

WHERE HAVE ALL THEY GONE ?

(A report on some disappearance cases in Assam)



Abhijit Kalita of Sonitpur, disappeared from army custody since 8 June, 1997



Rudra Deka, of Nagaon District, disappeared since June, 94 from custody of Security forces.



Subarna Konwar and



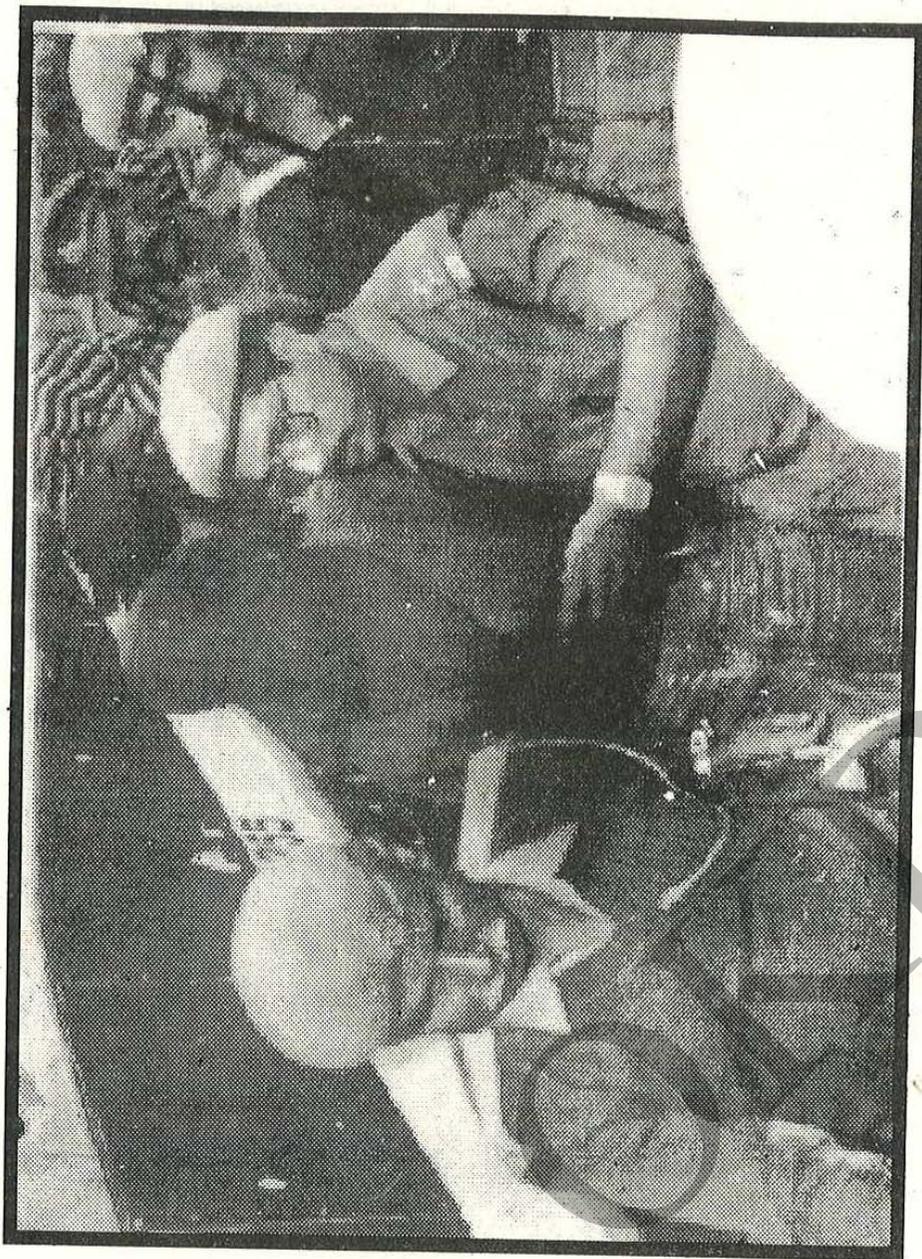
Pradip Barua



MANAB ADHIKAR SANGRAM SAMITI (MASS)

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A Suspected ULFA member thus brought to the court under cover.

