relating to minorities and the tribals. A sub-committee, under the chairmanship of Gopinath Bordoloi was formed to advise the Constitution Assembly on the tribal affairs in the North East. The Mizo Union submitted a resolution of this sub-
committee demanding inclusion of all Mizo inhabited areas adjacent to Lushai Hills. However, a new party called the United Mizo Freedom (UMFO) came up demand that Lushai Hills should be joined to Burma after the Independence. Bordoloi sub-committee's suggestion was accepted by the Government and enshrined in the Six Schedule of the Constitution. The Lushai Hills Autonomous District Council came into being in 1952 followed by the formation of bodies led to the abolition of authority in the Mizo society. The autonomy however met the aspiration of the Mizos only partially, therefore, representatives of the District Council and the Mizo Union pleaded the states reorganization. The District was worst affected for a famine in the same year which led to the formation of Mizo National Famine Front (MNFF). The youths of this organisation assisted in transportation of rice and other essential commodities to the affected villages as the authorities had miserably failed.

(a) Problem of Insurgency: The Mizo National famine Front (MNFF) dropped the word 'Famine' and a new political organisation, the Mizo National Front (MNF) was born on October 22, 1961 under the leadership of Laldenga with the specified goal of achieving sovereign independence of Greater Mizoram. The insurgency in Mizoram burst out in the midnight of February 28 March 1, 1966 when Aizawl, the headquarter was captured by the rebels under the leadership of Laldenga, Secretary of the Mizo National Front. Aizwal was cut off from the rest of the country even the wireless contact was lost because the transmitters were destroyed. The small police force failed to take action against them. Till now the Mizoram was remained a crime free district of Assam and even during the British rule there was no jail and criminal court had no functions. Therefore, it was thought that, there was no need for maintaining a large police force.

176 Ibid.
177 Id at 5.
The insurgents, however, slipped away to other countries due to pressure built up by the forces. The Mizo National Front’s men took shelter in their new heaven in the East Pakistan and a large number of them in Chittagong, the port of the east Pakistan (now in Bangladesh) They set up their camps in Hill in Arakan. They could not sufficiently operate their function due to the operations of the security forces and they sneaked out to their hideouts on the other side of border. After sometime, a large number of men of Mizo National Front (MNF) were arrested and detained. Many of them were killed in the encounter with security forces.\textsuperscript{179}

The Mizo National Front (MNF) became a weak and it requires money, food, clothes, medicine, arms and ammunition for its survival. How do the MNF manage all these resources? Who can supply them all these? There was evident that Pakistan was the source of their supplies. Pakistan supplied all these to Mizo Nation Front(MNF).\textsuperscript{180}

From 1966 to 1971 the then East Pakistan remained the operational headquarter of the Mizo National Front Mr. Laldenga, supreme leader of the Front, shuttled between the Dacca and Karanchi, procuring all needs of the insurgents in between, they set-up a ‘Government’ like the ‘Federal Government’ of Nagaland and ‘Revolutionary Government’ of Manipur, and its ‘Army’ came to be known as the ‘Mizo National Army’. This coordinated operation continued till 1971.\textsuperscript{181}

Meanwhile the life of the Mizo National Front men in Chittagong became uncomfortable due to many of the human needs/requirements of young people could not be met. But requirements were real there was also some clashes between the local people and the Mizo National Front men. Due to this, the movement of the Mizo National Front in the Chittagong was restricted within the certain fixed limits and they were gradually segregated from the local people who were no longer as hospitable as they were earlier. The Birth of Bangladesh,

\textsuperscript{179} Ibid.
\textsuperscript{180} Id at. 64.
\textsuperscript{181} Id at 65.
however, was a setback to the Front as it was the Maga insurgents and their patrons also. The MNF men moved further east and setup their new operational base in the Jungles of Arakan.\footnote{182}

Laldenga had fled to Dacca before the liberation of Bangladesh and setup a new “Head Quarter” in Karachi in Pakistan. Meanwhile the “Chakma Liberation Front” came into form in the hills of Chittagong, the homeland of the Chakmas. Pakistan also helped to this, Front. This Front started to fight for their ‘liberation’.\footnote{183} Till August 1975, when Sheikh Mujib was assassinated this Front was often on the run.\footnote{184}

Meanwhile Laldenga went to Europe from Karachi. He was admired to change their tactics because his men were alienating themselves more and more from the masses of people. However, financial condition of the Laldenga became very critical and the over ground outfit of the MNF found their operation extremely difficult. Due to this, Laldenga was losing his grip over the set-up of Front.\footnote{185}

On August 20, 1975, Laldenga wrote letter to Prime Minister Mrs. Indira Gandhi. According to letter he assured to Prime Minister that ‘Sovereignty’ for Mizoram would no longer be demanded and that he is willing to negotiate with the Government of India without any pre-condition. Laldenga was reciprocated by Government of India. They argued for talks Laldenga contacted the Indian Embassy in Rome and through that channel his journey to India was planned.\footnote{186}

In January 1976, laldenga came to India and landed in New Delhi. On reaching New Delhi, he again wrote letter to then Home Minister. In that letter he reiterated what he had written earlier. A protracted negotiation started between him and Government of India. On March 31, 1976, a convention was held in Calcutta in which was it decided to continue the negotiation with the Government

\footnote{182}{Id at 66.} \footnote{183}{Ibid.} \footnote{184}{Ibid.} \footnote{185}{Id at 68-69.} \footnote{186}{Ibid.}
of India. On July 1976, an agreement was held between MNF led by Laldenga and Government of India. In that agreement the Front renounced its demand for 'sovereignty' for Mizoram and Mizoram was accepted as an integral part of India. It was further resolved to discuss all problem within the framework of the Constitution of India.

Laldenga pressed the demand that then Government of Mizoram be dissolved and an interim government may be formed and he may also appointed as head of the government. The Government of India did not accepted this demand. On the other side Laldenga. Due to this Laldenga found himself completely isolated and frustrated. In 1978, Assembly election were held and People's Conference Party won 23 seats out of 30, claiming absolute majority and started to function. But within 6 month the Government was toppled. This also resulted in the split of the ruling party people's conference.

In the meantime Laldenga sent a message to the MNF head quarter that he had not made any agreement with the Government but he had only made a statement. He also directed to resume the insurgency. On getting the message of Laldenga, the Front allowed him to join the MNF. Laldenga once again joined the Front and was also elected the chief of the Mizo National Front. But, Laldenga was yet to establish that he was the key figure in the politics of Mizoram. In the meantime there were fresh elections to Mizoram Assembly and Laldenga gave a call of Boycott of the election. But, there was a massive participation in the election which showed that the people cared a little for Laldenga's call.

(vii) Arunachal Pradesh

Arunachal Pradesh was given a separate political status as a Union Territory in 1972. Later, in February 1987, it was raised to the status of a State: Although a comparatively peaceful state, the influx of the Chakmas from the

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187 Ibid.
188 Id at 72.
189 Id at 73.
190 Ibid.
191 Ibid.
Chittagong Hill Tracts of Bangladesh has resulted in the growing incidence of terror and violence between the local tribals and the Chakma tribals. There are reports about efforts being made by Pakistan to unite all the active secessionist militant organizations to foment trouble for India. Pakistan's notorious Inter Services Intelligence (ISI) agency has been directing operations from Bangladesh, and has set up training camps for the ULFA, NSCN and other insurgents.  

