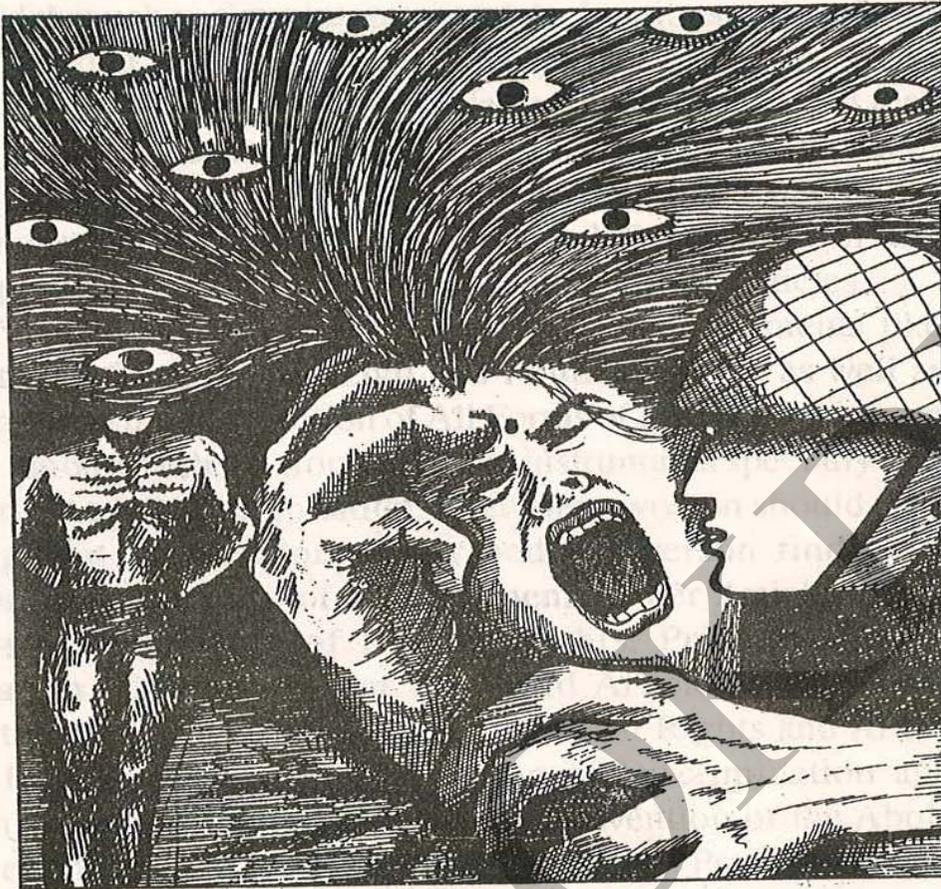


# RAPE

## THE HATRED WEAPON OF INDIAN ARMED FORCES

(A report on some rape cases of Assam)



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*The* human rights movement represents the historical journey traversed by man since the initiation of institutionalized social and political orders. These rights stands reaffirmed through various international declarations and instruments, which provided for equality of opportunity to both sexes.

The Preamble to the United Nations Charter seeks to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.. Similarly, the Universal Declaration of Human Rights pledges its preamble as well as the various Articles.

The same is true of other international instruments like the International Covenant on Civil and Political Rights as well as the Convention on the Elimination of All Forms of Discrimination against women amongst others. Some of these instruments specially provide for the right against exploitation. That every women should have the right against exploitation of her body or person finds express recognition in the form of commitments under Articles 4 of the Universal Declaration of Human Rights, Principles 9 of the Declaration of the Rights of the Child Articles 7 and 8 of the International Covenant on Civil and Political Rights and Articles 8 of the Declaration of the Elimination of Discrimination against Women, as well as the supplementary convention of the Abolition of Slavery, the Slave Trade and institutions and Practices similar to Slavery. The 1974 Declaration goes to the extent of extending protection to women and children during emergencies and armed conflict.

However, inspite of India being a party to most of these instruments and its profound claims of redressing the varied violations of women rights, the stark reality of women folk of Assam shocks

the conscience of the people of the state. Spinechilling instances of rape, torture, custodial violence and varied other forms of discrimination are common place in the state. Indeed, women in Assam are the most victimized compared to their sisters in other states. Instances of organized humiliation of women, including the crime of mass rape perpetrated by the personnel entrusted with law enforcement have been a common place in the state ever since the mid eighties. Heinous crime of rape are being systematically carried out by the armed forces operating in the State under the Unified Command Structure, let they are immune from prosecution under the panel system for want of sanction simply on the plea that they are only subject to court martial proceedings, which mysteriously even it held are more of a mockery and the public are unware of the same due to lack of transparency.

Men has stroven an overcome all odds of nature and established supremacy above all. The barriers broking human civilization through all the past have also been succcessfully demolished and a new horizon of advanced human civilization is at hand as a consequence. No doubt, the womenfolk have convincingly played an important role in the enhancement of human progress.