Where Have All They Gone ?

A Report on the EID Cases in Assam

It will be no exaggeration to put that the history of post-independence India is essentially the history of ruthless exploitation and brutal suppression of the small and marginal communities living within its political boundaries. This repressive character of the Indian state has not spared even the economically weaker sections of the so-called mainstream population who have time and again rose against the exploitation of the ruling elites the Indian state. Nevertheless, the extent of the exploitation and repression perpetrated on the said marginal communities by the latter, constituted by the unholy nexus of the politicians and big businessmen hailed from the dominant communities of the country, is far too intense. Most of these communities today assert their rights on their economic resources against their unjust spoilation by a centrist Indian state.

They also demand that they be allowed to shape their political and cultural life, both of which now stand at the mercy of the Indian state. All these have today brought the marginal communities to a stage where they are confronted by acute political marginalisation, economic appropriation and last, but not the least forcible cultural homogenisation in favour of the ruling elites of the Indian state. Under this circumstance, the movement for self-determination has gained unprecedented ground among the marginal communities of the contemporary

Indian state. But, without addressing the genuine grievances of these communities the Indian state is engaged in a brutal suppression and subversion of these people's movements by various authoritarian means. This has compelled many of these movements become armed and underground. Even a cursory observation of various contemporary armed struggles in different parts of India like Nagaland, Assam, Manipur, Kashmir, Punjab, etc. reveals this phenomenon quite clearly.

Thus, while the Indian state is busy in projecting the facade of an enthusiastic custodian of democracy and human rights in various international fora, in its own backyard it is involved in the most brazen form of violation of basic human rights and trampling down of all tenets of democracy. In the process, the Indian state has contemptuously trespassed various UN Charters on human rights and rights to self-determination. These are facts not entirely unknown to the international fraternity in general and human rights groups in particular.

The recent history of Assam represents a gory saga of such repressive and authoritarian character of the Indian state. This brazen form of repression is in response to the movement of the people of Assam for their right to self-determination. The prolonged plunder of their resources and the closure of all democratic means for the establishment of their genuine right over these resources have forced the Assamese youths in the name of ULFA to resort to a protracted armed struggle against the aggrandizing policy of the Indian state. But the latter has totally failed to appreciate the background of this development and has shown scant regard to the genuine aspirations of the people of Assam. Instead, it has found it fit to regard this turn of events only as a law and order problem created by a 'handful' of astray youths at the behest of some foreign country to destabilize the Indian state. Thus, ULFA has been declared as a terrorist organisation. The reason behind this is not far to seek. It is simply

done to create an excuse to crush the self-determination aspirations of the indigeneous people of Assam. The imposition of a number of draconian laws totally anachronistic, to say the least, in a democratic polity, and the innumerable incidences of murder, disappearance, rape, molestation, and harassment perpetrated by the security forces under the protection of these laws, clearly testifies the above statement. Interestingly, these incidences have mostly been perpetrated against innocent common people not directly related to any kind of extremist activities. This shows that the real intention of the Indian state is only to generate a fear psychosis among the Assamese people so that they lose all courage to assert their aspirations. This is a deliberate design on the part of the Indian state to alienate the common people from the extremists. Thus, the mighty Indian state has shamelessly used the common people as a pawn in its fight against the insurgents without tackling it face to face. This act of the Indian state today has characterised it as the actual perpetrator of terrorism. However, when even these designs did not serve its purpose, in 1997 undeclared army rule was imposed in Assam in the name of Unified Command Structure. Under UCS army authorities have been handed over unprecedentedly overriding and unaccountable executive powers, vis-a-vis the civil administration. With the advent of UCS the frequency and intensity of army atrocities multiplied manifold. In this report, we shall confine ourselves only to some of the cases of Enforced or Involuntary Disappearances (EID) that have come to our notice.

