
BEARING THE BRUNT: A STUDY ON WOMEN'S RIGHTS VIOLATIONS IN THE CONFLICT LANDSCAPE WITH SPECIAL REFERENCE TO MANIPUR

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ABSTRACT

“Mum, today I may die or I may live. I don’t know anymore...” said a young Meitei woman to her mother on phone while being surrounded by hostile Kuki men outside the safety of her home. What may seem as a horror filled nightmare, has become a sad reality in today’s world.

The global scenario of war and conflicts has undergone a transformation with the evolving conflict patterns, international relations and technological advancements. They have shaped the character and strategies of conflict. With the shift in paradigm of conventional warfare, a new instrument of conflict have emerged- “violence against women”

The increasing cases of civil conflict in the past few years accompanied by gender based violence like Gang Rape, Sexual Slavery etc. being used as a tactic of such conflicts has resulted in grave violation of fundamental human rights of women and has led to dehumanizing erosion of their status in the society.

This paper shall deal with the systematic oppression of women in conflict zones with special reference to the ongoing Manipur Violence. It will highlight the ineffectiveness of the existing legal framework in addressing violation of women’s rights. The international perspective gender based violence in conflict zones around the world shall also be highlighted herein. Women are treated as passive citizens and are always “behind the headlines”. It will also try to highlight how women always bear the brunt of conflict and displacement, therefore elevate their visibility and bring their plight to the forefront of attention.

Keywords: Women’s Rights, Gender based violence, conflict zones, Manipur Violence, Women Oppression

INTRODUCTION:

“Freedom cannot be achieved unless women have been emancipated from all forms of oppression: - Nelson Mandela¹

In the midst of conflict zones worldwide, the untold stories of women across the globe unfold in the shadows of violence, displacement and societal upheaval. The complex interweaving of insurgency, militarization and societal dynamics creates a tapestry which affects women disproportionately. Not only that, women in such conflict zones are impacted and confronted with a myriad of challenges ranging from systematic discrimination to sexual violence. Conflict related sexual violence² has become the new weapon of war, exploiting the vulnerabilities of women and perpetuating a cycle that extends far beyond the battlefield. With every new wave of war or conflict, there is an escalating surge of human tragedy that accompanies it.³ Ironically, the weight of such human tragedy is borne by the “vulnerable” segments, with their bodies often becoming battlegrounds in the conflict.⁴ What sets sexual violence apart from conflict based sexual violence is that “it is not just rape out of control, but rape under orders, as means of pursuing military and political or economic ends”.⁵

At the 52nd session of the United Nations Human Rights Council held on 15th December, 2023, the representative of the World Jewish Council remarked, “Women’s rights are not limited geographically, they are universal and indispensable.” However, the horrific narratives of Manipur violence contradicts this universal principle. Manipur, a landscape of ethereal beauty, is marred by the harsh reality of a complex conflict that has endured for decades. The tensions between the Kuki and Meiti Tribes of Manipur involves long history of land, identity and political disputes. However, the ongoing upheaval gained prominence when a video of two naked women, parading and gang raped⁶ by a group of men, went viral on social media drawing

¹ Nelson Mandela, Former President of Africa

² UNITED NATIONS, <https://www.un.org/en/observances/end-sexual-violence-in-conflict-day>, last visited Feb 1, 2024).

³ Pramila Patten, *Pramila Patten on Preventing Sexual Violence in Conflict- Security Council, 8234th meeting*, UNITED NATIONS [at 5:52] (Apr. 16, 2018), <https://youtu.be/6Uu9Zc2tWu4?si=IT2JgDzh7mP3veS5>

⁴ Graeme Baker, *Manipur Violence: What is happening and why*, BBC NEWS, (Feb. 1, 2024, 9:29 AM), <https://www.bbc.com/news/world-asia-india-66260730>

⁵ Bharat H. Desai & Balraj K Sidhu, *Sexual Violence in Conflict Zones*, UNITED NATIONS (Feb. 1, 2024, 10:15 AM) <https://www.un.org/sexualviolenceinconflict/about-us/un-action/>

⁶ Vijaita Singh, *18-year-old-gangraped in Manipur after vigilantes hand her over to armed men*, THE HINDU (Jul 22, 2023, 10:11 PM), <https://www.thehindu.com/news/national/18-year-old-woman-assaulted-gangraped-in-manipur-on-may-15/article67110455.ece>

widespread attention. In an interview with Channel 4 News, a Kuki woman revealed that she was beaten by a group of Meitei women and the men passing by joined them too.⁷ “I was treated like an animal.... It was hard enough to live with that trauma, but then two months later when the video went viral, I almost lost all hope to continue living..”⁸ a Kuki woman remarked in a recent interview.