4. Problem of Naxalism  

(i) General: Naxalism exploits innocent people to breeds violence. It is barbaric, uncivil and believes in disturbance. It is against the democracy and decency. "Naxalism" entered in Indian ideological discourse in the decade of the 1960s. It was a movement for ownership and occupational justice in rural areas that received strong intellectual support in institutions of higher learning. As a protest movement, it signified a striking failure of democratically legitimated resolve to find out solutions for agrarian problems by implementing meaningful hand reforms. There was massive failure of mandates. It was a strong message of gathering disillusionment among the youth about the quality of our democracy. In the last three and a half decades, Naxalite movement has seen ups and downs. Mainstream politics has failed to absorb it. The lunch of the current phase of economic reforms has seen the "Naxalite" movement extending itself within the old domains and going over to new areas. The Andhra Pradesh which is strong hold of this ideology, slowly gave birth to CPI-ML (Liberation) which is apparently more amenable to democratic process.  

The Naxalite movement, representing the rural poor, originally started as an Armed Peasant Struggle in the Naxalbari subdivision of the Siliguri district of West Bengal and spread like forest fire to Andhra Pradesh and Kerala. Political repression of movement succeeded temporarily but the underlying social issues

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192 Supra n. 60 p 259.  
194 Ibid.
remained. The movement continued to retain its presence. Today, it is active in several states and in over 125 districts with a strong base among the tribal population and, with some 18,000 armed cadres, is perhaps the largest single armed group in the country. The Social issues behind the movement have only become more pressing than ever before, given the intensity of the agrarian crisis in the country today. The Naxalite movement is especially strong in the backward regions of Andhra Pradesh and other states.\textsuperscript{195}

Naxalites have retaliated by virtually declaring a war against “Salwa Judum” (peace campaign/organisation), a volunteer-based action by the adivasis sponsored by the Chhatisgarh Government. From ‘Amar bari, tomarbari; Naxalbari, Naxalbari!!!’ following the May 25, 1967 peasant uprising led by the CPI-ML in Naxalbari in the West Bengal to clashes with caste senas in Bihar to “Salwa Judum’ has been along Journey for Naxalism in India.\textsuperscript{196}

The Prime Minister gave strong expression to his views on the rising “Naxalite” problem while inaugurating a seminar on “press and the nation” in Hyderabad on August 21, 2005. That “there was no grievance, howsoever extreme and desperate, that could be redressed through democratic means and sustainable dialogue. Every political group that claimed to represent the people’s interests must test its popularity at the hastings”. “Go, ask the people to vote for you and support you. Come to the legislature and enact the laws that you wish to see in peace.” Again, “in a democracy the power of the people flows through the ballot box and not from the barrel of a gun.” Finally, he asserted that extremism in any form based on any divisive ideology of hatred could not be tolerated in a civilized democratic society. “Faced with such terror tactics” asserted the Prime Minister, “the government will have no other option than to fight such groups and their ideology of hatred.”\textsuperscript{197}


\textsuperscript{197} \textit{Ibid.} see also \textit{The Hindu} (New Delhi) August 22, 2005.
These well meaning ideals escape the reality of the two concept of “Scepticism” and “pluralism” as the defining elements of India’s national culture, eulogized by the Prime Minister Dr. Man Mohan Singh, besides, ideological divisions run their own course. Naxalism is a disruption of our political system. To that extent, it has provided enough warning for decades that the existing system needs to reform, attitudinal as well as structural. Our politics, unfortunately, is as yet not taking that warning seriously or on Top Priority.  

(ii) Reasons for Growth of Naxalism -: There are some reasons for growth of Naxalism which have been discussed as under:

(a) Naxalism as Ambiguity of Social Policy and Ineffective Administration :- Naxalism is rising in the States due to the ambiguity in social policy and ineffective administration of the government of state and central India’s post-colonial transition had a strong policy direction for gradual softening of social stagnation and discrimination of centuries. Genuine growth break thought did place after half-a-century one percent against growth under colonial rule. This might have accelerated if the country had not tolerated growth of social discrimination and sharper disparities. From the mid-seventies of the last century, however, economic growth accompanied with generation of sharper disparities gained in strength. The middle groups in the social order had, by then mustered enough resources to contest this development and the leadership of the higher social order. They were the largest beneficiary of the unfinished agenda of land reforms. This gave them gradual control over bureaucratic power. Their leadership did not; unfold any mission of inclusive economic development. Even agriculture, in which they had dominant stake, started showing slow growth despite the reversal of the poor monsoon cycle. Naxalism’s gain in strength exposes this weakness. The Scheduled Castes, Scheduled Tribes and non-dominant OBCs are the backbone of this movement. Agrarian problems and
dignity for the marginalized groups including women, are at the root of the struggle as this movement is spearheading. It is known that the movement engages in reprisal killing. Land and water justice and assertion of dignity for their women are high on their ideological agenda. This reactive aggression follows oppression of the suppressed and collusion of the police and the revenue authorities with oppressors.200

The repressive policy towards the Naxalite movement in Andhra Pradesh was matched by the portrayal, by definition of the movement as the threat to the security of the state by the intelligence machinery at the central level. The social justice issues underlying the movement were ignored in this portrait, which preferred to emphasise the ideological, organizational and the policy issues in debate within the movement at the cost of the former. The intelligence machinery at the Central, State and district levels is composed of top police officers of the Indian Police Services (IPS) cadre, more at home with analysis the interpretations of the Naxalite movement emanating from the state and the central intelligence machinery coincided in laying stress on the need for increased manpower, mobility, fire power, tactical flexibility and so forth on the part of the police forces to tackle the Naxalite movement ignoring or by passing other issues such as land, wages, social, dignity.201

During the 1960s, which saw the beginning of social turbulence in the country, L.P. Singh, a farsighted union Home secretary, realizing the inadequacies of ministry, which had functioned till then as a basically law and order outfit, and appreciating the need to bring social science inputs in to policy-making, had set up the Research and Policy (R&P) division in the ministry to supplement and complement the inputs provided by the Intelligence Bureau (IB) essentially a policy agency. The first major report produced by the Division was on “The causes and nature of Agrarian Unrest” in 1969, in the wake of the ‘Green

200 Ibid.
201 Supra n. 3.
Revolution' and emergence of the Naxalite movement. The report warned that the 'Green Revolution' could well turn into a 'Red Revolution' if appropriate measures were not initiated in the agrarian sector.\textsuperscript{202}

During the eighties, the studies of agrarian has been made by the Division, in the two selected districts of two states in country, with the help of eminent scholars. The preliminary analyses of the preconditions for the emergence of social movement of the rural poor led by the Naxalite activists were found out and these were later refined and published. The findings of eminent scholars and species were confirmed. Gerrit Huizer, for example, formulates the preconditions for the emergence of social movements of the rural poor in the terms as under\textsuperscript{203}:

(i) The occurrence of a Blatant case or situation of injustice or disadvantage that is, a deterioration of the actual situation or raising of false hopes of improvement.

(ii) The availability of able, charismatic leaders who can voice discontent and indicate steps for correction of grievances and inspire the poor to action.

(iii) Some measure of tolerance by the state or active supporting urban allies such as politicians, developers workers and intellectuals in coping with the effects of the state is hegemony of law and order.

(iv) With a consequent greater intensity of political assertion and severity of police repression.

The studies further found that social movement of the rural poor usually originate by articulating demands which corresponds to the most concretely felt grievances and needs when the state machinery, instead of responding positively to the demands, tries to block the growing movement, it becomes more radical, or when their reasonable demands are ignored or suppressed then they lead to the way of Naxalism. When they gain some momentum and are violently suppressed

\textsuperscript{202} Ibid.
\textsuperscript{203} Ibid.
through the intervention of state, they tend to become more militant and begin to use violence to counter state violence, which is perceived as illegitimate. This is basic pattern of development of social movement of the rural poor.204

(b) **Ineffective Role of the Indian Police** :- The role of the Indian police has been ineffective in the Naxalsite affected areas (states). Arnold expresses the function of the Indian police as state servants and not public servants. Its coercive disposition and strength together with the frequent use of state violence, its close identification with propertied interests and so on. This context shows that the interface of state apparatus at the cutting edge level with the struggles of the rural poor to organise themselves for assertion of their human, social and legal rights under the constitution and general and specific laws of the state.205

The role of police, in the affected areas of Naxalism, has been very miserable and inhuman with inception. They never try to solve the reasonable and justiceable demands of the people. They generally play a crucial role in the areas. The role of Police and administration is illustrated below:206

(i) In the course of field work in one state, a case came to light in which a village landowner forcibly occupied a small plot of land belonging to scheduled caste agriculture labourer who was indebted to him (the landowner). The agricultural worker attacked the landlord in anger and in return the latter had no difficulty in getting him arrested by local police officer that belonged to the same caste.