Although there have been scores of cases where individuals disappeared from the custody of the security forces, the latter sumerily reject any such incidences. In fact, in the wake of the cases of EID becoming so common place, there are grounds to feel convinced that unlawful termination of these individuals, no matter whether they are involved in any unlawful activities or not, is the result of a deliberate ploy on the part of the state.

When the laws formulated to deal with the so-called anti-state activities of the people have been persistently condemned for their draconian character, it is a matter of grave concern that the security forces operating in the North-eastern states of India in general and Assam in particular, is involved in rampant transgression of even these authoritarian laws. But the way in which the perpetrators are permitted to go scot-free has generated serious concern about the real motive of the state among all democratic minded people and organizations. Many aspects of these facts will become automatically evident as one makes a perusal through some of the concrete cases of human rights violation by the Indian armed forces in Assam. In the following, some cases of EID have been presented during the phase 1991-97 in a chronological manner:

i] Mr. Bipul Nazir (30), Lecturer of a venture College of village Dergayan under Bihpuria Police Station of Lakhimpur district was picked up by the personnel of 8th Rajput Regiment of Indian Army company from his residence at Tatibahar in the evening of Jan. 15, 1991. He did never come back. His family members went to the District administration and also filed cases at the lower court and the Gauhati High Court. But they failed to produce any witness in support of their petition before the Court. Army authorities squarely denied that they arrested Mr. Bipul. But there is no trace of him till now.

ii) On Feb. 24, 1991, Mr. Prafulla Gogoi, a student of Naharkatia College of village Naharkatia under Naharkatia Police Station of Tinsukia district was picked up by Indian army personnel operating in the area from the premises of his college along with two of his friends. The latter were released later on. But Mr. Prafulla was not returned from their custody. Distraught family members of Mr. Prafulla went to the Gauhati High Court and filed a habeas corpus. When the army was summoned to explain their position, their answer was that Mr. Prafulla was

released immediately after he was picked up. Interestingly, army authorities also produced some witnesses who stated that they had seen the victim after Feb. 24. This confounded the High Court and it ordered an enquiry by the CBI on May, 16, 1991. CBI submitted their report within a month informing that the witnesses produced by the army authorities were bogus. The report further clarified that Mr. Prafulla was neither an extremist nor a supporter of any such extremist organization. It also stated that the victim was picked up by army personnel on Feb. 24, and was never released. On the basis of the CBI report, the High Court issued an order on July 31, 1991 directing the army to be produced Mr. Prafulla before the Court at any cost. Instead, the army authority decided to challenge the HC order in the Supreme Court. After four years, in 1995, the Supreme Court had rejected the petition filed by the army and upheld the directive of the Gauhati HC. Upon this, the HC ordered the Government to pay compensation to the victim's family. But not a single army personnel was punished in the incident.

iii) Mr. Salil Das (28), of Kachudoba village under Jogighopa Police Station of Bongaigaon district was taken into custody by the Indian Army on May 6, 1994 from Kuklung Forest Reserve near Bijni town of the same district. Mr. Salil suspected to be a member of ULFA. But he was not handed over to the police as per law. His family filed a habeas corpus at the Gauhati HC. The Court ordered the army authority to hand over Mr. Salil to police. But army authority denied that they had ever arrested Mr. Salil. The whereabouts of Mr. Salil is still not known.

iv) On May 16, 1994, Mr. Rudra Deka (27), of Niz-Dimou under the Nagaon Police Station of Nagaon district was picked up at around 3 p.m. from the Kachamari locality by a group of para-military forces while he was cycling on the Nagaon-Chakalaghat road. A teacher, who was working in his paddy field nearby witnessed the incident. Mr Rudra's family members went

to the District administration to know about his whereabouts. But district authority expressed their total ignorance about the case. Upon this, Mr. Rudra's family members filed the habeas corpus at the Gauhati HC. The HC directed the District administration and the para-military and army authorities to submit information about the missing person and also to be produced him immediately before a Magistrate. But all the three of them submitted affidavits before the HC stating that no person named Mr. Rudra Deka was ever arrested. After this, the family member also failed to collect any further witnesses on their behalf. So, the case was dismissed by the HC. However, Mr. Rudra's family members came to know from a reliable source that he was detained in a camp near Nagaon town, the head quarter of the Nagaon district, upto three months of his arrest. Mr. Rudra is untraced till this day.

