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Human rights concerns in the State of Assam, India in situation of insurgent movement: special reference to the rights of women

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Abstract: The problem of insurgency has posed a major threat to the whole concept of human rights and human security. The North East region of India in general and Assam in particular has been experiencing the problem of insurgency since last six to seven decades. The State of Assam has also been witnessing this problem and the insurgent movements led by different groups have created major problems to the rights and security of the common people. Particularly women have to face insecurity and violence and this has resulted in gross human rights violation of Assam. Rights of women are being violated both by the insurgent groups as well as state actors in situation of insurgency and armed conflicts in Assam. Through this article, an effort is being made to examine the issue of human rights violation of women in the context of insurgency movement in Assam.

Keywords: insurgency; gender; human rights of women; India.

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1 Introduction

In India, the issues of 'insurgency' has become a major problem ever since independence. Along with insurgency, conflict based on the issues of ethnicity and identity have put some serious questions regarding the entire nation-building process of India. India's

North East region has also been severely affected by armed insurgency. A number of groups have led insurgent movements against the Indian State to fulfil their demands. The state of Assam has also witnessed insurgent movements since late 1970s led by various militant groups like United Liberation Front of Assam (ULFA), National Democratic Front of Bodoland (NDFB), Dima Halim Daogah (DHD), Adivasi National Liberation Army (AANLA), Adivasi Cobra Militant Force (ACMF), Karbi Peoples Liberation Tiger (KPLT), etc. If we examine the causes responsible for the emergence of insurgent movements in Assam, then we can say that underdevelopment, poor governance, urge to protect own culture and identity and a deep sense of deprivation among the people are the root causes of insurgency in the state. Infact identity crisis can be regarded as the most important factor that provoke some groups to raise their voice against the state in a violent manner. To counter the problem of insurgency, the state has adopted a number of strategies and some of these strategies and methods have further aggravated the situation. In fact we can say that this problem of insurgency has created a culture of violence in the state where violence has become the order of the day. The whole issue of insurgency and counter-insurgency methods adopted by the state have caused greater insecurity for the common people. This problem has posed a serious threat to the human rights of the people in the state of Assam. One thing to be mentioned here that both men and women are victims of the violence caused by insurgency. But the effect of violence, caused due to the problem of insurgency, on women sometimes becomes more severe because of some societal norms and tradition. Some patriarchal norms are responsible for such situation. The rights of women to lead dignified life are being severely violated due to such patriarchal norms in the midst of such conflict situation.

1.1 Objectives

The objectives of this research paper are:

- 1 To examine how the situation of insurgency in Assam has led to the violation of basic rights and liberties of people and how women have become the victims of gender based violence in such situation.
- 2 What is the role of the state in this regard?

1.2 Methodology

This research work is based on both qualitative and quantitative study. This study has been made from a feminist perspective. Primary as well as secondary data has been used in this study. For primary data interview was conducted with a few human rights activists of Assam. Again secondary data have been collected from various organisations (working on the issues of human rights), newspapers, journals, books, unpublished thesis, published research work, etc. All data have been analysed to obtain a better understanding regarding the problem of violation of women's rights in the context of insurgency in Assam.

2 Literature review

The issue of violation of women's rights in conflict situation is a highly debated issue in the academic discourse and that is why plenty of literature are available in this regard. Some of them are mentioned below:

B. Pakem in his edited volume 'Insurgency in North East India' has discussed the problem of insurgency in North East India. The author has identified a number of factors responsible for the emergence of the problem of insurgency in this region of India, such as feeling of insecurity among different ethnic groups regarding their cultural identity, economic backwardness, poor governance, socio-political instability, etc. The author has suggested a number of possible solutions to mitigate the problem of insurgency. He argued that there is need of effective community participation in the decision-making process, equitable distribution of resources, etc.

The North East Network (NEN) has been working extensively on rights of women in conflict situation. It has published one very important book *Women in Armed Conflict Situation: A Study by North East Network* which is outcome of the research work on the rights and security of women in the context of armed conflict situation in the North East India. This book specifically argues that in armed conflict situation women's rights are grossly violated and both non-state actors and state actors are responsible for that. The study has also found that there is a close relation between insecurity of women and patriarchal values. The conflict prone societies which are dominated by patriarchal values experience more women's rights violation. The book has also argued that the role of the state in this regard is not very encouraging.

