

Armed Conflict and Child Rights in North-East India, with Particular Reference to Assam

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Abstract

North-East India is the easternmost region of India comprising of eight states. The region is known for its depository richness of natural beauty. However, the geographic distance from the rest of India, at the same time makes it unique even with regard to its socio-political context. There exist 350 tribal communities through-out the eight North-East states, with a population of around 35 million. The NE states shares international borders with Myanmar, Bangladesh, Bhutan and China. The appalling interstate disputes crippling the North-East of India has although lessened with time but certainly the active presence of several Non-state actors like separatist military groups (both armed and unarmed), reinforcing insurgency and secessionism in the region, has the created the history of invoking fear, terror and violence in the region. Similarly, in Assam, the armed conflict against the state and intra or inter-state ethnic conflict has led to tremendous child rights violation. Recruitment of child soldiers, exploitation, killings, kidnappings, sexual violence and multiple deprivations, internal displacements are a few instances, of the impact on children because of the active functioning of the insurgents groups, like ULFA, KLA and NDFB specially. Human Rights violations are still ongoing under the carpet, but children from different areas of Assam are voluntarily or involuntarily, fallen trap into the vicious circle. Although the state legislations and the statutory bodies are the responsible stakeholders for child rights protection, but there is misrepresentation of the number of children involved or sympathetic to the armed rebellious groups. This paper shall study how separatist movement has targeted children and how the state is responding to such intricacies, in today's time. The study shall be totally be based on secondary sources of data collection.

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Introduction

Northeast India (NEI) is a triangle-shaped region sharing international borders with two foreign nations, Nepal, Bhutan, China, Myanmar/Burma and Bangladesh. It is connected with the rest of mainland India by a tiny strip of land known as the Chicken's Neck, of 20-22km. Rest the entire North-East region is known for its composite amalgamation of the eight states called as the 'seven sisters' and one brother. It's regarded as the gateway to the East Asia.

Demographically, North-East has around 350 tribal communities and thus, there exist diversity amongst the population, their culture, food, festivals etc. apart from the richness in its natural beauty. Ethnic diversity makes this region unique, socio-culturally. However, the period post-independence in the region has suffered political unrest, for which a few states of the region were regarded as the

'disturbed state (Lyndoh & Gassad, 2003) ^[6]. The fight for political autonomy and self-determination initiated by separatist forces in the region exacerbated armed insurgency creating an environment of fear, terror, death and violence all around. Several militant groups who did not wish to stay in India, joined hands, against the government. The groups includes- Kangleipak Communist party (Manipur), National Socialist Council of Nagaland (NSCN), Kamatapur Liberation Army (KLA), National Democratic Front of Bodoland (NDFB), United Liberation Front of Assam (ULFA), etc (Kharsing, 2020) ^[1]. Thus, as a counter-insurgency approach, the Indian government attempted to suppress, then contained militant outfits, by deploying Indian army and paramilitary forces, thus, again casualty with peace happened. The main reasons behind the rise of insurgency in North-East are-threat to tribal identity after becoming a part of mainstream India,

lack of representation due to the distance of NE from the mainland India, influx of refugees from neighboring countries and underdevelopment of the region (Wikipedia).

However, amidst such mayhem, the casualty with Human Rights violations is noteworthy. Under the skin of rebellion against the state, the insurgent groups gets indulged in ruthless violence, creating a fear psychosis among the people (HRW, 2008). In Assam, the emergence of ULFA in 1979, after a regional political party came to Assam, AGP, the state had to undergone a spate of violence. The diabolic plan of ULFA in killing hundreds of non-assamese people of the state, 2004 Dhemaji School bombing, child recruits planting bombs in Tinsukia, are instances of how child rights are at peril. The NDFB unit is a separate armed separatist outfits which sought to obtain a sovereign Bodoland for the Bodo people (Kotwal, 2001). To fulfill its main objectives of seceding from Indian expansionism and illegal immigration, it resorted to bombings, kidnapping and murders in Assam. In the ethnic cleansing conducted by them in 1996, against the Adivasi people staying in their territorial vicinity of districts like Bongaigaon, Borpeta, Darrang and Sonitpur, children were easily targeted as it would help them in asserting their demands more (Basumatary, 2014) [3]. The child rights violation by them could be seen during when families of their former colleagues were killed, train bombings, recruiting child soldiers taking into cognizance the economic deprivation of the poor families, etc. The 2008 Assam Bombing case needs no mention here. Moreover, the KLA, in the Kamatapur region is responsible for forced displacement of the communities, other than, the Koch-Rajbongshis, where children end up loosing their education and staying in the relief camps with unpredictable future. During such course, sexual exploitation and trafficking of children, are also at the human cost of the armed conflict (TOI, 2012).

