

ABSTRACT

Introduction: Human rights are rights originating from human dignity. According to the Universal Declaration of Human Rights, “Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or status”. These are rights to life, liberty and security of person, right to freedom of speech, judicial remedy, freedom of movement, right to take part in the governance of one’s country, etc. The second types of rights are economic and social rights. These are the right to work, right to live with dignity, right to rest and leisure, right to education, equal pay for equal work, right to equality, etc. Here human rights were proclaimed as ‘the highest aspiration of common people’. Hence, protection and maintenance of human rights is a fundamental duty of every government.

The concept of human development although can be traced back in early history of humanity in different cultures and religions, has of course, now acquired new interpretations of increasing the capability of human being to take charge of their destiny. Human rights approaches try to address the main causes of development problems. As former Secretary-General Kofi Annan once said, “Human rights can be found at the heart of every major challenge facing humanity”. On the other hand, human development approach is concerned with all the capabilities that people have reason to value. Both the ideas have much in common with the concerns expressed by Declarations of Human Rights. The promotion of human development and the achievement of human rights share, in many ways, a similar motivation and represent a fundamental commitment to securing the freedom, well-being and dignity of individuals in all societies. While human rights embrace the range of social, economic, cultural and political rights, as defined by the international community, human development is about expanding the choices people have to lead lives which they value, the resources to make those choices available and the security to ensure those choices meaningful. According to Amartya Sen, human right and development are indeed mutually compatible. He shows that both share a common goal: enriching the lives and freedoms of ordinary people. The combination of the two perspectives gives us something that neither can provide alone.

North-east India, once considered as a 'paradise', has now become 'crisis-ridden'. The root cause of this mess lies in the history, geography and demography of this region. In May, 1958 Dr. Rajendra Prasad, the then President of India, in response to the continued unrest in the north-eastern territories of the Union, including self determination activities by Naga tribes that spilled over into the state of Manipur, promulgated the Armed Forces (Assam and Manipur) Special Powers Ordinance. The ordinance entitled the Governor of Assam and the Chief Commissioner of Manipur to declare the whole or any part of Assam or Manipur, respectively, as a "disturbed area". The Armed Forces Special Powers Act replaced the ordinance later that year. The Act was passed by both houses of Parliament on 18th August, 1958 and received presidential assent on 11th September, 1958. Subsequent amendments to the Act, which mainly dealt with the territorial scope of its application, were enacted in 1960, 1970, 1972 and 1986. Even though there was some resistance within the parliament against the passing of the Act, the majority prevailed and the law was passed. Today the Act is applicable to the north-eastern territory of India, comprising of seven states, namely Assam, Manipur, Tripura, Meghalaya, Arunachal Pradesh, Mizoram and Nagaland. The two constituent states of North-east have been selected for study keeping in view the incidents of human rights violation by both state and non-state actors. While the state of Manipur witnesses a kind of state sponsored violation of human rights, in Assam the ethnic insurgency groups are constantly violating the rights of common men with the state in most cases has failed to stand to the occasions.

Statement of the Research Problem: We have said earlier that human rights are the basic rights for an individual. These rights are regarded very important for the better living of a person. Today, violation of human rights is seriously taken note of by international bodies. It is in this backdrop that most countries have set up their own independent National Human Rights Commissions. Hence human rights are undeniable and inherent rights of every individual.

The North-eastern part of our country is declared as 'disturbed' for long. Its human rights situation is rooted in its ethnic and linguistic make-up and in the history of its administrative relationship to the central government of India. The Armed Forces Special Powers Act (AFSPA), 1958 was implemented to control the insurgents as well as to maintain peace and security in the region. But surprisingly, after its deployment the situation became even worse. The army violates the human rights of the inhabitants by means of torturing, arresting, searching their houses in excuse of suspicion. They harass the female in connection

to help the militants by providing shelter. Thousands of cases of rapes and sexual molestations have been reported against the army. But due to lack of proper investigation the victims do not get justice. Several times the civil society raises its voice to repeal the draconian Act. The central government sometimes too feels to withdraw it, but in practice they do nothing. International organizations like United Nations, Amnesty International make some recommendations, still the people of North-east have been deprived of enjoying the basic human rights of them. This encouraged the researcher to study the actual human rights situation in the two North-eastern states i.e. Assam and Manipur.

Objectives of the proposed study:

The proposed study would explore the situation of human rights in the north-eastern part of India and the situation of Assam and Manipur, in particular. The focus has been restricted only to the political character of the issue. A huge number of publications have made a number of recommendations aimed at improving the human rights climate of these areas. Many of these recommendations focus on the need for investigation of all reported abuses and the amendment or repeal of abusive security regulations.

