

**IROM SHARMILA CHANU: A JOURNEY OF PROTEST AGAINST  
THE ARMED FORCES SPECIAL POWER ACT (AFSPA)**

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*For the Degree*

*In*

**MASTER OF HISTORY**



**L** OVELY  
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*Transforming Education Transforming India*

**Supervised by:**

**Dr. Manu Sharma**

**Submitted by:**

**Kezhaletuo Pienyu**

**DEPARTMENT OF HISTORY**

**LOVELY PROFESSIONAL UNIVERSITY**

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**I**  
**APPROVAL**

This is to certify that this thesis “**IROM SHARMILA CHANU: A JOURNEY OF PROTEST AGAINST AFSPA (ARMED FORCES SPECIAL POWER ACT)**” embodies the work carried out by Mr Kezhaletuo Pienyu himself under my supervision and that it is worthy of consideration for the award of the Degree in Master.

**Date.....**

**(Dr Manu Sharma)**

**Supervisor**

*Asst. Professor*

*In History of*

*Lovely professional University*

## **II**

### **DECLARATION**

I hereby declare that the Dissertation is entitled “ Irom Sharmila Chanu: A journey of protest against AFSPA (Armed Forces Special Power Act)” submitted to the department of History, is a record of original work done by me under the guidance of Dr. Manu Sharma and the result embodied in this Dissertation have not been submitted to any other university or institute for the award of degree.

**(Kezhaletuo pienyu)**

### **III**

## **ACKNOWLEDGEMENT**

I take this opportunity to express my gratitude to the people who have been instrumental in the successful completion of this project.

My profound gratitude to my guide Dr.Manu Sharma, for her active guidance, monitoring and motivation throughout the course of this project.

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## IV

### Abbreviation

AFSPA:	Armed Forces Special Power Act
HRLN:	Human Rights Law Network
HRC:	Human Rights Committee
IPC:	Indian Penal Court
ICCPR:	International Covenant on Civil and Political Rights
ICESCR:	International Covenant on Economic, Social and Cultural Rights
KCP:	Kangleipak Communist Party
MPLF:	Manipur People's Liberation Front
NGO:	Non Government Organisation
PREPAK:	People's Revolutionary Party of Kangleipak
PLA:	People's Liberation Army
POTA:	Prevention of Terrorism Act
RPF:	Revolutionary People's Front
UNLF:	United National Liberation Front
UNO:	United Nations Organization
UDHR:	Universal Declaration of Human Rights

**ABSTRACT**

This study explore about the political and social instability in the state of North East especially in the place of Manipur created by draconian law of Armed Forces Special Power Act. It mainly focuses on the repealness of Irom Sharmila against the violence fuelled by Militarism and insurgencies. Corrupt and manipulative governance is a major factor contributing to escalation of insurgent violence. It shows us how the people of Manipur suffer and has been brutally killed in the hands of the Armed Forces. For which she follows the theory and practice of Gandhi and Non-Violence through her on-going fast to withdraw the Special Power Act given to the Armed Forces. Irom Sharmila expresses her protest for the demands of peace, justice, civil rights, and also challenge for the development of nationalism and national security.

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# Chapter 1

## 1.1 Historical Background

Manipur is a beautiful state located in the North eastern part of India, it is an area of approximately 22,000 square kilometres surrounded by hills. The region of Manipur is inhabited by cultural, linguistic and religious groups as well as a number of native groups. The people of Manipur are called Manipuris as they are culturally different from the other people of India and more of the same kind to the people of South East Asia. Meiteis are considered to be the largest ethnic group among the Manipuris and its surrounding hills are occupied by the tribes of Nagas and Kukis.<sup>1</sup>

In the past Manipur was an independent kingdom and was never a part of Indian state. Manipur was one of the princely states during the era of British colonialism in India. When the British occupied Manipur, it was recognised as an Asiatic state and the society was transformed into the semi-feudal and colonial society. Before the invasion of the British in 1891, they were intriguing into the state by building friendly relationships through their political agents during the time of Maharajah Garjapati Singh in the 19<sup>th</sup> century.<sup>2</sup> It also emerged in the signing of the Anglo-Manipur Friendship Treaty in 1762. There was also a

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<sup>1</sup> Ministry of Home Affairs, Government of India, "Projected Population for the year 2008."

<sup>2</sup> South Asia Human Rights Documentation Center, "Armed Forces Special Powers Act: A Study in National Security Tyranny."

summit meeting of protective Anglo-Manipuri arrangement between Maharaja Chandrakirti of Manipur and the British in 1874. But when Maharaja Chandrakirti died in 1886, the kingdom witnessed various declines which implemented the British to gain political control over the state. As the economic condition of Manipur was decaying and also the loss in the war created a deep feeling of anti-British in the mind of the people, which automatically led to the emergence of some Movement in Manipur against the British rule. Which were:-

- The First Women War in (1904)
- Kuki Rebellion (1917-1919)
- Jadonang (1930-1932)
- The Second Women War (1939-1941) and
- The Internal Self-determination Movement.<sup>3</sup>

Manipur was under the British ruled for a long period of time and finally after 56 years of its struggle, they got their freedom back on 14<sup>th</sup> August 1947. After that the Manipur society was changed into a semi colonial and semi feudal society. But when the Indian colonialist conquered Manipur in 1949, Manipur society was again changed into colonial and semi feudal society. The Indian Government devised a scheme to merge Manipur with Indian, so the Indian Government made the king to sign a treaty. When the king Bodhchadra of

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<sup>3</sup> Sharma. Hanjabam Skukhedba. "Self-determination movement in Manipur", 2011.