India, being affiliated to UN Human Rights Commission and UN Commission Convention on Rights of Child and UN Organization on Drugs and Crime (UNODC), but the statutory bodies of the state and the civil society organization, independently, taking into consideration the sensitivity of insurgency, does not enable an effective policy making and actions to reduce the state vulnerability. The constitutional guarantees as Fundamental Rights under Article 21A and Article 14, for children, are totally under loss. Besides this, although ULFA and NDFB, are almost weak in their ideology and actions, within Assam, but, children are continuing to be their victims unnoticed.

Objectives of the Study

- To investigate, research and document the impact of Armed Conflict on the children of Assam.
- To understand how the state is responding to the Child Rights vulnerability in today's time, as a result of shadow insurgency

Methodology of the Study

The approach of this study is historical and exploratory in nature. To serve the purpose of the study, both conventional and analytical methods of investigation are implied. The study is based on secondary sources for data collection like books, articles, research papers, government reports, NGO conducted survey reports, etc. The focus of the study is limited to only the armed conflict against the state and the inter-ethnic conflict in Assam, understanding the situation of children and their security in such turmoil. Thus, the prominent anti-state faction group of study here, shall be ULFA, NDFB and KLA,

for such groups are still functioning underground and impacting people especially encouraging children, even today.

Findings and Analysis

The state of Assam due to its geographical distance from India's Capital and its internal ethnic divides creates the situation a more complicated one for resolving. Children have been joining armed groups in large numbers in the state of Assam- The children are compelled to join outfit gatherings due to different conditions, for example, financial state of the family, breakdown of the rule of law, quick changing social request, dejection, misery, bogus idea of force and position, and so on (NLUJA, 2018) [10]. The kids in the investigated space of Assam are being attracted to rebellion bunches at an early age. In places like Kokrajhar and Nalbari, once the hotspots of NDFB, children have been affected by internal displacement due to the conflict (Kotwal 2001). More than, 2500 persons displaced forced to live in the relief camps has 600 children. The districts of Dibrugarh and Tinsukia, considered to be as the birth-place of ULFA, children are gone missing even today, in large numbers every year, The Assam State Commission for Protection of Child Rights (ASPCR) reports that 4,234 children out of whom 2,819 are girls, which are missing since 201 and are still untraced. During the time of 1990's and 2000's, ULFA was predominantly running a parallel government, and the fear and terror that they ushered through their draconian techniques of assertion of their demands to the state, schools remain closed often, and children drop-out from school were common (Sarma, 2018) [5].

Taking the innocence and economic conditions of children, they are often the easy targets of the insurgent forces. As per a report of NERSWN, 2020, children themselves are becoming part of the armed conflict. This is alarming, when in a democratic country, children are voluntarily joining militancy. This would be either because of they being misled by unrealistic promises by the armed unit or there is constant neglect over monitoring and surveillance of missing children, year after year. Moreover, the Juvenile Justice (Care and Protection) Act 2000, never regards them as perpetrators but as victims of separatist movements and India, being signatory of Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, give enough scope to rescue, rehabilitate and re-integrate the children associated with armed groups. Another notable instance of child rights violations is the immediate loss of their childhood and the constitutional guarantees for them. Children orphaned in due course of the conflict has to live a life of insecurities and uncertainties, with no fault of theirs (TOI, 2009).

The Asian Centre for Human Rights revealed that, Kokrajhar, a protracted area, women were victims of sex trafficking, specially the non-bodo young girls were transferred to international border like Bhutan, so spread of sexually transmitted disease like HIV/AIDS, was rampant (Goswami, 2012) [8]. ULFA predominated districts of Upper Assam, like, Jorhat, Golaghat, Dibrugarh and Tinsukia, children sympathetic to the ideologies of the militant faction were found because of their family members reinforcement like 'giving one's life for one's birth-place', impacts them psychologically (Haokip, 2015) [7].