Women deserves high respects all over the world which is safe guarded by the humanity through different international declarations. United voice have been raised throughout the world to strictly preserve respect towards women and the acts of violations of women rights anywhere in any part of the globe have been strongly protested and also exemplary initiatives have been adopted.

Desprite this, inspiring phrenomenon of the present world, Assam as well as the entire North-East in particular selected by the Indian State Machinery as furtile ground to cultivate the heinous practices of crime against women. The Indian armed forces have adopted the hatred way to select the women as the easiest pray to shun the aspirations of the reformist minded people of this region. It was publishd in newspaper earlier that RAW (the Reaserch and

Analytical Wing) sorted out an action plan to make the women the first hand target to curb the insurgency problem of the vast region. Meanwhile the ugly process of hybernation formulated in neighbouring Nagaland previously to elimanate the distinct identity of Naga people fighting for liberation, is going to the applied in large scale in Assam also to create an environment where the struggle for basic human rights can be neutralised. The Indian armed forces under instructions of RAW have committed molestation, brutal rape, dasterdly killing after sensitively heart-rendering rape and torture upon the women of this region.

It is noteworthy to mention that the socio-cultural tradition of the indigenous people of Assam as well as the North-East treated women in a highly respectable position. In spite of this women has been victim of some social diseases time to time. Though the new trend of civilization has given women many legitimate right for advanced life, the women in Assam have sorrowfully been made the testimony of gross violation of those provided rights everyday. It has taken away all the basic rights even of the women in the name of constitutional rule and they have been treated as the easy prey of the State terrorism in a feudal manner. The women who offered their valuable gold ornaments to the Indian army at the time of adversity in 1962 have now been their enemies whose chasity and womenhood have been shattered away during the last decade particularly. It is needless to mention that Assam as well as the North-East has become a colony of Indian imperialism. The indigineous people of Assam have lost their rights over land and resources and to make this inhuman explotation in an incessant manner, Assam has brought under army rule. As a result reign of terror has been imposed. Even judiciary fails to provide relief to the gross violation of human rights in the State. Moreover, the elected governments has also turned deaf to the gender interest and women rights to freedom against discrimination and inequality and the state has rather made a conspiracy to create an atmosphere in which women rights are no way safe. The life free

from fear and assault by security forces is unimaginable today in Assam and the women's rights to live as a human being has been hampered in a very bad shape. Innumerable incidents of crime against women have been occurred during the last eight years at the hand of the State which reflects that the frequent torture, abuse, molestation, rape, killing after rape of systematic destruction of the distinct identity of the indigenous people of Assam. And the following incidents are enough to show that the State is more interested in exploiting the land and all other resources, not in protecting and safe-guarding the legitimate rights of the indigenous people.

Women in the state are systematically raped and tortured either on the plea of flushing extremists elements or their demands to shape their political and cultural life in order to free themselves from the varied exploitation of the Indian State. Solely with a view to crush the movement for self-determination which has gained unprecedented support, the State machinery is engaged in brutal suppression of the peoples movement, there by transgressing with immunity the various United Nations Charters on Human Rights, the right to self-determination as well as these pertaining to women's rights.

The brazen form of repression let loose upon the womenfolk of the state in the name of operation of the Unified Command Structure amounts to a blatant and most heinous form of violation of women's rights. MASS has from time to time focussed upon the decade long violence on women in the state, yet instances of rape continue unabated ever since women were raped by the CRPF men North Kamrup in 1983, when the state was under Presidents rule.

The barbarous incidents of rape being committed by the security forces becomes evident that the following few cases investigated and documented by MASS since 1991. In some incidents victims were even brutally killed after gang-rape by the security personnel, to conceal the incidents.

(i) In an incident on October 16, 1991, at No. 2 Khowdang

village near Naoboisha area in Lakhimpur District, one 14 year old girl named Miss Bhanimai Dutta was gang-raped and killed by the Indian Army. On that day, A group of Army suddenly cordoned off the residence of Mr. Mukuta Dutta, father of Miss Bhanimai, and picked his son up Mr. Babul Dutta to their vehicle by beating him mercilessly. In the mean time, Mr. Mukuta Dutta and his wife rushed to the gate to bar the Army personnel taking Babul away. At that very moment three Army personnel entered the house and barbarously raped 14 years old Miss Bhanimai repeatedly one after another. After some time when Mr. Mukuta and his wife returned back from the Army vehicle where Mr. Babul was kept, they saw the Army personnel leaving their house in a hurry. Then both entered the house and surprisingly discovered the dressless body of Miss Bhanimai on the bed wet with blood. After a while she died. The Armymen blocked the post mortem of Miss Bhanimai Dutta up to three days. Even they used force upon the Doctor, who did Post-mortem and forcefully took his signature in a blank paper before performing the post-mortem. Later on, i.e. after three days the rapping was proved only by counting the barbarous marks seen on her left check and other private parts of the body.