Manipur was invited by the Government of India in Shillong, he was made under house arrest for two days. But after two days the king signed the Manipur merger agreement on 21st September 1949, under which the Indian Government announced a formal annexation of Manipur state on 15<sup>th</sup> Oct.<sup>4</sup> The people of Manipur have never accepted the Manipur merger agreement and they considered the agreement as invalid having no legal and constitutional legitimacy which the state Assembly did not ratify it. On the same time the Indian Government gave an executive order to abolish the Manipur state Assembly and the council of Ministers which was elected under the provision of Manipur constitution Act 1947 by practicing the adult franchise.

Manipur people felt that their self determination was violated when the king Bodhchandra signed the agreement on 1949 and Manipur was put under the direct administration of central. Indian colonial policy is more ambiguous and corrupt form exploiting in the name of Democracy. Citizen of Manipur did not like the agreement because such agreement was not been discuss by the existing government and was not approved by it, and moreover the assembly was terminated and was put under the direct supervision of the central, that is the reason why the people of Manipur was so much against this agreement.<sup>5</sup> The Indian Government tried to grab hold of Manipur state by imposing their cruel policy; the people of Manipur were deprived of their rights and freedom,

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<sup>4</sup> "Merger of Manipur with India," September 21, 1949, *Text of the Agreement*,

<sup>5</sup> *ibid*

they were put under lots of restriction. Manipur comprador authoritative class was one of the chief devices for the imperialist exploitation. Their aims are directly interlinked with the interest of the imperialist in all aspect. This comprador class are extremely reactionary and anti-people for the vast Manipuri masses to ruthless exploitation and oppression. They encouraged the feudal forces and reorganised them in the politician way by making them their social support.

Because of the rebellion action done by the people of Manipur and the deterioration of the situation it was necessary for the state to apply some effective steps or method for the security of the people in those affected areas. For which armed forces was passed in those areas to maintain the situation effectively whenever such situation arises and also because of the conflicts between ethnic group that spilled over into Manipur, was the cause which makes the Indian to observe the conflict basically as ‘internal disturbances’, and passed the AFSPA in 1958, which gave the troops extraordinary powers to dealt with the counter-insurgency operations.<sup>6</sup> At first this law was only applicable in some places of Manipur, but when various tribal communities formed their own opposition groups, the law was expanded to the whole area of Manipur state and till date it functions. The Armed Forces Special Power Act (AFSPA) 1958 was initially an operation passed for a year in part of North East to deal with the

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<sup>6</sup> Ministry of Home Affairs, *“Armed Forces (Special Powers) Act, 1958, April 20, 2008*).

internal problem. Yet, after forty-five years of its function, the problem is far from resolve. Since July 1997 the government of India and the opposition groups of Manipur (Issac-Muivah and Kaplang factions) of the National Socialist Council of Nagaland (NSCN) have been in process to bring peace. But on the other hands we cannot overlook the truth that a huge number of opposition groups function in Manipur and in parts of North East and they are the main cause for Human rights Violation. Yet the imposed of unlawful law of enforcement only contributes to the vicious cycle of violence.

The first opposition groups formed in Manipur was in November 1964 it was the United National Liberation Front (UNLF) trying to achieve peace and independence. Since then many armed group opposition were formed with similar objective led by Meiteis they were:

- In 1977 the People's Revolutionary Party of Kangleipak (PREPAK) was formed
- In 1978 the People's Liberation Army (PLA) was formed.
- In 1980 the Kangleipak Communist party (KCP) was formed.<sup>7</sup>

Among them, the UNLF, PLA and PREPAK are the largest Meiteis group and they have been operating with a same objective and policy under one party

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<sup>7</sup> *Institute of Peace and Conflict Studies, New Delhi, August 22, 2008).*

known as the Manipur People's Liberation Front (MPLF) since 1999, thought they are from different faction and command structure.

In the year 1980 Manipur state was declared as “disturbed area” and AFSPA were placed in all parts of Manipur as the government announced that “the use of the Armed Forces in assist of the civil powers is essential.”<sup>8</sup> Earlier when the AFSPA was imposed in 1958 they didn't have particular law to tackle with the opposition groups but afterwards it has consequently implemented various dreadful laws. Such as the Terrorist and Disruptive Activities Prevention Act of 1985 was re-amended in 2002 as the Prevention of Terrorism Act (POTA), and after the lapse of these laws, the Indian government amended the Unlawful Activities Prevention Act of 1967 to incorporate the requirement of the POTA in December 2004, these law is ample to tackle with all opposition groups and their violence activities.

These Acts gives the armed forces the extensive power which includes the power to shoot on suspicion, when an area comes under its supervision. On top of that no one can take any legal action against the armed forces for misusing the law without the prior consent of the central government.

The long war in Manipur has not simply been between the military and “insurgencies” known by Manipuri's as “Underground” or “UGs”. But there was also a record of conflicts between different tribes among themselves. There

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<sup>8</sup> Home Ministry Notification No. 183, September 8, 1980.

are two groups in Manipur with different ideology. One group wish for a sovereign nation while others demand a separate state under the constitution of India. Since the separatist conflicts of continuing violence in Manipur had led to dread, anxiety and terror for the people affecting their daily life and development of the state. After the beginning of conflict, the armed forces started to use forces against people like torture, killings, discriminate use of bombs and landmines and kidnap for money.

The main difficulty the people of Manipuri's face are from the militants because of extortion in the form of taxes by different insurgency groups and some of them are so influential that even the government officials are permitted allegedly pay these taxes. They were deprived of Human Rights in their own homeland and because of the prevailing lawlessness it has affected many private businesses enterprise since the trader and entrepreneurs are unwilling to divide their income with the different groups. The militant also imposed morals diktats on the sale of heroin and cigarettes.

In Manipur Civil society activist's state that although some armed groups might be in the business of extortion or collection of taxes, most are demanding for independence. And the present of violence in Manipur that has been fuelled is due to government neglect, fraud and violation of Human Rights by the Armed Forces.

