

## No End in Sight: Human Rights Violations in Assam

### Introduction

The Indian state of Assam, located south of Bhutan and east of Bangladesh, is geographically almost cut off from the rest of India, with its only physical link a narrow land corridor to West Bengal. Home to a number of tribes and ethnic groups, Assam has been the site of separatist movements and violent insurgencies since India's independence in 1947. The most serious has been the campaign waged by the United Liberation Front of Asom (ULFA) since 1979. In attempting to crush the ULFA organization and several other groups, the Indian government has launched counterinsurgency campaigns that have been fraught with widespread human rights violations.

The Indian army has conducted massive search-and-arrest operations in thousands of villages in Assam. Many victims of abuses committed during these operations are civilians, often relatives or neighbors of young men suspected of militant sympathies. Villagers have been threatened, harassed, raped, assaulted and killed by soldiers attempting to frighten them into identifying suspected militants. Arbitrary arrest and lengthy detention of young men picked up in these periodic sweeps, or at random from their homes and from public places is common, and detainees of the armed forces are regularly subjected to severe beatings and torture. Deaths in custody have occurred as the result of torture, and in alleged encounters and escape attempts.

Security laws that grant extraordinary powers to the armed forces provide the context for many of these abuses. Dissent is severely curtailed. Human rights activists and journalists have been arrested for reporting on human rights abuses in Assam or for criticizing the government's reliance on security legislation. Freed from normal legal restraints on arrests and detentions and on the use of force, the Indian army has had little reason to fear accountability for its abuses in Assam.

Militant groups have also engaged in violent abuses such as bombings, kidnapping and assassinations. Dissident ULFA members and suspected informers are among its victims.

Because of Assam's remoteness and restrictions on access by foreign journalists, human rights abuses have received little international attention. While ULFA abuses have been well-publicized in the Indian press, abuses by state forces have gone largely unreported, in India or abroad. In March 1992, an Asia Watch consultant traveled to the region and documented abuses that occurred during

Introduction.....	1
Background.....	2
ULFA and Counterinsurgency Operations.....	4
Pattern of Abuses.....	5
Cases of Abuse by the Security Forces .....	7
Bhanimai and Tarun Dutta (8); Bubul Barua (8); Dibakar Handique (9); Numali Baniya (9)	
"Encounters" and "Escape attempts" .....	10
Security Laws and Restrictions on Freedom of Expression.....	11
Ajit Bhuyan and Parag Das (11); Atanu Bhuyan (12); Manjit Mahanta (12); Demonstration by journalists (12)	
Suspected ULFA Abuses.....	13
Nityo Dutta (13); Shabnam Kolita (14)	
Conclusions and Recommendations.....	14
Appendix: Security Regulations and their potential for abuse .....	17
The Armed Forces (Assam and Manipur) Special Powers Act.....	17
Terrorist and Disruptive Activities (Prevention) Act (TADA) .....	20
National Security Act (NSA).....	21

one military operation, called Operation Rhino. This report is based on her findings and supplemented by additional material provided by local human rights organizations.

## **Background**

Independent India inherited the former British Protectorate of Assam which had borders with what is now Bangladesh, Bhutan, Burma, China, Sikkim and Tibet. Beginning the 1960s, seven northeastern states were carved out of the old Assam, one of which retained the name. The state of Assam today has a population of about 23 million concentrated in two valleys, the predominately Assamese-speaking Brahmaputra valley and the Bengali-speaking Surma valley. Although Assamese is spoken by more than 12 million people in the state, and Bengali by over one and a half million, hundreds of other languages and dialects are also spoken by the tribal minorities who reside in mountainous hill districts. These minority groups often differ in language, culture and religion from the plains-dwelling majority, and from each other.

Assam's human rights situation is rooted in its ethnic and linguistic make-up and in the history of its administrative relationship to the central government of India. For over 600 years, Assam was ruled by the Ahoms, a Thai clan which entered from the Shan state of upper Burma in about 1228 and ruled the region as a monarchy until 1816. The last 50 years of Ahom rule were marked by a series of Burmese invasions which ended when the British formally annexed the territory in 1826, placing it under the domain of the Bengal Presidency. In 1874, Assam was raised to the status of a Chief Commissionership, separating it as a territorial unit from Bengal. Britain maintained control of Assam until 1947, when the territory became a part of independent India.

When Britain assumed control of Assam, the Ahom oligarchy was systematically excluded from its administration, and a large number of lower level civil service positions were filled with Bengali Hindus from Sylhet (which later became part of Bangladesh). This perceived discrimination sparked anti-Bengali sentiment among the Assamese-speaking middle-class which escalated when, in 1837, Bengali was declared the official language of Assam. In December 1872 this decision was reversed in the face of mounting pressure from Assamese nationalists, but anti-Bengali attitudes persisted, becoming the basis for agitation and violence against non-Assamese which reached a peak in the 1980s.

After Indian independence, Assam's migrant population, particularly Bengali-speakers, swelled dramatically. This influx of non-Assamese migrants from other parts of India and from neighboring countries, was seen by many lowland Assamese as a threat to Assamese economic and cultural survival and led to the birth of the Assamese Movement, a nationalist movement which sought to regain local control of Assam's natural resources, especially its rich supplies of oil and tea, to rid the state of its immigrant population, and to establish Assamese as the official language of the entire region.

In 1962, the state legislature responded to pressure from the Assamese Movement by passing a bill which designated Assamese as the official language for the state. The resulting agitation by indigenous non-Assamese-speaking groups led to the eventual break-up of the northeast into seven linguistically and culturally-based states. Between 1963 and 1986, Nagaland, Arunachal Pradesh, Meghalaya, Mizoram and Tripura were born out of the old Assam Province. Manipur, a kingdom that had been separate from Assam since the eighteenth century, became a separate Indian state in 1972.

In June 1978, a major outbreak of "anti-foreigner" agitation began in the Mangaldai parliamentary constituency, north of Gawahati. Organized by the *Asam Sahitya Sabha* (the Assam Literary Society), the controversy focused on the voting rights of illegal immigrants from Bangladesh. The All Assam Students' Union (AASU) launched its "Anti-foreigner Movement" in 1979, seeking to disenfranchise, and later to deport a large number of Bangladeshi immigrants. With the support of the central government, the ruling Janatha Party, the local government and the Assam police, the movement sought to identify illegal immigrants, delete their names from the electoral rolls, and deport them from the state. But anti-foreigner agitation continued to escalate, and with it tensions between Assamese, immigrant and tribal communities. These tensions reached a peak during the elections of February 1983 when thousands of Bengali-speaking Muslims, and hundreds of Assamese and tribals were killed in communal massacres and retaliatory attacks.

