



Research Paper

## Human Rights Movement in Manipur

Dr. N. Pramod Singh

Head & Associate Professor

Department of Law

Dhanamanjuri University, Manipur

Received 02 Oct., 2023; Revised 10 Oct., 2023; Accepted 12 Oct., 2023 © The author(s) 2023.

Published with open access at [www.questjournals.org](http://www.questjournals.org)

### Concept and evolution of human rights

Human rights are the rights which belong to every individual. Such rights are the minimum rights, which every individual possesses by virtue of his being a member of the human family.<sup>1</sup> they are considered to be absolutely essential for human survival, existence, and development among others, without which human beings may obviously be reduced to the level of animals.

The concept of human rights is as old as human civilization and the evolution of human rights began to roll out from the natural law theory. As a matter of fact, evolution of such rights was, primarily in rudimentary forms in the ancient time; however, during the passage of time, people started raising their movements against the autocratic rulers and systems elsewhere in the world and more particularly, the international human rights NGOs strongly raised their voice for the same cause of human rights, which eventually led to the development of the universally accepted standard norms of human rights for all people and all nations.<sup>2</sup> Human rights standard began to be crystallized in the post-UN and thereby emerging a universally accepted binding global human rights regime, and thereafter, the global system also started to treat human rights issue as an international concern rather than a state issue. In this regards, adoption of the International bill of human rights comprising of five major international multilateral documents was the hallmark achievement of global community.<sup>3</sup> Adoption of other UN specialized multilateral human rights treaties by the UN General Assembly also shows the adequate testimonies in the history of human rights.

### Human rights movement in India

The coinage of NGOs is relatively new in India and the civil society organizations and NGOs are interchangeably used as one and same. As a matter of fact, their activities are carried out by the local voluntary organizations registered under the Society Registration Act, the Indian Trust Act, the Trade Union Act and the Company Act, among others. One of the main objectives for such civil liberties movements is to prevent human rights violations wherever and whenever they occurred and also to resist arbitrary arrest, detention, custodial violence, extra-judicial killings of innocent citizens and individuals without the due process of law by the state authorities and its agencies. Human rights NGOs are neither the part of state nor central government but they are the independent citizens' voluntary groups and also the watchdogs of the government.

Demanding for the Swaraj as a birth right and struggling for emancipation of human rights were some of the objectives of Indian leaders during their freedom movement against the British rule.<sup>4</sup> It is worth mentioning that the Swaraj Bill of India, 1895 highlighted for emancipation of freedom of speech, right to privacy, right to equality, right to franchise and among others. The Indian National Congress also gave emphasis consistently on the issue of right to self-determination for Indian people. The resolution of Karachi Congress of 1931 also focused on fundamental rights integrated with the economic programs. Movement for free India led by the Indian National Congress got engaged in a large scale struggle for democracy, though the people movement was primarily a struggle against the colonialism, it was found inclusive, especially in context of peoples' assertion for emancipation human rights. The Indian National Congress also strongly contested the invocation of several repressive laws and policies which were incompatible with civil, political and socio-economic rights; however, the movement for civil liberties was not adequately advocated at that point of time. Initially, the movement for civil liberties in India began to roll out only when the Indian Civil Liberties Union (ICLU) was formed in 1936.<sup>5</sup> The mandate of the ICLU was to gather information about the violations of civil liberties, conditions of prisoners, detention of people, police brutality and restrictions on freedom of press and

media. Later, on the similar line of the AICLU activities, the Bombay Civil Liberties Union, the Madras Civil Liberties Union, the Punjab Civil Liberties Union and among others were also established and followed the same suit with the mandates to protect rights and freedoms of individuals elsewhere in India..