v) In the early morning of June 24, 1994, a group of para-military personnel belonging to the Border Security Force went to Rajabari village of Nagaon district in search of ULFA militants on receiving information that 8 youths belonging to this banned outfit were hiding in a residence of the village. The security personnel cordoned off the residence and nabbed 7 youths namely, Mr. Surbarna Konwar, Mr. Pradip Barua, Mr. Biswajit Bora, Mr. Putul Medhi, Mr. Charan Sing Bordoloi, Mr. Hiranya Barua and Mr. Hamen Nath - all belonging to different villages and areas of the Nagaon district. One of the 8 youths manage to sneak through the security dragnet. The security personnel started brutal physical torture on the arrested youths on the spot and killed the last five of the afore mentioned youths. Then they carried the dead bodies to their vehicle and left the spot taking away Mr. Subarna and Mr. Pradip with them. In the evening of that very day, they handed over the five dead bodies to the Nagaon police stating that they were killed during an encounter. In a most gruesome incident, that sent shock waves through the entire state of Assam later on, the police burned of the five dead bodies with motor tyres without

identifying the dead bodies and flouting all norms and ethical standards of a civilised society. On the other hand, the BSF personnel allegedly did not divulge the arrest of Mr. Pradip and Mr. Subarna. When their family members came to know about the incident they went to the District administration seeking to know their whereabouts. But the administration failed to provide any information about the captives. The family members of the latter then moved to the Gauhati HC and filed a habeas corpus. The HC ordered the District administration to find out the missing youths and produce them before a Magistrate. But the District authorities filed an affidavit stating that they were arrested neither by the police nor by the army or the para-military forces. However, upon the failure of the petitioners to produce any further eyewitness the HC dismissed the case.

vi) Mr. Mohan Nath (20), of Gabharu Siva Mandir village under Tezpur Police Station of Sonitpur district and a suspected ULFA militant was picked up by Assam Police Personnel of Thelamara Police Station on July 5, 1994 night from the house of his elder sister at No. 2 Borpukhuri Gaon under Thelamara P.S. and was taken to an undisclosed destination. Next day morning, the family members and some local villagers went to the Thelamara P.S. to meet Mr. Mohan. But they were informed by the concerned officer in the P.S. that he did not know anything about his arrest. After this, the family members went to the Deputy Commissioner, the administrative head of the a district, of the Sonitpur district twice on July 8 and 22, and submitted written complaints before him. He was also urged to trace out Mr. Mohan immediately. However, failing to get any information from the District authorities, Ms. Bhogeswari Devi, sister of Mr. Mohan filed a habeas corpus at the Gauhati HC. The HC ordered a CBI enquiry into the incident. But the CBI report has not been submitted till now.

vii) Mr. Biplab Gohain (32), of Bharalua village under Chabua Police Station of Dibrugarh district was taken into its custody by group of army personnel in the midnight of Oct. 9, 1996 from a rented house located in the Naliapul locality of Dibrugarh town. Just prior to his arrest, the same group of army personnel picked up two brothers namely, Mr. Bijoy Barua and Mr. Binoy Barua along with two of their sisters, from a rented house in the same neighbourhood. They were arrested on the basis of the information provided by one Mr. Joyram, an employee of the Assam Medical College, Dibrugarh. Based on the information given by the two arrested sisters army personnel went to the rented house where Mr. Biplab was staying. The army personnel instructed the two girls to call out Mr. Biplab and when he came out he was apprehended. The two girls were released after two days. But there was no information about Mr. Biplab. Unable to trace Mr. Biplab his brother (first cousin) Mr. Diganta Gohain filed a habeas corpus at the Gauhati HC on Oct. 12, 1996. The HC ordered the army authority to hand over Mr. Biplab immediately to the police or to produce him before a Magistrate. But the army authority simply denied that the victim was apprehended by them. The District administration also expressed their ignorance about the matter. So, the matter again came back to the HC. The Court asked the army and the District authorities to file affidavits. At the same time, the aforementioned two girls who were arrested with Mr. Biplab also filed affidavits that Mr. Biplab was arrested in front of them. They also produced some eyewitnesses in support of their claim. After hearing both the sides the HC first asked the State Human Rights Commission to enquire into the matter. But the SHRC informed that it had no adequate infrastructure to investigate the case. So, the HC directed the CBI on Feb. 11, 1997 to enquire into the matter. The CBI report has still not been submitted before the court. Interestingly, at the time of Mr. Biplab's arrest, the army personnel