The common people of Manipur thinks they required the opposition groups to achieve their freedom and at the same time they also need the armed forces to manage the militants because they go beyond tolerance of human violation, extortion and threats on the other side the people face problem from the army because it has disturbed the human rights and has proved instability of security. On top of that, the government of Indian observe the Act of violence and corruption as a law and order instability in Manipur state.

The military forces have always proved failure and unable to give complete security to the people of Manipur which made the people to seek the help and protection of the militants on the other hand the military forces had always treated the civilians with suspicion, random check, arrest without warrant, torture etc. And there are also several allegations of killings, disappearance and fake encounters.

According to a certain report there have been killings and arrest in the following years in Manipur:

In the year 2008, 53 people have been killed by militants, whereas an estimate of 108 was killed in 2007.<sup>9</sup> In the same year the armed forces had arrested 771 militants and among them they had killed at least 111 suspected

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<sup>9</sup> *Eastern Command, Indian Army, "Acts of Violence by Militants," August 23, 2008).*



militants. Whereas in August 2008, the state witnessed the killing of more than 285 ‘suspect’ by the security forces.<sup>10</sup>

Police and security forces are deployed at a large number in Manipur in which the police estimates around 14,000 and the soldiers and paramilitaries estimates around 50,000.<sup>11</sup> According to some activists, the force of militarization in Manipur is such that for 20 people there is a security force of one member each.<sup>12</sup>

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<sup>10</sup> Eastern Command, Indian Army, “Counter insurgency operations by security forces,” August 23, 2008).

<sup>11</sup> Committee on Human Rights, “Submission concerning the Universal Periodic Review of the Government of India at the UN Human Rights Council,” April 2008.

<sup>12</sup> Laishramcha Jinine, “The Militarization of Manipur,” Article 2, vol. 5, no. 6, Asian Legal Resource Center, Hong Kong, December 2006, p. 6.

## Chapter 2

### 2.1 AFSPA and the Violation of Human Rights

The Armed Forces Special Powers Act (AFSPA) is an Act of the Parliament of India empowering special powers to the Indian Armed Forces in "Disturbed Areas" which was passed in 1958 when the Naga independence movement had just taken into action. AFSPA is an open law with just six sections and the most negative ones are those in the fourth and sixth sections the former give powers to the security forces to fire anyone or use force otherwise even if it kills someone where laws are being misuse or violated. It also says that no criminal hearing will lie against another person who has taken part under this Act. For the past 54 years, not even a single officer or even a soldier has been punished for murder, rape or destruction of others property. It is a very shameful and terrible thing that India knows little about it and has cared even less for.

AFSPA is a colonial legacy. The British Raj framed the Armed force (Special power) Ordinance, 1942, and promulgated it on 15<sup>th</sup> August 1942 over the whole of India to suppress the Quit India movement. A measure to crush the movement for Indian independence, the law empowered special power to the commissioned officers who are of the rank of captain or above to issue, in writing the order 'shoot to kill' to the soldier under their order if situation arise.

Manipur being a princely state did not come under the influence of the ordinance.

In 1955, the independent state of India Assam passed an even more extensive law termed the Assam Disturbed Area Act. Under this, powers were empowered to the ordinary soldiers who were above the rank of sepoy to shoot anyone while the Assam Disturbed Area Act of 1955 had no such requirement.

In the year 1958, the Indian Parliament passed AFSPA forces in disturbed areas to maintain 'internal security'. AFSPA was enacted in Nagaland, to deal with the Naga struggle for independence. In 1990, the Indian parliament passed the Armed forces Special Power Act extending this aggressive power to the state of Jammu and Kashmir. In subsequent year, AFSPA was promulgated across large tracts throughout the North East. Central and state government progressively declared different part of Manipur disturbed areas, imposing Disturbed Areas Act 1976, National Security Act, 1980 and (Armed Forces Special Power Act), 1958. AFSPA repeatedly comes into force when the government of India assigned a territory as a 'Disturbed Area'.

AFSPA was introduced in some part of Manipur in 1960 and across the entire state (except for Imphal municipality area) by 1980. Under AFSPA, they are empowered with Special Power to shoot, or even kill anybody on grounds of mere suspicion. The Act confers impunity on security personnel: no action can

be taken against them except with prior permission from the Central government.

Under this Law, security forces have been empowered with powers for internal security management on in times even defence against external aggression if necessary. This means that security forces are actually fighting a low intensity war against what the state perceives to be 'anti national elements'.

The parliament of India declared "disturbed areas" in the states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. Later on in July 1990 it was extended to parts of Jammu and Kashmir. The Armed Forces Special Powers Act (AFSPA) is an act given to the armed forces with special power to deal situation efficiently in disturbed areas. Any state or area which is declared as disturbed areas enables the armed forces to resort to the necessities of AFSPA the choice of declaring any area as disturbed vests both in the opinion of the state and the central. When an area comes under the supervision of AFSPA any officer or individual whose rank is equal to a commissioned and warrant officers can use force for a variety of reasons while still being immune to the trial.

The Articles in the India constitution authorize the state governments to declare a state of emergency due to one or more of the following reasons:

- If in case there is a failure in the functioning of the administration and the local police failed to tackle local issues
- Return of (central) security forces leads to return of miscreants/erosion of the "peace dividend".
- If the scale of crimes or instability is too large in the state for the local police to handle.

According to the Act the Armed forces are bestowed with special powers to deal in disturb areas for e.g. an officer of the armed forces has power to:

- The army have the power to use force or fire upon any individual even to the causing of death if anyone goes against the law or in possession of deadly weapon.
- They can also arrest anyone without a warrant or used any means of forces if necessary who has committed certain crimes or even in mere suspicion.
- They can enter into any property and search any premises without the consent of any restriction in order to make such arrests. In 1990 these Act was also imposed in the state of Jammu and Kashmir. In August 2004. In spite of the government not favouring for the withdrawal the Manipur government had withdrawn this Act in some of the constituencies.

