



# Bearing Witness

A Report on  
The Impact of Conflict on Women  
in Nagaland and Assam

by the Centre for North East Studies & Policy Research with support from HBF, Delhi

'Bearing Witness': The Impact of Conflict on Women in Nagaland and Assam has been produced by the Centre for North East Studies and Policy Research with support from the Heinrich Böll Foundation, New Delhi

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**Ms Heipungstule, Pungluwa village, Peren district, Nagaland**

## About the Heinrich Böll Foundation

The Heinrich Böll Stiftung/Foundation (HBF) is the Green Political Foundation, affiliated to the “Greens/Alliance '90” political party represented in Germany’s federal parliament. Headquartered in Berlin and with more than 25 international offices, HBF conducts and supports civic educational activities and projects world-wide.

HBF understands itself as a green think-tank and international policy network, working with governmental and non-governmental actors and focusing on gender equity, sustainable development, and democracy and human rights.

With a presence in New Delhi since 2002, the HBF India office coordinates the interaction with local project partners. Its programme activities are focused on climate and energy, gender and economic policy, and democracy and conflict.

## About C-nes

The Centre for North East Studies and Policy Research (C-nes) was established in 2000 to design, develop and implement ideas, going beyond research to intervention and policy level changes in a broad range of areas in the North-east of India. C-nes’ priorities include innovative health interventions through Boat Clinics on the Brahmaputra, development of a network of primary schools in remote, unserved areas, environmental conservation and other areas of governance. Gender concerns are a significant focus of its work as is strengthening civil society, developing alternative livelihoods, mobilizing public opinion and regional cooperation. It thus seeks to create a bridge between field and policy as well as between the North-east and the rest of India.

Its Mission Statement recognizes the right of every individual to live in dignity, peace and safety because only under such conditions can the quality of their lives be improved and their deepest aspirations met; values the unique ethnic and ecological diversity of the region; encourages local governance, decision-making and initiatives as the key to economic and social growth; lobbies actively for changes in official policy at the national, regional, state and districts levels and supports regional cooperation as a strategy to create long term, sustainable development. The Centre’s priorities include health, education and environment; governance; conflict understanding; infrastructure and transport; documenting cultural; and environmental diversity; studies of migration, internal displacement and refugee flows; media exchanges and communication as well as networking with partner groups sharing similar objectives.



## Project Director

Sanjoy Hazarika is Managing Trustee of the Centre for North East Studies and Policy Research (C-nes) which he founded in 2000, which works extensively on governance issues especially health and education delivery, Saifuddin Kitchlew Chair and Director of the Centre for North East Studies at Jamia Millia Islamia in New Delhi. C-nes' innovative work on health uses boat clinics which Hazarika has designed in association with his team and local boat builders to deliver sustained health care ([www.c-nes.org](http://www.c-nes.org)). It is held up widely as an outstanding example of inclusive health care and partners the National Rural Health Mission, reaching nearly half a million people on the islands of the Brahmaputra river in 13 districts of Assam state. Recently appointed a Member of the National Steering Committee on Health under the aegis of the Planning Commission, Government of India, Hazarika is among the most articulate and well-known faces of the region and an award-winning journalist who also reported for *The New York Times* between 1981 and 1996. His areas of specialization include conflict, migration, inclusive governance, media and the environment. A member of the first National Security Advisory Board, he was Chairman of the Steering Committee which finalized the North East Vision 2020 launched by Prime Minister Manmohan Singh in 2008, and a member of the Justice Jeevan Reddy Committee to Review the Armed Forces Special Powers Act. Author of several acclaimed books, Hazarika has written *Bhopal: lessons of a tragedy*, *Strangers of the Mist*, *Rites of Passage* and *Writing on the Wall*. He has made over a dozen documentary films, including 'A Measure of Impunity', based on interviews from this project as well as on the Brahmaputra River and on the endangered river dolphins of Assam.

## Associate Project Director

Preeti Gill is Editor, Zubaan Books, an independent, feminist press that has grown out of India's first feminist, publishing house, Kali for Women. She is the editor of *The Peripheral Centre: Voices from India's North-east* (2010) and co editor along with Uma Chakravarty of *Shadow Lives: Widowhood in India* (2003). She has contributed numerous articles on literature from the North-east to prestigious journals, curated literary festivals on the North-east and developed a unique list of women writers from the North-east for Zubaan, which includes some of the best known fiction writers, poets and scholars from the region. She is an Advisory Council member of C-nes and has helped to research and script several documentary films on the Brahmaputra.

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A Kokrajhar landscape, Assam



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Jayanti Mushahary, Kokrajhar, Assam



# 'Bearing Witness': Documenting Marginalized Histories

## A General Introduction to the Project



In the course of travels (in Assam and Nagaland) for this project, we met many people whose lives had been changed irrevocably by the decades of violence that had gripped their states. Each family, each individual had stories to tell, of personal loss and bereavement, of physical and emotional trauma. For many of them it was the first time that anyone from another part of India had visited their villages, sat among them and listened. These are stories that the world does not know of, has not cared to know, contributing to the silencing of voices on the margins. We believe that the telling of these stories can work as a form of catharsis as well as positive intervention and empowerment, building bridges between communities and helping to open up a little known region and alienated people.

Analysts say, war and conflict are devastating to social and cultural institutions because they impact societies and individuals; every person who has survived conflict is in some way scarred by her/his experience. It takes people and society a long time to come to terms with what happened to their lives.

A young woman in Dimapur who is a member of a women's association which works like an informal, tribal *panchayat* or council where social cases relating to women are handled, shared an experience. Her village, she said, was bombed by the Indian Air Force in the 1960s. She was only a baby at the time but her mother who was running away from the burning village hid her in the hollow of a tree thinking she'd come back and retrieve her when it was safe. It was three days before she could come back. The child lay inside that hollow, hungry, frightened, alone.

We wondered: 'What must she have thought? What sort of impact would this have left on her?' The trauma haunted her, she said, and

then, as soon as she was old enough, she went to join her father, who was a member of the Naga army fighting the Indian state. It was only much later that she came to terms with what had happened to her village, to herself and her father, who was killed in the course of battles with Indian security forces. She learnt forgiveness and turned to the Church, which is a very powerful institution in Nagaland and other parts of the North-east.

To say that women have faced violence in situations of conflict is to state the obvious but what this means in terms of impacts is something that is still being studied. While the most obvious impact is physical or sexual violence, the psychological scarring as a result of prolonged exposure to brutality has an even deeper impact on



their well-being. Women find themselves at the receiving end of violence from three fronts: the state, the militants and a corresponding escalation of domestic violence. The effects of violent acts like rape, sexual abuse and assault lead to emotional trauma and what is known as Post Traumatic Stress Disorder—again this is something that is being understood only now.

Facilities like trauma centres or counselling centres for such cases are few and totally inadequate to deal with the complexity and scale of the problem. According to the psychiatrist Dr P Ngully from Nagaland, who was associated with this study and is among the very few specialists to have looked at PTSD in his state which has faced confrontation and violence both from the state and non-state groups for over 50 years, the sight of a uniformed person evokes fear and terror in villagers in Nagaland. “They have rarely seen any other face of India barring the army and the paramilitary, which they associate with harassment and violent behaviour,” according to Dr Ngully.

In fact, the survey and interviews for respondents set out therein were posited on a set of questions developed by the National Institute of Health (US) which are internationally accepted as indicative of whether a person has suffered from/suffers from PTSD. This questionnaire was discussed at the initial workshop with the two research teams at Shillong, Meghalaya, in November 2009, and it was made a prerequisite to the identification of the ‘victims’ to be interviewed under this project. This was done on the advice of two prominent psychiatrists.<sup>1</sup> These were the hinges which opened the doors to an unprecedented and moving outpouring of experiences, narrations and stories from victims. The questions were the following:

- ‘In your life have you ever had any experience that was so frightening, horrible or upsetting that, in the past month, you have had nightmares about it or thought about it when you did not want to?’
- Tried hard not to think about it or went out of your way to avoid situations that reminded you of it?
- You were constantly on guard, watchful or easily startled?
- Felt numb or detached from others, from activities or your own surroundings?

This approach has helped in the process of enabling women to share their experiences of coping with the realities of daily life, experiences which they perhaps would not have felt confident enough to share were it not for the fact that the research teams in both states chosen for the study were ‘local’ and that contacts with those interviewed

were made with extensive help from friends, neighbours, civil society groups, local womens’ groups, local interpreters and guides.

Women, after all are responsible in these situations as mothers of children and wives of the wounded, those killed and those who have “disappeared.”; they are innocent victims of wars and conflicts not of their making.<sup>2</sup> They suffer as civilians with greater restrictions placed on them. They are assaulted, raped, humiliated, beaten and murdered during conflicts. They are displaced, turned out of their homes, disinherited, widowed and orphaned; they lose their children to bullets and beatings. Many just disappear without a trace. Others are trafficked across state and national borders and face a nightmarish lifetime of sexual abuse and disease.

The loss that they face is not just emotional or physical but transfers into the economic and social spheres as well. Most women face a decline in social legitimacy and find themselves relegated to the fringes of society with no one to care for them or to speak on their behalf.

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Since they form the bulk of the unemployed and the uneducated, they find themselves unable and ill-equipped to take on the burden of the household and as a result become completely poverty stricken. Young widows are forced to head households, even though in a patriarchal feudal set up they have little or no access to land and property. In tribal societies the economic burden is generally considered a primary responsibility of women and, for this reason perhaps, women get very little help from their menfolk or from the state in the aftermath of violence when the work of reconstruction begins. In Nagaland, for example, the women do extensive field work as in many other hill communities. In addition, they carry on with ‘normal’ life and do ‘normal’ chores

to sustain their households – cooking, washing, fetching of water, the bringing up and nurturing of children.

Other impacts of conflict include loss of livelihoods and food scarcity as a result of destruction of fields and farmlands, the destruction of basic infrastructure like roads and bridges, hospitals and shelters and schools. The women are forced to take on the role of food providers and caretakers of the old and the infirm, the wounded and young. In times of war womens’ access to public spaces becomes even more restricted and their mobility further hampered by the presence of security forces and armed militias. All too often their bodies become the site of battle with both sides treating them as the spoils of war. Women who lose their ‘honour’ find it extremely difficult to lead normal lives and to live down the stigma. There is a total breakdown of structures, of the norms of behaviour, of what is socially sanctioned behaviour and the

<sup>1</sup> Dr. Sandi Syiem, who runs the San-Ker Centre in Shillong, Meghalaya, and Dr. P. Ngully

<sup>2</sup> *Where the Sun Rises and Shadows Fall*, India International Centre/OUP, New Delhi, 2008



results are the atrocities and human rights abuses that are reported by print, visual and audio media.

When there is a complete turning on its head of the known circumstances, the known life and exchanging it for the unknown, the uncertain, the insecure and the dangerous, how do people, especially women, who are the most vulnerable sections of society, cope? What happens when they are forced to flee, to leave the familiar environments of their villages and towns, and find themselves cut off from their tribes and cultural moorings? What dangers confront them in their new environments? These are difficult and challenging issues and troubling questions.<sup>3</sup>

Continued violence, especially in the rural areas, has resulted in large scale migration of young women and men to urban centres. Without any effective support system, they become extremely vulnerable to exploitation, violence and trafficking. The incidence of HIV/AIDS, drug abuse, alcohol and substance abuse increases substantially in such situations. The feminization of the AIDS epidemic is becoming all too apparent and the increased vulnerability of women to HIV/AIDS in situations of conflict is an area of growing concern to social and health activists. The presence of armed forces in large numbers also increases the demand for sex workers, and young women are sucked into this and become pawns in a larger brutal network that thrives on human misery and conflict. Human and drug trafficking proliferate with women and children being sent to other parts of the country. This is also as a result of the loss of other economic options and increased poverty as a result of longstanding conflict situations and their aftermath.

The state of women's health is another picture of neglect and apathy in areas of conflict. There is a lack of infrastructure, of adequate facilities, of health personnel, and most of the Centre's much-hyped health schemes remain just on paper with few being able to access these. Travels to the remote hinterland of both Nagaland and Assam showed us how the most marginalized segments of its population hardly figure in the "Incredible India" promoted by large corporations and governments, marching, the public is informed, towards 'development' and 'health for all'.<sup>4</sup>

Another point, important to flag here, is what is happening to the young people 'the children of the conflict,' who are increasingly leaving their violent homelands for education and jobs elsewhere in the country. There are large numbers of students who flock to Delhi University every year. A Manipuri professor in Delhi says that there is a Manipuri student in every house in a colony behind the capital's Patel Chest Hospital. There has been a social impact of this out-migration: even vegetable sellers there have picked up the Manipuri language. While this is significant, we must also look at the other side of the social dimensions of this migration: what does the movement of a large amount of human resource capital mean

for a small conflict-ridden state? Do these youth ever go back and, if so, to what?

Travelling with the research teams into remote villages and sitting in on the interviews they were doing with women and families of those who had been victims of conflicts, we came across many striking stories and experiences. The reason for telling them is to underline two points which we address later.

One April in Nagaland, the rains were abundant and the villages were beautiful, we went to the village of Benreu, set high among the hills in Peren district. It was not easy to get there. It took us six hours from Kohima through beautiful high hills and valleys, slushy mud and a landslide on the narrow winding hill road. It was cold and we sat in front of a huge open fireplace where a warming fire glowed and we talked to the villagers gathered there. They told us that the army came to the village after a brief mortar attack which killed a young mother and her child. All the villagers fled to the jungles, the granaries were destroyed and so were the homes of the people. When they finally returned, the villagers faced beatings and harassment each time the forces came looking for insurgents and their contacts. There was one saving grace—the village was not burnt as so many had been in those days. This was because of young army officer who did not permit it. That was 52 years ago and the villagers still remember "Captain Dorairaj".

The two things which struck us when we heard this story were that one person in power, sensitive to local fears and insecurities, local customs and traditions can make a difference to the way a conflict is fought, the way an 'invading force' is perceived, the way local populations are dealt with. The other was that we were among the few independent groups of people from mainstream India to have visited Benreu in half a century.

## 1.1 About the project

The major aim of this project is the documentation of the impact of conflict on women in the two states of Nagaland and Assam and wide dissemination of research and findings through publications, a documentary film, seminars and the media. The project seeks to place these issues in the larger context of the challenges of nation building, regional growth and also look at broader issues of just laws, the use of state power and the rights of citizens, especially women. The project is built around the assumption that women have been particularly and severely affected by on-going civil conflicts in these two states as indeed in much of the North-east region of India. Women are known to be vulnerable during times of armed conflict in ways that are different to men.

The definition and measurement of conflict can be also accessed by materials given in the Uppsala Conflict Data Program (UNCP) and the

<sup>3</sup> Ibid

<sup>4</sup> *Facts and figures Vision 2020*

International Peace Research Institute, Oslo (PRIO), which is widely regarded as a primary source for armed conflict data (<http://www.pcr.uu.se/research/udcp/database>).

Apart from the obvious impacts like physical and sexual abuse, beatings, and torture there are other insidious ways in which women's safety and well being is threatened. As a result, the foundations of a community are under attack. There are greater restrictions placed on their mobility, and their access to health, education, means of livelihood and employment. Very little by way of documentation exists especially of issues like Post Traumatic Stress Disorder, the links between trafficking, drug and substance abuse, HIV/AIDS and conflict, or the escalation of domestic violence and sexual abuse in areas affected by armed conflict.

The core of the project is the field survey in the two states with specific and detailed questionnaires that were administered to households. The research teams felt it was important to look at individual cases as well as collective fears and tensions that had accumulated in the collective psyche of communities faced with years of armed conflict and insecurity. The subtext of denial, defiance and trauma needed to be especially noted.

The project began with the interviews and selection of the teams in the respective states in September-October 2009 with extensive discussions with a range of scholars and health professionals as well as those in the policy framework, in New Delhi, Assam and Nagaland. Primary and secondary research and extensive field travel was done in the two states from December 2009 right up to August 2010 in an effort to take a detailed look at the impact of all violence and insecurity in Assam and Nagaland. The project has assessed the people's need for security from physical violence and threat, the need for health and treatment and also the protection of human rights. It has also looked at the challenges posed by some of the direct and indirect social impacts of conflict and specifically instances of domestic violence and substance abuse, HIV/AIDS, trafficking, migration as well as the attitudes/use/abuse of women by armed groups, a reality that has not been adequately reported or researched.

**It must be emphasized, however, that the reports from the two states are quite different although the basic issues of access to and protection of rights and dignity remain the same. We have chosen to retain these differences because the background and other details of conflict, confrontation and social ethos, the points of difference, are very extensive and complex in either state. This is an issue that needs greater emphasis and further explanation: While the Naga conflict**

**is among the oldest of contemporary ethnic conflicts in the world and was the first in this country to challenge the idea of India, to insist on independence and a separate homeland, the problems in Assam began much later—in the late 1980s in fact. Each situation grew, ebbed and flowed on two very different trajectories because there were/are a complex range of different issues associated with movements in both states.**

Thus, unlike other contemporary political movements like the Maoists in parts of Central India who seek a change of government structures,

the insurgent groups in Nagaland have sought political independence, while groups like ULFA in Assam while demanding "sovereignty" have also been agitating on numerous other issues (against the influx of Bangladeshi settlers but also opposing migrant labour from other parts of India); others like the Bodos and Dimasas have demanded greater autonomy and representation in the existing political structure. To further illustrate the points of difference in the problems faced by research teams in each state and in the reports presented here and developed out of the study we would cite an example:

In the district of Dhemaji, Assam the team found evidence which reflects specific challenges to the rights of the displaced and migrant communities. This is an aspect of the crucial migration issue in Assam which has been not as well researched in earlier projects. The research here focuses

on this aspect through detailed, extensive interviews (recorded and transcribed). This section of the report looks at the impact of a large agitation on smaller ethnic groups and the victimization, deliberate or otherwise, of these groups. This is important for it is concerned with a period in Assam's contemporary history that is regarded as crucial to political formation to the entire Northeastern region and the responses of the Indian state, post the 1980s. In Dhemaji, the combatants were not security forces and organized fighters from one militant group or another but ethnic groups which saw threats from "the other" to their identity and control of land. The specific incidents revolve around the tragedies of 1983, a time when Assam was in turmoil caused by opposition to state and Parliamentary elections; agitators said that illegal migrants from Bangladesh were being allowed to settle and vote, threatening the identity and rights of local residents and the indigenous. The riot victims at Dhemaji were initially reluctant to speak of their experiences, as in Nagaland, saying they did not want to re-visit past nightmares, but later opened up and shared their views with openness.

## **1.2 Need and significance of study**

There have been earlier studies of conflicts, even in the two states that are the focus here but very little of that work has looked at the



specific ways in which women have been impacted. This was a gap that needed documentation. To see how women were coping with situations in which they found themselves in order to understand the resilience and coping mechanisms built up in communities to 'handle' situations of great stress. Almost all the rural women we spoke to under the aegis of this study in Nagaland and Assam were illiterate. Moreover, it was apparent that they had no professional or other assistance and they had to cope with their situation, and those of their families, on their own. Indeed in many respects this study is the first of its kind. It was felt that the study could make a contribution to a better understanding of these issues and their ramifications if it faithfully documented human tragedies as narrated by women victims. Such documentation would bring out new understanding and perspectives about impacts of conflicts from a gender point of view and also society as a whole. The study would be especially relevant in the context of entrenched and long term conflicts – the Naga situation is one of the longest unresolved armed conflict situations in the world.

The stories of these women interviewed, like women elsewhere, need to be told since their contribution to the sustenance of their communities is crucial.

### 1.3 Objectives of study

The research team was finalized on the basis of the Project Director's knowledge of the members/scholars and the work they had done in these and similar areas. They were interviewed and asked for their consent to work on the project. The sample questionnaire of the study grew out of several rounds of consultations. First, the districts were selected, keeping in mind the kinds of 'conflict' that women had experienced, how they had been impacted and the trauma that they had suffered. The research villages were finalized after the districts—this led to the identification of individual women and their families. This was again a rigorous process because it was decided at a workshop in Shillong, Meghalaya, to set the agenda and structure the programmes in November 2009, that certain psychological criteria were to be satisfied before a 'victim' could be considered as a candidate for this study (p.12). It was also decided that the sample size per district would be limited to 40 individuals. The study was to include interviews with stake-holders, community based NGOs, government leaders, legal experts, health officials etc.

The following were the major objectives:

- To study the nature and type of conflict situations women had lived under in Nagaland and Assam
- To ascertain the impacts of conflict on women in its various dimensions
- To examine how women had been able to handle and/or cope with the conflict situation
- To assess women's hopes and aspirations
- To offer suggestions and recommendations

### 1.4 Tools

1. Both primary and secondary sources were relied upon for collection of data for the study
2. The questionnaires/Interview schedules were jointly developed with assistance from social psychiatrists, physicians and academics. These were the following:
  - I. Questionnaire for PRA (Personal Response Assessment) discussions
  - II. Questionnaire-cum-interview schedule for women victims
  - III. Questionnaire for NGOs/other organizations
  - IV. Questionnaire for government officials: administrators, legal persons, police etc. (Slight modification of serial number III above)
  - V. Secondary sources in terms of review of related literature, journals, research articles and reports of organizations.
  - VI. Tertiary sources (third parties) for confirmation of stories

The study was descriptive in nature. Analysis of data was done on the basis of the responses given by the various individuals/groups of respondents to the questions in the questionnaires/interview schedules. The data collected was tabulated and presented in table formats. Interpretation of data in the tables was made on the basis of percentages.

Besides quantitative presentation of data in the tables, qualitative method of research has also been employed to bring out a fuller understanding of the research topic. A discussion of the experiences and observations of the interviewers/fieldworkers has also been included.

### 1.5 Limitations of study

- The study was physically limited to three districts of each state – Kohima, Peren and Tuensang in Nagaland and Dhemaji, Kokrajhar and Sibsagar in Assam and may be regarded as representative of conditions across the states where there are confrontations.
- A total of 243 women victims were interviewed.
- A common difficulty was that while victims were willing to recount their painful experiences to the research teams, a number of them were reluctant to speak on camera or even be recorded and photographed for the documentary film. Some of those who spoke to the research teams, insisted for reasons of security, social standing or just personal wishes, not to be identified by name and, in a few cases, were not willing to have their villages named: this shows the extent of fear and trauma that continues in these places, especially in Nagaland. In Dhemaji the extremely sensitive nature of the interviews and the data collated by the team went through a process of rigorous review by experts before putting it out into the public forum for discussion and dissemination.
- The study suffered from some problems relating to culture and geography. For instance, in Tuensang District, which has

strong connections to Myanmar (Burma), many people would not exclude their kith and kin living on the Myanmar side. Moreover, some victims were harmed allegedly by the Myanmar Army. Sometimes, there were also language barriers in Nagaland, because of various tribal dialects; however, this was overcome with the help of interpreters.

- In addition, there were peculiar problems in the district of Dhemaji which reflects specific challenges to the rights of displaced and migrants. The problem here too is that this is an aspect of the migration problem in Assam which has been not as well researched as other aspects. It looks at the impact of a large agitation on smaller ethnic groups and the victimization, deliberate or otherwise, of these groups. It is important for it is concerned with a period in Assam's contemporary history that is regarded as crucial to political formation to the entire Northeastern region and the responses of the Indian state, post the 1980s. In Dhemaji, the combatants were not security forces and organized fighters from one militant group or another but from ethnic groups which saw threats from "the other" to their identity and control of land. The specific incidents revolve around the tragedies of 1983, a time when Assam was in turmoil caused by opposition to state and Parliamentary elections. Agitators said that illegal migrants from Bangladesh were being allowed to settle and vote, threatening the identity and rights of local residents and the indigenous peoples. In Dhemaji, research looked at this aspect as well as the better known attacks and incidents involving ULFA and the army.

## 1.6 Conclusions

To bear witness has been a challenging and disturbing experience. Listening to and reading the testimonies of the victims has been particularly painful and saddening – especially as we are deeply aware that virtually none of the victims have had access either to compensation or justice by getting the legal system or even the administrative system to take care of the harm they have suffered. For some, the nightmare persists because they remained unhealed and unreachd; for others the nightmare is renewed when they see the alleged killers of relatives or friends walking around free. We have been privileged to have been included in some of the most personal and difficult situations which these women and their families have faced. Although the title of the project is "The Impact of Conflict on Women in Nagaland and Assam", it is not as if the suffering was confined to women. Indeed, while they have suffered acutely, other members of society also have been harmed, across the gender divide.

A documentary film has been completed on this issue, produced by Sanjoy Hazarika and directed by Maulee Senapati. This will be screened in 2011. Other byproducts proposed include a book and monographs (possibly by 2012) as well as a travelling exhibition of photographs to accompany the film. The exhibition will travel to 6 cities in India in 2011.

Readers of the report may find it repetitive, in terms of experiences shared and stories told, of the nature of the relationships between victim and oppressor as much as between the state and non-state actors (the armed groups) and the ordinary people who are preyed upon and find themselves caught in an unwitting and relentless cycle of hatred, violence, grief and unmitigated injustice.

To bear witness has been a challenging and disturbing experience. Listening to and reading the testimonies of the victims has been particularly painful and saddening – especially as we are deeply aware that virtually none of the victims have had access either to compensation or justice by getting the legal system or even the administrative system to take care of the harm they have suffered.

But it is the nature of such inflicted harm, no matter where we are in the world, to be repetitive for as we say in this Introduction, women's bodies have become the battleground for ideas and contesting fighters, in and out of uniform. It is the latter as much as any other issue that we seek to address and call the attention of readers of this report. These unaddressed injustices as well as physical and mental harm and trauma that need to be faced by state, non-state and civil society groups as well as the international fora and discourse on human rights. The lack of justice has bred a sense of Impunity among both state and non-state as well as the rent seekers and quasi-state, which are patronized by the state, such as those responsible for the "secret killings" in Assam.

It would be also important here to reflect on the quality of resilience shown by the victims and their families. A scholar speaks of this quality thus:

"How people cope depends on their own resources, sense of coherence, ability to find meaning in their situation—not what humanitarian agencies do for them" writes Astier Almedom of Tufts University. "If you lose your home during a disaster, you have to go somewhere else you risk losing your identity." In the course of her own work in Eritrea, neighbouring Ethiopia, she found that despite disruptions, certain mechanisms of social support alleviated some of the people's emotional pain and difficulties. The help that she was referring to in that particular context included warning of imminent raids from the neighbouring country; the provision of vehicles so people could travel to safely; the government trying to keep communities together; providing material support and aid.

She further described Resilience as a "multi-dimensional construct defined as the capacity of individuals, families, communities, and



institutions to anticipate, withstand and/or judiciously engage with catastrophic events and/or experiences, actively making meaning out of adversity, with the goal of maintaining normal function without losing identity.” (2008).

Similar crisis as well as survival and coping mechanisms are apparent in the case of Nagaland and Assam in the context of the present study as well and we would like to flag these here as crucial to the way people manage their lives after traumatic events especially conflict and war.

The women attribute their ability to cope to several factors including faith in their gods. Religion often plays a huge role in providing help and support to communities and the simple act of being able to talk to the priest helps women to share their pain and to find peace. In the absence of help from the state and the lack of medical and counselling services, often prayer was their only strength. Often due to displacement, community help and help from the Church was difficult to access.

Since most of the women interviewed were illiterate they did not know the mechanisms of the state and whom to approach for help, whom to lodge complaints with and had no idea of the state’s role as a protector of their interests. They were unable to understand the random violence, torture and killings and even after so many years had passed, speaking to the research teams recreated the sense of pain, fear and trauma they had suffered. The separate sections on the reactions of the Nagaland Research Team and the Assam Research Team are therefore important in order to place on record that for the researchers as much as for the ‘victims’ this was a cathartic process and a valuable exercise.

The women also felt that what helped them to cope was the knowledge that they were not alone, that their suffering and trauma was part of a larger community/tribe trauma. This too came out very strongly in the statements that the women made to the interviewers.

In conclusion, we have learnt a great deal from this project: it is especially important to be in the field to explore differing contexts and to listen to the stories that the survivors tell. It is important to respect what they have told us, to respect what they reveal and to also respect their wish not to reveal what they want to keep hidden. This is the bridge of confidence that we have built painstakingly and often it has taken the teams three to four hours to gain the confidence of individuals to whom they have spoken; it is an emotionally wrenching and draining process.

It is our view that this report and the film should be used extensively across India and South Asia and in fact the larger world to serve not just as a wakeup call to all Indians, especially those in the armed forces and the non-state armed groups and those who speak in the name of “civil society” – but also energize the setting up of counselling centres for trauma victims, women, men and children, so that the nightmares that those interviewed for this project suffered are not visited on others.

It is our view that the violence institutionalized in law by the Armed Forces Special Powers Act as well as the Disturbed Areas Act and other security legislation that continues to harm and humiliate ordinary men, women and children, more than 50 years after it was passed by Parliament, must be repealed. The law often has been abused, not used and protects those in the employ of the government and not the victims. The Disturbed Areas Act is the enabling legislation which gives the army legitimacy to implement the AFSPA, a bare six clause law which empowers soldiers to detain, conduct searches, destroy property and shoot to kill upon mere suspicion. This could be part of the process of healing and peace – an experience that we believe has come to many of those who shared their stories for the first time with us, some, at the close of their lives.