Proclamation of national emergency in India also sparked an uprising resurgence of civil liberties movement in India.<sup>6</sup> Such an imposition of national emergency gave rise to gross violations of human rights of citizens due to the lawlessness of the state. During the said emergency, the Indian criminal laws including the preventive detention laws were abused extensively by the government and its agencies elsewhere in the country. There was a large scale arbitrary arrest of citizens, detention of political opponents, trade union leaders and social activists, among others. Even the government and its agencies imposed restrictions on public meetings and also censored the media and newspapers extensively in the name of national security and integrity that had seriously impacted on human rights of citizens. As a result, people movements for protection of human rights grew up with a wide range of organizational base *inter alia* supports of the general masses in India even in the post-independence.

### **Human rights movement in Manipur**

Legitimate government is legally obligated to promote and protect human rights of its citizens, and such obligations are set forth in the national constitution and the international law as well. Legally speaking, state has the responsibility not to deprive of the lives of the people at any cost. As in the case of Manipur, the first written constitution *Loyumba Silyen*, was adopted by the king Meidingu Loyumba of Manipur in 1078 A.D., that recognized and guaranteed certain fundamental rights and freedoms of individuals. In similar way, the second written constitution “the Manipur State Constitution Act of 1947” also guaranteed the basic fundamental rights and freedoms of citizens, such as right to life, right to equality, right to judicial remedy, freedom of expression and religion among others.<sup>7</sup>

Uprising movement of the Manipuri women against the economic injustice done by the British ruler showed a unique form of human rights movement against the autocratic governance of colonial rule even during the pre-independent era. It is worth mentioning the First and Second *Nupilal (women war)* in which the Manipuri women raised their strong collective movements against the economic exploitation and political injustice done by the British ruler to the Manipuri people.<sup>8</sup> Therefore, the people movement in Manipur, during the British rule, not only asserted their civil and political rights but also fought against the socio-economic injustice done by the autocratic ruler. On the other hand, there were some historical and political reasons for movement of human rights in the region. For instant, Manipur was a princely state under the British suzerainty from 1891 to 1947 and the second written constitution “the Manipur State Constitution Act, 1947” was put in place from 1947 to 1949 till Manipur became a part of the union of India. Thereafter, Manipur was placed as a part “C” state and later, upgraded to a union territory status from 1956 till she was accorded as a full-fledged statehood on 21<sup>st</sup> August, 1972. In addition, it is also pertinent to mention the reasons for insertion of Articles 291 and 362 in the Constitution of India that recognized and guaranteed the payment of Privy Purses and also protected the personal rights and privileges of those rulers of princely states who had unconditionally joined the union of India. However, it is worth mentioning the 24<sup>th</sup> Constitution Amendment Bill of 1970 which was introduced in the Parliament for abolition of the payment of Privy Purses and preservation of privileges accorded to those princely states. However, the said Bill was passed by the Lok Sabha but it was defeated in the Rajya Sabha. Having failed the attempt to abolish the Privy Purses, the union government resorted to political executive power by rendering advice to Mr. V.V. Giri, the then President of India to pass an ordinance for de-recognizing the payment of Privy Purses and special privileges accorded under Articles 291 and 362 of the constitution. Eventually, the constitutional validity of such a Presidential Ordinance was also challenged in the apex court of India in *Madhavrao Sindia vs Union of India*.<sup>9</sup> However, the landslide victory of the Congress party led by Indira Gandhi in the 1971 election got the opportunity to scrap those provisions from the constitution. Thereafter, the 26<sup>th</sup> Constitutional Amendment Act, 1971 was passed by the Parliament that had deleted Articles 291 and 362 from the constitution thereby abolishing the payment of Privy Purses and granting of special privileges. Indira Gandhi, the then Prime Minister of India, while deliberating the issue on the floor of the Parliament, pointed out the very concept of giving the Privy Purses and granting of special privileges as incompatible with egalitarian social orders. Such politico-legal development of the past Manipur state has directly or indirectly stimulated the human rights movement in the region.