In 1958 the Armed Forces Act was re-modified and the regulation became harsher and draconian than the colonial ordinance of 1942, at present the draconian law is applicable only in some region declared as “disturbed”

Because of this Act the violence in Manipur has drastically increased endangering the welfare of the state and civilians life by crimes like torture, rape, molest, robbery, destruction of properties etc have become a part of daily routine in Manipur. But, only few violators of human rights are brought to fair dealing. And yet, the armed forces enjoy absolute authority under these Acts.

In 2008, the failure of justice which was done by the AFSPA in Manipur was acknowledged by an international human rights agency. The agency stated that in the name of national security and armed forces; they are misusing the power by killing people on a mere suspicion of being a militant without even bringing them before a judge. And the Manipur state is left behind with no hope of secure justice in the hands of national security and armed forces.

Though the operation of the Act was eventually withdrawn from the Imphal municipal area, the state police commandos functioning by the side of paramilitary forces continue killing suspects with boldness, which has percolated to the state forces too.

Manipur is one among the states in North East India, where Popular discontent around the illegal and unconstitutional merger and subsequent

discriminatory treatment fumed resistance movements ever since 1949 and escalated into open armed conflict since late 1970's. The government of India responded by promulgating the colonial Armed Forces Special Powers Ordinance on 16<sup>th</sup> April 1950, six months after the merger, through the provision of an Act, in Manipur. Since then the Merger Agreement with India, there has been ongoing civil unrest on the issue of demanding greater autonomy or independence from India by various armed underground groups. Government of India is also still unable to introduce any suitable means for the permanent solution of the issue in the state. And she has been taking the responsibility for arising of that unrest by introducing several Draconian Laws including the Disturb Area Act, 1959, Explosives Act, Explosive Substances Act, UAP, Punjab Security Act, Prevention of Seditious Meetings Act 1911 and Armed Forces (Special Power) Act, 1958 in the state. The Armed Forces (Special Powers) Act, 1958, which gave enhanced powers of arrest and detention of any people. The Armed Forces, Polices and Underground Groups were the violators of the Human Rights in Manipur. The level of education and literacy level too affects the understanding of civil liberties and freedoms.

## **2.2 Human Rights**

The term "Human Rights" has come into existence during the 17<sup>th</sup> and 18<sup>th</sup> centuries. Human rights are basically moral rights claimed by everyone and held against everyone, especially against those who run social institutions.

These rights include cultural, economic and political rights, such as right to life, liberty, education and equality before law, rights of association, belief, free speech, information, religion, movement and nationality. Human Rights enable us to respect each other and live with each other peacefully.<sup>13</sup>

In other words, they are not only rights to be requested or demanded, but rights to be respected and be responsible for. Therefore these rights must be respected mutually. The UN Charter, which was adopted in 1945, was the first international document to recognize the protection and promotion of human rights as a requirement to be carried out by individual, as well as collective states.<sup>14</sup>

The government of India played an important role in adopting the UN General Assembly Resolution declaring the right of the people to self-determination in 1960. However they had put reservation to common Article 1 of the two International Covenants i.e. International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, social and Cultural Rights (ICESCR). The government had purposely denied the absolute right to self-determination to the people of Manipur who are demanding it instead India stated them as “terrorist” under the Unlawful Activities Prevention Act. The UN Human Rights Committee (HRC) has said that the reason for the

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<sup>13</sup> Raythatha, Divyesh K. *The role of Mass Media in promotion and protection of Human Rights in India.* Rajkot: Saurashtra University; 2006.

<sup>14</sup> Victoria Chioma Nwankwo. *The Role of the Media in Promoting Human Rights: An Analysis of tshe BBC documentary, Chocolate: the bitter truth.* University of Gothenburg ;2011.



problem in Manipur is political and the solution to this problem must also be done in a political way. In doing so, the Committee reminded government of India to accept the right to self-determination of peoples, the right to freedom of expression and the right to participation in governance.<sup>15</sup> The HRC particularly requested the Indian Supreme Court to look into the Covenant compatibility while examining the constitutional validity of the AFSPA in Manipur but the demand was totally ignored by the Judgment pronounced by the apex Court on 27 November 1997 and also the India continues to pay no attention to the recommendation of the committee and other monitoring bodies.

### **2.3 The Status of Human Rights Violations in Manipur**

India annexation and imposed of military in 1949 has been opposed by the people of Manipur since 1978, as encouraged by the UN charter in self preservation of its sovereignty and supported by several armed resistance movement like the Revolutionary People's Front, the United National Liberation Front and other groups etc. Also the people of Manipur had never accepted the merger agreement.

Because of the armed clashes situation in Manipur the government had deployed more than 50,000 Indian soldiers including thousand of police and armed forces. The armed forces are also occupying sacred cultural sites and

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<sup>15</sup> *Joint Stakeholders Report. India, Status of Human Rights in Manipur, North-Eastern Region, 2011.*

major agricultural land, which are the source of survival of the people. Now Manipur has become one of the most heavily armed areas in India.<sup>16</sup>

In the earlier period prior to 2005, the nature of the Human Rights violations was done by the government armed forces like arresting the victims without issuing arrest memos, detained illegally, administered various types of torture forcing them to accept they were members of the outlawed organizations or to extract information, click photo of the victims in the custody, got recorded their names and other particulars adding to the list of so called extremists. According to “Human Rights Special Report Manipur -2009”, a Report from Human Rights Initiative a total 60s in the hills and 80s in the valley, the government military forces had massacres, extrajudicial executions, enforced disappearances, rapes, tortures, human shields, arsons, plunders, forced labours and internal displaces, etc happened in Manipur prior to 2005. Many of the cases of the Human Rights violations were happening occasionally along with the so called (military) combing operations giving some fancy code names like Operation Thunderbolt, Operation Sunny Vale, Operation All Clear, etc.<sup>17</sup> For the last 53 years the APFSPA had violated the Human Rights under the provision of special power Act, which grants them to kill anyone on mere suspicion, search without warrant, destruction of property violating the rights

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<sup>16</sup> *Joint Stakeholders Report, P.3.*

<sup>17</sup> *Human Rights Initiative. Human Rights Special Report Manipur-2009, p.3*

of the people, torturing, detention and right to trial against civilians as provided by the International Covenant on Civil and Political Rights (ICCPR).

