

A CRY FOR JUSTICE: REIMAGINING THE WOMEN, PEACE AND SECURITY AGENDA THROUGH THE 2004 KANGLA FORT PROTEST IN MANIPUR

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'They have their guns, we have our bodies' - Ima Lourembam

(Member of the Meira Paibi)¹

ABSTRACT

This paper aims to critically examine the naked protest that was performed by twelve *imas* (mothers) in the State of Manipur in 2004 outside the army headquarters in Assam, India. The protest was against the rape and murder of a women named Manorama by the armed forces and the draconian emergency law, Armed Forces Special Powers Act, 1958 (AFSPA), that allowed these armed forced, to act with impunity. I will analyse the disruptiveness of this protest to indicate the parallel lines that exist between policy frameworks in place and the reality on the ground.

I will indicate that on a large scale, this protest served as an important space for reflection on the women, peace and security agenda (WPS) under the international law framework and its heavy focus on the criminal justice system for addressing such incidents of

¹ Sabarish Suresh, "13 years after Mothers of Manipur protested naked against Indian Army, where is justice?" *Dailyo*, July 15, 2018, <https://www.dailyo.in/politics/mothers-of-manipur-naked-protest-thangjam-manorama-indian-army-afspa-meira-paibi/story/1/18391.html> (accessed April 3, 2021).

violence against women. This essay will indicate how the lack of accountability and monitoring mechanisms for the implementation of this agenda by member states has frustrated the process of seeking justice and redressal especially in cases of violence at the hands of perpetrators who are an extension of the colonising nation state. On a regional level, this protest, through its disruptive resistance, paved the way for a new form of civil disobedience and public participation. These mothers used the intimate and personal language of their ageing bodies rather than the clinical discourse of the judiciary and the law to collectively voice their grief. In doing so, they compelled ‘both the complacent Indian army, accustomed to complete impunity for its actions and a jaded citizenry numbed by regular army excesses’ to look at the Indian state’s systemic dehumanisation and objectification of its citizens. ²

KEYWORDS Motherhood, naked protests, India, AFSPA, rape, WPS (Women, Peace and Security Agenda) and Conflict related Sexual Violence (CRSV).

ABOUT THE AUTHOR

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² Panchali Ray, “Political motherhood and a spectacular resistance: (Re) examining the Kangla Fort protest,” *Thinking Gender, Thinking Nation: Ideology, Representations and Women’s Movement* October 18, 2018, <https://www.tandfonline.com/doi/citedby/10.1080/19472498.2018.1535543?scroll=top&needAccess=true> (accessed April 4, 2021).

INTRODUCTION

On July 15, 2004, twelve *imas* belonging to Meira Paibi, a social coalition in Manipur, staged a naked protest outside the headquarters of the 17th Assam Rifles at the Kangla Fort. The oldest protestor was 75 years old while the youngest was 45.³ The immediate cause of this was the gang rape and murder of Thangjam Manorama, a political activist fighting for tribal rights, by the Indian Army.⁴ Manorama had been detained on charges of militancy by the Assam Rifles. She was allegedly gang-raped by the officers and then shot and killed. Her body was recovered by the villagers three kilometres from her house. Frustrated and without any hope for a legal recourse, the *imas* bared their naked bodies outside the gates of the Assam Rifles and held white banners with words inked in red saying the ‘Indian army rape us’ and ‘they take our flesh’.⁵ Several *imas* screamed at the army, chanting slogans. These mothers were also raising their voices against the Armed Forces Special Powers Act 1958 (AFSPA), which grants the Indian army special powers and impunity in conflict-ridden areas of India.

This essay aims to analyse the protest through three specific intersections. The first section will detail the geopolitical and ethnic context within which this protest occurred. It will focus on the growing state-sponsored structural gender-based violence in post-colonial India especially in areas of exception, such as the States of Manipur, Kashmir, and Chattisgarh, where insurgencies have led to constant conflicts with the state. While locating this growing violence at the hands of the State, this section will also dwell on the lack of attention and discourse by the Indian Women’s Movement on this issue. The second section will focus on the disruptiveness this protest brought for resistance movements across India by analysing the unique approach to the traditional concept of political motherhood and political performance. The *imas* instead of staging their naked bodies as essential feminine vulnerabilities staged them as a site of violence and hence through their ‘wilful nakedness

³ Geeta Pandey, “What Made These Grannies Go Nude in Public?” *BBC News*, March 15, 2017, <https://www.bbc.co.uk/news/world-asia-india-39179515> (accessed April 3, 2021).