### **Human rights violations in Manipur**

Invocation of repressive legislations in the name of counter-insurgency, maintenance of national security and law and orders in the region in subjugation of wide spread political unrest in Manipur eventually led to new dynamics and dimensions of human rights movement since 1980s.<sup>10</sup> Increasing the cases of arbitrary arrest and detention, custodial violence, forced disappearance and extra-judicial killing of innocent citizens in

the name of subjugating the wide spread political unrest in the region have prompted widely the movement for protection of human rights, more particularly against the conducts of lawlessness and misgovernance of state.<sup>11</sup> Movement for protection of human rights by the civil organizations grew up in the state as a result of the repressive measures of the state in the name of containing the ongoing political unrest in the state. The law enforcement agencies of the state including the central armed forces, deployed in the region, are allowed to perpetrate the human rights at large scale almost with virtual immunity and impunity while dealing with the counter-insurgency operation both in the hill and valley areas of Manipur. As a result, citizens' forums, civil organizations, students and women associations have started raising their voice against the arbitrary arrests, detentions, torture, forced disappearance, extra-judicial killings of innocent citizens.

Unbridled powers conferred on the law enforcement agencies with virtual immunity in the name of maintaining law and orders and national security have aggravated the human rights issues in the region. Since the counter-insurgency operation has been put in place, both the state actors and non-state actors have also been found liable for violations of basic rights and freedoms of citizens. Subsequently, having no option for the common people, they usually come out and stand united under the banner of civil organizations and begin their democratic movements against the gross violations of human rights. It is worth mentioning that for the cause of human rights justice, they often resort to varieties of democratic means in order to pressurize the concerned public authorities on behalf of the victims for relief and remedy, and they also make demand to book and prosecute the offenders involved in the violation of human rights.

### **Human rights movement and civil organizations in Manipur**

Human rights movements in Manipur are voluntary in nature. The spread of civil organization movements have also manifested in a number of spheres covering a wide spectrum of their democratic movements. Despite their constitutional basis, the efforts of NGOs working in the area of human rights have also been encouraged by the National and State Human Rights Commissions.<sup>12</sup> As such, they have become one of the basic tenets of democratic governance and also the backbone of the progressive civil society. To mention some of the NGOs, they are, such as, women voluntary associations, students' organizations, local clubs and joint action committees, among others, which have played important role in the movement of human rights in Manipur. Since the civil society organizations and citizens' forums have their direct contact with the grass-root people, they can identify not only the facts and circumstances leading to human rights violations but also the understandings and feelings of those aggrieved citizens. They can seek ways and means for intervention and also enable to redress the aggrieved human rights victims. They keep engaging in the various fields pertaining to promotion and protection of human rights ranging from civil and political rights to socio-economic, education and cultural rights. One of the glaring examples is that various civil society organizations, citizens' forums, students' bodies, etc both in hill and valley of Manipur have been found engaged with the task for protection of human rights during the communal clash between Meitei and Kuki that began from 3<sup>rd</sup> Ma, 2023.

The mandates of all the NGOs working in the field of human rights, especially in state of Manipur are almost the same; however, it is equally important to understand the types of voluntary organizations associated with the movement of human rights in the region. They may be broadly classified into three types; viz, i) the NGOs with the specific mandates for promotion and protection of human rights, ii) the general NGOs having the mandates of human rights causes as their secondary activities, and iii) the temporary NGOs (Joint Action Committee as an *ad hoc* umbrella NGOs) formed spontaneously by the people in the post- violations of human rights.

The NGOs having their clear mandates for safeguarding the rights and freedoms of citizens in the society always keep focusing on issues of right to life, liberty, dignity, status of survival, equality, development and participation, among others. Whereas, those NGOs, which do not have the clear mandates for promotion and protection of human rights, usually get involved and associated in the process of demanding human rights justice for the victims and also demanding for prosecution of guilty offenders. They normally take their initiatives along with other NGOs and civil society organizations, more particularly, on the basis of issue-oriented human rights cases of the region.

To mention some of the NGOs having their clear mandates of human rights, they are the Naga Peoples' Movement for Human Rights (NPMHR), the Civil Liberties and Human Rights Organization (CLAHRO), the Committee on Human Rights (COHR), the Human Rights Alert (HRA) and Human Rights Initiatives, among others. Such NGOs have the similar mandates of sensitizing, mobilizing the public opinion, documenting their reports, demanding for justice, acting as impartial fact-finding bodies and collecting their own information, working and coordinating with other local, national and even with international NGOs, providing help and assistance to the needy victims and also holding talks and dialogues with the concerned public authorities for the cause of justice on behalf of the human rights victims.