The history of using sexual violence as a tactic of war can be traced back to the mid-1990s, where the police officials adopted sexual abuse to suppress anti governmental elements, leading to rape and custodial killings, therefore using sexual violence as a means to silence their anger and frustration and asserting their authority.⁹ However in an era where discussions on women’s rights and safety resonate globally, within an interconnected world fostering heightened awareness and global discussions, and amid the ongoing amendments of laws to punish heinous crimes like these in ensuring the rights of women, the persistence of such shocking and horrendous activities remains astonishing and raises profound concerns.

STATUS OF WOMEN IN MANIPUR:

Throughout history, Manipur has stood as a testament to the resilience and strength of women, fostering a matriarchal society where courageous and brave women have been the cornerstone of its identity. The admiration of various scholars, sociologists, anthropologists visiting Manipur often centers around the remarkable status of women in the region,¹⁰ highlighting a society where the roles, contributions and strength of women are recognized and esteemed. In a very detailed record of Grimwood’s book about her stay in Manipur, she notes “The Manipuris do not shut up their women, as is the custom in the most parts of India, and they are much more enlightened and intelligent in consequence”¹¹ implying the existence of an inclusive culture where women were encouraged to voice their opinions and are not silenced,

⁷Noman Siddique & Girish Juneja, *Manipur: The ethnic tensions behind the rapes and violence*, CHANNEL 4 NEWS, [at 1:55], (Jul. 23, 2023), <https://youtu.be/jvUgUNkv9o0?si=wVVuxCH4On8WYeXQ>

⁸ Divya Arya, *Manipur women in naked assault video ‘will not give up’*, BBC NEWS, (Feb. 01, 2023, 10:28 AM), <https://www.bbc.com/news/world-asia-india-67291370>

⁹ Nabiha Gul, *Women in Conflict Zones: Case Study of Nepal*, JSTOR, (Feb, 01, 2024, 11:04 AM), <https://www.jstor.org/stable/41500093>

¹⁰ Victoria Haobijam, *Socio Economic Status of Kuki Women: A case study of Manipur*, SHODH GANGA, (Feb, 01, 2024), <http://hdl.handle.net/10603/293167>

¹¹ ETHEL ST. CLAIR GRIMWOOD, *MY THREE YEARS IN MANIPUR AND ESCAPE FROM THE RECENT MUTINY*, GYAN PUBLISHING HOUSE

reflecting a society that values open dialogue and the active participation of women in the society.

Women in Manipur have historically played dynamic roles in both public and private spheres, making significant contributions to the political landscape.¹² A poignant example of their activism is the renowned women-led movement *Nupi Lan*,¹³ in 1939 highlighting the enduring strength and involvement of Manipuri women in shaping their society. A desk study report published by the Ministry of Science and Technology reported that women in Manipur are recognized for their active engagement in a multitude of sectors, making valuable contributions to society across financial, political, social, cultural, and sporting realms.¹⁴ Contrary to the positive roles of women in Manipur, the current distressing circumstances underscore a disconcerting reality even within a matriarchal framework. The ongoing conflict has relegated women to a vulnerable position, where they are subjected and reduced to the unfortunate role of mere instruments in the warzone. As we embark on the study of women's rights violation in Manipur's conflict, we peel back the layers of injustice, exposing the urgent need for gender-sensitive interventions that prioritise the dignity and well-being of its women.

GLOBAL STANCE ON THE CONFLICT-BASED VIOLENCE ON WOMEN IN MANIPUR:

Society's sarcastic notion of honour unfolds as it places the integrity of an entire community on the bodies of women, a tragically ironic spectacle of misplaced priorities. Dr. Denis Mukwege¹⁵, a renowned human rights activist and Nobel Peace Prize laureate, observed that rape during the times of conflict is not something sexual, it is a cruel act to obliterate an individual, erasing their humanness and making them feel like they don't matter, thereby negating their existence. It is a purposeful strategy to devalue a woman and the community altogether.¹⁶

¹² M Yurreseim, *Narratives of violence against women in armed conflict: A study of Naga Women in Manipur*, SHODH GANGA (Feb. 01, 11:26 AM), <http://hdl.handle.net/10603/343584>.

¹³ *Supra note* at 11.