Agitation by the Assamese Movement culminated in the 1985 Assam Accord and in December, the Asom Gana Parishad (AGP), which supported the goals of the Assamese Movement, won state elections and took control of the government of Assam. But despite the AGP's victory, it failed to resolve the issue of illegal immigration and disillusioned Assamese nationalists grew militant.

The birth of Assamese nationalism was reinforced by an upsurge in rebellion by other ethnic groups in the northeast of the region. Gains to one community were perceived as losses to another. The Nagas were the first of Assam's tribal groups to rebel against Indian rule after Independence in 1947. In what was to become India's characteristic approach to separatist rebellion, the government responded with harsh military suppression of the movement which included attacks on combatants and non-combatants alike, followed by political negotiations that led eventually to the creation of the separate state of Nagaland in 1963. While this quelled much of the violence, opposition remained. Remnants of the Naga movement, dissatisfied with the political solution, formed the National Socialist Council of Nagaland (NSCN), which continues to launch sporadic attacks on Indian troops in Nagaland and bordering states from jungle bases in Burma.

In the 1960s, Manipuri, Mizo and Tripuri youths followed suit, forming their own guerilla organizations. But by the mid-1980s, the Indian government, using the same formula of military offensives and political concessions, had managed to subdue these movements as well. Manipur and Tripura, which had been ruled by the central government until 1972, were given statehood. Mizoram became a state in 1986 when the Indian government reached an agreement with the leadership of the Mizo National Front, ending two decades of guerilla warfare. But despite political compromises, India continued to face demands from a number of other ethnic groups for autonomy or independence, and to respond to these movements with military crackdowns characterized by harsh repression of the civilian population.

## **ULFA and Counterinsurgency Operations**

In the 1970s, militant Assamese nationalists moved from political agitation to full-scale armed insurrection. In 1979, Assamese militants joined forces with Naga and Kachin guerrillas in northern Burma and formed what was to become the most powerful insurgency force in the region -- the United Liberation Front of Asom (ULFA).<sup>1</sup> Despite its use of violence, ULFA gained popular support by taking over local

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<sup>1</sup>ULFA and NSCN now belong to a coalition of northeastern insurgent groups called the Indo-Burma Revolutionary Front.

administration in rural areas where government machinery had broken down. Even many who did not support its demand for independence welcomed ULFA's capacity to address the problems of an ineffectual state government.

But from 1988 to 1990, ULFA's violent activities escalated. It came to virtually control the state, extorting vast sums from tea plantations and businessmen to finance its efforts, engaging in kidnappings, and assassinating key political officials and police officers. Evidence of these abuses came to light when a mass grave containing more than 11 bodies was uncovered at Lakhpathar, the headquarters of the commander-in-chief of the ULFA. The ruling Asom Gana Parishad (AGP) appeared to vacillate in its policy on ULFA, taking police action against suspected members of the group while appearing to maintain close ties to its leadership.<sup>2</sup>

On November 27, 1990, the central government imposed president's rule -- putting the state under the direct control of Delhi -- under Article 356 of the Indian Constitution, and launched a massive anti-insurgency operation code named "Bajrang." This military operation was called off on April 20, 1991, but on September 14, 1991 the army was deployed once again in the state, this time under the code name "Operation Rhino." Operation Rhino employed between 40,000 and 50,000 troops, including elite mountain divisions, the Rajputra rifles, the Kumaon regiment and other army units, plus about 100,000 members of the Border Security Force (BSF), the state police, the Central Reserve Police Force (CRPF) and the Assam rifles.<sup>3</sup> The Operation continued from September 1991 to January 1992, when ULFA agreed to negotiations for a peaceful settlement. However, some ULFA factions, unhappy with the prospect of a negotiated settlement, refused to disarm. Although the government reported that some 2,800 former militants surrendered for rehabilitation after Operation Rhino was suspended, sporadic ULFA violence persisted throughout 1992, as did army attacks on civilians. In April 1992, the army re-launched operations in six districts, and in January 1993, after a rash of ULFA killings and kidnappings, the Indian government announced the resumption of full-scale operations against the militants. The government also served notice that the deadline for the surrender of militants had passed, and that it would launch a major military offensive against ULFA hardliners starting February 1. It said that those ULFA members who had not surrendered would be declared "proclaimed offenders" and their property confiscated.

## **Pattern of Abuses**

During Operation Rhino, Assam was essentially placed under military rule, by provisions of the Assam Disturbed Areas Act of 1955 and the Armed Forces (Assam and Manipur) Special Powers Act 1958 (as amended in 1972), which give the army virtually unrestricted power to act against suspected security threats. During Operations Bajrang and Rhino, human rights groups in Assam complained that civil administration of the state had all but ceased. Severe human rights violations by the security forces during both operations have been well documented by human rights organizations in India.<sup>4</sup> They include

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<sup>2</sup>Virpin Pubby, *Indian Express*, December 16, 1990

<sup>3</sup>For more on the Indian government's use of military and paramilitary forces in areas of civil disturbance, see *Kashmir under Siege*, Asia Watch, May 1991, pp.17-18.

<sup>4</sup>See *Assam: A Report From the Heart of Darkness*, Committee for the Protection of Democratic Rights, April 1991.

violations of non-derogable provisions of the International Covenant on Civil and Political Rights (ICCPR) to which India is a party.

As is true in other parts of India, victims of army violations in Assam very often have been civilian men and women too poor and too powerless to get help from local authorities or to appeal to the courts. Amnesty International described similar conditions in its October 1990 report on human rights violations in Manipur during "Operation Bluebird."

"The testimonies cited...demonstrate that witnesses giving evidence in court face a real risk of repercussions. This is one of the reasons why victims have only rarely complained to the civilians courts, even though reports of human rights violations in the northeast have been frequent. Another reason is that the victims live in inaccessible regions with poor communications; the only contact many have with outsiders is the army. Many are illiterate, and they often do not know how to approach the courts, do not have funds to bring legal action and believe that petitions would not be accepted. Although villagers have complained to the civilians authorities such as the local police or deputy commissioner, these authorities have often said that they felt powerless to do anything about matters concerning the security forces that are controlled by the central government. Finally,... Section 6 of the Armed Forces Special Powers Act prevents citizens from bringing a case against the security forces without prior permission from the central government. Moreover, court cases often take years before a final ruling is given."<sup>5</sup>

Abuses by the army in Assam have included extrajudicial killings, illegal imposition of curfews, long periods of detention at army posts and camps, use of schools and churches as detention or interrogation centers, and the molestation and rape of women. Civilians also reported large-scale looting of homes and granaries by army personnel, even after army operations had been called off in January 1992.