We note the oft-repeated question asked of the research team that (barring the Dhemaji event, where a group that had been targeted in 1983 but not in an insurgency was been interviewed for the first time): “We have been interviewed by researchers so many times but nothing has come of it, so what is the point of giving so much time and reliving our trauma?” This stresses the need to share the findings of these reports in an open forum and with the stakeholders so that those who have suffered may speak clearly to those in authority and non-state groups as well as the general public to seek not just justice but compensation for harm inflicted for no fault of their own. In addition, what is required is the empowerment of individuals and tackling issues like insurgency through an inclusive approach and not a bulldozer effect where it assumes that it knows the answers because of the political leadership which has been “elected” and the administrative and security strength which are “existent” in the system.

That can be another stage of this project which cannot be regarded as complete just with the filing of this report. Many stories remain untold, many tragedies undocumented, many voices unheard.

As long as that remains undone, our work will not be complete. The democratic deficit is too extensive not to map and too dangerous not to address and remedy.

It is difficult to finalize the conclusions without an overlap of the states, for some of the recommendations and findings are of a general nature and apply to not just the two states but to other conflict-hit areas of the NER, in other parts of India and South Asia as well as different regions of the world. We have decided to retain the flavour of the findings of the two states and place overall suggestions in this long Introduction. It is humbling and an honour to be listeners and tellers of those stories, to see the courage and resilience of the victims and to understand the depth of their tragedy, inflicted at times by those whom they trusted or those who were assigned and mandated by law to protect them.

**Sanjoy Hazarika**

Project Director  
& Managing Trustee, C-nes

**Preeti Gill**

Associate Project Director



Ms. Chalailiu and husband, Jalukie, Peren district, Nagaland





# Nagaland

## 2.1 Introduction



A study of the impact of conflict on women, in an entrenched situation like Nagaland, with a history of armed struggle for independence and internal rivalries, provided an opportunity not only to learn about some of the most violent periods in Naga history but to also meet with family members and relatives in the course of the interviews. There appeared to be relief for some as long repressed feelings poured out. In many cases, the researchers listened and shared the pains of the interviewees.

One of the most difficult areas for the Nagaland team was to restrict the respondents to those who were victims of trauma and PTSD. The team had thus to work with an individual focused model of trauma which did not always fit in with an indigenous tribal and community based society. In Naga society, even the identity of the victim is strongly rooted in clan and community and is regarded as collective identity rather than individual. Trauma resonated therefore at the level of the whole village community (even if they were on opposing sides) and this was transmitted across the spectrum because according to them the entire village had suffered the same way. For this reason people were reluctant to talk about individual trauma and suffering. This is also a valuable coping mechanism however because here everyone carried a collective 'burden'.

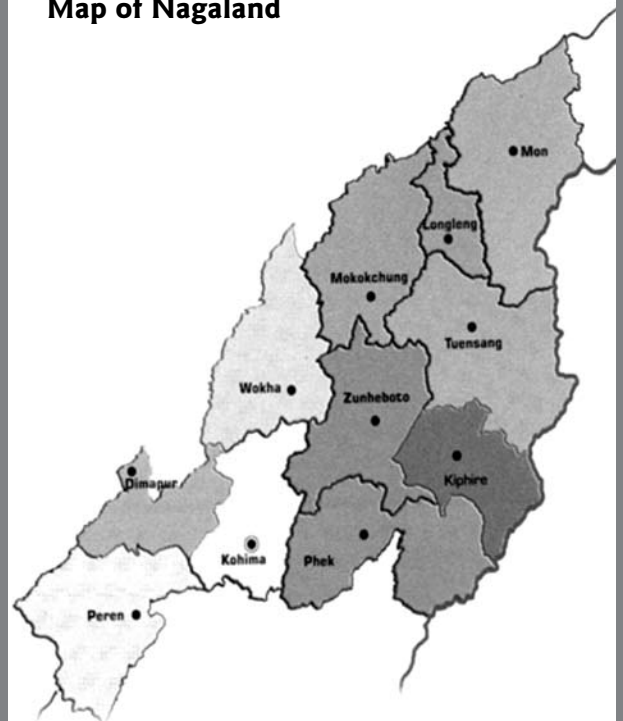
The study team encountered the following kind of trauma among victims:

- i Trauma from personal assault.
- ii Trauma through members of family, clan, village etc. as witnesses of torture, killings etc.
- iii Trauma of belief and faith: this was defined as belief in the "rightness of a cause" and fighting for it in seemingly hopeless and confusing conditions against powerful odds. Anger and frustration

grew out of such situations and led to many complications although a faith in the "cause" also sustained hope.

- iv Vicarious trauma – such as that experienced by members of the study team – and among those who were privy to personal traumas of victims.
- v Trans-generation trauma – that passed down from one generation to the next through word of mouth.
- vi Trauma of identity and way of life: not just a 'case' of war and violence. It was also the violence of the displacement of an entire

**Map of Nagaland**



system of belief and life. For instance, Naga history was an oral tradition, passed down through word of mouth and story telling. This was key to preserving history, socio-cultural values and cohesiveness of the community. These in turn depended upon a range of community- based social interactions. Armed conflicts ensured that silence had replaced story telling. Often the choice was between the silence of trauma or the passing on of bitterness, hopelessness and apathy. Most of the women in the study avoided the latter and this explains why many did not respond to various questions.

Trauma of having to deal with “the other”, of having to adapt to new ways, laws and value systems of social groups which were at times seen as those who inflicted suffering in the first place. The pace of change was felt to be too quick and many were able not to assimilate them.

A total of 123 women were interviewed in three selected districts of Nagaland. In some cases, several meetings became necessary for reasons of health, convenience of family because the interviewees were old. Although there were Naga tribes outside the state of Nagaland, the present study was confined to Nagaland state, as prescribed by the Study. These interviews were supplemented with interviews of Naga women’s organizations and individuals including government officials and scholars.

Overall, 93% of the women victims interviewed were from the rural areas and the remaining 7% were from the towns, really more semi-urban than urban areas although they have been classified as urban

areas. A total of 55 villages were covered. Of the interviewees, 85.4% of women were 56 years and above. Several were in their 70s and above. All were tribal women as Nagaland is made up of tribes. Of the total number, while 65.9% were still married, 24.4% were widows. And 54.47% were Below Poverty Line (BPL) families, showing that the poorer sections of society were more vulnerable than others. Altogether seven tribes were covered in three districts and of these 98.4% women professed Christianity and only 1.6% followed the indigenous religion.

Very few women had thought of making formal complaints to the “authorities” or try to seek any compensation. For them this was an act of war and Indian authorities were the “enemy”.

As many as 36.59% of the respondents professed that they had suffered for the Naga Cause and that this was a worthy cause. Another 47.96% did not respond while 17.5% were not sure. Many of them said they did not want to create problems for their families. This made a high percentage figure of those who thought their sacrifices were worth it. Only 9.76% clearly said they did not think the cause was worthy.

Very few women had thought of making formal complaints to the “authorities” or try to seek any compensation. For them this was an act of war and Indian authorities were the “enemy”. One Mrs. K from N village said that ‘Indian army’ came to enquire about her husband’s death (killed by a Naga faction on suspicion) and offered to help with the children’s education but she refused. One woman interviewee when asked the same question just laughed as if it was the most ludicrous question she had ever been asked. Some, of course, were ignorant. And one interviewee stated that she had actually complained and even asked for compensation but nothing had happened.



*The following is the story of a woman from the Lotha tribe, whose story was pieced together by relatives and health officials. Neither she nor her village has been identified and her story is an example of the complications that have become endemic in Naga society.*

*They had three sons. They were not rich but “were quite contented”. In the mid 1950s, her husband responded to the Naga movement and joined the Naga army. He rose through the ranks to become an important officer. Meanwhile, his wife and children were left behind in the village to fend for themselves by labouring in their fields. The Indian army kept constant surveillance and often raided the house hoping to capture him. She lived through constant fear and harassment.*

*After several years in the Naga army the husband surrendered and came ‘overground’ but found it difficult to live in the village. There was local hostility to him since, while in the Naga army, he had carried out “some harsh measures” on his own village, apparently on the orders of senior officers. He left the village and settled down near the Assam-Nagaland border where he married again. One day, he came back to claim his sons. His first wife was shocked and was unable to make him change his mind, despite reminding him of the hardship she had undergone for his sake and that of the family. She walked a long distance pleading with him to change his mind as he left with the sons – but to no avail.*

*After that day, she totally withdrew into herself, stopped meeting people or speaking to anyone. Then some months later she became very loud and noisy. The villagers shut her out and as a result, she started living away from the village in a shack. Fearing that she may become a danger to herself, the village sent her to the Wokha District sub-jail where she was kept under the Indian Lunacy Act of 1912 as a non-criminal lunatic. From here she was later transferred to the Kohima Mental Hospital in 1990. Several months of treatment led to some improvement; her doctor managed to locate two of her sons and brought them to meet her, hoping this might help her recovery. But the bonds had dissipated and they behaved like strangers. The sons went back home leaving their mother in the Mental Hospital where she died.*



For 65 year old widow, Mrs A of Samziuram in Peren District, her life was like a “bad dream”, literally and figuratively. Her dreams themselves were filled with fear and suffering. Her husband was in one of the Naga underground factions. In November 1961, he was taken captive by the Indian army and tortured. “He was hung upside down, insulted and his feet were cut with blades but he was a patriotic man and never gave up”. He rejoined the faction but later came ‘overground’. One day, in 1990, with two other companions, he was on his way to his village of Samziuram. They were detained/arrested mid-way at Ghaspani (Medziphema) by Indian soldiers. After beating them, his companions were released. As there was no news regarding him, the Village Gaon Burrahs and Village Council of Samziuram pursued the case with the Indian army, which denied any knowledge of the case. But he never returned. Mrs A’s biggest pain was that she did not even receive his mortal remains and could not perform the last rites.

Soon after this incident of her husband’s disappearance, one of her sons decided to join the Underground. But he was later shot dead by a rival faction in an encounter. More tragedies followed. A daughter fell sick and became a cripple as a result of a combination of malaria and typhoid although “she did not become totally paralyzed”. Another son was struck by lightning and died in 2006. Another daughter remarried and left her to look after her little children.

Not surprisingly, Mrs A’s health had suffered tremendously. Apart from mental and psychological problems, she also suffered from physical ailments. She did not sleep well for many years. The entire family depended on the daily wages of her remaining son. When he did not earn, they did not eat. Poverty-stricken, the family had to eat whatever was available. She felt so humiliated when, one day, she went to consult a doctor for her ailments and he “scolded” her for eating “inferior rice”. She knew her memory was going because sometimes she could not even remember when people helped her. Her biggest regret was that her children could not get a decent education because of poverty.

Many of the women wished that a solution to the Naga political issue would be found soon. Some respondents even wished that the Ceasefires had come earlier, clearly referring to the on-going ceasefires between the Government of India and the two NSCNs. They felt less innocent lives would have been lost if the Ceasefire was in place. There was an earlier Ceasefire in 1964 which lasted till 1972. At that time, Nagaland was under the Ministry of External Affairs of India which represented the GoI in the talks. But, clearly, the benefits of that ceasefire either did not reach the respondents concerned or their experiences had been after that period.

The vast majority of the women interviewed were of the opinion that moral values had deteriorated in Naga society because of the prolonged conflict situation, often leading to substance abuse, absence of respect for traditions and elders, corruption and high cost of living due to artificial inflation, disrespect for law and order etc.

What made this ‘Indo-Naga’ conflict worse was that it was not a straight and clear-cut fight between Government of India and the Naga people but there was also a great deal of infighting among the Naga factions themselves – sometimes, intra-Naga conflicts were more intense. On certain issues, entire villages, clans and even members of the same family were sharply divided. This, of course, is not to excuse the recorded excesses of the Indian army. “Which human being, would do such a thing or what would inspire/compel a person to carry out such an order?” were questions asked by some interviewees in connection with their experiences. It was in this context that the extra judicial legislations like the Assam Maintenance of Public Order, the Assam Disturbed Areas Act, the Armed Forces Special Powers Act (AFSPA) and the Nagaland Security Regulation Act needed to be questioned. These legislations were extra judicial, undemocratic, and infringing on basic human rights guaranteed by the Constitution of India.

The Armed Forces Special Powers Act has grabbed headlines and extensive attention because of its abuse in Kashmir and the North-east and also because of the ongoing protest fast by a brave young woman from Manipur, Irom Sharmila. But for Nagaland, the Nagaland Security Regulation Act was even worse than AFSPA as all movements of individuals were regulated and he/she had no right to private property. The very powers given to the Indian army under the Armed Forces Special Powers Act were in the hands of police and administration officials. This built a foundation for inequality in the world’s largest democracy.

Interviews with rural and urban women underlined their concern about the future of Naga society and future generations. All women victims had suffered a deterioration in their health, lived through starvation, suffered humiliation, physical assault, even rape. But they were concerned about the education of their children and stated that they did not wish the coming generations to undergo the kind of horrific experiences they did. They hoped that solutions would be found and the violent armed conflicts would end soon.

The general environment of fear, suspicion and violence often found its way into the home when family members suddenly became victims. For instance, the mental and psychological agonies, as well as physical and practical daily lives of women become totally changed overnight when a family member or husband got killed. There was extra burden on women when the husband became wounded/maimed and required special/additional care. Apart from caring for the family, fulfilling other family obligations, and looking after the physically challenged husband, the wife also often had to face psychologically affected children. While it is true that family and clan members do provide protection and help in looking after and caring for children and sometimes also provide food and financial assistance



Ms Y is a 75 year old woman of Pathso Village under Noklak sub-division of Tuensang District. Fifty-four years ago, as a young woman of 21 years, she was, as usual on her way to the paddy field in the morning as agriculture was the family's main means of livelihood. On the way, she came across an Indian army patrol. They caught her and pushed her down to the ground. They stripped her naked and then gang-raped her, one after another. She did not remember how many of them were there as she had lost consciousness. When she recovered consciousness, she discovered many "marks" on her face and throat. And she was bleeding profusely. She found herself alone by the roadside where she had been gang-raped.

She has since suffered health problems. She also felt "morally degraded" and has suffered great psychological trauma. The fact of her being gang-raped by Indian soldiers became common knowledge in the village and her prospects of getting married were completely destroyed as no one was willing to marry her. She remained a spinster her whole life. There was no one to help her but as she was single her needs were few and she managed to support herself.

Ms Y knows that many family members of people who suffered like her had joined the Underground to take revenge on the Indian army as they considered that their family honour had to be restored through such revenge.

In her time, Y said harassments, humiliation were quite common including rape and torture in front of "assembly of villagers". But most women keep their nightmarish experiences hidden if possible and suffer silently alone. She felt the time had come for women to fight for justice and would like women's organizations to be set up in villages to help women.

Ms Y is still deeply hurt when she remembers the "physical and mental torture" of the 1956 incident that literally cut her off her from family and social life of the community. She is happy that in recent times there are less reports of such incidents and thinks the State Government is helping the situation. She also wants the Naga political problem to be settled as armed conflict has affected all aspects of the lives of the people and also destroyed their culture and values.

to the family, but the main burden of family responsibility lies on the woman of the house.

To this may sometimes be added insults and personal trauma when the woman herself is a victim of violence and conflict. Dreams often died early and a life of misery often took over the life of the woman.

These women are the unsung heroes of Naga Society. If Naga society has survived up to now, with some semblance of sanity, much of the credit must go to Naga women who have silently propped up the community and society and kept it going. Unlike many children affected by violence and conflict, there were hardly any cases of women victims actually becoming perpetrators of violence. Their emotional and psychological feelings may remain pent up inside and some women are scarred themselves but they seldom passed these traumas on to society. They are most deserving of society's respect and gratitude.

Given the reticence about personal suffering, the study team decided to supplement the interviews of PTSD qualified interviewees with interviews of "stakeholder groups", both in rural and urban areas, with a view to achieving a demographic and regional balance. It quickly became apparent that the main concerns of those in rural and urban areas were different. While the people in the rural areas were fearful and more concerned about their security in the face of violence as well as their means of livelihood, those in urban areas seemed less concerned with 'militarization' and more pre-occupied with things like availability of potable water, enforcement of prohibition to keep waywardness and crime down, etc. The difference in their concerns

seemed to stem from a divergence in perspectives. What was common was that women in both rural and urban areas were concerned about the future of the coming generations.

Based on the project's collective decision of focusing on three districts per state, the Nagaland Team chose Kohima, Peren and Tuensang districts. The trauma from conflicts faced by the interviewees, were in connection with WW II, the 'Indo-Naga' conflict and intra-Naga and, especially, inter-factional fights among the Naga underground. Kohima District was one of the last theatres of WW II and the original home of Naga Nationalism. Tuensang District was where the first Naga Nationalist Government was established in 1954 in pursuance of the goal of Naga Independence. It was also part of the Eastern Naga Peoples Organization, situated on the border with Myanmar and a largely "backward" and inaccessible area. The peoples of Tuensang District, especially the Khamniungam tribe, live on both sides of the international boundary and freely cross the border as kith and kin visit each other. The team chose Peren, a district adjacent to Kohima because it would make an interesting comparative study of how neighbouring districts fared during the conflicts. Peren is also the Rice Bowl of Nagaland and where factional fighting still occurs. The district is home to different ethnic groups which sometimes led to clashes, for instance between Naga and Kuki tribes in the 1990s. Peren also has borders the States of Assam and Manipur and the main tribe, Zeliangrong – consisting of sub tribes Zeme, Liangmai and Rongmai – live in all three States.

The Study showed that World War II affected Kohima and Peren districts quite severely while Tuensang was spared. On the other hand,



the 'Indo-Naga' conflict affected all three districts. Nevertheless, the effect seemed more in Tuensang District as it was an interior area then with problems of inaccessibility, illiteracy, and absence of civil authority. Moreover, the Burmese army made the situation even worse. The people of the district were essentially under Army rule. This is not to say that the other two districts were not similarly affected by the 'Indo-Naga' conflict. One need only recall that the Naga underground laid siege to Kohima in 1956 and fought pitched battles with Assam Police and Indian Security Forces. Peren, on the other hand, also had internal tribe problems with the 'Heraka'. So, each of these three districts has a unique history as well as social and material conditions that complicated the people's experiences of the conflicts.

For the purpose of the study, the word "conflict" has been taken to mean any form of entrenched difference or disagreement although in the context of the history of Nagaland the focus unavoidably fell on violent confrontation and armed clashes. Even then, there were complications in a society like Nagaland where clan, village and tribe equations had to be negotiated constantly. In any armed conflict situation, women and children are the most vulnerable sections of society. The respondents to the study reflected this fact. Most interviewees were in the context of the 'Indo-Naga' conflict. The study team also made several attempts to include known non-Naga women who had suffered. But such attempts did not make much headway because armed conflict was still on-going and the people approached felt they would rather not revisit their painful experiences. As pointed out earlier, several Naga women also refused to be interviewed. One woman said, "Everyone knows my story already. So, please let it just rest there".

Entire villages in all three districts were affected – some villages had been torched many times. Fleeing the village and living in the jungle was a common experience for almost all Nagas. On the other hand, Government servants and those who refused to flee to the jungle became sandwiched between the Indian army and the Naga army, and often became victims of both. Because of the 'normality' of such experiences, especially during the early years of the 'Indo-Naga' conflict, respondents often stated they were not personally affected even if husband, father, brothers or relatives were tortured and killed. Frequently, the study team had to try and comprehend the things that were being hinted at, or even repressed by the women interviewed.

Most of the respondents were people who faced problems in the 1950s and early 1960s when Nagaland was not yet a state and there was no proper governmental administration. There are a few whose experiences were in more recent times. The two groups suffered their situations differently. For instance, a respondent whose experience went back to the 1950s never even imagined the possibility of filing a complaint or seeking compensation. For such people the conflict was a war with no quarter given or asked. On the other

hand, some of those whose experiences were more recent, after the establishment of statehood, could contemplate making complaints to the government and even seeking compensation although in at least one case the respondent refused help that was offered by the Indian army.

Uppermost in the minds of the people interviewed for this study was what will happen in the future. Everyone wanted an early and peaceful settlement of the Naga political issue so that coming generations would get a chance to plan and live their future different from the violent past and a volatile present. Nearly half of the women interviewed, and other stakeholder groups as well, agreed that because of the prolonged and entrenched conflict situation, standards in society had deteriorated. They cited substance abuse, moral decrepitude, absence of respect for traditions and elders, corruption and high cost of living, disrespect for law and order etc. as the "social evils" that came in the wake of such deterioration of values.

A few years ago, Nagaland was listed as one of the high HIV prevalent states in India. Proximity to the Golden Triangle and conflict situation, with all attending consequences, had made such a situation easier. Nonetheless, due to government support and effective NGO actions, this problem has been reduced – Nagaland is, perhaps, the only state with an all-party Legislators Forum to battle HIV/AIDS. The interviewees were asked how far the problem still existed. Maximum respondents from Tuensang, one of the main drug routes and where a lot of HIV/AIDS cases were prevalent a few years ago, were unaware of the problem. The problem now seems to have become more of an urban problem. According to NGOs working in the field the highest incidence in HIV spread is now through the sexual route as needle-sharing has been largely controlled. Though some urban respondents from Kohima and Peren stated they were aware of commercial sex trade and a few cases of human trafficking it did not seem to be much of a problem and even the few cases involved more of non-Naga inhabitants in the state.

Although the Naga situation may, at times, seem hopeless one of the most important and positive thread running throughout is also a desire of the interviewees for reconciliation, healing as well as faith and hope for the future. Change and transformation seemed to be the key words.

Political differences, it was felt, lie at the root of the Naga problem and the solution must be found politically, not through military means. Indeed, the Naga Story is an example of where military strategies have failed to resolve a political conflict. Extra judicial legislations in place must be removed as they had not worked in over half a century but only made the people feel humiliated and more determined to resist while, at the same time, throttling the voices of those committed to peace. The unanimous voice of the respondents was no one else should face the experiences they underwent.



## 2.2 Experience of research team in Nagaland

*"In life, certain experiences instill a sense of hope as well as despair, making one marvel at the power of human strength as well as... disgust at the viciousness of the human mind. My whole experience in Nagaland, as a part of the film crew, has taught me to look at life from a completely different perspective... The traumatic tales of the women... the most vulnerable and hence the most affected ones, in this ongoing conflict situation in Nagaland, have really stirred me. Unfolding in front of me was a whole new world of suffering and anguish, of courage and of hope".*

*Film crew member (the crew's programmes were arranged/assisted by the Nagaland Study Research Team).*

*Kausiki went on to say, "I cringed at the story of a young mother whose 12 year old son was shot at point blank range during an army raid; of a mother who lost her brave son to a factional feud while trying to save the life of his wounded comrade; of a daughter who was orphaned at a tender age, witnessing the death of her mother shot dead in front of her very own eyes and yet they live with these truths every single day of their life."*

*She felt she could not fully empathize with these Naga women because it was not possible to fully comprehend what these women had gone through but "I can make an attempt to make an honest portrayal of their stories through my photographs, making a plea, not to repeat such senseless acts of violence (which) destroy families and break up the very fabric of society".*

*It may not be unfair to say that Kausiki's experience reflected what all the researchers working on the study had felt, in some measure. It was a journey of discovery, even self-discovery, for all. In one way or the other all were deeply affected. All felt that words were not enough when meeting with people who had undergone horrible experiences that would leave most people in hopeless despair. Quite often the only thing to do was to sit in silent humility and admiration. Sometimes, members of the study team just sat weeping together with their interviewees.*

*Vishū Rita Krocha had thought that after so many years the wounds may have started to heal and was surprised to find that there was still so much pain about the past and she felt guilty about making the interviewees revisit their past. She found that with their "bruises", some of these women still felt insecure and a few even suspected she might be a "spy" and were initially reluctant to open up to her. She wondered how many women were out there with similar feelings and hoped that the Study would be a step forward towards ensuring security for women.*

*Christina lamented that Naga history seemed to be full of conflicts and that innocent Naga villagers had always been caught in the cross-fire of these conflicts whether it was during World II or the more recent 'Indo-Naga' conflict. She longed for a peaceful environment free from fear.*

*Visakhonū Hibo felt the same. She found that there was still a lot of rage and bitterness among the respondents for atrocities committed against them. The women also did not consider any loss or suffering in monetary terms and no thoughts of any compensation had ever entered their minds. They felt their sufferings were for a worthy cause and it was part of life. And so, they did not think of themselves as "victims".*

*For Vizovono, Christine and Kediseno, it was a new experience, being younger, much of what they experienced was new. They were incredulous that such things had happened in their homeland.*

*Mudang Shiu and K. Rijinkhum, who helped the team in Tuensang District, braving inaccessibility both in terms of communication (transport, road conditions and language) as well as convincing the respondents that this Study was sincere and for the good of their people, it was often very tough going. Tuensang is an interior area, right on the border with Myanmar. It was where the Naga Nationalist Government was first established in 1954 and where there had been maximum suffering. They believed in the rightness of the Study but this did not lessen the pain of hearing the anguished stories and to help translate the interviews and make arrangements for the documentary film crew.*

*For Rijinkhum, who walked from village to village in order to do the interviews, the most difficult was to communicate with old women who were not only hard of hearing but also reluctant to tell their horrible experiences. One of them, for instance, who was gang-raped by Indian soldiers (see box story) had remained a spinster because no one would marry her. Rijinkhum was often assailed by feelings of guilt at making women victims revisit their painful past. He felt he was "robbing them" of something very private and personal. Thankfully, some of them were quite forthcoming and even said, "Tell it to the world so that the pain and humiliation that we suffered... would not be in vain".*

*Mudang and Rijinkhum were full of admiration for these stalwart women who suffered so much and yet "refused to give up" and kept on going for the sake of their families and communities.*

*Dr Lungsang and six other persons were actively involved in the Study in Peren District. Differences in dialects necessitated this. Their personal experiences were a mixed bag of feelings. But all agreed it was a learning experience. One said he was unaware of the extent of sufferings the women victims had undergone in silence. Another felt he had been indifferent to happenings around him. All were struck by the openness with which the village women welcomed them because "someone had finally come to inquire about their sufferings after so many years". For the first time, many of the women opened up and told their pains and sufferings although their feelings were still very "raw" and "private". Frequently, the interviewees broke down and wept uncontrollably. The women expressed their wish that their sufferings would not revisit their children.*

One of the painful observations by the study team was that for many of the victims, abject poverty had often forced them to cast their own personal pain aside in order to look after their families.

In the course of the interviews the team saw a “wide range of emotions from anger, sadness, horror, utter despair, loneliness, suspicion, frustration and hopelessness but also hope at times”. The interviewers’ were deeply affected as they witnessed and experienced the various emotions of people they interviewed. But, out of these, special bonds were also built between interviewers and interviewees.

One of the interviewers, a Counsellor with an NGO, resolved that he would independently continue to reach out to people in distress and do whatever he could to help them.

Dr Buno Liegise, the Junior Researcher for the study, felt that the most significant part of the study was the change in the people doing this study of human tragedy even if the study touched only the “tip of the iceberg”. The process of study was often tedious, stressful and emotionally and physically draining. Women in their late 60s and 70s weeping uncontrollably could not but affect the interviewer/researcher. This was so especially when one was hit by a constant barrage of “tears are my language”; “My tears have not dried yet”; “How can anyone be so ruthless to kill people like animals?” etc. She often wondered how such women victims with horrific experiences could remain sane. Sometimes, she sat at her computer table and just wept.

For Senior Researcher, Charles Chasie, the study once again brought home the extent of de-sensitization, even unconsciously, that can happen to a person living in prolonged conflict situation bombarded by daily incidents of killings. However, people’s sufferings and unhealed wounds cannot be ignored or taken lightly as they kept returning because people just did not forget although they could forgive. He often did not know how to react and respond to people who had suffered so greatly. There were also times when there was an element of regret and guilt for having to remind victims of violence of their sufferings and making them revisit their painful past. He often felt angry at the continuing presence of undemocratic and extra judicial legislations which allowed people to commit atrocities with impunity and built the foundations for inequality. Such a state of lawlessness also encouraged criminal elements to further vitiate law and order in society.

## 2.3. Findings from the districts

### Kohima

A total of forty-two women victims from ten villages and one town were interviewed for the study. Most of the women (90.48%) were from the older age group of above 56 years. Most of them were illiterate and from agrarian background, earning between rupees 20,000 – 50,000.

All the women victims interviewed stated that there were incidents of conflict in their respective villages related either to World War II and/or the ‘Indo-Naga’ conflict. While majority (86.71%) of them said they witnessed the incidents personally, 50% of them revealed that they had personally been affected in more ways than one, such as harassments and threats, fleeing the village, family members getting brutally killed and the like. A few said they were only indirectly affected because they had not lost family members although they still lived with traumatic memories of bloodshed and pain.

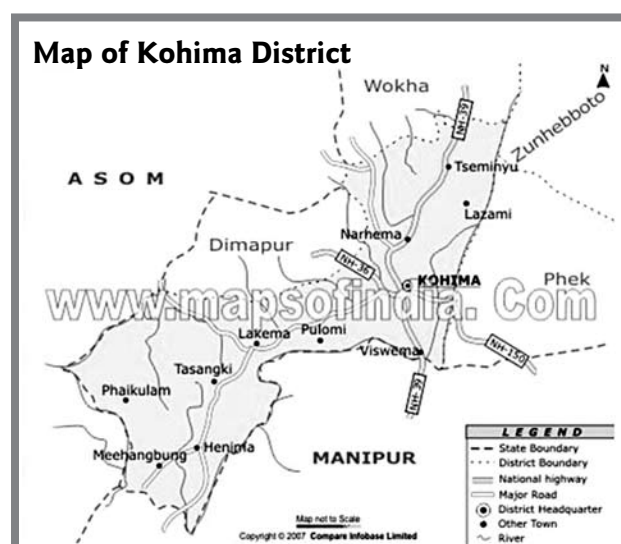
The WW II and its aftermath was a trying period for many Naga villagers. Caught as they were between the two fighting forces, many families, especially from Kohima, had to flee and take refuge elsewhere. Parents and children sometimes got separated and there were agonizing times for families.