According to the record published by local Newspaper in 2012 during the period between January and October there were 269 cases of violence against women, the cases include 21 rapes, 2 murder cases, 16 suicide cases, 17 molestation, 4 kidnapping cases, and 56 missing and 78 trafficking cases.<sup>18</sup>

On 15 July 2014 a strange event of protest took place in Manipur by some Women activists, in which the members of Meira Paibis stripped themselves in front of the Kangla Fort, to protest against the crime of Ms Thangim Manorama Devi done by the Assam Rifles on the night of 11 July 2004 and demanding the withdrawal of AFSPA.

When AFSPA was first introduced on 18 August 1958, it was only an emergency operation for a year but due to unresolved solution it was extended and it still prevails. The common people are demanding to the government to entirely withdraw or either review the Act but still no progress have been made.

We can't deny that the state have the rightful power and duty to take certain steps and method to remove terrorism in order to safeguard their land, and the rule of law to bring crimes under the acts of justice. But, that does not mean that the government have the full authority to snatch away the rights of the people by a means of unlawful methods or abuse human rights assured

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<sup>18</sup> *"Manipur Women Rises to End Violence against Women and Girls in State" 13/02/2013.*

under the constitution of India. For the last few years there had been various events/cases in which the armed force has become a mark of repression and violators for misusing its power. In addition to it the state agencies had also initially formed a minority of opposition groups as a part of counter-insurgency operation.<sup>19</sup>

It is true that the armed forces function in complicated situation areas where there are problems or conflicts and it is in those area that the supremacy of the judiciary and a strict law need to be imposed, but if the armed forces used the same unlawful Acts as the insurgency, there will be no dissimilarity among the Armed forces and the insurgency whom the government calls “terrorist”.<sup>20</sup>

We cannot ignore the fact that numbers of opposition group’s function in Manipur and that they are also the main cause for human rights violation. Yet, the unlawful Acts only begets hatred against the law and only it leads to an inhuman series of violence.

The Review Committee had also made a proposal and resolute to retain the AFSPA with some strong amendment even though, there is no need for retention. The committee have recommended the Indian government to:

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<sup>19</sup> *An analysis of Armed Forces Special Powers Act, 1958-- By The Asian Centre for Human Rights, PUCL Bulletin, March 2005*

<sup>20</sup> *Ibid*

- Amend the Act to bring them in consonance with the obligations of the Government towards protection of Human Rights
- The Act to be replaced by a more humane legislation.<sup>21</sup>

But the Review recommendation was a failure and ineffective because the violation of Human Rights stills continues.

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<sup>21</sup> *Ibid*

## Chapter 3

### 3.1 Irom Sharmila's Journey of Struggle

Irom Sharmila was born on the year 1972, 14<sup>th</sup> March. Her birth was a year of hope and promise, because Manipur was granted statehood after a long-drawn struggle. Irom Sharmila is a Human Right Activist, people addressed her with great honour and known her as the 'Iron Lady' of Manipur, everyone in Manipur calls her Mengoubi which means the fair one. She is also known as the longest hunger striker for her on going fast for 13 years. She has been awarded many Prizes for her activities some of which are: the Gwangju prize for Human Rights, the Rabindranath Tagore Peace Prize, the Sarva Gunah Sampannah etc. She is also awarded a lifetime achievement in 2010 by the Asian Human Rights Commission for her act of Non-violence. All this awards are given to a person who fights for the development of peace, democracy and human rights.<sup>22</sup>

Irom Sharmila after completing her schooling she joined a course in journalism; she started working with various organization (social and women's) She also attended many seminars, workshops and even opted for an internship in Human Rights organization to carry out an 'Independent People's Inquiry

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<sup>22</sup> *The Little Known Iron Lady of Manipur – Irom Sharmila Chanu August 21, 2014 by [Rumani Saikia Phukan](#)*

with Human Rights Alert, by the impact of AFSPA in Manipur in the year 2000.<sup>23</sup>

It was the year 2000, There was tension in Manipur, almost the entire state declared a 'Disturbed Area'. In the state of Manipur, a place called Malom in the district of Imphal witness cold-blooded killing of ten innocent people by the soldiers. Armed Forces soldiers started shooting at the civilians at point blank range. This merciless deed was taken law under the draconian act of Armed Forces Special Power Act. The moment this news spread Irom Sharmila a resident of Imphal 28 year old, a very common and kind girl felt deep hurt within her and took an unilateral decision as she would go on hunger strike, and continue until AFSPA, the draconian law, was repealed. She went to Malom on 5<sup>th</sup> November 2000 and began her fast. Her slight figure rapidly became a nucleus for collective protest. Irom Sharmila blamed the army and their Special Power for the killings of civilians at point blank range which included two children. Police force registered a case against those killing but not a single arrest or action was taken. Despite calls and requests from judicial investigators and human rights activist, the federal government has kept in force the law of the Armed Forces that gives soldiers virtual protection from trial in regions hit by insurgencies. Shaken by the failure to bring those liable to justice, Sharmila

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<sup>23</sup> *The Burning Bright: Irom Sharmila by Deepti priya Mehrotra*

started her protest of hunger strike, vowing to stop only it when the law is repealed or removed.

*“There was no other means to stop further violations by the armed forces against innocent people. I thought that peace rally and inquiry commissions would be meaningless. Unless I do something to change the situation.”*

- Sharmila.