Torture has been widely used. Former detainees reported beatings with fists, wooden sticks, rifle butts and whips. Detainees were kicked, suspended from the ceiling, beaten on the soles of their feet, and burned with cigarettes. Use of chili powder and electric shocks, often applied to the face or genitals, was also common. Asia Watch also received reports of starvation and near-drowning as methods of torture. In many cases the victims of these abuses did not even speak the language of their interrogators and were therefore unable to answer their questions. In the words of one Assamese human rights group,

"Many of these procedures are adopted not only for interrogation but are done at random -- because most of the times [sic] people were not interrogated properly but nevertheless tortured. Torture acquires an independent existence -- a momentum of its own and a

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See also, *A Report on Human Rights Violations and State Terrorism in Assam During Operation Rhino, September 1991*, Manav Adhikar Sangram Samiti (MASS), published by Shri Ajit Kumar Bhuyan, on behalf of Mass, Guwahati, 1991.

<sup>5</sup>Amnesty International, *India: "Operation Bluebird" A Case Study of Torture and Extrajudicial Executions in Manipur*, October 1990, P. 59.

sadistic, sinister underpinning. This makes it a tool for creating pure terror."<sup>6</sup>

The hallmark of the Indian army's counterinsurgency efforts in Assam is the "cordon and search operation," involving massive raids and house-to-house searches in thousands of villages. The primary targets of these raids are young men suspected of militant sympathies, but their neighbors and family members also fall victim to army violence. During search operations, civilians are routinely subjected to threats, harassment and assaults. Rapes of family members are common. The primary goal of these raids appears to be to frighten villagers into identifying suspected militants. Once identified, suspects are detained in army facilities, and subjected to severe mistreatment. It should be noted that Asia Watch has documented similar abuses during operations in Punjab and Kashmir, and Amnesty International reported abuses of the same sort in Manipur in 1990.<sup>7</sup>

Young men in Assam are regularly subjected to arbitrary arrest and lengthy detention. Picked up in markets and other public places, or taken from their homes, they are detained in army camps and interrogated. Often no charges are brought against them and they are released, sometimes with life-threatening injuries resulting from beatings and other forms of torture. Torture in Indian army facilities is routine and is often used as a method of summary punishment. Methods of torture in Assam have included beating, kicking, administering electric shocks and starvation.

Asia Watch has also received reports of deaths in custody as the result of torture, and in alleged encounters and escape attempts. According to the US Department of State, human rights groups in Assam reported that as many as 40 people were killed in army custody in 1991 and early 1992.<sup>8</sup> Bypassing normal judicial channels in favor of summary justice with the help of security laws like the National Security Act (NSA) and the Terrorist and Disruptive Activities (Prevention) Act (TADA), the army in Assam and other parts of India regularly detains individuals against whom there is little evidence of wrongdoing.<sup>9</sup> Used in conjunction with the Disturbed Areas Act and the Armed Forces Special Powers Act, these laws free authorities from legal restraints on arrests and detentions and on the use of force. The Indian military uses them to weed out suspected militant sympathizers, intimidate critics and silence dissent; aggrieved civilians have little recourse. Human rights activists and journalists are discouraged from investigating abuses in Assam, and several have been charged under these security laws for attempting to report on human rights conditions or for criticizing the government's use of the laws themselves.

ULFA has also committed abuses. Since 1990 the group has engaged in assassinations and

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<sup>6</sup>MASS, *A Report on Human Rights Violations and State Terrorism in Assam during Operation Rhino, September 1991.*, p. 5.

<sup>7</sup>See Asia Watch, *Kashmir Under Siege*, May 1991 and *Punjab in Crisis*, August 1991. See also, Amnesty International, *India: "Operation Bluebird" A Case Study of Torture and Extrajudicial Executions in Manipur*, October 1990.

<sup>8</sup>US Department of State, *Country Reports on Human Rights Practices for 1992*, p. 1136.

<sup>9</sup>See, Asia Watch, *Kashmir Under Siege: Human Rights in India*, May 1991, pp.108-115. see also, *Punjab in Crisis*, August 1991, pp 152-157 and *Human Rights in India: Police Killings and Rural Violence in Andhra Pradesh*, pp. 15, 25-26.

kidnappings of civilians, including politicians, police officers, businessmen and others. Also among its victims in 1992 were former ULFA members, or members of the faction that supported negotiations with the government.<sup>10</sup> In January 1993 ULFA militants kidnapped V.G. Baghavan, the chief executive of a large Indian corporation, Prag Bosimi Synthetics. They also killed three tribal youths whose bodies were found hanging in trees. The killings were apparently in retaliation for the youths' suspected role in the arrests of three of ULFA's Nagaon district leaders.<sup>11</sup>

## **Cases of Abuse by the Security Forces**

An Asia Watch consultant who travelled to Assam in March 1992 was harassed, questioned and followed by police throughout her ten-day stay. She nevertheless managed to visit Lakhimpur District, one of the hardest hit areas in the northern part of the state, where she interviewed several families affected by army violence. Her interviews exposed a pattern of severe abuse by military personnel, corroborating earlier reports by local human rights groups. She found evidence of similar acts of violence by members of ULFA, and spoke with relatives of victims in Gawahati who described severe violations by ULFA members. The cases described below are based on her investigation.

### **● Bhanimai and Tarun Dutta**

Mukuta Dutta, a resident of Kowadanga Village, in Naobaisa, North Lakhimpur, told Asia Watch that on October 16, 1991, at 3:00 p.m., members of the security forces arrived at his house in two trucks and four jeeps just as his fourteen-year-old daughter Bhanimai was returning from fetching water from a nearby well. The soldiers asked Dutta how many sons he had. He told them he had two sons and that the older, twenty-five-year-old Tarun, was in the village; twenty-year-old Bubul was at home. The soldiers accused Tarun of having ULFA connections and began slapping Dutta. They then dragged Mukuta and his younger son Bubul towards the jeeps. Dutta's wife Rakhada ran after the soldiers, pleading with them to stop. But the soldiers continued to beat Bubul and his father, and then, leaving Mukuta Dutta lying on the ground, forced Bubul into a waiting vehicle and drove away.