¹⁴ DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH, https://www.dsir.gov.in/sites/default/files/2023-06/TDUPW_DeskReport_2022_e.pdf (last visited Feb 02, 2024)

¹⁵ DENIS MUKWEGE, GYNAECOLOGIST, HUMAN RIGHTS ACTIVIST AND NOBLE PEACE PRIZE LAUREATE

¹⁶ EUROPEAN PARLIAMENT, <https://www.europarl.europa.eu/topics/en/article/20141124STO80018/denis-mukwege-rape-is-a-weapon-that-dehumanises-women> (last visited Feb 02, 2024)

The widespread infringement of human rights in Manipur has drawn significant attention from various international forums, emphasizing the need for concerted efforts to address and rectify the disregard of the basic fundamental rights of not only women but every human being in Manipur. The existing conventions on women's rights have shed a significant light on the matter. The Geneva Convention of 1949, strictly states- "Women shall be treated with all consideration"¹⁷. Specifically talking about the honour of women, it further states, "Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution or any form of indecent assault."¹⁸ Therefore, all acts of oppression, cruelty and inhumane treatment against women and children are deemed criminal on a global basis.¹⁹ It reflects the importance of upholding human dignity and protecting the rights of women, emphasizing the need for humane treatment, respect, and consideration for the well-being of women affected by conflict, aligning with broader principles of International Humanitarian Law.

The disgraceful acts perpetrated against women in Manipur has been unequivocally condemned by the prominent International Organisations. The United Nations²⁰ expressed grave concern about the alarming and gross abuse of human rights and pointed to a "slow and inadequate response"²¹ on part of the Government of India. The experts of UN urged the Supreme Court of India to "continue monitoring the response of the Government and other actors, with a focus on justice, accountability and reparations."²² The European Parliament too has taken a stance of condemnation, expressing its criticism concerning the "acts of violence, loss of life and destruction of property in Manipur..."²³ It further urged the Indian authorities to swiftly implement essential measures and exert maximum efforts and "promptly halt" the ongoing violence.²⁴ The call for the Government to take adequate actions suggests a recognition of the seriousness and urgency of the matter in hand.

¹⁷ GENEVA CONVENTION ON PRISONER OF WAR, 1929, art 12

¹⁸ *id*, art 27

¹⁹ DECLARATION ON THE PROTECTION OF WOMEN AND CHILDREN IN EMERGENCY AND ARMED CONFLICT, 1974

²⁰ THE UNITED NATIONS ORGANISATION

²¹ UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/en/press-releases/2023/09/india-un-experts-alarmed-continuing-abuses-manipur> (Feb 02, 2024)

²² *id*

²³ EUROPEAN PARLIAMENT, https://www.europarl.europa.eu/doceo/document/B-9-2023-0337_EN.html, (feb. 02, 2024)

²⁴ *id*

It becomes clear that international attention plays a crucial role in shaping the discourse of a matter that involved the violation of women's rights at large. International spotlight is directed towards conflict based issues, when the media assumes a critical role in accurate and impactful representation serving as conduit through which narratives transcends borders evoking responses from prominent International bodies.

MEDIA REPRESENTATION AND INFLUENCE:

“The media is the most powerful entity on earth. They have the power to make the innocent guilty and to make the guilty innocent, and that's power”- Malcom X²⁵

In the context of conflict based violation of women's rights in Manipur, the despicable acts against women, particularly through sexual violence, raises concerns about the mechanisms, or lack thereof, that govern the accountability of those responsible for women's rights violations. Nevertheless, it also highlights the responsibility of those entrusted with the protection of women's rights in the nation. The government and the Judiciary hold paramount roles in this matter, yet several other entities such as the Media, the law enforcement agencies who play an influential role and share an equal level of responsibility in addressing the issues at hand.

The media played a role in exacerbating the Manipur violence by disseminating rumours, fake news and misinformation.²⁶ False reports, such as those linking Meitei women to incidents of rape and murder, even if the victim was from Delhi, further fuelled tensions.²⁷ These baseless claims angered Meitei men, inciting them to seek revenge which tragically manifested in the form of inflicting sexual violence on Kuki women, illustrating how inaccurate narratives contribute to escalating conflict and violence. Here, the media's responsibility to adhere to ethical standards comes into question, considering the potential for false reporting to disturb public order and undermining the essence of freedom of press.

UNVEILING GAPS- WOMEN'S RIGHTS AND ACCOUNTABILITY CHALLENGES:

The media, as a powerful force, plays a significant role in highlighting the nuances challenges faced by women in any conflict zones. It serves as a backdrop for examining and scrutinizing

²⁵ MALCOLM X, American Muslim Minister and Human Rights Activist

²⁶ Shruti Menon, *Manipur: Misleading information shared about India tensions*, BBC NEWS, (Jul 26, 2023), <https://www.bbc.com/news/world-asia-india-66255989>

²⁷ *id*

the roles of other stakeholders to unravel the complexities embedded within the fabric of conflict, justice and women's rights violation in Manipur.