(ii) Another such incident of rape and killing was took place on the early part of the same month, i.e. on October 6, 1991 at a village near Gohpur in Sonitpur District. On that day, around 11.30 A.M., a group of army in plain clothes were moving around the house of Mr. Anil Barua of Sutargaon under Hawajan Police Station of Sonitpur District, as some of Arms were recovered from his house. Seven Army personnel entered the nearby house of Mr. Moniram Barua. At that time the wife of Mr. Moniram was cooking and none of the male members of the family except Miss Raju Barua, a 20 years old College student, was at home. The group of 7 Army dragged her to a nearby jungle at gun point and raped her one after another. After repeatedly raped her, Army threw her senseless body into a pond and went away. Her brother-in-law Mr. Kamal Barua, who

lives nearby, came to the spot and pulled her out from the pond and taken to Dholpur Hospital, where she was declared dead. When she was disrobed, a male under garment was found inside the frock of Miss Raju Barua. The Post mortem report revealed that heavy marks of biting on the nipples and bruise marks between her breast. Heavy male sperm inside the vagina and considerable mud in the stomach was found. She was found to be a virgin till the alleged rape by several Army personnel.

(iii) In a recent case, on July 17 of 1998, another woman was killed after rape. At around 7 P.M. of 17th July, 1998 two BSF (Border Security Force) personnel stationed at Thamana entered forcefully the residence of Mr. Buddha Das of Thamana under Borbari Police Station in Nalbari District. Mr. Das who is a vegetable seller was not in the house at that time. The two personnel caught hold of Mr. Buddha's wife Mrs. Bina (20 years old and mother of two children) on the bed while she was trying to lull her child. The Security personnel threw away the child from her laps and barbarously raped her one after another in front of her child. After raping Mrs. Bina, she was stabbed with a *Moida* (A traditional knife used for dressing of fish and cutting of vegetables) by the two security personnel. The two personnel left Mrs. Bina with wounds in the entire body. The neighbouring people approached after hearing her outcry in a lying condition wet with blood on the floor. After few minutes her husband reached there returning from the market. Mrs. Bina lying at that critical condition somehow could tell the heinous story of her fate to all of them present there. After sometime she died in extreme pain out of the terrible injuries. Mr. Buddha Das, husband of Mrs. Bina Das lodged a complaint at the Dumuni Police out post under Barbari Police Station (case no- 92/98). The Police instead of booking the culprits, picked up some of Mr. Buddha's family and relatives and tortured in the Police Station. The case of barbarous rape and killing created great resentment among all sections of people.

(iv) On January 11, 1997 reacting up to an ambush on a CRPF party personnel from the force cordoned off Amlaiguri village in Kokrajhar district in a combing operation in search of militants. During the operation conducted around 9 P.M.. CRPF personnel tortured the villagers and raped Mrs. Urbashi Rava, Mrs. Basavi Rava, Mrs. Suni Rava and Mrs. Damshri Rava in their houses in the absence of male members. After the incidents of rape the victims were threatened not to disclose the incidents. Local people and various organizations demanded punishments to the culprits but no action was taken by the administration.

(v) Mrs. Tulumoni Devi (23), W/o Mr. Harkanta Nath of Kopahera Ghumatigaon under (Mikirbheta Police station) of Marigaon district was raped on the evening of April 24, 1997, by a group of Army personnel stationed at Barapujia Army camp. While cordoning off Kopahera Ghumatigaon residence of Mr. Bhabananda Choudhury and detained him to question about his brother, Mr. Bul Choudhury an ULFA activist. There after they entered several houses in search of the ULFA activists. Around that time 8 army men entered the house of Mr. Harkanta Nath, an employee with a private concern and taking advantage of his absence raped Mrs. Tulumoni in presence of her two year old child. Mrs. Tulumoni lost her sense and hearing the cries of her child neighbours rushed to her house to find out the incident. Her husband along with the villagers, on his return from work, admitted her to the district civil hospital and filed a case at the Mikirbheta police station. On hearing of the development, army men rushed back and threatened the villagers. On 27th April women from 40 local villages brought out a rally and submitted a memorandum to the Deputy Commissioner, Marigaon demanding a judicial enquiry. Several democratic organizations including Anchalik Mohila Sajagata Samiti (a women organization) AASU, AJYCP, KSU, TSF and others demanded punishment to the guilty, but in vain.

(vi) Mrs. Tarulata Pegu (25) w/o Mr. Jotin Pegu of Jonai village

under Jonai police station of Dhemaji district was raped on the evening of 10th May 1997 by a group of Indian army personnel operating in that area. The army personnel entered her house in search of ULFA activists in the absence of any male member at the residence she was raped repeatedly by the army personnel and left threatening her not to publish the incident.

After the incident Mr. Jatin Pegu filed a case at the Jonai police station. (case no 31/97) and Mrs. Tarulata Pegu was examined at the hospital. Although one Mr. Seo Sankar Jadav was named in the complaint, neither the police nor the civil administration took any steps in the matter. Demands for a judicial enquiry by the local public and several organizations too did not evoke any response from the administration.