As his wife helped Mukuta return to the house, they saw three other members of the security forces leaving through the front door. Mukuta and Rakhada ran inside to find Bhanimai lying on the bed almost totally naked and unconscious. She was trembling violently, saliva dripping from the sides of her mouth.

Rakhada screamed for help and neighbors came running. Sumita Sut, a neighbor,<sup>13</sup> said she saw Bhanimai lying on the bed with bruising and bite marks all over her body. She said she tried to stop the trembling in Bhanimai's arms and legs by holding on to them, but Bhanimai died soon after.

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<sup>10</sup>US Department of State, *Country Reports on Human Rights Practices for 1992*, p.1136.

<sup>11</sup>*Times of India*, February 1, 1993.

Because government doctors were on strike at the time, the next day, on October 17, Bhanimai's uncle took her body to a private hospital for the postmortem, but the results of the autopsy were not released to the family.

On the day of the attacks, after the security forces left the Dutta house, the soldiers in army jeeps and trucks spotted Tarun crossing a bridge and picked him up. Although Bubul was released soon after his arrest, Tarun was not released until March 10, 1992. According to his parents he had been tortured in army custody for two days and then jailed. His ribs and skull had been pressed between clamps, which caused him to lose his sense of balance and he had been given electric shocks. He had continuous tremors in his hands.

Although the state government initially tried to deny that Bhanimai Dutta was raped, a state minister, Bargoram Deuri, went personally to the Dutta home and promised her parents compensation of Rs.100,000 (\$3,300), and offered one of Mukutu's sons a government job. Four months later neither promise had yet been kept.

#### ● **Bubul Barua**

Hamadhar Barua told Asia Watch that on October 12, 1991, at about 2:30 a.m., eight or nine members of the army arrived at his house in Bandadwa village and arrested his nephew, Bubul Barua, 20, who had been visiting for a few days. The arresting soldiers said Bubul was wanted in connection with the death of two people allegedly killed by ULFA and that he knew where the bodies were.

On October 15, 1991, at about 7:30 p.m., Bubul was returned to the uncle's house by four soldiers, who were carrying him, and several policemen. Bubul's arms and legs were bandaged and he was unable to move. When the bandages were removed, the family discovered that he could not walk and his shoulders had been dislocated. Biju Borua, Bubul's fifteen-year-old cousin, and Sarbeswar Barua, his elder brother, told Asia Watch that Bubul's body bore marks of severe beating and his urine contained large amounts of blood. A doctor who treated Bubul said that Bubul's kidneys had been ruptured. Due to a strike by local government doctors, and despite appeals to local officials, Bubul Barua could not get the necessary medical help. He died on October 24, 1991. According to the soldiers who brought him back after the interrogation, he had been found innocent.

#### ● **Dibakar Handique**

At 2:30 p.m. on September 28, 1991, Dibakar Handique, 27, of Basapukhui Village in Dholpur Maiza, Narayanpur, North Lakhimpur, was playing *carrom* (a board game) with his friends at the house of his neighbor, Bogi Handique, when he was arrested by 10 or 12 soldiers deployed in the area. Bogi Handique, who witnessed the arrest, told Asia Watch that the soldiers accused Dibakar of being a member of ULFA. They tied Dibakar's hands behind his back and kicked him and beat him with rifle butts in the face, abdomen, and all over his body. The soldiers then took him to a paddy field and beat him again before kicking him into a nearby pond. The soldiers then dragged Dibakar out of the water and continued to beat him. Bogi saw blood pouring out of Dibakar's nose, and hair being pulled from his head. His sister Saranami Handique, stated that the soldiers finally carried Dibakar away, as he could no longer walk. She also said that a lot of his hair was gone.



Rupada Handique, Dibakar's sister-in-law, said that when she tried to stop the soldiers from taking Dibakar away, they laughed at her. Three or four other villagers were arrested along with Dibakar, but had been released after they were tortured. Dibakar was taken to Jorabari Army Camp.

On September 29, 1991, the body was handed over to Lakhimpur Civil Hospital and on September 30, 1991, at 9:00 a.m., the family was informed that he was dead. His eldest brother, Indrakanth Handique, went to the hospital to identify the body and Dibakar's body was brought home at 8:00 p.m., by army soldiers. Although the army did not permit relatives to inspect the body, they were able to see that his arms, legs and fingers appeared broken, and that the body bore the marks of severe beating.

According to Jogen Kanwar, a neighbor, other male members of the village were taken away and questioned before Dibakar's arrest. They were all asked whether Dibakar was a member of ULFA, and although Jogen denied it, he could not speak for the rest.

### ● Numali Baniya

Numali Baniya, a widow, 40, said that at about midnight on October 21, 1991, three uniformed Indian army soldiers broke into her house in Jalukota village, Mermukh, Narayanpur, Lakhimpur, where she was asleep with her three daughters. While two soldiers kept guard in the bedroom where the girls were sleeping, the third dragged Numali out of the house and raped her at gunpoint.

The next day, Numali went to the Dhalpur government hospital for medical treatment and a certificate stating that she had been raped. But the doctor there refused to help her until she registered her case with the local police. Being too frightened to approach the police, Numali instead sought the help of the civil Sub-Deputy Collector R.K. Regu, hoping that he would help her register her case with the police, but he refused.

### "Encounters" and "Escape attempts"

Summary executions of suspected militants in staged "encounters" are a trademark of counter-insurgency operations throughout India. In such cases, the authorities claim that the murdered victim was killed after he opened fire on or otherwise attacked members of the security forces. Another common explanation given by authorities for extrajudicial executions is that the victim was shot while trying to escape. Asia Watch has documented this practice in reports on Kashmir, Punjab, Andhra Pradesh and Uttar Pradesh.<sup>12</sup> Indian human rights groups confirm that this pattern is also evident in Assam. In a 1991 report on army abuses during Operation Rhino, Manav Adhikar Sangram Samiti (MASS), a local human rights organization, documented several cases in which eyewitness accounts contradicted official reports on the events leading to the death persons in army custody.<sup>13</sup>

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<sup>12</sup>See Asia Watch, *Kashmir Under Siege*, May 1991, *Punjab in Crisis*, August 1991, and *Human Rights in India: Police Killings and Rural Violence in Andhra Pradesh*, September 1992, and "Encounter in Pilibhit, Summary Executions of Sikhs in Uttar Pradesh, India," September 29, 1991, Vol. 3, Issue 20.

