



HUMAN RIGHTS VIOLATION CAUSES BY IMPLEMENTATION OF ARM FORCES SPECIAL POWER ACT ON TANGKHUL COMMUNITY IN UKHRUL DISTRICT, MANIPUR.

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Abstract

Tangkhul village was considered a sovereign, socialist and democratic village-state by itself since time immemorial. The administrative set up and the governance of the Tangkhul community is democratic in nature. The Tangkhul community exercises their own rights within their jurisdiction and anything against humanity is not compromised. Since the imposing of AFSPA in 1958 by the parliament of India in Manipur state the situation has become very tense and the image of human rights have been damage by the Arm forces. Since more than decades Arms forces has committed several crime against the women in the district the community has come up with courage to fight for the justice and in some cases the violators were punished as per the law. There are many cases which are not being investigated by the concern authority but despite the state government negligence the community civil organization is taking initiative to investigate and brought before the court. The community itself is tired and warned out of human violation but being struggling for survival under the shadow of Arm Forces nobody wants to give up fighting for justice.

Keywords: Killing, AFSP Act, Tangkhul community, Arm forces, Government.



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Introduction

Human right means the basic minimum essential rights and freedoms needed for every human being. This includes right to life and liberty, freedom of thought and expression, and equality before the law. In other words Human rights are moral principles and norms which set certain standards of human behavior and are often protected as legal rights in national and international law. Human rights are also commonly known as inalienable fundamental rights “to which a person is inherently entitled simply because he or she is a human being,” and which are “inherent in all human beings” regardless of their nation, location, language, religion, ethnic origin or any other status. They are applicable everywhere and at every time in the sense of being universal, and they are egalitarian in the sense of being the same for everyone. They require empathy and the rule of law and impose an obligation on persons to respect the human rights of others. They should not be taken away except as a result of due

process based on specific circumstances, and require freedom from illegal custody, torment, and killing.

Tangkhul Community

The term “Tangkhul” is a mystery and debatable for many scholars since there is no written document from where it was derived nor is there any concrete narration foretold about its origins. Though Tangkhul terms may be confusing there are some theories which open up their opinion as per their findings and evidence.

According to Stephen Angkang opinion Tangkhul is a name invented recently by the Britishers Pemberton through a Meitei interpreter Lairenjao, it is derivation of two words ‘Atongba’ which means elevated place and ‘Khul’ which means village because the Tangkhul settled in elevated places (hills). It was recorded as ‘Tongkhul’ but in course of time it was changed into Tangkhul.

Some opine that the term tangkhul is derived from two Meitei words, tada (Brother) and khun (village) the name ‘tangkhul’ is derived from Than-Khul, a combination of Burmese ‘Than’ (iron) and Meitei ‘Khul’ (village).

Ukhrul District

Ukhrul District (currently including Kamjong District) was officially declared in 15th July, 1983 after Chandel District was carved out from Manipur East District and the title of the district was changed into Ukhrul District. The Tangkhul forms the majority ethnic group in this district, the area of the Ukhrul district is 4,544 Sq.Km. Ukhrul district lies in the north-eastern corner of Manipur and it extends between Latitude of 24⁰ N-25.41⁰ N and Longitude of 94⁰ E-94.47⁰ E. The climatic condition of Ukhrul is Maximum: 33⁰ C and Minimum: 3⁰ C.

Power given to Arm forces under AFSP Act 1958¹

The Act grants the following powers to any military officer, including any commissioned officer, warrant officer, non-commissioned officer and any other person of equivalent rank in the military forces, air forces operating as land forces, and other operating armed forces of the Union.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:

- Power to declare areas to be disturbed areas
- Special powers of the armed forces
- Arrested persons to be made over to the police

¹ The Armed Forces (Special Powers) Act, 1958 Act No. 28 of 1958, 11th September, 1958
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- Protection to persons acting under Act
- [Repeal and Saving.] Rep. by the Repealing and Amending Act, 1960 (58 of 1960), S. 2 and the First Schedule (w.e.f. 26-12-1960).

Universe of the Study

The research topic itself reflects the study of the particular population. Target population selected is the entire Ukhrul district. Study of population is defined in Ukhrul district of Manipur state. The area of the Ukhrul district is 4,544 Sq. Km. with the household population of 35,614. (2011 Census).