WOMEN VS WOMEN - ROLE OF MEIRA PAIBIS:

Meira Paibis, translated as "women torch bearers" in Manipur, emerged as a women's organisation dedicated to safeguarding neighborhoods.²⁸ It is a highly respected institution in the Meitei society and has been at the forefront of the struggle since the beginning. In the ongoing Manipur conflict, their role has extended beyond vigilant monitoring, with reports suggesting their involvement in obstructing assistance provided to Kuki women. The Meira Paibis are apparently reported to have interrupted the supply of ration to Kuki areas.²⁹ The Manipur Police have mentioned the necessity to find alternative means for transferring vital documents between the headquarters and Kuki majority districts.³⁰ This precautionary measure is attributed to the concern that Meira Paibis may destroy the documents if they come into their possession.³¹

According to the Kukis, allegations have been made suggesting that Meira Paibis may be involved in instigating certain incidents of sexual assaults against women.³² The involvement of women in rapes, highlights a profound collapse of all societal ties. It suggests a severe breakdown in the fabric of social cohesion and raises concerns about the extent of the disruption in the values in the community and defeats the entire purpose of women empowerment. There have been accusations suggesting that Meira Paibis, are responsible for triggering sexual assaults against fellow women. They have deliberately entered private house parties and demeaned young girls and women for bringing dishonour to their community based on their choice of western attire.³³ This reflects a disturbing dynamic where certain individuals,

²⁸ Tora Agarwala, *Feminist icons or violent vigilantes? The contentious role of Meira Paibis in Manipur's conflict*, SCROLL.IN, (Aug 4, 2023, 6:30 AM), <https://scroll.in/article/1053761/feminist-icons-or-violent-vigilantes-the-contentious-role-of-meira-paibis-in-manipurs-conflict>

²⁹ Ananya Bharadwaj, 'Mothers' or 'vigilantes'?- unravelling the role of the Meira Paibis in Manipur's ongoing conflict, THE PRINT [at 1:05], (Aug. 07, 2023), <https://youtu.be/EYEy4GSicxw?si=8sYQyXn3-kelFPnS>

³⁰ *id*

³¹ *id*

³² DECCAN HERALD, [https://www.deccanherald.com/india/manipur/in-manipurs-brutal-ethnic-war-women-are-participants-as-well-as-victims-2639573#:~:text=Since%20the%20fighting%20began%20in,any%20physical%20confrontation%20with%20women.\(Aug%2008,2023,5:16PM\)](https://www.deccanherald.com/india/manipur/in-manipurs-brutal-ethnic-war-women-are-participants-as-well-as-victims-2639573#:~:text=Since%20the%20fighting%20began%20in,any%20physical%20confrontation%20with%20women.(Aug%2008,2023,5:16PM))

³³ Sainico Ningthupjam, *In Manipur, violence against women, impunity, and apathy show a familiar pattern of events*, THE WIRE (Jul 26, 2023), <https://thewire.in/women/in-manipur-violence-against-women-impunity-and-apaty-show-a-familiar-pattern-of-events>

including women, perpetuate victim blaming narratives and contribute to a culture of degradation. Not only does it reinforce harmful stereotypes but also underscores the need for a comprehensive approach to address attitudes and behaviours that perpetuates gender-based violence.

ROLE OF THE LAW ENFORCING AGENCIES:

The accountability of the law enforcing agencies, like the police and the army officials emerges as a critical facet that demands scrutiny. The actions of these agencies wield significant influence on the course of events, and the examination of their accountability becomes pivotal in understanding the depth of the complexities of the plight of women in such conflict zones. Numerous reports have surfaced, indicating that the Police were cognizant of the incidents of sexual violence and the rape of Kuki women, even the one whose video created the storm in the first place, yet opted for silence seemingly influenced by personal sectarian affiliations over prioritizing justice.³⁴ According to reports, as many as 6500 FIRs³⁵ has been filed till August, 2023 out of which atleast 12 are about heinous crimes against women.³⁶

In a resolution, the Supreme Court Advocates-On-Record Association on 21st July, 2023 expressed strongly opposed the registration of unlawful FIRs and arrests made by the police against advocates and activists working to assist victims and families affected by the riots.³⁷ The Supreme Court too expressed its disapproval of the Law enforcement's management, criticizing the sluggish pace of police investigation.³⁸ The Chief Justice also remarked on the incapacity of the state police for effective investigation, asserting a loss of control and lack of law and order.³⁹ The collective failure of the agencies entrusted with the protection and preservation of women's rights indicated a critical juncture demanding introspection, accountability and proactive measures to rectify systematic shortcomings in the protection of

³⁴ *id*

³⁵ Prakash Singh, *Not just CM Biren Singh, role of civil servants and police in Manipur unrest must be probed*, THE PRINT, (Aug 15, 2023, 01:56 PM), <https://theprint.in/opinion/not-just-cm-biren-singh-role-of-civil-servants-police-in-manipur-unrest-must-be-probed/1715333/>

³⁶ *id*

³⁷ LIVE LAW, RESOLUTION SCAORA 2023/ Ref No. 1126, https://www.livelaw.in/pdf_upload/scaora-resolution-refno1126-manipur-1-482299.pdf (Feb 04, 2023)

³⁸ THE WIRE, 'INCAPABLE OR UNINTERESTED': SUPREME COURT TEARS INTO MANIPUR POLICE OVER HANDLING OF VIOLENCE, <https://thewire.in/law/supreme-court-manipur-violence-police> (Aug 01, 2023)

³⁹ *id*

women's rights.

