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The other Burma?

Conflict, counter-insurgency and
human rights in Northeast India

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Northeast India (NEI) is a triangle-shaped territory sandwiched between Nepal, Bhutan, China, Myanmar/Burma (hereafter: Burma) and Bangladesh and connected to the rest of the country via a thin strip of land known as the 'Chicken's Neck'. It comprises the State of Sikkim and parts of West Bengal (the neck) plus the seven 'sister states' of Arunachal Pradesh, Assam, Meghalaya, Manipur, Mizoram, Nagaland and Tripura.

Nestled in the foothills of the Himalayas, and because of the mountain range, NEI is the physical gateway between India, China and Southeast Asia. Strategically important to both countries, China also claims the Indian State of Arunachal Pradesh as part of South Tibet. Despite a build-up of troops on both sides of the disputed border, it has been suggested that the opening of this passage is inevitable, and that when it happens it will be comparable in geopolitical and economic terms to the opening of the Suez Canal.¹ Others maintain that this is currently a remote prospect because of the tensions within and between India, China and Burma, but few dispute the growing geopolitical stature of the region.

Today the people of NEI face many challenges. Fifty years of conflict has led to a strong military presence and engendered a culture of violence. Prolonged underdevelopment and the forces of modernisation and globalisation have opened the region to resource extraction, multinational corporations and the channels of international trade. The international community regularly lauds India as the 'world's largest democracy' but remains largely silent about human rights abuses within India's borders. The situation in Jammu and Kashmir is on the radar, if not the agenda, of India's major trading and security partners, but comparatively little is known about the Northeast. This report introduces some of the key human rights issues in the region.

1. Introduction: where east meets west

The region is also crucial in environmental terms. Two of the world's 34 official 'biodiversity hotspots' traverse parts of NEI, fed by the rivers of the mighty Brahmaputra which flows down from the Tibetan plateau through the fertile plains of Northeast India en route to the Bay of Bengal via Bangladesh, accounting for more than one third of India's total water resources. A massive hydro-electric power programme is underway and growing exploration of NEI's generous reserves of oil, gas and minerals are adding a new dimension to the struggles for autonomy and self-determination that have dominated the post-independence history of the region.

The Indian government sought first to defeat and then to contain movements for self-determination in NEI with military force. Like Jammu and Kashmir, NEI is both highly militarised and under-developed because of this strategy. The presence of armed groups and the ongoing counter-insurgency operations has a tremendous impact on every-day life and the multi-ethnic dimension to the conflict in NEI often spills over into community relations. In designated 'disturbed areas' the armed forces enjoy exceptional powers such as shoot-to-kill, warrantless search, seizure and arrest, and immunity from prosecution for their actions. This has caused deep resentment among the region's populations.



India and the Northeast



A brief history

The Northeast is the most ethnically diverse region in India. It is home to around 40 million people including 213 of the 635 tribal groups listed by the Anthropological Survey of India.² The population is predominantly rural, with only twelve per cent living in urban areas, and the region is extremely diverse in political and socio-economic terms. The indigenous population has much in common with the culture and traditions of their neighbours in Tibet, Burma and the countries of Southeast Asia beyond. All the major religions are present: Hinduism and Buddhism from India and Tibet, Islam from a sizeable Bengali population, and Christianity, brought by Missionaries.

The political geography of NEI would be radically redrawn in the 1940s. With the creation of India and Pakistan as independent states in 1947, the princely states were given the option of joining either country, or staying independent. The British pressed meekly for the establishment of an independent 'Princistan' in NEI that would remain loyal to the crown, but this was unacceptable to both the Congress Party and the Muslim League.

Most of the princely states were too small to survive outside of a larger country and had little interest in joining Pakistan. With no real choice, the majority opted to join India on the basis of assurances from the independence movement that their autonomy, rights and customs would be enshrined in the

Self-determination, counter-insurgency and armed groups

The unrest that accompanied partition in other parts of the sub-continent quickly spread to NEI where the Nagas, many of whom had opposed accession to India, went on to form an armed independence movement. By the early 1950s the Naga rebellion was in full swing and in 1955 the Indian government sent in the army to restore order and contain the insurgency. Peace talks commenced in 1957 and Nagaland was recognised as a self-governing Indian State in 1963. That the talks continue to the present day is testimony to their failure to deliver a long-term solution beyond the subsequent ceasefire.

In August 2011, the Indian central government identified 79 armed insurgent groups active in six of the seven 'Sister States' of NEI. Around half are tiny splinter groups; the others range from small ethnic militias to well-equipped rebel armies holding large swathes of territory. Many are involved in formal and informal negotiations with the government. The groups' aspirations, demands and activities vary widely. More than half are active in the State of Manipur. Nagaland, Assam and Tripura also have long-established armed groups, and more are forming in the States of Arunachal Pradesh and Mizoram, which has witnessed a rekindling of insurgency not seen since the Mizo peace accords of 1987. It is important to point out, however, that only a handful of the 79 armed groups are for-

2. Conflict and insecurity in Northeast India

Prior to the formation of India, NEI was a collection of dozens of princely states on the periphery of the British Empire, some little more than large estates, others the size of small countries.³ In the early 19th century, following advances into Assam by the neighbouring Burmese Kingdom, most of NEI's current territory was taken by the *British East India Company*, cutting the region off from its traditional trading partners in Bhutan, Burma and China. Initially envisaged by the British as a buffer zone against external aggression, Assam (which then also comprised most of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland) became a jewel in the crown with the discovery of tea. Hundreds of thousands of migrants from central and eastern India were brought to the province to pick the leaves of the Empire's cash-crop. Manipur and Tripura, on the other hand, while allied to and protected by the British, remained independent. Burma was taken by the British in 1885.

Indian Constitution. Those who did not want to accede to India would be annexed anyway. The supremacy of local customary law and tribal councils in designated 'Sixth Schedule' areas of Assam, Meghalaya and Tripura was duly recognized in the Constitution, though the creation of India caused more overnight partitions, for example in Tripura, which was divided between India and East Pakistan.

NEI was thus transformed from an outpost of the British Empire to a landlocked border-zone of newly independent India, sandwiched between Tibet (which China would invade in 1951), the new countries of Pakistan and Bangladesh, and newly independent Burma (in which civil war had already broken out). Despite this transformation, many of the British laws and procedures for the administration of the 'Northeast Frontier' remained in place.

The Nagas were one of many self-determination movements - violent and non-violent - to emerge in NEI. Manipur, Tripura and Meghalaya became Indian States in 1972, with Mizoram and Arunachal Pradesh following in 1987. Sikkim became a part of India in 1975. Indian statehood failed, however, to satisfy demands for autonomy and independence among the nationalist movements and armed groups of NEI, some of which split into smaller factions. Ethnic/tribal groups within north eastern states were granted local autonomy in accordance with the 'sixth schedule' of the Constitution and today there are nine such self-governing areas (in the hills of Assam, Tripura, Meghalaya and Mizoram), with yet more autonomous districts demanded.⁴ Each designated 'sixth schedule' area is effectively a smaller state within a state of NEI, each with some executive and legislative powers and a degree of developmental autonomy.

mally proscribed as 'terrorist' organisations - typically those with a political programme of greater autonomy or independence. Many of the smaller outfits have effectively been drafted into the Government of India's counter-insurgency strategy and are tolerated precisely because of their opposition to those proscribed groups seeking self-determination.

While some ethnic groups and sections of society maintain their faith in the revolutionary politics and independent homelands promised by militant groups, for many they have become objects of fear and hatred. Decades of internecine warfare, bombings, assassinations, kidnapping, mafia-style extortion and horrific acts of racist and xenophobic violence has - with notable exceptions - seen their support dwindle. Dozens of groups and thousands of fighters have sought refuge from the Indian army's counter-insurgency policies in Bangladesh, Bhutan and

Burma. In turn, the government of India has solicited the cooperation of these governments in 'counter-terrorism' with varying degrees of success. Burma is now the main focus of its attention in this regard.