allegedly recovered a huge amount of cash from his possession belonging to ULFA of which he was suspected to be an active member. But this amount was not handed over to the police. It is suspected that the army officials appropriated the money and killed Mr. Biplab. Two days after the arrest, some army personnel went to the residence of Mr. Biplab and inquired whether his family members wanted to see him. They assured his mother that she can meet her son in the next two days. Then again, in order to mislead the court, after the matter was brought before it, one day a group of army personnel raided the house of Mr. Biplab apparently looking for him. They also issued some forged demand notes for money to some local businessmen and arrested the latter with the demand notes. Through these acts, the army authority tried to create an impression that Mr. Biplab was still active for his organization and that they were actually in look out for him.

viii) Mr. Kiran Chaharia (32), allegedly an ULFA activist, of Bhalupara village under Rowta P.S. of Darrang district was enjoying a play staged by the *Jaljali Bikas Kendra* (a local socio-cultural centre) within its own complex in the evening of the Jan. 20, 1997, which is the birth anniversary of Jyoti Prasad Agarwala, one of the pioneers of modern Assamese culture. At around 8-30 P.M., a group of army personnel from the unit then camped at Andherighat in the Darrang district suddenly cordoned off the complex and picked up Mr. Kiran in front of several hundreds of audience alongwith four other youths namely, Mr. Mukul Deka, Mr. Haren Deka, Mr. Thaneswar Deka and Mr. Paban Hazarika. During this operation, the army personnel severely assaulted Mr. Dipak Kalita. All the arrested youths were later freed. But the whereabouts of Mr. Kiran is still not known. His family members filed a habeas corpus at the Gauhati HC. The HC ordered the army authority to hand over Mr. Kiran to the appropriate authority. But the army authority squarely denied the arrest.

ix) Mr. Pintu Saikia (34), of Dekargaon village under Tezpur P.S. of Sonitpur district was arrested by a group of army personnel of the 7th Bihar Regiment camped at Andherighat in the Darrang District on Feb. 19, 1997 from Naubandha under the Paneri P.S. of Darrang while he was travelling on a bicycle. Eyewitnesses to the arrest divulged that an youth was apprehended and assaulted by the army on the spot. The next day the family members of Mr. Pintu went to the police and the army authority to inquire about him. But both the army and the police officials only expressed their ignorance about the victim. The officials of the Dimakuchi P.S. simply replied that they had just heard about the arrest. Upon this, the family members of Mr. Pintu filed a habeas corpus at the Gauhati HC. The Court ordered the army authority to hand over the missing person to the police. After getting the court order, the Superintendent of Police of Darrang district went to the army camps to ostensibly know the whereabouts of the missing person. But the army officials denied the arrest. Following this, both the police and the army authorities submitted affidavits before the HC stating that Mr. Pintu was not arrested. Subsequently, several hundreds of women participated in a protest rally in front of the office of the Deputy Commissioner. The protesters also submitted a memorandum to the latter demanding a judicial enquiry into the case of Mr. Pintu Saikia's disappearance.