⁴ *ibid.*

⁵ *ibid.*

discovered a new militant way of describing the gendered grammar of violence'.⁶ In doing so they questioned the ideas of citizenship, democracy, and the role of a nation state under draconian laws like the AFSPA. The third section will indicate the significance of this protest by looking at the events that occurred around Manorama's case and the review of AFSPA. This section will reflect on how this protest provides space for analysing the limitations of international law principles, namely, the WPS agenda and CEDAW, in dealing with such incidences. This section will indicate why there is a need for the WPS agenda to look beyond the purely law-based reforms in addressing such issues towards more non-legal, participatory, and community-oriented ways.

METHODOLOGY AND LIMITATIONS

This essay engages in a desk-based academic research. The methodology was selected due to practical and financial reasons that meant it was not possible to conduct direct ethnographic research during the second wave of the Covid-19 pandemic in India. Theoretical analysis includes reference to primary sources such as UNSC Resolutions, national and international legislation and case law. Secondary sources include books, research essays, journal articles, and NGO reports. These sources were used to identify the key areas of focus for the essay: political motherhood, gender as performative, and the WPS agenda. The analysis is aimed at indicating the disruptiveness of this protest by understanding its form and impact and by reflecting on the larger relationship this protest has with the WPS agenda.

This essay examines how gender interacts and behaves through socially constructed roles and institutions. Gender is understood as an identity created through the 'stylised repetition of acts'.⁷ It is recognised as an identity in interaction with various other elements,

⁶ Deepti Misri, "Are You a Man?": Performing Naked Protest in India," *Signs: Journal of Women in Culture and Society* 36, no. 3 (2011): 603, <https://doi.org/10.1086/657487> (accessed April 3, 2021).

⁷ Judith Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," *Theatre Journal* 40, no. 4 (December 1998): 519, <https://doi.org/10.2307/3207893> (accessed June 25, 2021).

such as social ordering, race, caste⁸, class, ethnicity⁹, nationality, age, and geography¹⁰. Furthermore, gender is analysed as manifesting through hierarchies and power dynamics. This essay has been analysed within a heteronormative framework since this is the gender identity by which the Meira Paibis view themselves. Their protest has, however, broken free from the social stereotypes around heteronormativity. Therefore, this essay looks at how this gender identity was used by the Paibis through their naked, ageing bodies to enter previously restricted public and political participatory spaces. Within gender-based violence, this essay focuses mainly on rape cases involving cis women and girls by army men in conflict areas of India, since the rape of Manorama that triggered this protest was cis-normative in nature.

STATE AND GENDER IN POST-COLONIAL INDIA

The geo-political, ethnic context within which this protest occurred is unique. The erstwhile Manipur kingdom came under British rule after the Anglo-Manipur War of 1891. When Britain ended its colonial domination of India, Manipur was briefly independent with its own constitution of 1947; however, in 1949, India coerced the then Maharaja into signing a Merger Agreement.¹¹ Manipur hence joined India amidst much conflict.¹² Many ethnic groups and sectarians had demanded an independent homeland, and when these demands went unheard, there were multiple armed political uprisings across the state demanding self-determination. As a result, India enacted a series of anti-insurgency emergency and security laws including AFSPA.¹³ These laws have been widely condemned for being used as a tool for exploiting and oppressing women as well as tribal and indigenous communities.

⁸ “Manipur Data Highlights: The Scheduled Castes Census of India 2001,” Census India, accessed June 25, 2021, https://censusindia.gov.in/Tables_Published/SCST/dh_sc_manipur.pdf.

⁹ Bhagat Oinam, “Patterns of Ethnic Conflict in the North-East: A Study on Manipur,” *Economic and Political Weekly* 38, no. 21 (May 24, 2003): 2033, <https://www.jstor.org/stable/4413594> (accessed June 25, 2021).

¹⁰ Vinod Khobragade, “Ethnicity, Insurgency and Self Determination: A Dilemma of Multi Ethnic State: A Case of North East India” *The Indian Journal of Political Science* 71, no. 4 (2010): 1159, <https://www.jstor.org/stable/42748944> (accessed June 25, 2021).

¹¹ *ibid* (n 9), 998.

¹² Pradip Phanjoubam, “Why it matters how Manipur became a state” *The Telegraph*, February 26, 2019, <https://www.telegraphindia.com/opinion/why-it-matters-how-manipur-became-a-state-of-india/cid/1684958> (accessed April 3, 2021).

¹³ *ibid* (n 10).