(ii) In another case in the same state a village milk cooperative society was organised by some educated unemployed youth belonging to the scheduled castes. The local landlord who controlled the milk supply to the village could not tolerate this assertion of independence on the part of the scheduled castes and got them arrested by a local police officer

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204 Ibid.
205 Ibid. See also Major Gen Samay Ram (Retd), "Tackling of insurgency and Terrorism" (2002) p. 30.
206 Ibid.
who belonged to his own caste alleging that they were involved in Naxalite activities.

(iii) In another case in another state, a local landlord was under attack by a group of scheduled caste activists for his exploitative practices. The official machinery and police extended assistance to him (landlord) to organize a “self-defend squad” against the so called Naxalite activities of the scheduled castes. No similar initiative had been forthcoming for the enforcement of constitutionally guaranteed civil rights of scheduled castes, enforcement of minimum wages, abolition of bonded labour, ending of atrocities and so on.\(^{207}\)

(iv) Police harassment is another major factor which has helped Naxalites to gain popularity and lead to emergence of Naxalism. Some elements in the police have been extracting money under the threat of implicating people in cases. The general neglect of interior areas have given Naxalites, scope to become popular by holding durbars and settling disputes. They have also a reputation of setting right errant government servants who extracts bribes or misbehave.\(^{208}\)

(c) Naxalism as Failure of Democratic Process :- The failure of the Democratic process is another factor of Naxalism. They have been ignored by the elected members of the legislatures. They also keep focus on the negative aspects in governance that prevent them from joining the mainstream. These movements are, however, means of radicalizing politics at the grassroots. It appeals that the Naxalite movement has given voice to the poor and the marginalized, these groups are developing courage to face the oppressors even to the extent of engaging in violence.\(^{209}\)

\(^{207}\) Ibid.

\(^{208}\) William Robinson "A Descriptive Account of Assam." 1973 p. (3). See also Supra n. 206.

\(^{209}\) Ibid.
(d) Naxalism as Failure of the Party System: The Naxalism leads to the failure of the party system. These feelings cause universal dismay and show up in the virtual collapse of the party system. While moving in the Naxalite areas in, Bihar, Chhattisgarh and Andhra Pradesh one could wonder that why organised mainstream parties have almost withdrawn from the grass roots. Their loyalty is thin and they are willing to change loyalty at the competitive prices. The party workers are saleable commodities. They do not have their own stand. A is that it should be well managed and consolidated. There has been a process of splinting rather than consolidating parties to start with, the left parties have failed to extend their sway because of division of their support in several parties. Coalition for two and a-half decades has not helped this process. The BJP is now rife with international division much like the congress. The gue of power is only common factor between the state and central parties. The coalition system is there to stay but its quality will depend on quality of the coalition leaders. Such a sad states of parties are is hardly conducive for hardcore Naxalities of Andhra Pradesh to listen either to threat or to rational advice. Therefore, due to all this, the Naxalism is leading fastly today.

(e) Naxalism as Failure of Law and Order: Due to failure of law and order, the problem of Naxalism is becoming more and more serious. Law and order has miserably failed in the affected areas i.e. Bihar, Kerala, Andhra Pradesh and Chhattisgarh. A tug of war had ensued between law and order versus development approach. The development approach backed by institutional reform and placement of selected officers in the area had shown promise. Even in Andhra Pradesh, a band of dedicated officials were abducted by the Naxalites but later released without causing any harm to them.

210 Ibid.
211 Supra n. 193.
212 Ibid.
213 Supra n. 208 p. 8.
Law and order approach is most convenient for political establishment. It escapes the more arduous of initiating democratic process of mobilization. The administration lacks ethical independence to deliberate and face the masters with harder choice than just the use of brute force. A gruesome carnage occurred when a new district of Jahanabad in Bihar was formed. It is the good instance of failure of law and order. The another factor is the manipulated election. It is also surprising that the legislators present did not rebut these point strongly.214

The development hierarchy blamed policing and the biased attitude of the police for the local alienation. One District Magistrate managed to win over young cadres to help implement rural works. It was instant process.215 A central high level team on a review mission was surprised at the articulation of the beneficiaries. and the beneficiaries praised the local officials for commendable initiation. But a visit by them to the local jail was disconcerting. The inmates were largely from the poor segment. When faced with the query that why none is from propertied group there was silence. These facts disclose a sad state of the rule of law as the basis of effective maintenance of law and order. During the colonial period, the law was the same but there was difference in treatment under the law for the ruling classes and the ruled. The poor have lost in the judicial process because of the costs involved, time taken, unfair practices outside the court and growing mistrust about fairness in the formal processes.216 The poor are mostly at the receiving end in treatment at the police station. In this situation law is beyond the comprehension of the common people. Legislators are party to blame for the complex laws promoting more complex interpretations. Once a person gets into the web, he/she finds it very difficult to get out. Naxalite belts, appear to have toots in the failure of the rule of law in this country.217

214 Id at pp. 9-10.
215 Ibid.
216 Ibid.
217 Ibid.
(f) **Naxalism as Defects of Governance**

Governance is more than governmentalism. It assigns leadership to the government to facilitate entities to function well and serve their chosen constituency. The Government's lead role shows up in the quality of coordination to bring coherence in their contribution to social policy and its implementation. The inefficient and unfavourable governance leads to Naxalism\(^{218}\). A Government that is seen inefficient in managing entities directly under it or winning the respect of its instruments can hardly implement quality and deliver the goods. The government must display, a part from the might of its coercive authority and abundance of moral authority to draw respect from the governed. A protest movement of the extreme kind may well respond to a creative change in decentralized administration with centralized monitoring of social consequences. Localized problems must receive localized response. The democratic system of governance is a trust. It is not a means to display the majesty of power to give to people what belongs to them as gift.\(^{219}\)

(iii) **Naxalism in Chhattisgarh**

Chhattisgarh is one of the few states affected by Naxalism, although of a far different kind and on a much smaller scale. Chhattisgarh had 1,000 km of the thick forests, making it difficult for security forces to comb the area.\(^{220}\) Chhattisgarh is a newly created state and has a total population of over 20 million of which about 45 percent consists of members of the Scheduled Castes (about 13 percent) and Scheduled Tribes (about 32 per cent), most of them below the poverty line. There are special constitutional provisions for their protection and development including the special plan for the former and the tribal sub-plan for latter. The issue came to light in the course of the recent visit to the state to make a rapid appraisal of the so-called 'Naxalite menace' in the tribal dominated southern parts of the state, especially in the district formerly known as the Bastar.