Indrani Sen Gupta in the book *Human Rights of Minority and Women's* (Vol. 1) has examined the problem of human rights violation of women and other minority groups. The author argued that patriarchal norms are to be blamed for prevailing gender hierarchies in most of the societies. Since women are discriminated during normal time too, therefore women have to witness more insecurities in situation of armed conflict. While suggesting recommendations to the problem, the author is of the opinion that achievement of gender justice is very important.

Dasgupta (2004) in the article 'Civilians and localisation of conflict in Assam' examines the impact of armed violence on the common people in the conflict prone areas. The author says that in conflict Assam militant groups like ULFA, NDFB etc have created greater insecurity for the common people. At the same time civilians also experience violence from the state actors. The author argues for political solution of the problem of insurgency in Assam with civil society participation.

3 Human rights: the basic requirements for dignified life

Human rights are the basic requirements for each and every individual to lead a dignified life. Human rights are the most essential for the all-round development of individuals. Human rights being essential for all-round development of the personality of individuals in the society, be necessarily protected and made available to all the individuals (Agarwal, 2006). These are those rights which every individual in any society requires as a consequence of being human. The concept of human rights is basically concerned with the right to life and liberty of individuals. The philosophy of human rights is based on the

inherent dignity and equal and inalienable rights of all members of the human family. Human rights allow us to develop fully and use our human qualities to satisfy our spiritual and other needs. In simple terms, whatever adds to the dignified and free existence of a human being should be regarded as human rights. Human life and human dignity cannot be restored if human rights are taken away. Human rights are vital of a democratic society. Human rights delimit state power and, at the same time, require state to take positive measures ensuring an environment that that enables all people to enjoy their human rights (Human Rights Handbook for Parliamentarians No. 26, <https://www.ohchr.org/documents/publications/handbookparliamentarians.pdf>). Respect for human rights makes freedom meaningful. These rights are the sign and symbol of human development and peace. The whole fabric of the society depends upon human rights.

4 Historical background of insurgency in Assam

The state of Assam is experiencing the problem of insurgency during last many decades. The genesis of insurgency in Assam can be traced back to the colonial period. During that period there was migration of different communities, such as Hindu Bengalis, Muslim peasants, Marwaris, tea plantation labourers, at large scale to Assam. The Britishers allowed this migration to serve their own interest. This large scale migration created a sense of insecurity among the Assamese people that they would become minority in their own land. This feeling of insecurity became more visible when the Britishers introduced Bengali as the official language in Assam in 1836 though it was replaced in 1873 because of strong protest of the Assamese people (Konwar, 2006). This created a deep sense of resentment among the Assamese. The feeling of insecurity about their own identity, more particularly due to the dominance of Bengali speaking people in Assam, led to the rise of linguistic nationalism among Assamese people.

The feeling of resentment among Assamese people also found expression during the declaration of the Cabinet Mission in 1946. Cabinet Mission provided for a grouping scheme of the provinces into three sections A, B, C for electing the representatives of the constitution making body. Assam and Bengal were included in section C. Assam Congress under the leadership of Gopinath Bordoloi rejected the Cabinet Mission plan of grouping Assam and Bengal together (Bordoloi, 2002). Assam Congress also demanded greater financial and political autonomy for the province. Ultimately the grouping scheme was withdrawn and Assam was not merged with Bengal.

After independence ignorance, insensitive and biased attitude of the centre towards Assam also made contribution towards the growth of secessionist tendency in Assam. Central Government was not very much concerned about the development of Assam. In 1956 people of Assam demanded for an oil refinery in Assam. Representatives of people under the banner of the Oil Refinery Action Committee met the then Chief Minister of Assam Vishnuram Medhi on 13th July 1957 and placed the demand of the people of the state regarding the establishment of proposed Oil Refinery in Assam (Baruah, 2021). The people of Assam opposed the decision of the Central Government to setup a refinery at Barauni in Bihar which would run on crude oil from Upper Assam oilfields carried through hundreds of kilometres of pipelines. But the Central Government did not listen to the demands of Assam and only a small refinery was setup in Guwahati as concession. In 1969 again a movement was started for an oil refinery in Assam (later setup in Bongaigoan). So it can be said that Assam has been contributing a large portion to

national earnings through its natural resources like oil, tea, coal, etc. but the development process of Assam was not given much preferences. Therefore, the Assamese people as an ethnic group was in constant conflict with the national mainstream (Deepan et al., 2013). People of Assam protested against the centre's lack of concern for Assam and demanded speedy industrialisation of the state.