The AFSPA was introduced into India based on a 1942 British ordinance that was issued during the Second World War to curb the Indian Independence Movement.¹⁴ It was only supposed to be applicable temporarily for a period of one year until the armed political uprising could be curbed. However, this did not happen, as the Indian government kept extending the applicability of AFSPA across these states.¹⁵

The transformation of this disruptive temporary security provision into an everyday reality is abjectly visible in the frustration and pain that the imas indicate through their protest. Their rage is a result of living in a constant state of anxiety, insecurity, and uncertainty where, under the guise of temporary, arbitrary and excessive human rights violations have been committed. Extrajudicial killings, rapes, and fake encounter killings by army men are common occurrences in Manipur.¹⁶ First information reports (FIR) against the armed forces are rarely lodged at police stations.¹⁷ Indeed, there is a systemic denial of accountability for the citizens of Manipur against the abuse and oppression of the State.¹⁸ The UN Special Rapporteur, after his visit to India, said that the ‘widespread deployment of the military creates an environment in which the exception becomes the rule, and the use of lethal force is seen as the primary response to conflict’.¹⁹

India as a whole has further side-lined the trauma that the citizens of these regions have been suffering under these security laws. The conflicts in the northeast have been dismissed by being termed as ‘internal mini insurgencies’. The lack of nationwide rage against the violations that have been and continue to be committed here explains why the people of Manipur have always felt treated like second-class citizens. Despite the rage of

¹⁴ Naseer Ganai, “In 20 Years, Centre Denied Prosecution Sanction Under AFSPA In All Cases Recommended By J&K Govt Against Armymen” *Outlook*, January 20, 2018, <https://www.outlookindia.com/website/story/in-20-years-centre-denied-prosecution-sanction-under-afspa-in-all-cases-recommen/307132> (accessed April 3, 2020).

¹⁵ “Notification: Imphal, the December 17, 2020 No.2/8(6)/97-H,” Government of Manipur, Home Department, accessed June 25, 2021, https://www.mha.gov.in/sites/default/files/NEDiv_ManipurAFSPANotification_01022021_1.pdf.

¹⁶ Human Rights Watch, *These fellows must be eliminated: Relentless violence and Impunity in Manipur* (September 29, 2008) <https://www.hrw.org/report/2008/09/29/these-fellows-must-be-eliminated/relentless-violence-and-impunity-manipur> (accessed June 25, 2021).

¹⁷ *ibid.*

¹⁸ *ibid.*

¹⁹ Human Rights Watch, “Getting away with murder: 50 years of the armed forces (special powers) Act” August, 2008 <https://www.hrw.org/legacy/backgrounder/2008/india0808/> (accessed April 3, 2020).

Manipuri women manifesting in various forms of protest, including the world's longest hunger strike lasting for more than 16 years by Irom Chanu Sharmila, the overall attention to the constant state of exploitation and surveillance these communities live under, is negligible. This secondary treatment is also clear from the events that occurred after the imas ended their protest: all twelve imas were arrested and jailed for three months.²⁰

Yuval-Davis writes about the connection between nationalism and racism to indicate how minorities are viewed as deviants from the 'normal' and so are excluded from essential resources and power structures.²¹ She explains how the construction of nationhood involves the formation of specific gender roles around what constitutes masculine and feminine.²² Sexual violence remains a common method to subjugate and suppress dissent in these regions. Nussbaum sees this pattern as having emerged during the partition of British India into the two nation states of India and Pakistan where women were raped to bear the children of Muslims and Hindus. The female body was symbolised as the nation, and in the struggle of the two emerging nations, the possession and impregnation of women became a weapon for consolidating power.²³ Even when women were not abducted but were raped and then brutally murdered, this too was an act symbolising the power of one group to damage the domain of rule of the other group, dishonouring the group in the process.²⁴ The idea of masculinity within a state was hence increasingly defined and derived from the control of the female body, and the female body hence came to represent more than just that; instead, it represented a nation, and by controlling it, the idea of being able to control India emerged.²⁵

Yuval-Davis and Anthias write about one of the complex links between the state and women being 'their social role in human production.'²⁶ Women's roles are relegated to the periphery in the construction of a nation and are limited to reproducing 'biologically,

²⁰ *ibid* (n 1).

²¹ Nira Yuval-Davis, *Gender and Nation* (Sage Publications, 1997), 11.

²² Alexander and Simone A James, "M/othering the Nation: Women's Bodies as Nationalist Trope in Edwidge Danticat's *Breath, Eyes, Memory*," *African American Review* 44, no. 3 (Fall 2011): 383.

²³ Martha Nussbaum, "Body of the Nation," *Boston Review*, May 23, 2017, <http://bostonreview.net/martha-nussbaum-women-mutilated-gujarat> (accessed April 3, 2021).

²⁴ *ibid*.

²⁵ *ibid*.