Militarisation and repression

The multiple insurgencies tell only one side of the story. People want and need the state to provide security but in NEI it has instead allowed

armed groups to operate and flourish while the police and army have meted out human rights abuses upon the civilian population. The drivers of the conflicts in Northeast India – at least over the past two decades – also include a growing sense of alienation and resentment towards the policies of the Indian government. People are frustrated at the government's handling of the insurgency. Ethnic minorities feel they are subject to institutional discrimination, and many believe that the government has failed to share the benefits of India's economic growth and development with the people of the Northeast.

Counter-insurgency operations in NEI, including the long and brutal repression of uprisings in Nagaland, Manipur, Mizoram, Tripura and Assam by the Indian army, have left an indelible scar on the indigenous populations that bore the brunt of the military force. Physicians speak of a 'collective post-traumatic stress disorder, passed down through generations', sociologists talk of communities inured to acts of violence after decades of conflict.

Highly militarised since the Second World War, when NEI was part of the frontline between the Allies and the Japanese Empire (which had invaded through Burma into Manipur and Nagland), the Indian troops which fought under the British remained after partition. More troops were stationed permanently in NEI following the Indo-China war in the early 1960s, in which

Chinese forces reached the heart of Assam before consolidating their positions along the India-Tibet border, and the short Indo-Pakistan war in 1971, in which India hosted Bengali guerrilla camps in support of Bangladeshi independence from Pakistan. With each nationalist uprising in NEI, more troops and paramilitary forces were deployed to the region to contain the insurgencies and remained there permanently. Large battalions have also been established to police the borders with China, Burma and Bangladesh.

Allegations that Islamist groups like Lashkar-e-Taiba are trying to establish a base in the Northeast, coupled with deep-seated fears about Maoist insurrection taking hold across NEI, add to public perceptions in the rest of India that NEI is a hotbed of 'terrorism'. The government of India presents its activities in the region as attempts to protect warring tribes from one another, and a steady stream of bombings and assassinations by proscribed groups has fuelled the resolve of an Indian nationalist movement increasingly obsessed with national security. In 2009, India spent some 36 billion US dollars on national defence, putting it in the world top ten,⁵ with a further 4.5 billion spent on policing and paramilitaries.⁶ In 2010 military spending was up to 41 billion dollars (2.7% of GDP), making India the biggest buyer of conventional arms in the developing world by some margin.⁷ Much of the recent expenditure has gone on new resources for the air force, including 126 Rafale fighter jets (a deal which pitted Europe's major producers against one another) and helicopter gunships, some of which are destined for NEI's newly created mountain divisions.⁸

As the military presence has expanded, army elites have steadily increased their grip on economic and political life in NEI. The military has growing power over development policy and former military personnel are well represented in the institutions of regional governance (State governors almost always have

a police, military or intelligence background) and the business world, not least the media and construction sectors. While the original plan was for the army to leave NEI when the unrest had been dealt with, the Ministry of Defence is now requesting ownership of the large tracts of land on which its forces are stationed. Protracted government negotiations and temporary ceasefires with one armed group after another have allowed for some semblance of peace and development. Former insurgents from across NEI have also entered into political life, often to much the same advantage as their military counterparts.

Politics of exclusion

Whereas much local decision-making has genuinely been devolved to local institutions of governance, the initial promise of a quasi-federal system

has steadily been replaced by a stronger and stronger centre and largely compliant state and regional legislatures. While many people in NEI support self-determination for indigenous groups, devolution along ethnic lines has also fostered a politics of exclusion, with minority communities in newly devolved areas often wholly disenfranchised. All of this has given self-determination a bad name, contributing to widespread cynicism within NEI about the government's handling of the conflict and the vested interests in maintaining the status quo. Civil society is responding to this challenge by trying to re-frame debates about self-determination in terms of justice and equality instead of ethnically-based separatism.

The Indian government's economic policies have also fuelled resentment and insecurity. When India gained its independence, the Northeast's GDP per capita was slightly higher than the national average; today the region lacks the infrastructure and opportunity of other parts of India – despite making a substantial contribution to the nation's natural resources. Wages are around 40% less than the national average. NEI supplies

oil to other states yet petrol prices are among the highest in the country. Staples like rice and milk that could easily be produced in the region are imported from other parts of India. The shared sense of deprivation and exploitation that has stoked anti-nationalist sentiment and militancy in NEI is summed-up by the oft-heard assertion that 'the people aren't Indian [i.e. ethnically/constitutionally], but the resources are'. India's 'Look East' policy, focused on forging closer economic and political ties with its neighbours, and China's relentless expansion across the border has reaffirmed both the geostrategic importance of the region and the feeling that key policy decisions have been taken out of local people's hands. Highly controversial plans to increase resource extraction and construct a new generation of hydro-electric power-producing 'megadams' have added to the sense of alienation from central government.

Long-term inward migration from other parts of India coupled with the displacement of indigenous populations and the emergence of a rapacious middle class has also exacerbated NEI's internal tensions and age-old tribal disputes. The rapid accumulation of land and wealth by privileged individuals (a 'kleptomaniac elite' is how many describe them) is contrasted – as in much of India – by rural areas where the majority of the population survives on less than one dollar a day through subsistence agriculture and minimal state assistance.

Internal displacement is also an ongoing problem. From the 1990s to the start of 2011, over 800,000 people were forced to flee their homes in episodes of inter-ethnic violence in western Assam, along the border between Assam and Meghalaya, and in Tripura. According to conservative estimates, some 76,000 people remain in internal displacement in NEI due to the prolonged armed violence.⁹



Assam Rifles¹⁰



National Security Guard¹¹



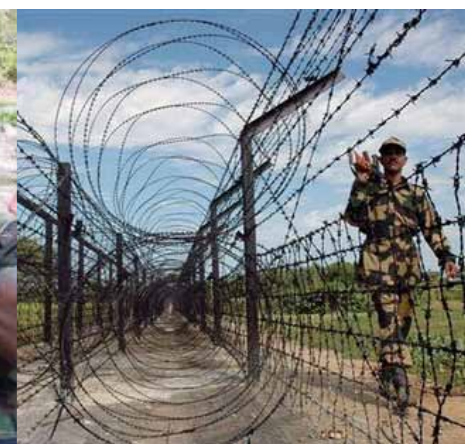
Indian army, mountain division, Nagaland¹²



A cadre of the National Socialist Council of Nagaland¹³



United National Liberation Front (UNLF) fighters, Manipur¹⁴



The India-Bangladesh border¹⁵

The impact of the conflict

India has one of the world's largest standing armies. It is not known exactly how many of its 1.3 million active soldiers and 1.3 million paramilitaries are stationed in Northeast India, but some put the total including border guards and police commandos as high as 450,000. To put this figure into context, the number of US and allied troops in post-invasion Iraq (whose population is 20% larger than that of NEI) peaked at around 165,000.

In Manipur, the smallest and most militarised state in NEI, the security situation is comparable to parts of Palestine, Iraq and Afghanistan. More than 60,000 military and security personnel and more than 300 security checkpoints span the state. Dozens of rebel groups control small swathes of territory. State-sponsored Village Defence Forces (VDFs) are being established and more and more households own a weapon.

Life under AFSPA

AFSPA is at the heart of a feared security apparatus that underpins *de facto* military rule in much of NEI. The Act provides a veil of immunity for the violent repression of insurgent groups and the communities that supported them. Countless thousands of extra-judicial killings and disappearances have occurred in Nagaland, Manipur and Assam, not just of militants but political leaders, activists and civilians. These practices continue to the present day. In 2009 media and human rights organisations in Manipur reported more than 300 extrajudicial killings,¹⁹ though numbers are said to have declined in the past two years.