The flow of illegal migrants to Assam which started during colonial period continued even after independence. Illegal migration of foreign nationals from East Pakistan after partition and during the War of Liberation had become so serious that it created a sense of insecurity and identity crisis among Assamese. To save distinct socio-cultural identity and economic and political interest of Assamese, Assam Movement started in 1979 which came to an end with the signing of the Assam Accord between the Government of India and the leaders of the Movement on 15 August 1985. However, the Accord has failed to solve the issue of illegal migration to Assam. Assam Movement paved the way of insurgency in Assam. During the Movement, there was growing realisation among a radical section of agitators that non-violent method of political agitation would not be able to fulfil the aims of the Movement. Again the increasing atrocities of police and army during the Movement forced this radical group of agitators to accept armed struggle as the only appropriate method to save Assam. These radical agitators formed ULFA in 1979 to carry an armed struggle against the Indian State to establish Assam as an independent sovereign state. Thus the Assam Movement has acted as the precursor for a violent movement led by ULFA (Mahanta, 2013).

In Assam other ethnic communities like Bodo, Demasa, Karbi are also demanding greater autonomy and separate homelands. While analysing the reason behind these demands hegemonic nature of the Assamese leaders is to be blamed. Assamese leaders after gaining independence attempted to make Assamese language and culture to be dominant over other communities. For example, we can refer to the imposition of Assamese language on the other ethnic and tribal communities living in the state. The Assam State Language Bill was passed by the Government of Assam in 1960. This Bill was passed with the objective of securing Assamese identity based on Assamese language. However, it had adverse effects on the hill people and other ethnic and tribal communities as they afraid of dominating and losing their distinctive linguistic identity because of Assamese language and identity (Borkotoky, 2021). This hegemonic nature of the Assamese leaders has created a sense of insecurity among other communities living in Assam. To protect their distinct identity and interest against the dominance of Assamese, these communities have also formed their organisations and some of them are involved in violent activities against the state. For example, NDFB, the Bodo militant outfit is involved in violent activities which is demanding an independent Bodoland to protect the cultural identity and interest of the Bodo community.

In Assam some other factors have also added fuel to the problem of insurgency, such as lack of economic development, corruption, absence of accountability of public officials, etc. Infact in Assam bad governance has significantly contributed in the emergence of insurgency. The insurgent groups in Assam justify their movements on the ground of right to self-determination. These insurgent groups are the product of identity politics in Assam. The problem of insurgency also reflects the incomplete integration of Assam with mainstream India.

5 Insurgency in Assam and human rights situation

The state of Assam has been witnessing the problem of insurgency since many decades. In Assam a number of insurgent groups are actively engaged in conflict against the Indian state. Their demands are either complete sovereignty from India or more autonomy. Some of such insurgent groups of Assam are – ULFA, NDFB, DHD, AANLA, ACMF, KPLT, etc.

Table 1 Number of persons killed in Assam due to insurgency related violence

<i>Year</i>	<i>Total number of persons killed</i>
2000	534
2001	565
2002	482
2003	506
2004	368
2005	233
2006	169
2007	451
2008	373
2009	389
2010	154
2011	92
2012	102
2013	306
2014	61
2015	87
2016	29
2017	22
2018	3
2019	8
2020	17

Source: <https://www.satp.org/datasheet-terrorist-attack/fatalities/india-insurgencynortheast-assam> (accessed 20 July 2021)