²⁶ *ibid* (n 22), 381.

culturally and symbolically.²⁷ They are identified as ‘bearers of the nation’²⁸ and symbolised as the ‘repository of group identity’²⁹ but are ‘denied any direct relation to national agency.’³⁰ This limits women to private spaces, preventing them from exercising their rights as citizens and participating in public decision making. These rigid gender roles for women are visible in post-colonial India as well, especially among ethnic and religious minorities seeking self-determination and autonomy. The Indian state has adopted in these spaces ‘the guise of a dominating, masculinist nation state, acting with immunity and impunity.’³¹ Over time, in response to the dissent around this masculinist behaviour, state violence has been perpetuated and legitimised.

The lack of a critical attitude towards the state by the post-independence Autonomous Women’s Movement (IWM) has further solidified this pattern of violence. Due to its emergence from within the nationalist struggle for independence, the idea of nationhood remained entrenched in its approach to the issue of violence against women. As such, the IWM’s resistance was limited to criticizing the bourgeois state or to leading a civil rights movement against the declaration of the emergency in 1975.³² The serious feminist challenge to the masculinised state has been a fairly recent development. This challenge arose only after a gendered analysis of the partition of India into two nations revealed how nationalism was used to incite and justify the large-scale violence and atrocities committed against women in both the newly founded India and Pakistan.³³ The 2002 Gujarat riots was the second large-scale incident post partition which refocused attention on the state’s complicity in gender-based violence. There is a plethora of literature in India on violence against women, but the focus on the systemic terrorization of women by the Indian army and military groups in the

²⁷ *ibid* (n 22), 373.

²⁸ Renata Pepicelli, “Rethinking Gender in Arab Nationalism” *Oriente Moderno* 97 (2017): 201.

²⁹ *ibid*.

³⁰ Anne McClintock, “No Longer in a Future Heaven: Women and Nationalism in South Africa” *Transition* 51 (1991): 104-123.

³¹ Kalpana Wilson, Jennifer Ung Loh and Navtej Purewal, “Gender, Violence and the Neoliberal State in India” *The Feminist Review Collective*, 119 (2018): 3.

³² Paromita Chakravarti, “Reading Women's Protest in Manipur: A Different Voice?,” *Journal of Peacebuilding & Development* 5, no. 3 (2010): 57 <https://doi.org/10.1080/15423166.2010.305597731461> (accessed April 3, 2021).

³³ *ibid*.

so called ‘disturbed’ states of the Indian nation is lacking.³⁴ ³⁵ Banerjee, in the documentation of the Naga Women’s Movement for Peace, speaks about the lack of inclusion in mainstream feminist politics of the lived experience of the women in the northeast under the conflict. ³⁶

POLITICAL MOTHERHOOD AND THE PERFORMANCE OF RESISTANCE

This protest was uniquely disruptive because it employed the performativity of a naked protest but through the bodies of mothers, a body that is not sexualised or politicised in a way that allows for the normal naked protest disruption strategies to be employed. In India, stripping away the clothes of persons belonging to minority groups, such as *Adivasis* or *Dalits*, is a common form of humiliation.³⁷ Here, by removing their own clothes, these imas challenged the humiliation that is attached to stripping away clothing. Berger distinguishes between nakedness and nudity. He states that ‘while the naked body operates innocent of an outside gaze, nudity places the body on deliberate display, as an object of gaze and representation.’³⁸ Within this protest, the disruptive nudeness of the imas’ sexually scripted bodies creates a sudden temporality which becomes the visual memory of the revolution and creates a new politics of remembering that rejects morally influenced ideas of nudity. This body politics defies the cultural ethos and mortality that is imposed on women and rejects the male gaze that objectifies and scripts upon the female bodies through violence. The Meira Paibis made the army personnel victims in the face of maternal nudity, a cultural taboo, and the sexualisation of ageing female bodies in a way that is not visible in a neo-liberal marketplace. This protest radically redefined the way in which rape, especially at the hands of state actors, was viewed across India. It led to a shift in the view around rape being a private issue to one that is an act of state terror requiring political redress and public discourse. It

³⁴ *ibid.*

³⁵ See, Mary Fainsod Katzenstein, “Organizing against Violence: Strategies of the Indian Women’s Movement” *Pacific Affairs* 62, no. 1 (1989): 63 <https://www.jstor.org/stable/2760264> (accessed September 13, 2021).

³⁶ Paula Banerjee, “The Naga Women’s Intervention for Peace,” *Canadian Women’s Studies* 19, no. 4: 137 <https://cws.journals.yorku.ca/index.php/cws/article/viewFile/7944/7075> (accessed September 13, 2021).

³⁷ Human Rights Watch, “Hidden Apartheid: Caste Discrimination against India’s Untouchables,” February 12, 2007, <https://www.hrw.org/report/2007/02/12/hidden-apartheid/caste-discrimination-against-indias-untouchables> (accessed April 14, 2020).