Few die in open combat with armed groups. Instead many are killed in what are known as 'fake encounters' in which an individual is picked-up by police or military forces and is later found dead in a secluded location, their body squeezed into a

the army in December 2011 was a 'fake encounter' led to blockades of two national highways in protest at the shootings.²⁰ A 20 km zone along Assam's borders with Arunachal Pradesh and Meghalaya are also subject to AFSPA, as are 38 police districts in Tripura and two districts of Arunachal Pradesh (Tirap and Changlang). Decisions to designate an area as 'disturbed' are taken by the central government, often with disregard for the wishes of State legislatures. The Nagaland State assembly, for example, has passed four Resolutions against the extension of AFSPA. A growing number of international human rights organisations, including the United Nations, have called repeatedly upon the government of India to repeal the Act.²¹

AFSPA provides cover for continuous 'combing operations' designed to flush out insurgents and militants in 'disturbed areas'. Military and police commandos sweep through villages searching homes, interrogating locals and arresting alleged sympathisers. These operations are regularly followed by cred-

AFSPA has been used in conjunction with a host of other national security and counter-terrorism laws, including the Unlawful Activities (Prevention) Act (UAPA, 2004), National Security Act (NSA, 1980), Terrorist and Disruptive Activities (Prevention) Act (TADA, 1985) and the Prevention of Terrorism Act (POTA, 2002).²⁵ Between 1985 and 1994 some 76,000 people were detained under TADA. The vast majority were released without charge or subsequently acquitted at trial. TADA was widely criticised and allowed to lapse in 1995. Following the events of 9/11, POTA allowed any person who 'threaten(s) the unity, integrity, security or sovereignty of India' to be labelled and criminalised as 'terrorist'. Following strong public criticism, this act was repealed in 2004 only for its key provisions to be incorporated into the UAPA. The Indian statute book also includes several restrictive laws that have been in force since British rule, including the Prevention of Seditious Meetings Act (1911) and the Official Secrets Act (1923). Taken together, these Acts amount to what most democratic coun-

3. Counter-insurgency and human rights

India's counter-insurgency operations in the Northeast have resulted in widespread human rights abuses including extra-judicial killing, torture, forced disappearances, mass rape, detention without trial, and draconian restrictions on freedom of assembly, expression and movement.¹⁶ Human rights abuses are synonymous with the Armed Forces Special Powers Act (AFSPA) of 1958, introduced in response to the Naga insurgency in what was then Assam State, which entitled the Governor of Assam and the then Chief Commissioner of Manipur to declare the whole or any part of those regions as 'disturbed areas'. The replica of an Ordinance enacted by the British to counter Indian nationalism in 1942, AFSPA was applied briefly (but never used) in Punjab in the 1980s and extended to Jammu and Kashmir in 1990.

AFSPA's vaguely formulated provisions grant the Indian armed forces extraordinary powers in designated areas, including the use of lethal force, the right to enter and search premises without a warrant, and the right to detain and arrest suspected law-breakers.¹⁷ There are no effective safeguards for the civilian population. Lethal force is authorised against *any person acting in contravention of any law or order* and arrest and search and seizure of private property are allowed on the basis of 'reasonable suspicion'. Crucially, the Act also grants immunity for the Indian armed forces by stipulating that *'No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.'*¹⁸

rebel uniform and planted with a 9mm pistol or a Chinese grenade and some unregistered (illegal) SIM cards. The press are invited to report on another successful security operation and the 'evidence' is spirited away before any kind of independent investigation can take place.

While AFSPA has become synonymous with Manipur, where the act has been in force since 1947, the entire States of Assam and Nagaland have also long been declared 'disturbed areas'. Widespread belief that the killing of three Assamese youths by

ible allegations of fake encounters, disappearances, torture and rape.²² In the tiny fraction of cases where criminal complaints against the army are initiated, the central government must give permission for the prosecution to go ahead.²³ In February 2012, two Supreme Court judges said AFSPA's immunity ought not to cover cases in which crimes such as murder or rape were committed. 'You go to a place in exercise of AFSPA, you commit rape, you commit murder, then where is the question of sanction?' asked the Judges.²⁴

tries would recognise as draconian security powers and impose a permanent state of emergency. The various statutes allow for arrest and extended detention on the basis of 'reasonable suspicion' without evidence, charge or trial.



Protestors in Delhi demand the repeal of AFSPA ²⁶

Women protesting rape by the Indian army ²⁷



Police burning dead bodies of ULFA members (their families were not informed) ²⁸

A culture of impunity

In Assam, at the height of the United Liberation Front of Asom (ULFA) uprising between 1990 and 1993, some 10,000 people were arrested and detained under the Terrorist and Disruptive Activities Act. Only a tiny fraction of these people had any connection to ULFA. Most were released without charge after several months, many alleging mistreatment by the authorities. Scarcely one hundred of those detained were ever prosecuted. As the government crackdown on ULFA escalated, many of the group's members surrendered. Instead of disarming them, the government allowed ex-ULFA members to keep their weapons to defend themselves from possible reprisals. They formed their own group, SULFA (Surrendered members of ULFA), and in the late 1990s became a covert weapon in the government's war against ULFA. In collusion with the Indian security apparatus, SULFA carried out hundreds of 'secret killings' and disappearances of ULFA members, their families and associates.²⁹

Human rights groups in NEI have systematically documented abuses but, despite a growing body of evidence of atrocities committed by the armed forces and collusion with supposed enemies of the state (much of it supported by international human rights groups), impunity and political intransigence prevail. It appeared that this might change following an Indian government committee review of AFSPA headed by a former Supreme Court judge. The review was a response to mass protests in Manipur in 2004 following the rape and execution of Thangjam Manamora Devi who was taken from her parents' house by the army on suspicion of ties to a rebel group, raped, shot in the genitals and killed. Her bullet ridden body was found within hours of her arrest. In establishing the review panel, the Prime Minister promised to replace AFSPA with a 'more humane act'.

The AFSPA Review Commission, led by Justice Jeevan Reddy, concluded in 2005 that the Act should be repealed, though its report has never officially been published nor laid before parliament.³⁰ Reddy also went on record to state that 'the Act for whatever reason has become a symbol of oppression, an object of hate, an instrument of discrimination and high-handedness'. India's influential Administrative Reforms Commission and various UN human rights bodies have echoed these sentiments and endorsed calls for the Act's repeal. The impact of other national security legislation on NEI was also scrutinised, but the Mumbai terrorist attacks in 2008 halted the tide toward reform and put 'emergency powers' on a permanent footing. Nevertheless, AFSPA is still officially under government review and many seasoned observers remain hopeful for the imposition of some form of restriction on shoot-to-kill powers and immunity provisions.

Despite impressions in India that women in NEI inhabit a more liberal culture than their 'mainland' counterparts, the reality is that women and children are in a particularly vulnerable situation because of the conflict in the region, especially those in indigenous, minority and low-income communities.³¹ Patriarchy in India is compounded in NEI by various traditional practices and customary laws such as denying women property and inheritance rights. Discrimination against women is widespread and incidents of physical and sexual violence are frequent.³²

In spite of this situation, women's groups in NEI have won respect for taking peace initiatives, bridging ethnic divides and protesting against human rights abuses. But while women participate considerably in informal political activities, they are largely excluded from formal political processes and institutions of governance. As one activist put it: 'whenever there's a protest or Bandh [economic blockade], the women are the first to be sent into harm's way, but when it comes to discussing solutions they are excluded'.

Women and children also suffer the brunt of the conflict. Not only do they lose partners and fathers, they bear responsibility for the day-to-day subsistence activities made more dangerous by the violence. So many Manipuri men have been killed by the army and insurgent groups that the term 'Gun Widow' has entered the everyday lexicon.³³ Women joke that every house in Manipur needs at least one brick room to protect the inhabitants from stray bullets. The plethora of army and rebel-held security checkpoints have turned traditional jungle subsistence and the collection of food, water and fuel into a day-to-day ordeal.

The Indian army is the single biggest buyer of land mines in the world and the country is home to an estimated 4-5 million of the devices. The border between Southern Manipur and Burma is now heavily mined with both army ordinance and rebel-produced improvised explosive devices. Landmine clearance operations have failed to result in internally displaced persons returning to their land, leaving families in vulnerable situations.