The prime objectives of the proposed study would be to study:

- a) The extent and nature of violation by armed forces.
- b) To find out the role of the central government as well as the state government for the development of these regions, the reasons for not getting the benefits provided by the government in the several five years plans.
- c) To show the regional imbalances that exists in the levels of economic development in India, a country with continental dimensions, not only between different states but also within the states between different districts and regions. Therefore, the planned economic development of the state has brought wide disparities in the socio-economic situation.
- d) To identify the demands of the insurgency groups.
- e) To examine the root causes of the inter-ethnic clashes whether it plays the role of a catalyst in increasing poverty.

Research Questions:

Following are the questions which will be probed for understanding the problem:

- a) To what extent, human rights and development are linked in the context of North-East India, especially in Assam and Manipur.

- b) What has been the exact nature of poverty in the region? Are poverty and ethnic conflicts the roots of human rights violation?
- c) What has been the role of the state in protecting the human rights of the people of the region and specifically prevent human rights violation during the last three decades?
- d) Is it possible to identify human rights violation as indexes of a fragile social and economic structure?
- e) How far the crisis of human development has been accentuated because of colonial legacy of the British rule and the existence of varied religious belief in a multi-cultural context.

Research gap:

Although lot of studies on human rights as well as human rights violation in different parts of north-eastern India have been carried out by renowned scholars, no systematic and comprehensive study that has touched the actual state of condition regarding human rights violation in north-east, particularly in Assam and Manipur has ever been undertaken. On the basis of the existing review of literatures, we identified the research gap in our study. Studies on human rights violation in North-east India are large in number. But most of them view the situation from one dimension – either from the governmental point of view or from the insurgents. The issue of development is almost ignored in the existing literatures. Considering the massive poverty situation, in comparison to the rest of the country, this study seeks to identify the mutual relationship between development and human rights violation.

The proposed study would not only explore the intensities and degree of violence of that region, but also highlights its impact on its people. Moreover, the study looks at the entire situation through an impartial point of view that would help in the formation of public opinion. The proposed study has explored the situation of human rights in the north-eastern part of India, in general and the situation of Assam and Manipur, in particular. The focus has been restricted only to the political character of the issue. A comparative analysis of the human rights situation of the different states of north east India is conspicuously missing in the earlier literature. In our present study, we have compared the human rights situation of Assam and that of Manipur with the help of various parameters. In this connection, the activities of Assam Human Rights Commission and Manipur Human Rights Commission have also been compared. A huge number of publications have made a number of recommendations aimed at improving the human rights climate of these areas. Many of these recommendations focus on the need for investigation of all reported abuses and the

amendment or repeal of abusive security regulations. But in true sense, there is a huge gap between theory and practice. All these attempts have not done much to restore the security of the people of those regions.

I have given emphasis on the issue of migration which has not been discussed in the previous literature. Although rigorous quantitative analysis is desirable, the absence of a sufficient amount of reliable data does not allow to pursue such an endeavor. Therefore, my analysis is qualitative in nature - often based on anecdotes and careful observations. There are both beneficial and harmful effects on the economy. The immigrants have contributed to the rise of agricultural productivity and by supplying cheap labor in the informal labor market have benefitted the consumers and producers alike. The immigrants do not seem to compete with the native workers who are generally educated and seek employment in the formal labor market. The immigrants have put tremendous pressure on land and environmental problems which have indirect adverse effects on the economy. So we can realize that the issue of migration has played a pivotal role in the socio-economic-political aspect of the north eastern region.

Research Methodology:

Method of data collection:

For this present study data is collected and examined from both primary and secondary sources. Primary sources include historical archival, various governmental reports, documents of five-year plan and other authentic printed and visual documents. Secondary sources will include the findings of other scholarly studies on the same problem in other parts of the country for the purpose of comparative analysis. Different articles, journals, periodicals and websites are also considered to highlight the human rights situation. The researcher has visited Assam and Manipur several times to acquire a thorough knowledge regarding the actual scenario of human rights there. To collect the accurate data, the researcher has spent long hours in the offices of The Assam Human Rights Commission and Manipur Human Rights Commission.

Data Analysing:

First, the researcher has shown the descriptive statistics about four important parameters of human rights violation in Assam as well as Manipur. These four important indicators present total complaints, custodial deaths, number of rapes, and number of

encounters. In our study, custodial deaths include police custody, judicial custody, and defence or paramilitary custody.

The researcher has computed mean of all the above stated parameters to know the average of total complaints, custodial deaths, number of rapes, and number of encounters in Assam as well as Manipur. The researcher has also shown the maximum and minimum values of all the stated parameters to showcase the range or span of all the four indicators under study.

The researcher has shown the standard deviation to show the dispersion of each parameter from their respective mean values. Higher value of standard deviation indicates the higher deviation of the cases from their average cases.