x) Mr. Kula Gogoi of Nakachari village under Mariani P.S. of Jorhat District was picked up from the residence of a villager from Baotoligaon village of the same District on the eve of the Assamese new year festival on April 12, 1997 by Indian army personnel operating in the area. Next day, a group of army personnel brought Mr. Kula to the place from where he was arrested. On April 14, the army authority declared that he had escaped from the army custody. The same day, his woolen clothes and shoes were handed over to the family by the villager from where he was arrested. However, eyewitnesses expressed that they

had seen the dead body of Mr. Kula at the Mariani P.S. Whereabouts of him is still not known.

xi) Mr. Abhijit Kalita (28), of Pithakhowa village under Tezpur police station of Sonitpur district was a member of ULFA. On June 8, 1997, at around 9-30 in the morning, Mr. Abhijit along with his wife and a friend entered the house of Mr. Aditya Pathak of Sialmari village under Tihu police station of Nalbari district to drink some water. All of a sudden a group of army entered the house to apprehend them. Although his wife and the friend managed escape, Mr. Abhijit was apprehended from a paddyfield by army personnel. He was then brought to the residence of Mr. Aditya and the latter was asked whether the youth was a member of their family or not. Then the army group also raided the next house in search of his wife and picked up one Mr. Prahalad Pathak from the house of Mr. Ananta Haloi. But Mr. Prahalad was released after sometime. Then the army personnel again put him in their vehicle along with Mr. Abhijit in front of many villagers.

Next day, when Mr. Amitabh Kalita, the younger brother of Mr. Abhijit went to Nalbari to know about his brother, he simply could not find him. The police and the army authorities expressed total ignorance about his brother. Then he immediately went to the Gauhati HC and filed a habeas corpus. The HC directed the army authority to handover Mr. Abhijit Kalita immediately to the police and also asked the district administration to submit affidavit. Both the authorities submitting affidavit stated that army did not arrest any person named Mr. Abhijit Kalita. The court disposed the petition thereafter.

Then, Mr. Amitabh (brother of Mr. Abhijit) filed another petition along with 3 affidavits of the eyewitnesses from the village where army picked Mr. Abhijit up on June 8, 1997. Then the court directed the Govt. of Assam to hold a magisterial enquiry

about the missing boy Mr. Abhijit. The sub-divisional magistrate, Nalbari submitted the report to the High Court which stated that one boy was picked up by the army from that locality on that day. But, again the army authority tried to deny the arrest of Mr. Abhijit in the court. The H.C in a interim order, on 20.2.98 directed the army authority to deposit Rs. one lakh as interim compensation, which was not followed by the army authority. Again, on 10.3.98, the court extended time for deposit the amount to 28.3.98 and also directed the authorities (both State and Central government) to take all efforts to search the missing boy Mr. Abhijit and submit report.

xii) Mr. Purna Kachari (28), of Bhergaon Mahaliapara village under the Tangla police station of Darrang district was a member of ULFA. On 9.9.98, a group of Indian army stationed at Dighiripar camp arrested Mr. Purna Kachary from Dalang Ghat when he was going to a nearby shopping centre. But when the family members of Mr. Purna Kachari went to the police and army authority to ask his whereabouts, the authorities expressed their total ignorance about Mr. Kachari. Then Mr. Chitra Deka (brother of Mr. Purna Kachari) filed a Habeas Corpus at Gauhati H.C. The court heard the habeas corpus and directed the army authority to hand over Mr. Purna Kachari to the nearest police station, on September 12. But the army authority straightly denied the arrest of Mr. Purna Kachari. It is noteworthy to mention that though army denied the arrest of Mr. Purna Kachari, army took Mr. Purna Kachari to the residence of Mr. Bijay Munda at Bhergaon on September 11, 1997 and recovered one -303 rifle and 9 rounds of ammunition from his residence which was kept there by Mr. Purna Kachari earlier.

xiii) Mr. Padum Nath, aged about 28 years (a school teacher), Son of Mr. Thanewar Nath of village Barpathar under Sipajhar Police Station of Darrang district was searched by the 21 Punjab