The impact of insurgency is very negative. Almost all sections of people of the society are adversely affected by this problem. The state of Assam is also not exception in this regard. This problem of insurgency has resulted in gross human rights violation in the state. It has put a serious question mark on the whole concept of human security. For such insecurity and violation of human rights both the insurgent groups and state machinery are to be blamed. While dealing with these insurgent groups the state adopts many coercive measures that it ultimately results in human rights violation of the common people. The insurgent groups resort to extortion and other violent activities to assert their existence and protest against the state. These insurgent groups are often indulged in bombing, killing, kidnapping, extortion to fulfil their objectives. But the victims of such

violent activities are mostly the common innocent people. Again counter insurgency methods of the state also lead to violation of rights. In Assam the security forces have conducted a number of search and arrest operations in many areas. During such operations atrocities are committed towards the civilian. Civilians have been threatened, harassed, raped, assaulted and killed by soldiers attempting to frighten them into identifying suspected militants (HRW, 2020). Arbitrary arrests and lengthy detention are also made (HRW, 2020). During the period of detention these innocent people are subjected to inhuman torture which, sometimes, leads to custodial death. In Assam prevalence of some acts like Armed Forces Special Powers Act, National Security, etc. also have contributed towards the violation of human rights of common people, as these acts give extra ordinary power to the security forces to deal with the problem of insurgency.

In Assam two major operations, Operation Bajrang in 1990 and Operation Rhino in 1991 were conducted against the ULFA. In the name of such search operation human rights of the common people were violated. According to the US Department of State, human rights group in Assam reported that as many as 40 people were killed in army custody in 1991 and early 1992 (HRW, 2020). According to a study conducted by the South Asia Terrorism Portal a large number of people (including civilians, security personnel and members of terrorist outfits) have been killed in Assam due to insurgent prone violent activities. Table 1 will show the number of people killed in Assam due to insurgency related violence.

5.1 Insurgency and human rights of women in Assam

It is known to all of us that the problem of insurgency always has very negative effects on both men and women. But women, who are categorised as a subordinate gender in the society, suffer more insecurity in such situation. Women are always subjected to gender-based violence amidst of insurgency related violence. Gender is a social construction that determines norms and behaviours for being female or male in any specific social context. Gender has always been way of stratification between men and women in our social, economic, political and cultural rules and institutions. The society, which is mostly influenced by patriarchal norms and values, always place women in a subordinate position compared to men. In other words, we can say that gender is a social institution which is constructed to make women a subordinate group. Because of this social stratification system, women experience more violence and insecurity, in comparison to men, in normal situation in general and in armed conflict situation in particular. In situation of insurgency human rights of women are grossly violated. The UN Platform for Action 1995 also recognised that girls and women are specially affected by armed conflict because of their sex and unequal status in the society (United Nations, 1995).

In Assam, where the problem of insurgency is very acute, rights of women have been very often violated. Effect of violence, which is a natural product of insurgency, on men and women is different because of their different position and status in the society because of assumed gender role. The inequalities and discriminations that women suffer during the time of violence related to insurgency derive from the assumed subordinate gender role.

Actually all the sections are affected by the problem of insurgency. But patriarchal beliefs, value system and norms contribute towards more sufferings for women in the context of armed insurgency. Women have to experience various kinds of gender based violence in situation of insurgency. They have to experience physical violence, sexual violence, psychological violence, etc. Their access to healthcare facilities, education, movement become very restricted in such situation. And particularly when the insurgency movement is linked with the issues of ethnicity, custom and tradition of a particular community, then greater restrictions are imposed on the women of that conflict prone areas. Because girls and women are always considered as the custodian of their culture and tradition. Because of such patriarchal belief system, women become soft target in armed conflict situations. Particularly sexual violence against women is used as a coercive method to suppress the enemy. The belief that rape of a woman is part of humiliation and destruction of the enemy stems from a patriarchal construction of a woman's body symbolising the territory or property of the enemy which has to be violated (Chenoy, 2002). Such types of actions and attitudes clearly reflect and reinforce patriarchal values and ideologies.

In situation of insurgency women are always at the receiver end in terms of insecurity and violence. Both insurgent and militant groups and state security forces inflict violence on women. Apart from physical and sexual violence, women also have to provide, against their will, food and shelter to the insurgent groups and this many time result in fear and anxiety for the women and this has adverse psychological impact. Again while conducting operations against the insurgent groups, the state armed forces often become very violent towards women. Many times, the male members of the family escape to get rid of violence from the state security forces during the time of search operation. In the absence of the male members, the security forces become more aggressive towards women. Women and girls are often subjected to sexual abuse and harassment (HRW, 2020). The prevalence of the Armed Forces Special Power Act has resulted in more insecurity for women as this act has given free hand to the security forces to deal with the problem of insurgency in the state.