<sup>13</sup>*A Report on Human Rights Violations and State Terrorism in Assam During Operation Rhino, September 1991*, Manav Adhikar Sangram Samiti (MASS), pp. 9,12-13.

In one such case, MASS described the death on September 12, 1991 of Nitu Rajbanshi, 25, a contractor from Dhekiajuli, Sonitpur. At about 3:00 p.m., the victim was reportedly accosted near the center of town by members of the Central Reserve Police Force (CRPF). He fled on foot and the officers opened fire, injuring a young bystander. The officers chased Rajbanshi for more than a mile, finally cornering him in the bathroom of a house that was under construction where he was shot to death by CRPF officer Dayananda Singh. Officials claimed that Rajbanshi was a member of ULFA and the he first fired on officer Singh, but according to MASS, witnesses denied this. MASS also noted that the weapon Nitu allegedly fired was never produced.

The MASS report also described the death of Khireswar Bora, a third-year student of Sankardeva College from Maghnova village who was reportedly arrested by soldiers on October 3, 1991. The next day his body was handed over to the North Lakhimpur police. According to the report, government officials claimed that Bora, a suspected insurgent, was shot while trying to escape. However, witnesses to Bora's death reported that Bora died as a result of severe beatings at the hands of military personnel. They said that after his arrest on October 3, Bora was taken to his home and told by soldiers to show them where weapons were buried. When Bora failed to do so, soldiers tied him to a tree and beat him severely, in front of family members. Bora was then reportedly taken to another village where witnesses say he was again tied to a tree and beaten until he died. When his body was turned over to police it had bullet wounds.

In the third case, MASS reported that on October 28, 1991, Kiran Saikia, of Thana-Gohpur, Sonitpur was arrested along with other young men from his village by the Border Security Force. The next day, the Superintendent of Police for Sonitpur released a statement that Saikia, a "suspected insurgent," had been killed after he attacked soldiers in an attempt to escape. The statement claimed that Saikia had agreed after interrogation by the BSF to lead the soldiers to the militants' hiding place and that once in the village, he and a friend, Arup Barua, had begun fighting the soldiers with their bare hands. It claimed the soldiers opened fire, killing Saikia and severely injuring Barua. But witnesses who saw Saikia beaten and tortured by BSF soldiers at Ghabigaon camp maintained that he had been so badly injured he could barely stand, making the described escape attempt impossible.

## **Security Laws and Restrictions on Freedom of Expression**

Although MASS succeeded in publishing an extensive report on violations during "Operation Rhino" in September 1991, which documented numerous cases of human rights abuse, journalists and human rights groups have generally been discouraged from conducting such investigations. The National Security Act and TADA have been invoked against several journalists attempting to report on conditions in Assam, or protesting the imposition of this abusive legislation.

### **● Ajit Bhuyan and Parag Das**

On March 4, 1992, Ajit Bhuyan and Parag Das, officers and founding members of MASS, were arrested under the National Security Act. Bhuyan, who is editor of the local Assamese daily *Saadin*, was charged with supporting ULFA in his writings. Parag Das, editor of *Boodhbar*, a weekly, was arrested on similar grounds. They were both released on May 3, 1992 and the cases against them have not been pursued.

Besides human rights investigations, MASS had also taken up an active campaign for the repeal of TADA as well as NSA and the Armed Forces (Assam and Manipur) Special Powers Act.

Parag Das was rearrested on the evening of February 8, 1993. According to the South Asian Human Rights Documentation Centre (SAHRDC), he is being held under section 4 of TADA, and Special Operations Unit (SOU) case No.1/93 was registered against him. *Bodhbar's* publisher, Krishna Kanta Barua, and printer, Nripendra Sarma, were also arrested under TADA. The First Information Report (FIR)<sup>14</sup>, filed by the police department's Special Branch on January 7, 1993, stated that the December 30 issue of *Bodhbar* featured articles on the late deputy commander-in-chief of ULFA who was killed by the army on December 31, 1991. The police reportedly raided the *Bodhbar* office on January 9 in search of evidence. Parag Das was transferred to judicial custody on February 19. In a March 2 hearing, the court agreed to release them on Rs. 5,000 bail each. Barua and Sarma were released on the evening of March 3. Parag Das, who had been hospitalized during his detention, was released on the morning of March 4, but remained in the hospital. Asia Watch is particularly concerned by reports that Das was kept handcuffed in his hospital bed while in custody.

According to the National Union of Journalists, who intervened on his behalf, copies of Parag Das's articles will be forwarded to the Indian Press Council for an opinion "pending which the case against him will be kept in suspension."

#### ● **Atanu Bhuyan**

SAHRDC also reported that the Assam police arrested another journalist, Atanu Bhuyan, a staff reporter for *Ajir Batori*, on February 14, 1993. Bhuyan was picked up on the premises of the Gawahati Press Club where he was attending a meeting of journalists and prominent citizens protesting the arrests of Das, Barua and Sarma. Bhuyan was arrested under TADA and his case was registered in Sibsagar, where Bhuyan was accused of filing a report from the Sibsagar Literary Association which indicated that ULFA had been putting up posters in defiance of town authorities. When Bhuyan was arrested at the Press Club, lawyers present at the scene reportedly demanded to see a warrant, which the police were unable to produce. SAHRDC reported that Bhuyan was held overnight at the Pan Bazaar police station and then taken before the Additional District Magistrate at Sibsagar on February 15. He was remanded to police custody in Sibsagar and held for three days. Bhuyan was released on February 22, after intervention by the General Secretary of the National Union of Journalists (India).

The National Union of Journalists reported that both Bhuyan and Das have protested their arrests and the Assam government has agreed to order a judicial inquiry into the actions of the police. It has promised that in the future it will submit all of its complaints regarding the press to a "Press Advisory Committee," before acting against journalists.

#### ● **Manjit Mahanta**

Manjit Mahanta, staff writer for *Ajir Asom*, was arrested under TADA on November 26, 1991, also for allegedly supporting ULFA. When he was granted bail in February 14, 1992, he said that he had been

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<sup>14</sup>A FIR is the first report of a crime filed by the police. It is the starting point for any further investigation.

tortured in the Narangi army camp before being transferred to a jail and had to undergo treatment at a local hospital for a case of spondylitis (fusion of the neck vertebra). The government has not pursued his case.