As many as 11.9% of the women interviewed recalled how Allied planes had dropped bombs and how terrible they felt at seeing such destructive powers which killed indiscriminately. A few women narrated harrowing incidents of sudden air strikes that destroyed large areas within a short time. Many Nagas, men and women, became porters for

contending parties. Sometimes it was like slave labour although there were also instances when the soldiers were more polite.

However, the experiences of more of the women victims (66.67%) were related to the ‘Indo-Naga’ conflict. Some (19.05%) older women experienced the difficulties and pains of both the WW II and the ‘Indo-Naga’ conflict.

To see houses and granaries burnt down was mentioned as the most painful experience by the highest number of women (28.65%). Having to hide in the jungles was most painful for 19.1%. For another 11.90%, the most painful was to see family members taken captive by the Indian army or killed, living in fear and starvation etc.



While 42.85% of the women chose not to respond to the question, 38.09% felt their sacrifices were worth it because they suffered for the Naga Cause, something genuine and for the good of Naga people. These women expressed their hope that their sufferings would not go in vain. 9.52% stated that their sufferings were not worth it. One woman asked how losing a mother at the age of 7 years could be worth it and could it ever be compensated?

Most women (52.38%) stated that there was no counseling service of any kind for them to access. Another 47.62% did not respond. This could be because they felt such a query did not warrant a response as there was no such facility in the state then. How then did Naga women cope with their horrific experiences? The answer seems to lie in the strong Naga social structures/community traditions and their belief in their cause being a 'just' cause on the one hand and their deep faith in God on the other.

40% women did not complain to authorities about their grievances. It may be repeated that during the 1950s and early 1960s, there was no proper authority or administration. There were village leaders and other figures of authority but "everyone was going through a difficult time". 19.05% women stated they sent in their complaint to some authority while 14.29% of the victims said that they had no idea whom to approach with their problems.

50% of the women said that they did not receive help from any quarter and there were no counselling facilities available. 21.43% of the women stated they got help from the village leaders/authorities, relatives and friends. There was hardly any assistance from the State Government. In one or two cases, the women themselves turned down offer of help from Indian army.

A majority (35.7%) of the women expressed their belief in Naga sovereignty and they believed that they will be free again. 23.80%

indicated that support from friends and village authorities was of great help. Naga society was known for its social capital and for many the presence of community structures and traditions prevented the disintegration of their village communities.

Most of the women (57.14%) did not comment on legal mechanisms available to them. While 21.4% mentioned that there were no legal provisions, 11.90% said there were such facilities. It was generally found that victims were of the opinion that the legal system and processes were too cumbersome to access. It was not possible for ordinary citizens and illiterate women to understand legal matters.

While 45.23% of the women indicated that they still did not feel secure, 38.09% stated that they felt safer now than before. As many as 69% did not respond to whether they knew about the AFSPA, NSRA etc. Even the few who had heard about them did not know the details of the legislations or what they represented. But during discussion, most observed that the Indian army was violent and brutal in their dealings with the people. Only 7.14% of the women stated that they had heard about the laws and felt that such Acts were anti-people and must be done away with. Some women recalled they had gone on protest rallies many years back, demanding withdrawal of the draconian Acts.

38.09% of the women did not feel that the Government could create better environment. 21.42% felt the Government could improve situation, whereas 26.19% were not sure whether the Government could do anything about improving the situation of conflict at all. This was disturbing.

Not too many women had an opinion on how the Government could have done better in a conflict situation. 64.3% did not provide any view. This was not unexpected as many of them were illiterate. Some of them (19.5%) however expressed that the Government should



*Mrs K, 77, recalled that her life was marked by harassment and humiliation at the hands of the Indian army and the Village Guards which consisted mostly of Naga personnel. Her husband was in the Naga army and was staying in a neighbouring village. So she was left to take care of the children and the family.*

*Later, her husband was shot dead by Indian soldiers. She learnt that the house where her husband was staying was first surrounded and when he tried to escape, he was shot dead from behind. The Indian army also twice tried to prevent his body from being brought to the village for burial. Only after prolonged negotiations and pleadings, the dead body was allowed to be buried in the village. Even after this, there was an attempt to get the family to remove the dead body from the burial ground. She refused to do so. She also recalled that on the night before her husband was killed she had felt restless and there was an uneasy feeling mixed with a sense of dread. When she finally got the news of her husband's killing, she felt her life was ripped apart.*

*Mrs K continued to face harassments and threats. Five times she was taken to Kohima for questioning. She had kept these humiliating incidents close to her chest and did not share them with even her children. Her children came to know of these incidents only when someone in the village told her daughter that her mother had been taken by the Army. Filled with rage and fear her little daughter spent the whole night crying and wailing. Her son was given a name which meant 'live in freedom'.*

*She prayed that no one should live through her experiences of hardship and sorrow. When the village carried out a reconciliation programme a few years ago, she forgave those she felt had been responsible for her husband's death. She believed that this was the best way forward.*



cooperate with the people and take them into confidence. A few said they should avoid conflict (4.8%) and not give too much power to the army (2.4%).

Not many women expressed a view on the non-state actors. 90.5% of the women were silent on the matter. 2.4% stated that they could provide counselling service and 7.14% said they could be more cooperative in conflict situations. It was generally observed that there was some reluctance to provide any suggestion on what anyone could do.

Most (76.2%) of the women indicated that school education was severely disrupted and no children could obtain adequate education during WW II and beginning of the Indo-Naga conflict in the 1950s. Agricultural activities were also severely affected. 54.76% of them said they were displaced from their villages. Most were forced to flee as a result of army operations in the villages.

On the impact of conflict on livelihood, as many as 95.2% of the women lamented that they and their family suffered immensely. During the conflict, all normal activities were affected including agriculture which was the main source of their livelihood. Some expressed pain and sorrow at seeing their paddy fields abandoned and some recalled how their produce like corn and paddy were eaten up by wild animals while they and their children remained hungry and malnourished and suffered illness as a result of deficiencies in diet.

54.8% of the women averred that women cadres played supportive roles to the men in the set up. But 31% stated that women held leadership positions in the structure particularly in the women's wing. There were also some brave women cadres who could use even country made guns.

33.33% of the women believed women joined the underground movement because they were fighting for their right – independence/freedom – and a just cause. 23.8% of them felt that the women cadres could support and contribute to the cause. 2.4% also stated that women sometimes joined the cadres to avenge their loss and fight the enemy.

35.71% mentioned that the conflicts gave rise to family and village discords. In some villages there were serious clan discords that even led to parents refusing to marry their daughters to those in the opposition camps. Some also had to face divorce and other consequences. Feelings of anger and hate towards one another even in the family existed as the men folk joined opposing camps/groups.

64.3% of the women lamented that young people were today losing social pride/prestige in life. It was largely felt that young people were losing dignity of labour and respect for elders. Some were anxious about their aping western culture. 33.3% of them said HIV/AIDS cases were prevalent in the society while 31% said this was not so. 30.95%

did not comment on the issue, whereas 4.76% stated that they had no idea.

42.9% of the women expressed that they had heard of human trafficking and were aware of commercial sex trade. But 33.33% of them said that the problem did not exist. 23.81% did not comment. It may be mentioned that such topics were usually not discussed openly in society.

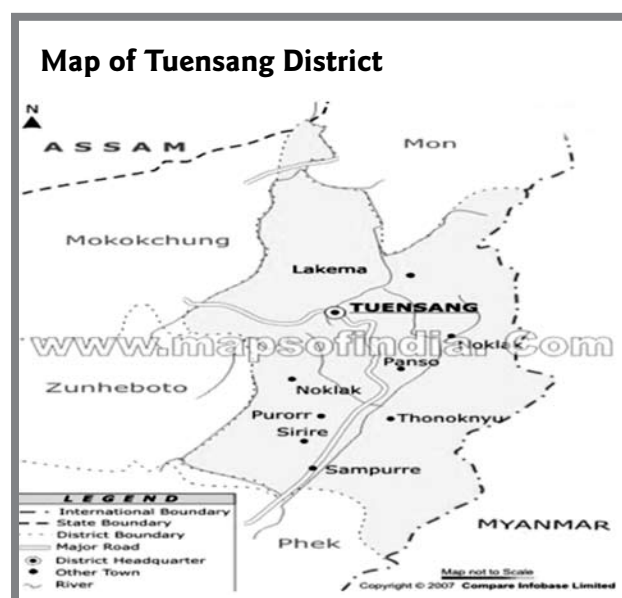
16.66% of the women underlined the importance and urgency of unity and selflessness among factions/Naga tribes for conflict resolution. While 4.78% stated that the Government should be sincere. Most of them (78.57%) did not comment.

52.24% of the women did not express their longings. Some who shared said they longed for peace and harmony, good education for children etc. While 6.67% bluntly said there was no one they looked up to, 26.19% mentioned that they looked up to National Workers. Another 9.52% mentioned devoted and upright women as their role models and 2.38% named village community leaders.

On the kind of legacy they would like to leave behind, the following were mentioned – legacy of love, hope and forgiveness, a peaceful life for children, culture and traditional values, unity, good education, right upbringing of children, caring families and women contributing more towards shaping the society.

## Tuensang

The people of Tuensang District seemed to have found themselves in the cross-fire of three opposing and fighting groups – the Indian army, the Naga underground and the Burmese armed forces. The Indian army came in search of Naga underground and used the villagers in whatever capacity possible. The Burmese army often came up to Naga areas in operations against armed groups. On the other hand, the Naga





For instance, 75 years old Mrs Tsadila Sangtam of Chemong Village, under Longkhim Block of Tuensang District, had stated that in 1955, the “Indian merciless forces” attacked Chemong Village. They beat up all the men folk, burnt the granaries and razed the village to the ground. They also caught her husband, Yemhothong and his companion. First, the Indian soldiers bayoneted Yemhothong’s thigh and made a hole. A rope was passed through this bayonet hole and he was tied to a stake. Then he was whipped. After that petrol was poured all over him and he was burnt alive in front of all the villagers.

underground groups targeted those they suspected were collaborating with the Indian and Burmese armed forces. Most of the experiences reported by the respondents related back to the mid-1950s and the early 1960s but there were also cases as recent as the late 1980s.

78% of the respondents stated that a family member had been killed. Out of those killed there were cases of burning alive, beheading, prior torture and mutilation, throwing of dead bodies into burning fire (Naga custom is to bury the dead, the rites were usually very stringent), refusal to allow burial and left in the jungle to rot or simply refusal to hand over dead bodies to family etc. Some of these tortures and killings were committed publicly in front of the whole village.

Rape was a tragedy that the victims usually refused to divulge because of the unfortunate social stigma that gets attached to the victim more than the perpetrator. But in this case, a few of the women respondents have bared the truth of what they witnessed personally and also suffered. One informed that she witnessed the rape of two young girls by the Indian army, another said she was threatened with rape by Indian army. One boldly came out and related that she was gang-raped by Indian soldiers as she was going to her field. (See Box item on page 22).

It must be remembered that in the 1950s, there was no state machinery as Nagaland was formed only at the end of 1963 and although the Naga Hills was a district under Assam state, Tuensang was still beyond the pale of proper administration. Prior to that Tuensang was outside the British administered area and the people of the area were called “Free Nagas”. Even the Village Council system came much after statehood. Both the Indian army and the Burmese army could not identify who was the enemy and who was a friend and suspected everybody operating as they were in unknown and hostile country. There were

several cases of village Gaon Burrahs, who were employees and part of the state structure, being killed by the Indian army, even after formation of the state. In most cases, the only recourse for the villagers was to run and hide in the jungle from the fighting forces. As in other parts of Nagaland, in such cases the villagers had to survive on whatever they could find in the forest and eat it raw as they were afraid to build fire because smoke would indicate their location and bring the armed forces. Many suffered and died from various diseases. Some, consumed by hate, joined the underground to take revenge.

The common experiences of the villagers were about burning of their villages, granaries, forced labour – carrying equipment especially ammunition and food rations of the soldiers, being used as guides (and sometimes also human shields) in search of the underground etc. – living in the jungle under conditions of starvation, torture, rape and being killed. The experiences were so common and the villagers so helpless that there was no thought of even questioning the atrocious behaviour of their victimizers. In any case, the Indian army was the only face of the Government of India at the

time when most of these experiences took place and so there was no question of the villagers making complaint to the Indian army again when they were trying to avoid the very same people by hiding in the jungle. As to seeking help from among their own fellow villagers, it did not enter their minds as all of them were victims alike. Similarly, it never occurred to them to seek compensation and no compensation came even after statehood. The villagers helped one another to rebuild their lives.

As to knowledge of the extra judicial legislations like the Assam Maintenance of Public Order, Assam Disturbed Areas Act, Armed Forces Special Powers Act and Nagaland Security Regulations Act,

Women of Peren district suffered tremendously during World War II when the Japanese invaded many villages in the year 1944. People were forced to flee from their homes and they lived in caves/forests for months together due to heavy bombardment of occupied villages.



One of the respondents also reported an incident that was hitherto unknown in any part of Nagaland. A 72 year old woman respondent from a village under Noklak sub-division of Tuensang district stated in her interview that the village water source was poisoned by gun totting men in uniform. She did not explicitly mention who the perpetrators were but she suspected the soldiers had come to the village suspecting the presence of “Underground members”. From drinking such “poisoned” water, people vomited and many became sick. She went on to say that prior to this, all the menfolk of the village were rounded up and beaten by the same armed men. They then burnt the granaries and the houses in the village.



Ms. Hiyinla, Chessore village, Tuensang district, Nagaland

most were ignorant of them. A few claimed they had heard of the AFSPA but they had no knowledge of the details or the implications of the Act.

The respondents suffered great physical, mental and psychological trauma. But they were unaware of their need for counselling services. Neither were there any such services available. Even in recent times, the respondents neither knew the existence of counselling centers nor sought to avail their services.

What may be noted was that many of the respondents felt it was worthwhile to suffer for the Naga Cause. Some described "Indian army's" advent in their villages as "invasion", "attack" etc. And while many of them said the women played only a supportive role in the entire conflict, it was both implicit and explicit that they felt this was their duty and they were happy to do so. Finally, what was heart-warming was that almost all of these illiterate women said that education was important and wanted the younger people to be properly educated.

## Peren

In total, 40 women victims were interviewed from Peren district. Even though only one was named as interviewee, the investigators usually spoke to a number of people/family members as well. This also helped to verify and corroborate the narration of events as shared by the victims. But more important was the fact of facilitating the 'healing process' for all the family members by revisiting the painful memory/experience.

### Map of Peren District



Women of Peren district suffered tremendously during World War II when the Japanese invaded many villages in the year 1944. People were forced to flee from their homes and they lived in caves/forests for months together due to heavy bombardment of occupied villages. Health, sanitation, diet, social processes as well as their mental well being were affected. All normal activities came to a grinding halt.

Then came the Indo Naga conflict which continues till date. The women became victims of army atrocities, forced labour etc. while their spouses were abducted, tortured or killed by both Indian army and underground factions. Displacement and the attendant woes



Soft-spoken 55 year old Mrs Namdiliangliu is a widow who lives in Ngwalwa village of Peren district. She lives with an unemployed son, a school drop out. Her other children are already married.

Mrs Namdiliangliu's story is a tragic one, like many others. Her brother-in-law who had joined one of the factions of the Naga underground was killed in Mon by suspected cadres of a rival faction, some years back, while on his way to Dimapur. But more was to follow. One of her own sons, Kesangrangbe, was killed in a factional clash at Noklak in Tuensang district on August 20, 2005. She clearly recalled that her son had, on January 26, 1998, decided to join one of the Naga underground factions. Mrs Namdiliangliu tried to dissuade him as the times were bad and she feared for his life. He comforted her saying that he would come home frequently.

When the news of her son's death reached Mrs Namdiliangliu she went into shock. She was distraught and could not be comforted. According to her, the only reason behind the factional clash in which her son was killed was an attempt at territorial domination by the factions and this made no sense to her among people fighting for the same cause.

But her life has since changed drastically. She is constantly sick. She feels she has heart problems as she often has difficulty breathing. Since her son's death, she has not been able to sleep properly. She could no longer go to work nor earn daily wages due to ill health. She still feels "the ground slipping away from below her feet" whenever she thinks of her son's death. Her life has become lonely and sad. Her eyes are filled with grief and the horror and emptiness in them, coupled with the hollowness of her tones, were sometimes frightening. She was always fighting back tears as she tried to tell her story and answer queries during the interviews.

Mrs Namdiliangliu still finds it difficult to accept the fact that her son is no more. But, she is beginning to resign herself to her loss and expressed her gratitude to the village community and the leaders who brought the remains of her son to the village for last rites and burial. At least she was able to say her final goodbye to her son. She proudly showed a certificate of martyrdom presented to the family by the underground faction her son had belonged to. She held on to this dearly as this gave some meaning to her loss and pain. Her prayers and faith in God keeps her going. Her dearest wish is for the Nagas to unite and work for lasting peace. She longs to live in a society that is just.



such as hunger, lack of privacy, decreased or total absence of access to health care, sickness, curtailment of freedom, death etc. became a part of the daily life of villagers. Sometimes, entire villages were forcibly abandoned and the villagers had to flee to the forests.

Further, another serious internal conflict ensued when the Heraka army fighting for Zeliangrong homeland began to clash with the Naga underground. Many women became widows as a result. Besides, there was a very serious ethnic clash between the Nagas and Kukis in the 1990s. The two groups and especially the women on both sides suffered greatly. Illiteracy and ignorance of rights often exacerbated their sufferings while the Government rendered little or no assistance.

Some of the women stated that their most painful experience was being widowed and having to take on the responsibility of looking after the family/children alone. Losing the bread earner also meant escalated poverty leading to inability to support the education of children and compromising on quality of life. Most women found solace and comfort in religion and their churches. Many of them stated that it was through their faith and prayers that they found the courage to carry on.

During the 1950s many women also joined the “women’s society” and supported the Naga Cause by rendering whatever assistance they could to the men. One woman recounted how she and others covered up the footprints of the men so that the Indian soldiers would not be able to follow them.

In recent years the heavier toll seemed to have come from factional conflicts. Mrs N from N village of Peren District described how her

son was killed in a factional clash. She never fully recovered from it. There were ethnic clashes too, made worse by factions joining in. Ms T informed us how she nearly lost her father and sister when a bus in which they were travelling was attacked in 1996. She said even today people in her village suffered from fear psychosis and tremble at the sound of gunshots.

All the women said they had suffered psychologically, mentally and physically. Most had lost their family members; killed either by the Indian army or underground groups, often on mere suspicion. A lady from N village recalled that whenever the Indian army carried out their verification drive in the mid and late 1950s the women became so fearful that they began to pee or had to empty their bowels. Mrs N from Bakie Village said the women were so afraid they could not even stand or sit and they knelt down to keep themselves from trembling. Many people died as a result of forced labour both during the Japanese invasion and Indian army operations. Mrs. I of N village said one old woman became mentally disturbed after her son was killed by a rival group and was like that till she eventually died. Many women never really recovered from the incidents they had experienced.

The majority of women stated that all schools ceased to function during WW II and the 1950s and early 1960s. Even when schools reopened many students dropped out permanently. Girls were not sent to schools by parents as their safety was considered more important.

People could not go about their daily activities and so their livelihood was severely affected. Even fetching water from the well or going to the field for agricultural activities were full of life-threatening risks. Meanwhile, whole villages including the granaries were often burnt



*Mrs Chalailiu of Jalukie town is a broken woman today after her 12-year old son was killed by Indian soldiers in the heart of Jalukie town, under Peren district, in 1995. This was a time when video parlours had just opened in people were able to see films for the first time. As this was new most young children were curious. Chalailiu's young son went to watch a movie along with his friends. After the movie was over, when Chalailiu's son and his friends came out, they found a lot of Indian soldiers. Instinctively, the son ran to a parked bus for cover. There, he was shot dead. Later it was learnt that the Indian soldiers were carrying out a combing operation against the Naga underground and had cordoned off the area around the video parlour.*

*What pained Mrs Chalailiu was that although it was quite clear that a 12-year old could not be a cadre in any Underground faction and he was shot dead in cold blood, no one came out to testify for the family as they were all afraid of the Indian army. As if adding salt to the wound, the Indian soldiers not long after came and took away her older son on suspicion saying that he had not attended his younger brother's funeral. When Mrs Chalailiu tried to intervene and explained that the older son had gone to Manipur to visit an aunt and due to floods on the Barak river, he was unable to come back in time as his younger brother's death was sudden and unexpected she was manhandled. Mrs Chalailiu later learnt that the boy was tortured. At one time, the soldiers held him down and forcefully made him drink 6 buckets of water. Her husband, half blind, was so angry that he had sharpened his dao to take revenge. He thought he would kill at least one person and die himself. She thought the fact that her husband was once a church leader made him hesitate. Luckily the elder son was released.*

*According to Mrs Chalailiu, “my pain is too much to bear at times that I want to die.” She also said she had become suicidal and only her faith in God had kept her going. But she could not sleep and her health suffered. Many times, she found herself holding on to posts/pillars in the house to keep herself from falling down. In March, 2010, when this study team met the family and asked to see the photo of the 12 year old who was killed the entire family broke down. After 15 years, the family was bringing out and looking at their dead son again! They said till that time they had “not dared to even look at his photograph”.*

down. Many people fled to the jungles, or neighbouring villages to save their lives. The women did not want their children to undergo the sufferings they had been subjected to.

Legal and judicial mechanisms were hardly of help to women in time of conflicts. Women were unaware of their rights and the many services, including counseling, available to assist them in today's society. The government should provide the necessary facilities either directly or through NGOs and others able to provide these services.

Most women never complained and never thought of claiming compensations or relief. When asked why they did not complain the women felt they did not have any hopes that any action would be taken. Some said this was because of poverty and total ignorance about such mechanisms. A few had actually refused help. Mrs K from N village said that the army did come to enquire about her husband's death (allegedly killed on suspicion by one faction) and offered to help with the children's education but she refused their help.

Almost all the women respondents were unaware of the extra judicial legislations like the AFSPA and NSRA etc.

Some women joined the underground cadres due to economic helplessness or for revenge. Some said they believed they could contribute to or support to the Naga Cause. For some it was for freedom of their people/belief in the Naga Cause/patriotism.

The majority of women were of the opinion that social values had changed for the worse as a result of the conflicts. Some of the women said that age-old values like respect for elders, modesty of women were being replaced by lack of respect, moral corruption etc. Some of them said Indian army had introduced alcohol/cigarettes etc which corrupted the men/village elders and led to alcoholism. Some said theft was also happening in a society where there had never been need for locks and keys.

Only 30% of the women said they had heard about HIV and human trafficking while the rest had not heard of it, or had no idea about it or did not comment. This was alarming in a state which was listed as one of the highest HIV/AIDS prevalent states. It would be worthwhile to investigate further as women are extremely vulnerable to this disease.

The women felt that conflict could be resolved through negotiation and understanding, cooperation etc. They felt Nagas should be united, forgive one another and pave the way for a solution.

The women were unanimous in saying that they wanted to leave behind a legacy of peace and harmony where people coexisted peacefully, and were full of hope. They wanted a society where women were recognized for the role they had played in the conflict years. They felt women should not be made victims like in the past.

## 2.4 Rural urban divide

In recent times, those in the more urban areas seemed to want a more peaceful and comfortable life, with all the amenities required for such living. Some differences in the perspectives of those living in rural and urban areas seemed to be developing. While rural women seemed anxious about the more basic requirements of livelihood and security/fear, the more urban women were concerned with other issues like money-lending business, substance abuse etc. One or two even came out to say that militarization was no longer such a big problem for them. Others were concerned with gender based issues and wanted to fight for women's rights.

But all the women were also concerned about the on-going armed conflict situation and would like to have this resolved as quickly as possible. Reconciliation was needed for a united and functional Naga society, wounded as it had been. In many areas of Nagaland, there had been moving stories of reconciliation. In some other cases, people were left confused and confounded. People were willing to forgive but they could not forget. Nor did they feel they were meant to forget. In this instance, the philosophy propounded by the Rt Reverend Nicholas Frayling, in his book, *Pardon and Peace*, seemed to have found some chord with these women.

The Naga Story was never a straight forward India vs Naga issue. It was extremely complex and complicated. All parties to the conflict would have done well to remember that no one can harm others without, in some ways, harming themselves. There were many intra Naga killings and feuds as well. Many innocent people, especially women, were caught in the cross-fire. The reasons for this were many:

- i The woman's own family and that of her husband were on different sides of the conflict divide.
- ii Her husband and family members were wounded/killed.
- iii Women were victims of assault or rape.
- iv Women are considered responsible for the family and the repository of Naga culture. This was also the primary reason why hardly any widows remarried.

There is an ongoing cease-fire and peace talks are being held. Side by side there is overwhelming support of the Naga people for reconciliation. An initiative called the Forum for Naga Reconciliation (FNR) and other initiatives are moving forward, giving voice to civil society. The Government of India also says it wants to resolve the Naga issue soon. While some interviewees were of the opinion that complete absence of conflict may not be possible, everyone hoped that armed conflict in Nagaland as a consequence of the Naga political issue would be resolved and the people would be given a chance to live like others elsewhere. This brings us to the crucial aspect of Naga reconciliation.



78 year old Mrs Vijunuo, a retired teacher, was now settled in Kohima with her children, grandchildren and great grandchildren, seemingly content in the evening of her life. But behind the façade of apparent contentment is a woman who had suffered a great deal.

When the II World War, and Japanese forces, reached Nagaland, her father was serving the Government as Head Clerk in Kohima. The family had to flee Kohima to Benreu village, under Peren district. Her first memories as a child were of carrying loads and running to jungle caves and living there. Many villages were bombed out. She recalled that on one occasion, a person was so terrified he could not speak. When the family returned to Kohima, she remembered the place was littered with corpses and the stench of rotting bodies was unbearable. Houses were burnt and even trees were bereft of any leaves. She saw people packing dead bodies into plastic bags and burying them in the War Cemetery. The place was also strewn with shiny guns and bullets. One of her brothers picked up a gun and later sold it for Rs 5/-.

Later in 1956, during the 'Indo-Naga' conflict, she remembered everyone used to spend the night in "camps" as they were afraid to stay at home by themselves. The family was then living in Peren. Her husband, Late Mr Namko (later retired as Joint secretary, Govt of Nagaland) was Headmaster in a government school and her elder brother, Lt Mr Medovilhou was the Assistant Headmaster. On their way to Kohima on the 26th December, 1956, the Naga underground ambushed the family. All Government servants were considered "traitors" and enemies of the Naga people by the underground at the time. As their entourage was coming in two jeeps, a big boulder was rolled down from above to block the road and then their convoy was fired upon. Her brother, Medovilhou, four others and the baby sitter were killed in the incident. Her three young sons were also witness to this traumatic incident. The party somehow managed to return to Peren with the dead bodies as there was no possibility of their proceeding to Kohima. Even her house in Peren was ransacked by suspected underground personnel and rations meant for the family and other household items were looted.

She was a bitter woman for a long time as she found such senseless killing, and especially the loss of a dear brother, very difficult to accept. Over the years, she learnt to forgive. She would like women to play a more active role in teaching their children the values of love and forgiveness and live better lives.

## 2.5 Naga reconciliation

The Nagas say that their movement for independence began with the submission of the Memorandum to the Simon Commission by members of the Naga Club in Kohima in 1929. Later in 1946, with the formation of the Naga National Council (NNC), the movement became formalized. The NNC claimed that every Naga was a member of it. Today, the movement has broken up into several factions, representing multiple voices. and the differences have at times led to inter-factional fights and killings.

The Government of India was negotiating with the NNC as it was the only existing political Naga organization at the time having proven its popular base with a plebiscite in 1951. The first case of killing took place in October 1952 when an Assistant district judge was killed by a personnel of the Assam Rifles. Later, after the unfortunate incident during Nehru's visit to Kohima in March, 1953, (*Extraordinary Legislation: The State Strikes Back-AFSPA and the Naga Story by Charles Chasie and Sanjoy Hazarika East West Centre Washington, 2009*) things were set in motion and armed conflict began slowly but surely. In reaction to sweeping official measures, including draconian laws, the NNC ordered all Nagas who were Government servants to resign. Those who did not were to be considered "enemies" of the people. There was also dissent within the NNC leadership between moderates and extremists. With the killing of the NNC General Secretary T. Sakhrie by a more extreme group in 1956, the gap widened and the moderates came 'overground' or into the political 'mainstream' Perhaps, the entire course of the Naga struggle would have been different if the NNC had resolved its differences in a democratic manner.

The failure of the Hydari Agreement<sup>5</sup> of 1947, which raised the issue of the future of the Nagas in the Nine-Point Agreement between the then Governor of Assam, Sir Akbar Hydari and the Naga National Council, and which was rejected by Assam state and the Centre was a major turning point.