Poverty and dispossession has been exploited by traffickers of women and children, primarily for domestic labour but also the sex industry. Anti-trafficking organisations reported instances of women and children from NEI being trafficked to Singapore, Thailand, Malaysia and Dubai, and internally to places like Mumbai and Goa. The families of trafficked children are duped by bogus assurances about education or training when domestic servitude or begging is what really awaits.

Customary law and practices

The presence of a few genuinely matrilineal societies in the region gives the impression of gender equality but violence against women is widespread and customary law often enshrines discrimination. After Uttar Pradesh, Manipur is said to have the worst rate of domestic violence in India, with other states in NEI not far behind. Regardless of background, status or education, it is still 'normal' for many men to beat their wives and children.

NEI's Tribal Councils routinely exclude women and customary law discriminates against them by denying them the right to own or inherit property. Women cannot legally inherit property under customary law and even in NEI's matrilineal societies, where property is inherited by the youngest daughter, the maternal uncle almost always assumes *de facto* ownership irrespective of deed or title.

'Witch-hunting', which inevitably discriminates against women, is also prominent in remote areas of NEI. In one region of Assam alone, 27 'witches' were killed in the first six months of 2011. More have been expelled from their villages with control over land often said to be the real motive behind allegations of witchcraft. Despite widespread condemnation of the practice, there is no State policy or law on witch-hunting. These murders should of course be covered by the normal criminal law but due to a lack of evidence and witnesses to what often are crimes in which entire communities are complicit, there is usually little prospect of prosecution.

Failure to implement pro-women reforms

The Indian government has enacted some ground-breaking legislation to enhance women's rights. The Indian Constitution was amended in 1993 to stipulate that 33 percent of elected seats in local, state and national elections must be reserved for women, but the actual representation of women remains low at just 10 percent across India. In the autonomous 'Sixth Schedule' areas in NEI, representation is much lower or non-existent because the governing councils have not implemented reforms.³⁴

The Domestic Violence Act of 2005 is supposed to provide free legal advice and shelter for victims, but it has not been adequately funded or implemented in NEI. The same is true of the National Commission for Women Act of 1990, which mandates the establishment of State Women's Commissions (SWCs) under the auspices of a national body. While SWCs

have been established in the majority of NEI states, they lack adequate resources, infrastructure and committed personnel.³⁵ The same is true of NEI's State Human Rights Commissions.

In 2007 the United Nations' Committee on the Elimination of Discrimination against Women (CEDAW) called upon the government of India to 'speed up its efforts to forge consensus on the constitutional amendment reserving one third of the seats in Parliament and state legislatures for women and undertake awareness-raising about the importance of women's participation in decision-making for society as a whole'.³⁶

4. Problems facing women and children

'Resource-led growth'

NEI is awash with natural resources. Its abundant fresh water supply and sub-tropical climate are ideal for agriculture

and its incredible biodiversity includes India's last remaining rainforests, though centuries of clearance and rampant logging mean large tracts of jungle have long since disappeared. Bamboo is widely grown and exported. There are large reserves of crude oil, the majority of which has so far been found in Assam, and exploration is taking place across the region.

There is concern that this money will instead disappear into the coffers of corporations, the federal government and corrupt local officials. Minority indigenous communities also widely believe that jobs go to 'migrants' from other parts of India.

Perhaps the greatest concern about the future of NEI's natural resources is the alleged link between the military-security apparatus and new extractive and HEP projects. Without exception, the many activists and journalists interviewed for this paper spoke of increased militarisation in areas where new

Despite the military presence – and in many cases because of it – the rule of law in NEI is a long way from befitting 'the world's largest democracy'. Continued insecurity in NEI has prolonged the conflict and given rise to organised crime and corruption undermining security and regional development initiatives. Access to justice in NEI is restricted by poverty, log-jammed courts and the impunity granted to the armed forces under AFSPA.

Endemic corruption

NEI is one of the most corrupt parts of India. Corruption is all-pervasive in economic and political life. Huge payments

for counter-insurgency and development are made directly to the army yet the expenditure is not properly budgeted or accounted. Records are falsified and staples like rice, sugar and kerosene destined for the rural poor are purloined by corrupt officials and sold to black market wholesalers.

5. The rule of law

In 2001 the Indian government established the Ministry of Development of the North Eastern Region (DONER) to accelerate development through ambitious infrastructure projects. Today NEI receives around ten per cent of the federal budget despite having only four per cent of the population. So why has so little been achieved? In addition to the insurgency, two problems in particular are said to have hampered development. First, the army has been given increasing power over development as part of an underlying policy to win over local 'hearts and minds'. Second, so much of NEI's development budget is being siphoned-off by a vast, unresponsive bureaucracy and corrupt political class that government food, education, health, housing and livelihood programmes are being undermined in many of the places they are needed most.

Armed groups threaten public officials and extort money from local businesses. 'Taxes' are collected at security checkpoints. A parallel economy fuelled by drugs and guns flourishes with both the army and rebel groups said to be involved. From over the border in Burma the 'Golden Triangle' now reaches the jungles of Nagaland and Manipur and National Highway 39 [now Asian Highway No. 2], a road that runs from Imphal to Guwahati via Dimapur, has become an important trafficking route.

Intravenous drug use has left Manipur with one of the highest HIV rates in India and food insecurity is compounded by farmers, subsidised by advance payments from 'druglords', growing poppy and marijuana plantations instead of edible crops. Weapons and munitions have flooded the area from across the borders with Burma and China.

Corruption and the threat of armed violence routinely influence decisions about infrastructure, construction, land acquisition and environmental protection, causing growing resentment of the government in resource rich areas.

6. Resource extraction, hydro-electric power and land acquisition

The Indian government's development plan for Northeast India is logically focused on using the region's abundant natural resources to create jobs and wealth. According to a 'Vision 2020' document produced by DONER in 2008, the goal is 'progress and prosperity' through the harnessing of resources such as the vast hydro-electric potential, land, mineral wealth and forests.³⁷ Presented as an articulation of the peoples' wishes, the vision built on a World Bank report of 2007 which called for a resource-led strategy for regional development, with hydro-electric power (HEP) projects alone said to have the potential to 'double the region's state domestic product'.³⁸ Major upgrades to the region's primitive road network also feature in the plans, but the long promised 'Accelerated Road Development Program for the North East Region', supported by the World and Asian Development Banks, has yet to be implemented in most of NEI. The 'Asian Highway' project, which envisages an uninterrupted motorway network connecting 32 countries across Asia with Europe, is also supposed to pass through the region. This appears a remote prospect at present, even more so since Bangladesh quit the project.

While there is widespread public support for development and job creation in the region, and an understanding that properly managed natural resources are a logical vehicle for development, the political situation in NEI has fostered unease and distrust about 'resource-led' strategies. Activists decry 'sham consultations', 'corrupt' planning decisions, the displacement of local communities and a lack of concern for detrimental environmental impacts. India's policy of using its natural resources for the 'greater good' of the nation has also resulted in scepticism that the profits will genuinely be shared with the people.

industrial projects are planned. They reported routine human rights abuses and the use of counter-insurgency and national security laws against local activists and communities. It was also suggested that 'combing operations' by paramilitary forces (ostensibly to flush out militants and insurgents) are being used to 'prepare' areas for mining projects and land acquisitions.

Extractive industries

Assam accounts for one sixth of India's total oil production. Oil India Ltd. started producing crude at Duliajan in Assam

in the late 19th century. The Digboi refinery in Upper Assam is one of the world's oldest. The state-owned *Oil and Natural Gas Corporation (ONGC)* is investing hundreds of millions of dollars in the region with the aim of doubling current [2011] production levels. The riverbeds of the Brahmaputra are also being surveyed. Foreign companies like *Halliburton* have been brought in to advise ONGC, increase production and find new reserves.³⁹ *Canoro Resources Limited*, a Canadian company, and *Geopetrol International*, a subsidiary of the giant *French Geofinance Group*, recently announced the discovery of substantial new deposits in Assam. They have also been granted exploration rights in the border areas of Arunachal Pradesh. The rights are set out in Memoranda of Understanding (MoUs) between companies and State governments. Permission from the central Indian Ministry for Petroleum and Gas, which has overall control of the sector, is required before extraction can commence. In the autonomous 'Sixth Schedule' areas, where rights over natural resources are granted to indigenous communities, autonomous district councils must also approve extractive activities.