Since 14 years, Irom Sharmila has been demanding for the repeal of the (AFSPA) as implemented in parts of the North Eastern state and other region. However there is a lot of negative impact against this Act because the Special Powers Act of the armed forces have resulted in civil rights violations in various state of North East, including some parts of Manipur.

In reaction to Sharmila's protest and her rising popularity, in the year 2000 the state government charged Irom Sharmila with attempting suicide which is a punishable offence in Indian law under the Indian Penal Code (IPC) section 309. The law declares that a person who "attempts to commit suicide" shall be punished with simple imprisonment for a term which may extend to one year or with fine, or with both. Ever since then, she has been frequently released and re-arrested every year. Sharmila was held in a hospital of Imphal and she was force-fed by tubes against her will several times a day. Her release is usual to renew debate over the Armed Forces Special Powers Act (AFSPA), which is



in parts of North Eastern India and Kashmir, which have been affected by years of separatist violence.<sup>24</sup>

She wrote letters to the Prime Minister, President, and Home Minister. At this time, she met and won the support of Nobel-laureate Shirin Ebadi, the Nobel Laureate and human rights activist, who promised to take up Sharmila's cause at the United Nations Human Rights Council.

Irom Sharmila points out that strong army presence in Manipur has intensified the trauma of common people. Ordinary citizens are trapped in no win situation: a cycle of deprivation and violence, with no end or resolution insight. The rights of ordinary people are being violated daily, not only by insurgents, but also by the state in the name of 'counter-insurgency'. whenever insurgents are captured or killed by security forces, people anger flares up, breeding more insurgents. The number of underground groups and their cadre has been continually multiplying, even as state measures to control them have intensified. Militarization, in the name of counter-insurgency, cannot create conditions for peaceful resolutions of conflicts.

#### JEEVAN REDDY COMMISSION-:

In 2004, in the wake of intense agitation that was launched by several civil society groups following the death of Thangjam Manorama, while in the

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<sup>24</sup> *ibid*

custody of the Assam Rifles and the indefinite fast undertaken by Irom Sharmila, accordingly the central government set up a committee consisting of five-member under the Chairmanship of Justice B P Jeevan Reddy, former judge of the Supreme Court. The panel was given the mandate of "reviewing the provisions of AFSPA and advising the Government of India whether (a) to amend the provisions of the Act to bring them in consonance with the obligations of the government towards protection of human rights; or (b) to replace the Act by a more humane Act."

On 6 June, 2005 the Reddy Committee submitted its recommendations to the Indian government but the government did not took any serious note on it. It has been almost 2 years and still no progress has been done by the government.

The then Defence Minister Pranab Mukherjee had rejected the withdrawal or significant dilution of the Act on the grounds that "it is not possible for the armed forces to function" in "disturbed areas" without such powers. From time to time the government has devised measures to win over the population like "operation sadbhawna" under which the army supports small scale development projects in remote parts of the North-east in these projects army creates job for un employed people of north-east by deploying them In making school buildings, roads, hospitals and give the people loan in very less interest.

"The committee had also meet several individuals, organisations, parties, institution and NGOs during the course of its work, which resulted in the report stating that the Act, for whatever reason, has become a symbol of oppression, an object of hate, instrument of discrimination and high handedness".

Ms. Irom's hunger strike is one of the longest-known anywhere, according to rights groups Amnesty International and Human Rights Watch. She spoke to The Wall Street Journal in a ward at Jawaharlal Nehru Institute of Medical Sciences in Manipur, where she has been held under high security since November 2000, about her struggle against the authorities, how she doesn't want to be idolized and yearns for the day she can lead a normal life.

***Irom Sharmila Chanu:*** After the shootings on Nov.2, 2000 by paramilitary forces in which 10 civilians died in Imphal, the curfew was imposed for two days in the city. I saw the bloodied pictures of the civilians in the newspapers the next day, the scene of the shock and empty roads and streets—the scene of devastation. I felt it is unusual, unnatural; it is man-made, that we should intervene to not let it happen again.

I felt people needed to know about the AFSPA under which the security forces were operating. Why and how was it imposed, from children to adults, everybody needs to know about it. We need some realization about real situation of our society, our condition, our predicament.

**Ms. Irom:** Under the imposition of this Act, innocent people are harassed daily, continually. Raping of women, disappearances of students due to mere suspicion of being the revolutionary by the armies. People are killed in fake encounters [*extra-judicial killings.*]

There are thousands of victims here in Manipur affected by Armed Forces (Special Powers) Act. In short, what I am doing is just against wrong governance: an intervention as a concerned citizen of my contemporary democratic society. I want them not to use arms. But in a society we need revolutions for betterment, for upliftment but revolutions without arms. We need revolution with love and kindness.

The mentality of armed revolutionaries is very contradictory to we the normal, innocent people. They want to see us as equal to the people of mainland India and they know that we are exploited and face racism elsewhere in the country because our features are different. But they are exploiting that fact to serve their cause.

There are Indian parliamentarians who are totally against the removal of Armed Forces (Special Powers) Act. They say we are rebellious, anti-nationalist people. They think that to govern India, for India's integration, we need this Act because once it is removed we will press for liberation from India. It will just lead to India's disintegration, they fear. They are scared. They are just

waiting to weaken me which is impossible because my protest is based on my conscience, my philosophy as a rational being. Without others' persuasion or instigation, I just entered into such a drastic step.<sup>25</sup>

Irom Sharmila had firmly quoted that:

*"Is AFSPA really an Act? How could one human oppress another in this manner and how could you call it justice through law?"*

*"There is no place for this Act in this democratic country and I'm struggling for the past ten years to have it removed. Union leaders, especially the Prime Minister, should realise I am struggling for the cause of the people"*

-Irom Sharmila, 2010.