In addition, the marginalization of moderate voices within the NNC is seen as the beginning of the armed struggle against the Indian state under the leadership of AZ Phizo. The Indian Government of course committed the grave blunder of considering the Naga independence movement as a law and order problem and this led to a series of excesses by the Indian security forces some of which are mentioned by the women interviewed in the course of this project. The differences among the Naga factions are even more marked today with the NSCN (I-M) and the NSCN (K) and cannot be explained as simply inter-tribe rivalry but must be accepted as alternate voices within the movement. The rivalries have resulted in clashes and factional killings and the intensity of these turf wars compelled the major civil society groups in Nagaland to initiate a process to stop fratricidal killings and set up the Forum for Reconciliation in 2008. This was followed by the Covenant of Reconciliation which was signed by the three major groups – all of these indicate the presence of a democratic framework within Naga society and an acknowledgement of alternate voices in the Naga movement for 'independence'. This is why the process of reconciliation is so crucial to the whole Naga question and why it needs to be mentioned in the context of this particular project looking, as it is, at the impact of conflict on Naga women.

<sup>5</sup> Hazarika, Sanjoy, *Strangers of the Mist*, Penguin Books India Ltd, 1994 (and subsequent editions)



Mrs Lhusi Haralu, 77, came from an illustrious family. Her father, late Mr A. Kevichüsa, was one of the early Naga leaders and was also Member of Parliament in the Lok Sabha having won the Nagaland seat in 1971. Her father-in-law, late Dr Haralu, was the first Naga medical doctor. Her husband, late T. Haralu, was the first Naga Deputy Commissioner of Kohima. She herself had been chairman of the Nagaland State Social Welfare Advisory Board and still held the post of Executive Director of the Nagaland Peace Center. Tragically, like many other Naga women, she was one of those who was caught in the cross-fire of entrenched conflict and her life had been one of “endless pain”.

Mrs Haralu said, “The first victim of violence from my family was the killing of late Thinuovicha Tsikhanuo, a civil administrator in then Naga Hills just because he was an Indian government servant which the underground (NNC/FGN) opposed. He was my sister-in-law’s husband and his widow was left to look after several young children. The second victim was my father-in-law, late Dr Haralu, who was killed in cold blood, in the heart of Kohima, by the 2nd Light Sikh Rifles as he was taking a stroll below his house. It appeared this regiment was ambushed by the Naga underground as they were proceeding to Kohima from Phek. When they saw this old man on the road they shot and bayoneted him, leaving him bleeding to death, just because he happened to be a Naga who the soldiers came across on the road.

“Another cousin, late Mhiesilie Meru, who was in the Underground (NNC/NFG set-up) was shot dead by the Indian army in an encounter.

“My brother, late Chalie Kevichüsa, was shot dead on September 23, 1992, in broad daylight, in the middle of Dimapur by “unknown assassins”. Mr Muivah, in an interview with Mr Deepak Dewan of North East Sun, a Delhi-based news magazine, stated that my brother Chalie was killed because our father was the main architect in bringing statehood to Nagaland. The truth was that our father was a strong opponent of the move as he believed that a settlement between the Government of India and some former government servants would not settle the conflict and that the settlement had to be made with the Naga insurgents. Many Naga leaders knew this.

“Another brother of mine, late Tubu Periatu Kevichüsa, was gunned down in his own home, in front of his wife and children, in the early hours of June 4, 1996, by men suspected to be from the NSCN-IM. Recently, in a generalized statement, Mr Muivah had said that “such killings” were carried out against those who failed to condemn the Shillong Accord (of November 1975)”.

For Lhusi Haralu, these senseless killings had been like a knife being driven deeper into her heart each time even while she was still trying to recover from the previous wrenching experience and to wipe away her tears. She firmly believed in God and forgiveness. But insult was often added to injury when some “unthinking people” taunted her by saying that she talked forgiveness only because the family could not do anything else. It also did not help that underground leaders would not even admit to having made mistakes, far less ask forgiveness, but only made excuses that sounded hollow. When people talk “forgive and forget” to her, she is often confounded. She knows she can forgive but “how can I forget?” She felt that to forget the memories of those so close to her would be like betraying them. According to family friends, she had become so traumatized that it had affected even her physical health.

In her moments of hopelessness, Mrs Lhusi Haralu could only turn to God.

## 2.6 Interviews with stake-holders

In order to complement and counterbalance the views between victim women who were mostly from rural areas, individuals and stakeholder group representatives in the more urban areas were also interviewed. Among them were the Naga Mothers’ Association (NMA), the State Commission for Women (NSCW), the women department of the Nagaland Baptist Church Council (NBCC), the Department of Women Development, Government of Nagaland, the Women’s Study Centre, Nagaland University, representative of the National Women’s Commission, legal experts, government servants etc. They were also asked questions that affected women in general including those in the rural areas so that the study may be able to draw on their rich experiences as these were organizations with intimate knowledge of women in their organizations. Even a few men were included in the interviews although the vast majority was women.

The views of the persons interviewed were wide-ranging both on subject matter as well as the differences in their opinions on the issues. Of great concern to most of the interviewers were the low number of women in professional jobs with the vast majority of them remaining agricultural labour/farmers. There was equal anxiety for the sense of fear and insecurity women felt and the restriction to their mobility due to the conflict situation. One of the biggest concerns expressed was the mental trauma that women had gone through and how this affected their health, physically and psychologically. All these adversely affected the economic and physical well-being of the people. Conflict had also resulted in broken homes and other problems in society with some women even involved in substance abuse and commercial sex.

Some wanted traditional practices and legal provisions to be made more women-friendly and less cumbersome. Several agreed that more awareness building and education needed to be done regarding the



kinds of legal and other provisions available for women. Some women also stated that awareness programmes were having some effect and more women were coming to access the facilities available.

There were also various differences among the women interviewees. For example, some felt that girls were discriminated against in various areas while others did not think so. It appeared that on particular issues, the cases could be area or individual specific and each interviewee was voicing her/his opinions.

But, perhaps, the most significant difference that emerged out of this exercise was the apparant urban-rural divide. While more women in the urban areas were more concerned about women's rights vis-à-vis gender and other issues such as substance abuse, money lending business etc., those in the rural areas seemed more pre-occupied with the more basic issues of livelihood and security and freedom from fear and conflict. There was little or no gender based complaint from rural areas. In fact, one or two women interviewees from urban areas came out to state that other issues had become more important than militarization today. But all of them wanted to have the Naga political issue resolved as quickly and as peacefully as possible. They also desired strong commitment from the government and the elected representatives.

Many of the women's organizations were also involved in good initiatives and providing yeomen services to the people. A few of these may be briefly listed here.

**Naga Mothers Association** felt that conflict had affected every aspect of life of women and society, leaving an indelible 'social scar' behind. Community life had been affected. Women especially had been affected leaving many of them widows and victims of rape, displacement, torture etc. They were of opinion that there were different perpetrators of conflicts such as state forces, Indian security forces, communal forces etc. As the apex Naga women's body, they were involved in fighting various social evils in society. They felt that not all kinds of conflicts can be eradicated especially so long as corruption was there in society but excessive abuse of power by armed forces could be controlled. Their cry of "shed no more blood" is well-known in Naga society.

**Nagaland University** has a Women's Study Center and hoped to do more for women's issues in the near future. The University also has a Sexual Harrassment Committee. The teachers have been demanding that the Committee's chair should be a woman. A complaint was sent to the National Commission for Women. The matter had been referred to the State Commission for Women and a final decision was awaited.

**Nagaland State Commission for Women** was set up to protect women's rights and to act as watchdog. They were to create awareness, provide legal services, carry out research studies, receive complaints

and make recommendations to the Government. But they were sometimes disappointed with poor commitment from government and even negative reactions from some leaders. They wanted more awareness programmes for women.

**Nagaland Baptist Church Council**, Women's Department, and its subsidiaries were carrying out a number of women's welfare programmes both independently and also sometimes in collaboration with other groups. They provided education, vocational training and fellowship to destitute women and those involved in commercial sex etc. Poor financial resources and trained personnel often limited their work. They wanted more women to come forward and avail their services.

**Prodigal's Home** was a Dimapur-based NGO working with women in various fields but especially those in commercial sex trade. They had a Residential Stay Home for women in difficult circumstances and provided services for women suffering from HIV/AIDS and STI as well as vocational training for girl drop outs and unemployed and under-privileged women. But many still did not access the services they provided out of a sense of shame etc. They wished the Government would introduce more services for women and make these known publicly.

**Government Officials** felt that there were many problems in a conflict situation but they were mainly concerned with political interference and lack of facilities which inhibited their work. Some wanted the Government to enforce professionalism in security matters and apply coordinated approach between different agencies in tackling problems. They wanted more education on peoples' rights because ignorance of rights could lead to suppression of rights which, in turn, result in frustration and anger. In a conflict situation every aspect of life is affected. And although large-scale armed conflict is now reduced, Underground factions are still deducting a 'tax' from the salaries of the government servants. This is an impossible situation and political parties and leaders must take responsibility and solve the Naga issue.

**Police** were concerned with the law and order problems in the state. Among the problems faced by them were conflicts arising out of land disputes and ethnic clashes. Some also wished the police did less VIP duty and devoted more time to police work. Where police were concerned, conflicts because of or against women were negligible.

**Women in Legal Services** felt that rape was one instance which was prone to quickly provoke conflict. It is unfortunate that the Government of Nagaland does not have any specific legislation for protection of women although Indian legislations and Constitutional provisions were available. Due to ignorance, or other reasons, many women did not avail services although women lawyers were ready to assist but the women still settled disputes through customary laws. The conflict situation had led to ineffectiveness of policing and women became fearful of lawless elements. Women had been affected

mentally and psychologically and a kind of fear psychosis persists even today. There has been a steady erosion of values and able young persons were beginning to leave the state. They believed that State Government had not done much except setting up the Department of Women Development and the State Commission for Women. There was the legislation for Protection of Women from Domestic Violence Act, 2005, but not much enthusiasm from enforcement agencies or government to implement it. Women need to change their mindset in order to change circumstances. What was important was not confrontation but a firm assertion of rights.

### Department of Women's Development

The Department of Women's Development was established in 2003 with the primary objective of "empowering women" in Nagaland. Primary focus were the following:-

- i To better the socio-economic status of women
- ii To safeguard the rights of women
- iii To provide supportive services
- iv To facilitate gender balancing and mainstreaming

Under the above objectives, many programmes were being carried out for example.

- a. Establishment of the State Commission for Women in 2006 for protection of women's rights.
- b. Setting up of State Social Welfare Board and providing support to women's Self Help Groups. This was a core activity of the department. There were also integrated cluster development programmes and micro enterprise schemes in collaboration with NGOs.
- c. Financial assistance to destitute women, assistance to NGOs as well as providing vocational training to women and drop out girls etc. Special nutrition programme for women infected with HIV/AIDS.
- d. There were Resource Centres and rehabilitation and support centres for women.
- e. Adoption of suitable Central Acts by the state and creation of awareness of women's rights and available service facilities were other activities.

In order to make the programmes successful the Department had been working in partnership with various mass-based women's organizations, as well as district hospitals and State Social Welfare Board, in the different districts. So although the Department was the nodal body for many programmes for women, effective implementation, lack of proper awareness, trained staff etc. were often the problems faced.

## 2.7 Conclusions and recommendations

### Conclusions

- I. Conflicts and their consequences were experienced collectively

by the entire village community. Individual experiences, although important, were often subsumed by community and collective experience as individual identity and survival depended on the collective in the community-based indigenous tribal society. This was the reason why few people were willing to come forward to be interviewed as "victims" because they did not want to give the impression that their sufferings were more than their fellow villagers. Naga society, in their given Village Republic, was self-sufficient and self-contained. It had a socio-cultural history of organizing and governing themselves as opposed to being governed/ruled by others. So, in the given Naga situation two things stood out:

- Victim-hood and sufferings were collectively experienced by the entire village community although some individuals suffered more than others.
  - The experience of trauma by the people was multiple and could not be tied down to one or two main causes.
2. In the given community-based society, a main pillar of support for women victims was the rich social capital, and presence of various bodies like the church and religious leaders, family, khel and community. The Naga community-based tradition became a terrific coping mechanism for members of the village community. This was also the reason for the stoic resilience of the people in the face of overwhelming odds.
  3. Draconian legislations like the Assam Maintenance of Public Order, the Assam Disturbed Areas Act, the Armed Forces Special Powers Act and the Nagaland Security Regulation Act were mostly unknown to the people at large. But those who knew about them felt they were anti people and had no place in a democratic society and such laws should be repealed. Women victims had stated how harsh and brutal the Indian security forces had been in their dealings with the people.
  4. All women respondents had stated that conflicts had affected all aspects of daily normal life whether they were socio-economic, health, education etc. People cutting across class, clans, villages, gender, age etc., had suffered tremendously over the years due to different conflicts. The experiences had been traumatic and some still suffered from them. There were also many discords and tensions in society. There were divorces and broken homes. Conflicts had generated an atmosphere of mistrust and suspicion as well as fear.
  5. There were still very few counselling services and little awareness on the part of the people. In an entrenched conflict situation like Nagaland, there was not a single specialized center or institution to deal with victims of armed conflict. This was both tragic and shameful.
  6. Most interviewees felt that the roles played by the Government and conflicting parties needed to become more transparent/ accountable and people friendly. And that Government had done little to help the people on this front.
  7. The women felt that the legal mechanisms should be transformed and made people friendly. Many interviewees felt that the laws/ legal mechanisms were too cumbersome, too remote and costly

which was why many did not even bother to find out the possible available services.

8. Most women interviewees stated that women cadres had played a supportive role to the men in the Naga National Movement but there were also instances where women played leadership roles.
9. All interviewees felt that it was crucial that education and awareness of rights and services be enhanced even as conflicts and their impacts continued to become more complicated and complex.

## **Recommendations**

1. Available support systems, traditional and modern, should be strengthened. Democratic space and structures needed to be built or strengthened as the case may be.
2. A specialized Institute/Centre should be set up in the area of conflict studies and resolution. Such an Institute/Centre could have the following two departments:
  - a. A department to help conflict victims with trained personnel in stress and trauma healing as well as counselling as none exist till date. This would also help people in coming forward for assistance as psychological and mental services had traditionally been looked down upon as those required only by 'mad people'.
  - b. Another department for empirical studies on causes and effects of conflicts and how to find solutions. This Department can also act as knowledge source and moral leader on conflict issues.

The above Institute could be established in collaboration with and support of the Departments of Women Development, Health Department, Education Department, Social Welfare Department as well as NGOs. However, the controlling authority must be autonomous and free from government control. Such a concept

is also in line with the UN's goals for women as declared in the China Summit a few years ago.

3. Better education of women and awareness programmes of rights and provisions and facilities available. Equally, dissemination of programmes and services needed to be more effective and social stigmas which were hurdles presently for women victims accessing services should be removed or reduced. Such awareness programme should embrace society in general. An expert team could work out a proper Public Relations (PR) package.
4. Legal systems should be made more people friendly and less cumbersome. Special cells could be created for this purpose which may be managed by women in legal services in collaboration with women police cells.
5. Rehabilitation packages either directly or through economic self-help programmes ought to be instituted wherever required for victims of conflict. A holistic study ought to precede such a scheme/programme.
6. More broad-based studies should be instituted in areas like new trends of conflict in society and how women of today view them. The scenario in the present study seemed to suggest that some women in urban areas today had begun to think that there were more urgent problems in Naga society today than militarization of society.
7. Similarly, another study could be carried out on how the young people viewed the events in Naga society today.
8. Official policy changes are needed for some of the above suggestions and recommendations. Moreover, most structures of society have either broken down and are functioning at minimal levels as a result of prolonged armed conflict. A special cell/committee may be instituted by the Government to study these and make time-bound final recommendations for adoption\ and implementation.

# Assam

*O Granny cry not, looking at the doorway,  
O Mother cry not, looking at the bed,  
Father will not come again,  
He is dead.*

*So many soldiers laid down their lives, for the cause of our country*

*So many women widowed, the loss is beyond repair.*

*So many mothers' bosoms are empty today,*

*I know not where my father is today.*

*All I know, he will be remembered in the history of our modern day.*

*O mother, do not wait for father anymore.*

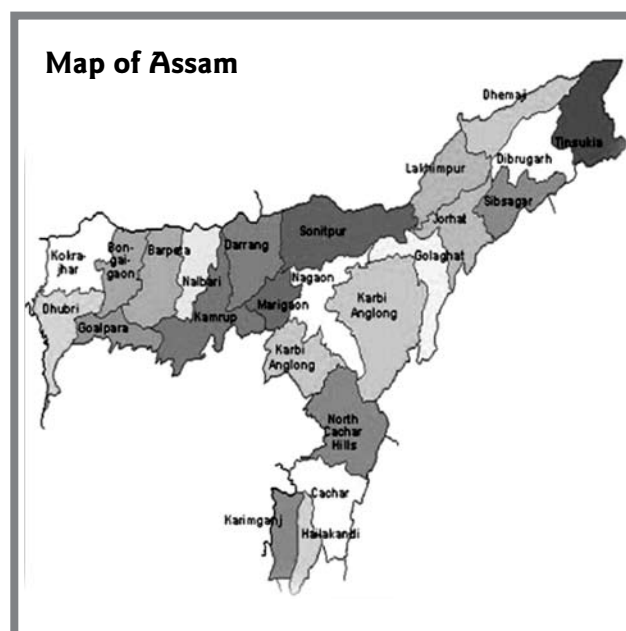
*Father will not walk through that door anymore.*

*All your joy, all your smiles have sunk in your heart,*

*All is robbed by the times that are dark.*

*O mother do not cry for father anymore.*

**Yasmin Begum, about 15, of Sereka Par,  
Sivasagar district, Assam**



## 3.1 General introduction



Assam, the largest state of the North-east, with direct international borders with Bangladesh and Bhutan, has been witness to various conflicts in the past decades, spanning issues of identity and language. The insurgencies and identity movements along with an anti-immigrant agitation<sup>6</sup> (aimed at detecting and deporting 'foreigners' i.e. Bangladeshis from the state) which peaked in the early 1980s, led to considerable violence, displacement and killings.

The two major insurgencies in Assam, whose impact are being reviewed here, are the United Liberation Front of Asom (ULFA) and the National Democratic Front of Bodoland (NDFB). ULFA was founded by a group of young Assamese led by Paresh Baruah and Arabinda Rajkhowa at Sivasagar district of Assam on 7 April 1979. ULFA reacted with violence against the Indian state and the sovereignty of Assam was the main plank on which it conducted its rebellion. The Indian army conducted operations against ULFA in quick succession between 1990 and 1992, which included Operation Bajrang and Operation Rhino. Operation All Clear was launched in 2003 by the Royal Government of

<sup>6</sup> Conflicts in Assam are related in one form or another to the issues of immigration, use of and competition over the control of natural resources, and the subsequent polarization of its society and polity. Over the years one of the biggest concerns for Assam has been unauthorized immigration from Bangladesh and the resultant fears of a profound demographic change in the state. This issue is debated not just between Bangladesh and India but within Assam as well. Assam's concerns have resulted in accelerated tension between the two neighbouring countries on various occasions with estimates of the number of illegal Bangladeshi immigrants in Assam alone varying from four million to 10 million. In the absence of reliable data this remains a highly controversial issue and a very contentious one. This has led to the anti foreigner agitation known as the Assam Agitation between 1978 and 1985 demanding the detection of all foreigners and their deportation.





Phulaprabha Mohan, Koronga Village, Sibsagar district, Assam



Bhutan against ULFA camps in Bhutan with the Indian army providing logistical support from across the border. The army operations and excesses under special laws such as the Armed Forces Special Powers Act (AFSPA) have been extensively discussed but many stories remain undocumented as for example about the victims of the many bomb blasts that have ripped the state apart from time to time.

The parents and relatives of the victims still cannot come to terms with the bomb blasts which killed 13 persons and left many wounded, including children who had gone to participate in the August 15 Independence Day celebration in 2004 in Dhemaji town.

The Bodo insurgency started with the formation of the National Democratic Front of Bodoland (NDFB) under the leadership of Ranjan Daimary on 3 October 1986 in Assam. The 1990s saw extensive violence in the Bodo heartland of Assam, as another group called the Bodo Liberation Tigers (BLT) under the leadership of Prem Singh Brahma was formed on 18 June 1996. The Bodo Accord of February 2003 constituted the Bodoland Territorial Council (BTC) and the BLT cadres led by its chief Hagrama Mohilary, surrendered arms to form the council. However, the NDFB has been continuing with their armed rebellion, in spite of a split between the moderates and the hardliners in 2008. The Bodo-Adivasi riots took place in 1996 and 1998 against the backdrop of the Bodo insurgency.

Thus, we have both pro-independence secessionist movements as well as those which are fighting for autonomy, seeking a separate state within the Constitution. We have struggles against dominant groups within a state as well as intra-tribal clashes. These make for an extremely complex set of social and security factors which are neither easy to analyse nor to document precisely because of the divergent range of issues in different parts of the same state. Some of these movements are not mutually exclusive in nature either – thus the demand for autonomy by the Bodos also includes territory on reserved forests and demands of the Nagas for a Homeland include territory from Assam, Manipur and Arunachal Pradesh.

What emerges clearly from the interviews is an acute sense of helplessness from individuals and groups and even entire villages or groups of villages when faced with violence by an organized group, whether armed forces or non-state actors, and the failure of the state administration to act in time to come to the assistance of those in need of support and protection. Other surveys have shown that both military and militancy are seen as reasons for insecurity and that government polices have failed to provide security. This means that the legitimacy of governments is at stake and is being questioned because they do not deliver for the issues they are elected or for which the public construes them to be “there.”

In the cases under study, both victims and the general public were completely unaware of government policies for development and security as well as access to processes and opportunities of

compensation and justice. This is a major fundamental gap which has not been addressed. In addition, it may be noted that in different districts the concept of insecurity differed – in Dhemaji, fear of other tribal groups was a dominant concern; in Sivasagar and parts of Kokrajhar, the armed forces as well as non-state combatants were the core reason for anxiety and stress, according to the respondents, as well as economic difficulties.

Along with a feeling of alienation from the Indian ‘mainstream’ there is also a certain ethnic polarization and assertiveness within the state and among its many communities like the Bodos mentioned above. The non-Assamese communities have started to question the domination of the Assamese. Several tribal groups demanded the creation of their own state to be carved out of Assam. This has led to the formation of a large number of smaller armed groups and competing claims over land and resources has led to several clashes. A number of these movements and demands for separate states have been resolved by establishing tribal councils but this has not stopped the separatists from demanding greater autonomy. Mention must be made here also of non majority groups within these territories that have been given to dominant ethnic groups who are also apprehensive about their own status and rights in these autonomous areas e.g. treatment of non Bodos in Bodoland.

The conflicts in Assam have not only weakened the institutions of democratic governance but have also created new institutions both socio-political and economic. The former include armed groups like ULFA, NDFB etc. and the latter is a taxation mechanism put in place by these groups who solicit ‘revolutionary taxes’ or ‘voluntary contributions’ from the common people. This constitutes a major source of funding for them.

One of the outcomes of the agitation against illegal immigrants is the growing mistrust between Muslim and non Muslim communities. The immigrants are seen as one large homogenous lot—Muslims—and as a result the Indian Muslims in the area feel threatened as their nationality is being questioned. This polarization is visible elsewhere as well with other tribal communities. This deepening polarization of Assamese society and polity has led to ethnic and communal divide with a number of violent outbreaks of inter tribal conflicts e.g. clashes between ULFA and Bengali speaking peasants of East Bengal origin; between ULFA and NDFB; Kuki and Karbis; Dimasas and Zeme Naga conflict of 2009 being among the latest. The perceived grievances have led to the emergence of a number of armed groups and several tribal groups one after the other have started demanding the creation of exclusive administrative units. These demands gained strength from the fact that the state had earlier undergone major reorganization leading to the creation of several smaller states. Those statehood demands that were not considered feasible by the Indian government were partly resolved by establishing several territorially defined tribal councils under the Sixth Schedule of the Constitution of India like the Bodoland Territorial Council, the Karbi Anglong Autonomous

Council, the NC Hills Council, the Mishing Autonomous Council etc. The existence of these councils has not, however, guaranteed the resolution of the problems of the tribes.

The official response to the conflicts in Assam has been a mix of the use of force, the promise of accelerated growth/development and the Central government initiated peace talks with armed groups. A large number of security personnel are deployed there and public resources are being spent to put the economy on the fast track. All these activities have not really succeeded in bringing about any significant change in the ground situation.

As far as dealing with the ULFA is concerned the Indian state has followed a three fold strategy: a) securing battalion by battalion surrender of ULFA cadre and thereby driving a wedge in the rank and file of the organization; b) getting Bangladesh to 'detain' top ULFA leaders and push them across the border so that they may be 'arrested' on Indian soil and c) promising to let them out of prison only on condition that they accept peace terms.

In June 2010 the Centre decided to start talks with ULFA and formally endorsed an interlocutor but things are complicated because the real challenge is to arrive at a settlement and not merely a cessation of hostilities. There is a distinction between peace as settlement and peace as cessation of hostilities, for, as Samir Das says, "The history of peace in the Northeast is essentially the history of peace talks with very few actually culminating in peace".

### 3.3 Findings from three districts

#### Dhemaji

The district of Dhemaji, on the north bank of the Brahmaputra river, is one of the most backward and underdeveloped districts in Assam, with minimal access to basic facilities of education and health. The study chose this district as the anti-foreigner agitation of the early 1980s had severely affected many parts of Dhemaji. Many villages in the district were attacked and burnt during the 1983 anti-foreigner riots, given that it had settlements of a sizeable Bengali-speaking migrant community. The anti-foreigner agitation had engulfed most of Assam, and migrant Bengali settlements were attacked all over the state. The worst massacres of Bengali migrants were reported from Nellie and Gohpur. The Dhemaji riots did not get much attention in the overall scenario of conflict during the time. The relatively understudied effects of the nature of the violence and those affected in 1983, made it an important region for the study to look at.

The impressions from the field in Dhemaji and the responses from the victims have been consistent across the number of interviews and testify to the overall sense of trauma faced by the community.

The villages were completely burnt during the riots of 1983. Hundreds of people from the Bengali speaking migrant community were killed and suffered serious injuries, which included many women and children. The only non-Bengali speaking migrant community village

### 3.2 Experience of research team in Assam

Kausiki Sarma, photographer and part of documentary film team

Prodipto's mother burst into tears the moment she saw our crew and our cameras. Her son who was just 10 years old was among the 13 children who were killed in a bomb blast at the parade ground in Dhemaji town, on the morning of August 15th, 2004. With tears streaming down her cheeks, the mother could barely get herself to talk about her son in front of the camera. We began interviewing the father. The family has been interviewed many times since that day. "The culprits are still at large. Justice has still not been done", the father said in deep anguish. I could not ignore the sobs from the adjacent room anymore. I went inside the living quarters and saw the grief stricken mother clinging on to the bed and wailing. I went and sat beside her and held her hand. "He said he wanted to become a computer engineer when he grew up. He was excellent in his studies. Used to score a top rank in his class every year. He was very excited about the Independence Day function in which he was taking active part. That day he woke up earlier than usual, took a bath hurriedly, gulped down a few morsels of rice and fish curry that I had prepared and left in a hurry. I did not even get to see his face when he bid me goodbye from the doorstep as I was busy with my morning chores. Little did I know I will not see my beloved child again." I held her and wept. That was the only thing I could do... I could not photograph....

'Prodipto's mother's, Tilona's, grief represents the sorrow of hundreds of mothers whose children have been victims of the conflict between the state and the separatist forces in my homeland, Assam. We met widowed mothers as young as 20 with nothing but tears of despair and sorrow which we can just hope and pray will heal with time. I do not consider myself to be in a position to even express a view on the current state of affairs between the administration and the separatist forces. All that I hope and pray is that may no innocent child ever get caught in this blood war anymore and may no mother's bosom bear the loss of her beloved child. Enough blood has been shed. Enough families have been broken'.

Riturekha Baruah, Junior Research Assistant, Assam team

"The villages of Bokota- Koronga, Japihojia are now developed villages of Sivsagar district, once affected by militancy in the years 1992, 1993. All male members of households were suspected to be members of the banned organization 'ULFA' and they were



tortured. Every villager spent days in a fear. This fear spoilt the academic career of the young boys and girls, because socially active and intellectual boys were targeted more as ULFA. Secondly, we understood that women played an important role during the time of Army operations in the villages. Women faced Army soldiers with courage and gave security to the male members. Village women used a mixture of Hindi and Assamese to deal with the Army. Some of them were also physically harassed.

The most memorable experience in the field was the peoples' acceptance of us. Strangers became so well known to me and now the women I interviewed for the project have close friendships with me, which makes me feel good. Though some of the women were very inquisitive, later they supported the research. First I was really scared: I thought, "What if I do not get their support; then what will happen?" But slowly and gradually, my confidence levels increased as I talked to the women victims. Some close friends and relatives of mine advised me to do something like a normal, desk job. They asked that why I was doing such risky work in sensitive areas. That was a difficult moment as I had to convince people about my determination to work on this project.

To me the most touching cases were: from Mahmora constituency. Konwar gaon, Ek no Borbil gaon, 2 no Borbil gaon are I believe among the worst affected areas of North East India. Among the worst episode in the political history of Assam are the 'Secret killings', which took place in these areas. Surrendered ULFA cadres and soldiers jointly killed some people alleging their links with ULFA. I was shocked to hear these cases of secret killings from the women survivors. Innocent men were killed on mere suspicion and the family members of the victims are not able to forget this. I observed that the Post Traumatic Stress Disorder (PTSD) was more acute in the cases of secret killings compared to other cases in Sivasagar.