³⁸ John Berger, *Way of Seeing* (London: BBC, 1972), 54.

exposes through the ‘embarrassing nakedness, the routine rapes committed by the army.’³⁹ Foucault⁴⁰ and Mbembe⁴¹ theorise that the acts of naked protest serve as bio political encounters between the subject and the sovereign. The acts are expressions of political demands where the body is the site of governance and bio power.

Motherhood has been one of the few modes through which women in the Northeast region of India have historically been able to collectively resist and politically participate. The Meira Paibis originated as a mothers’ movement in the 1970s to engage in a response to the production, distribution, and consumption of illicit alcohol within the Meitei community.⁴² Women, through their shared identity as the ‘biological mothers of the community’, organised interventions aimed at addressing the corruption perpetuated by hegemonic liquor lobbies.⁴³ Their original name was Nasha Bandi (Stop Alcohol Intoxication).⁴⁴ Their name changed to Meira Paibis (Torch Bearers) when they shifted their focus from issues within their community towards addressing the exploitative and violent measures employed by the state. As this shift occurred, they began organising resistance movements against security forces through cases involving enforced disappearances, custodial torture, and fake encounters. It is interesting how the social sanction Meira Paibis received due to their identity as community mothers to take punitive action against vagrants in their community shifted from within the community towards the violations inflicted upon the community by the post-colonial Indian state through the use of the security forces and emergency laws.

This protest separates itself from other collective resistance movements in Manipur that employ motherhood in the same way as here. While embracing motherhood, this protest,

³⁹ Ibid. (n 19).

⁴⁰ Foucault, *Birth of Bio Politics: Lectures at the College de France* (Palgrave MacMillian, 2004).

⁴¹ Achille Mbembe, *Necro-Politics* (Duke University Press, 2019).

⁴² Their use of motherhood politically was not inspired by any other movement but became more organised around the same time in the mid-1970s when other well-known mothers’ groups arose across the world against dictatorial and fascist regimes such as ‘Madres de La Plazo de Mayo’ (Argentina), ‘Co Madres’ (El Savador) and ‘Grupo Apoyo Mutuo’ (Guatemala) from *ibid.* (n 1).

⁴³ Sumi Madhok, “Coloniality, Political Subjectivation and the Gendered Politics of Protest in a ‘State of Exception,’” *Feminist Review* (July 2018): 119.

⁴⁴ Iboyaima Laithangbam, “Women vigilantes of Manipur,” *The Hindu*, November 04, 2014, <https://www.thehindu.com/news/national/other-states/women-vigilantes-of-manipur-to-observe-meira-paibi-day-on-december-29/article6563476.ece> (accessed June 25, 2019).

through its nakedness, breaks free from the traditional image of a mother. It has hence led to a reimagining of their identity and has shattered the colonial narrative of ‘women as nation-mother needing their valiant sons’ for protection.⁴⁵

The Meira Paibi as mothers of Manorama deployed the idea of motherhood to shock and shame the army whom they rendered as disobedient and wayward sons. By simultaneously insisting on their maternal status and inviting rape, they made the very act of viewing their naked bodies fraught with the horror of primeval taboo and oedipal guilt. By doing so they turned the shame of rape back on Manorama’s rapists.⁴⁶

This protest hence deconstructed the ‘politics of objectification’ and the manner in which its presentation and representation occurs through the female body. They used the female bodies of ageing mothers, which is outside the bounds of sexualisation traditionally, to subvert the patriarchal idea of rape as a tool that dishonours the woman, her family, and the community.⁴⁷

Some feminists argue that the use of motherhood as a form of protest is not feminist because it reinforces the patriarchal notions that associate women with the role of nurturing and caring.⁴⁸ They claim that this ‘form of politics falls back upon the sacrificing motherhood image that appeals to the state with “tears and curses” and which re-establishes both the biological and social norms that legitimise nurture and care.’⁴⁹ I do not believe this is true. Many of these women, while very active in working on small social issues, occupied the private sphere and were restricted from being public participants in politics and from voicing their opinions and representing their stories; hence, for them to have engaged in a protest that is so disruptive of their everyday reality is a feminist act. For instance, the imas did not inform the male members of their family about this naked protest. This refusal to seek

⁴⁵ *ibid.* (n 5).

⁴⁶ *ibid.* (n 32).

⁴⁷ *ibid.*, 48.

⁴⁸ Malathi de Alwis, “Motherhood as a Space of Protest: Women’s Political Participation in Contemporary Sri Lanka” in *Women in Peace Politics*, ed. Paula Banerjee (India: Sage Publications, 2008), 153. Amanda D. Watson, “Feminist Politics Still Needs Motherhood,” and Katerina Krulisova, “A Mother’s Violence in Global Politics,” in *Troubling Motherhood: Maternity in Global Politics*, ed. Lucy B. Hall, Anna L. Weissman, and Laura J. Shepherd (New York: Oxford University Press, 2020).