ONGC began exploration for oil in the Wokha district of Nagaland in 1973, though it was eight years before the Government of Nagaland gave permission for extraction to commence. In 1994, following a decade of sustained protest and the production of 1.2 million metric tonnes of oil, the licence was revoked. Local communities argued that their free and prior consent had not been properly obtained in accordance with the Indian constitution. ONGC hurriedly abandoned the oil rigs and allegedly failed to properly cap the eleven wells it had drilled. Seventeen years of oil spills have caused massive pollution, degradation of farmland, rivers and forests and serious health problems. In September 2011, the *Dice Foundation* (a Kohima-based NGO) commenced public interest litigation against ONGC, state and central government.⁴⁰

Oil exploration in Manipur includes sites around the Loktak Lake, a national park and recognised wetland of international importance. Almost 4,000 km² – one sixth of Manipuri territory – has been earmarked for exploration. Local activists accuse the Indian government of putting out a global tender for exploration contracts without informing the local community. Activists have also accused the army of intimidating and evicting local residents and using National Security provisions against their ranks. Some companies are reportedly exploring the potential for hydraulic fracturing (or ‘fracking’) by injecting water, chemicals and sand into rock formations to break them open and gain access to previously unobtainable fossil fuels.⁴¹ France and several American States have banned the technique on environmental grounds.

Lafarge in the dock over land acquisitions and mining licences

Among the most controversial mining projects in NEI is the extraction of limestone from Meghalaya by the French company Lafarge for its cement factory in Bangladesh. With \$150 million in backing from a consortium including the Asian Development Bank, International Finance Corporation (a World Bank subsidiary) and European Investment Bank, Lafarge constructed the \$255 million plant in Chhatak, Bangladesh, aiming to produce 1.2 million tonnes of cement annually and create 280 jobs. The plant is entirely dependent on limestone extracted 17 kilometres away across the Indian border, in the East Khasi Hills of Meghalaya. A conveyor belt that can carry up to 6,000 tonnes of limestone per day connects the quarries in India with the factory in Bangladesh. It is the only joint industrial project between the two countries and the Indian government cited the plant as the first successful example of its ‘Look East’ policy. Lafarge’s international backers heaped praise on the company for managing to establish the facility across such a difficult border, while the company boasted of its technical and diplomatic prowess.

Lafarge commenced its limestone mining project in the East Khasi Hills in 2001. Permission was granted by the Indian Ministry of Environment and Forests (MOEF) following an application by Lafarge’s Indian subsidiary and an environmental impact assessment (EIA) it had commissioned from a Delhi-based consultancy. Production in Chhatak began in 2006 but work was halted in April 2007 when MOEF suspended Lafarge’s limestone mining permit following a complaint from the Meghalaya State forestry conservation officer. The official found that Lafarge had deliberately misled MOEF in its initial application by stating that the area fell outside the scope of forestry protection because of its ‘uneven terrain’ and ‘rugged topography’. The EIA stated that the sites were ‘covered with rocks and debris, this area can be termed as a near wasteland’. In actual fact, the quarries were located in thick forest. The Ministry invited the company to apply for fresh clearances on the basis of the 1980 Forest Conservation Act that had clearly been violated.⁴⁴ The State official also called for action to be taken against the consultants who had misled the government. Lafarge challenged MOEF’s decision in the Supreme Court on the grounds that the area had been certified as ‘not falling under forest area’ by both the State and the Khasi Hills Autonomous District Council.⁴⁵

This was only the beginning of the controversy. One month later, local residents went to court to challenge the legality of the land acquisitions for the quarry and conveyor belt sites made by Lafarge’s Meghalaya-based subsidiaries. In a complex set of deals, a subsidiary owned jointly by Lafarge and two Khasi tribesman acquired two sites and leased another, a second subsidiary held the mining rights, and a foreign-based banking consortium provided the finance. Lafarge was accused of illegally mortgaging tribal lands to foreign banks.⁴⁶ In addition to Lafarge, the plaintiffs named 14 other respondents in the writ, including three federal government ministries, the National Commission for Scheduled Tribes, the Reserve Bank of India and the State government, which had relaxed the provisions of the Meghalaya Land Transfer Act to allow the acquisitions to go ahead in the first place. All were accused of dereliction of their constitutional duty to protect tribal lands in accordance with the ‘Sixth Schedule’ provisions.

Coal is mined in Assam, Meghalaya, Nagaland and Arunachal Pradesh by *North Eastern Coalfields*, a subsidiary of the state-owned *Coal India Limited*. The largest coalfield is in the Tinsukia district in upper Assam, where mining dates back to the 1880s. Mining also takes place in tribal land stretching across the States of Meghalaya, Nagaland and Arunachal Pradesh, where limestone, iron ore, granite and chromium are extracted. Some believe that the hills of Arunachal Pradesh and Meghalaya hold large deposits of uranium and Delhi had hoped that these could meet the needs of India’s nuclear programme. Planned uranium mining projects by the *Uranium Corporation of India* have, however, failed to win the support of local communities and there have been widespread protests, road blockades and violent clashes with paramilitaries.⁴²

The Northeast also holds some of India’s largest natural gas reserves. India’s *Oil and Natural Gas Corporation* has already drilled more than 150 wells in the State of Tripura alone, more than half of which have yielded gas. A sizeable new gas powered electricity plant is being built in Palatana.⁴³ Indigenous communities in Tripura claim to have been forcefully evicted or ‘tricked’ from their land, which is often ‘leased’ for exploration but not returned. They report serious pollution in rivers upon which people depend and sickness caused by the release of toxins and noxious gases.



Limestone mines in the East Khasi Hills, Meghalaya. Lafarge’s EIA said the area was ‘a near wasteland covered with rocks and debris’⁴⁷

The conveyor belt leading to Lafarge’s cement plant in Bangladesh⁴⁸

Lafarge resumed limestone mining in the East Khasi Hills in November 2007 following fresh clearance from the Ministry of Environment and Forests under an expedited procedure. A court appointed panel found that the company had acted improperly and should have sought the correct permissions, but described the situation as a fait accompli in which permission now had to be granted. Mining was halted yet again in February 2010 following a fresh legal challenge to the adequacy of MOEF’s due diligence, but in July 2011 the Supreme Court endorsed MOEF’s initial decision and allowed operations to recommence. The Court did however direct MOEF to introduce a number of environmental governance reforms.⁴⁹ The nature of land acquisitions in the region has also generated criticism. In 2008 a confidential report by the Asian Development Bank found serious shortcomings and a lack of transparency in the purchase or lease of land belonging to indigenous peoples, in breach of its own ‘good governance’ standards. The report also shed light on the role of a member of the Meghalaya State legislative assembly who had used his own company as a ‘go-between’ for the land deals.⁵⁰ In 2010 a Supreme Court-appointed panel ordered Lafarge to pay \$4 million per year into a fund run by the State governor for the benefit of villages near the mine.

Hydroelectric power generation in NEI

The Brahmaputra is one of the highest rivers in world, flowing at an average height of 4,000 km above sea level through Tibet before falling steeply through Northeast India. This makes the area very attractive in terms of hydroelectric power (HEP) generation. There are already more than 900 small HEP schemes and 62 large schemes operating in the region, with an installed capacity of around 32,000 megawatts.

Central and regional governments plan to turn NEI into India's 'engine room' by building new 'megadams' and exporting electricity to the rest of India and neighbouring countries yet still lack a credible plan to increase access to electricity among their own rural populations. Only a quarter of households in Assam currently have electricity, in stark contrast to the national average of 55 per cent.⁵¹

A plethora of Memoranda of Understanding (MoUs) between State governments and developers, granting outline planning for new HEP projects in NEI, have already been signed: seven in Assam, one in Manipur, two in Sikkim, 35 in Meghalaya and as many as 147 in Arunachal Pradesh. The vast majority, including 138 in Arunachal Pradesh, involve 'megadams'. The biggest project involves several dams across the Upper Siang River feeding a 10-12,000 MW plant. If constructed this will be the largest HEP plant in South Asia. Another of the new generation HEP projects planned for the Dibang River in Arunachal Pradesh involves the Swiss engineering specialists *Colenco*

and would see the construction of the tallest concrete gravity dam in the world.

