



Research Article

HUMAN RIGHTS IN A DECADE'S BACK IN MANIPUR

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ABSTRACT

It is attempted to insight the modus operandi of violation of human rights. The main focus includes challenges to right to life like arbitrary arrest, abuse of AFSPA; Extrajudicial execution; extortion and killing for cash; violation of women chastity rape and molestation; and involuntary disappearances; etc. To insight the state of human right violation in conflict zone in Manipur in a decade's back; To search the cases of human right violation caused by state and non-state actors in armed conflict. The armed forces carried out arbitrary arrest, torture and extrajudicial killings with impunity. The Central Government failed to respect human rights in particular armed conflict states in North East India which is proved by the various incidents. The security forces were responsible for alleged extrajudicial killings of innocent civilians. Both the State and Central security forces were responsible for the violation of the right to life.

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INTRODUCTION

After many years of political turmoil and violence since 1949 merger to Indian Union, Manipur was granted independent statehood (separate from Assam) only in 1972. The much smaller Nagaland had been granted statehood almost ten years earlier in 1963. The people of Manipur mainly youths had discontent the attitude of the India's betraying policy. The armed conflict and insurgency in Manipur started in 1964. The primary conflict involved the fight for statehood. (Kristoffel 2002) In the course of time, secondary conflicts have arisen out of tensions between various ethnic and tribal subgroups, often as a result of changes in patterns of land tenure and distribution. On the other, the ethnic conflict with the Nagas has compounded the problem in the 1990s. Some of the tribes living in Manipur are Naga. Influential Naga leaders such as Muivah hail from this area, and so do many of his Tankhul tribesmen. A bitter struggle to control drug trafficking and contraband smuggling through the border town of Moreh resulted in a bloodbath between the Kukis and the Nagas when clashes erupted in 1992. (Ibid) More and more conflict situation started that several organizations in the Indian Northeast have constituted a common platform called the United Liberation Front of Seven Sisters to oppose the demand for a "Greater Nagaland" (Nagalim). When the union government, on 14 June 2001, decided to extend the cease-fire with the Naga rebels led by Muivah to all Naga-dominated areas in the Northeast, violence erupted in Manipur.

The state assembly building party offices were burnt and thirteen protestors were killed on 18 June 2001. Civil-society organizations in Manipur were united in a mass movement against the decision and ultimately, the new cease-fire arrangements were revoked and restricted to Nagaland only. (Ibid) Indeed, Manipur has armed conflict though the government of India do not recognised it many international organisations and study centres considered it as 'Armed Conflict'. In this regard, it may be noted that South Asia is among the most violent regions in the world today as serious armed conflicts rage in many parts of the region. With a view to understand the armed conflict situation in the South Asia including India's North East Region, the Institute of Peace and Conflict Studies, has been systematically studying various armed conflicts in South Asia since 2006. As a part of their study they brought out Armed Conflict in South Asia 2011 where they study North Eastern Region of India. It is also interesting to note that each and every community in Manipur today has an armed group or more and while this may demonstrate that Manipur is home to a large number of different communities and ethnic groups, it also means that Manipur is made up of disparate communities each pulling in different direction.

REVIEW OF LITERATURE

Indeed different literature in this regard of human rights and armed conflict are aplenty but the literature found in the state that relates to the context of Manipur is very limited in terms of systematically analysed in the sense that many human rights organization collected related data but it did not converted to analytical way of conclusion. So the present work is attempted

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to study through academic persuasion with the help of theoretical building. Giving the key note address in the 'Fifth Annual Conference: Armed Conflicts in South Asia' of Institute of Peace and Conflict studies, G. K. Pillai reflected on the issue of weakness of government to tackle armed conflict, he asserted that So long as we have the huge small arms industry which is flourishing all over the world, we will find that our problem of trying to control, curb, resolve armed conflict becomes that much more difficult.

In India, *Asian Centre for Human Rights* (ACHR) has focused mainly on victims of torture and extrajudicial execution. ACHR also targets violations against particularly vulnerable groups such as women, children, lower caste people (Dalits), indigenous/tribal peoples, minorities and refugees. (Suhas 2009) The *Indian Human Rights Report 2009* published by ACHR revealed the failure of the Central government and state level authorities to address these violations. It asserted that widespread human rights violations continue to take place across India. The state government of Manipur failed to address the persistent grave human rights violations committed by security forces during 2008. The state government and Central government failed to take appropriate action to tackle the human rights dimension of the conflict. (ACHR 2009) In the article Krishna Singh T, *Manipur Burning, Armed Forces (Special Powers) Act and Centre's Apathy*, thoroughly discussed the modus operandi of security forces violating human rights in Manipur as the following: The recent episode of Thangjam Manorama Devi, who was arrested on flimsy charges, raped, tortured and shot dead in cold blood by personnel of the 17th Assam Rifles, is yet another instance in the endless killing spree continuing in the region since 1958. (Krishna n.d.)