Irom Sharmila started her hunger strike in the year 2000 when she was at the age of 29, and since then she has not taken any food and water. And how did the government reply to her peaceful protest? They charged her with a crime; of attempting commit suicide. Ever since, then she has been repeatedly arrested detained and is force-fed by tubes that are inserted into her nose.

Fourteen years have passed, and nothing has been done even after her continues effort but still Sharmila continues to protest against AFSPA, repeal

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<sup>25</sup> (The wall street journal Jan 7 2015)

and human rights violations by the armed forces. And she will continue until her death.

Indian ignorance of Irom Sharmila is a mark of shame for the so-called largest democratic country in the world.

## Chapter 4

### 4.1 Review of literature

- **The Burning Bright: Irom Sharmila by Deepti priya Mehrotra.**

The people of Manipur have always been the victim whenever there is a conflict between the armed forces and insurgents. Manipur was once a sovereign kingdom but after the passing of the AFSPA in the state it has created an environment of chaos. This book also gives us the information about a single woman protest who opposed to all forms of violence whether done by the state or insurgents. This is also a moving depiction of a legacy under attack and of Irom Sharmila who has ventured her life for bringing peace to her ravaged land.

- **Irom Sharmila Protest Fast: Women's war, Gandhian non-violence and Anti militarization struggles by Deepti Priya Mehrotra.**

This book gives us knowledge about the modern politics of confrontation and peace-keeping in the state of North-Eastern India, especially Manipur. It also look for to recognize the heredity of inhabitant dissatisfaction and potentialities of resistance and also place Irom's protest for distinctive histories of women's movement in Manipur, and observes her principles which she uses in her theory and practice of Gandhian non-violence.

- **Life and death in the borderlands: Indian sovereignty and military impunity by Shubh Mathur.**

Mathur states that the law which implied in the border region especially in Kashmir and Manipur for the safety and security against the violence. It mainly focus on the Armed Forces Special Power Act which was in effect in parts of Manipur and Kashmir from 1980-1990, which gives the soldiers Special Power to shoot or arrest any person in violence area to maintain order in case of any suspicious, this article raise voice against the law whether it should be implemented in the democracy country of India.

- **Irom Chanu Sharmila and the Movement against Armed Forces Special Powers Act (AFSPA), by Aparajita Sharma.**

The paper gives the information about the activists of Irom Sharmila and Meira Paibis support to repeal against the Armed Forces Special Powers Act (AFSPA). It also provides hopes, peace and justice to the people of Manipur by Irom Sharmila. In addition, it defines the rage of Manipuri's, which have given rise to revolution asking for 'freedom' through numerous stages.



- **Armed Forces (Special Powers) Act 1958: A Source of National Disintegration by Dr. Yumnam Oken Singh and Dr. Gyanabati Khuraijam.**

This paper provides the concept of Indian national incorporation which has been endangered time and again, particularly in Kashmir and the States of North-East. It also provide the fact to ruins for repeal against the AFSPA and both the State Government and the Centre need to join hands and work together for bringing all the people of India under the right to equality and the right to life.

- **The state of Human Rights violation in Manipur: by M. Ninghaiba Singha and Th. Kanchanbala Singha.**

This paper describe about the issue of demanding independence from India by various opposition groups and the failure of Government in providing suitable means of solution to the issue of the state. Which gave rise to the emergence of undergrounds groups, thus the paper states on the status of Human Rights, the Armed forces, police and underground groups were the main violators of the Human Rights in Manipur and along with them some suggestion to solve the problem in the state will be discussed.

- **The Little Known Irom Lady of Manipur – Irom Sharmila Chanu: by Rumani Saikia Phukan (August 21, 2014)**

This journal gives information about Irom Sharmila past how she was as a woman before she became an Activist. It mainly focus on her different stages of life she had gone through for the peace of Manipur It depicts about her long journey of struggle for the overthrow of special power act of the armed forces which has created menace in the peaceful life of the Manipur people and her continuous repeal against it by abounding the worldly pleasure and choosing the path of non-violence to bring peace in her homeland since 2000 against the Draconian forces.

- **Mapping Non-violent Movement in Conflict- Ridden Manipur: by Shukhdeba Sharma Hanjabam**

Armed Forces in Manipur are used regularly used as a means of governance. In this paper it discusses about the authenticity of non-violence movement leading to a Movement and action like Women's War of 1904-1939, Meira Paibi, and Irom Sharmila in Manipur. The paper argues that the present of India's security in Manipur have superseded all other concern.

## **4.2 Scope of the study**

This study will give us knowledge to understand the grievance and injustice done by AFSPA to the people of Manipur and to evaluate the struggle of Irom Sharmila and her discontentment against the AFSPA. Even today we can see her mourn against AFSPA. Despite her heroic act and persists in struggle, the government adamantly refuses to attend to the issues she is raising. Rather its attempt is to ignore and physically isolate her, interpret her protest as a criminal offence, and lock her away as if she were a hardened criminal.

In this present study we can know how the rights of ordinary people are being violated daily not only by insurgents, but also by the state in the name of 'counter insurgency'. Militarization, in the name of counter insurgency, cannot create condition for peaceful resolution of conflicts. Yet, the official's line continues to treat insurgency as a law and order problem, justifying and intensifying military solution.

Good governance needs to be instituted in the state. Corrupt and manipulative governance is a major factor contributing to escalation of insurgent violence. Officers at the highest levels must be accessible and accountable. If people at large find the government sincere and transparent, they would offer unconditional support to end insurgency. From time to time, the government has devised measures to win over the population, like 'Operation Sadbhavna' under which the army supports small-scale developmental projects in remote parts of

the North-East. These measures are a step in the right direction, but insufficient to meet the situation. The basic thrust of 'counter-insurgency' remains unchanged: the use of coercive methods, rather than a realistic treatment of insurgents as citizens, whose demands require political solution.