'You give rice to the ULFA boys', this was enough to threaten, intimidate and suspect villagers who had no choice in the matter. We had to limit our research because we could not get a local assistant in Mahmora. This made me realize the importance of a local help in conflict areas. People there believe that Mahmora is a 'Second Kargil' in the scale and intensity of the violence. The present ULFA chief Paresh Baruah along with the chairman Arabinda Rajkhowa once organized ULFA camps at Mahmora constituency. Since then, village boys became members of ULFA.

We did our research in the Sapekhati block of Sonari subdivision. Lakily, Haluwa, Lefera, Dofola, Borhat etc. are remote places without electricity, proper drinking water, sanitation, and communication. We conducted our research of cases during recent Army Operations without facing any difficult situation in the field. That was a very positive experience. Women said that now the Army behaved in a civil manner with them.

We went to Dhemaji district to cover the cases of riot victims in the year of 1983. Hindu Bengali people of Silapathar area were targeted by the local community with the help of a student group. Kakobari, Panbari, Arnay Ramnagar, Arnay Tirashi, Kheroni basti, Simen Sapor, Joirampur, Kanchonkona etc. were some areas that suffered during the 'Anti-Foreigners Movement'. We faced a lot of difficulty in reaching these remote places, it was especially tough getting to Ramnagar, Arnay Tirashi because we had to wade through deep water. Luckily the day was sunny otherwise it would not have been possible to reach the village. I was really scared! We found the villagers anxious but they were willing to talk. They had never given interviews to anybody before. The villages were very underdeveloped, the literacy rates were low. Women are still afraid of trouble reoccurring. But we observed that a common social support system is helping them to cope with the situation.

In Kokrajhar district we found that people feared for their lives on a daily basis. We were thankful to the All Bodo Students Union (ABSU). Without their co-operation, it would not have been possible to enter Bodo society and ABSU provided local assistance for every case. One NGO also helped us to cover the cases of the Adivasi relief camp. Village women did not understand Assamese. They only knew Bodo and Adivasi. Local assistants helped in translation. I felt that the cases of Kokrajhar were similar to the 'secret killings' of Sivasagar because in many cases family members don't know why their men were killed.

that was attacked was Jairampur, which was inhabited by the Hajong community. The riots caused displacement of people from these affected villages, and the victims had to stay in relief camps for several months, before the process of rehabilitation began.

The character of the violence in these villages was of a very crude nature, as the attacks were carried out with weapons such as machetes, bows and arrows, and fire was used as a major weapon in attacking villages as well as people. The riots in these villages started and ended within a short span of days, and therefore although the actual violence did not continue for long, but the effects of the violence was horrific.

Almost all of the women interviewed, (and the men) were filled with a sense of fear and apprehension about the entire interview process. They repeatedly asked why no research team had come to document their trauma and stories of conflict and suffering after almost two and a half decades. The questions were filled with a sense of curiosity and at the same time a sense of resentment against the apathy and neglect shown to them over the years, by the government agencies and researchers.

Similar stories of conflict and trauma of the Bengali communities near Nagaon and Gohpur were on the other hand well documented and this explains the feeling of neglect that these villages felt – it is another

## Map of Dhemaji District



**Total cases in Dhemaji-47**  
**Hindu-Bengali victims-32**  
**Hajong community victims-11**  
**Others-4**

sort of suffering. The government has not initiated any long term relief and rehabilitation measures or undertaken any developmental activity for the communities affected in these villages under the study. The education and health facilities in these villages remain non-existent and some villages do not have any proper road infrastructure and connectivity.

The fear among the villagers about the field interview process also had various dimensions, one being the apprehension that this information might be used against them, and that perhaps government had sent people to test their loyalty, and this could bring further conflict to their villages. Another very real fear was that the local community would hear about the interviews, and become violent again.

The Bengali community had been living in their villages for over twenty years before the violence began, and therefore they were extremely

taken aback and surprised at the behaviour of the local community that burnt their houses, hacked and burnt their men, women and children, and destroyed their property. Throughout the interviews, the prevailing sense was that the Bengali community could not reconcile themselves to the fact that could their seemingly peaceful neighbours who had lived with them for over twenty years could one morning come and inflict such enormous violence on them.

The Bengalis described their status in the neighbourhood before the violence as that of a minority community. It meant parting with some farm produce and fish catch to local groups regularly but they had never imagined that this structure of subordination could erupt into acts of violence and killings.

During the course of the interviews, there were responses that seemed to indicate that the Bengali community knew that the local community was instigated by vested interests from outside their locality. They still believe that there was no reason for the local community to have done so on their own. This aspect gives a sense of the inter-community relations in the area.

The Hajongs in the villages covered in the project were not affected directly in the violence of 1983, but they were somewhat dislocated by the violence on the Bengali community, and the few Hajong families we interviewed were still affected by the events of the 1983 violence, as they were direct witnesses to the killings. They were also insecure as a community but they feel that they were spared because they were tribal people.

Women of the Bengali community said that they had to bear the brunt of the violence and devastation perpetrated, fleeing for their lives to the jungles and living there for days on end, without food and proper shelter. Their houses, clothes and belongings, food-grains were burnt and looted by the mobs, and they had little time to carry anything with them. They carried their children and ran long distances to escape. Many were killed before them, and they saw some attackers tear away children from their mothers' arms and throw them into the fire. They

### **Nanibala Ghosh, 2 No. Kakobari Gaon**

*In 1983, some people conspired to destroy their house. They were severely affected. On the fateful day, the men were busy in the fields. They saw rising smoke and also heard some sounds of violence. When they went to see what it was, they found that some local men had set fire to their houses. The Hindu Bengalis were newly settled in the region and, sensing the mood of the people, tried to keep to themselves. Sometimes, they took their families and fled into the forests.*

*Once, all of them fled to Bhairabpur where they met the Sylheti people settled over there and this gave them courage. They decided to stay there for the night and not to go to the village. Camps were built. The next day, police and army came to take stock of the situation. They promised to provide relief and did so. Even (Prime Minister) Indira Gandhi had come over and a future course of action was decided. The harvested food grains of these displaced families were destroyed as nobody had stayed back to take care of their goods. It was almost 300 maunds of grain. A grandchild was born in the camp and she was called 'Campy'. Government people gave her this name.*

**Maloti Mondol, 2 No. Kakobari**

*Her family of two children and her husband was severely affected by the massacre. Their entire paddy stock was destroyed. They were in hiding in the jungle for three days. Then, they moved to the camp in Bhairabpur. They had barely any clothes and no food when they arrived at the camp. In camp, the provisions were very inadequate. Her husband was very sick at that time. Even after they returned from the camp they were traumatized. They live in fear and insecurity. Now she thinks all the time about God, hoping such incidents don't happen again.*

*When they were in the camp, they were promised proper rehabilitation, development of roads, employment but nothing has happened after they have returned from the camp. They get 2 liters of kerosene at subsidized rates and there is a Lower Primary School. A sub-centre of health is there in name and without any doctors or nurses.*

**Subhan Mondol, 2 No. Kakobari**

*Subhan Mondol remembers those days with fear and grief. Rioters used to wait on the roads with hatchets. Her husband had tried to avoid trouble and resisted them but was attacked and severely wounded. Two other persons were killed and houses were burnt. They had to flee through the fields. The camp was at Bhairabpur which was five kilometers from the village. Indira Gandhi had herself come to the camp and had personally evaluated the damage to each family. There were about 846 families in the camp. But eventually, each family was provided 3 bundles of tin and sent back.*

*After that officials from Guwahati had come to investigate the incident. Her husband had provided a lot of information at the time. Her husband's leg and his right hand was badly broken. He still cannot do any heavy work. There have been repeated X-Rays but they could not afford proper treatment. At that time, their daughter was only 2 years old. They still meet people who had attacked them. They are moving around scot free. She has also named some of them...*

*The whole issue was about land. Before 1983, these people had sold lands to Bengali people who had come and settled here. But at that time, they conspired to regain control and occupation over land though it had been bought over legally by the Bengalis. The person who had sold the land to these Bengali families went away to Sadiya. Before 1983 also, there were many disputes over land. In 1983, these people also procured arms, the Bengalis offered resistance. They had no other place to go. Everything they had was here, so they decided to stay put.*

*Now, things have changed and people are calmer.*

**Dulali Malodas, 2 No. Kheroni Basti**

*Her husband and mother-in-law were attacked with hatchets. Her husband's hand was chopped off. When her mother-in-law resisted, even she was struck with machetes. Their old grandmother was butchered in their backyard. They were earlier in Simen Sapori but after this massacre they made their house in Kheroni Basti. One kg of gold and an heirloom worth Rs 1800 of their forefathers were stolen from their house.*

*Her husband cannot do much physical work.*

left behind some of the older men and women who could not walk because of infirmity, although some were carried on their backs. The fear was all pervasive.

The violent scenario of the village was described in detail by the women, but the underlying sense was one of surprise, desperation and uncertainty about where they would go after this and what would happen to their lives and families. The women interviewed described the attackers as unseen and unknown forces which were beyond their knowledge and the violence beyond comprehension. The entire village was running and therefore they were also running, without knowing

how much they would have to run and where they would go. The dislocation of their families was described by the various interviewees as very damaging to their mental state at that point of time as they were concerned about their own safety and at the same time concerned about the whereabouts of their children, husband, brothers, sisters, and elders. Some women had to run always without even being able to call out to their family members, since some were working in the fields and some were at home.

The women described how they spent their days in the forests, fearing for their lives, not knowing what was happening to their

villages, their relatives, and their immediate family members. Some women had lost their family members and relatives while running away, and they had no time to go back and attend to their bodies or grieve. Heavy rain at the time made life in the jungles tougher and the children suffered a lot. They could not light any fire, for fear that the attackers might spot them, and had to spend their nights in total darkness.

Most of the women interviewed also expressed fear of fire, of billowing smoke which they could see from a distance in their villages, which was reminiscent of the horrific attacks on their lives and property. They could not bear to see a fire for days after the attacks. Some say that even now when they normally see some fire in the distance or billowing smoke, they are reminded of the days when their villages were attacked. The horrific violence left a strong impact on their minds.

The people who took refuge in the forests later lived for some months in relief camps set up by the government, where they had to live on very limited means and support. Fear continued to disturb them with stories of attacks from the surrounding areas and new people coming in every day to the camps. They heard stories of gruesome killings and were uncertain about their future.

The government later gave them tin sheets and rations and asked them to go home, but they were very apprehensive and fearful of returning. The women found that everything that they had left behind had been burnt and nothing was left of their homes. They, along with the men, worked hard to once again build their lost homes in a place which had seen so much violence and this caused them mental suffering and trauma.

The effect of the violence and the killings was so fearful that a remote village in Silapathar sub-division has been renamed Arnay Tirasi (Tirasi means 83, a reference to the year when the violence took place). More than a hundred inhabitants of this village were killed and almost every family in Arnay Tirasi village has lost members in the violence of 1983, and some families have lost as many as seven members. The families have the violence etched in their memories.

During the course of the interviews, the prevailing sense was that even after the government intervened soon after the violence and killings nothing much was done in terms of help and support. The people were left to fend for themselves and they have now realized and accepted the fact that they have to support themselves, without expecting much from the government or other communities. The violence and killings they have seen in the past and the subsequent neglect and apathy, has left them quite bitter and distrustful about the neighbouring communities and the government.

The community has ensured that they remain committed to their own welfare and remain in a way self-sufficient, and the village systems are functioning within that rationale. The people do not have many expectations, and the children and young people are not exposed to the outside world as much as other neighbouring communities. The overall conflict scenario and the violence that the community has been subjected to has ensured that the Bengali community in the villages covered under this project, have withdrawn into themselves.

Victims of the bomb blasts that took place in Dhemaji district in 2004 were also interviewed during the course of this project and their testimonies collected for the documentary film. The parents and relatives of the victims still cannot come to terms with the blasts which killed 13 persons and left many wounded, including children who had gone to participate in the August 15 Independence Day celebrations. In their usual style, ULFA and other armed groups had called for a bandh or boycott of the event in Assam and other parts of the North-east. Many children were scrubbed and shining, dressed up and proud, relatives said, to be participating in the parade. A few seconds of devastation changed all that. A woman who is a medical specialist in Dibrugarh said that her elder nephew was killed when he rushed to protect his younger sibling. The younger boy survived. She has had to undergo trauma counselling.

The violence and killings they have seen in the past and the subsequent neglect and apathy, has left them quite bitter and distrustful about the neighbouring communities and the government.

Recently ULFA's chairman, Arabinda Rajkhowa, who was detained in Bangladesh and handed over to Indian authorities in December 2009 before being formally released on bail a year later, has repeatedly apologized for the blasts and the deaths; it is not known what those interviewed for this project feel about his apology. However, a spokesperson for the affected families at the time of his release in January 2011 accused the

Government of insulting the feelings of those who had suffered by lionizing Rajkhowa and other ULFA leaders and said that they should be put on trial as 'terrorists'.

Apologies from Rajkhowa and others followed but it is not clear if the victims are in a mood to forgive. As of June 2011 there are 15 accused who will face trial for the incident and 77 witnesses who have said they are prepared to testify against them. But does this bring closure? This is not sure—but it is clear that a long period of healing and counselling is needed before those who have been wounded in mind, body and spirit feel at peace. What is significant is that Dibrugarh's Assam Medical College and Hospital sent teams out after the blasts to provide counseling and initial care.

Nityananda Saikia, whose two sisters were killed in the Dhemaji blast says, "The experience of lighting the pyre of two younger sisters on the same day, at the same time is something that I pray never occurs in the life of anyone else in the world. Such evil in the name of solving



problems is unacceptable, and has to be opposed and criticized in the strongest of words. It's inhuman and no revolution in the world has proved successful by following inhuman methods. Those who want to solve problems but use violent means, including bomb blasts must be strongly condemned, because what they do is inhuman."

Lalita Saikia, his mother, who is completely traumatized wept in frustrated rage: "Both my daughters. They robbed them from me. They are not human beings they are demons. Didn't they too have brothers, sisters, fathers and mothers? How could they have brutally killed innocent children? They killed my two lively daughters. Robbed them from my bosom. How could they have planned such a sinister act without anybody's notice? They killed my two promising daughters leaving a void at home."

Dipen Saikia, the father of the girls who were at high school spoke gently in his pain: "What can I say? We live seeking solace in the hour of our helplessness. There's hardly any point in saying anything. Even if I cry loudly, we will not get back our daughters."

Jogen Gogoi too lost his school going son in the blasts. Following this incident the suspects were identified and arrested. However, a few days later they were set free.

There are 12 such families who suffered in this one incident. Thirteen children died in these families. They want the culprits punished.

## Kokrajhar

The impressions from the field have been wide ranging in Kokrajhar district, primarily because of the varied nature of conflicts present in the district. In comparison to the other two districts covered under this project, much more research on conflict in Kokrajhar has been done by scholars and media. Many women whom we interviewed were also interviewed by other researchers in the past. However, some of the women of the Adivasi community had not shared their stories earlier.

In sharp contrast to the other two districts covered under this project, people in Kokrajhar district were unhappy about the large number of research projects on conflict, and there was a prevailing sense of disappointment that such projects were academic in nature and thereby could not bring anything tangible to those who were interviewed. Some even questioned the utility of giving time for such research and studies.

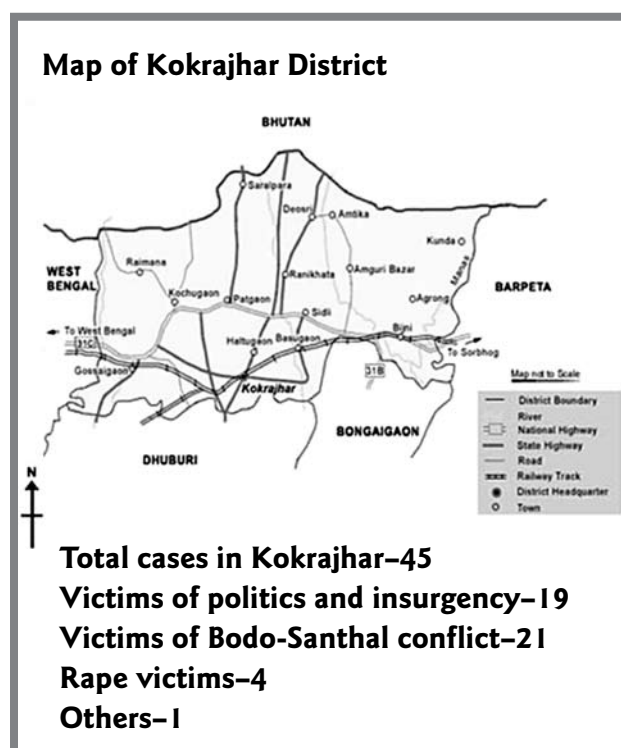
The women from the Bodo community who were interviewed had suffered in the cycle of insurgent and political violence, which disrupted entire families. There was a sense of uncertainty and fear in their minds. Most of the killings happened without any prior warning and were very gruesome with victims being beaten up, hacked and then shot. The killings were particularly terrible where they were driven by revenge, inter-factional and fratricidal killings. The trauma of the

women has been compounded by the fact that most killings have taken place in their homes.

There was a sense that there was no middle space for people or society. People were forced to take sides, supporting one faction or the other. They had no choice. They could not be neutral or occupy a political middle ground. Most of the alleged killings among the Bodo community was by one faction which is still active or by another faction which has since come 'overground' and entered politics and government. The people who do not support the NDFB for example are automatically construed as supporters of the BPF political party, and those who do not support the BPF are regarded as supporters of the NDFB.

Some of the Bodo women said they were unaware of the reason their husbands were killed, in their own homes; most of them did not know of their husband's political affiliations or other businesses which could have warranted such revenge attacks. The interviews and other related discussions with members of the influential All Bodo Students Union (ABSU) understand the fact that people were apprehensive and fearful of political conditions in Kokrajhar and afraid to talk openly about the killings in their families. There was a network of political-insurgent connections in Kokrajhar which did not allow free opinion and expression of any dissent towards the local autonomous council government.

Interviews and discussions have shown that the families of alleged victims of the NDFB faction have been provided generous relief and compensation packages by the local autonomous council. Families of victims believed to be associated with the NDFB and who have



been killed by elements allegedly associated with the BPF, complain of discriminatory treatment, saying that they have not received relief and compensation packages. Local autonomous council members or BPF leaders have not visited the families.

While many women victims seemed deeply traumatized their children too appeared to be similarly affected. Families have fallen apart in instances where the sole bread winner has been killed; the associated stigma of the killing has compounded societal problems. After years of violence, the support system has not been very strong in Bodo society which is permeated by an overall sense of suspicion driven by fear. Many Bodos appear hesitant to openly come out in support of victims.

This has been particularly damaging to the traditional fabric of Bodo society which was known to be vibrant and assimilative. Now, it appears divided with violence and mutual suspicion. Many elders have commented on this, saying it will be very hard to restore the earlier sense of trust and unity. The traditional social support system has been compromised and civil society organizations such as the Bodo Sahitya Sabha and the ABSU have also been undermined in various ways by the political and insurgent factions. However, it has been noted that urban areas are seeing more of this trend than rural areas.

Research has shown that many women victims preferred to send their children to urban centres elsewhere in Assam, particularly Guwahati and Mangaldoi to study and have a peaceful secure life. They fear that their children will also be taken away or attacked as their husbands had been. Some women who cannot afford to send their children to other towns, have admitted them into missionary boarding schools nearby or in orphanages, as they felt unable to take care of them adequately.

The Government armed forces were also involved in excesses in Kokrajhar district and the Research Team interviewed a number of victims of extra-judicial killings and rape incidents. Some of these incidents took place during Operation All Clear along the India-Bhutan border by the army and paramilitary forces. The women who were victims of such excesses are presently living in remote villages along the border, and have received no support or relief in the form of compensation or justice from the government. These victims regard the armed forces' presence with enormous fear and apprehension.

The interviews with Adivasi survivors in Kokrajhar district presented a different aspect of the conflict. Their stories and the associated trauma was of a different nature from what the Bodos went through. The Adivasis have borne the brunt of violent conflict and riots in the past and especially in 1996 and 1998. Many Adivasis were attacked by Bodos. The women victims interviewed among the Adivasis narrated

the incidents and some described the events as being "war-like" and that they felt it was "the end of the world". They had to leave their homes and run for their lives when they were attacked by the Bodos. Their villages and food-grains were burnt and looted by the attackers. The trauma of the incidents remained intense and many victims broke down while narrating the stories. Others said the "the incidents are still right before our eyes even to this day and come into our dreams often." The Adivasi community has a strong sense of solidarity which has ensured their survival.

The women recounted in their interviews how they had witnessed brutal violence on their relatives and family members, how they saw people being killed. This has left a deep impact on their minds.

The interviews revealed that the violence perpetrated on the Adivasi community was actually not a sudden reaction. They recounted many confrontations between the Adivasi community members and Bodo community members before the riots took place, and also talked about people being aware of the danger. This is in sharp contrast with the events in Dhemaji where the Bengali community was caught unawares.

The interviewees point out that although they had anticipated some amount of violence, they were unprepared for the actual scale of the riots. The Bengali community had also armed themselves to some extent with traditional bows and arrows and other crude weapons, and the women victims knew about such preparations also among the Adivasis but their preparations were clearly inadequate. The various Bodo insurgent organizations allegedly joined forces with Bodo rioters, sending the violence spiralling out of control. The attackers had sophisticated weapons, and used bombs.

The women were subjected to sexual violence and even rape during the riots. Even children were not spared and were hacked to death. This collective sense of trauma has affected the physical and mental health of many Adivasi women. The elderly were vulnerable as they could not escape in time before the arrival of the mobs and many were killed or injured in the fires and bomb attacks.

The government failed to provide adequate protection to the Adivasi community during the riots, and even local Bodo policemen had actively supported the rioters and did not address complaints of the Adivasi community against the perpetrators. The government has provided relief and rehabilitation to many Adivasi families but there are many that are still have to stay in relief camps. The women recounted the time when they stayed "almost like animals in the relief camps where there were no space to live in, especially for women, and there was a lot of disease in the relief camps, in which the health of many Adivasi people, especially women and children were severely affected."

Research has shown that many women victims preferred to send their children to urban centres elsewhere in Assam, particularly Guwahati and Mangaldoi to study and have a peaceful secure life.

In contrast to Dhemaji, the Adivasis are unafraid to speak about the violence and killings to researchers; the women interviewed spoke in detail about the riots and the violence in their villages, in front of ABSU members and other Bodos. The overall sense was one of resentment against the violence on the Adivasi community as such, but also a sense of reconciliation with the fact that the Adivasi community has to live with the Bodos. The Bodos also have come to accept the violence that the Adivasis have suffered and have reached out to them.

Life in the relief camps, the Adivasi women say, is very insecure and many of them want to be rehabilitated to their original villages. The camp situation has brought a great deal of insecurity; sexual exploitation and violence is extensive and they are a haven for illicit businesses and the sanctity of the village is missing. The Adivasi women point out that violence can happen again, but they also said that the earlier violence was mindless and was controlled by insurgent elements eager to prove their support for Bodo identity. But Bodos have since suffered at their hands. The community seemed to be participative in the various societal and developmental activities, and also some Adivasis have actively involved themselves in politics with Bodo political parties such as the BPF.

## Sivasagar

The most oft-heard response in this district has been that women have not been interviewed about the impact of conflict on their lives. In most cases, this study represented the first time that they were being questioned about this issue and they appreciated the fact that their stories were regarded as important to record and disseminate.

Sivasagar is significant because the ULFA was officially born here in 1979 and a number of its top leaders, including Arabinda Rajkhowa have their homes here. In addition, it has consistently shown strong support to ULFA.

Sivasagar will be an important part of the growth of Assam's political story in the years to come and has been a major recruiting ground as well as "taxation centre" for the organization, which levied notices on tea estates, businessmen and professionals.

Sivasagar was hugely affected by the infamous phase of political, fratricidal and factional killings, which engulfed the state of Assam in the 1990s. These are known as the 'secret killings'.

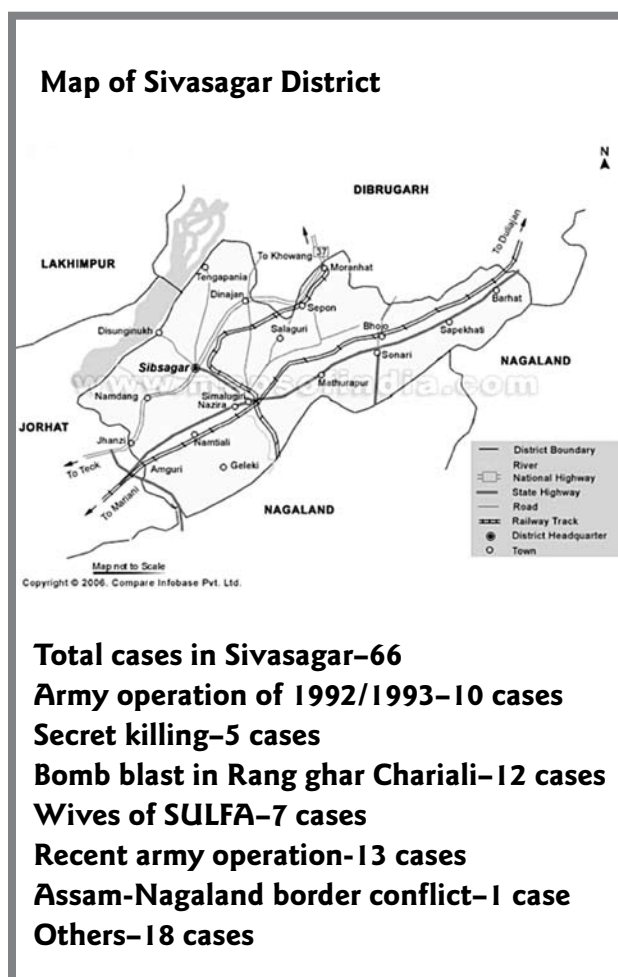
The villages most affected by the insurgent violence and army related excesses in Sibsagar district were Mahmora Konwargaon, Mahmora No.1 Borbil, Bokota Japihojia, Bogoriting, Lakhily, Sapekhata, Geleki Jongal Gaon, Dhunia Pathar Gaon, Patsaku Forbondhia, Demow and also parts of Sibsagar town. The insurgent activity in these villages and the army operations to counter it led to a cycle of violence, killings, fear and trauma which engulfed entire villages and communities across the district of Sivasagar. The collective fear and trauma of the villages in

the district over the insurgency and the army's actions has resonance in people's thoughts to the present day.

The insurgency was long drawn and therefore the effects of the conflict were staggered over a period of time similar to the Bodo insurgency in Kokrajhar, but very different from the riots in Dhemaji and Kokrajhar. The very nature of the secret killings, which affected many families of insurgents, was unprecedented and intensely traumatic.

There were bomb blasts as well in Sivasagar town triggered by the insurgents, which led to civilian deaths and injuries. The villages of Geleki, Dofola, Lefera and Lakhily along the Assam-Nagaland border witnessed a lot of violence from the insurgency and from the border violence and killings perpetrated by Naga insurgents on the civilian population over the issue of inter-state territory. These remote villages in Sivasagar affected by insurgency do not have basic access to health and education and remain underdeveloped.

Fear was pervasive when victims recounted their stories for the research. The women in villages affected by the insurgency and the consequent army raids, searches, questioning and torture, said they were afraid of "barking dogs at night" because it could mean that "strangers were coming to the village". They were frightened by the growl of jeep, car or truck engines or movement on village paths because this generally



meant the army was coming on a routine raid – these were the kind of sounds they dreaded the most. These fears remain today in remote villages, and the horror is relived whenever the army visits.

At the height of the insurgency, women felt that it was their duty to guard their homes, take care of their children and the elderly, and answer the questions posed by the army. They knew the consequences could be uncertain and were prepared for them. In many ways, these women represented the face of the protest against the state and symbolized the peaceful side of the insurgency. In many villages, even if the situation is peaceful these days, and men are engaged in their daily routine, the women are restive. They want to forget the trauma and incidents of the past, but remain anxious, especially when male relatives such as husbands, sons or brothers do not return home early. They worry that “difficult times” may return.. This may be partly due to the fact that economic conditions in remote villages have remained unchanged, giving opportunities for radicals to reorganize rural youth, frustrated by growing unemployment and the poverty of the margins. Villagers here still talk about the insurgency, news of fresh recruitment keeps coming in, and the army is still visible. Since the development promised by the government has not come to many villages, conditions for a return to arms, according to young people interviewed for this project, still remain.

Women are aware that the anti-government and the anti-army sentiment is prevalent in the villages, and that torture made many join the insurgency. Some women said that they felt very vulnerable initially when the army kept returning, walking in at will, banging on doors and damaging well-kept homes, questioning and picking up young boys on mere suspicion. After witnessing these incidents for some time, they said they had become hardened because they needed to face the ordeal.

They lamented that an entire generation of young and bright men were lost to the insurgency, and mainly because of army action. Both government and insurgents had shown a lack of reason: they should have shunned the path of violence and instead relied on a process of dialogue. The young men were resourceful and the villagers had pinned a lot of hope on them. But they were sucked into a vicious cycle of mindless violence.

The women spoke of various health concerns as a result of the pressure they had faced. They complained they were unable to work and do their daily chores, and some were troubled by pains from beatings. But despite this, they could not stop and rest, as they had to manage the household and take care of the entire family. Moreover, because of injuries suffered during army operations or other forms of violence,

including bomb blasts, many men were not able to work. The burden of the household fell on women.