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\(^{218}\) Ibid.
\(^{219}\) Ibid.
district, presently reconstituted in four police districts and three revenue districts.\textsuperscript{221}

The appraisal revealed that what is seen as the Naxalite problem originates from the fact that the tribal communities of Bastar have become wage labourers in their own land now occupied and used by non-tribals who not only systematically exploit them but also corner the funds and benefits meant for the development of the tribal people.\textsuperscript{222}

Reasons for emergence of Naxalism in this state exploitation, artificially depressed wages, iniquitous social-political circumstances, inadequate employment opportunities, lack of access to resources, under developed agriculture, geographical isolation and lack of land reforms.\textsuperscript{223}

(a) Major Naxal Incidents: The Naxal insurgency in the country began in 1967 in the west Bengal and soon spread to several states. Today, it affects 142 districts in all over a dozen states. While the number of attacks by Naxals all over the country fell by 18 percent in the first quarter of year 2006 to 391 from 475 in the corresponding period of year 2005, the number of deaths increased by 38 percent to 157 from 114.\textsuperscript{224}

Naxal incidents in the Chhattisgarh are growing day by day and Naxalites are killing mercilessly the innocent people. Currently, at least 25, persons were killed and about 80 injured 32 of them seriously while around 250 were missing following an attack by around 800 armed Naxalities in Dantewada district. Maoists killed the villagers brutally around 20 of them were be headed to death with sharp-edged weapons, while three were charred to death and two were shot dead at Errabore relief camp, 550 km. from the state capital. Out of 250 missing,


\textsuperscript{222} Ibid.

\textsuperscript{223} "PM Moots unified command to tackle Naxalism" \textit{The Tribune} (New Delhi) April 14, 2006.

\textsuperscript{224} Ibid.
23 were kidnapped by the Naxalites from the camps, where around 4000 persons had taken shelter.\textsuperscript{225}

According to sources, they, initially attacked a CRPF camp at Errabore district followed by strike at the government run relief camp. After blocking all roads that connect Errabore, the Naxalites indiscriminately fired at the CRPF camp from all sides. At the same time, another group of armed Naxalites raided the relief camp located close to the Errabore police station. The rebels triggered blasts and attacked people with sharp edged weapons and opened indiscriminate fire.\textsuperscript{226}

> On June 4, 2005, after starting of 'Salwa Judum' or peace campaign against the Naxalities, over 300 villagers have been killed by Maoists. Because of threat from left wing extremists, over 50,000 persons from about 700 villages of Dantewada district have been taken shelter in 17 relief camps run by the State Government.\textsuperscript{227}

> On September 3, 2005, the Chhattisgarh government banned the CPI (Maoist). The ban ironically emboldened the outfit, resultantly more than a dozen attacks were reported from the Dandakaranya region particularly Dandewara where the government experimented with a counter resistance movement i.e. Salwa Judum. Government and rebels.

> On July 11, 2006 attack on Errabor relief camp vindicated that ban and counter resistance are of little use.\textsuperscript{228}

> On March 14, 2007 at least 55 security personnel were killed by Maoists.\textsuperscript{229}

> On May 27, 2007, 9 policemen were killed.\textsuperscript{230}

> The Maoists in the Bastar region set off explosions destroying three high tension electric transmission towers on May 31, 2007 and two more on

\textsuperscript{225} "Naxals kill 25 in Chhattisgarh" \textit{The Tribune} (New Delhi) July 18, 2006.

\textsuperscript{226} Ibid.

\textsuperscript{227} Ibid see also \textit{The Tribune} (New Delhi) June 5, 2005 or www.tribune.india.com.

\textsuperscript{228} "Naxal Ban : A Look at Chhattisgarh" \textit{The Hindustan Times} (New Delhi) August 10, 2006.

\textsuperscript{229} Ibid.

\textsuperscript{230} "Naxal blasts kill a policemen" \textit{The Tribune} (New Delhi) May 27, 2007.
June 2, 2007. They, on June 24, 2007, again struck and blasted two more high tension transmission towers. On May 27, 2007, Maoists blasted the properties of Essar steel and damaged a railway bridge between Bacheli and Kirandul and the railway trade between Bhansi and Bacheli, causing huge revenue lesser to the East coast Railways. On June 11, 2007, they again struck/attacked the National mineral development corporation (NMDC) assets and destroyed 100 metres of conneyor belt that carries iron ore.231

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Year</th>
<th>Civilian</th>
<th>Naxal</th>
<th>Police</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2002</td>
<td>382</td>
<td>141</td>
<td>100</td>
</tr>
<tr>
<td>2.</td>
<td>2003</td>
<td>410</td>
<td>216</td>
<td>105</td>
</tr>
<tr>
<td>3.</td>
<td>2004</td>
<td>466</td>
<td>087</td>
<td>100</td>
</tr>
<tr>
<td>4.</td>
<td>2005</td>
<td>516</td>
<td>223</td>
<td>153</td>
</tr>
<tr>
<td>5.</td>
<td>2006</td>
<td>475</td>
<td>114</td>
<td>90</td>
</tr>
<tr>
<td>Total</td>
<td>5</td>
<td>2249</td>
<td>781</td>
<td>548</td>
</tr>
</tbody>
</table>

(iv) Andhra Pradesh

The people of Andhra Pradesh will not forget the name of Sri Potti Sriramulu who became Amarajeevi (immortal) for Telugus. He began his last fast on October 19, 1952 at the Chennai for a separate Andhra State and continued his fast until he died on the night of December 15, 1952. A separate Andhra State was carved out of the composite Madras State after a historic fast. Telugu-speaking people of coastal Andhra and Rayalaseema regions which were parts of the composite Madras state, had been agitating for a separate Telugu State for years when the country gained independence.232


The then congress government headed by Prime Minister Jawaharlal Nehru was not inclined to carve out States on linguistic basis. The issue became more complicated when Telugus, who had historically a large presence in Chennai pattanam (as Chennai was called in Telugu), claimed Chennai, then Madras, as part of their proposed Andhra State. In the first General Election of 1952, Andhra expressed their resentment towards the congress leaders by defeating them at the poll. Out of the 140 seats from Andhra in the Madras Legislative Assembly, the congress could secure only 43 seas, while the Communist Party of India, which threw its weight behind a separate state, bagged as many as 40 seats out of the 60 it contested.

Prime Minister, Nehru was refusing to budge on the issue, Sriramula sat on the fast unto death on the October 19, 1952 at Madras. The congress refused to give in even as Sriramula’s historic fast entered 50th day. Eight(8) days later, he died. Time magazine reported the development in its issue dated December 29, 1952. This resulted in the widespread disturbances in the Andhra region and there was uncontrollable violence, chiefly led by communists. Sriramula’s supreme sacrifice did not go in vain, as congress had to give in finally, and on the October 1, 1953, the Andhra State came into existence but without the city of Madras.

Meanwhile, the Hyderabad State consisting of Telangana, parts of present Karnataka and Maharashtra was liberated by the union, and a majority of members of Hyderabad Legislative Assembly favoured formation of Vishalandhra (Greater Andhra), which eventually became a reality on November 1, 1956, in the form of Andhra Pradesh.233

On November 1, 1956, Andhra Pradesh, Kerala, Tamil Nadu and Karnataka States were formed, followed by Gujarat and Maharashtra in 1960. The formation of linguists states was the single most important event in the history of the South

233 Ibid. see also Harihar Swarup, “TRS Leader’s fight for Telangana”. The Tribune (New Delhi) August 27, 2006.
Indian Languages as it provided an opportunity for these languages to develop independently, each of them having a State support.234

(a) Problem of Naxalism :- Andhra Pradesh is one of the few Southern States affected by terrorism, although of a far different kind and on a much smaller scale. The terrorism in Andhra Pradesh stems from the people’s war Group (PWG), popularly known as Naxalities. The People’s War Group (PWG) has been operating in India for over two decades with most of its operations in the Telangana region in Andhra Pradesh. The group is also active in Orissa and Bihar. Unlike the Kashmiri insurgents and ULFA, PWG is a Maoist terrorist organisation and labor rights is one of its primary goal. These ideological extremists aim is to create equality in the society by attacking the rich and powerful landlords. Having failed to capture popular support in the elections, they resorted to violence as a means to voice their opinions.235 The group targets Indian police, multinational companies, landlords and other influential institutions in the name of the rights of landless labour. The people’s war group also targets senior government officials including the attempted assassination of former Andhra Pradesh Chief Minister Chanderababu Naidu. It reportedly has a strength of 800 to 1,000 well armed militants and is believed to have close links with the Maoists in Nepal and the LTTE of Sri Lanka. According to the Indian government, on an average, more than 60 civilians, 60 Naxals rebels and a dozen policemen are killed every year because of People’s War Group (PWG) led insurgency. Currently the ban on the Naxalites has been lifted in the state which has led to a drastic drop in killings.236