Through the journey of Irom Sharmila we know that strong army presence in Manipur has intensified the trauma of common people. Ordinary citizens are trapped in a no win situation: a cycle of deprivation and violence, with no end or resolution in sight. Through her fast she expresses a deeper world view, the fast is meant to obtain a particular goal by exposing and shaming perpetrators of injustice, and pressurizing them to end their unjust ways. Fasting, for such protesters, is an act of idealistic non-violence. The method is not easy, as it demands total dedication, at the cost of one's own health and indeed freedom speaking for truth by using her body as her weapon.

It is strange that she is largely known for her protest and activities but there are also a large majority of Indians who doesn't have a slightest idea her. Her 13-years of silent protest cannot be ignored, for she is a kind of woman with hope, will and strong determination fighting for the good cause of the people by choosing the Gandhian route of non-violence which signifies the present study.

### **4.3 Objectives of the study**

- To analyze the various activities of AFSPA and their impact.
- To study the drawbacks of AFSPA.
- To examine the steps taken by Irom Sharmila.
- To study the progress of Irom Sharmila achievements.
- To study the steps taken by Government Agencies.

#### **4.4 Research methodology**

This study will be descriptive by its nature. Keeping in view the research evidences, objectives, hypothesis, and the investigator found it suitable to use descriptive survey method in the present study. Descriptive research is a type of research that is primarily concerned with describing the nature or conditions and degree in detail of the present situation and whenever possible, to draw valid general conclusions from the facts discovered. For the present study data will be collected from the Library, Newspaper, Reports, Journal, Articles and Interviews. After the collection material would be analyzed and interpretation would be made on the basis of facts given in primary and secondary sources. Our Dissertation will be descriptive as well as analytical and it will be a qualitative research.

## Chapter 5

### 5.1 Conclusion

The military forces have always proved failure and unable to give complete security instead they have misuse their power and violated the Human Rights Because of this Act the violence in Manipur has drastically increased endangering the welfare of the state and civilians life by crimes like torture, rape, molest, robbery, destruction of properties etc have become a part of daily routine in Manipur We cannot ignore the fact that numbers of opposition group's function in Manipur and that they are also the main cause for human rights violation. Yet, the unlawful Acts only begets hatred against the law and contributes to an inhuman series of violence.

Irom Sharmila blamed the army and their Special Power for the killings of civilians for which a unilateral decision was taken by her as she would go on hunger strike vowing to stop only it when the law is repealed or removed. Through her fast she express a deeper world view, the fast is meant to obtain a particular goal by exposing and shaming perpetrators of injustice, and pressurizing them to end their unjust ways. It is also a means of non-violent expression, at the same time it also intended to teach the rival in bringing about a change of heart, a conversion in terms of moral beliefs and convictions.

Though many political parties, women organisations and NGOS has supported Irom Sharmila in her grievance and despite her continuous repeal against the Armed Forces Special Power Act, still no step of progress has been taken by the Indian government against it and we can assume by this that there will be no future scope as there is an absent of mass participation.

It is strange that she is largely known for her protest and activities but there are also a large majority of Indians who doesn't have a slightest idea about her. Her 14-years of silent protest cannot be ignored, for she is a kind of women with hope, will and strong determination fighting for the good cause of the people by following the theory and practice of Gandhi and Non-Violence through her on-going fast to withdraw the Special Power Act given to the Armed Forces.

Irom Sharmila started her hunger strike in the year 2000, and how did the government reply to her peaceful protest? They charged her with a crime; of attempting commit suicide. Ever since, then she has been repeatedly arrested detained and is force-fed by tubes that are inserted into her nose.

Fourteen years have passed, and nothing has been done even after her continues effort but still Irom Sharmila continues to protest against AFSPA and her Journey of Struggle still continues....



## **BIBLIOGRAPHY**

- Brara, N. Vijayalakshmi, *A Situational Analysis of Women and Girls in Manipur*, New Delhi: National Commission for Women, 2005.
  
- Dutta, Anuradha, and Ratna Bhuyan, ed., *Genesis of Conflict and peace – Understanding Northeast India*, New Delhi: Akanksha Publishing House and OKDISCD, 2007.
  
- Gandhi, M.K., *Non-violence in peace and War*. Ahmedabad: Navajivan Publishing House, 1942.
  
- Goshwami, Hareshwar, *History of the people of Manipur*. Imphal: Kangla Publication, 2004.
  
- *India: Time to Repeal the Armed Forces Special Power Act*. Amnesty International Public Statement, 10 July 2006
  
- Mehrotra, Deepti Priya., *Burning Bright Irom Sharmila And the Struggle For Peace in Manipur*. Published by Penguin Books India, 2009.

- Nojeim, Michael J., *Gandhi and King: The Power of Non-violent Resistance*. Praeger, 2004.
- Sharma Aparajita, *Irom Sharmila and the movement Against Armed Forces Special Powers Act (AFSPA)*, 2014
- Sharma. Hanjabam Skukhedba. “*Self-determination movement in Manipur*”, 2011.

**Journal:**

- Hanjabam Shukhdeba Sharma, *Mapping of Nonviolent Movements in Conflict-Ridden Manipur*, “Quarterly Journal of the Gandhi Peace Foundation (2012): 259.
- Singha. M. Ningamba, M. Ninghaiba Singha, and Th. Kanchanba Singha, “*The Status of Human Rights Violations in Manipur.*” International Journal 1.3 (2014):51-55

**ARTICLE:**

Laishramcha Jinine, “*The Militarization of Manipur,*” Article 2, vol. 5, no. 6, Asian Legal Resource Center, Hong Kong, December 2006, p. 6.

## **REPORT:**

Human Rights Initiative. Human Rights Special Report Manipur-2009, p.3

Joint Stakeholders Report. India, Status of Human Rights in Manipur, North-Eastern Region, (2<sup>nd</sup> Cycle Universal Periodic Review: 2011), Joint Stakeholders Report, P.3.