In another report, when asked regarding why recruitment of children are made even today, they feel that recruitment of children won't leave them behind in the race of maintaining their organizational strength as well as territorial control.

Besides these, the extra-judicial execution of the state is the post-insurgency child rights violation (MWCD, 2015).

The Kamatapur Liberation Organization (KLO), a separatist group in North-Bengal, having influence over Bongaigaon, Borpeta and Goalpara of Assam, is one of the most dreaded separatist group, invoking armed militancy, destroying the child rights in their continuous struggle for securing the identity of the Koch-Rajbongshis and Kamatapur's territorial sovereignty. Although the organization, has reduced its training and formation of cadres in different parts of Assam, but children are still radicalized with their ideology, for the existence of their organization (Wikipedia).

Role of State and other Stakeholders Regarding Child Rights in Context of the Long-continuing Separatism

As already mentioned above, there are even recent incidents where children are gunned down or are executed by the armed militants, suspecting them as police informers. In 2014, a young Bodo girl was shot by the NDFB, in front of her parents, thinking her as a police informer, has waived awareness and made All Bodo Students Union (ABSU), to approach NCPCR, but apart from compensation and consolation, nothing much was undertaken as an approach towards the children of the conflict prone areas (NERSWN, 2020).

The peace talk that takes place at the Centre, State government and armed unit, most of the time are non-temporary in nature. The promises of cease-fire and the consideration of the issue, has not recognized the casualties towards Human Rights, and thus, child rights are passed on in the air. The ASCPCR and the Social Welfare, are the two government nodal agencies in the state, looking into the aspects of Child Rights Violations within the state (Ministry of Social Welfare, 2007). They have prepared reports and conducted surveys regarding the Children affected by Insurgency. But in recent times, the bodies are ignorant to what is happening under their nose, where hundreds of children are even getting lured to join Bodo militancy and ULFA. There are enough legislations in India, like Juvenile Justice (Care and Protection) Act 2000, but insincere implementation of the act in Assam, has not nullify the fear of the child soldiers and gave them rehabilitation (Karamakar, 2023). This could be the responsibility of Ministry of Home and Women and Child Development, Centre and Ministry of Social Welfare, Assam.

Another significant miss out by the state stakeholders is, not ensuring regular monitoring and supporting the district authorities in cases of child trafficking and forced migration (MWCD, 2015). Moreover, militant outfits like NDFB started out their actions due to underdevelopment of their region and dominance of Non-Bodos, therefore, it is the primary duty of the state to look into proper implementation of Right to Education Act, 2009, ICDS and NRHM and other child related schemes, so that recruitment and voluntary joining of children, does not takes place (HRW, 2008).

Suggestions and Recommendations

In this war against insurgency, the children are the worst victims. Along with the state, the rescue, rehabilitation and counseling of the children fallen under the trap of child rights violations, has to have partnership with the NGO's and the Civil Society, for deriving easily to the solution of Child Rights Protection (Basumatary, 2014) ^[3]. The NGO's can advocate and Lobby for special policies and legislations for the children affected by armed conflict. The civil society can

initiate implementation of innovative projects to create a protective environment for displaced children.

Another duty is on the media, which should consistently and morally bring attention to the problem of children being victims of armed conflict. By doing this, the government and other relevant parties can be urged to take effective systemic action to protect children's interests and prevent future tragedies. Secondly, in order to get the word out and encourage replication, it might draw attention to the positive actions done by both governmental and non-governmental organizations (Bhuyan, 1992) ^[2].

Conclusion

For a few decades past, the NE India has continued to be a disturbed and violence ridden region of the country. The children factor in insurgency is like an eye-opener. Assam has till today bear the brunt of separatist movement, until a few demands are been fulfilled of the armed groups. The present crisis of Child Rights happening due to separatist movement, after they being a part of it or as a consequence on their goodness and survival, is still a question against the state stakeholders responsible for child rights protection. The purported negligence in recent times, of the state bodies and non-state child rights protecting organizations, considering insurgency as the factor of the past, are unknown how in the underground, human rights are affected. Therefore, the need of the hour, is to protect the children and provide them a safe abode for survival, growth and development, from the shadows of insurgency in Assam.

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