(vii) On the evening of 21st May 1997 at about 7.30 P.M., a group of army personnel from the 16 Rajput Regiment operating in Tamulpur police station area under Nalbari district cordoned off the house of Mr. Laven Basumatary in Ambari Sarubhera village. Near by residents heard gunshots in which the army claimed to lost one of their men as per report with Tamulpur police station. There up after about two hours armymen cordoned of the area for three days in search of militants. After torturing the villagers that very night some armymen dragged Miss. Santhali Bodo (17) and Miss Rangeela (15) to the building under construction for housing the village library and raped them in front of the villagers. The next day they entered the house of Mr. Dayaram Rava and raped Ms. Runumi (16) a student of class nine and Ms. Thingigi (17) a class ten student. This was followed by a rape on Miss Samashri (13), Miss Janthari (14) and Miss Ambe (13) in their respective residences.

Although a case bearing Tamulpur police station case No. 95/97 was registered but no investigation was carried out. Demand for a judicial enquiry and punishment to the guilty though demanded by several human rights organizations and other democratic organizations went all in vain.

(viii) On 23rd May, 1997 retaliating to an ambush by ULFA on a truck carrying CRPF personnel, wherein two CRPF personnel were killed, a large number of Indian army and CRPF personnel raided the area under village Kasidoba in search of ULFA militants. Apart from torturing the villagers a group of army men entered the house of Mrs. Minoti Bala Rai (22) and pushing away her one year old child, raped her in the absence of any male number. Army tried to molest other womenfolk of the village too. While most manage to escape Miss Dura Rai (18) was caught on her way and was taken to a nearby jungle and raped barbarously and she became unconscious. Policemen of Bongaigaon Police Station and District Administration of Bongaigaon refused to register any case and therefore families of the two victims had to return home. The local people and various democratic organizations including MASS, submitted memorandum to the district administration demanding judicial enquiry and punishment to the culprits, but no action was taken.

(ix) Miss Dura Ray (18) and Miss Minati Ray (22) of village Kachidoba, Chipanchila under Bongaigaon police station, district Bongaigaon were raped on the night of May 23, 1997 by army personnel operating in the area in search of ULFA activists, who had earlier during the day attacked a platoon of CRPF personnel in the village. In the name of the combing operation armymen raped the two girls at their residences. Although a case was registered with the Bongaigaon police station, no action was taken.

(x) On 18th May, 1992, 6 armymen of 6 Kumaon regiment were killed in an attack by NDFB militants, near Satgiri, Khairabari village under Tangla police station of Darrang district. While conducting a raid on the village at about 9 am. Armymen entered the house of Miss Nilima Boro (16) who was then cleaning her house materials. Two armymen entered her house and tried to molest her and when confronted by her mother beat her and tried to rape Nilima. She somehow managed to run away to the paddy field but armymen caught her at the paddy field and raped her. After about an hour

villagers rescued her from the paddy field in an unconscious state. The same day Miss Fouduro Boro (14) of the very same village was also raped by the army men of the same regiment at her residence. Both the girls were taken to hospital in a very critical condition. The villagers and several other organizations submitted memorandum to the district administration demanding judicial enquiry and compensation put without any result.

(xi) Miss Mamoni Koch (12) daughter of Mr. Umesh Koch of village Komarchuburi, under Dhekiajuli Police station of Sonitpur district was raped at her village on the 25th May, 1997 by the armed personnel belonging to 25 Punjab regiment stationed at Dhekiajuli Industrial Centre. While raiding the village in search of ULFA activists they forced the villagers together in the middle of the village. But two army men forcefully detained Miss Mamoni's mother, but she managed to escape and thereupon one army personnel picked up Miss Mamoni to her kitchen and raped her. When her sick grand mother tried to protect Mamoni, one armed personnel kicked her with his boot. After raping her, the jawan threw a ten rupee note at her.

Mr. Umesh Koch, father of the victim on being informed made a complaint to the officer-in-charge of the operation. The Army officer summoned his group and the culprit was identified by Mamoni in his presence and in the presence of the villagers. A report was also filed at the Dhekiajuli police station. Wherein Miss Mamoni's statement was recorded and later the F.S.L. report was examined by the Chief Judicial Magistrate in G.R. case No. 997/97. Large scale protests by various organizations including strikes and black out demanding punishment to the culprit and condemning the incident took place and a memorandum was placed before the district administration. In this instance the army Brigadier, the Deputy Commissioner and the Superintendent of Police visited Ms. Mamoni's house to enquire of the incident.

(xii) Mrs. Jamuna Sargiary, wife of Ramakanta Sargiary of

Langhin Goraimari village under Howraghat Police Station, Karbi Anglong district was raped by a CRPF personnel at her residence at about 11 PM. on 30th July, 1997. The culprit in a drunken stage entered the residences of Mr. Paramananda Basumatary, Mr. Makhan Basumatary and Mr. Suniram Narzary in the search of militants before entering the house of Mr. Ramakanta Sargiary. He injured Mr. Ramakanta on his head and chest by his gun and Mr. Ramakanta fell unconscious. Taking advantage of the situation, he thereupon raped Mrs. Jamuna Sargiary. The police however refused to register a complaint by the victim and her husband the following day stating that it was then too late to register the same.