### ● **Demonstration by journalists**

On February 20, 1993, some 500 peaceful demonstrators attempted to march to the governor's house (*Raj Bhavan*) to present authorities with a memorandum protesting the persecution of journalists in Assam. They were blocked by police and returned to the Guwahati Press Club, where police reportedly stormed the premises armed with lathis (bamboo sticks). Some 50 journalists were arrested and several were badly injured. Arupa Barua, editor of *Mukti Dhoot*, and Bhogeshwar Dutta, editor of *Sapthahik Jonomat*, were reportedly hospitalized.

## **Suspected ULFA Abuses**

ULFA has also been accused of human rights violations. In the late 1980s the Indian press began carrying reports of ULFA's execution of suspected drug dealers, bootleggers, members of prostitution rings and other "social enemies."<sup>15</sup> ULFA also began extorting large amounts of money from tea plantations and businessmen, and assassinating political rivals, police officers and other public figures. ULFA has also been accused of carrying out hundreds of kidnappings, killing many of its victims. *India Today* estimated in March 1991 that members of ULFA had killed 97 people, including 25 Congress(I) Party leaders and workers in four months.

### ● **Nityo Dutta, Deputy Superintendent of police, Gawahati**

Moushmi Dutta, daughter of Nityo Dutta, 56, who was the Deputy Superintendent of Police for Gawahati, told Asia Watch that on the night of October 27, 1991, at 8:30 p.m., she went with her parents, husband and younger brother to a restaurant called China Town in Gawahati. As they sat down to eat, Moushmi noticed six young men at the next table talking in low tones.

At about 9:30 p.m., the family heard a popping noise "like fire crackers" and saw Nityo Dutta lying in a pool of blood. He had been shot twice in the head and once in the neck and seemed to have died instantly. The manager of the restaurant immediately put the lights out and Moushmi's brother ran out, only to see two men jumping on a motor bike and disappearing down the road. In the commotion that followed Moushmi noticed that the six young men at the next table were gone, and although the family suspected they had something to do with the murder, no one had seen their faces and identification was impossible.

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<sup>15</sup> *Assam, Report from the Heart of Darkness*, Committee for the Protection of Democratic Rights, Bombay, April 1991, p.28.

On February 11, 1992, a local newspaper identified Nityo Dutta's two killers as Dhruva Talukdar and Hari Deka, members of ULFA. Talukdar reportedly claimed that Nityo Dutta had not "treated them properly" when they had been in custody at the Paan Bazaar Police Station in Gawahati.

#### ● **Shabnam Kolita**

Purobi Kolita, 28, wife of Lachit Kolita, a Congress-I party member from Gawahati, told Asia Watch that on August 23, 1991 at 6:30 p.m., Lachit went to collect their five-year-old daughter Shabnam from her grandfather's house. He was driving a Maruti van and had put his daughter in the back seat before taking his place at the wheel when gunshots were fired at the front of the car. After the gunfire, a hand grenade was thrown at the car. Lachit Kolita sprang out of the car just before it exploded, killing Shabnam who was trapped in the back seat. Several ULFA members were arrested in connection with the crime and reportedly confessed to the murder, although Asia Watch is unaware of any statements from the organization claiming responsibility.

### **Conclusions and Recommendations**

The pattern of abuse in Assam is strikingly similar to that found in Punjab, Kashmir and elsewhere in India. As in these areas, the Indian government does face a major security threat from militants. But the means used to address that threat violate fundamental international standards and undermine respect for the rule of law. The persistent threat of violence by insurgent groups in Assam makes it critical that India end this practice and demonstrate that it is not official policy. India must discipline abusive troops and guarantee that all its forces are held accountable for their actions. As part of this process, Asia Watch suggests that the government of India direct its newly formed National Commission on Human Rights to investigate the cases documented in this report.

In previous reports Asia Watch has made a number of recommendations aimed at improving the human rights climate in India. Many of these recommendations focus on the need for investigation of all reported abuses and the amendment or repeal of abusive security regulations. We reiterate those concerns:

- The government of India should repeal the Terrorist and Disruptive Activities Act (TADA) as its provisions are so broad as virtually to criminalize legitimate political dissent.
- The government of India should amend the National Security Act to ensure that it cannot be used to curb legitimate political dissent.
- The government of India should establish independent, impartial commissions of inquiry into all reports of extrajudicial execution, torture, rape and assault carried out by members of the army and security forces. Members of the army and security forces found responsible for murder and other gross abuses should be prosecuted and punished. Family members should be paid compensation.

- The government of India should strengthen and enforce the safeguards existing in Indian law that protect detainees from torture, including requirements that all detainees be brought before a magistrate or other judicial authority empowered to review the legality of their arrest within 24 hours of arrest, that they be informed promptly of the charges against them, and that all detainees have immediate and regular access to lawyers, family members and medical care. A centralized register of detainees accessible to lawyers and family members should be established.

- Militant organizations should abide by the principles set forth in common Article 3 of the 1949 Geneva Conventions, which prohibit killings or other attacks on persons taking no part in hostilities. Asia Watch condemns all acts of violence against civilians.

- The International Committee of the Red Cross should be permitted to undertake the full range of its protection activities in Assam, and we urge the government of India and all militant groups operating in Assam to extend their full cooperation to the ICRC.

In addition:

- The Armed Forces (Assam and Manipur) Special Powers Act should be amended to include an absolute time limit on its validity and should be required to undergo parliamentary review pending continuation.

- Article 4(a) of the Armed Forces (Assam and Manipur) Special Powers Acts should be repealed. The powers it grants the military regarding the use of deadly force are so broad as to contravene international standards.

- All military personnel should be required to file a full report on any incident in which deadly force is used. This report should include the circumstances under which the decision was made to use deadly force. All reports of civilian deaths should be promptly investigated and forces found guilty of gross human rights violations should be prosecuted.

- Section 6 of the Armed Force Special Powers Act should be repealed as it makes it virtually impossible for civilians to bring charges against errant military personnel.

- All members of the armed forces should be required to report and justify the destruction of buildings and other private property. Procedures must be developed which allow civilians to claim compensation for wrongful destruction of property, and to ensure prosecution of forces guilty of willful criminal behavior in this regard.

- Army personnel should be required to inform all detainees of the grounds of their arrest; all detainees should be provided with legal counsel; and all persons arrested by the military should be remanded to police custody within 24 hours.