INTERSECTIONALITY AND DISCRIMINATION:

The concept of Intersectionality stands as a vital prism through which we perceive the intricate dynamics of women's rights. Women's experiences and challenges are influenced not only by their gender but also by the intersecting factors of race, class, ethnicity and more. Coined in 1989 by Kimberle Williams Crenshaw, "Intersectionality theory" delves into the exploration of interconnected social identities and corresponding system of oppression or discrimination.⁴⁰It scrutinizes the ways in which various dimensions of identity, encompassing biological, social, and cultural categories such as gender, race, class, ability, race, age, nationality etc. ⁴¹Addressing at NALSA's nationwide launch of Legal Awareness Programmes, then Justice and now CJI DY Chandrachud had observed, "There is no one identity for women as a group or a class. There are multiple identities within the large class of women for whom the law has entitled the conferment of rights. It is important for us to understand that there must be an intersectional approach to discrimination and violence which women face"⁴².

Patriarchy plays a significant and pervasive role within the framework of Intersectionality. As a social system that upholds male dominance and perpetuates gender based hierarchies, patriarchy intersects with other forms of oppression, creating complex dynamics for individuals. In Manipur, women have borne the brunt of pervasive structural violence, a burden carried since the country gained independence.⁴³ The nation's primary emphasis on "security issues" has resulted in double marginalization of women.⁴⁴This dual marginalization stems from- the patriarchal role played by the state, prioritizing security concerns over gender equality and the deeply ingrained structures within society. As observed by Harish Sadani, secretary of MAVA⁴⁵, "Patriarchy is the common enemy of all gendered persons".⁴⁶ It acts as

⁴⁰ Syracuse University, Kimberle Williams Crenshaw : 'Intersectional Feminism, <https://diversity.syr.edu/kimberle-crenshaw-discusses-intersectional-feminism/> (Feb 04, 2024)

⁴¹ *id*

⁴² Mehal Jain, *Awareness about rights of women can be truly meaningful if that awareness is created amongst the younger generation of men in society: Justice Chandrachud*, LIVE LAW, (Oct 31, 2021, 6:54 PM), <https://www.livelaw.in/top-stories/justice-dy-chandrachud-empowerment-of-women-legal-awareness-nalsa-ncw-intersectionality-sexual-division-of-labour-184737>

⁴³ *Supra note* at 34

⁴⁴ *id*

⁴⁵ MAVA- MEN AGAINST VIOLENCE AND ABUSE

⁴⁶ Sudha Nambudiri, *Why some women are more equal than others*, THE TIMES OF INDIA, (Aug 12, 2023, 8:06 AM), <https://timesofindia.indiatimes.com/blogs/tracking-indian-communities/why-some-women-are-more-equal-than-others/?source=app&frmapp=yes>

a common adversary for everyone irrespective of gender, stereotypes and discrimination. The intersection of women's second class gender identity with their ethnic identity creates vulnerable pathways to violations.⁴⁷ This overlapping of gender and ethnicity serves as an "accessible avenue"⁴⁸ for various forms of violations. It amplifies the vulnerabilities and risks women encounter within the social landscape.

LEGAL OPACITY: TRANSPARENCY ISSUES IN PROSECUTION OF PERPETRATORS:

As women become the silent victims of horrendous acts that go against the basic fundamental principles of humanity, during armed conflicts, major issues lies in the prosecution of those responsible for these crimes. The interplay between- the need to ensure justice and the intricacies of conflict presents a multifaceted challenge for the stakeholders of the society. When it comes to prosecuting perpetrators of violence against women in armed conflicts, as that of Manipur, there are several other challenges and problems that arises. A significant issue could be the underreporting of these offences. An interplay of factors like fear, stigma and mistrust of the legal justice system often leads women to decide to not disclose the abuses, as a result it becomes a challenging task to gather evidence and hold the perpetrators accountable.