In Andhra Pradesh the ideological Schism within the communist movement during the sixties led to two splits in the Communist Party of India resulting in the emergence of the CPI-M and the CPI-ML. The latter was distinguished by its stress on the need for armed peasant struggle for social justice

234 Ibid.
235 Ibid.
for the rural poor. The concept arose first in the Naxalbari region of West Bengal and spread rapidly to Srikakulam in Andhra Pradesh, a hilly region with dense forests covering an area of 600 square miles, inhabited by Jatapu and Savara tribes. These tribes, like others in India, are subjected to intense exploitation. The Naxalites organised them for the assertion of their rights under the constitution.\footnote{Supra n. 3.}

In October 1967, some land owners intercepted tribals on their way to a public meeting at Mondemkhal in Srikakulam and opened fire killing two. The attraction of political action to the exploited tribal people of the Region was understandable. Not addressing the issue of Social-Economic exploitation, the machinery exercised state power to liquidate political activities. Almost all the tribal areas in the state were notified as ‘disturbed areas’ under the Andhra Pradesh Suppression of Disturbances Act, 1967, in a ‘notified area’ any assembly of five or more becomes an unlawful assembly. Even a junior police officer is empowered to open fire to disperse such an Assembly. The abuse of a repressive law led to a policy of staged ‘encounter killings. Often activists were picked up outside the ‘notified area’ taken inside the ‘notified areas’ and shot dead. During this period, Naxalite activists were reported killed in large numbers and their leader prosecuted. A large numbers of activists endured a prolonged trial on charges of conspiracy to kill, murder and pillage plus charges of conspiracy to wage war and sedition.\footnote{Ibid.} While most of accused were tried for overt acts, the prosecutions were all tied together and projected as offences committed in pursuance of a conspiracy, which is a distinct offence in law.\footnote{Id at. 46.}

Between 1969, to 1974, over twenty (20) conspiracy cases were instituted in the State against the Srikakulam movement and its participants. The list of the accused included the intellectuals and writers. The cases against the writers were intended to suppress the Srikakulam movement and to prevent it from spreading
to regions. The cases went on for several years. The writers were prosecuted not only under section 124 A of the Indian Penal Code but also for waging war, conspiracy to wage war, and to other provisions contained in the IPC on offences against state. The provisions of the Andhra Pradesh Preventive Detention Act 1970 were amended to get over the limitation imposed by Article 22(5) of the Constitution.240

(v) Naxalism in Telengana

The Telengana region of Andhra Pradesh was under the Nizams, the richest of Indian rulers, who exploited the people in the countryside. The Telengana region is dotted with rivers, tills and forests providing a suitable setting for guerrilla operations. There has been socio-economic exploitation since the ancient time. The landlords in the region generally belong to the Reddy and Velama communities. They are usually addressed as Dora which translates as master or lord (in Telugu). The tyranny of Doras in Telengana is probably matched. The Film “Dassi” directed by Narsing Rao which recently got five national awards, depicted the life of a woman slave who had entered the house held of a Dora as part of the dowry of his bride. She was at the disposal of the master and his guests and she was forced to have abortions being deprived of even the solace of a child of her own. She had to subsist on the leftovers but had to satisfy the appetite of just about any male in the master’s household.241

Socio-Economic development has further worsened the conditions of people in Telengana. There has also been the wave of migrations from plains terrain. The problem of land alienation became acute in the districts like Adilabad, Khammam and Warangal. The problem has remain from the days of the Nizams rulers. The Government enacted an Act known as Regulation Act, 1970 which banned the transfer of land to non-tribals in tribal area. The Landlords fought this regulation for 16 years in courts i.e. upto the Supreme Court. The probem was further

240 Id at 47.
complicated when Mr. N.T. Rama Rao announced that the Tribal Advisory Council had recommended the scrapping of Regulation Act 1970. Naxalites voluntarily to protest against this action.  

**Telengana Issue** :- The over two years old demand for a separate Telangana state, by dividing the existing State of Andhra Pradesh, took an interesting turn on June 15, 2005. The Communist Party of India (Maoist) popularly known as the Naxalities, issued an ultimatum to all the elected representative of the Telangana Rashtra Samiti, the party that is championing the current phase of the Telengana movement, to resign from their elected posts in protest for delay in the creation of Telangana by the State and Central Government. Interestingly, 150 elected representatives of the Telangana Rashtra Samiti (TRS) at Mandal and Zial Parishad level submitted their resignations by June 20, 2005. which sent clear indications to political observers that the TRS is a front organisation of the Naxalities. They also rushed to see the Prime Minister on June 17, 2005 and requested him to expedite their demand for a separate Telangana State. They also repeated their performance in front of the Chairman of the UPA, Sonia Gandhi.  

Telangana Rashtra Samiti (TRS) chief K. Chandrasekhar Rao raised the issue of backwardness of Telangana when he joined the NTR Government. He also pleaded Chandrababu Naidu, Chief Minister of the Andhra Pradesh, not to ignore the aspiration of the people of Telengana. But, Chandra Babu Naidu has done more harm to Telengana than any other Chief Ministers and he had faced the consequences in election. K. Chandrasekhar Rao has been reviving the Telengana movement since 2001 and constantly blaming the ignorance and neglecting aspirations of the people of Telengana. Doubtless, Rao built up the TRS from the grassroots level and has mobilized support of people throughout the region.

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242 Ibid.
According to observers, there has been nexus between the Naxalites and TRS leadership and finances are provided by the Naxalite for the Telengana agitation. In addition, the nexus between Naxalites and the radical Islamic groups is not known as yet. In early 2001, there were extensive reports in a section of the Telugu Media saying that the Al-Quada Chief, Osama Bin Laden, made a clandestine visit to Hyderabad and stayed in the city for two days. From time, there were also reports about Pakistani intelligence activities in and around the Hyderabad. Though it is not fully established, observers in Hyderabad suspect some linkages between the Islamic Radicals and the Naxalites and linkages between Liberation Tigers of Tamil Eelam (LTTE) and the Naxalites. The Naxalites's linkages with insurgents from the north-east India were made public currently by the Hyderabad police report. The Naxalites are trying to expedite the formation of Telengana state where they will be able to ascertain their position in the polity.  

(vi) West Bengal

The first spark of the Naxal movement, which engulfed the whole of West Bengal, particularly Calcutta, in names of terror violence between the mid-sixties and mid-seventies, was lit in 1967, in the tribal villages of a small sub-division in North Bengal called Naxalbari, near Siliguri town. The peasants demanded during this movement, not only the land and other economic benefits but also the control of political power. On 3 March 1967, the peasants of Naxalbari attacked the landlords, raided grain stocks and occupied their lands. A police party sent to suppress the movement was ambushed and five policemen including a sub-inspector were killed. Ten days later, a strong police contingent opened fire on a group of peasants, killing ten men, women and children. Thus, it was starting of an era of violence which ravaged West Bengal for next ten years. 