⁴⁹ *ibid.*

acknowledgement from male leadership indicates how a space was created for feminist resistance.⁵⁰

These women instead of staging their bodies as a ground of female vulnerabilities staged it as a site of violence as a result of the ‘historical, legitimated and legislative product of the state in which gendered and caste-based modes of powers converged to form the AFSPA Act.’⁵¹ Judith Butler speaks of the ‘theatricalization of political rage’ within the context of the US queer activism through performative methods such as die-ins, kiss-ins, and drag balls. She argues that the mixing of theatre and politics ‘recontextualises queer from its place within a homophobic strategy of abjection and annihilation to an insistent and public severing of that interpellation from the effect of shame.’⁵² This performance does a similar recontextualisation where the discourse of female victimhood and shame changes into that of feminist resistance.⁵³ The protest erased the rape-power dynamics, an extension of state masculinity, that were used to oppress the locals in this region.

Sharon Marcus speaks of ‘rape as a scripted interaction which takes place in language and can be understood in terms of conventional masculinity and femininity as well as other gender inequalities inscribed before an individual instance of rape.’⁵⁴ This script allows for the exertion of masculine power and the feminine powerlessness. Thus, by identifying this script, she asks us to create ‘a gap between the script and the actress’⁵⁵ so that we can challenge the language of rape which attaches violence and shame to its subjects. This challenge allows for a transformation where women’s bodies are represented in new and militant ways.

⁵⁰ Teresa Rehman, “Tales from the Mothers of Manipur,” *Scroll*, February 28, 2017, <https://scroll.in/article/830390/we-are-notorious-women-we-have-a-lot-of-stories-to-tell-ales-from-the-mothers-of-manipur> (accessed June 25, 2019).

⁵¹ *ibid.* (n 9).

⁵² Judith Butler, “Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory,” *Theatre Journal* 40, no. 4 (December 1998): 527, <https://doi.org/10.2307/3207893> (accessed June 25, 2021).

⁵³ Deepti Misri, *Beyond Partition: Gender, Violence and Representation in Post Colonial* (India: University of Illinois Press 2014), 13.

⁵⁴ Sharon Marcus, “Fighting bodies, fighting words: A theory and politics of rape prevention” (2002): 390 https://www.thehinducentre.com/multimedia/archive/02677/Sharon_Marcus_-_Fi_2677620a.pdf (accessed April 4, 2021).

⁵⁵ *ibid.*

Thus, while maternal care becomes the entry point for involvement in a highly militarised society for these mothers, their methods question the stereotypes and biases attached to the role of mothers, their sexuality, and their bodies. While posing this challenge internally to their traditional image and roles, their methods externally question the violence that is scripted upon women's bodies and the lack of accountability platform against these forms of colonization and exploitation by the nation state.

REFLECTIONS FROM THE PROTEST: EXPLORING NEW WAYS FOR JUSTICE AND PEACE-BUILDING

This section looks at the effectiveness of this protest and critically analyses it to highlight the limitations of domestic and international legal frameworks with respect to conflict related sexual violence (CRSV).

Within the domestic framework, this protest was important, as it attempted to dismantle and bring to light the exploitative and colonising provisions of this emergency law. Under the AFSPA, the powers granted to the Indian army are wider than those sanctioned to states during emergencies.⁵⁶ The state government can declare any area as 'disturbed'⁵⁷ and grant the armed forces the power 'to shoot to kill, to raid houses and to destroy any property that is likely to be used by insurgents'.⁵⁸ They can arrest any person without warrant on the reasonable suspicion of having committed or of being about to commit a cognizable offence. In the name of maintaining peace and security, all acts by such personnel are outside the purview of judicial scrutiny without the previous sanction of the central government.⁵⁹ However, in almost all cases, the central government denies sanctions for a judicial review.⁶⁰ Furthermore, the government's decision to designate an area as disturbed is not open to

⁵⁶ *ibid.* (n 19).

⁵⁷ The Armed Forces (Special Powers) Act 1958, s 3.

⁵⁸ *ibid.* s 4.

⁵⁹ *ibid.* s 6.