Data Processing and Analysis

Sample Size: To identify the violation of human rights in Tangkhul community, critical to any primary research is the data which is collected by the researcher and has to be presented. There are 391 samples from seven most violated villages which were selected from four different blocks of Ukhrul district.

1. Morgan and Krejcie methods were used for population studies,
2. 5 percent of the total population was selected by using proportionate sampling methods.

Table no. 1 Showing the No. of Villages and Respondents

No. of Village	No. of Respondents	Percent
Huining	34	8.7
Huishu	10	2.6
Hunphun	261	66.8
Jessami	28	7.2
Kumram	4	1.0
Ngainga	13	3.3
Talui	41	10.5
Total	391	100.0

Table no. 2 Statement showing increase of violence with the imposing of AFSPA

Violence due to imposing of AFSPA	No. of Respondents	of Percent
Increases	314	80.3
Not increase	77	19.7
Total	391	100.0

The above table clearly indicates that out of 391 samples 80.3% responded that there is an increase in violence due to imposing of AFSPA whereas 19.7% responded that there is no increase in violence due to imposing of AFSPA.

Table no.3 Statement showing the type of rights violated

Type of Rights violated	No. of Respondents	Percent
Right to safety and security	124	31.7
Right to protest and gather public opinion	89	22.8
Right to autonomy and self rule	107	27.4
Right to self respect	66	16.9
Others	5	1.3
Total	391	100.0

The above table clearly indicates that out of 391 samples 31.7% of the respondents responded that Right to safety and security has violated, 27.4% of the respondents responded that Right to autonomy and self rule and only 1.3% of the respondents responded that other type of rights are also violated.

Table no. 4 Statement showing the type of punishment given by the Human Rights Violators

Type of Punishment given	No. of Respondents	Percent
Electric shock	64	16.4
Punching and Kicking	71	18.2
Hitting with gun	106	27.1
Beating with stick	148	37.9
Others	2	.5
Total	391	100.0

The above table clearly indicates that out of 391 samples 37.9 % responded that beating with stick was the most common type of punishment given by the Human rights violators followed by 27.1% bunching with gun. Only .5% respondents responded other type of punishments were the most common type of punishment given by the Human rights violators.

Table no. 5 Statement showing the Method of Human Rights Violation

Method of violation	No. of Respondents	Percent
Gun	196	50.1
Explosive material	34	8.7
Physical strength	61	15.6
Teargas	99	25.3
Others	1	.3
Total	391	100.0

The above table clearly indicates that out of 391 samples 50.1% of the respondents responded that the Human rights violators used gun for committing violation followed by 25.3% using tear gas for committing violation. Only .3% respondents responded that the Human rights violators used other type of material for committing human rights violation.

Table no. 6 Statement showing the most sufferer of Human Rights Violation

Most sufferer of Human Rights Violation	No. of Respondents	of Percent
Woman	81	20.7
Youth	149	38.1
Elders	66	16.9
Village council	92	23.5
Others	3	.8
Total	391	100.0

The above table clearly indicates that out of 391 samples the most sufferer of human rights violation is the youth 38.1% followed by the Village council 23.5% and Woman 20.7%. Only .8% did not give any opinion on the suffering of human rights violation.

Table no. 7 Statement showing violence as the only means to achieve the goal of Military

Violence as the only means to achieve the goal of Military	No. of Respondents	of Percent
Only the means	44	11.3
Not the means	347	88.7
Total	391	100.0

The above table clearly indicates that out of 391 samples 88.7% responded that they did not consider violence as the only means to achieve the goal of military and only 11.3% responded that they consider violence as the only means to achieve the goal of military.

Table no. 8 Statement showing the desire to appeal the government to remove the AFSPA

Appeal the Govt. for removal of AFSPA	No. of Respondents	of Percent
Want to appeal	331	84.7
Don't want to appeal	60	15.3
Total	391	100.0

The above table clearly indicates that out of 391 samples 84.7% want to appeal to the government to remove the AFSPA, 15.3% don't want to appeal to the government to remove the AFSPA.