245 Supra n. 54 p. 5.
246 Ibid.
The Naxal movement was spearheaded by Mao Ze Dong, Chairman of the Chinese Revolutionary Government, with the objective to create chaos in India. The leadership of the movement in West Bengal was taken up by Charu Mazumdar. Naxalites killed hundreds of people in the countryside and in Calcutta city itself. A retired judge of Calcutta High Court, Justice TP Mukherji, was stubbed on 19 December 1970, while Justice KL Roy, a sitting Judge of the same High Court who had rejected the bail petitions of several arrested Naxalites, was stabbed in Calcutta on 6 April 1971. Police stations were attacked and policemen were killed. Even unarmed policemen regulating traffic were attacked and shot. The movement degenerated into a Naxalite police war in the streets of Calcutta.247

Between April 1970 and March 1971 in West Bengal, a total of 3,800 incidents were reported, including 500 murders and over 575 attacks on public servants including the police. More than 1000 persons had been detained under the preventive detention laws.248

On August 15, 2006 three LeT terrorists were arrested with RDX in Kolkata the eve of Independence Day. On December 3, 2006249 Naxalites ransacked Tata Motors showroom on Shakespeare Sararai in the Chowringhee.250 On November 19, 2006, at least 10 passengers were killed and 50 injured.251 The Maoist blasted Biramdin railway station, Purulia District.

(vii) Bihar

Bihar has been the scene of terror violence over the decades. Naxalism has become a way of life, with each segment of society pointing an accusing finger at others. Murders, rapes, arson, organized kidnapping and killing, inter-caste and inter-class rivalry and conflicts between landlords and the landless,

248 Ibid.
251 “10 killed in blasts” The Tribune (New Delhi) Nov. 20 2006.
gangsterism, operations by mafia gangs in the name of “senas”, widespread 
corruption and incidents of MLAs providing leadership to gangs of criminals have 
all had a cumulative affect on peace and prosperity in Bihar.\textsuperscript{252}

The state of Bihar, for centuries ruled by the upper castes, is now divided 
into various castes and classes; the state is almost plunged into a civil war among 
castes. Atrocities against the lower castes have led them into uniting in groups. 
This has resulted in a mushrooming of “senas” (armies), each of whom have to 
put up lights against their opponents. The criminal-politician nexus has drastically 
transformed the contours of the underworld. Easy availability of firearms, both 
licensed and unlicensed, has added fuel to fire. Hundreds of raiders, dominated 
by the upper castes and landlords, come in jeeps and trucks and, indulge in a 
shooting and looting spree in villages inhabited by lower castes and landless poor 
Harijans, including setting fire to their thatched houses while the inmates are 
asleep. The victims of these raids, are chased and brutally gunned down and the 
women gang raped. A fairly reliable estimate says that on an average of 20 
murders are committed everyday; and the number of dacoities and robberies are 
escalating from year to year, with a large number of them not registered by police 
under one pressure or the other. Many villagers who are dispossessed of their 
land by powerful landlords form dacoit gangs to wreak vengeance. Large-scale 
violence has been noted in Belahi, Dharampura, Pipra, Parana, Dalelchowk, 
Baghaura, Arwal and Jehandabad.\textsuperscript{253}

In 1987, the Rajput landlords at Chechhani killed seven Yadavas and 
raped their women. In retaliation, a mob of 700 Yadavas, belonging to the Maoist 
Communist Centre (MCC) and armed with lethal weapons, came at night to the 
two settlements in Aurangabad district, pulled out men, women, and children 
from their beds, and their hands and feet were tied with ropes before they were 
shot, women were gang raped before their male relatives. The murderers left the

\textsuperscript{252} Supra n. 251. p. 222. 
\textsuperscript{253} Ibid.
place with 50 men, women and children dead. In a similar incident by the MCC activists in 1992. In the Bara village of Gaya district, 39 people were killed in an hour long massacre perpetrated on the members of the Bhumihar community.\textsuperscript{254}

As a challenge to the private armies and musclemen of the landlords, the extremist Maoist (Naxalite) groups (like the MCC, the IPF and others), formed on the basis of caste, are thus running a parallel government in Bihar, emerging as a powerful challenge to the atrocities of the upper castes. They have formed Jan Adalats (People’s Courts) in Gaya, Aurangabad, Jehanubad, Nawada, Dhanbad, Hazaribagh, Palamau and Giridih districts. In Gaya, five persons found guilty had their noses and ears chopped off and an upper caste was forced to marry a scheduled caste girl whom he had allegedly raped. Sadanand Singh, Minister for Irrigation and Agriculture in the Jagannath Mishra Ministry was allegedly a patron of Sudama Mandal, the leader of a gang of dacoits, extortionists and terrorists.\textsuperscript{255}

In this climate of a near civil war raging in Bihar between the haves (landlords and the upper caste elite) and the have-nots (the poor from all classes, lower castes, and the scheduled castes), with the help of the politicians and the mafia gangs, the lawlessness and denial of human rights for all is the order of the day. Kidnappings for ransom have become a cottage industry, wherein even politically powerful leaders are reportedly playing a role.\textsuperscript{256} It is said that the ransom amount is shared between kidnappers, politicians and police. Poverty and crime are the two forces which shape life in Bihar, each feeding on the other, with agriculture being the only economic activity worth the name; all social conflict here centres around land, with landless labourers and sharecroppers pitted against the landed elite. The problem in central Bihar emerges from the fact that the Naxalites and the caste groups control large tracts of forests and are at war with each other over the division of the produce, with caste and ideological factors

\textsuperscript{254} Ibid.
\textsuperscript{255} Ibid. p. 223.
\textsuperscript{256} Ibid.
playing a major role. Protection is a good money-spinning racket in these areas, as one group of armed goons does not let another pick even a single leaf from the area under its control.

On 3 December 1997, the never-ending story of violence from Bihar saw yet another climax with the mass murder of another 70 people belonging to scheduled castes and extremely backward communities, by an estimate 300 strong mob of the Shiv Sena, a private army of landlords, at Lakhamanpur Batha village in Jehanabad. Aimed at crushing the various Naxalite outfits in central Bihar the Shivsena (also banned) identified 14 houses belonging to the supporters of the banned Naxalite outfit, the Party Unity, and the CPI (ML). The incident sent one message clearly; the police is on the run, leaving the field for gangs of militants to settle their problems and scores, especially related to land, by force of arms, it looks to be measure of the collapse of government in the state.

Naxalite terror and violence is on the increase in Bihar. As can we see below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Violent Incident</th>
<th>Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>470</td>
<td>325</td>
</tr>
<tr>
<td>2001</td>
<td>373</td>
<td>206</td>
</tr>
<tr>
<td>2002</td>
<td>481</td>
<td>378</td>
</tr>
</tbody>
</table>

According to the Asian Centre for Human Rights (ACHR) 36 persons have been killed between January and June 2006. On December 9, 2006. At least 20 armed Maoist rebels hijacked the T246 down Tatanuagar Kharagpur passenger train near West Bengal-Jharkhand border around 10.30am. The incident occurred in a dense forest area between Gidni and Chakulia station, 76 km. from Howrah, near the Naxalite affected west Midnapore district, close to Jharkhand. Before leaving the train after nearly two hours by fleeing into jungles nearby, took away Rs. 1 Lakh, which was being transported as salary of railway staff. \(^{257}\)

On May 30, 2007 many persons beheaded by Maoist in Patna.\textsuperscript{258} On July 1, 2007, Eight persons, including six policemen and two a civilians were killed by 250 armed Maoists when they attacked a police station in Rohtas district. Rohtas district is among 23 Naxalite affected districts of total 38 in Bihar.\textsuperscript{259}

**(viii) Jharkhand**

It is also suffering from the problem of Naxalism. According to the Asian Centre for Human Rights, 62 people have been killed between January and June 2006. The ACHR condemned it “as barbaric and crime against the humanity”. The Naxals are so barbaric that they do not have excuses after killing the innocent civilians.\textsuperscript{260} They blew up railway tracks near Gomia and Dania in Bokaro district, and two more stretches in Latehar district blasted a railway engine and set another engine and 12 wagons ablaze, and seized the Jodhpur - Howrah train near parasnath railway station, Giridih district. They also attacked the Panam coalmines located in pakur district and blew up a telecom tower.\textsuperscript{261}

**(ix) Orissa**

Orissa has also been a victim of Naxalism. According to the latest issue of ACHR’s Naxal conflict monitor” 16 innocent civilians have been killed by the Naxals. They are also ransack and destroying the properties of noted and rich persons. The Maoists made a failed attempt to destroy the Balimela hydroelectric power generation plant and a Telecom Tower on June 14, 2007 in Malkangiri district.\textsuperscript{262}

**(x) Policy to Fight against Naxalism**

On March 13, 2006, the Union Home Minister announced a 14 point policy on Naxalism in Lok Sabha as outlined in booklet, “Status paper on the Naxal problem”. He said that A policy is a course of action, a programme or a

\textsuperscript{258} Maoists behead persons \textit{The Tribune} (New Delhi) May 31, 2007.