Historical existence of gender inequality and the preexisting cultural divide between men and women have contributed to gender based crimes.⁴⁹ Men utilized these horrifying acts to terrorise, humiliate and wipe out an entire ethnic community during times of war and conflict.⁵⁰ The solemnity of a victim's honour and virtue often finds itself disregarded and overlooked in the harsh reality of a conflict situation due to the indifferent attitude of the society and the law enforcing agencies.⁵¹ Beneath layers of indifference, neglect and apathy, the victim's mental and psychological suffering becomes a forgotten chapter.⁵² In an unsettling reality, higher officials who are responsible for defending and preserving law and order in the society and upholding the principles of justice continue to show continuous disregard for such

⁴⁷ *id*

⁴⁸ *id*

⁴⁹ Soulange Mouthan, *Prosecution of Gender-based Crimes at the ICC: Challenges and Opportunities*, 11 Int. Crim. Law Rev 778 (2011), https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID1652790_code1348672.pdf?abstractid=1652790&mirid=1&type=2

⁵⁰ *id*

⁵¹ *id*

⁵² *id*

matters.⁵³ Offenders are either removed from the scene of crime, using their position of power and get away with it. In the 9016th meeting on the annual report of the Security Council on conflict-related sexual violence⁵⁴, Pramilla Patten had observed, “Survivors cannot be expected to denounce what the state itself denies”.⁵⁵

It is also challenging to gather and preserve evidences in conflict zones owing to the inadequacy of resources, community dislocation and the inaccurate record of criminal activity, but, the key to a successful prosecution, lies in the hands of a police. An effective prosecution demands a shift away from questioning the credibility of the victims to a concentrated focus on the thorough investigation, prosecution and punishment of prosecutors.⁵⁶ Not only can the law enforcement agencies play a crucial role in removing the obstacles that impede justice for victims of these horrific crimes but also ensure and guarantee that the offenders bear the consequences of their actions, through a dedicated investigation.

However, the situation of Manipur reveals a different narrative where certain reports suggest that the cases of sexual violence against women were seemingly shrouded in silence and kept undisclosed despite being in the knowledge of the authorities. After the video of two Kuki women went viral across social media, a news of a 45-year-old woman being stripped and burnt alive resurfaced, followed by the rape and murder of four other women from the Kuki-zo community.⁵⁷ In an interview with a leading newspaper, a Pastor of the village said that, “army men wearing black shirts had descended on the village.... Manipur police commandoes were accompanying the mobs.... we always expected the police to help us, instead they fired at us...”⁵⁸ This disturbing reality highlights a systemic failure of the society as the victims are left abandoned in the shadow of their horrific experiences by the same people entrusted with preserving the ideals of justice.

⁵³ Anne-Marie De Brouner, *The Importance of Understanding Sexual Violence in conflict for the investigation and prosecution purposes*, 48 Cornell Int. Law J, 643 (2015), <https://ww3.lawschool.cornell.edu/research/ILJ/upload/de-Brouwer-final-2.pdf>

⁵⁴ UNITED NATIONS, UN AUDIO VISUAL LIBRARY, https://www.un.org/shestandsforpeace/sites/www.un.org.shestandsforpeace/files/s_pv.9016.pdf

⁵⁵ *id*

⁵⁶ *Supra note at 55*

⁵⁷ Vijaita Singh, *More cases of women being assaulted surface Manipur*, The Hindu, [https://www.thehindu.com/news/national/women-were-stripped-raped-set-ablaze-in-manipur-more-cases-surface/article67106726.ece#:~:text=Tortured%20by%20a%20mob&text=The%20women%20were%20workin g%20at,rented%20house%20near%20Konung%20Mamang,\(Feb 03, 2024\)](https://www.thehindu.com/news/national/women-were-stripped-raped-set-ablaze-in-manipur-more-cases-surface/article67106726.ece#:~:text=Tortured%20by%20a%20mob&text=The%20women%20were%20workin g%20at,rented%20house%20near%20Konung%20Mamang,(Feb 03, 2024))

⁵⁸ *id*

The Chief Justice of India, severely questioned the registration of Zero FIRs from the day of the incident of the gang rape of the two Kuki women, which is 4th May, 2023 to 18th May, 2023- a span of 14 days.⁵⁹ He also urged former Mumbai Police Commissioner to diligently investigate the serious allegations against certain police officers suggesting collusion with perpetrators of violence, constitution a grave breach of public duty.⁶⁰

The lack of transparency within law enforcement agencies pose a significant obstacle to the prosecution of the perpetrators and veils the country's justice system. Restoring trust and faith, requires a commitment to openness reinforcing the belief that justice is blind, impartial and accessible to all and in the contemporary age, ensuring transparency finds its greatest ally in the access to the internet which stands as a powerful tool to lift the shadows cast by faltering honesty and unaccountability within the law enforcement agencies.