In situation of insurgency women have to witness various types of physical, sexual and psychological violence. Physical violence like killing, beating, kidnapping, etc. are the common violence which both women and men experience in any conflict prone areas. Sexual violence against women tends to gender specific. It has adverse physical as well as psychological impacts. In Assam, a number of women experience sexual violence (rape, molestation) in the context of armed insurgency. As per the report of the National Campaign Against Torture (NCAT), Assam recorded 21 cases of sexual violence against women by central armed forces between 1 November 2000 to 30 October 2020 (<https://www.hindustantimes.com/india-news/assam-records-highest-cases-of-sexual-violence-by-armed-forces-in-20-years-ngo/story-1xgc3y8MIlgHDh7SDIwhiN.html>). This is only registered data. There are number of such cases where the victim or family of the victim hesitate to register such cases. A society, where patriarchal values are too strong, considers sexual violence against woman as a fault of that women. It is considered to be a matter of shame or dishonour, rather than violation of rights of women. In this context victims of sexual violence in conflict situation have to cope-up with such situation without any kind of support from the family as well community. Fear, anxiety, trauma are among the worst psychological impacts of insurgency. According to a study conducted by the Centre for Northeast Studies and Policy Research (CNES) among women in conflict ridden areas of Nagaland and Assam, the women survivors of violence in Assam

were found suffering maximum trauma from Bodo insurgency, the anti-foreigner movement and ULFA insurgency (Insurgency in Assam, <https://wcd.nic.in/sites/default/files/Women%20Headed%20Household-Assam-%20Final%20Report.pdf>).

In situation of insurgency, women's human rights are being violated in a number of ways apart from the above mentioned. Right to education of girls and women is violated in conflict prone areas. In such areas, many time, relief camps are established in the schools and colleges and this results in closers of such institutions for a long period of time. Again though relief camps are not established, presence of state security forces also put obstacles in the going to schools by the girl students. Many times parents hesitate to send their girls to the schools due to the fear of abuses by the forces. In fact, in conflict situations, the girl child is often asked to sacrifice her education on grounds that it is unsafe to venture out of the camps to attend schools. Personal security is cited as an example (Insurgency in Assam, <https://wcd.nic.in/sites/default/files/Women%20Headed%20Household-Assam-%20Final%20Report.pdf>). Women's right to good health and reproductive health also got severely affected due to insurgency. Many time insurgency or armed conflict result in destruction of health infrastructure of that particular area. Or many time medical personnel hesitate to render their services in conflict prone areas. In such situations all the people of that area suffer. But girls and women have to experience particular difficulties in such situation. Particularly their reproductive health gets severely affected due to lack of such healthcare facilities.

Again in situation of insurgency or armed conflict loss or disappearance of family members has adverse psychological as well as economic impacts on women. Due to insurgency related violence a number of families lose their sole livelihood earners who happened to be the male members of the family. In such situation the entire household responsibilities falls upon women. Because of increasing household responsibilities many women migrate to urban centres. This displacement to urban centres, increased poverty and economic burden often results in forcing the women to turn to prostitution when they do not find any other means of livelihood. Feminists consider prostitution as a form of violence against women and a sign of male dominance over women. This further leads to their exploitation and violation of their rights. Thus insurgency has led to the gross human rights violation of women.

6 Concluding remarks

Violation of human rights due to insurgency related violence has made the lives of common people miserable. The very basic human right, i.e., right to life, liberty and security of people are at danger in this situation. To put an end to such gross violation of human rights in Assam, the issue of insurgency must be solved through political negotiations. Respect for human rights and fundamental freedom should be the prime object of all democratic states and the state should not make any discrimination in the field of promotion and protection of human rights on the basis of sex. A gender just approach must be adopted by the state and the civil society in this regard. Rights and security of women must be ensured in all circumstances, including in armed conflict situation.

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