- The Armed Forces Special Powers Act should be amended to require warrants for search and seizure. Reports of violence against civilians including sexual abuse and rape, reports of intimidation and harassment, and property damage that occur during military search operations should be promptly investigated. Again, personnel found guilty of such abuses

should be prosecuted and victims or their families paid compensation.

- The Armed Force Special Powers Act should be amended specifically to prohibit torture. The right to be protected against torture by agents of the state is inherent in the right to life and personal liberty guaranteed under Article 21 read with Article 14, 19(1), 20 and 22 of the Indian Constitution. Moreover, the use of torture to extract confessions is an offence under Section 330 of the Indian Penal Code.
- The Armed Force Special Powers Act should be amended to guarantee those arrested by Assam's security forces a fair trial. To promote due process, detainees arrested by the armed forces should be turned over to civil authorities as quickly as possible.

## Appendix: Security Regulations and their potential for abuse

### The Armed Forces (Assam and Manipur) Special Powers Act

Section 3 of the Armed Forces (Assam and Manipur) Special Powers Act authorizes the governor of the state, the administrator of a union territory, or the central government, to declare the whole area, or any part of a state or territory, to be disturbed if he or she "is of the opinion that the whole or part...is in such a disturbed and dangerous condition that the use of armed force in aid of civil power is necessary."<sup>16</sup> This declaration is enacted by notification in the official gazette. Once an area has been declared disturbed under the act, the armed forces are granted the following special powers:

Under Section 4:

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

*a) if he is of the opinion that it is necessary to do so 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 extent of causing death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or fire arms, ammunition or explosive substances;*

*b) if he is of the opinion that it is necessary so to do, may destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made, or any structure used as a training camp for armed volunteers or utilized as a hideout by armed gangs or absconders wanted for any offence;*

*c) arrest, without warrant, any person who has committed a cognisable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognisable offence and may use such force as may be necessary to effect the arrest;*

*d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any persons believed to be wrongfully restrained or confined or any property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises and may for that purpose use such force as may be necessary; "*

Section 5 states that:

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<sup>16</sup> Armed Forces (Assam and Manipur) Special Powers Act, Section 3. As quoted in *Endless War; Disturbed Areas of the North-East*, People's Union for Democratic Rights, January 1983, pp. 4-5.



*"Any person arrested and taken into custody under the 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.*

Under Section 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 in exercise of powers conferred by this act."*

The Armed Forces (Assam and Manipur) Special Powers Act has a number of shortcomings that invite abuse. Drafted to provide the widest possible authority to the armed forces and central government to combat insurgency, the act provides little opportunity for reassessment of the continued need for it, and few procedural safeguards to protect against the unwarranted derogation of the rights of civilians.

Under the Armed Force Special Powers Act, an area can be declared disturbed indefinitely. For example, the notification of November 27, 1990, declaring the entire State of Assam disturbed gave no time limit. In addition, there is no statutory obligation to review the notification. This is very dangerous. All security legislation which grants extraordinary powers to security forces should include absolute time limits and require frequent parliamentary review. This is essential to guard against abuse.

The Armed Forces Special Powers Act circumvents important procedural safeguards set out in Chapter XVIII of the Indian Constitution, pertaining to the declaration of a state of emergency. Even when a state of emergency has been declared, the rights given under Article 14 and 21 of the Indian Constitution cannot be suspended and security forces must abide by certain guidelines which ensure adherence to the rule of law. To declare a state of emergency, the president must issue a proclamation. This proclamation must be laid before both houses of parliament and ceases to operate after one month unless both houses approve it. The proclamation is valid only for a period of six months. The suspension of these safeguards by the Armed Forces (Assam and Manipur) Special Powers Act allows for unreasonable restrictions on the fundamental rights of civilians.

The Indian Constitution contains no provision for the imposition of martial law, and the Code of Criminal Procedure dictates that the armed forces may be used for public security purposes only in aid of civil power.<sup>17</sup> But despite these provisions, the Armed Forces (Assam and Manipur) Special Powers Act contains no guidelines for ensuring effective control of the armed forces by the civil authorities. Under the act the armed forces have the power to shoot, arrest, search, seize and even kill when they deem it necessary. Thus the people in an area declared disturbed are deprived of their fundamental rights guaranteed them in Part III of the Indian Constitution, especially the rights in Articles 14, 19, 20, 21, 22, and 25.

Under the Armed Forces (Assam and Manipur) Special Powers Act, it is not mandatory for

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<sup>17</sup>The provision for the use of armed forces in aid of civil power is in Chapter X of the Criminal Procedure Code. Section 130 and 131, provide for checks and control by civil authorities of the armed forces used in aid of civil power.

members of the armed forces to give a report on the death of persons killed or "the circumstances under which he formed his opinion" that killing was necessary. He is not even required to report the matter to the authorities. There is no provision for an inquest or an investigation into the death, or any kind of accountability. The ICCPR expressly prohibits derogation from the right to life under any circumstance. Even during time of emergency "[n]o one shall be arbitrarily deprived of his life."

The armed forces have been granted the power to destroy buildings if they suspect they are being used as shelters by insurgents. This has led to the destruction of schools, churches and homes. Again, there is no obligation to report this activity to the authorities, and victims have no recourse against the military.<sup>18</sup>

The Armed Forces (Assam and Manipur) Special Powers Act allows individuals to be detained on suspicion, without any procedural safeguards, and confers wide powers on the military without requiring the arresting officers to exercise care or restraint.

Under Article 22 of the Indian Constitution every person arrested should have the right to be informed of the grounds of arrest, to consult a legal practitioner of his or her choice, and to be produced before the nearest Magistrate within 24 hours. But under the Armed Forces (Assam and Manipur) Special Powers Act, soldiers are not required to inform the detainee of the grounds of arrest or to provide the detainee with a lawyer, and detainees arrested by the armed forces are almost never handed over to the police within 24 hours. Instead, they often remain in army custody for several days, and there is no statutory requirement for the armed forces to explain a delay in handing over a prisoner to the police.

The act grants the military the power to search and seize at will, and without warrant. Thus soldiers may enter homes at any time of day or night, to arrest men and women and seize property without any procedural restrictions. Violence, intimidation and property damage are common during searches and arrests. Women and girls are often subjected to sexual abuse and harassment.