(xiii) Mrs. Rupahi Basumatari (45) wife of Mr. Abinash Basumatary of Howraghat village under Howraghat Police Station of Karbi Anglong district was raped by an army jawan around 1 P.M. on 1st August 1997. While a truck (No As 01 2677) carrying army men stopped at Howraghat Tinali to change a tyre the jawan entered the house of Mr. Abinash and threatening him with his gun raped Mrs. Rupahi who was in the house. They were too scared to report the matter since they were threatened not to publish the incident and to report the same to the police.

(xiv) Miss Dulumaya Tamang (12) and Miss Sandimaya Tamang (12) both daughters of Mr. Jit Bahadur Tamang of Jayrampur Saygharia, village under Bordoloni Police Station of Dhemaji district were raped by two police personnel at midnight on 4th August at their home. The two policemen in civil dress while on patrol duty entered the residence of Mr. Jit Bahadur Tamang. At that time, Ms. Dulumaya was in sleep. The policemen forcibly picked up her to a nearby bamboo bush and raped her for two hours. She somehow managed to come back and inform her mother. Her mother Mrs. Kalimaya Tamang along with some villagers submitted a written complain to the Bordoloni police out post but the officer not only refused to register the complain but also did not take any steps for medical examination of the victim. On the contrary a group of

policemen came to the house of Mrs. Kalimaya Tamang on the 28th August and beat her husband for daring to prefer the complaint and took away Miss Sandimaya Tamang and raped her from midnight to 3 A.M. After the incident Mr. Jit Bahadur Tamang is still untraced and no action was yet been taken by the district administration. The memorandum submitted by the local public has not been attended to as well.

(xv) On the night of 22nd August 1997 Miss. Lima Marak (18) of Gurgaon village under Rangapara police station of Sonitpur district was raped by the Indian army personnel operating in the area. A large number of army personnel raided the village in search of activists of banned organization ULFA and NDFB at midnight. They tortured the villagers and molested women. Thereafter they entered the residence of Miss Lima and raped her threatening her not to disclose the incident. Next day the family along with some villagers went to Rangapara police station to lodge a case. But the police as well as the district administration refused to take any steps on the plea that it was too late. NASS a women's organization demanded a judicial enquiry.

(xvi) On 29th Sept. 1997 around 3.30 A.M. personnel of 13 field Regiment Commandos raped Mrs. Kalpana Das Kakoti (18) wife of Mr. Arun Das a village Patasali Bangaon Chariduwar under Rangapara police station of Sonitpur district. That very day a group of 13 field Regiment of the Indian army while cordoning the village in search of ULFA militants raided the house of Mr. Punya Das, father of Mr. Arun Das. The army personnel compelled Mr. Punya Das and his sons Mr. Arun to kneel down at their courtyard. 6 to 7 army personnel forcibly took Mrs. Kalpana Das Kakoti to the backyard of the house and raped her repeatedly. She lost her sense and her cloths were full of blood due to continuous rape. After raping her army picked up Mr. Arun and one of his friend and handed them to the police only on the 1st October, 1997.

The family members took Mrs. Kalpana and Kakoti lodged a

complaint with the Rangapara police station with the help of local women organization (case No 189/97, U/s .366 (A)/376 IPC) and admitted the victim at the Kanaklata Civil Hospital, Tezpur. Her medical report conformed the rape on her by 6/7 persons and Mr. Rohini Deka stated that he had to make seven stitches to stop her bleeding. On 3rd October, 1997 Mrs. Kalpana was produced before the Chief Judicial Magistrate who ordered recording of her statement under section 164 of the Cr.P.C. Statements were also recorded of the villages headman, Mr. Rajani Das, Mr. Soneswar Das the uncle of Mr. Arun Das, Mr. Cheniram Saikia, Mr. Benudhar Das, Mr. Bhogeswar Koch, Mrs. Domoyanti Kakoti, Ms. Moni Das, Ms. Minoti Das and Ms. Niru Bora. But the next day police mysteriously sent Mrs. Kalpana to her father's house at Nahorkotia warning him not to send her back. In spite of the evidence in order to protect the culprits the police alleged that Mr. Arun Das and his friends raped Mrs. Kalpana and not the army. The matter is under subjudice.

(xvii) Mrs. Tukheswari Rava (37) wife of Mr. Putu Rava of Ravapara, Mulagaon village under Bongaigaon police station of Bongaigaon was raped by personnel of the 109 Border security force. On the afternoon of 14th January, 1998 on the day of the National festival 'Bihu' two security personnel of the above force namely Mr. Prafulla Kalita and Mr. Promod Hazarika after entering the house of Mr. Putu Rava beat him and chased him away. Thereafter they locked his uncle Mr. Satish Rava in a room and pulled Mrs. Tukheswari Rava, a mother of seven children down on her bedroom and raped her in front of her children. Hearing her cries for help neighbours rushed in and apprehended the accused red-handed. This forced Bongaigaon police station to register a case (No 6/98) and the district administration has ordered a magisterial enquiry to proceed with the enquiry appointing Mrs. Mahila Buragohain and Mrs. Chandra Devi jointly.