In the journal *Eastern Quarterly*, Babloo, L. discussed the conditions of human rights in the contemporary in Manipur discussed in his article Dignity and Human Security in Manipur. (Babloo 2003) A. Bimol Akoijam rightly studied and mentioned in the article 'Another 9/11, Another Act of Terror: The 'Embedded Disorder' of the AFSPA', The abstract letter of the law finally translates into the concrete actions that mark, mar, or on occasion, end, the lives of individuals. The Act, in every instance, gives rise to a plethora of 'acts'. (Bimol 2005) The conflict situation where people used to live in a insecure life in Manipur, the context is analyzed in the Indian Defence Studies and Analysis, New Delhi. In the article *Manipur: Insurgent Politics* written by M. Amarjit Singh, research scholar IDSA, has clearly discussed the situation of Moreh town which is in the border of Myanmar. (Amarjeet 2007) In this publication of ACHR 2009, Action against torture and other forms of human rights violation in India reported various cases of violation of human rights including Manipur. It is emphasized on torture, extrajudicial execution custodial death, and also targeted on the vulnerability of women and children, lower caste, indigenous people. (Suhas op cit) The *ACHR's Indian Human Rights report 2009* claimed that states failed address human rights violations that wide spread human rights violations continue to take place across India. (ACHR op cit) In the publication of Peoples Forum for *Universal Periodic Review (UPR), India: Stakeholders' Report* under the UPR, reported that the violations of the right to life through custodial deaths, encounter killings, indiscriminate and disproportionate use of fire-arms and enforced disappearances are rampant. Pradip Phanjoubam, editor of *the Imphal Free Press*, once

observed: "From the Manipur Government's surrender policy experience, as well as that of the ongoing peace parleys between the NSCN (both factions) and Government of India, one or two other things are clear."

Objectives

The primary objectives of the study are

- To insight the state of human right violation in conflict zone in Manipur in a decade's back;
- To search the cases of human right violation caused by state and non-state actors in armed conflict;
- To put up some amicable suggestion for the protection of human rights;

METHOD

This research work is associated with Case study; Empirical analysis; Analytical observation, Sampling method, etc., but, it largely depends on field study and collect data from where victims are living. Data also collected through formal and informal interview with victims, elite groups, human right defenders and masses were carried out. Population size of this analysis is 432 when it targeted 495 as 55 each of nine districts. The district-wise population size of data found as such that Imphal-east got highest as 54 respondents which is 12 percents and Tamenglong as lowest respondents as 45 which is 10 percent. It accounts, Imphal West 53 (12.3%), Imphal East 54 (12.5%), Thoubal 47 (10.9%), Bishnupur 47 (10.9%), Senapati 46 (10.6%), Chandel 47 (10.9%), Churachandpur 47 (10.9%), Ukhrul 46 (10.6%) and Tamenglong 45 (10.4%) etc. Significantly more or less equal respondents from male and female are found that male 215 and female 217.

Analysis

The following analysis attempt to understand the conflict situation of the state, for this a questionnaire is developed in particular to insight the phenomenon of armed conflict. Population size of this data is base on 432 when it targeted 495 as 55 each of nine districts. The district-wise population size of data where Imphal-east got highest as 54 respondents which is 12 percents and Tamenglong as lowest respondents as 45 which is 10 percent. In terms of respondent's educational qualifications more than 50 percent respondents are within the level of higher secondary to graduate education that 234 respondents which is 54 percent. While 6 respondents which are one percent illiterates. Most of the respondents are youth in the sense that age between 21-30 dominates as 39 percent found in the age categorisation and followed by age between 31-40 that stands 25 percent. Just 7 respondents are age between 61 and above.

The armed movement or the policies of the Government both at Centre and State gave rise to the conflict situation. The imposition of several laws that challenges to the human rights like AFSPA and actions of the armed forces have more influenced to generate insurgence groups rather it minimised the armed conflict. Now the equation has somewhat reversed, with the conflict situation proving to be a fertile ground for armed groups to mushroom all over the place, which in turn feed the conflict situation. This is the deduction that we can make from the information provided by Chief Minister O. Ibobi Singh on the floor of the Manipur Legislative Assembly on 20 July 2009 that there are 30 armed groups operating in

Manipur. (Ibid) Besides, people sentiment and sympathy to the insurgent groups have a wide difference when it compare to the earlier phase and contemporary that, in the early 1970s /80s people have 'romantic feeling' that they favoured and extend maximum help for them but in contemporary, their support base from the people is narrow down as a result of anti-people actions of numerous insurgents and criminals groups as well as subsequent torture of state actors. Earlier factions arose because of the presence of armed groups, but today that situation has changed and we may say that the number of armed groups have multiplied today because of factionalism, which has dogged almost all armed outfits, at one point of time or the other.