DIGITAL BLACKOUT: CONSEQUENCES OF ABRUPT INTERNET SHUTDOWN:

The imposition of internet bans has become a recurrent narrative in India. Popularized during the Kashmir conflict in 2019, where months long internet suspensions hindered digital connectivity. Now, regions like Manipur and Haryana are grappled with similar restrictions. In an era where interconnectedness has become integral part of life, the internet has become a powerful instrument in disseminating information. With real time news from the globe at one's fingertips, connectivity has become increasingly important tool not only for communication but various other purposes. In a nation actively promoting Digital India initiative, the paradox of widespread internet shutdowns emerges as a notable irony, especially in conflict regions which demands global attention. Reportedly, India is the worst perpetrator of internet shutdowns accounting for 84 out of 187 worldwide internet shutdowns in 2022.⁶¹

The internet serves as a vital lifeline for circulation of information owing to the violent situation in Manipur. In the wake of distressing incidents. Following the upsetting events like the rape

⁵⁹ Padmakshi Sharma, *'Manipur Violence Not Isolated, But Systematic; Why Police Took 14 Days to Register FIR?: Supreme Court Seeks Answers from Union, State*, Live Law, (Jul 31, 2023, 3:39 PM), <https://www.livelaw.in/top-stories/supreme-court-manipur-cji-dy-chandrachud-viral-video-crime-234010>

⁶⁰ Raghav Ohri, *SC looks for a mechanism to ensure justice for 'raped and tortured' women of Manipur*, THE ECONOMIC TIMES, (Aug 01, 2023, 5:26 PM), <https://economictimes.indiatimes.com/news/india/sc-looks-for-a-mechanism-to-ensure-justice-for-raped-and-tortured-women-of-manipur/articleshow/102287748.cms?from=mdr>

⁶¹ ACCESS NOW, *WEAPONS OF CONTROL, SHIELDS OF IMPUNITY*, <https://www.accessnow.org/wp-content/uploads/2023/05/2022-KIO-Report-final.pdf> (Feb 03, 2024)

of the Kuki women, rape and murder of the elderly women and many more similar yet heart wrenching incidents, the internet acts as a life saver in spreading awareness and pursuing justice. The frequent outrages creates an informational barrier that separates Manipur from the rest of the country. This has dual consequences- firstly, incidents of violence goes unreported, perpetuating a cycle of silence and secondly, people are deprived of their fundamental rights to access information about the dire situation.

Even though worries about false information circulating on social media are legitimate, a complete internet shutdown seems disproportionate, especially considering the recognition of the right to internet as a fundamental right under article 21⁶² of the constitution of India, as observed in *Fahima Shrin v State of Kerala*⁶³, where Justice PV Asha observed that “the right to have access to Internet becomes a part of right to education, right to privacy and right to life and personal liberty and dignity under Article 21 of the Constitution”⁶⁴. Article 21⁶⁵ of the constitution of India is one of those rights which cannot be suspended even at times of National Emergency. In an interview with a renowned News Channel, Apaar Gupta, an advocate and co-founder of the Internet Freedom Foundation remarked, “shutting down the internet does not stem disinformation and instead works to limit truthful, useful information.”⁶⁶

The internet shutdown in Manipur seems to be a negative response to the concerns about accountability within the stakeholders of law in the society. Although it could seek to address potential issues, but limiting access to information might hinder transparency and obstruct the pursuit of justice by impeding rather than facilitating the prosecution of the perpetrators. It becomes more difficult to strike a delicate balance between preventing spread of misinformation and guaranteeing a just legal system which begs the question of whether the internet shutdown might unintentionally make matters worse than better in terms of justice delivery in Manipur.

LEGAL SAFEGUARDS: AUTHORITIES UPHOLDING WOMEN’S RIGHTS IN MANIPUR:

⁶² INDIAN CONST, art. 21

⁶³ *Faheema Shirin v state of Kerala*, AIR 2020 KERALA 35

⁶⁴ *id*

⁶⁵ *Supra note* at 65

⁶⁶ Apar gupta, *Manipur’s Internet Shutdown Infringes on Rights Under the Garb of Providing Security*, THE WIRE [at 18:18] (Jul. 22, 2023), <https://youtu.be/O4v9u8GZ1Yg?si=b8n0Hg6W4vZfEk9P>

The constitution guarantees the right to be protected from sexual harassment and sexual assault, a fundamental principle at the core of gender justice in our country.⁶⁷ The fundamental rights enshrined in our constitution. Ensuring equality⁶⁸ and dignity⁶⁹ are applicable to both men and women equally.⁷⁰ Empowered by the constitution, the state can create specific policies and legislations, particularly for women and children.⁷¹ Sadly, women in India have endured various forms of physical and psychological suffering, more than their male counterparts, since a very long time, reflecting a failure in the overall justice rendering machinery of the state.