\textsuperscript{259} Maoist attack leaves nine dead \textit{The Tribune} (New Delhi) July 2, 2007.

\textsuperscript{260} “460 killed in Naxal hit states in six months” \textit{The Tribune} (New Delhi) July 18, 2006.

\textsuperscript{261} P.V. Ramana, “Maoists design” \textit{The Tribune} (New Delhi) July 2, 2007.

\textsuperscript{262} Ibid.
strategy and there is needed a political consensus. But on the very day on March 13, 2006, Mr. Raman Singh, Chief Minister of the worst Naxalite-affected State, Chattisgarh, said there was "confusion" in the policy response to the Naxalite threat and there was little or no coordination among the affected states. On August 21, 2005, Mr. Sitaram Yachury of the CPM had also made a diametrically opposite statement in Hyderabad that "it was not possible to have a national policy on the Naxalite issue".263

Most analysts are also apprehensive of the quality of inputs and level at which these were received, and whether the affected states were consulted adequately. Whether the policy well be able to tackle the most serious internal security problem confronting India currently. Now that a policy is in the public realm, it would be useful to make a preliminary assessment of some of its aspects:

(a) Point iii of the policy says, "Naxalism being an inter state problem, the states will adopt a collective approach and pursue a co-ordinated response to counter it".

(b) Point v of the policy says : "There will be no peace dialogue by the affected states with Naxals groups unless the latter agree to give up violence and arms."264

On September 19, 2005, speaking on the sidelines of the conference of the Chief Ministers of the Naxalite affected states the Home Minister Shiv Raj Patil said "If they drop arms, it is good. But if they want to carry arms and still talk ......we do not have any difficulty, we are not afraid to do so". Was it in line with this idea that the Andhra Pradesh government implemented a pace process with the CPI-Maoist and Janasakthi, allowed them to bear arms brazenly, and sat at the negotiating table with them on October 15-18, 2005. The present u-turn reveals the central government's confusion and betrays a lack of consistency in Policy formulation. Arms or no arms, a dialogue with Naxalites and Maoists would be futile at present because they believe in talks as a "war by other means".

264 Ibid.
Pont viii of the policy says "Efforts will continue to be made to encourage local resistance groups against the Naxalites but in a manner that the villagers are provided adequate security cover and the area is effectively dominated by the security forces."\(^{265}\)

This can be a dangerous course and one wonders if it has political and operational consensus. The Chhattisgarh State example is becoming counter-productive. In that state, a peace campaign, known in Gondi as "Salwa Judum" (Purification Hunt) has been continuing since June 2005, under the leadership of opposition leader and congress legislator Mahendra Karma. The state government supports this movement. Some people in the tribal population have been designated as Special Police Officers (SPOs) and given arms to resist the Maoists. In sum, the tribal people have been setoff against one another. This action has resulted in the uprooting of 46,000 tribals from their homes and tribals population continues to face repeated reprisal attacks by the Maoists in the camps. Many experts feel that the movement should have been confined to encouraging "peaceful revolts" by people, as was done successfully in numerous villages in Andhra Pradesh.\(^{266}\)

(d) Point xi of the policy notes, "The Government of Andhra Pradesh has an effective surrender and rehabilitation policy for Naxalites and produced good result the over years. The other states should adopt a similar policy". The 'package' seems quite favourable to make naxalites surrender. But, surrender policy has also created a small band of criminals who run protection rackets and have entered the lucrative real-estate business rivals. Implementation of the package is known to be tardy and caught in the bureaucratic red-tape. As a result, some surrendered Naxalites have already returned to the Naxal fold.

The lesson, therefore, is that great care needs to be exercised to ensure that there is effective and speedy implementation of the package, surrendered militants do not indulge in criminal activities, they do not return to the Naxal fold, and hardened, serious offenders of law are not allowed to go unpunished. Under all

\(^{265}\) Ibid.  
\(^{266}\) Ibid.
circumstances surrender and rehabilitation should be accepted on a case by case basis. The policy requires an urgent political consensus. A well co-ordinated centre state action plan is essential to tackle the menace.  

B. Review

The Jammu and Kashmir was a peaceful and beautiful state before 1947. There were no disturbance, and situation was normal. The Famous Medieval poet, Amir Khushro said, if there is a paradise on the earth it is here in India, in India, in India. Today peaceful, beautiful and normal situation of Jammu and Kashmir has become deteriorated, exploited and breed disaffection among the sections. Terrorists have killed more than 80,000 people. Many people have exodused from the state. There has been many instances of sporadic violence in this region and many terrorists have carried out attacks on Indian civilian and military installations India claims that most of the separatist militant groups are based in the Pakistan and the Pakistan administered Kashmir (PoK). According to the united states intelligence report, AL-Qeda has its main base in Pakistan and helping to ferment terrorism in Jammu and Kashmir. There have also been many documentary evidence to show that Pakistan is providing the moral, political and diplomatic support to terrorists. Musharraf says that Kashmir is vital national interest and it will not be left at any cost. He further said that Kashmir runs in our blood. It means that Pakistan is instigating the terrorists and others for fighting against the India. In October, 1997, Mohammed Saeed the chief of the Lashkar-e-Toiba said, we feel that Kashmir should be liberated at the earliest and all the Indian Muslims should be ready to arouse to revolt against the Indian union so that India may be disintegrated. A chief of the Pakistan's ISI explained that our primary objective is to weaken the India from within and we can do it.  

267 Ibid.
268 Supra nn. 1-6.
The main objective of the terrorists is to create the terror and mayhems in the mind of the public and paralyze the state administration. They are killing the innocent people day to day. They did not spare even children and women. Many women were mercilessly raped by them. They have killed many government officials, members of the judiciary and Kashmiri Pandit community. They did not even spare the media. Many media persons were constantly attacked by the terrorists and warned them not to publish the anti-terror articles.

There have been many terrorist camps in Pakistan and Pakistan-occupied Kashmir. According to the sources the number of terrorist camps in Pakistan is 37 and in Pakistan occupied Kashmir is 49 and 3200 hardcore ‘terrorists are operating in the Jammu and Kashmir with 900 Foreign mercenaries, 125 Pakistani terrorists are in Indian jails, 47000 Pakistani-trained terrorists have used the firearms against the India, 30,000 kg explosives and lakhs of lethal weapons were also recovered and 4,730 Pakistani-trained terrorists carried out the explosions in India, over 20,000 people have been killed in Jammu and Kashmir in violence over the last decade and near about, 300,000 Kashmiri Pandits driven out of their ancestral homeland by the Pakistan supported terrorists. Paki stan is supporting many terrorist groups against the India. The main objective of the groups is to get the Jammu and Kashmir and to weaken the India. At present, nearly 33 terrorist groups are operating in Jammu and Kashmir and other states. Many of them are getting the funds from the Pakistan. They are also trained by the Pakistan in various mobile terrorists camps.

The problem of terrorism in Jammu and Kashmir has been analysed by the many eminent academicians, politicians, analysts, and noted journalists, authors and other persons in various books, journals, news papers and in mass media programmes and on table, Radio and televisions. All have held Pakistan responsible for the terrorists acts. It appear that the Indian government had made two mistakes under the influence of Mountbatten who was the Governor-General.