(xviii) On 10th March, 1998 Mrs. Dimola Doimary (22) wife of Mr. Nazursha Doimary of No 2 Bhalumari village under Udalguri

Police Station of Darrang district fell a victim of rape at the hands of armymen of No. 2 Madras Regiment. The previous day army picked up Mr. Gobinda Doimary and after torturing him in their interrogation camp at Rowta brought him to his house at 2 No. Bhalukmari. They again entered his house in search operation. After dragging out the family members to the courtyard some armymen pulled in Mrs. Dimola Doimary, the newly married wife of Mr. Nazursh Doimary the younger brother of Mr. Gobinda Doimary into the house at gun point and raped her at about 2-30 AM, after switching off the lights. Although a complain was registered by Udalguri police (case No. 46/98,U/s 326 IPC) and her statement recorded by the Magistrate she was sent for medical examination only on 18th March, 1998 seven days after the incident.

(xix) Anjali Basumatary (22) daughter of Mr. Bobora Basumatary of village No. 2 Bhalukmari under Udalguri police station too was raped by men of the No. 2 Madras Regiment of the Indian army on 10th March, 1998, while conducting a search on the village army raided the house of Mr. Bobora Basumatary at 3.30 A. M., and pulled out the family members to the courtyard, including Miss Rita, Miss Lunshri and Miss Anjali. Two Army personnel molested Miss Rita and Miss Lunshri in the dark courtyard while three others pulled Miss Anjali to the kitchen and forcefully laid her on the ground and one of them raped her.

(xx) On 11th March, 1998 as a equal to the incident of army raid on NDFB hide outs following killing of two armymen by NDFB militants who escaped from army custody, a group of army men belonging to No. 2 Madras Regiment stationed of Rowta cordoned Sonari Khawang Gaon under Udalguri police station of Darrang district in search of NDFB militants. Around 10 of them raided the house of Mr. Basanta Doimary. They took Mrs. Khandi Doimary (25) inside the house to open the boxes and thereupon three armymen began to rape her. Then the members of the army entered the house of Mrs. Anita Khakhly (27) and Mrs. Rina Khakhly (24) and

after pulling out the other members to the courtyards raped them at the dead of night. The victims revealed their pathetic woes to journalists and the incident was widely published, MASS probe team also visited the area and recorded the statement of the victims.

(xxi) Men of the No. 2 Madras Regiment of the army stationed at Rowta under Udalguri police station under Darrang district again committed rape on 14th March, 1998 victimising Mrs. Monaishry Doimary (28) wife of Mr. Abang Doimary of No. 2. Bhalukmari forest village. At about 11 PM on that fateful night a group of armymen went to the village in search of NDFB militants. Some of them entered the house of Mr. Abang Doimary and pulled him out breaking open the bamboo door. Thereafter, a few armymen questioned Mrs. Monaishri Doimary about militants. When she expressed ignorance she was molested and on her offering resistance, the official got angry and ordered his men to rape her. In front of the officer three army personnel raped her and left the place. Two locks of the culprits shirt left behind were handed over to the Police during the course of investigation. Although the family members of the victims submitted a memorandum to the district magistrate on 12th March, 1998, nothing is known on the progress of the investigations.

(xxii) Mrs. Nibari Doimary (32) wife of Mr. Lathiram Doimary of Hatkhula village under Udalguri Police Station of Darrang district. was raped by the army personnel of No. 2 Madras Regiment stationed at Rowta at 9 P.M. on 14th March, 1998. Army personnel used to come to the house of Mr. Kathiram Doimary for country liquor. Every time they have had odd signals to Mrs. Nibary Doimary. On the night of 14th March, Mr. Kathiram refused to open the door, which was then broken upon. Mr. Kathiram was pulled out and sought information about NDFB militants. At these time Nibary was pushed inside and asked to undress, and on her refused was tied to her bed and raped by a jawan. After the incident neighbours came to her house and lodged a complaint with the Udalguri Police Station the next morning (case No. 46/98,4/5.376 IPC). After a few days on

18th March, she was sent for medical examination.

(xxiii) In a recent case, in retaliation of a Bomb blast at Balikuchi village nearing Paikarkuchi, on the night of July 15, 98 by ULFA activists, a big group of 313 Field Regiment of Indian Army entered the Paikarkuchi village under Nalbari Police Station in Nalbari district at 9 P.M. on July 16, 1998 in search of ULFA activists. The group went to the residence of Mr. Dharani Baishya, a school teacher, of the village and knocked at the door. The family members were enjoying television programmes then. Mr. Dharani hearing the sudden knock opened the door. Some of the group pulled him out with force and beat him severely along with his small children while two of the group inside the house caught hold of Dharani's 40 years old wife Lilawati Baishya. They undressed her quite forcibly and fell her down on the floor. Then they tortured her brutally. One of them sat upon her and bit several parts of her naked body. Then the two army men raped the lady one after another and left the house. The army men threatened her at the time of departure not to lodge any complaint anywhere concerned against the gang rape.