Regiment of Indian Army on June 3, 1998 at his residence, when he was absent. After sometime when he came to know that he was searched by army he alongwith the village chief went to the army camp stationed at Duni. The army interrogated him in the army camp and let off and asked him to attend the camp next day. Accordingly, Mr. Padum attended the army camp on 11 A.M. of June 4. From that day Mr. Padum was still untraced in the army custody. Mr. Thanewar Nath father of Mr. Padum filed a Habeas Corpus at the Gauhati High Court (Civil Role (HC) No. 54 of 1998) and the court directed the union of India and the GOC Eastern command of Indian army to handover Mr. Padum before Sipajhar P.S. of Darrang district. But neither Mr. Padum Nath was handedover to the police nor return to the family members. The case is still pending at the Court.

The aforementioned cases are only some select ones from amongst scores of such cases that have come to the public notice in the recent years. Even a cursory observation of these cases will convince any one that they must not be treated as some isolated astray incidents. There exists a strong common thread underneath them. Their mode of occurrence betrays a deeper design on the part of the Indian state to throttle the democratic aspirations of the people by generating an atmosphere of terror. Through the naked display of its murderous character as manifested in these cases, the Indian state has signalled to all concerned that it would not tolerate any form of dissent or protest against its political, economic, and ideological agenda, however disastrous that might be for the interests of the small and marginal communities living within the Indian territory. For executing this agenda, the rulers in New Delhi have rarely shown any kind of hesitation in imposing every draconian laws and rules on the protesting people throwing all democratic and ethical standards to the wind. Terrorist and Disruptive Activities (Prevention) Act--popularly known as TADA (withdrawn in 1997 after fierce and persistent opposition against

it), Armed Forces (Assam and Manipur) Special Powers Act, 1958, Assam Disturbed Areas Act, 1955, etc. are some such acts which have often been used by the Indian state to ride roughshod over the democratic aspirations of its people. These Acts which empower the security agencies with incredible oppressive authority in the execution of their 'duties' come especially handy in the decimation of various self-determination movements increasingly growing in different parts of India against the burgeoning socio-economic oppression of the Indian state. As a matter of fact, these movements, though implicit, are the principal targets of these draconian laws.

Mass, since its inception, have been making incessant effort through various means to attract the attention of all democratic and freedom loving people and organizations to the extremely atrocious character of these Acts which deprive a person of the minimum rights as a human being. Some of the provisions of these Acts say, the Armed Forces (Assam and Manipur) Special Powers Act now operative in Assam should be embarrassing for even a despotic state. Notice some provisions of this Act (Article 4):

" Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area--

[a] if he of 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 the 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 on of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

[b] if he is of 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 of absconders wanted for any offence;

[c] arrested, 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 committed a cognizable offence and may used 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 for that purpose use such force as may be necessary,"

It hardly needs to be underscored the extent to which these provisions have been used to bulldoze all forms of protestations and struggles against the nefarious machinations of the Indian state. These laws have degenerated the Indian armed forces no better than a occupation army in its own territory. In fact, there have been a surge of allegations that the Indian security agencies have made use of these legal sanctions even for settling purely personal score. But again notice how the aforementioned Act has ensured legal protection to the rampaging army personnel (Article 6):

"No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act." In brief, the "largest democracy in the world" has given a

carte blanche to its trigger-happy armed forces. The disastrous consequences that have befallen on thousands of innocent people as a result of it can never be scapped off. The scars that have been left in the psyches of these people can never be removed. What is even more disturbing is the fact that even under these Acts certain provisions exist which apparently safeguard arbitrary action. For instance, Article 5 of the Armed Forces (Assam and Manipur) Special Power Act, 1958 says, "(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." But in the EID cases that have been enlisted in this report we see how this provision has been contemptuously shunned aside. "Encounter death" has become simplest solution to all these so-called legal hazards. It needs no deep analysis to find out that it is Indian state which has granted this 'licence to kill' to the Indian army.