Human rights violation in Manipur

People in Manipur has been living in very insecure, mainly youths who born after 1980 used to live in the conflict state that they even might not have the experience of peace in the state. State of affairs was very unpredictable that psycho fear associated in the minds of every one. Fear the sound of three to four olive green jeeps or vans roaring through a locality after dark, perhaps early in the morning, to pull up outside a house. (Jinine 2006) In a very common phenomenon the authorities claim that the person died in an 'encounter'. Sometimes such incidents are carried out in broad daylight, and in front of eyewitnesses. The body may bear torture marks: burns on the genitalia, a stick inserted into the anus, nails torn off or broken fingers. The torture of one creates psychological ill health throughout the entire society. (Ibid)

Though there are different literatures and reported news for violation of human rights from both the state actors (SA) and non-state actors (Non-SA) in the state many respondents have not free from fear that the following data shows that 46 percent of respondent claims that violation of their rights which is less than the respondents who have not ever been faced human rights violations in their life so far (53 percent). Perhaps it might be out of expectation that many people might have argument against the finding but it is proved by the available data. On the other it may be considered that violation of human right is very high in the sense that people should be free from violation of human rights, but in this case, still the data shows nearly half of the respondents found violation of human rights.

Who is the responsible?

In this analysis an attempt has been made to indentify who are the responsible in particular to their cases. For that, the questionnaire includes state actors (SA), non-state actors (Non-SA), both SA and non-SA and Don't Know. Amongst those who claimed violation of human rights have different versions, it may also be mentioned that some of the respondents didn't wanted to response that 60 respondents are missing from this finding. Besides many of them also did not identify the responsible one, perhaps it might be due to subsequent effect or consequence to be happened in the future that 31 percent of respondents didn't point out either state or non-state actors. Amongst the valid respondents, human rights violation by state actors outnumbered the others that 26 percent have suffered from state actors while 17 percents also have suffered from non-state actors. Besides, another 26 percent victims have suffered from both non-state and state actors.

Table 1 Responsible of human rights violation

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	State Actors	96	22.2	25.8	25.8
	Non-State Actors	63	14.6	16.9	42.7
	Both SA and Non-SA	96	22.2	25.8	68.5
	Don't Know	117	27.1	31.5	100.0
	Total	372	86.1	100.0	
Missing	System	60	13.9		
Total		432	100.0		

Amongst the responsible actors, further it is attempted to identify the just responsible one. For this, it is categorising as such that state actors into three fold and non-state actors into two as the following:

State actors

1. all the state forces in the Manipur Police (MP),
2. all the central forces in the Indian Army/ Paramilitary forces (IA) and,
3. both MP and IA.

Non-state actors

1. all the insurgent groups in the Armed opposition groups
2. all the miscreants and unidentified in the others group

Victims who suffered from both Manipur Police and Indian Army is very high as it shows 44 percent when we deduct missing 58 percent who did not comment. It also proved that many victims have psycho-fear to identify the just responsible group. On the other hand 23 percent have suffered from Manipur Police while 33 percent stands for Indian Army. It is very simple to know that Indian Army has more responsible for violation of human rights in such armed conflict state Manipur that doesn't meant they are the sole responsibility for violation of human rights.

Table 2 By which state actors did the unwanted act

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Manipur Police	42	9.7	23.2	23.2
	Indian Army/para-forces	60	13.9	33.1	56.4
	Both MP and IA	79	18.3	43.6	100.0
	Total	181	41.9	100.0	
Missing	System	251	58.1		
Total		432	100.0		

Indeed the respondents are not free from fear that many of them didn't wanted to identify the responsible actors, as found in the above study, the same is also happened in the following analysis that 67 percent of respondent kept mum when it pursued to identify the just responsible one. Besides victims of human rights violation from unidentified groups or miscreant is also not far from armed opposition groups that 42 percent suffered from miscreants while 58 percent suffered from armed opposition groups.

