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Manipur's common cause

Anti-AFSPA struggle unites diverse groups and multiple strategies in the fight for peace.

Written by **Deepti Priya Mehrotra** | Updated: September 15, 2016 12:02:36 am





Irom Sharmila is the visible face of the anti-AFSPA movement.

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Soon after she broke her 16-year fast on August 9, ex ■ square yards c Sign in rity for Irom Sharmila's cause started pouring in: From the National Association of People's Movements (NAPM), Naga People's Movement for Human Rights (NPMHR), women's groups, human rights and civil society groups across the country.

During that time of intense churning, I spent a couple of days with her in the hospital room in Imphal, where Sharmila was surrounded by caring friends, activists and ordinary locals, all relieved she had given up her fast. Reactions to her decision to contest elections were mixed. Meira Paibis — elderly women activists who have exposed atrocities under AFSPA over the decades — visited Sharmila on August 11, reaffirmed love and respect for her, while expressing allegiance to a politics of constructive protest, rather than the electoral path. Meira Paibis patrol the streets in towns and villages, alert to any disappearance or violence; they formed Sharmila Kunba Lup in 2008, held sit-ins, solidarity fasts and mass rallies; and the powerful nude protest of 2004, demanding an end to sexual crimes by security-men, under cover of AFSPA.

The struggle against AFSPA holds that this counter-insurgency law has created more unrest in Manipur than it has curbed. The people of Manipur are raising issues of justice, accountability, and fundamental rights to life and liberty, critical to the future of Indian democracy. Irom Sharmila is the visible face of the anti-AFSPA movement: Her fast created wide public awareness. She has decided to change track and experiment with a new strategy — contesting elections, winning power and instituting good governance. This will be no easy path, yet well worth a try. That diverse strategies are being deployed towards the same goal is one of the tremendous strengths of the movement.



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The Hegde Commission, appointed by the SC, probed a sample of six cases and stated in its report (2013) that not a single encounter was genuine; none of the killings was in self-defence; and not a single victim had a terrorist background or even a criminal record. Among victims was 12-year old Mohd. Azad Khan, allegedly dragged out of his house on January 8, 2009, by about 30 security personnel, beaten up and shot dead. The commission noted: “Though the Act gives sweeping power to the security forces. it does not provide any protection to citizens against possible misuse of these extraordinary powers. Nor is there any monitoring system to review the use/abuse/misuse of these powers.” It categorically stated that “legal



The commission noted: “Though the Act gives sweeping power to the security forces, it does not provide any protection to citizens of these extraordinary powers. Nor is there any monitoring system to review the use/abuse/misuse of these powers.” It categorically stated that “legal bounds are being transgressed in counter-insurgency operations in the state of Manipur”. The Hegde Commission appreciated, “civil society in the state not only has a palpable presence but has raised the level of social consciousness well above the average in the country..”

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The SC ruled, on July 8, 2016, that all 1,528 cases of alleged “fake encounters” in Manipur are to be probed. “It does not matter whether the victim was a common person or a militant or a terrorist, nor does it matter whether the aggressor was a common person or the state. The law is the same for both and is equally applicable to both. This is the requirement of a democracy and the requirement of preservation of the rule of law.” The apex court pointed out that if security forces have been deployed for an indeterminate period of time, as in Manipur, there has been a systemic failure in governance. An “internal disturbance”, as declared in Manipur (since 1958; in 1980 throughout the state) is not equivalent to or akin to a war-like situation. To quell the internal disturbance, use of excessive force or retaliatory force by the Manipur Police or the armed forces of the Union is not permissible; an allegation of excessive force resulting in the death of any person must be thoroughly inquired into; and proceedings can be instituted in a criminal court.

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This interim judgment has far-reaching implications for human rights in Manipur, and wherever security forces are deployed in counter-insurgency operations, such as the North-East and Jammu & Kashmir. Following the judgment, civil society organisations are working across all nine districts of Manipur to gather evidence from victim families, neighbours, security forces and state police. A team of lawyers and students of Jindal Global Law School (JGLS) has joined to help document the cases, for to the Supreme Court. Anubhav Tiwari, Research Associate, JGLS, notes, “The cases are completely opaque. Not only AFSPA but also UAPA (Unlawful Activities Prevention Act) and the Army Act are being used to perpetuate a culture of impunity.”

Anti-AFSPA is the one cause that unites people across Manipur — and Nagaland too. On August 11, 2016, Naga Students’ Federation, Naga Mothers’ Association, NPMHR and Naga Hoho held anti-AFSPA rallies at Kohima, Dimapur, Chandel, Ukhrul, Senapati, Tamenglong. K. Temjen Jamir, editor of a Dimapur-based newspaper, stated “No civilian can feel secure so long as the Act remains. We’d like to tell the government of India that we live in peace and we’d like to continue living in peace.”



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The writer is the author of ‘Burning Bright: Irom Sharmila and the Struggle for Peace in Manipur’.