Supra n. 12.
of India at the time of independence. First, an accession was accepted provisionally and its finalization was made subject to the will of the people which was to be ascertained through plebiscite. Second, the Kashmir issue was referred to United Nations by the Government of India, which ultimately led to the passing of resolutions for holding plebiscite in Jammu and Kashmir. 270

Moreso, the Pakistan politically instigates the Kashmiris that if they want to change the history of Jammu and Kashmir they would have to choose the way of violence and to recruit in the Pakistan’s inter service intelligence for launching the armed struggle. Pakistan generally and publically says that it would continue the political, diplomatic and moral support to the Kashmiris and separatists. The state and central government of India is also responsible as they are not providing the employment to youth and their other reasonable demands also not fulfilled in due course. Due to this the youth join terrorism and resort to violence. Further, Muslim radicals claim that their religion permit to fight or the ‘jehad’. They preach that what you sacrifice for the cause of Allah, Allah will fully pay back you and no injustice would be done unto you. According to Sahib Al-Bukhari, whoever dies without having fought in the battle, nor having the sincere wish in his heart to fight in battle, dies on a branch of hypocrisy. Physical training for jehad is must for all the Muslims. It is further claimed that every Muslim should take the training and participate in the Jehad whether they are women or, children oldman.

The economic condition of the Kashmiris is very critical and most of the people are living below poverty line. They resort to illegal means. A huge population is denied drinking water, electricity, schools, hospitals, road and other socio-economic facilities. The admission in professional colleges have become the monopoly of the influential persons and the government services were provided to the supporters of the ruling party and the people who could pay for appointments. 271

270 Supra nn. 17-19.
271 Ibid.
The problem of insurgency in the North-East states is a serious problem and till 1970 it was really a case of insurgency and since then it has turned in a case of terrorism. The Nagaland state in the North-Eastern part of India is one of the affected states. During the British regime, the basic necessities to the people of this state were not provided. They were being exploited only. The Britishers considered that Nagaland was no use for them. They only exploited for the oil, timber and tea garden of the Assam. When Simon Commission came to India, they raised their demands before it. Nagas demanded a sovereign state. On July 19, 1947 Gandhiji had told that the Nagas have every right to be Independent. But, ultimately the Nagaland became a part of India. After Independence, they had high expectations that they would not be ignored, exploited and deprived from the basic necessities. But, unfortunately it was continued. They (Naga) started their campaign against the Government of India to become independent and demanded a separate state. 272 In March, 1956, they demanded the Federal Government of Nagaland, in August 1957, the first peace convention was held and they demanded the Naga Hills Districts and resultantly the Naga and Tuensang Area came into existence. In May, 1958, second convention held, the Naga people wanted a different administrative set up which could give them a sense of ‘distinct identity’. But this was not accepted because there was no provision in the Constitution of India. The third convention was held in 1959 and they demanded a full-fledged state within the union. A delegation of Naga’s people met the then Prime Minister Jawaharlal Nehru who accepted their demand and announced in the parliament, the decision of Government of India to upgrade Nagaland into a full-fledged state of the union. But, even after the acceptance of the demand of a full-fledged state, the insurgency continued with the active assistance from Pak and China. 273 In 1980s, there was demand of ‘Greater Nagaland’. They (Nagas) demanded the merger of all Naga territories into one political and administrative unit. The Greater Nagaland’ is also known as ‘Nagalism’. The demand of Great Nagaland’ is an emotional demand for the

272 Supra nn. 59, 66, 79, 80, 82, 95, 96.
273 Supra nn. 167, 171.
Naga's leadership. There is also an evidence that the National Council of Nagaland (IM) organisation has links with Al-Queda.

The Manipur is also facing the problem of insurgency because of some leading leaders of the Naga like Muiva and Ramya who belonged to Naga tribes of Manipur and the people of Manipur have been blaming the Government of India for continuous neglect. According to Prof. Mahendra, insurgency is a product of step-motherly treatment and neglecting of basic necessities. Development is the key of solving the problems of Manipur. The entire northeast region is a new comer to the developmental process and villages cannot grow without competitive edge, which is born out of womb of the industrialization. Dr. Vinod Kumar says that unemployed youth are easy targets of the militant groups. The Manipur's politics and bureaucracy also have become corrupt and take bribes to arrange for employment and education seats.  

The right of the people are being violated by the enforcement agencies. The enforcement agencies have been misusing their power and shutdown the boys and even women. The media hardly covers their human rights violations. There have also been many cases of dis-appearance. It is also alleged that many innocent people have been killed and raped by the security forces. However, environment of Manipur is changing gradually and security forces have been installing the confidence in the people of Manipur. The people are reposing confidence in the security forces and also helping the security forces, for arresting the militants. They are also providing the information about the militants to the security forces. People of Manipur have also started to come out against the extortion demands of the insurgents. The civilian and military co-operation has forced the underground insurgents on the back foot. The youths of the villages are being trained by security forces to counter the underground.  

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274 Supra nn. 101-108.  
275 Supra nn. 233-235, 238, 245.
In Assam, many kinds of revolutionary groups are operating. All these groups have their bases in Bhutan, Myanmar, Pakistan and Bangladesh. They kill the civilian and military persons and also extort money. Illegal immigration is considered the main cause of emergence of insurgency in Assam. It has been a hard fact that nearly 5860 militants of different groups have been captured and 842 hard core were killed from 1996 to 2000 and a huge quantity of arms and ammunitions also have recovered from them. There are proof which shows that these groups have link with Inter-Service Intelligence of Pakistan which provide training and funds for terrorist activities. Currently, many top ULFA leaders have visited Pakistan with the active support of ISI. The Union and the State Governments efforts to talk these outlawed groups and trying to solve the problem.276

Tripura and Mizoram states are also suffering from the problem of insurgency. Many organizations have been involved in the massacres and other incidents of terrorism. The problem of terrorism is also emerging fastly in these states. Terrorists attacked on the Babri Masjid Ram janam Bhoomi Hindu Temple Ayodhya on July 5, 2005. They also attacked on Hindu Hanuman temple in Varanasi and killed nearly 20 people and injured 50. In Delhi they attacked on parliament and other parts of the capital and killed many people. In, Bomay they have killed many people in 1993, blasts and damaged the property worth crores.

A number of states of the country are also suffering from the problem of Naxalism. Naxalism is against the democracy and decency. It is barbaric and uncivil form of revolt which breeds violence disturbing the peace and harmony of the society. There are many factors responsible for the emergence of Naxalism, including ineffective administration and ambiguity in social policy, ineffective role of police, failure of democratic process, failure of the party system, failure of law and order and defects in governance. Chhattisgarh is one of worst affected

276 Supra nn.'121, 132-150.
state so far as Naxalism is concerned. The Asian Center for Human Rights (ACHR) condemned it as “barbaric and crime against the humanity”. The Chhattisgarh government is taking stern steps to solve this long standing problem. The villagers are being trained to counter the Naxals. About 17 camps have been setup for this purpose and nearly 15,366 tribals are getting the training in these camps. In Andhra Pradesh, the People War Group (PWG) has been operating for the past two decades. This group is also active in Orissa and Bihar, the main aim of this ideological extremist group is to create equality in the society by attacking on the rich and powerful landlords. These groups also target senior government officials. The armed groups claim that they are fighting for social justice for the rural poor. The Naxalism problem is growing in these states due to social stagnation, discrimination and disparities. The scheduled castes and scheduled tribes, other backward castes and poor communities are considered as the backbone of the Naxalism because they are being continuously discriminated and neglected. It is also alleged that these down-troddens are also tortured and harassed by the enforcement agencies.277

277 Supra nn. 263-267.