J R. Banumathi, while dealing with the infamous Nirbhaya Case⁷² observed, “Rape deeply affects the entire psychology of a woman and humiliates her, apart from leaving her in a traumas. The testimony of the rape victims must be appreciated in the background of the entire case and the trauma which she had undergone...”⁷³ Condemning the “patriarchal approach” in investigating the case, Judge Dharmesh Sharma also observed, “...this investigation suffered from a patriarchal approach or an intent to outlook to brush the issues of sexual violence under the carpet, apart from lack of sensitivity and a humane approach.⁷⁴ The Verma Committee in its report⁷⁵ asserted that the relationship between the accused and the complainant should not influence the examination of consent. This emphasises a fair and unbiased approach that aligns with a commitment to impartial justice.

The Supreme Court has consistently demonstrated prompt responsiveness to cases involving violation of human rights, particularly women’s rights. In addressing the cases of rape and sexual violence in Manipur, the court has raised crucial questions about the functionality of local police authorities, armed forces and the State Government of Manipur. The court distinguished the Manipur rape cases from the 2012 Nirbhaya Gang rape case⁷⁶ by pointing out that the Manipur victims has themselves said that the Manipur police had turned them over to

⁶⁷ ASSOCIATION FOR DEMOCRATIC REFORMS, JUSTICE VERMA COMMITTEE REPORT ON AMENDMENTS TO CRIMINAL LAW, https://adrindia.org/sites/default/files/Justice_Verma_Amendmenttocriminallaw_Jan2013.pdf

⁶⁸ INDIA CONST, art 14

⁶⁹ *Supra note* at 65

⁷⁰ *id*

⁷¹ INDIA CONST, art 15 (3)

⁷² Mukesh and Anr V NCT Delhi, (Nirbhaya Case) 2017 6 SCC 1

⁷³ *id*

⁷⁴ CBI v Kuldeep Sengar and others

⁷⁵ *Supra note* at 70

⁷⁶ *supra note* at 75

the violent mob.⁷⁷ The Supreme Court has adopted a proactive approach by advocating for the creation of a comprehensive mechanism to guarantee justice for the women who have been allegedly wronged.⁷⁸ The National Human Rights Commission issues notices to respective police authorities⁷⁹, urging urgent intervention and a detailed report on the incidents and the health status of the victims. While the chairman of the National Women's Commission personally visited the victims in Manipur and recommended the preparation of a report.⁸⁰ However the absence of any report after several months from the incident raises concerns about the progress of these efforts.

The 21st century Gen Z term “breadcrumbing” aptly captures the fragmented and elusive nature of information provided to the public, leaving many in dark about the progress and outcomes of the investigation. Cases of such gravity, as that of the continuing violence against women and women being treated as instruments of conflict in Manipur, calls for clarity and transparency in the judicial and well the law enforcement machinery of the country. The collective failure of the nations as a whole towards the women in Manipur indicates the requirement of a critical juncture demanding introspection, accountability and proactive measures to rectify the systematic shortcomings in the protection of the rights of the women in Manipur.

CONCLUSION:

In the face of adversity, the legal framework must stand as a robust guardian, shielding women from violence and holding those who betray that accountable. Women in Manipur have endured unimaginable hardships, especially sexual violence. Exploring through various dimensions, from global perspective to the role of the legal guardians of our nations, unveiled the challenges, ironies and paradoxes surrounding accountability for the adversity of the women in Manipur. The scars inflicted upon the individuals and the community as a whole extend far beyond physical harm. The gravity of a crime as heinous as rape or any form of

⁷⁷ HINDUSTAN TIMES, [https://www.hindustantimes.com/india-news/not-like-nirbhaya-supreme-court-on-manipur-sexual-assault-case-police-role-questioned-101690799499759.html#:~:text=%E2%80%9CCThere%20are%20statements%20by%20the,is%20not%20an%20isolated%20instance.\(Jul 31, 2023, 4:51 PM\)](https://www.hindustantimes.com/india-news/not-like-nirbhaya-supreme-court-on-manipur-sexual-assault-case-police-role-questioned-101690799499759.html#:~:text=%E2%80%9CCThere%20are%20statements%20by%20the,is%20not%20an%20isolated%20instance.(Jul%2031,%202023,%204:51%20PM))

⁷⁸ *Supra note* at 63

⁷⁹ NATIONAL HUMAN RIGHTS COMMISSION OF INDIA, <https://nhrc.nic.in/media/press-release/nhrc-asks-manipur-government-stop-violence-and-human-rights-violations-inform> (Feb, 06, 2024)

⁸⁰ Sreeparna Charkraborty, *National Commission for women had been apprised of Manipur Video incident on June 12*, THE HINDU, (Jul 31, 2023, 12:07 PM), <https://www.thehindu.com/news/national/ncw-had-been-apprised-of-manipur-video-incident-on-june-12/article67104846.ece>

gender based sexual violence calls for a shared responsibility in fostering awareness, advocating for the survivors and working towards a world where the unspeakable weaponisation of sexual violence becomes an unthinkable relic of the past.