HEP projects are lauded for providing 'green energy', but while the electricity produced may be 'carbon neutral' (and qualifies for credit under the Clean Development Mechanism),⁵³ the reservoirs, megadams and mega-construction projects are having a tremendous social, environmental and political impact. Brahmaputra's river basin is the lifeline of many of NEI's indigenous communities, as it also is for many people in Bangladesh, providing irrigation, fishing and transport. Although many of the proposed megadams are expected to be rejected at the feasibility stage or denied the go ahead by the central government, there is already sheer outrage at the possible extent of NEI's HEP programme.

Those resisting the programme are quick to point out that they are not opposed to HEP in principle, only to the 'megadams' which they say will cause permanent displacement of indigenous communities, loss of fisheries and agricultural land, and irreversible damage to NEI's fragile wetland ecologies. *Jaypee's* planned 2,700 MW site on the Lower Siang River, for example, requires the construction of a 75 kilometre-long reservoir that will cause the displacement of 8,000 people. Scores of NEI's indigenous communities settled along the rivers of the Brahmaputra, whose identity and livelihood are inseparable from the land they inhabit, are similarly threatened by HEP projects. They are also deeply concerned about the potential socio-cultural impact of the influx of workers required to build the new dams. Seventeen large HEP projects in Arunachal Pradesh's Dibang Valley would require upwards of

150,000 skilled and unskilled workers that the area cannot provide.⁵⁴ Tribes whose land is ostensibly protected by the Indian Constitution feel they will be 'overrun'.

The Indian government is eager to implement HEP schemes so as to keep pace with new HEP and dam projects north of the border, in Chinese Tibet. According to media reports, China has begun construction of a huge HEP plant on the Brahmaputra at Medog, just 30 kilometres north of the Indian border. More alarming are reports that China is considering diverting 200 billion cubic metres of Brahmaputra water to serve the needs of 600 to 800 cities in north China including Beijing and Tianjin.⁵⁵ India has responded by accelerating the planning process for its flagship Upper Siang 'megadam'.⁵⁶

Fuelling insecurity and conflict

India has expressed serious concerns over China's projects on the Brahmaputra and the Chief

Minister of Assam recently warned that attempts to divert the waters of the Brahmaputra would result in environmental disaster and a negative impact on the local economy of the state.⁵⁷ This is precisely how local dam activists across NEI feel about India's own HEP ambitions.

India's HEP programme has also reignited disputes over water with Bangladesh which date back to its construction of the 1975 Farakka Barrage across the Ganjes in West Bengal, causing serious disruption to Bangladeshi supply. The Bangladeshi government is uneasy about the scale of NEI's HEP programme

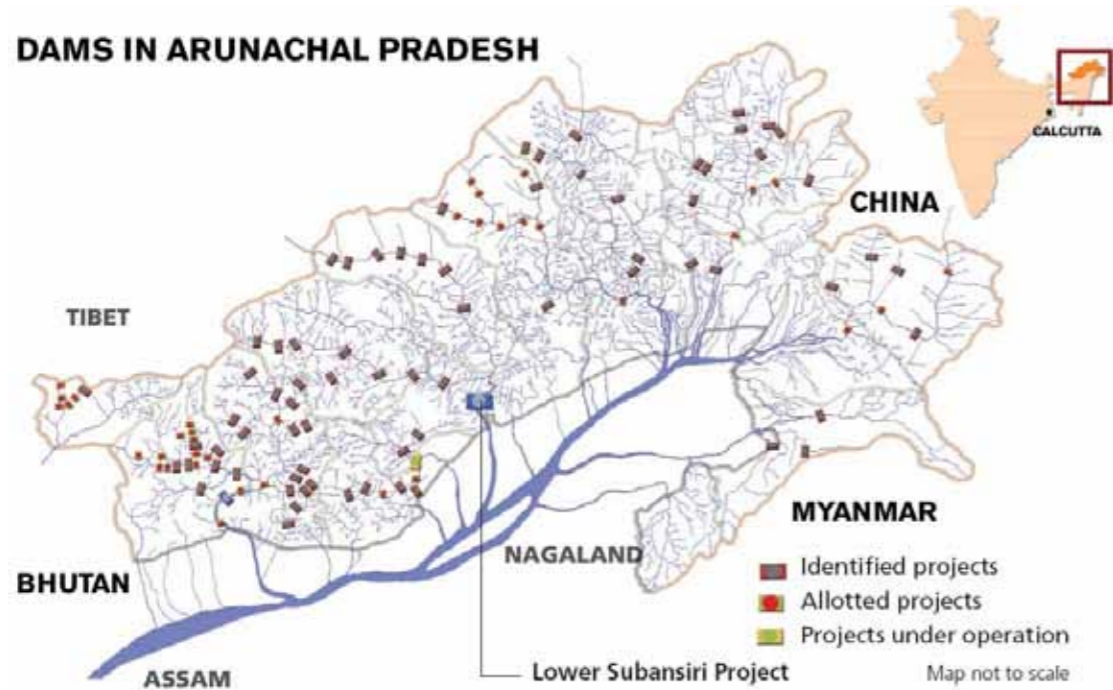
and has raised specific concerns about several proposed sites, including the World Bank-backed 1,500 MW Tipaimukh megadam on Manipur's borders with Assam and Mizoram, which Bangladesh fears will dry-up rivers and farmland in its own Northeast, threatening food security.⁵⁸ Amid growing concern about future conflicts being caused by disputes over access to the world's major waterways, 'water security' is becoming a pressing issue for the wider region.⁵⁹

It is difficult to obtain comprehensive data, but information in the public domain suggests that construction is already underway at 11 of the new NEI dam sites;⁶⁰ another 13 have received central government approval and a further 50 have been granted 'scoping' (or 'pre-construction') clearance.⁶¹ Most advanced is the lower Subansiri site on the Assam-Arunachal Pradesh border, which is nearing completion. The dam and HEP plant are being constructed by the state-owned *National Hydro-Power Corporation (NHPC)* at a cost of approximately \$2 billion. Sub-contractors in the Subansiri consortium include *Lafarge* and *Alstom*, a giant French energy and transport multinational which is supplying the turbines for the dam.

The 116 meter-high Subansiri dam will submerge a 47 kilometre stretch of the river, taking swathes of tenured agricultural land with it. The development has met with fierce local resistance and the site is now a sprawling high-security complex in which many workers reside. It has its own shops and services, armed guards and militarised perimeters. NHPC has been trying to transport the giant turbines to Subansiri for more than a year, but have so far been thwarted by organised resistance from activist groups such as the *All Assam Students Union (AASU)* and farmers' movement *Krishnak Mukti Sangram Samiti (KMSS)*. Activists reported that former *SULFA* members have been hired by NHPC to ensure safe passage of the turbines. This is unlikely to reassure French taxpayers who have provided \$100 million in guarantees for the turbine contract through France's export credit agency *Coface*.

People in NEI are wary of the link between new HEP projects and new deployments of Indian paramilitaries to the region. The build-up of Indian troops in Arunachal Pradesh will give the sparsely populated state a higher per capita ratio of troops than even Manipur. These deployments are ostensibly a response to the build-up of Chinese forces and bases on the other side of the border, but activists fear that they will ultimately be used to 'prepare' areas for new dam sites. Local protests have grown into state-wide and now regional anti-dam campaigns. Protestors argue that their concerns are being ignored. They accuse the State government of failing to obtain the prior informed consent of local villages before entering into MoUs and failing to conduct local hearings in accordance with the Environmental Protection Act. The government argues that protesters make these procedures impossible and is employing the full force of the state and paramilitaries against them. The rising tension is palpable. As one activist put it: 'They are Naxalising us. The next time you come I will either be with a gun or dead'.