Injuries to men caused economic dislocation in families, with cascading effects on children’s education and mental health because of a sense of insecurity. Some children even lost their concentration, given the overall environment. The women had the additional responsibility to see that children did not turn to the armed groups, which at times appeared an obvious choice since they developed strong anti-state sentiments, witnessing to the army raids.

Some women said they took care of men in their family, who were in hospitals as a result of torture and injuries. In such conditions, they could not take care of their children and the elderly at home. There was also a risk of travelling alone from the town to villages at a time when the conflict was at its peak. Interviewees said that they felt very vulnerable and “faced uncomfortable situations” when they were alone in hospital wards in unknown towns attending to their patients.

The women feared that their belongings would be stolen, especially gold jewellery and other expensive items, during army raids on their homes. They found innovative ways of hiding them, a tragic reflection on lack of trust and therefore a stinging indictment of the reputation of the security forces. In research locations in both Assam and Nagaland, interviewees said they were afraid that the army would take valuables away as they had “heard” of such incidents in nearby villages. The women particularly were afraid for young daughters, who were at home, when the army came for regular raids and searches, frightened by stories of rape by army personnel, though this appeared to be mostly based on hearsay.

A number of women, who were activists submitted memoranda to the administration against army strong-arm methods. They said they were afraid of keeping official letters in their

homes, since the security forces were cracking down on these groups, suspecting links to ULFA and other groups. “So we burned such letters and papers.”

A large number of women respondents said that they did not have faith in laws and government institutions, as they had seen the agencies of the government conduct extreme forms of violence in their villages. They said that since the laws could not save them, nor did they understand them fully; the village and its people had to ultimately support each other. One respondent said that laws were only meant for the police and the army to carry out their activities, there were no visible signs of government and laws protecting their lives. This feeling was echoed in interview after interview in different districts.

Life in the relief camps, the Adivasi women say, is very insecure and many of them want to be rehabilitated to their original villages. The camp situation has brought a great deal of insecurity; sexual exploitation and violence is extensive and they are a haven for illicit businesses and the sanctity of the village is missing.

Women felt that they could no longer trust others especially strangers. Everyone who did not belong to their village was viewed with suspicion. The women would complete their daily work early, eat dinner, and go to sleep. This was because they felt that the army would not come in the darkness. Somehow they found comfort and a sense of security in the darkness of the night.

They were unable to extricate themselves from this difficult situation. “We had to give food to insurgents when they came” because they were afraid. They provided assistance, often under duress, knowing full well that the next day when the army came to the village they would face questioning and harassment. There seemed to be no middle ground—either one was with the insurgents or with the government. The pressure from the army, the police, and government was intense and overbearing especially on women and the manner in which the family was approached was regarded as mentally upsetting.

They were often threatened by the army and asked to give information about insurgents; often their sons and husbands were taken away to army camps without reason, or evidence and beaten.

This led to women in villages forming women groups to try rescue the young men taken away by the army on mere suspicion. The women felt that they were better positioned to pursue such activism in those times, as there was no space for men to do the same, as they could easily be branded as ULFA members, arrested and tortured. This situation also led to a burst of recruitment for ULFA. “The youth who were taken away on mere suspicion became angry and wanted to join the insurgency”. Thus, the army’s actions and the overall atmosphere produced its own set of insurgent recruits.

The interviews also covered the period when the secret killings took place in Assam, when under the apparent protection of the then ruling Asom Gana Parishad Government, members of surrendered ULFA or SULFA were allegedly used by the state to kill a number of relatives of ULFA leaders and prominent cadres, including the brother of Chairman Arabinda Rajkhowa and relatives of former ULFA spokesman Mithinga Daimary.

These attacks came from quarters that they had least expected: “their own people”. There was a sense of betrayal about surrendered ULFA cadres. Their alleged complicity with the government and security forces deeply disturbed interviewees, adding to an overall sense of loss and disillusionment with the movement. The rationale and strategy of the secret killings was “incomprehensible” to many respondents.

The women described the lack of sensitivity of the army towards local sentiments and values and always saw the army as a “force from outside”. A house in perfect order would be ransacked at will; a vegetable garden, neatly laid, would be trampled underfoot by soldiers

in heavy boots, boxes and wardrobes were opened and doors banged upon. The sensitivities of the village women and simple way of life was rudely shaken by the “manner and conduct” of the raids as much as the searches themselves.

Some women did not want to stay in their own homes, where family members had been killed, or where they had witnessed army torture, beatings and regular raids. They would go to some neighbour’s house and choose to stay there instead. Some stopped celebrating local festivals such as Bihu, the annual Assamese spring festival which is known for its burst of energy, dancing, music and feasting, as it coincided with the time of torture and killings. They were afraid to talk to other people – some even felt apprehensive of telling their stories, thinking it could get them in some trouble either with the government or the insurgents.

The women could not communicate well with the army as the latter spoke in Hindi, and the soldiers did not understand Assamese. A general sense of helplessness and vulnerability was sharpened by an inability to communicate in times of crisis. The activists also faced this problem when they visited army camps seeking the release of detainees.

The field interviews threw up some interesting facets of the conflict which have not been discussed earlier. We found people, social activists mainly, who were neither with the insurgents nor with the state forces but preferred to create and maintain a middle space. **They did not support the violence and killings by the insurgents nor the government’s tactics and policies.**

The interviews also convinced us of the need to return to these districts again with the results of our findings, to bring them the Report so that it would initiate a larger debate in society on such issues. This would make people aware of the suffering of the women and their trauma over the years. The actual benefit and purpose of the proposed research will not be fulfilled if this is not done locally among the people.

### **Points of difference between the three districts**

The interviews conducted in Sivasagar district were very different from those in Dhemaji and Kokrajhar, in that the conflict in Dhemaji and in the case of the Adivasi community in Kokrajhar, entire communities were affected and another community was responsible in perpetrating the violence on the affected community. The victims in Sivasagar were affected by the insurgent activity, army and other governmental repression and action, and random bomb blasts as well. The social support system and the coping mechanisms from conflict and violent situations in Sivasagar, were in a way stronger than the ones in Dhemaji and Kokrajhar. The victims in Sivasagar although they did not have adequate access to justice against army or governmental repression, could cope up with the violent situation because of the larger cohesion and understanding in the society and the support structure in the villages were sufficient to provide some order in their



lives. The political and social dynamics of conflicts in the three districts were very different.

The district of Kokrajhar has proved to be one of the most violent spaces in Assam in the past two decades, with it being the epicentre of the long raging Bodo insurgency, led primarily by the BLT and the NDFB. The violent insurgency and fratricidal clashes have led to considerable conflict and killings in the district. Many families have been affected as a result of the intense political battles between the rival factions in the Bodo movement. Even after one of the insurgent factions surrendered in 2003, the spate of violence has not subsided, as the political turf battles has only grown more intense over the passing years.

### 3.4 Findings on trauma and PTSD

The Post Trauma Stress Disorder questionnaire were administered in all the three districts of Dhemaji, Kokrajhar and Sivasagar, and most of the women victims came under the criteria for the evaluation of whether the case was fit for examination of PTSD. The trauma was indeed personal in many cases, related to their families, their husbands, their children and their concern for their well being, apart from the sheer shock arising from the very gruesome acts of violence they were subjected or were witness to in their lives.

The exact meanings and utility of the questions under the PTSD questionnaire although were not comprehensible to many the victims, but very few of them expressed strong statements that they did not demonstrate any signs of PTSD. Most of the victims across the three districts were qualified to be under the PTSD bracket, both at the level of personal traumatic experience as well as the case of the trauma they have witnessed collectively at the community level, especially as in the cases of the Bengali community in Dhemaji and the Adivasi community in Kokrajhar. The victims have demonstrated a strong memory of the events of the violence that they have witnessed in the past and therefore the PTSD questions, when asked evoked mostly affirmative responses.

The distinction between the individual PTSD cases and the case of trauma of the entire community becomes important because the interview process has clearly demonstrated that the violence and killings in the Bengali community villages of Dhemaji and those of the Adivasi community villages in Kokrajhar were seen as inflicted on the entire community, and therefore there was tremendous solidarity within the respective communities. The trauma was more community driven rather than personal, and the community sense of trauma overtook any element of personal trauma. Therefore as we administered the questionnaire, the invocation of PTSD factors came more in the community sense in most case in Dhemaji and Kokrajhar, rather than in the personal sense. The trauma was etched more in the collective memory of the community and there was a prevailing sense that the entire community identity had been attacked.

### 3.5 Civil society responses/interviews with stake-holders

Professor Udayon Misra, distinguished scholar and author, discussed the general conflict situation in Assam with the Assam Team. He talked about the need to cover aspects of community life and community reactions to such incidents of conflict, and examining the concept of relief mechanisms available to people, especially to women who are the most vulnerable section in times of conflict as the team has documented. He was of the firm opinion that the project must progress towards some tangible gains in the communities being studied.

He further emphasized that the aspect of trauma is very personal in nature, and it is extremely difficult, particularly for a woman who has suffered trauma to talk about it. He pointed towards a prevailing sense of cynicism towards accepted law, and the long term effects it would have on democracy. He emphasized the need for maintaining the sanctity of private space of people, which were continuously being subject to violations by governmental and army action in many such theatres of conflict.

He pointed out that militants also sometimes elicit and want governmental repression in conflict societies, which they in turn use for propaganda and to their own benefit. He further emphasized that laws by their very nature were oppressive and were always designed by the state and for the furtherance of its objectives through any means. Laws are never meant for the common people. It is in this context, that the idea of distributive justice in society, the role of the state and its democratic functioning is very important.

Promod Bodo, President of the All Bodo Students Union (ABSU), emphasized the need for urgent civil society intervention to stop the fratricidal killings that were happening in Bodoland, and lamented at the distrust in society, attributing the reason of the conflict to a problem of adjustment arising from the transitional phase in Bodo society where it was grappling between traditional societal values and modern civilization, the dynamics of which were largely unknown. He pointed to the inaction of the Assam government and the Central government towards the strengthening of civil society initiatives by the Bodo Sahitya Sabha and ABSU for peace in Bodoland.

### 3.6 Conclusions and recommendations

- Adequate platforms must be created for strengthening inter-community dialogue with a clear focus towards a larger and proactive participation of women in dialogue for peace.
- The knowledge and remedies against violations under laws such as the Armed Forces Special Powers Act (AFSPA) must be available to the people and especially to women.
- The villages must be provided with adequate counselling facilities for women victims of conflict, and specialized mental health facilities to identify and tackle cases of PTSD.

- The army should be sensitized towards the village customs and traditions and the concept of private space of people especially that of women in society, and adequate confidence building measures and interactions between the people and the army must be undertaken.
- The women victims must be given adequate earning opportunities for their future life and better health and education facilities for their children as absence of this leads to trauma.
- Faster relief and rehabilitation measures must be taken, so that the victim population especially women and children do not have to stay in relief camps for a long period of time, as it has been seen that camps further produce their own set of victims and induce trauma.
- Compensation packages must be delivered on time, in many cases it is too little and too late, victims (especially women) having to run around to gain their rightful compensation.
- State government must enact special laws to protect women from human rights abuses.
- Women committees must be formed in conflict affected villages which check any sort of physical or structured violence against women and human trafficking issues.
- The State Women's Commission must be proactive for women victims of conflict.

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# Appendices

## I

### **Nagaland: Analysis and Interpretation**

- ☐ This chapter deals with analysis of data collected from different samples, namely, from victims and stakeholder groups
- ☐ This chapter consists of two sections.
  - Section 1** comprises of Socio demographic profile district and state wise .
  - Section 2** comprises of data obtained from the questionnaire.

### ***Villages and towns covered: District wise***

☐ A total of 3 districts were covered

1. Kohima
2. Peren
3. Tuensang

*Both urban and rural areas were covered across the three districts.. A total of 123 victims were covered during the course of the study. The break up of victims across rural and urban areas across the three districts can be seen in the following slides*

## **Section 1: Socio demographic profile in districts and state.**



### 1.i) Villages and towns covered:Kohima

<i>Villages/Towns Per District</i>	<i>Locale: Rural/Urban</i>	<i>Total No of Victims interviewed</i>
<b>KOHIMA</b>		
1. Khuzama	Rural	4
2. Viswema	Rural	4
3. Jakhama	Rural	3
4. Chedema	Rural	5
5. Kchima Town	Urban	4
6. Kchima Village	Rural	4
7. Gariphema	Rural	2
8. Tuophema	Rural	1
9. Kgwema	Rural	1
10. Khoroma	Rural	6
11. Jatsoma	Rural	8
	<b>District Total</b>	<b>42</b>

*Of the total 42 victims covered 10% was from the Urban area, the remaining 90% of them being from the rural areas.*

### 1.ii) Villages and towns covered:Peren

<i>Villages/Town s Per District</i>	<i>Locale: Rural/Urban</i>	<i>Total No of Victims interviewed</i>
<b>PEREN</b>		
1. Benreu	Rural	7
2. Ngwalwa	Rural	7
3. Poilwa	Rural	6
4. Peren Town	Urban	3
5. Peren Namtsi	Rural	1
6. Punglwa	Rural	2
7. Punglwa B Village	Rural	1
8. Gaili	Rural	1
9. Heninglunglwa	Rural	1
10. Kejunglwa	Rural	1
11. Samziuram	Rural	2
12. Jalukie Town	Urban	1
13. Saijang	Rural	1
14. Athibung	Rural	1
15. Mbaupungwa,	Rural	1
16. Azailong	Rural	2
17. Nkialwa	Rural	1
18. Tening Town	Rural	1
	<b>District Total</b>	<b>40</b>

*Of the 40 victims interviewed in Peren district,10% were from the urban areas and the remaining 90% from the rural areas*

### 1.iii) Villages and towns covered:Tuensang

Villages/Towns Per District	Locale: Rural/Urban	Total No of Victims interviewed
<b>TUENSANG</b>		
1. Chessore	Rural	5
2. Shiponger	Rural	2
3. Longoker	Rural	3
4. Sotokur	Rural	2
5. Kuthur	Rural	2
6. Sangphur	Rural	1
7. Muangkliur	Rural	1
8. Tsasher	Rural	1
9. Pathso	Rural	3
10. Pang	Rural	1
11. Pangsha	Rural	1
12. Noklak	Rural	1
13. Sipongsang	Rural	1
14. Tuensang	Rural	1
15. Sanglao	Rural	1
16. Lengnyu	Rural	1
17. Chemong	Rural	1
18. Pongronger	Rural	1
19. Hakchang	Rural	1
20. Sangsangnyu	Rural	1
21. Angongba	Rural	1
22. Lesse	Rural	1
23. Pimeahire	Rural	2
24. Chare	Rural	1
25. Chunglor	Rural	3
26. Tsadong	Rural	1
27. Tuensang town	Urban	1
<b>District Total</b>		<b>41</b>

*The figures indicate that only 4% was urban whereas the rest 96% areas covered was rural.*

*In Tuensang district 27 villages/towns were covered. Tuensang is also a backward district of Nagaland and comprises of different tribes like Chang, Yimchungrü, Sangtam, Khiamniungan etc. Of the 27 covered only one is urban, Tuensang town is also the headquarters of Tuensang district.*

### 1.iv) Summary : State wise

- A total of 55 villages and towns have been covered in the present study, 4 (7%) of them was urban and 51 (93%) of them rural.

- About 93% of victims (114 out of 123) of conflict interviewed in the present study reside in rural areas whereas a small percentage of victims 7% (9 out of 123) reside in urban areas.

*\* Nagaland has a predominantly rural population and although places like Kohima and Dimapur have mixed populace all tribes generally reside in their respective districts. There are only a few areas/towns that are designated as urban and the rest are comprised of villages and rural settlements. Even most of the towns really are only semi-urban.*

## 1.2 Villages and towns covered:Block wise

District	Block	Town	Village	Total number of villages/towns covered per block
Kohima	Kohima	1	4	5
	Jakhama	0	4	4
	Chiephobozou	0	2	2
	<b>Total</b>	<b>1</b>	<b>10</b>	<b>11</b>
Peren	Peren	1	3	4
	Tening	0	6	6
	Jakhe	1	7	8
	<b>Total</b>	<b>2</b>	<b>16</b>	<b>18</b>
Tuensang	Chesore	0	14	14
	Longkhim	0	10	10
	Sangsangyu	0	5	5
	Shamator	0	4	4
	Noklak	0	7	7
	Thonoknyu	0	1	1
	<b>Total</b>	<b>0</b>	<b>27</b>	<b>27</b>
<b>State Total</b>				<b>55</b>

*This table shows the town /village break up in each block covered in each of the three districts*

## 1.3 Profile of victims-Gender wise

District	No.of victims covered	Gender	In %
Kohima	42	Female	100%
Peren	40	Female	100%
Tuensang	41	Female	100%
<b>Total</b>	<b>123</b>	<b>Female</b>	<b>100%</b>

*As the study's main objective was to study the impact of conflict on women, the investigators had taken care to identify women victims in all the three focused districts. However, the study has also in the course of investigations met with household members, including male members who were given the opportunity to express their feelings, opinions and angst in many cases.*

## 1.4 Profile of victims-Age wise

Age group	Kohima	Peren	Tuensang	State Total
Base	42	40	41	123
Figures in %				
16-25 years	0	0	0	0
26-35 years	0	2.5	0	0.8
36-45 years	2.3	0	14.6	5.7
46-55 years	7.4	15	2.4	8.1
56 & above	90.5	82.5	82.9	85.4

Of the 123 victims interviewed none fell under the relatively lower age group of 16-25. Only 0.8% of the victims covered were from the age group 26-35 years. Another 5.7% were from the age group 36-45 years. 8.1% were from the middle age bracket of 46-55 years. The highest numbers of victims (85.4%) were from the highest age bracket of 56 and above.

It may be mentioned that many of those interviewed were in their 70s and 80s.

*One old woman victim from Punglwa of Peren district even said she was more than a century. The general trend seemed to indicate that older generations had suffered a lot more. They also suffered from lack of education, ignorance of rights, lack of legal/judicial/administrative mechanisms, fear of the army and armed persons/militants etc. Many of the older women had also been made victims many times over, having lived through several different kinds of conflicts.*

## 1.5 Profile of victims by Marital status

Marital status	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
Figures in %				
Married	61.9	30	65.9	53
Unmarried	7.14	5	4.9	6
Divorced	2.4	5	0	2
Widow	28.6	55	24.4	38
Remarried	0	0	2.4	1
No answer	0	5	2.4	2

The table above indicate that more than half of the women (53%) were married and about 6 % were unmarried. A victim from Tuensang, gang-raped by Indian soldiers, had specifically mentioned that the reason for her remaining single was not by choice but because of the social stigma that is attached to such victims. Divorced women formed about 2% of the total. Divorce is not very common among Nagas as a rule. Some of the women did mention that the conflict could have indirectly led to the divorce/affect marriage/relationships. About 38% of the women were widows. Some women said that their husbands had been killed by the Indian army and some by the Naga army. Rarely women victims (1%) had remarried. 2% preferred not to talk about their marital status.

*Clearly the Indo Naga conflict has widowed many women. Some of the women cried that their most painful experience was being widowed and being forced to take on the responsibilities of men and bringing up the children alone. In many cases losing their loved ones, most often the bread earner is associated with escalated poverty leading to inability to support the education of children and compromising on quality of life in general.*

## 1.6 Profile of victims by Community

Community	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
<i>Figures in %</i>				
SC	-	-	-	-
ST	100	100	100	100
OBC	-	-	-	-
General	-	-	-	-

All 123 (100%) victims interviewed belonged to SC/ST, more specifically ST.

This was due to the fact that all Nagas belonged to scheduled tribes.

*All victims interviewed here belonged to different Naga tribes though there are undoubtedly non Naga victims too, including those residing in Nagaland. Sadly, although the Study approached some known non-Naga victims, they declined to be interviewed. The Study is of the view that the continuing conflict and sense of insecurity might be the reasons.*

## 1.7 Profile of victims by Tribe

District	Tribe	Base	%
Kohima(42)	Angami	41	97.6
	Zeliang	1	2.4
Peren(40)	Kuki	2	5.0
	Zeliang	38	95.0
Tuensang(41)	Khiamniungam	8	19.5
	Yimchungrü	18	43.9
	Sangtam	10	24.4
	Chang	5	12.2
State Total		123	

*In total, victims were from 7 tribes. It may be mentioned here that officially Nagaland has 16 recognized tribes although there are many more Naga tribes and sub tribes spread over different states. Although the number of focused Districts was only three the number of tribes covered was more as different tribes live together in many districts*



## 1.8 Profile of victims by Religion

*Religion played an important role in every walk of life.... Many of the victims have expressed that religion played an important role in helping them to cope with their painful experiences and to carry on with their lives.*

Religion	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
<i>Figures in %</i>				
Indigenous	4.8	-	-	1.6
Christian	95.2	100	100	98.4
Hindu	-	-	-	-
mus lim	-	-	-	-
others	-	-	-	-

Overall, a small percentage namely, 1.6% of the women interviewed practiced indigenous religion while an overwhelming majority of 98.4% professed Christianity as their religion. This was not surprising as more than 90% of the total population in Nagaland were Christians.

## 1.9 Profile of victims by Educational status

Educational Status	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
<i>Figures in %</i>				
Primary	31.0	27.5	17.07	25.2
Secondary	2.4	7.5	9.76	6.5
High School	4.8	5	7.32	5.69
Graduate	2.4	2.5	14.63	6.5
Post Graduate	2.4	-	-	0.8
Illiterate	57.1	57.5	51.22	55.3

Majority of the victims were illiterate. About 55.3% were totally illiterate, while 25.2% had basic primary education while few women had gone to secondary school or to college. Only one out of a total of 123 victims was found to be a post graduate. It was the Study Team's view that illiteracy and ignorance were contributing factors in making people vulnerable to victimization.

### 1.10 Profile of victims by Means of livelihood

Means of livelihood	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
<b>Figures in %</b>				
Agriculture	81.0	62.5	75.6	74.0
Private	11.9	7.5	14.6	11.4
Govt service	4.8	5	4.9	4.9
Husband's pension	-	7.5	2.4	3.3
House rent	-	5	-	1.6
Daily wages	-	2.5	-	0.8
Poultry farming	-	2.5	-	-
Retd Govt	2.4	7.5	-	3.3
Politician	-	-	2.44	0.8

**Main source of livelihood**

•In Kohima district the majority of the women (81%) said that agriculture was their mainstay and source of income while 11.90% were privately employed. A small percentage of the women (4.8%) were government employees while 2.4% were retired government employees

•In Peren district the means of livelihood was a little more diversified with 60.5% of women saying that their mainstay was agriculture, 7.5% were privately employed, 5% were government employees, about 7.5% were dependent on their husband's pension, 7.5% relied on their own pension while smaller percentages were dependent on house rent, daily wages, poultry farming etc.

•In Tuensang district about 75.61% were dependent on agriculture. About 14.64% relied on private sources,

•4.88% were dependent on government service while smaller percentages of women on other sources

•like pension, daily wage, house rent etc.

*The overall analysis showed that 74% of women were dependent on agriculture while 11.4% relied on private employment. Only about 4.9% were in government service. Others who depended on husband's pension, own pension, poultry farming, house rent, daily wages the percentages were quite low.*

### 1.11 Profile of victims by Annual Income

Annual Income	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
<b>Figures in %</b>				
BPL	35.7	75	53.7	54.5
20000-50000	54.8	7.5	36.6	33.3
Above 50,000	9.5	17.5	9.8	12.2

•In Kohima district more than half of the women (54.8%) were in the income bracket of Rs 20,000 - Rs 50,000 per annum while a good percentage (35.7%) was in the BPL category and only 9.5% were above the Rs 50,000 income bracket.

•In Peren district a good majority of the women (75%) were found to be in the BPL category while 17.5% said that their income was above Rs 50,000 per year. About 7.5% of women reported that their income fell between Rs 20,000-Rs 50,000 per annum.

•In Tuensang district too majority of the victims (53.7%) fell under BPL category. About 36.6% were in the middle bracket of Rs 20000-Rs 50000 per annum while 9.76% said that their income was above Rs 50000 per year.

*All Nagaland figures show that majority of the victims (54.5%) came from the poorer sections, namely BPL Category which goes to show that the poor are hardest hit and are prone to being victimized which compounded their helplessness. About 12.20% said that their income was more than Rs 50000 per annum.*

### 1.12 Profile of victims by Residence

Residence	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
<i>Figures in %</i>				
Own House	81	90	100	90.2
Rented	2.4	5	-	2.4
In laws	2.4	2.5	-	1.6
Ancestral	11.9	-	-	4.1
Son's house	-	2.5	-	0.8
Govt Quarters	2.4	-	-	0.8

- In Kohima majority (81%) lived in their own house while 11.9% lived in ancestral homes.
- In Peren 90% lived in their own homes.
- In Tuensang 100% lived in their own homes.
- The Nagaland figures show that a very high percentage of women victims (90.2%) lived in their own homes which was quite significant.

*This meant that though majority lived under poverty line they at least had a roof over their heads. This also brought to the fore the traditional role of the family and community in caring for one another and providing a sense of security and protection to the extent that was possible. There were also traditional lands and fields which the women victims could cultivate. This is also due to the fact that majority of the women live in villages where there is still plenty of space and almost every family have their own land though small. For other categories such as living in rented houses, living with in laws, ancestral home, son's house, government quarter etc. the percentages are quite low.*

### 1.13 Profile of victims by family structure

Nature of family	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
<i>Figures in %</i>				
Nuclear	78.6	75	97.6	83.7
Joint	21.4	25	2.4	16.3

Across districts, majority of the victims lived in a nuclear family set up, the figure being slightly higher in Tuensang at 97.6%.

*Throughout Nagaland, a high majority of women victims, 83.7% were living in nuclear families while 16.3% of families preferred to live jointly.*

### 1.14.i) Profile of victims by birthplace

Locale of Place of Birth	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
<i>Figures in %</i>				
Rural	97.6	97.5	100	98.4
Urban	2.4	2.5	-	1.6

All Nagaland figures reflected the district trend. A high majority of 98.4% of the women respondents were from rural background and only 1.6% were born in towns which were designated as urban areas. This was to be expected because majority of Nagas were based in villages and there were only a small number of towns or urban areas in the whole state.

### 1.14.ii) Profile of victims by No. of yrs spent at place of birth

No of years resided at birth place	Kohima	Peren	Tuensang	State Total
Base:	42	40	41	123
<i>Figures in %</i>				
Below 10 years	-	2.5	-	0.8
11-20 years	2.4	30	-	10.6
21-30 years	2.4	32.5	4.88	13.0
31-40 years	2.4	-	9.76	4.1
41-50 years	4.8	7.5	2.44	4.9
51-60 years	16.7	-	21.96	13.0
61-70 years	11.9	2.5	34.15	16.3
71-80 years	9.5	17.5	26.83	17.9
80 above	11.9	7.5	-	6.5
No response	30.1	-	-	13

In the overall analysis it was found that only 0.8% had lived upto 10 years in their place of birth. 10.6% had lived up to 20 years, 26.83% for 30 years, 4.1% for 40 years, 4.9% for 50 years, 13% for 60 years, 16.3% for 70 years, 17.89% for 80 years, 6.50% for 80 years and above.

The general trend seemed to be that most people had lived in the same place all their lives and there had not been much movement. If there was a temporary disruption like having to live in the jungle for sometime, even years, they usually came back to their original village and place of birth.

### **1.14.2 Profile of victims by Districtwise/Statewise Categorization of Place of Birth of Victims**

District	Place of Birth	State	No	Fig in %	District Total
Kohima	Kohima District	Nagaland	42	100	42
Peren	Peren District	Nagaland	36	90%	40
	Tamenglong,	Manipur	3	7.5%	
	Churachandpur	Manipur	1	2.50%	
Tuensang	Tuensang	Nagaland	41	100%	41
State Total			123	100%	123

In total the birth place of women victims were spread over the districts of Kohima, Peren and Tuensang. In the case of women from Peren district 10% were found to have migrated from Manipur state.

*It may be mentioned that Zeliangrongs who were the major tribe in Peren district lived scattered in different states such as Assam, Manipur and Nagaland. And the contiguity of the borders made the migration easier.*



## II

### **Assam: Analysis and Interpretation**

#### **Section 1:**

**Socio demographic profile  
district and state wise .**

## ***Districts covered***

A total of 3 districts were covered namely Sibsagar, Dhemaji and Kokrajhar. The break up of the sample size is shown here:

<i>Districts covered</i>	<i>Sibsagar</i>	<i>Dhemaji</i>	<i>Kokrajhar</i>	<i>Total</i>
<b>Sample size covered</b>	66	42	45	153

*Both urban and rural areas were covered across the three districts. A total of 153 victims were covered during the course of the study.*

## ***Profile of victims-Age wise***

<b>Districts:</b>	<b>Sibsagar</b>	<b>Dhemaji</b>	<b>Kokrajhar</b>	<b>Total</b>
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<i>Figures in %</i>				
15-25	8	0	7	5
25-35	27	12	44	28
35-45	24	19	27	24
45-55	21	21	13	19
55 and above	20	48	9	24

Of the 153 victims interviewed only 5% fell under the relatively lower age group of 15-25. The highest percentage (28%) of victims were from the age group 25-35.

### ***Profile of victims-Marital status***

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<i>Base:</i>	66	42	45	153
<i>Figures in %</i>				
Married	59	50	42	52
Unmarried	3	0	4	3
Widow	38	45	53	44

The table above indicate that more than half of the women (52%) were married and about 3 % were unmarried. 44% of the victims were widows. Percentage of married victims is highest in the Sibsagar district.