Human Rights in the backdrop of AFSPA: Case study

The Government of India brands the people of Manipur as secessionists and, therefore, tries to suppress them by force. Such policies hardly envisage the people as citizens of India. So, 'State Terrorism' through 'Black Laws' is orchestrated to obtain 'habitual obedience' from the people. State terrorism, particularly against the people of Manipur, is carried out in an organized and systematic way. The display of sophisticated

weapons, armoured vehicles and columns of army, etc. instil fear in the mind of the general public. Armed forces are given sweeping powers by the Armed Forces (Special Powers) Act 1958 (AFSPA) which is a reincarnation of the British colonial law.

Various national and international human rights bodies have been concentrating on the situation of violation of human rights in Manipur. Most of them felt that, Armed Forces (Special Powers) Act, 1958 (AFSPA) is systematically misused by state actors that the law also is indeed against the fundamental rights and discourage right to life and freedom. The abuse of power by security forces has resulted in incidents of arbitrary detention, torture, rape and killing. In a report of Amnesty International on "Official sanction for killing in Manipur" (1998), it is mentioned that "By conferring broadly defined powers to shoot to kill on the armed forces, this law has fostered a climate in which the agents of law enforcement use excessive force with impunity.... Civilians, including women and juveniles, have been among the victims of killing or wounding by security forces." (Shivali 2004)

Extrajudicial killing

There are numbers of extrajudicial killing but it may not be possible to mention all the incidents, but selected few that had different phenomena may be mentioned. The most common feature of all the extrajudicial killing will have same tone and version that state actors / accused alleged the victims were killed in encounter and recovered armed ammunition / explosive materials. The victim/s is/are nabbed from the way or another place (hiding the ground reality). The victims ran away when they asked to stop. On the contrary, the family or Join Action Committee of the victims will clarify. The victim/s was / were picked up from the home or nearby eye witness and the allegation is baseless that he is innocent. For instance staged manage encounter / extra judicial killing was sometime correlated with some amount of money or may be term killing for cash.

The case of Th. Dharendra who picked from home at Kakwa Naorem Leikai by 17th Assam Rifles on the wee hour of 5 and 6 April 2002 but on the next day AR lodged FIR with the Sekmai Police Station that Dharendra, was alleged to be a member of PLA, killed in a shootout with them at the western side of Khonghampat, Imphal. The Government of Manipur instituted a Judicial Inquiry under C. Upendra, retired District and Sessions Judge Manipur. The Commission could barely start its work, when the AR moved the Guwahati High Court, Imphal Bench on 15th May arguing that the State Government has no power to conduct such commission of inquiry on them. The same day the High Court stayed the Government of Manipur order constituting the Commission of Inquiry. (Ibid)

Killing for cash

Taking the advantage of armed conflict, state actors have also committed several acts of inhumane. It is known to all that many civilians are victims of such acts that if one goes along with a handful of amount is very insecure if he met security forces on the way. This is the way what people of the land facing gross violation of human rights. On the one hand, most of the surrendered AOGs had been enjoying sleepless nights and restless that they shall be one of the victims of Extrajudicial killing in the sense that state actors threat them either to be informer or contribute some amount regularly to

the state actors. Most of the surrendered who rejoined normal life have suffered from hidden-psychological problem that they have to follow whatever state actors demanded. If it is out of satisfaction his life expand will be manipulated. In this case, those who come up from well to do family or having connection with powered groups may be excluded from such unwanted incidents. In several cases, security forces allegedly robbed and killed people, but then claimed that the deaths resulted from "encounters" - shootouts with armed groups.

Question of women's dignity

Countless incidents of molestation and rape were also found in such armed conflict state. However, most rape by the army goes unreported due to fear of social stigma and the futility of taking up an embarrassing legal battle against the might of the Army. The first reported rape case in Manipur by the military was that of Miss Rose in 1974. Miss Rose committed suicide after she was repeatedly raped by an officer of the Border Security Force. The perpetrator went scot-free, due to lack of sufficient evidence. Two Army personnel raped a married woman E. Ahanjaobi in front of her disabled 12-year-old son, was a turning point in public attitude towards the crime and its victimization. It is in the time where AFSPA was also in the Greater Imphal, sometimes Indian Security forces acted inhuman and illicit activities, mainly at the time when they enter combing operation to flush out AOG. The Guwahati High Court observed that defiling the chastity of a woman by personnel of the Indian Army amounts to violation of the basic fundamental rights and as such the Union of India is liable to pay compensation to the victim. (Muhindro 2010) Twelve years thereafter only in 2008, a compensation of rupees two lakh was awarded to victim.