DAMS IN ARUNACHAL PRADESH



Proposed dam sites in Arunachal Pradesh ⁵²

Construction of the Subansiri megadam ⁶²

Environmental concerns

The Brahmaputra river basin is home to some of the planet's last remaining pristine waterways, sustaining several national parks recognised as world heritage sites. Environmental scientists in NEI have called for the entire basin to be given world heritage status. They also harbor reservations about rapid HEP expansion because they believe the local and regional environmental impacts of constructing huge reservoirs and dams have not been properly thought through.

A fault line runs through NEI and the region experiences dozens of earthquakes every year. This has prompted concern over the extensive and ambitious nature of the construction projects. The 1950 Medog earthquake, which killed thousands in Assam and Tibet, measured 8.7 on the Richter scale and was the sixth most powerful earthquake of the 20th century. In such a seismically active area, people lack confidence that proper planning has been done to ensure that the dams can withstand powerful shocks. Experts have called for the height of the Subansiri dam, for example, to be significantly reduced to lower the potential risks to human life.⁶³ A quake measuring 6.8 on the Richter scale hit the Sikkim-Nepal border in September 2011, killing some 60 people in Sikkim.⁶⁴ Ten of the dead were workers at an unpopular HEP project on the heavily dammed Teesta River that many Sikkimese believe was the cause of the earthquake. The Sikkim government recently announced that it is scrapping this and another HEP projects in the area.⁶⁵

Flooding already affects between 3 and 5 million people annually in NEI. Each year huge rises in water levels generated by the heavy monsoon causes the Brahmaputra's fast falling rivers to weave new paths through the plains of Assam, taking human lives and destroying roads, railways, buildings and farmland. Proponents of HEP argue that the dams will help prevent the flooding; opponents suggest they will exacerbate the risks to human safety. Since the cumulative impacts of dams along the Brahmaputra have never been assessed, no-one can say with any real certainty.

According to one independent evaluation, the Subansiri dam will cause the river level to fluctuate 400-fold every day. In winter, the dam will release a trickle of only 6 cubic meters per second for most of the day, but will gush 2,560 cubic meters per second when electricity demand is highest during the evening hours. 'The project will starve and flood the dam on a daily basis', suggests the report, adversely affecting agriculture and wildlife in the floodplains and wetlands of Assam, including the Kaziranga National Park (a World Heritage Site).⁶⁶

Experts also warn that upstream extraction and construction projects can exacerbate flood risks because the extraction of large quantities of materials causes considerable amounts of sediment to be released into local waterways, blocking small streams. When the water eventually breaks the sediment dam, the slurry of pebbles and sand causes further erosion of river banks which can result in powerful mudslides further downstream.⁶⁷

The 'MoU virus'

State officials and companies involved in HEP projects have been accused of surreptitiously and cynically undermining the democratic institutions responsible for safeguarding local communities from projects with unacceptable environmental and social impacts. Upfront payments to State governments are made by developers upon signature of a Memorandum of Understanding. This undermines the entire planning process, building expectations in the minds of stakeholders that the planned project is *a fait accompli* and preventing dialogue between them. A central government minister has described this problem as the 'MoU virus'.

The distrust of local communities for a HEP project is almost guaranteed once money has changed hands. Further, those people most affected by the planned developments are not properly informed about the proposals or consulted on their design. This lack of openness and transparency continues throughout the planning and environmental clearance process.⁶⁸ The use of private consultants on the payroll of the developers to produce the requisite social and environmental impact assessments is also widely criticised for substituting objective scientific evaluation with selective and biased appraisals.⁶⁹

India's unpopular Land Acquisitions Act empowers the state to issue compulsory purchase orders. This law dates back to colonial rule in 1894, though new legislation is currently being drafted. Lawyers cannot challenge acquisitions made under the Act, only the level of compensation paid to affected parties (which lawyers say is frequently too little to allow people to rebuild their lives). People who refuse compensation are threatened with losing their land anyway under compulsory acquisitions for state 'security' purposes. Land acquisitions are overseen by state-employed Commissioners for Land Management, but the process is said to be skewed in favour of companies and developers who lobby officials, run local PR campaigns, and 'bribe' tribal leaders.

NEI has a vibrant civil society. Civic, social, academic, religious and activist organisations abound. They engage in the day-to-day conflict resolution that sustains life in conflict zones. They monitor and document human rights abuses and challenge corruption, environmental degradation and resource extraction. Their protest is both a way of life and a life-threatening pastime because both the state and the insurgent groups view them with suspicion and hostility.

A twelve day hunger strike by Anna Hazare in August 2011 captured the attention of the world's media as the 74-year-old successfully forced his anti-corruption proposals onto India's political agenda. Few media reports drew parallels with Irom Sharmila, however, who has been on hunger strike in Manipur since November 2000, demanding the repeal of the Armed Forces Special Powers Act. As soon as Sharmilla went public with her fast, which was a response to the shooting of ten civilians at a bus stop by Indian paramilitaries, she was arrested by the police, charged under laws prohibiting attempted suicide, and detained into state custody where she has been forced ever since. The 'Iron Lady of Manipur', believed to be the world's longest hunger striker, has since become a symbol of Manipuri resistance to AFSPA.

There are 19 different intelligence organisations operating in NEI on behalf of the military, the police and central and state governments. Surveillance, phone-tapping, interception of

without trial, and charged with offences like possessing Maoist literature under colonial sedition laws.⁷¹

The policing of protest

Protest is a way of life in Northeast India. The blockade of highways (a 'Bandh') is particularly popular. Protests are largely peaceful but sometimes violent. They often take place in the backdrop of bombings and killings by armed groups and paramilitaries. People protest against both sides; protests are frequently met with violent force. State public order and national security legislation allows the authorities in NEI to ban demonstrations and disperse protestors. Tear gas, plastic bullets and live ammunition are a typical response to 'unauthorised' protests.

For example, in July 2011, Tripura police baton-charged a protest against the state's treatment of medical students organised by the main opposition party. The authorities obtained an order prohibiting the demonstration and many protestors were arrested. Police charged the gathering and attacked students indiscriminately. The next day, as journalists discussed the attacks on media workers with the State Director of Police, a rally protesting the police violence was attacked when it reached the local police station. A 21-year-old was killed and 111 people, including 28 policemen and 11 journalists, were injured during the two days of protests.⁷²

7. Freedom of association and expression

communications, harassment and intimidation of activists and NGOs are routine. Political activism that challenges the activities of the army, police or paramilitaries, or corrupt politicians, is frequently met by repression or coercion. In most of NEI, simply issuing a press release condemning state policy or practice is enough to earn a visit from the Subsidiary Intelligence Bureau of the central government. Challenging illegal or corrupt activities in the courts can bring an additional visit from armed insurgents working for the officials named in the writs.

Collusion between the armed forces and armed groups, politicians and businessmen, is the lifeblood of corruption in NEI. In August 2011, the body of Arup Kalita, a 29-year-old anti-corruption campaigner who had been missing for over a year, was discovered in the grounds of Assam's forestry department. Kalita had spent years working to expose corrupt officials working with local timber mafias in Assam's Kamrup West, where illegal logging is devastating the state's protected jungle.⁷⁰

Labels like anti-nationalist, ultra-leftist, Maoist or Naxalite, or allegations of links to armed groups, provide thin cover for overtly political policing. Activists have also been detained under the National Security Act which allows up to 12 months detention

Following large demonstrations in December 2011, AASU and KMSS led a blockade of a national highway in January to prevent materials reaching the Subansiri dam site by road. Up to 200 activists were detained by police and at least 10 were shot during a protest at a Lakhimpur Police station in January 2012. According to media reports, nine students were also shot in Arunachal Pradesh following an altercation with a Police Special Task Force during an annual festival in October 2011. A witness recalls: 'I rushed out of my shop and saw young boys running helplessly. They were chased by a group of paramilitary forces, who were taking aim at the boys with their assault rifles and firing'.⁷³

In November 2011, the *Asian Human Rights Commission (AHRC)* put out an urgent appeal relating to the forced eviction of people living on the floating biomass of Loktak Lake in Manipur. AHRC reported that their huts had been set on fire by the state officials charged with evicting them. In December, AHRC issued an update reporting that 10 women involved in demonstrations against the forced evictions were injured when police baton-charged the protest group they were in. Police then fired an estimated 200 rounds of ammunition in an attempt to disperse the group.⁷⁴

Arrest of 'Maoist' anti-dam activists

Akhil Gogoi is a leader of Krishnak Mukti Sangram Samiti (KMSS), a movement of farmers and tribes people that together with the All Assam Students Union (AASU) has been leading protests in Assam and Arunachal Pradesh against the construction of megadams. Akhil Gogoi has won several national awards exposing and challenging corruption in Assam.