The general NGOs, irrespective of their organizational structures and mandates, they often joined hands with other civil organizations while protesting the human rights violations in a democratic ways.

Whether it is the women voluntary organizations or the students' bodies, they would certainly come out and associate themselves spontaneously for the common cause of safeguarding human rights of citizens. For instance, the *Nisha Bandhi* (voluntary women organization) emerged out as one of the unique Manipuri women voluntary organizations that initially began to combat the menace of alcoholism and drug abuse since 1970s. Later, they transformed into the *Meira Paibi* (Women Torch Bearers) in 1980s and they started responding actively against the serious violations of human rights. In the aftermath, similar suit was followed by other ethnic Manipuri women groups in the hill areas of the state as well. It is worth mentioning that the *Meira Paibi* has been found actively involved and associated for the protection of human rights of people living in Manipur more specifically, during the ethnic clashes between Meitei and Kuki which occurred from the 3<sup>rd</sup> May, 2023 and continued for nearly four months.

The JAC is another unique citizens' *ad hoc* forum created in the post-human rights violations by the NGOs and local people in liaison with general public for protection of human rights. It normally adopts its resolutions in its open public meeting so as to make a charter of demand to the concerned authorities for granting appropriate justice to the needy victims and also to book and punish the human rights perpetrators according to the law of the land. The JAC adopts various methods of democratic means while demanding for human rights justice. The tenure of the JAC shall come to end when their charter of demands are realized.

In a way, the legitimacy and credibility of human rights NGOs rest on the objectivity of their independent integrity and also their fact-finding reports. The very purpose of having established a wide range of human rights network of NGOs and civil organizations is to resist the gross violations of citizens' rights and freedoms guaranteed by the law. Interestingly, they have become not only the defenders of human rights but also turned to be the significant agents of social, economic, political and cultural transformations in the society.

### **Notes and References**

- [1]. Basu, Durga Das, Human Rights and Constitutional Law, Prentice Hall, Calcutta, 1994, p.4
- [2]. Mac Dermot, Niall, the Role of NGOs in Human Rights Standard Setting, Bulletin of Human Rights, Centre for Human Rights, Geneva 90/1, p.4
- [3]. International Bill of Human Rights consists of i) Universal Declaration of Human Rights, 1948, ii) International Covenant on Economic and Cultural Rights, 1966, iii) International Covenant on Civil and Political Rights, 1966, iv) First & Second Optional Protocols to ICCPR, 1966
- [4]. A national slogan 'Freedom is my birthright and I shall have it' became popular from 1916 which was made by the Indian nationalist Bal Gangadhar Tilak
- [5]. Jawahar Lal Nehru established the Indian Civil Liberties Union in 1936 for engaging with human rights issues during the British colonial rule.
- [6]. A state of national emergency declared by Fakhruddin Ali Ahmed, the then the President of India on the basis of the internal disturbances in 1975 that continued till 1977
- [7]. Chapter X of the Manipur State Constitution Act, 1947
- [8]. The first Nupi Lal broke out in 1904 & the second Nupi Lal took place in 1939 in Manipur AIR 1971 SC 530
- [9]. Government of India enforced many statutory penal laws including special legislations, such as, the Prevention of Seditious Meetings Act, 1911, the Punjab State Security Act, 1953, the Armed Forces (Special) Act, 1958, the National Security Act, 1980, the Terrorist and Disruptive (Prevention) Act, 1987 (now repealed), among others.
- [10]. In *EEVFAM vs Union of India*(2016), the Supreme Court of India took cognizance of 1528 cases of victims of extra-judicial killings in Manipur since the AFSPA and others repressive laws have been put in place.
- [11]. Section 12(i) of the PHRA, 1993