(xxiv) On the same night, another group of 313 Field Regiment of Indian Army went to the house of Mr. Hemanta Baishya of the village. Four army men of the group trespassed the house. Mr. Hemanta Baishya was absent in his house at that time. The army men first pulled Mr. Hemanta's old father out and caught hold of his wife Mrs. Bina Baishya (24). She was inside the house with her 7 months old baby in her lap. The army men forcefully took the baby and threw it to the bed. Then they forced her to undress. Ms. Bina protested their barbarous proposal but in vain. They began to undress her themselves and raped her one after another. Each time two of them were guarding the door and allowed nobody to enter the house. After the crime, the army men threatened the family, and the victim in particular, not to lodge any complaint. The same group of 313 Field Regiment is suspected to have committed as many as 10 rapes in the village on that night which have remained undisclosed due to the

threatening of killing provided that the disclosure is made or public complaints are lodged accusing those army men. The cases documented below are enough to prove that since the deployment of Indian Army in Assam on 28 November of 1990, they intentionally and very systematically raped the womenfolk in an incessant manner.

(xxv) On 22nd October, 1991 Undibala Roy, a housewife of 28 years of age was raped at her own house. At about 12 noon, while her husband Mr. Bhagyaram Roy of Lubdunguri under Bijni Police Station in Bongaigaon District, was away, two Army entered her house and raped her. After the crime the Army escaped leaving her unconscious. When her husband returned, he found her lying unconscious on the floor. There are quite a few eyewitness who have seen the two army entering the house and leaving. A case was registered in Bijni Police Station (Case No. 89/91- u/s 376) but till now no action has been taken.

(xxvi) On 12th October of 1991 at 11 A.M. two army personnel from Nityananda camp came to the village Monipur under Pattacharkuchi Police Station in Barpeta District, in plain clothes and conducted a house to house search. When they entered Dwijumani's house, they found her alone at home. The personnel raped Ms. Dwijumoni Nath, who is a leprosy patient from a very poor family. Though complaints have been lodged with the SDO by the family members and also by the local legislator, Government has turned a blind eye and did not arrange for medical examination.

(xxvii) On 20.10.91 at 12 Midnight two Indian Army in uniform broke into the house of Ms. Numali Bania, widow of Late Ghuran Bania of Jalukota Mermukh under Bihpuria Police Station in Lakhimpur District. One of them raped her at gunpoint while the other stood guard and then they both left after threatening her not to report it to anyone. Next morning, this middle aged widow and mother of three daughters went herself to Dhalpur Govt. Hospital to get medical aid and to obtain a certificate. The doctor asked her to report to the local Police station first. She was quite frightened by

them and could not muster up enough courage to go to the Police. However, she went to the civil SDC Mr. R. K. Pegu and lodged a complaint with him. But she got no help from the civil authorities in lodging her case with Police or any subsequent help.

(xxvii) Mrs. Labanya Barua, wife of Mr. Jogen Barua of Phanibari Dhuliapathar under Bihpuria Police Station in Lakhimpur District and mother of 2 daughters was raped by Indian Army personnel on 18.9.91 at 6 P.M. That day 3 army men came to her house. Two of them were in civil dress and one, whom she describes as an officer, was in uniform. She was raped by that officer at gunpoint while the others stood guard. They left that day after threatening her not to report it to anyone. Next day she went to the Dholpur Government health centre for treatment, but the doctor asked her to report it to the Police. Next day (20.9.91) she went to Bihpuria P.S. but the Police said that it was already quite late and they refused to register the case. Then she went to the SDC and lodged her complaint. The SDC assured her of help and asked her to stay at home. But nothing was done by the Civil administration. When the DC was told about it he said that the SDC did not report the incident. On 24.9.91, the same army men again came to her house and the same man again raped her. She again went to the Police but again they refused to register the case saying that they have no time. She then again complained to the SDC, but this time also nothing was done. She is still waiting for justice.

(xxviii) On the night of 17 April 1991, around 1.30 P.M. a group of Army raided some houses of the village Jhargaon under Khairabari Police Station in Darrang District in search of ULFA activists. During this raid, Army personnel raped two women, Mrs. Moneswari Deka (38) and Ms. Janaki Saikia (30), in two separate incidents, at their respective houses.

