

India and Its Unlawful Activities Prevention Act

A Case Study of Manipur

Manipur, with its 3 million population, tugged as the easternmost province of India, bordering Myanmar, is arguably, the hardest hit state by the Unlawful Activities (Prevention) Act, 1967 (UAPA). Comprising only 0.2 % of the India's 1.4 billion population, its share of detente under UAPA peaked to a woofing 65% of the total detentions in the country some years ago¹! Even today, in stands second in absolute number terms (just next to Jammu and Kashmir) it is still by far the highest in terms of the per capital detente, considering its tinny population.

Out of the 42 organizations proscribed as “Terrorist Organisations” under the fist schedule of the UAPA, six organisation² are from Manipur with the objective of “restoration of Manipur's sovereignty” or “secession from India” depending from which perceptive one sees.

Manipur, which stood as an independent kingdom during the precolonial and colonial era was “merged” into the Dominion of India under controversial circumstance on 15 October 1949. In doing so, India under-mind the democratically elected popular Assembly and Council of Ministers already functioning then under the Manipur Constitution Act of 1947.

India has become a State party to the International Covenant on Civil and Political Rights, 1966 (ICCPR). However, India has reservation on Article 1 (Right to Self-determination). During the second periodic review of India in 1991 the UN Human Right Committee raised the queries about the self-determination issues of the border state. Mr. Bertil Wennergren (Sweden) made the following statement³:

“India has ever since its independence has accepted its adherence to self-determination and said that is coexistent with the principle of Sovereign equality ... I will make an example. According to the constitution, Parliament may by law admit a new State. Well, there you recognized that self-determination of a people and a nation and a State to ask for admission into the Union. So far, you recognize self-determination. But when the admission has been granted, then the people and the nation, well they will be consumed by the people of India and these people do not exist any longer and then self-determination of that people will not exist any longer, legally speaking I mean. And then, because if that people that nation wants to depart, wants to leave the Union, I cannot see any possibility to do so...”

The constitution of India is silent on the legal and legitimate processes to deal with the democratic aspiration of the peoples and nations to depart from the Union. The law that

¹ <https://www.thehindu.com/news/national/other-states/manipur-records-65-uapa-cases/article7563462.ece>

² No. 13: People's Liberation Army, no.14: United National Liberation Front (UNLF), no.15: People's Revolutionary Party of Kangleipak (PREPAK), no.16: Kangleipak Community Party (KCP), no.17: Kanglei Yaol Kanba Lup (KYKL) and no. 18: Manipur People's Liberation Front (MPLF)

³ India Report, Para 10.

attacks the activities of these groups with such aspiration is UAPA⁴. “Secession” is included in the definition of “terrorist”. Section 2(i) states “secession of a part of the territory of India from the Union” “includes the assertion of any claim to determine whether such part will remain a part of the territory of India”.

Again during the third periodic review by the Human Rights Committee in 1997 the issue came up and the Committee in its Concluding Observations stated⁵:

... bearing in mind the provisions of article 1, 19 and 25 of the Covenant...the problems in areas affected by terrorism and armed insurgency are essentially political in character and that the approach to resolving such problem must also, essentially, be political, and emphasizes that terrorism should be fought with means that are compatible with the Covenant.

Criminalization of the political discourses under the UAPA continues unabated. But that cannot deter the democratic aspirations of the people of Manipur.

When the first UN *Special Rapporteur on the situation of human rights defenders*, Margaret Sekaggaya visited India in 2011 and met a group of HRD from Manipur, she wrote in her official report submitted to the General Assembly and Human Rights Council⁶:

At the time of the visit, Manipur was reportedly the state worst affected by militarization with more than half a dozen human rights groups having been banned as terrorist due to their self-determination advocacy.

⁵ Para 18, Concluding Observation of the Human Rights Committee, India CCPR/C/79/Add.81 dated 4 August 1997.

⁶ Para 83, Report of Special Rapporteur on the situation of human rights defender, Margaret Sekaggaya, Addendum, Mission to India, A/HRC/19/55/Add.1 dated 6 February 2012.