### ***Profile of victims-Community***

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<i>Base:</i>	66	42	45	153
<i>Figures in %</i>				
SC	6	55	0	18
ST	2	26	51	23
OBC	86	19	49	57
General	6	0	0	3

At an overall level and in Sibsagar the highest % of victims belonged to the OBC community. In Dhemaji almost half the women interviewed belonged to the SC community whereas in Kokrajhar, 51% of the victims belonged to the ST category.

### ***Profile of victims-Religion***

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<b>Figures in %</b>				
Indigenous faith	0	0	0	0
Christian	0	0	36	10
Hindu	83	100	64	82
Muslim	17	0	0	7

A vast majority of victims interviewed ,belonged are followers of the Hindu religion.This observation is uniform across all districts.

### ***Profile of victims- by Educational status***

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<b>Figures in %</b>				
Primary	17	10	9	12
Secondary	20	5	31	19
High School	42	0	18	24
Graduate	6	0	2	3
Post Graduate	2	0	2	1
Illiterate	14	85	38	17

At an overall level,more than 4/5<sup>h</sup> of the victims interviewed were literate with the minimum level of education being ,Primary education. But education level is skewed across districts. As seen, illiteracy among victims is highest(85%) in Dhemaji. Sibsagar has the highest (86%) of Literate victims.

### ***Profile of victims- by Means of livelihood***

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<b>Figures in %</b>				
Agri	56	79	31	55
Private	38	17	60	39
Govt. service	23	7	16	16

The overall analysis showed that 55% of the women depended on agriculture for their livelihood. This dependency is highest in the Dhemaji district followed by Sibsaagar and then by Kokrajhar. 60% of the Women in Kokrajhar are engaged in Private service-

### ***Profile of victims- by Annual Income***

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<b>Figures in %</b>				
BPL	35	93	80	64
Rs. 20,000-50,000	42	5	13	24
Above Rs. 50,000	23	2	7	12

More than 60 % of the victims are below poverty line. This shows that the economically weakest section is also the worst hit. This figure is highest (93%) in the district of Dhemaji.



## Profile of victims- by Residence

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<b>Figures in %</b>				
Own house	82	98	53	78
Rented	6	2	40	15
In laws	5	0	4	3
Ancestral	8	0	2	4

Though majority of the women live below the poverty line (as seen in the previous data) atleast they have a roof over their heads as at an overall level 78% of the women live in their own house.

## Profile of victims- by family structure

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<b>Figures in %</b>				
Nuclear	91	79	96	89
Joint	9	21	4	11

Across districts Sibsaagar and Kokrajhar and also at an overall level, women have a nuclear family set up. In Dhemaji almost 20% of the victims have a joint family set up

## Profile of victims- by birthplace

Districts:	Sibsagar	Dhemaji	Ko krajhar	Total
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<b>Figures in %</b>				
Rural	89	93	93	92
Urban	11	7	4	8

All Assam figures reflected the district trend as well with majority (more than 90%) of the victims having a rural background.

### ***Profile of victims- Place of last residence and reasons for change in residence***

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<i>Figures in %</i>				
Rural	74	100	91	86
Urban	26	0	9	14

Districts:	Sibsagar	Dhemaji	Kokrajhar	Total
<b>Base:</b>	<b>66</b>	<b>42</b>	<b>45</b>	<b>153</b>
<i>Figures in %</i>				
Employment	8	5	0	5
Marriage	89	26	58	63
Education	2	0	0	1
Family moved	0	69	42	31

Majority of the women are residents of villages with marriage being the primary reason for change in residence at an overall level. This trend is not reflected in Dhemaji and Kokrajhar, where a majority (69%) in Dhemaji and 42 % in Kokrajhar, stating that they had to move away from their earlier residence.

# III

## Questionnaire

### 1. Questionnaire for Public Response Appraisal

1. Has there been any violent incident or conflict in your village/ town?
2. What was the incident and when did it happen?
3. Have you witnessed it?
4. Have families been affected, been victims?
5. Are they here and could we meet with them?

### 2. Section I: Socio Demographic Profile

1. Name of the village:.....
2. Name of the Block:.....
3. Name of the district:.....

#### Profile of the Respondent:

4. Sex: Male Female
5. Age: 15-25 25-35 35-45 45-55 55 and above
6. Marital status: Married Unmarried Divorced Widow
7. Community: SC ST OBC General
8. If SC/ST, kindly specify.....
9. Religion: Indigenous faith Christian Hindu Muslim  
Any other.....
10. Educational status: Primary Secondary High School Graduate  
Post Graduate  
Any other.....
11. Means of livelihood: Agri Private Govt. service  
Any other.....

12. Annual income: BPL Rs. 20,000-50,000 Above Rs. 50,000

13. Residence: Own house Rented In-laws Ancestral

Any other.....

14. Family: Nuclear/Joint

15. Members of the household:

Relationship with Respondent	Age	Marital Status	Level of Education	Occupation

16. Total number of family members.....

17. • Place of birth.....
  - Rural Urban
  - No. of years resident.....
  - District.....
  - State.....

18. Last Residence
- Place of last residence.....
  - Rural Urban
  - No. of years resident.....
  - District.....
  - State.....

19. Reasons for change of residence
- Employment Marriage Education Family moved
- Any other (specify).....

### 3. Personal Experiences

- A. Section I PTSD profile**
- B. Section II Personal experiences**

#### (I) Set of questions developed by National Institute of Health (US) which are internationally accepted as indicative of whether a person has suffered from/suffers from PTSD:

In your life have you ever had any experience that was so frightening, horrible or upsetting that, in the past month, you:

1. Have had nightmares about it or thought about it when you did not want to (Y/N)
2. Tried hard not to think about it or went out of your way to avoid situations that reminded you of it? (Y/N)
3. You were constantly on guard, watchful or easily startled (Y/N)
4. Felt numb or detached from others, activities or your own surroundings (Y/N)

#### (II) Personal experiences

1. Has there been any violent incident or conflict in your village? (What was the incident/experience that has given you nightmares etc.? Did you witness it personally or have you been affected through members of your family who experienced such trauma?)
2. What was the incident? Did you witness it personally? What was the reason for the violent incident/event and could it have been averted?
3. Have you or your family been affected or been made victim/s of that incident (s)? In what way? (For example, Has your health suffered as a result of these events: in what manner: psychological, physical including impacts on family, friends, relatives etc.)
4. What was/were the most difficult/painful experience/s in your life? (do you feel your sacrifices/sufferings have been worth it? If so, why?)
5. Have you spoken about this incident (s) to anyone i.e. a relative, a friend or counselor or complained to the authorities in the village or district or at the state level?
6. Did anyone respond or offer help? (Eg. Did anyone come to investigate the claim and do something about it or give assurance that “something” would be done? What and when was that

“something” promised? Was any counselling service available and did you avail of it?)

7. Through your most difficult days/experiences, what gave you the greatest satisfaction?
8. What gave/gives you the greatest pain?

#### Challenges posed by the events

9. Do you now feel secure for yourself and your family in the environment of conflict you have lived/live under? Is/Are there legal mechanism/s to protect you? Have you heard about ASFSPA and the Disturbed Areas act (and NSRA) and what are your views?
10. Do you think the government machinery has been able to create a secure environment? If so how? How could the government have done better? What about the non-state groups?
11. Are there any traditional institutions or contemporary institutions (government, religious etc.) which have helped you in any way in coping with the situation?
12. Has the Conflict affected the education, livelihood prospects and residence of members of your family? Have any persons moved out of the village as a result of the same?
13. In your view, what role do women cadres play in the movement? Why do they join the movement? Do they play leadership roles or are they only supporting figures?
14. Is the overall conflict creating discord and interpersonal conflicts within the village and the family?
15. Do you think that social values have changed for the worse as a result of the conflict? For example, in your opinion, what are the social problems that have come about as a result of conflict? Is there a problem with HIV/AIDs in your area? Is human trafficking a problem in your area?

#### Past and future

16. What was (were) the reason (s) for the conflict in your area? (How do you think it can be resolved?) What are your deepest longings for your family/society etc? How many people are there whom you look up to with respect and would like to emulate?
17. As a woman how did/do you view your role/contribution in family/ society? Is there anything that gives you hope for the future and that things will be different? (This could be a specific development, an/event/or the activities of an organization). In your mind what kind of legacy have you left/would like to leave behind for your children/society?

### 4. Questionnaire for Stake-holder Groups/ Individuals

*(Note: this would be discussed with Nagaland State Commission for Women, Dept for Women Development, Nagaland University Women's Study Center, Tribal Women Leaders, Naga Hohos and Tribal Leaders, Men/women and other organizations; also Govt Officers – Justice Dept/Lawyers/Healthcare Providers/Police/Army etc.*

1. Please share your views on the conflict that exist in the state that impact women in particular.
2. What is the biggest factor in terms of impact on women?
3. How has/have the conflict(s) affected women in particular, in the following areas:
  - i) Education
  - ii) Health
  - iii) Economy
  - iv) Occupation/career/employment/incomes
  - v) Daily life & activities
  - vi) Society's development & progress
  - vii) Family emotions/psychology
  - viii) Family functioning/wellbeing
  - ix) Family structure/social structure
4. What are the special provisions/laws for women in the state (respective departments): kindly provide details
5. Are women accessing or using these policies/provisions? If not, why not? (i.e. Are they aware of the existence of such provisions?)
6. Do you think the existing provisions/policies/laws are adequate and helpful? Do they require modifications and changes to make them more people-friendly and effective i.e. Are the laws/policies too complicated for women to understand and access them?
7. What challenges do you face in their implementation and how are these to be overcome?



# IV

## List of Villages/Towns of Victims Covered (Nagaland)

District	Name of village/town	Number	District	Name of village/town	Number
Kohima	1. Khuzama	4	Tuensang	Chessore	5
	2. Viswema	5		Pathso	3
	3. Kohima/Village	8		Sangsangyu	1
	4. Chedema	5		Longtoker	3
	5. Jakhama	3		Hakchang	1
	6. Gariphema	2		Kuthur	2
	7. Jotsoma	8		Sotokur	2
	8. Khonoma	6		Shiponger	2
	9. Botsa	1		Lengyu	1
	Total: 42			Chungtor	3
Peren	Benreu	15		Chare	1
	Athibung	1		Lerise	1
	Mbaupunggwa	4		Chemong	1
	Poilwa	5		Pangsha	1
	Gaili	2		Tuensang Town	1
	Peren town	1		Pongronger	1
	Nzei Nsen (Tamenglong, Manipur)	1		Tsasher	1
	Peren Village	1		Pang	1
	Ngwalwa old	1		Sanglao	1
	Nzauna	1		Muleangkiur	1
	Punglwa old	3		Phireahire	2
	Bakie (Manipur)	1		Tuensang Village	1
	Bungpilon (Churachandpur, Manipur)	1		Noklak	1
	Bena, Senapati, Manipur	1		Angangba	1
	Tamenglong, Manipur	1		Sangphur	1
	Ntu Village	1		Sipomgsang	1
	(5 from Manipur)	Total: 40		Tsadong	1
				Total: 41	

# V

## List of Villages/Towns of Victims Covered (Assam)

- I. Name of villages of Sivasagar district,
  - a. Koronga, Forbondhiya, Bogoriting villages of Bokota.
  - b. 1 no Borbil, 2 no Borbil, Konwar gaon of Mahmora constituency.
  - c. Jangal gaon, Na ali Bamun gaon of Geleky town.
  - d. Lakily, Dofola, Lefera, Habigaon, Borhaat, Rohan Gohain gaon of Sapekhati block (Sonari sub division).
  - e. Rong ghar tiniali, Kalugaon, Hatikush, Babupatti, station chari ali of Sivasagar town.
  - f. Dimow and Khatkhathi.
  - g. Khanikor gaon of Amguri.
2. Name of villages, towns of Kokrajhar district.
  - a. Bhatipara, Molangdubi, Haldhibari.
  - b. Rupati nagar, Bodofa Nagar of Kokrajhar town.
  - c. SATC Adivasi camp, Serfanguri.
  - d. Sabkhata Adivasi camp, Gossaigaon sub division.
  - e. Ek no Matiyapara, Telipara, Raipur of Gossaingaon.
  - f. Ramfalbil, Shyamtibari, Rupati gaon.
  - g. 12 no Bhumka, Bismuri, Ultapani of Titaguri block.
3. Name of villages of Dhemaji district,
  - a. Kakobari, panbari, Arnay 83, 2 no Arnay, Ramnagar,
  - b. Jayrampur, Kanchonkuna.
  - c. Kheroni basti, Simen Sapor of Jonai block.

# VI

## Armed Forces (Special Powers) Act 1958

### Special Legislation

- A. The Armed Forces (Special Powers) (28 of 1958) Act, 1958  
(As Amended by the Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972.

An Act to enable certain special powers to be conferred upon members of the Armed Forces in disturbed areas in the states of Assam, Manipur, Meghalaya, Nagaland and Tripura and Union Territories of Arunachal Pradesh and Mizoram.

Be enacted by Parliament in the ninth year of the Republic of India as follows:

### Short title & extent

- I. (1) This Act may be called the Armed Forces (Special Powers) Act, 1958.  
(2) It extended to the whole of the states of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram.

### Definitions

2. In the Act, unless the context otherwise requires:
- (a) "armed forces" means the military forces and the air forces operating as land forces, of the Union so operating;
  - (b) "disturbed area" means an area which is for the time-being declared by notification under Section 3 to be a Disturbed Area;
  - (c) all other words and expressions used herein but not defined and defined in the Air Force Act, 1950, or the Army Act, 1950, shall have meaning respectively assigned to them in the Acts.

3. If, in relation to any States or Union Territory to which this Act extends, the Governor of that state or the Administrator of the Union Territory or the Central Government, in either case, is of the opinion that the whole or any part of the state is in such a disturbed or dangerous condition that the use of armed forces in aid of civil power is necessary, the Governor of that state or the Administrator of the Union Territory or the Central Government, as the case may be, may, by notification in the Official Gazette, declare the whole or such part of such state or Union Territory to be disturbed Area.
4. Any Commissioned Officer, Warrant Officer, or Non-Commissioned Officer or any other person of the equivalent rank in the armed forces may, in a disturbed area
- (a) if he is of the opinion that it is necessary, so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of fire-arms, ammunition or explosive substances;
  - (b) if he is of the opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;
  - (c) arrest without warrant, any person who has committed

a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary.

5. Any person arrested and taken into custody under this Act shall be made over to the officer in charge of the nearest police station with the least possible delay together with a report of the circumstances occasioning the arrest.
6. No persecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the acting Central Government in respect of anything done or purported to be done in exercise of the powers conferred by this Act.
7. (1) The Armed Forces (Assam and Manipur) Special Powers Ordinance, 1958, is hereby repealed.  
(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 22<sup>nd</sup> day of May, 1958.

**Note:-** As from the commencement of this Act, the Principal Act, as extended by notification of the Government of India in the ministry of Home Affairs No. G.S.R., 1970, dated 25<sup>th</sup> November, 1970 to the then existing Union Territory of Tripura shall cease to operate in the state of Tripura.

The aforesaid Act received the assent of the President on 11 September, 1958.

## **B. Assam Disturbed Areas Act, 1955**

**No. TAD/GA/6/56—In exercise of the powers conferred by clause (a) of sub-paragraph of the Sixth Schedule to the Constitution of India, the Governor of Assam is pleased to order that the Assam Disturbed Areas, 1955 (Act XIX of 1955) shall apply to the whole of the Naga Hills with effect from the 1<sup>st</sup> of January, 1956.**

**(Received the assent of the Governor of Assam on the 14<sup>th</sup> of December, 1955)**

(Published in the Assam Gazette, dated the 21<sup>st</sup> December, 1955)

An Act to make better provisions for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Assam.

**Preamble –** WHEREAS it is necessary to make better provisions for the suppression of disorder and for the restoration and maintenance of public order in the disturbed areas in Assam;

It is hereby enacted in the Sixth Year of the Republic of India as follows:

### **Short title, extent and commencement – 1**

- (1) This Act may be called the Assam Disturbed Areas Act, 1955.
- (2) It extended to the (districts of Kohima and Mokokchung in the state of Nagaland).
- (3) It shall come into force at once.

### **Definition – 2**

In the Act “Disturbed Area” means an area which is for the time being declared by notification under section 3 to be a disturbed area.

### **Powers to declare areas to be disturbed areas – 3**

The state government may, by notification in the Official Gazette, declare that the whole or any part of the district of (Naga Hills) as may be specified in the notification as a disturbed area.

### **Powers to fire upon persons contravening certain orders – 4**

Any magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police or any officer of the Assam Rifles not below the rank of Havildar, may, if in his opinion, it is necessary so to do for the maintenance of public order, after giving such warning, if any, as he may consider necessary, fire upon, or otherwise use force even to the causing of death, against any person who is acting in contravention of law or order for the time being in force in a disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or fire-arms, ammunition and explosive substances.

### **Power to destroy arms dump, fortified positions etc. – 5**

Any Magistrate or Police officer not below the rank of Sub-Inspector or any officer of the Assam Rifles not below the rank of Jamadar may, if in his opinion, it is necessary so to do, destroy any arms dump, prepared or fortified positions or shelters from which armed attacks are made or attempted, structure used as training camps for armed volunteers or utilised as hide-outs or shelters by armed gangs or absconders wanted for offences in connection with the disturbances.

### **Protection of persons acting under sections 4 and 5 – 6**

No suit, prosecution or other legal proceeding shall be instituted except with the previous sanction of the state Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

## Repeal of Ordinance V of 1955 – 7

- (1) The Assam Disturbed Areas Ordinance, 1955 (V of 1955), is hereby repealed.
- (2) Notwithstanding such repeal any notification issued, anything done or any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been done or taken as if this Act were in force on the day on which such notification was issued, such thing was done or action was taken.

## C. The Nagaland Security Regulation, 1962

Published in the Gazette of India Extraordinary, Part II, Section I, dated the 11<sup>th</sup> April, 1962.

Promulgated by the President in Thirteenth Year of the Republic of India.

**A Regulation to make special provision for the maintenance of public order by the suppression of subversive activities endangering the safety or security of Nagaland, for the maintenance of supplies and services essential to the life of the community and for the control of possession and disposal of certain articles in Nagaland and for matters connected therewith.**

In exercise of the powers conferred by Article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:

## CHAPTER I

### Preliminary

#### Short title, extent and commencement – 1

- (1) This Regulation may be called the Nagaland Security Regulation, 1962.
- (2) It extends to the whole of Nagaland.
- (3) It shall come into force at once.

#### Definitions – 2

In the Regulation, unless the context otherwise requires,-

1. “controlled article” means olive green cloth, jungle boots, torch, type-writer, duplicator, radio set or such other article as may be declared by the Governor by notification as being likely to be used by goondas for endangering the safety or security of Nagaland;
2. “Deputy Commissioner” includes an Additional Deputy Commissioner;
3. “essential commodities” means food, water, fuel, light or power,

and includes such other things as may be declared by the Governor by notification to be essential of the community;

4. “goondas” includes a hooligan or other tough;
5. “Governor” means the governor of Nagaland;
6. “magistrate” means any person empowered to exercise the powers of the magistrate, as defined in the Code of Criminal Procedure 1898; (5 of 1898);
7. “notified” and “notification” means notified and notification respectively in the Official Gazette;
8. “prescribed” means prescribed by any order or rule made under this Regulation;
9. “protected area” means an area declared under section 4 to be a protected area;
10. “protected place” means a place declared under section 3 to be a protected place;
11. “public servant” includes any public servant as defined in section 21 of the Indian Penal Code (45 of 1860) and any employee of any local authority or railway administration and any person engaged in any employment or class of employment which the Governor may, from time to time, declare by notification to be employment or class of employment essential to the life of the community;
12. “subversive activity” means any activity which is intended or likely
  - (a) to endanger the safety or security of Nagaland;
  - (b) to organise, further or help the illegal acquisition, possession or use of
    - (i) arms, ammunition or military stores as defined in the Indian Arms Act, 1878 (11 of 1878);
    - (ii) explosive substances as defined in the Explosive Substances Act, 1908, (6 of 1908);
    - (iii) corrosive substances;
  - (c) to further the activities of goondas;
  - (d) to prejudice the recruiting of, or the attendance of persons for service in any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants to tamper with the loyalty of such persons;
  - (e) to impede, delay or restrict, or
    - (i) any work or operation, or
    - (ii) any means of transport or locomotion, necessary for the production, procurement, supply or distribution of any essential commodity except in furtherance of any industrial dispute as defined in the Industrial Disputes Act, 1947 (14 of 1947);

### Explanation

- (i) Acts bona fide indicating disapprobation of the policy or measures of the Government with a view to obtaining their alteration by lawful means shall not be deemed to be acts which are intended or are likely to endanger the safety or security of Nagaland.
- (ii) An illegal strike or any illegal lock-out as defined in section 24 of

the Industrial Disputes Act, 1947 (14 of 1947) shall not be deemed to be an act in furtherance of an Industrial dispute for the purposes of sub-clause (e).

- (iii) The illegal acquisition, storage or movement of an essential commodity shall be deemed for the purpose of sub-clause (e), to be an act which is intended and is likely to impede, delay and restrict the operation necessary for the procurement, supply and distribution of such commodity.

## **CHAPTER II**

### **Access to Certain Places and Areas**

#### **Protected places – 3**

- (1) If as respects any place or class of places the Governor considers it necessary or expedient in the public interest or in the interest of the safety and security of such place or class of places that special precautions should be taken to prevent the entry of unauthorized persons, he may by order declare that place, or, as the case may be, every place of that class to be a protected place; and thereupon, for so long as the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purpose of this Regulation.
- (2) No persons shall, without the permission of the Governor or any person in authority connected with the protected place duly authorised by the Governor in this behalf or of the Deputy Commissioner having jurisdiction, enter, or be on or in, or pass over, any protected place and no person shall loiter in the vicinity of any such place.
- (3) Where in pursuance of sub-section (2) any person is granted permission to enter, or to be on or in, or to pass over, a protected place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the authority which granted the permission.
- (4) Any police officer, or any other person authorised in this behalf by the governor, may search any person entering, or seeking to enter, or being on or in, or leaving, a protected place and any vehicle, animal or article brought in by such person and may, for the purpose of the search, detain such person, vehicle, animal or article.
- (5) If any person is in a protected place in contravention of any provision of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the Governor.
- (6) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for the term which may extend to three years, or with fine, or with both.

#### **Protected areas – 4**

- (1) If the Governor considers it necessary or expedient in the public interest or in the interest of the safety and security of any area

to regulate the entry of persons into that area, he may, without prejudice to any other provisions of the Regulation, by order declare into that area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of this Regulation.

- (2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-section (1), no person who was not immediately before the said day resident in the area declared to be a protected area by the said order shall be therein, except in accordance with the terms of a written permit granted to him by an authority or person specified in the said order.
- (3) Any police officer, or any other person authorised in this behalf by the Governor, may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, animal or article brought in such by such person, and may, for the purpose of the search, detain such person, vehicle, animal or article:  
Provided that no woman shall be searched in pursuance of this sub-section except by a woman.
- (4) If any person is in a protected area in contravention of any provision of this section, then, without prejudice to any other proceeding which may be taken against him, he may be removed therefrom by or under the direction of any police officer on duty in the protected area or by any other person authorised in this behalf by the Governor.
- (5) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for the term which may extend to three years, or with fine, or with both.

#### **Forcing or evading a guard – 5**

Any person who effects or attempts to effect entry into a protected place or protected area

- (a) by using or threatening to use, criminal force to any person posted for the purpose of protecting or preventing or controlling access to such place or area, or
- (b) after taking precautions to conceal his entry or attempted entry from any person, shall be punishable with imprisonment for a term which may extend to five years or with fine, or with both.

### **Access to Certain Places and Area and Shifting from Inhabited Areas**

#### **Power to shift persons from inhabited areas – 5A**

- (1) If the Governor considers it necessary or expedient so to do in the public interest or in the interest of the safety and security of Nagaland, he may, by order direct, in respect of any inhabited area to be specified in that order (hereinafter referred to as the said area), that, subject to any exemptions made by general or special order:



- (a) all residents or any class of residents shall remove themselves or be removed from the said area to any other such area for such period as may be specified by him;
  - (b) all residents or any class of residents in the said area shall remain therein for such period as may be specified by the Governor;
  - (c) any animals or property or any specified class of animals or property shall be removed from the said area to another area specified by the Governor; and may do any other act involving interference with private rights of property which is necessary for any of the purpose aforesaid.
- (2) An order may under sub-section (1) for the removal of residents, animals or property may specify;
- (a) the route or routes by which all or any class of residents, animals or property are to remove themselves or be removed therefrom; and may make such other incidental and supplementary provisions as may appear necessary or expedient for the purposes of the said order.
- (3) If any person contravenes any order made under sub-section (1) he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.
- (4) If any order under clause(c) of sub-section (1) is contravened in respect of any animal or property the person in charge of such animal or property shall be deemed to have contravened the order.
- (5) Where the Governor considers that on account of compliance with any order made under sub-section (1) any residents have been adversely affected, the Governor may grant such amount (either in cash or in kind) for their maintenance or relief as he may consider to be just and proper.

## CHAPTER III

### Public Safety and Order

#### Sabotage – 6

- (1) No person shall do any act with intent to injuriously affect, whether by impairing the efficiency or impeding the working of anything or in any other manner whatsoever, or to cause damage to
- (a) any building, vehicle, machinery, apparatus or other property used or intended to be used, for the purposes of Government or of any local authority;
  - (b) any railway as defined in the Indian Railways Act, 1890, (9 of 1890), aerial ropeway as defined in the Bengal Aerial Ropeways Act, 1923 (Beng. Act 7 of 1923), road, canal, canal embankments, protective bunds, sluice-gates, lock gates, bridge, culvert, causeway, aerodrome as defined in the Indian Aircraft Act, 1934, (22 of 1934), airfield, airstrip or any installation thereon or any telegraph line

or post as defined in the Indian Telegraph Act, 1885, (13 of 1885);

- (c) any rolling stock of a railway or aircraft;
  - (d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory;
  - (e) any prohibited place as defined in clause(8) of section 2 of the Indian Official Secret Act, 1923 (19 of 1923);
- (2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty imposed on him by any law or an order of any competent authority to do as they apply to the doing of any act by a person.
- (3) If any person contravenes any provision of this section, he shall be punishable for a term which may extend to seven years, or with fine, or with both.

#### Penalty for subversive acts – 7

If any person commits any subversive act, he shall be punishable with imprisonment or a term which may extend to seven years, or with fine, or with both.

#### Punishment for carrying or possessing arms, etc., in suspicious circumstances – 8

Any person who carries on his person or knowingly has in his possession or under his control any arms, ammunition or military stores as defined in the Indian Arms Act, 1878, (11 of 1878) or of any corrosive substance, in such manner or under such circumstances as to give rise to a reasonable suspicion that he does not carry any such article or substance on his person or have it in his possession or under his control for a lawful object, shall, unless he can show that he was carrying it on his person or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to fourteen years, to which fine may be added.

#### Definition of looting – 9

Whoever commits dacoity, robbery, theft in a building or vehicle or criminal mis-appropriation, if the commission of such offence takes place-

- (a) during a riot or any disturbance of the public peace at or in the neighborhood of the riot, or the place at which such disturbance of the public peace occurs, or
- (b) in any area in which a riot or disturbance of the public peace has occurred and before law and order has been completely restored in such area, or
- (c) in circumstances such that a person whose property is stolen or criminally misappropriated is not, as a consequence of rioting or any other disturbance of the public peace, present or able to protect such property, is said to commit the act of looting.

### **Use of force to stop looting – 10**

Any police officer or other person authorised in this behalf by the Governor may use such force as may be necessary even to the causing of death in order to stop the commission of the act of looting within his view.

### **Curfew – 11**

- (1) For the maintenance of public order or in grounds of public security or for the prevention of smuggling, the Deputy Commissioner may, subject to the control of the Governor, by order direct that, subject to any exemption specified in the order shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by a specified authority or person.
- (2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.
- (3) Any police officer may arrest without warrant any person who is reasonably suspected to have committed, or of committing, a contravention of any order made under sub-section (1)

### **Control of movements of commodities, articles or things – 12**

- (1) If in the opinion of the Governor it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the commodity, he may, by general or special order, prohibit or restrict the movement of any commodity, article or thing (including any vehicle, aircraft or animal), either generally or between any particular places or on any particular route.
- (2) Every order made under sub-section (1) shall remain in force for such period not exceeding three months at any one time as may be specified in the order.
- (3) If any person contravenes any order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both and the court trying the offence shall order that the commodity, article or thing (including any vehicle, aircraft or animal) in respect of which the offence has been committed shall be forfeited to the state.

### **Unofficial uniform – 13**

- (1) If the Governor is satisfied that the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of the Armed Forces or by any member of any Police Force or of any force constituted under the law for the time being in force would be likely to prejudice the public safety or the maintenance of public order, the Governor may, by general or special order, prohibit or restrict the wearing in public of any such dress or article of apparel.
- (2) For the purpose of this section, a dress or an article of apparel shall be deemed to be worn if it is worn so as to be visible to a person in any place to which the public have access.