In the last eight years, Assam has been turned virtually into a military state. During this period, which will surely go down the history exposing the brutal oppression that has been unleashed by the Indian state on the people of Assam, hundreds of youths have lost their lives, more have been maimed, scores of youths have disappeared, hundreds of women have become victims of rape and molestation, leave alone day to day insults and assaults on even octogenarians. And the chief perpetrator of all these vices is none but the security forces of the Indian state engaged for the 'maintenance of law and order' and indeed the much vaulted phenomenon called '*peace*'! Successive governments in the state come to power promising to end this atmosphere of terror and uncertainty only to join hands with the diabolical design of the Indian ruling elites sitting in New Delhi.

The human rights scenario in Assam is so precarious that

even the human rights activists have not been spared from the high handedness of the security forces. MASS, the lone human rights group operating in Assam, has often borne the brunt of state repression. Its courageous and untiring effort in exposing the diabolic activities of the security forces has generated lot of ire and contempt among the latter against it. As a result, several activists of MASS have lost their lives in army custody who have been declared to have died in 'encounters'. Many of its activists have faced arbitrary arrests and harassment. The present Chairman and Secretary General of this organisation have been sent to long imprisonment on a number of occasions on ridiculously fabricated charges. By making a systematic attempt to project MASS as an overground organisation of the banned secessionist organisation ULFA, the Indian state has tried to silence the voice of MASS. Altogether, the state has left no stone unturned to crush the incipient human rights movement in Assam.

On the other hand, in the face of growing resentment among the democratic minded citizens and organisations, the Government of India constituted the National Human Rights Commission in 1993 ostensibly to function as a sentinel of human rights in the country. It has been empowered with the authority of a civil court while enquiring into the complaints lodged before it. But the Commission is kept handicapped with regard to the cases of human rights violation by the armed forces in the so-called disturbed areas. Similarly, the State Human Rights Commissions constituted for the states in the model of the NHRC also have been divested of any effective power to hold enquiries into cases of human rights violation perpetrated by the armed forces. In such a situation, it raises serious doubt as to what role has been designed for it in a state like Assam where most of the human rights violation cases are committed by the armed forces. On the otherhand, the State Human Rights Commission is

conspicuously vocal only against the extremist related violence. What is more agonising is the fact that the SHRC has not found 'substance' in many army-related cases of murder, assaults and rape which were brought before it.

Under these circumstances, the concepts of justice and fairplay have disappeared from the land of Assam. Its population is now living under constant threat, fear and uncertainty. No one is sure what is in store for him in the face of a rampaging army. Anyone might be killed at will, anyone might be apprehended and be killed in fake encounters but then denied, anyone might be assaulted, women molested and raped, and property looted by none other than the 'peace keepers' of the Indian state. Assam is now undergoing the most blatant form of state terrorism. It has been turned into a graveyard of democracy inside the 'largest democracy in the world'.

MASS makes a fervent appeal to all individuals and agencies dedicated to the promotion and protection of democratic and human rights all over the world to take active interest in the present human rights situation in Assam. For collecting a comprehensive first hand information about the latter we sincerely request all concerned to visit Assam and see for themselves how it has been turned into a graveyard of democracy. We also expect their generosity to raise these issues in appropriate fora to compel the Indian state to operate within recognised international and domestic legal framework and to show proper respect to the genuine democratic aspirations of the people. As a human rights organisation working in an environment where even human rights activists are subjected to ruthless state repression, we also seek active help, advice and suggestions for the promotion and protection of human rights in this region from all the freedom loving and democratic minded individual and agencies.

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Mr. Rajeshwar Gohain, father of 'disappeared' Bipul Gohain, who is untraced from army custody since 9 Oct'96. waiting for Justice.

WHERE HAVE ALL THEY GONE ?
(A report on some disappearance cases of Assam)



On behalf of Manab Adhikar Sangram Samiti (MASS), Udangshri Building, Ananda Nagar, Baminumoudam, Guwahati - 781 021, Assam, Published by Lachit Bordoloi, Secy. Gen, MASS. Printed at Rabindra Shapasaal, Guwahati.

Published on August, 1998.

Suggested Price- Rs. 10.