People living in areas declared disturbed under the Act do not have any legal protection against torture. The right to be protected against torture by agents of the state is inherent in the right to life and personal liberty guaranteed under Article 21 read with Article 14, 19 (1), 20 and 22 of the Indian Constitution. Moreover, the use of torture to extract confessions is an offence under Section 330 of the Indian Penal Code.

A person arrested under the Act is often denied a fair trial, as the armed forces are not trained in law and criminal procedure, and the Code of Criminal Procedure lays down a method for investigation that culminates in the formation of an opinion by the police. But the police are often unable to form this opinion, since the only evidence they have before them is the report made by the armed forces several days after the alleged crime took place.

## **Terrorist and Disruptive Activities (Prevention) Act (TADA)**

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<sup>18</sup>The Indian Code of Criminal Procedure deals with the law on seizures and disposal of property which is subject matter of an offense. The relevant provisions are contained in Chapter XXXIV, specifically under Section 451 and 452.

As Asia Watch has pointed out in earlier reports on Kashmir, Punjab and Andhra Pradesh, TADA virtually criminalizes free speech. Under TADA, anyone who "knowingly facilitates the commission of any disruptive activity shall be punishable with imprisonment for a term which shall not be less than three years, but which may extend to a term of life and shall also be liable to fine."<sup>19</sup> TADA also permits up to one year in pretrial detention in violation of Article 9 of the International Covenant which states:

"Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release."

Indian law permits detention in police custody after remand by the court for a maximum of 15 days before the detainee is transferred to judicial custody.<sup>20</sup> However, under section 20 of TADA, a detainee may be held in police custody for up to 60 days. This extension of the periods of police remand substantially increases the risk of torture since the most severe abuse of detainees commonly occurs in the initial place of detention.

TADA does not require that a detainee be produced before a judicial magistrate, as is the case under ordinary law. Instead, the detainee may be produced before an "executive-magistrate," that is, an official of the police or administrative services who is not answerable to the High Court. In addition, under TADA, all proceedings before a designated court are conducted in secret "at any place other than the court's ordinary place of sitting."<sup>21</sup>

TADA also reverses the presumption of innocence, placing the burden on the accused to prove he is not guilty. This violates international standards and Indian law. Section 21 of TADA states that in cases of persons accused of terrorist acts where arms or explosives are recovered or where "there is reason to believe that such arms or explosives...were used, or where fingerprints are discovered," or where "a confession has been made by a co-accused," or the accused has made a confession to someone other than a police officer, then the court "shall presume, unless the contrary is proved, that such person has committed the offence." In cases in which a person has been accused of conspiracy or in abetting in any way the commission of a terrorist act, if the person is accused or "reasonably suspected of providing financial assistance" of the

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<sup>19</sup>The Act describes a disruptive activity as "[a]ny action taken, whether by act or by speech or through any other media or any other manner whatsoever, which questions, disrupts or is intended to disrupt, whether directly or indirectly, the sovereignty and territorial integrity of India; or which is intended to bring about or supports any claim, whether directly or indirectly, for the cession of any part of India or the secession of any part of India from the Union."

<sup>20</sup>Remand may be renewed.

<sup>21</sup> Article 14 of the International Covenant on Civil and Political Rights (ICCPR) states:

In the determination of any criminal charge against him, or in the rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

commission of the act, the person shall be presumed guilty.

In addition to the above measures, TADA effectively amends India's Criminal Procedure Code and the Indian Evidence Act to allow the introduction into evidence of extra-judicial confessions made to a police officer "not lower in rank than a superintendent of police and recorded by such a police officer either in writing or on any mechanical device like cassettes, tapes or soundtracks...[as] admissible in the trial of such person for an offence under this act...[if the police officer] has reason to believe that it is being made voluntarily." This provision also substantially increases the risk of torture.

Moreover, section 19 of TADA permits accused to appeal only to the Supreme Court, effectively eliminating the High Court as an appellate review body. For many persons the financial burden of seeking Supreme Court review are prohibitive.

### **National Security Act (NSA)**

As is true in Punjab, the National Security Act has been used in Assam to curb free speech and dissent and has led to lengthy detentions without charge or trial, a condition which virtually guarantees abuse. The following description of the National Security Act is based on material originally published in the Asia Watch August 1991 report, "*Punjab in Crisis*."

The NSA permits the detention of persons without charge or trial for up to one year.<sup>22</sup> Under the NSA, the government may detain persons engaged in behavior "prejudicial to the defence of India, the relations of India with foreign powers, or the security of India."

The original act of 1980 provided for a government-appointed review board made up of persons who had been, or were qualified to be, judges of a High Court. In most cases the National Security (Amendment) Act of 1984 grants authorities four months and two weeks before they are required to notify this board of the grounds of a detention.<sup>23</sup> After reviewing the case, the Board determines whether there is sufficient cause for the person to remain in detention. The amended act extended the period before which the board is required to report its decision to the government from seven weeks, to five months and three weeks.<sup>24</sup> A person can therefore be detained under the NSA for nearly six months before a decision is reached that the grounds for his detention are insufficient. Furthermore, the detainee has no right to appear before this review board, and the findings of the board are confidential.

A detainee held under the NSA also has virtually no opportunity to file a *habeas corpus* petition until the grounds for detention are communicated to him. Because the amended act extends the period

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<sup>22</sup>The Act was amended in 1984 to permit detention for two years in Punjab.

<sup>23</sup>The amended act extended this period in cases where the person was detained "with a view to preventing him from acting, in any disturbed area, in a manner prejudicial to the defence of India; or the security of India; or the security of the State; or to the maintenance of public order; or the maintenance of supplies and services essential to the community."

<sup>24</sup>If the board finds the grounds for detention insufficient, the government is to revoke the detention orders and release the detainee "forthwith."

before which a detainee must be informed of the grounds for his detention from 10 to 15 days, it prolongs the period before which a detainee has recourse to *habeas corpus*, and thus dramatically increases the chance of torture and extrajudicial execution.

The amended act also revises Section 14(2) of the 1980 National Security Act which had required that a fresh detention order be issued only if new facts in the case arose. Under the amended Act, detention orders may be renewed on the original grounds provided the total period of detention does not exceed 12 months.

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*Asia Watch is an independent organization created in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg, the Vice Chair is Orville Schell, and the Executive Director is Sidney Jones.*

*Asia Watch is a division Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch and Middle East Watch. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Aryeh Neier is Executive Director; Kenneth Roth, Deputy Director; Holly Burkhalter, Washington Director; Susan Osnos, Press Director.*