In 2010, a leaked government report alleged that Gogoi had close links with outlawed Maoist groups in Northeast India. In June 2011, Gogoi led a protest against a government eviction drive in Guwahati. Three people including a nine-year-old were killed when Assam police opened fire on protesters. Police arrested Akhil Gogoi two days later at Guwahati press club during a press conference and charged him with ten counts of instigating violence. The Chief Minister of Assam publicly accused Gogoi of having links with both Maoists and the armed separatist movement ULFA. A former Chief Minister called the arrest barbaric and politically motivated.⁷⁵ The State Ministry of Home Affairs conceded that there was no actual evidence of links between Maoists and anti-dam protests but maintained the latter 'could be exposed to Maoist penetration if they are allowed to continue'.⁷⁶

Akhil Gogoi was released on bail two days after his arrest. There has been no action against the police accused of shooting the unarmed protestors. Gogoi is not the first Subansiri activist to be arrested or accused of links with illegal groups and the pattern appears to reflect a concerted effort on the part of the government to put an 'extremist' stamp on protestors to disrupt and discredit their movement.

As a NEI 'security source' told the Times of India in January 2012: 'The Maoists have already set up a network in Arunachal Pradesh, mainly in Dibang valley district that borders China. Their focus as of now is to build an anti-dam opinion in the district and they are working as anti-dam activists... These elements in Arunachal Pradesh enjoy a good rapport with the NSCN(IM) [an armed Naga movement] in Tirap district of Arunachal Pradesh that borders northern Nagaland and also with the Paresh Baruah faction of Ulfa'.



Akhil Gogoi is arrested by police during a press conference in Guwahati, Assam, in July 2011

Photograph © Ritu Raj Konwar

Freedom of information and movement

India is justifiably proud of its free press and pluralistic media. As in much of the world, reporters lament the commercial pressures that have besieged their industry since the internet became the dominant media, but investigative journalism continues to play a crucial role in exposing corruption and holding public officials to account.

In Northeast India, however, multiple conflicts have greatly undermined press freedom. Reporting on unlawful activities involving the police, the army, state officials or local mafia exposes journalists in NEI to a raft of dangers, particularly those working for local and state media. Dozens of journalists have been killed by underground groups and editors are regularly threatened with violence for portraying insurgents in an unfavourable light, or refusing to portray them in a favourable one. Journalists' unions have tried to extend freedom of the press by negotiating with underground groups, only to be arrested for their alleged links to banned organisations.⁷⁷

The Indian government deliberately disqualifies its activities in NEI as a formal armed conflict to avoid its obligations under international humanitarian law.⁷⁸ At the same time, it maintains that multiple insurgencies and counter-insurgency operations make the region too dangerous for foreign journalists or international observers to be admitted. Wide-ranging exemptions to India's freedom of information law for both military and national security matters significantly hamper the ability of local journalists to gather information. Military forces involved in human rights abuses go to great lengths to shield their misdeeds from public scrutiny.

Foreigners require special permits to enter several states in NEI. While businessmen and missionaries seem to have little difficulty gaining access, anyone who appears to be even vaguely interested in reporting on the security or human rights situation of the region is denied permission. Even Indian citizens require special permission to enter the States of Arunachal Pradesh, Mizoram and Nagaland. Foreign visitors admitted to States such as Nagaland and Manipur can expect the close attention of the local Intelligence Bureau.

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Police beat students in Tripura⁷⁹

Life and livelihoods in Northeast India are hampered by under-development, multiple insurgencies, paralysis in efforts to resolve these conflicts, widespread human rights abuses, the marginalisation of minority ethnic communities, the repression of civil society, corruption and a lack of access to justice. These problems are compounded by massive privatisation, the accumulation of land by local elites and the crude exploitation of water, minerals and other resources, all of which causes increasing environmental degradation.

8. Conclusions

There is a disturbing lack of international awareness of the conflict in NEI and its consequences. This is particularly puzzling given India's growing economic and political stature, although the Indian government has gone to great lengths to shield the region from external scrutiny, denying access to intergovernmental organisations, foreign journalists and human rights organisations, and all the while presiding over a 'climate of fear' in which local civil society organisations face sanction for trying to counter or draw attention to the issues described in this report.

India has also fallen far short of its obligations under international law with regard to its treatment of people in the Northeast, failing to uphold the letter and spirit of the Universal Declaration on Human Rights and other key treaties. It has also signed but failed to ratify important international human rights treaties such as the Conventions against torture and enforced disappearances. This is surely unacceptable in the 'world's largest democracy'.

Whereas sustained diplomacy has led neighbouring Burma to engage in peace talks with opposition groups in a genuine attempt to resolve the country's fifty-year-old civil war, the government of India refuses to adopt a similar approach in its handling of the Northeast's protracted insurgencies and ethnic divisions. Historical parallels with the British Empire's handling of unrest at India's periphery are not unbecoming the emerging superpower's treatment of its borderlands.⁸⁰

Pressure is needed to force the Indian government to acknowledge that the problems in NEI are far more complex than 'separatism' or 'terrorism', and that these problems cannot be solved through counter-insurgency alone. The EU and USA must bear some responsibility for failing to address human rights and development issues in their new economic and security partnerships. It is striking that the EU in particular, which is on the verge of signing a Free Trade Agreement with India, has barely raised a murmur about human rights in the context of that treaty.

9. Recommendations

The following Recommendations are aimed at foreign policy-makers and international human rights organisations:

- Urge the government of India (Gol) to repeal the Armed Forces Special Powers Act and implement the reforms proposed by the Justice Reddy Committee in 2005.
- Urge the Gol to implement the 2012 recommendations of the Special Rapporteur on extrajudicial killings and specifically the establishment of a Commission of Inquiry, consisting of respected lawyers and other community leaders, to further investigate all aspects of extrajudicial executions. This process should entail a form of transitional justice.
- Support the implementation of United Nations Security Council Resolution 1325 on women and peace and security and the development of a National Action Plan that pays due regard to the situation in NEI;
- Institute or expand human rights dialogue in the framework of bilateral and multilateral treaties and agreements on economic and security cooperation;
- Urge the Gol to implement domestic reforms demanded by the Universal Periodic Review, the Committee for the Elimination of Violence Against Women, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on the Protection of Human Rights Defenders and other United Nations bodies;
- Support the monitoring of human rights violations and develop programmes for the protection of human rights defenders in NEI;
- Encourage civil society engagement in development planning, peace talks and preventing violent extremism;
- Facilitate fact-finding missions by the UN Special Rapporteurs on torture and violence against women and other human rights bodies;
- Support measures to combat corruption, strengthen the rule of law, implement international human rights conventions and enhance access to justice in NEI;
- Assist the Gol in Security Sector Reform with a specific focus on democratic control of the security services;
- Support environmental monitoring, protection and research in NEI;
- Urge the Gol to sign-up to the international Extractive Industries Transparency Initiative;
- Review policies of the World Bank and other multilateral investment partnerships in Northeast India in the context of concerns about hydro-electric power developments;
- Support scientific research into the cumulative impacts of existing and planned HEP projects in NEI and international water diplomacy in the wider region.

Further reading

Damming North East India - Juggernaut of hydropower projects threatens social and environmental security of region

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Unruly Hills: A Political Ecology of India's Northeast

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