(xxix) On 26 October '96, a large group of Indian Army cordoned the village Bamkolakhowa under Khowang Police Station in Dibrugarh District, and started raiding houses in search of ULFA

activists. The main party entered the village, while their six vehicles were left at a place near to the residence of Mr. Badan Dihingia and guarded by few Army personnel. The Assam Police Constable Mr. Wahid Ali and an Army person went to the residence of Mr. Badan Dihingia and knocked his door. When the door was opened Mr. Badan Dihingia was dragged out from his house and on pretext of search operation, the Army entered the house. Mrs. Kumoli Dihingia, wife of Mr. Badan and the sister in law Miss Nabanita Dihingia were told to go into their own rooms. The Armyman first entered into the room of Mrs. Kumoli Dihingia and asked her to open almirah and started fondling her. She resisted and called the local Police constable Mr. Wahid Ali not to let the Armyman inside and asked him to do searching instead. The Armyman left the room and then the Police constable immediately grabbed and forcibly raped her in front of her 8 years old daughter. The Armyman entered next and he also raped her. After the incident, both entered into the room of Miss Nabanita and molested her. After leaving the house of Mr. Badan Dihingia, both entered the next house and molested Mrs. Jaimaty Chetia, an eight months pregnant woman. Mrs. Kumoli Dihingia with the help of local women and other democratic organisation, filed a case at the local Police Station (case no 85/96, under section 448/376/34 IPC). The Police constable was suspended and a Magisterial enquiry was declared by the Government. The Enquiry report was submitted within 10 days where the rape was denied, saying it's a case of simple molestation. But, one year later, the Armyman was punished by the Army court.

(xxx) Four Army personnel entered the house of Mr. Kumud Hazarika, a resident of No. 2 Saboti Adarsha village near the District head quarter of Lakhimpur District at midnight on Jan' 7, 1991 and forcibly dragged Mr. Kumud and his 60 years old mother to their courtyard and compelled them to stand out in extreme cold. Then Armymen raped Mrs. Nayantara Hazarika (25), mother of a one month old child, inside the house. Another two Armymen dragged

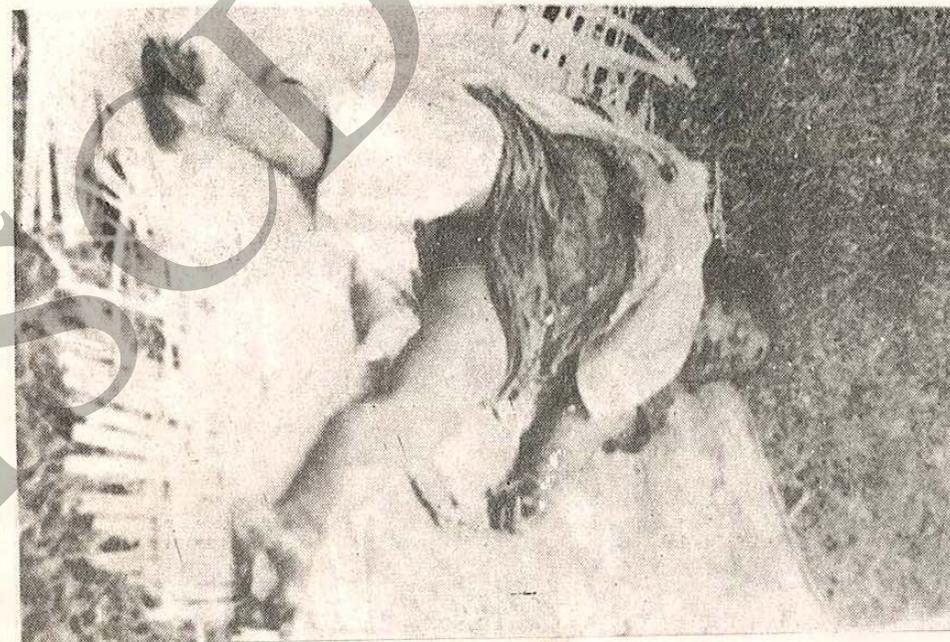
Mrs. Labanya Hazarika, the married sister of Mr. Kumud Hazarika, to the backyard of the house and raped her.

The few select cases documented above are enough to reveal and expose the systematic manner in which women and girls of the state are being made to lead the life of increased existence at the peril of the Unified Command Structure. This only underlies the deep-rooted policy of the Government machinery to throttle the democratic aspirations of the masses.

Rape and torture in the cases of daily law enforcement measures flouts the basic rights since rape constitutes a dreaded form of violence on the right of a women on her body.

Inspite of national laws and international instruments the scourge of rape continues to wreck havoc on the women folk of the armed forces are motivated by the impulse to punish to and hart the victim. In fact, rape is being used to subjugate and terrify the entire population of the state.

This is a fervent appeal to all those committed to protection of women rights, which too constitute basic human rights to come to the assistance of womenfolk of the State by demanding punishment to all perpetrators of and put an end to the barbaric acts of the law enforcement personnel. MASS hopes that individuals and agencies the world over would raise their active concern at all available forums to make the Indian State machinery answerable and accountable in accordance with basic international instruments, which it is duly bounded to obey and observe.



Bina Das of Thamana, Nalbari raped and killed by security personnel  
on 17th July 1998

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