Involuntary disappearance

Amongst various cases, some selected few may be placed to prove the ground reality. It is enough to prove all the things what state actors have violent and torture civilian. On the when one look into the matter of involuntary disappearance it will not exclude the case of Sanamacha who brutally torture and disappeared by 17th Rajputana Rifles by 1998. They kicked down the door and grabbed Yumlembam Sanamacha. This is one of the reflective consequences of AFSPA where impunity is provided to the Indian Army. Besides, they have tried to escape from responsibility of killing that they denied picked up Yumlembam Sanamacha (although they have subsequently admitted that they did indeed arrest him but that he escaped). All the efforts to investigate his "disappearance" had also obstructed by the Government. It shows how childhood and justice have been silenced. Later, the Yairipok police had closed the investigation without taking the law to its logical end by observing that the arrest of 17 Raj Rifles personnel is not feasible as they had already left the state of Manipur. Mention may be made here that in the year 2001, the High Court had, in a separate Habeas Corpus petition filed by Sanamacha's brother, awarded a sum of rupees three lakh as compensation to Sanamacha's mother by concluding that Sanamacha was tortured and killed by the Army while in their custody. Further the case is likely to be reopened with Guwahati High Court, Imphal bench, according to a statement issued by the Human Rights Law Network.

Findings

- Indeed, since the day when Manipur was annexed in the most undemocratic way, the people of the state have been struggling to regain the lost sovereignty. This is the genesis of political unrest and subsequent armed conflict in the state.
- The imposition of several laws that challenges to the human rights like AFSPA and actions of the armed forces have more influenced to generate insurgence groups rather it minimised the armed conflict.
- Human rights violation by state actors outnumbered the others that 26 percent have suffered from state actors while 17 percents also have suffered from non-state actors. Besides, another 26 percent victims have suffered from both non-state and state actors.
- Victimization of innocent people is also one of the common phenomenons that appeared in the armed conflict. That in many cases when state actors abused their powers to the relatives and siblings of AOGs.
- The military authorities in Manipur are not only above the civil administration but also the judiciary. They impose arbitrary restrictions on civilians' access to their paddy fields, fishing farms and other work places. They conduct military operations without any administrative oversight, and often even prohibit the police access to their areas of operation. In many cases they have also overpowered against the legislators on the pretext of AFSPA.
- Armed Opposition Groups (AOGs) were responsible for widespread abuses of human rights and violations of International Humanitarian Law (IHL) including the killing of innocent civilians, forced recruitment of children, torture and extortion, etc. As per the data violation of human rights by non-state actors (AOGs and other miscreants) is little less than that of state actors that NsA 17 percent while SA 26 percent.
- Mode of violation in terms of mental harassment is very high that, in the armed conflict state different kinds of harassments are found but mental harassment is one of the commonest forms of violation of human rights.

Suggestions

Only the way that can protect human rights is to say

- be respected the rights of others;
- be maintained human ethics;
- be repealed any inhumane law like AFSPA
- do not politicise the sensitive and ethnic issues
- do not favour on appeasement policy for conflict management
- be sincere when the executing authorities implement various law and regulation,
- do not ignore fundamental rights of people which is guaranteed by the Indian Constitution and protected by the Supreme Court.

CONCLUDING OBSERVATION

From the above incidents, it is evidenced that state actors usually do not respect human rights in the armed conflict Manipur. If they respect human rights they might not be victim in the sense that they may be imprisoned if they are guilty or against the law of the state. It is usually seen, security forces in

Manipur have faced allegations of human rights violations and extrajudicial murders committed under cover of the draconian Armed Forces Special Powers Act (AFSPA). On the other, the cited evidence shows a clear mosaic of the Armed Forces almost always branding a person killed as terrorist or killed in an encounter with the terrorist. And the civil authority is completely incapable of conducting an objective inquiry to ascertain the facts and know the truth. Mention may also be made here that the year 2007 witnessed a gross human rights violation by state actors. The armed forces carried out arbitrary arrest, torture and extrajudicial killings with impunity. The Central Government failed to respect human rights in particular armed conflict states in North East India which is proved by the various incidents. The security forces were responsible for alleged extrajudicial killings of innocent civilians. In this environment, members of the security forces apparently believe that it is acceptable to kill suspects instead of pursuing prosecutions through the legal system. It is also clear that women and children are more suffered in the armed conflict. Significantly, a drastic change has been coming up since the Sanjit & Rabina case of extra judicial killing 2009 and initiative of Supreme Court of India in response to fake encounter case moved by the human right defenders under the aegis of victim family groups of armed conflict. In many cases when State government initiated Enquiry Commission the matter was obstructed from the Central government.

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