⁶⁰ *ibid.* (n 14).

judicial review.⁶¹ Therefore, the AFSPA is incompatible with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials according to which a law enforcement official or member of the armed forces must only engage in use of firearms as a last resort.^{62 63}

While this protest did not lead to AFSPA being repealed, it did lead to a committee being set up to review the Act. The Reddy committee, after careful examination, recommended that the government repeal the Act.⁶⁴ The Justice Verma Committee, which was constituted in 2013 after the Delhi gangrape incident, also acknowledged the existence of sexual violence allegedly committed by the armed forces in areas where the AFSPA was applicable, and called for it to be brought within the purview of ordinary criminal law.⁶⁵ While the Indian government refused to accept these recommendations, a series of socio-legal interventions that resulted from this protest led to certain accountability mechanisms being introduced through judicial interventions within the AFSPA. In a recent judgement, the Supreme Court has directed for all encounter deaths in disturbed areas to be thoroughly investigated irrespective of whether this involves the death of a militant or a civilian.⁶⁶ A judicial probe was also launched to investigate the rape and murder of Manorama.⁶⁷ After ten years, the case wound up at the Supreme Court where the government was ordered to pay Manorama's family compensation even though the culprits were never convicted.⁶⁸

Within the international law framework, in particular the WPS agenda, this protest is significant, as it highlights the limitations of this agenda in empowering and protecting

⁶¹ *ibid.* 35.

⁶² Amnesty International India, 'Briefing: The Armed Forces Special Powers Act: A Renewed Debate in India on Human Rights and National Security' (2013) <https://www.amnestyusa.org/files/asa200422013en.pdf> (accessed April 4, 2021).

⁶³ *ibid.* (n 23).

⁶⁴ *ibid.* (n 1).

⁶⁵ Justice Verma Committee, "Amendments to the Criminal Law" January 23, 2013: 150 https://prsindia.org/files/policy/policy_committee_reports/1359132636--Justice%20Verma%20Committee%20Report%20Summary_0.pdf (accessed April 4, 2021).

⁶⁶ Extra Judicial Execution Victim Families Association (EEVFA) v. Union of India, W.P. (Criminal) No. 129 of 2012.

⁶⁷ Ravi Nitesh, "Right to Justice Deprived by State: Case of Manorama Vs AFSPA from Manipur, India" *OHRH* January 7, 2015, <http://ohrh.law.ox.ac.uk/right-to-justice-deprived-by-state-case-of-manorama-vs-afspa-from-manipur-india/> (accessed April 4, 2021).

⁶⁸ *ibid.*

women in conflict regions especially around their role in seeking justice and engaging in peace-building. The rage of the imas that is visible in this protest highlights the violence that goes beyond those inflicted by the security forces – it is embedded also in the structural frameworks within the rule of law, which is used to colonise and exploit these indigenous communities and their lands. The militarisation of the society and economy of Manipur for over seventy years has meant that these communities have lived in a constant state of unrest and insecurity with severely compromised spaces for exercising their political voice.

The main reason for the imas to engage in this performative, nude protest rather than engagement directly with the rule of law was because of the lack of due process under the law, the presence of widespread impunity, and the poor implementation of the WPS agenda by India. This agenda under the UNSC resolutions and CEDAW is rich and detailed in its efforts to address CRSV; however, it fails to translate substantively into the reality on the ground. The agenda has created a strong theoretical framework, such as (i) recognising structural gender inequality and discrimination as the root cause of CRSV; (ii) recognising the responsibility of the state towards the actions of non-state actors within their territory,⁶⁹ and (iii) recognising ‘sexual exploitation and abuse’, which is often perpetrated by national troops, peacekeeping forces, humanitarian actors, and immigration officials and calling for them to be provided with gender-sensitive training for identifying and protecting vulnerable women and girls.⁷⁰ Temporary special measures have been suggested for increasing gender equality and representation and for the incorporation of informal judicial mechanisms, such as truth commissions and people’s courts.

The WPS agenda, however, fails on several key fronts, and this has been highlighted and reflected in the protest by the imas as well. It relies heavily on the criminal justice system to urge member states to take the necessary actions to protect the rights and particular needs of the women in areas of conflict. Without the cooperation of member states, this agenda’s effectiveness and its incorporation in domestic laws is severely compromised. For instance,

⁶⁹ CEDAW “General Recommendation No. 30 on ‘women in conflict prevention, conflict and post-conflict situations’” (2010) CEDAW/C/GC/30 para 10.

⁷⁰ *ibid.* 41 (b).

UNSC Resolution 1325⁷¹ was the first resolution under the WPS agenda. This resolution calls for every member state to draft and implement a National Action Plan (NAP), which is a context-specific framework to ensure the inclusion of women in politics and peace building and to offer them protection from violent conflict. However, without any accountability platform within the UNSC resolution, there is no way of monitoring or urging member states to adopt this. Consequently, India is one of the countries that 21 years after this resolution has failed to implement the agenda.⁷² Moreover, while public participation of women is a key part of the WPS agenda, we see in Manipur the very patriarchal formation of such spaces. Public protests are generally shut down in Manipur through the use of excess force, tear gas, and rubber bullets.⁷³ This protest, with its disruptiveness, shocked the army to the point where they were unable to at least immediately employ their usual tactics for curbing such public demonstrations.