- (3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

## **CHAPTER IV**

### **Acquisition, Possession, Manufacture, Sale, Import, Export and Transport of Controlled Articles**

#### **Unlicensed possession, sale and disposal of controlled article prohibited – 14**

No person shall

- (a) acquire, have in his possession or under his control or carry; or
- (b) manufacture, sell, transfer, convert or repair; or
- (c) expose or offer for sale or transfer, or have in his possession for sale or transfer; any controlled article except under a license and in the manner and to the extent permitted by such license.

#### **Unlicensed importation and exportation prohibited – 15**

No person shall bring into, or take out of, Nagaland by land or air any controlled article except under licence and in the manner and to the extent permitted by such licence.

#### **Power to restrict or prohibit transport – 16**

The Governor may, from time to time, by notification

- (a) direct that no person shall transport over Nagaland or any part thereof such controlled article as may be specified in the notification unless he holds in this behalf a licence issued under this Regulation; or
- (b) prohibit such transport altogether; or
- (c) modify, alter or rescind any such notification.

#### **Power to establish searching stations – 17**

The Governor may, at any place along the boundary line of Nagaland and at such distance within such line as he deems expedient, establish or cause to be established searching posts at which all persons, vehicles, carts and baggage-animals and boxes, bales and packages in transit may be stopped and searched for controlled articles by any officer empowered by the Governor in this behalf by name or by virtue of his office.

#### **Arrest of persons conveying controlled article under suspicious circumstances – 18**

When any person is found carrying or conveying any controlled article, whether covered by any licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same is being carried or conveyed by him with intent to use it, or that the same may be used, for any unlawful purpose, any person authorised by the

Governor in this behalf by name or by virtue of his office may arrest him without warrant and seize from him such controlled article.

#### **Controlled article to be deposited in certain cases - 19**

- (1) Any person having in his possession any controlled article the possession whereof has, in consequence of the cancellation or expiry or suspension of a licence or by any reason whatsoever, ceased to be lawful, shall without unnecessary delay deposit the same with the officer in charge of the nearest police station or with such other officer as may be prescribed by rules made by the Governor in this behalf.
- (2) When any controlled article has been deposited under sub-section (1), the Governor may authorize the disposal of the same by sale or otherwise and the proceeds thereof shall be refunded to the owner of the said article, provided nothing in this sub-section shall be deemed to authorize the disposal of anything the forfeiture of which has been ordered under section 12 or section 24.

#### **Cancellation and suspension of license – 20**

Any license granted under this Regulation may be modified, altered, varied, canceled or suspended by the authority by whom the same was granted or by any authority to which he may be subordinate, if such authority deems it necessary so to do for the security of the public peace or for public safety.

#### **Penalties – 21**

Whoever

- (a) (i) acquires, has in his possession or under his control or carries, or  
(ii) manufactures, sells, transfers, converts or repairs, or  
(iii) exposes or offers for sales or transfer, or has in his possession for sale or transfer, any controlled article in contravention of section 14; or
- (b) brings into, or takes out of, Nagaland by land or air any controlled article in contravention of section 15; or
- (c) transport over Nagaland or any part thereof any controlled article in contravention of section 6; or
- (d) is found carrying or conveying any controlled article whether covered by any licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same is being carried out or conveyed by him with intent to use it, or that the same may be used, for any unlawful purpose; or
- (e) fails to deposit any controlled article, as required by sub-section (1) of section 19; or
- (f) intentionally makes any false entry in a record or account which by a rule made under clause(d) of sub-section (2) of section 41, he required to maintain; or
- (g) intentionally fails to exhibit fails to exhibit anything which, by a rule made under clause(d) or clause (e) of sub-section (2) of section 14, he required to exhibit

shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

#### **Penalty for breach of licence – 22**

Whoever contravenes any condition of a licence granted under this Regulation for which no punishment is provided elsewhere under this Regulation shall be punishable with imprisonment for a term which may extend to two years, or which may extend to one thousand rupees, or with both.

#### **Penalty for knowingly purchasing controlled articles from unlicensed persons – 23**

Whoever

- (a) knowingly purchases any controlled article from any person not licensed under this Regulation to sell the same; or
- (b) delivers any controlled article into the possession of any person without previously ascertaining that such person is legally authorised to possess the same, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

#### **Power to confiscate – 24**

When any person is convicted under this Regulation of any offence in respect of any controlled article, it shall be in the discretion of the convicting court or magistrate further to direct that the article and any vehicle, or other means of conveyance and any box, receptacle or thing containing, or used to conceal, the article shall be confiscated.

#### **Search and seizure by magistrate – 25**

- (1) Whenever any magistrate has reason to believe
  - (a) that any person residing within the local limits of his jurisdiction has in his possession any controlled article for any unlawful purpose; or
  - (b) that such person cannot be left in the possession of any such controlled article without danger to the public peace or safety, the magistrate, after having recorded the reasons for his belief may cause a search to be made of the house or premises occupied by such person or in which such magistrate has reason to believe that such controlled article is to be found, and may have such article, if any, seized and detain the same in safe custody for such period as he thinks necessary, although that person may be entitled by virtue of this Regulation or any other law for the time being in force to have the same in possession.
- (2) Every search under this section shall be conducted by, or in the presence of, a magistrate or some officer specially empowered on this behalf by name or by virtue of his office by the Governor.

## **Criminal responsibility of persons in occupation of premises in certain cases – 26**

Where any controlled article in respect of which any offence under this Regulation has been or is being committed, if found in any premises, vehicle or other places in the joint occupation or under the joint control of several persons, each of such persons in respect of whom there is reason to believe that he was aware of the existence of the controlled article in the premises, vehicle or the other place shall, unless the contrary is proved, be liable for that offence in the same manner as if the offence has been or is being committed by him alone.

## **Power to take census of controlled articles – 27**

- (1) The Governor may, from time to time, direct a census to be taken of all controlled articles in any area and empower any officer of Government to take such census.
- (2) On the issue of any such notification all persons having in their possession any controlled article in that area shall furnish to the officer concerned such information as he may require in relation thereto and shall produce before him such controlled article if he so requires.
- (3) Any person refusing or neglecting to produce any such controlled article when so required shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

# **CHAPTER V**

## **Requisitioning of Property**

### **Power to requisition property – 28**

- (1) If in the opinion of the Governor it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community or for rehabilitating persons displaced from their residence, lands or shops due to disturbed conditions, he may by order in writing requisition any property, movable or immovable, and may make such further orders as appear to him necessary or expedient in connection with the requisitioning:  
Provided that no place or premises used for the purpose of religious worship shall be requisitioned under this section.
- (2) The Governor may use or deal with any property requisitioned under sub-section (1) in such manner as may appear to him to be expedient.
- (3) The state Government shall pay compensation for any property requisitioned under sub-section (1), and the principles according to which and the manner in which such compensation is to be determined and given shall be as follows:
  - (a) where the amount of compensation can be fixed by agreement, it shall be paid within three months in accordance with such agreement;

- (b) where no such agreement can be reached, the amount of compensation shall be such as an arbitrator appointed in this behalf by the Government may award:

Provided that in the case of immovable property, the arbitrator shall be the Commissioner, Nagaland;

- (c) in awarding the amount of compensation, the arbitrator shall have regard to the pecuniary loss attributable to the requisition and to any other circumstances which he considers to be just and proper;
  - (d) in the case of immovable property, the Governor may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate another person for the said purpose;
  - (e) an appeal shall lie to the High Court against an award of the arbitrator except in cases where the amount of compensation awarded does not exceed five thousand rupees in lump or, in the case of an amount payable periodically, two hundred and fifty rupees per month;
  - (f) the amount awarded as compensation by the arbitrator or ordered to be paid by the High Court on appeal under clause (e) shall be paid within three months of the date of the award made by the arbitrator or, as the case may be, the date of the order of the High Court;
  - (g) save as provided in this sub-section and in any rules made under section 41, nothing in any other law for the time being in force shall apply to an arbitrator under this section.
- (4) Where any immovable property requisitioned under sub-section (1) is to be released from requisition, the Governor may, after making such enquiry, if any, as he considers necessary, specify by order in writing the person who appears to him to be entitled to the possession of such property.
  - (5) The delivery of possession of the immovable property requisitioned under sub-section (1) to the person specified in an order made under sub-section (4) shall be a full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled by due process of law to enforce against the person to whom possession of such property is so delivered.
  - (6) Where the person to whom possession of any immovable property requisitioned under sub-section (1) is to be given cannot be found or is not readily ascertainable or has no agent or other person empowered to accept delivery on his behalf, the Governor shall cause a notice declaring that such property is released from requisition to be affixed on some conspicuous part of such property and publish the notice in the Official Gazette.
  - (7) When a notice referred to in sub-section (6) is published in the Official Gazette, the immovable property specified in such notice shall cease to be subject to requisition on and from the date of

such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Government shall not be liable for any compensation nor other claim in respect of such property for any period after the said date.

- (8) Where any immovable property requisitioned under sub-section (1) is released from requisition, compensation shall also be paid in respect of any damage done during the period of requisition to such property other than what may have been sustained by normal wear and tear or by natural causes, and where the amount of such compensation cannot be fixed by agreement, the matter shall be referred to an arbitrator and thereupon the provision of sub-section (3) which are applicable to immovable property shall, as far as may be, apply.
- (9) The Governor may, with a view to requisition any property under sub-section (1), by order
  - (a) require any person to furnish to such authority as may be specified on the order such information in his possession relating to the property as may be so specified;
  - (b) direct that the owner, occupier, or person in possession of the property shall not without the permission of the Governor dispose of it or, where the property is a building, structurally alter it or, where the property is movable, remove it from the premises in which it is kept, till the expiry of such reasonable period as may be specified in the order.
- (10) Without prejudice to any powers otherwise conferred by this Regulation, any person authorised in this behalf by the Governor may enter any premises between sunrise and sunset and inspect such premises and any property therein or thereon for the purpose of determining whether, and if so, in what manner, and order under this section should be made in relation to such premises or property, or with a view to securing compliance with any order made under this section.
- (11) (a) The Governor may, at any time, by order in writing, require the owner of any immovable property requisitioned under sub-section (1) to execute such repairs therein as he deems necessary and within such time as he may specify in the order.
- (b) If the owner fails to execute or complete such repairs within the time specified, the Governor may cause such repairs to be executed or completed and the cost shall be recoverable from the owner as if it were an arrear of land revenue.
- (c) The Governor may, without prejudice to any other mode of recovery, deduct the cost referred to in clause (b) or any part thereof from the compensation payable to the owner under sub-section (3).
- (12) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

## CHAPTER VI

### Miscellaneous Provisions

#### Power to obtain information – 29

- (1) Without prejudice to any special provisions contained in this Regulation, the Governor may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information, or an article which the Governor considers it necessary or expedient in the interest of the prevention or suppression of subversive acts to obtain or examine:  
Provided that
  - (i) no editor, printer or publisher of a newspaper shall be required to furnish, or produce any such information or article in respect of any matter published in such newspaper, and
  - (ii) no person shall be required to furnish or produce any information or article which, under the provisions or in the Indian Evidence Act, 1872, (I of 1872) he cannot be compelled to furnish or produce.
- (2) No information furnished in pursuance of an order of the Governor under sub-section (1) shall be used in any prosecution against the person by whom the information has been furnished.
- (3) If any person fails to furnish or produce any information or article in compliance with an order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

#### False statement – 30

- (1) If any person, when required by or under any of the provisions of this Regulation to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true in any material particular, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

#### Publication and service of notices – 31

- (1) Save as otherwise expressly provided in this Regulation, every authority, officer or person who makes any order in writing in pursuance of any provision thereof shall publish or serve or cause to be served notice of such order in such manner as may be prescribed by rules made in this behalf.
- (2) where this Regulation empowers an authority, officer, or person to take action by notified order, the provision of sub-section (1) shall not apply in relation to such order.
- (3) If in course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of any provision of this Regulation, compliance with sub-section (2) applies, the notification or the order shall be conclusive proof that he was so informed but a failure to comply with sub-section (1)

- (i) shall not preclude proof by the other means that he had information of the order; and
- (ii) shall not affect the validity of the order.

#### **Attempts etc. to contravene the provisions of the Regulation – 32**

- (1) In any area in which the Governor, as a consequence of apprehended danger to the public in such area, notifies in the Official Gazette in this behalf, any police officer or any person authorised by the Governor in this behalf may in any road, street, alley, public place or open space, stop and search any person in such area for the purpose of ascertaining whether such person is carrying, in contravention of any law for the time being in force, any explosive or corrosive substance or any weapon of offence and may seize any such substance together with its container, if any, or any such weapon or article discovered during such search: Provided that every search shall be made with due regard to decency and that no woman shall be searched except by a woman.
- (2) Any officer authorised in this behalf by general or special order of a Deputy Commissioner or the Superintendent of Police may enter and search any place, vehicle, aircraft or animal and may seize any commodity, article or thing including any vehicle, aircraft or animal which, he has reason to believe, has been, is being, or is about to be used in contravening any order made under sub-section (1) of section 12, or for doing any subversive act.
- (3) Anything seized under sub-section (1) shall be conveyed, and any commodity, article or thing including any vehicle, aircraft or animal seized under sub-section (2) shall be reported, without delay before a magistrate who may give such directions as to the temporary custody thereof as he may think fit, howsoever, that where no prosecution in respect thereof is instituted within a period in his opinion, reasonable, the magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal thereof as he deems expedient.

#### **Cognizance of contraventions of the provisions of the regulation or orders made there-under – 34**

- (1) No court shall take cognizance of any alleged contravention of the provisions of this Regulation or of any order made thereunder except, on a report in writing of the facts constituting such contravention, made by a public servant.
- (2) Proceedings in respect of a contravention of the provisions of this Regulation or of any order made thereunder alleged to have been committed by any person may be taken before the appropriate court having jurisdiction in the place where that person is for the time being.
- (3) No court inferior to that of a magistrate of the first class shall try any offence under this Regulation.
- (4) Any magistrate or Bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, (5 of

1898) may if such magistrate or Bench of magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any procedure of this Regulation or order made thereunder as the Governor may, by notified order, specify in this behalf, in accordance with the procedure laid down in sections 262 and 265 of the said Code.

#### **Saving as to orders – 35**

- (1) No order made in exercise of any power conferred by or under this Regulation shall be called in question in any civil or criminal court.
- (2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Regulation, a court shall, within the meaning of the Indian Evidence Act, 1872 (1 of 1872) presume that such order was so made by that authority.

#### **Protection of action taken under this regulation – 36**

- (1) No suit or legal proceeding shall lie against any person for anything which is deemed to have been in good faith done or intended to be done in pursuance of this Regulation or any order or deemed to have been made thereunder.
- (2) No suit or legal proceeding shall lie against Government for any damage caused or likely to be caused by anything which is or is deemed to have been in good faith done or intended to be done in pursuance of this Regulation or any order made or deemed to have been made there under.

#### **Effect of the provisions of the regulation when inconsistent with other law – 37**

The provisions of this Regulation shall be in addition to and not in derogation of the provisions of any other law for the time being in force or any instrument having effect by virtue of any such law:

Provided that the provisions of this Regulation and any orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in such other law or instrument..

#### **Saving – 38**

No prohibition, restriction or disability imposed by or under this Regulation, unless otherwise expressly provided by any order made by the Governor or by an officer specially authorised by the Governor in this behalf, shall apply to anything done by or under the direction of any public servant acting in the course of his duty as such public servant.

#### **Non-compliance with the provisions of the regulation or any orders made thereunder – 39**

If any person to whom any provision of this Regulation relates or to whom any order made in pursuance of any such provision is addressed or relates or who is in occupation, possession or control of any land,

building, vehicle or other thing to which such provision relates or in respect of which such order is made, fails without lawful authority or excuse, himself or in respect of any land, building, vehicle or other thing of which he is in occupation, possession, or control, to comply with such provision or order, he shall be deemed to have contravened such provision or order.

### **Delegation of powers and duties of the Governor – 40**

The Governor may, by notified order, direct that the power (other than the power given to him under section 41 to make rules) or duty which is conferred or imposed by any provision of this Regulation upon the Governor shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by the Deputy Commissioner.

### **Power to make rules – 41**

- (1) The Governor may, by notification, make rules for carrying out the purposes of this Regulation.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely
  - (a) the appointment, jurisdiction, control and functions of authorities empowered to grant licences;
  - (b) the form in which and the conditions subject to which any licence may be granted, varied, suspended or cancelled;
  - (c) the period for which any licence shall continue to be in force;
  - (d) the maintenance of records or accounts of anything done under a licence other than a licence under clause (a) of section (14), the form of, and the entries to be made in, such records or accounts and the exhibition of such records or accounts to any police officer or to any officer of Government empowered in this behalf;
  - (e) the entry and inspection by any police officer or by any officer of Government empowered in this behalf of any premises or other place in which controlled articles are manufactured or kept by any person holding a licence and the exhibition of the same to such officer;
  - (f) the production of a licence by any person holding the same or acting thereunder and of the controlled article covered by such licence, when called upon to do so by any police officer or any officer of Government empowered in this behalf;
  - (g) the procedure to be followed in arbitrations under Chapter V of this Regulation and the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal;
  - (h) the manner of publication and service of notices referred to in sub-section (1) of section 31;

(i) any other matter which is to be, or may be, prescribed.

- (3) Any person contravening the provisions of any rule under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

## **D. The Assam Maintenance of Public**

### **(Autonomous districts) Act, 1953**

**No. TAD/GA/221/52/27 – In exercise of the power conferred by clause (a) of sub-paragraph (1) of paragraph 19 of the Sixth Schedule to the Constitution of India, the Governor of Assam is pleased to direct that the Assam Maintenance of Public Order (Autonomous districts) Act, 1953 (Act XVI of 1953) shall apply to the Naga Hills District.**

(Received the assent of the Governor on the 26<sup>th</sup> May, 1953)

(Published in the Assam Gazette, dated 3<sup>rd</sup> June, 1953)

An Act to amend the law relating to the maintenance of public order in the Autonomous districts specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution.

**Preamble –** Where as it is expedient to amend and consolidate the law relating to the Maintenance of Public Order in the Autonomous districts specified in Part A of the table appended to paragraph 20 of the Sixth to the Constitution;

It is hereby enacted as follows:

### **Short title, extent and commencement – I**

- (1) This Act may be Called the Assam Maintenance of Public Order (Autonomous districts) Act, 1953.
- (2) It shall extend to (the districts of Kohima and Mokokchung in the state of Nagaland)
- (3) It shall come into force at once.

### **Power to make orders restricting the movement or action of certain persons – 2**

- (1) The state Government, if satisfied with respect to many particular person that with a view to preventing him from acting in any manner prejudicial to the public and the maintenance of public order it is necessary so to do may make an order
  - (a) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or persons as may be specified therein, he shall not be in any such area or place in Nagaland as may be specified in the order:



- (b) requiring him to reside or remain in such place or within such area in Nagaland as may be specified in the order, and if he is not already there to proceed to that place or area within such time as may be specified in the order;
  - (c) requiring him to notify his movements or to report himself or both to notify himself and his movements and report himself in such manner, at such times and to such authority or persons as may be specified in the order;
  - (d) imposing upon such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinion;
  - (e) prohibiting the possession or use by him of any such article or articles as may be specified in the order;
  - (f) otherwise regulating his conduct in any such particular manner as may be specified in the order.
- (2) A District Magistrate may exercise the power conferred by sub-section (1) and an order so made by him shall be valid for a period not exceeding two months.
- (3) When any order is made under sub-section (1) by a District Magistrate or that officer or authority, as the case maybe, shall forthwith report to the state Government, together with the grounds on which the order has been made and such other particulars as, in the opinion of such officers or authority, have a bearing on the necessity for or expediency of the order.
- (4) An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order.
- (5) if any person is in any area in contravention of an order made under provisions of this section or fails to leave any area or place in accordance with the requirements of such an order, then, he may be removed from such area or place by any police officer or by any person acting on behalf of the Government.
- (6) If the state Government has reason to believe that a person in respect of whom such an order as aforesaid has been made has absconded or is concealing himself so that the order cannot be executed, it may:
- (a) make a report in writing of the fact to a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the spirit of the provisions of section 87, 88 and 89 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply in respect of the said person and his property as if the order under clause (a) or (b) of sub-section (1) of section (2) were a warrant by the Magistrate;
  - (b) by order notified in the Official Gazette, direct the said person to appear before such officer, at such place, and within such period as may be specified in the order; and if the said person fails to comply with such direction, he shall, unless he proves that it was not possible for him to

comply therewith and that he had, within the period specified in the order, informed the officer of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

- (7) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and if such person has entered into a bond in pursuance of the provisions of sub-section (4) his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the convicting Court why such penalty should not be paid.
- (8) If any person required to enter upon a bond under sub-section (4) refused or fails to do so within the time specified in the order, he shall be punishable with imprisonment for a term which may extend to one year.

Provided that if during the course of trial or during the period the person is in imprisonment the bond is duly entered upon by him, the trial or the imprisonment, as the case may be, shall abate from the date the bond is entered into.

#### **Duration of orders under section 2 – 3**

An order made under sub-section (1) of section 2 shall be in force for such period as may be specified but not exceeding one year from date on which it is confirmed or modified under sub-section (3) of sub-section 6 unless earlier revoked.

Provided that the state Government may, if and so often it deems necessary or expedient, before the date in which under the section any such order would otherwise have ceased to be in force, and after giving an opportunity to the person concerned to make any representation in writing which he may desire to make and after referring the matter to the Advisory Council and considering its report direct that the order shall continue in force for a further period not exceeding one year at a time as may be specified in the order.

#### **Grounds of order under section 2 (1) to be disclosed to person affected by the order – 4**

Where an order is made in respect of any person under sub-section (1) of section 2, as soon as may be after the order is made, the authority making the order shall communicate to the person affected thereby, so far as such communication can be made without disclosing facts which the said authority considers it would be against the public interest to disclose, the grounds on which the order has been made against him and such other particulars as are in the opinion of such authority sufficient to enable him to make if he wishes a representation against the order, and such person may at any time thereafter make a representation in writing to such authority to inform such person to his right of making such representation and to afford him the earliest opportunity of doing so.

### **Reference to advisory council – 5**

On receipt of the representation referred to in section 4 or in case no representation is received, the state Government, as soon as may be, shall place before the Advisory Council constituted under sub-section (1) section 6 the grounds on which the order has been made and in case such order has been made by an authority or officer subordinate to it, the report made by him under sub-section (3) of section 2 and the representation, if any, made by the person concerned.

### **Constitution of advisory council – 6**

- (1) The state Government, whenever necessary, shall constitute and Advisory Council consisting of not less than three members, one of whom shall be a person qualified to be a Judge of a High Court and he shall be its Chairman.
- (2) The Advisory Council shall, after considering the material placed before it and if necessary, after calling for such further information from the state Government or from the person concerned, as it may deem necessary, submit the date of the order made under sub-section (1) of section 2.
- (3) After considering the report of the Advisory Council, the state Government may confirm, modify or cancel the order made under sub-section (1) of section 2.
- (4) The Chairman and the members of the Advisory Council shall for the purpose of this Act be deemed to be holding office within the meaning of sub-section (6) of section 2 of the Indian Official Secrets Act, 1923 (Act XIX of 1923)

### **Imposition of collective fines on inhabitants of any area – 7**

- (1) If it appears to the state Government that the inhabitants of any area are concerned in or abetting the commission of offences prejudicially affecting the public safety or the maintenance of public order, or the maintenance of supplies or services necessary to the life of community, or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders or are suppressing material evidence of the commission of such offences, the state Government may, by notification in the Official Gazette, impose a collective fine on the inhabitants of that area:

Provided that an imposition of a collective fine by any authority on whom the power may have been delegated under this Act may be made by publication of the order imposing the fine in any such manner as such authority may consider best calculated to bring the order to the notice of the inhabitants of the area concerned.

- (2) The state Government or any officer empowered in this behalf by the state Government by general or special order may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.
- (3) The District Magistrate, after such enquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collective to pay it, and such apportionment shall be

made according to the districts Magistrate's judgement of the respective means of such inhabitants.

- (4) In any such apportionment the District Magistrate may assign a portion of such fine to a joint or undivided family to be payable by it.
- (5) The portion of such fine payable by any person (including a Hindu undivided family) may be recovered-
  - (a) in the manner provided by the Code of Criminal Procedure, 1898 (Act V of 1898), make rules under this Act regulating the manner in which warrants under clause (a) of sub-section (1) of the said section of the said Code are said to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or
  - (b) as arrear of land revenue.

### **Control of meetings, processions etc. – 8**

- (1) The state Government may for the purpose of maintaining public order by general or special order prohibit, restrict or impose conditions upon the holding of processions, meetings or assemblies by a class of persons or organisations whose activities, in the opinion of the state Government, are subversive of law and order.
- (2) If any person contravenes any order issued under this section, he shall be punishable with imprisonment which may extend to two years or with fine or with both.

### **Control of camps, drills or parades – 9**

- (1) The state Government in the interest of public order by an order prohibit or impose such conditions as may be necessary on the holding of camps or performances of drill or parade with or without arms, or any article, weapon or implement capable of being used as arms by any class of persons or organisations whose activities are in the opinion of the state Government subversive of law and order.
- (2) Any contravention of an order made under this section shall be punishable with imprisonment which may extend to two years or with fine or with both.

### **Control of use of loudspeakers, megaphones etc. – 10**

- (1) The state Government may, for the purpose of preventing activities, which in their opinion undermine the security of or tend to overthrow the state by general or special order, prohibit, restrict or impose conditions on
  - (i) the use or operation in any street, square, public place or any other place of any apparatus for amplifying the human voice, such as megaphones or on an electrically operated loudspeaker; and
  - (ii) the use or operation or driving in any street, square, public place or any other place of any vehicle which carries or has attached to it any apparatus referred to in sub-clause (i).

- (2) If any person contravenes any order issued under this section, he shall be punishable with imprisonment which may extend to two years or with fine or with both.
- (3) The apparatus referred to in sub-clause (i) together with the vehicle, if any, to which it may be attached shall be liable to be forfeited to the state Government if it be used or operated in contravention of an order passed under this section.

#### **Prevention of prejudicial act – 11**

- (1) No person shall, without authority or excuse, do any prejudicial act.
- (2) If any person contravenes the provision of sub-section (1) he shall be punishable for a term which may extend to two years or with fine or with both.

**Explanation –** For the purpose of this section prejudicial acts means any act, including shouting slogans, which is intended or is likely to undermine the security of, or tends to overthrow the state.

Provided that *bona fide* acts indicating disapprobation of the policy or measures of the Government with a view to obtaining their alteration by lawful means shall not be deemed to be acts which are intended or are likely to undermine the security of or tend to overthrow the state.

#### **Power of photographing etc – 12**

- (1) The state Government or any District Magistrate may further direct a person on whom any order under section 2 of this Act has been passed that such person shall
  - (a) allow himself to be photographed;
  - (b) allow his finger and thumb-impression to be taken; and
  - (c) furnish specimens of his handwriting and signature.
- (2) If any person contravenes any order issued under this section, he shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

#### **Punishment for carrying or possession of corrosive substance or liquid – 13**

Any person who carried on his person or knowingly has in his possession or under his control any corrosive substance or liquid, under such circumstances as to give rise to a reasonable suspicion that he does not carry it on his person or have it in his possession or under his control for a lawful object, shall unless, he can show that he was carrying it on his person, or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

#### **Delegation of powers and duties of state government – 14**

The state Government may by order direct that any power or duty except the power to make orders under section 2 (2) (a) and (b), which is conferred or imposed on the state Government, shall in such circumstances and under conditions, if any, as may be, an officer not below the rank of a District Magistrate, or Additional District Magistrate.

#### **Protection of action to be taken under this Act – 15**

No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

#### **Application of other laws not barred – 16**

The provision of this Act shall be in addition to and not in derogation on any other Act, Ordinance or Regulation for the time being in force.

#### **Power to arrest without warrant – 17**

Any police officer not below the rank of a Sub-Inspector of Police may arrest without warrant any person who is reasonably suspected of having committed or of being about to commit an offence punishable under this Act:

Provided that nothing in this Act shall protect a police officer making a malicious arrest.

#### **Repeal – 18**

- (1) The Assam Maintenance of Public Order Act, 1947 (Act V of 1947), as applicable in the Autonomous districts specified in Part 'A' of the table appended to paragraph 20 of the Sixth Schedule is hereby repealed.
- (2) All orders made, directions given, proceedings commenced or liability incurred under the provisions of the Assam Maintenance of Public Order Act, 1947, shall be deemed to be made, given, commenced or incurred under the respective provisions of this Act and subsequent actions, if any, with regard to any order, direction, proceedings or liability shall be in accordance with the provisions of this Act.
- (3) Notwithstanding the provisions in sub-section (2) above, no order made, direction given or proceedings commenced under the Assam Maintenance of Public Order Act, 1947, shall be invalid by reason of being inconsistent with any of the provisions of this Act.





'To bear witness has been a challenging and disturbing experience; listening to and reading the testimonies of the victims has been particularly painful and saddening – especially as we are deeply aware that virtually none of the victims have had access either to compensation or justice by getting the legal system or even the administrative system to take care of the harm they have suffered. For some, the nightmare persists because they remained unhealed and unreached; for others the nightmare is renewed when they see the alleged killers of relatives or friends walking around free. We have been privileged to have been included in some of the most personal and difficult situations which these women and other individuals have faced. Although the title of the project is "The Impact of Conflict on Women in Nagaland and Assam", it is not as if the suffering was confined to women. Indeed, while they have suffered acutely, other members of society also have been harmed, across the gender divide.'

*From the 'General Introduction to the Project'*



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