Apart from the descriptive statistics, the researcher has also used inferential statistics in order to check the hypotheses in the study. As the researcher has made a deliberate attempt to make a comparison between two states which are different from one other; she has taken the help of Independent t test. As the two states are two distinct sample groups, therefore, Independent t test is the most appropriate test in this study.

In my study, comparisons between two states have been made on the basis of stated four parameters. First, I have considered the 'total complaints' parameter and I have checked the statistical significant difference of 'total complaints' between Assam and Manipur and applied the same test in the case of other parameters in my study.

Research Findings:

Chapter one deals with identifying the research problems and the methodology applied by the researcher for empirical study of the problem identified by the researcher. The researcher has stated the objectives of this research, research questions, hypothesis, detailed the overview of literature available in this field of research and pointed out the research gap in the area.

Chapter two deals with the approaches and perspectives of human rights and human development. The first part of the chapter begins with the theory of natural law, followed by a detail understanding of natural rights theory and ends with a brief discussion of the three generations of human rights that is civil-political rights, socio-economic rights and lastly collective-developmental rights introduced by Jurist Karel Vasak. The approaches of human development have been elaborately discussed in the second part of the chapter. The chapter

ends with the illustration of the interrelationship between human rights and human development.

Chapter three deals with the issues of poverty and development in this region. It analyses the level of achievements in different dimensions of human development across north eastern states. Moreover, this chapter tries to examine the extent of inter-state disparities in economic growth and human development related indicators in north eastern states. Though the region has made improvement with regard to the level of human development in recent time compared to the previous decades, yet its level of achievement in terms of human development is consistently low than that of nation average.

Chapter four includes year wise as well as area wise several cases of different forms of human rights violations in Assam. Here we can notice that mainly human rights violations are done by the state police. The numerous numbers of incidents of custodial deaths, torturing, encounters have proved their level of cruelty. Violations against women, like rape, harassment vary from year to year.

Chapter five deals with the situation of human rights violation in Manipur in detail. Most of the armed groups fighting for secession have accused the Central Government of exploiting the region's rich mineral resources, neglecting its economy and flooding the state with migrant settlers. The human rights situation in this region has been aggravated rapidly after the deployment of Indian army to fight against secessionist insurgents. To control the insurgents and to diminish the support they enjoyed, the security forces have indulged in extra-judicial executions, custodial deaths, torture and rape. Moreover, the prolonged application of the security operations, conducted under the Armed Forces Special Powers Act (AFSPA), 1958 has not only institutionalized a climate of impunity but has also alienated the public and fuelled a cycle of violence in the region.

Chapter six has presented a comparative analysis between the above mentioned two states regarding their respective human rights situations. We have also considered the total number of cases of human rights violations happened in these two states from 2005 to 2018. This chapter has highlighted the responses from national as well as international bodies to control the situation and establish peaceful environment.

Conclusion:

In conclusion we can say that the profile of Assam shows that mainly the cases of human rights violations have been done by the police and not by the army. It is observed that

whereas the police violated human rights 1,112 times during 2005-2018, the army is accused for the same only 13 times. Places like Kamrup, Kacchar, Nagaon have the maximum cases of violations done by the police. In contrast to Assam, Manipur has the highest number of cases of violation of human rights done by the army. Due to unavailability of data regarding human rights violations here, the researcher has to solely depend on the narratives given by the MHRC's officials and their newsletters. Mr. Khaidem Mani, the present chairperson of the MHRC has presented a detailed narration of the current scenario of human rights situation there. The researcher has observed that there lies statistically significant difference regarding the total number of complaints between Assam and Manipur. Perhaps the main reason behind this is the disfunctionality of the MHRC for a long span of time. I personally have realized that the newly formed commission under the chairmanship of Mr. Khaidem Mani sincerely wants to resolve the cases of human rights violations in this region.

Manipur is one of the worst affected states in North-east India where to counter insurgency operations the state acts more cruelly towards the innocent inhabitants. The Indian Army, the Assam Rifles and the Manipur Police have been accused of violating human rights of the local people only because of suspecting them as militant. Common people even do not sleep properly at night. Anytime they can come, search their houses, destroy their belongings and pick up their family member for enquiry. Sometimes after interrogating they release that person, in some cases the victim simply 'disappears'. Thousands of cases of rape, molestation, sexual assault have been done by the army. In terms of HDI ranking Manipur always performs better than Assam. According to the HDI ranking in 1981, 1991, 2001 and 2011 Manipur performs quite well in health and education, but its poor performance in economic attainment has placed its position below in the overall HDI value. Assam has been found consistently to be the poorest performer in the race of human development in recent decades. Uneven human development in this region in terms of health, education and economic outcome is very prominent and high degree of disparity across states is very much visible when examine the human development indicators. The Central Government must take all these issues into account during policy formulation.