The heavy focus on constantly reforming the procedural and legislative elements of the criminal justice system as the solution for addressing this issue has limited the applicability and interventions through this agenda. This limiting perspective towards peace building reforms looks only at one kind of politics, namely, that of the criminal justice system, when in fact, there is a need to cultivate a politics beyond the law that takes into account other systemic criminal inequalities that serve as limiting factors. Charlesworth and Ottomon recognised the limiting role that these legal structures play in their analysis of the tension between evolution and revolution within law and wrote that ‘the techniques and methods for responding to this “message” have largely resulted in the establishment of criminal justice techniques and models that reproduce the structures and limitations of dominant and existing criminal justice models.’⁷⁴ This singular feminist narrative fails to challenge the underlying structural, procedural, and legal limitations to the criminal justice model and hence restricts the ability of the WPS agenda to imagine other forms of redressal

⁷¹ UNSC Resolution 1325 (October 31, 2000) UN Doc S/RES/1325 (2000).

⁷² Global Network of Women Peace-builders, “No Money, No NAP: Manual for Costing and Budgeting National Action Plans on UNSC 325” https://gnwp.org/wp-content/uploads/GNWPCostingBudgetingManual_Eng_4web.pdf 9 (accessed June 25, 2021).

⁷³ *ibid.* (n16 and 19).

⁷⁴ Gina Heathcote, “Feminist Dialogues on International Law: Successes, Tensions, Futures” (*Oxford University Press* 2019): 5.

mechanisms. Unlike the UNSC resolutions on WPS, CEDAW recognizes some quasi-judicial forms of justice and reconciliation. It therefore calls for informal judicial mechanisms, such as truth commissions and people's courts, that allow for people to voice their grievances and for collective healing should judicial platforms fail.⁷⁵ While one of the aims of the protest was to highlight the draconian AFSPA emergency law, the larger aim was to allow for collective healing through a public demonstration of grief. In this protest, both the imas and the spectators, who were Manipuri citizens outside the army headquarters, were seen crying and yelling at the Indian army.⁷⁶ The imas, through their disruptive protest, have challenged this rigid legal framework for addressing conflict and highlighted the need for other alternate platforms.

⁷⁵ *ibid.* 75.

⁷⁶ *ibid.* (n 1).

CONCLUSION

Through this essay, I have attempted to indicate that this protest's success lies not so much in the legal reforms it introduced as in the social changes and collective action that it brought about. Its disruptiveness served as an entry point for these mothers into the political space, as it successfully broke the binary between political and personal motherhood through the use of their pain and anger to rupture the norms that identify them as grieving mothers. It paved the way for a new form of civil disobedience in this region through gender performativity; in particular, 'acts that fail to adhere to the resultant gendered order are disturbing, putting into relief and troubling the constructed nature of social order.'⁷⁷ The day of the protest is observed by activists now as 'Anti Repression Day'.⁷⁸ Since the protest, the Meira Paibis have held multiple other campaigns against the AFSPA across Manipur. They have started documenting incidents of human rights violations and have formed solidarity networks across Northeast India to facilitate transmission of this information to activists, the media, and the general public. All their protests continue to employ the techniques of peaceful civil disobedience and disruptive resistance methods that redefine the performance of gender within their community. They continue their justice and peace-building efforts, calling for an end to the impunity extended to the security forces through such draconian security provisions.

I have indicated through this disruptive protest the innovative use of political motherhood and nudeness to challenge the rigid and often hollow conventional structures around state accountability. This protest highlights the parallels that exist between the policy frameworks in place, often within the international law structure and the reality on the ground. Without any coherent and effective monitoring and accountability mechanism, the provisions do not translate into practices and, as such, civil society organizations and groups at the community level remain isolated and excluded from the wider discussions within the

⁷⁷ Abonga, Raphael Kerali, Holly Porter & Rebecca Tapscott, "Naked Bodies and Collective Action: Repertoires of Protest in Uganda's Militarised, Authoritarian Regime" *Civil Wars* 2020, no. 2-3 (November 2019): 208, <https://doi.org/10.1080/13698249.2020.1680018> (accessed June 25, 2019).

⁷⁸ Simran Sirur, "17 years since their naked protest against Army, mothers of Manipur say fight not over," *The Print*, July 22, 2021, <https://theprint.in/india/17-years-since-their-naked-protest-against-army-mothers-of-manipur-say-fight-not-over-yet/700093/> (accessed September 15, 2021).

human rights space in addressing CRSV. There is therefore a need for these agendas to reimagine new ways of achieving justice and engaging in peace building through more non legal and community driven initiatives.

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