Table no. 9 Statement showing the affect of violating human rights

Affect of violating human rights	No. of Respondents	Percent
Emotional effect	41	10.5
Mental effect	138	35.3
Physical effect	210	53.7
Others	2	.5
Total	391	100.0

The above table clearly indicates that out of 391 samples 53.7 % responded that there are physical effect causes to them due to violating human rights and 35.3 % responded that there are mental effects due to violating human rights. 10.5 % responded that there are emotional effects due to violating human rights. Only .5 % responded other types of effect are causes due to violating human rights.

Table no. 10 Statement showing the Militants understanding towards the sentiments of the civilians

Militants understanding towards the sentiments of civilians	No. of Respondents	Percent
Understand	74	18.9
Don't understand	317	81.1
Total	391	100.0

The above table clearly indicates that out of 391 samples only 18.9 % responded that the militants understand the sentiments of the respondents and 81.1 % responded that the militants did not understand the sentiments of the civilians.

Findings

- The reason and purpose of human rights violation is due to implementation of AFSPA, while taking advantage of this Act some Military exposed their power through violation, some out of anger and enmity towards the community. The Indian Army and State Government Force used different methods for violating human rights; Gun, explosive material, physical strength, Tear gas and harmful objects are used. Electric shock, punching and kicking, hitting with gun and beating with stick are the most common type of punishment given to the community by the Arm Forces. Due to the act of violation of human right the community emotions and mentality are

badly affected. Some are physically affected like fracture of bones, physical pain, handicap, health weakening and lesser lifespan due to harsh punishment given by the Arm Forces.

- Most of the violation acts are committed without any reason but out of anger and hostility which itself provoked the Arm Forces to commit such violation. It is observed that curfew, bandh, body checking, dragging the suspect, open firing at public places, kidnap, house raid are very common in Ukhrul district and it is done without giving any warrant or notification. Damages and casualty done by the Arm Forces are rarely compensated. The respondents are strongly against the enforcement of AFSP Act 1958, by implementing AFSPA more violation are happening therefore it is found that AFSPA is implemented not for safety and security of the Community. The civilians strongly opposed the rules and regulation lay down under AFSPA, they fought back in response for the violence committed by the Arm Forces.

Suggestion

- To maintain peace and harmony Indian Arm Forces should follow the rules and regulation laid down under AFSP Act. Violating rules and regulation should be strictly checked by the concern authority for the safety and security of the community. It is seen that many a times Indian Arm Forces has violated the rules and regulation and has gone against the law.
- State Arm Forces like; Police, Commando, Indian Reserve police and Manipur rifle should also respect and follow the rules and regulation of laid down under AFSP Act. Avoiding rules and regulation should be strictly checked, the concern authority is accountable to look after violating the rules and regulation.
- The reason and purpose for violating human rights should not be end up with excuses and the reason should not be out of anger, due to AFSPA, exposing power or enmity. Many a times the Arm Forces purposely violates with wrong motives and intention compromising the real purpose of why they are doing. Anger and enmity should not be the reason for violating human rights.
- It is the expectation of the community that the Arm Forces understands the feelings of the civilians. In many incidences the Arm Forces did not listen to the opinion of the civilians nor do they understand the positive approach of the civilians.

- Government should take more initiative to prevent violation; it is the responsibility of the government to look after every citizen's needs and problems despite caste, creed, and religion. Government should not remain silent when the citizens are suffering and crying for the justice. Government should execute justice and protect the rights of every citizen without considering the regions and the community whom they belong to.

Conclusion

The study shows that the Tangkhul community strongly opposed the implementation of AFSP Act; the community feels such Act will not bring peace and non violence in Ukhrul district. Implementing AFSP Act will not help in controlling and minimizing insurgent groups rather it has brought tense relationship between the community and the Arm Forces. On the other hand Arm Forces did not abide the rules and regulation lay down under AFSP Act. Due to AFSP Act it has disorganized the society, hinders the economic growth and Christian ethics has been defame due to violence. Political scenario has been badly affected by AFSP Act and it has created commotions in political system. Therefore it is concluded that AFSP Act is a threat to social peace and harmony of Tangkhul community hence they wants to appeal the government to revoke AFSP Act.

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