

ARMED FORCES (SPECIAL POWERS) ACT: AN UNPARDONABLE VILE

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INTRODUCTION

What is the Armed Forces (Special Powers) Act?

The Armed Forces (Special Powers) Act, 1958 (AFSPA) was preceded by the Armed Forces (Assam and Manipur) Special Powers Ordinance 1958. The Ordinance gave the armed forces certain special powers in the 'disturbed areas' of Manipur and Assam.

It was replaced by AFSPA on September 11, 1958. Currently, AFSPA is applicable to the seven states of the North-East, i.e. Assam, Manipur, Mizoram, Arunachal Pradesh, Meghalaya, Nagaland and Tripura.

AFSPA empowers the governor of the state, or the central government to declare any part of the state as a 'disturbed area', if in its opinion there exists a dangerous situation in the said area which makes it necessary to deploy armed forces in the region.

HISTORY

The fight against those military extraordinary forces demonstration is a long, intense and quite bitter one. Looking into admirable 15th of August 1942, master Linlithgow, the viceroy of India, promulgated those military uncommon forces (Ordinance). In order to suppress the quit India movement on 15th August 1942, the AFSPA (armed forces Special power ordinance) of 1942 was introduced as well as spread by the Britishers, which was started one week earlier by Mahatma Gandhi. Gandhi, Jawaharlal Nehru as well as the most of the leaders of the Indian national congress were detained. Indian protesters focused on destructing police business settings, Furthermore track broadcast lines, which the Britishers saw as restricting tool for those

war exertion against aforesaid Japanese intrusion on the Burmese front. Linlithgow responded with violence: 2,500 were dead during police shootings on Indian protesters, many thousands were arrested, rebellious towns and villages were burn down, and also protesters were beaten and tortured.

In August 1947, opportunity from British run and the introduction of India and Pakistan were gone with genocidal brutality and the mass movement of Hindus and Sikhs from Pakistan and of Muslims from India. A couple of years into Indian freedom, Jawaharlal Nehru, the prime minister, confronted his first uprising in Naga districts of Assam, along the Burmese outskirts. Baptist preachers had transformed a majority of the Nagas to Christianity and an informed initiative had risen as the Naga National Council (NNC). In the gatherings between the Naga and the Indian initiative, Gandhi hypothetically thought about the possibility of Naga freedom; however Nehru intensely dismissed the thought and offered the Nagas self-rule inside India. In 1954, the Nagas started a revolt for autonomy. India reacted by sending in a large number of Indian armed force troopers and paramilitary men from the Assam Rifles to crush the rebelliousness. A serious cycle of savagery took after. To further arm his counterinsurgents and furnish them with legitimate security, Nehru's administration passed the Armed Forces Special Powers Act (1958) in the Indian parliament. Very few lawmakers spoke in contrary to the law.

Now, Prime Minister Nehru echoed Churchill and Linlithgow as they had started squashing the Quit India Movement with brutality and lawful securities of the Armed Forces Special Powers Ordinance. "No infirm government can function anywhere. Where there is violence, it has to be dealt with by government, whatever the reason for it may be," Nehru told the Indian parliament. Furthermore, Nehru's warriors in Nagaland reflected the violence of the British strengths in India. "The stories of consumed rice stores and houses appeared to be endless," composed Gavin Young, a correspondent for The Observer, who has gone all through Nagaland in 1961. "People told how they had been struck and tied for quite a long time without water; how they had been bound and hung downwards from bars to be whipped; how children, siblings and fathers had been stabbed to death.

The discontent in the borderlands of Nehru's India wasn't restricted to the naga zones. Indications about issue Also dissatisfaction with being governed by a bureaucrat from New Delhi were developing in the former princely state of Manipur, which had merged with

India in 1949. In 1964, a separatist militant group emerged in the year of Nehru's death demanding independence from India as the united National liberation front in Manipur.

India responded toward the radial energy by granting statehood to Manipur in 1972, and brought local financial resources and local government. A couple of years later, propelled by Maoist ideas and Chinese support, few Manipuri rebels made an insurgent group named 'the people's liberation army' in order to get an independence. A few more uncertain difficult gatherings went under constantly. The sum of persons killed in acts of violence went from 2 to 51 during the period of 1978-1981. India responded by declaring Manipur as a "disturbed area" What's more forced those military uncommon forces act clinched alongside late 1980. A ruthless cycle for extremist and counterinsurgency need proceeded ever since, asserting a few thousand exists.¹

In order to suppress the quit India movement on 15th August 1942, the AFSPA (armed forces Special power ordinance) of 1942 was introduced as well as spread by the British. Based on these lines, four ordinances were raised by the central in order to deal with the security of the country which arose due to partition of India.²

The four ordinances are –

1. The Bengal distributed areas ordinance;
2. The Assam distributed areas ordinance;
3. The east Bengal distributed areas ordinance;
4. The united provinces distributed areas ordinance

ACTS

1. *Armed forces special powers (Assam and Manipur) Act, 1958*

¹Basharat peer, 'The Armed Forces Special Powers Act: A brief history'

<<http://america.aljazeera.com/articles/2014/3/8/armed-forces-specialpowersactabriefhistory.html>> accessed on 8th May 2017.

²ArmedForces(SpecialPowers)Act<[https://en.wikipedia.org/wiki/Armed_Forces_\(Special_Powers\)_Act](https://en.wikipedia.org/wiki/Armed_Forces_(Special_Powers)_Act)>access ed on 8th May 2017.

The Naga national council informed that “free and fair plebiscite” election was conducted in which 99% of Nagas selected a ‘free sovereign Naga nation’. After a lot of criticism against the first election of 1952, the Assam government executed the Assam Maintenance of Public order Act, 1953. It also strengthened police actions against the protestors. Even for the deteriorating situation Assam introduced the Assam Distributed Areas Act (1955) and also set up the Assam rifles in area of Naga Hills. This act provides the armed police of the state with the power to combat insurgency in that area as well as a legal background for the parliamentary forces. Due to the absence of naga rebellion and the rebel (NNC) Naga Nationalist Council, it formed “The Federal Government of Nagaland” on 23rd of March 1956. This act replaced the existing act which was promulgated by the president (Dr. Rajendra Prasad) on 22nd of May 1958 named ‘The Armed Forces (Assam and Manipur) special; powers ordinance, 1958.

It authorized only the governors of the states as well as the administrators of the union territories to affirm regions in the concerned union territory or state as ‘disturbed’. In order to enable armed forces to enjoy its special powers without any interference, union has given the right to protect every state against internal disturbance under article 355 of the Indian constitution. The territorial scope was extended to the five north-east states like- Assam, Arunachal Pradesh, Meghalaya, Manipur, Nagaland, Tripura and Mizoram. Also, this act was substituted by “Armed Forces (special powers) Act of 1958” and got the abbreviation of AFSPA, 1958. In November 2016, government has expanded the act in three more districts of Arunachal Pradesh and those were declared “disturbed area” under section 3 of the act.

2 . The Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983

This act is ratified by the central government on 6th of October 1983 but it was executed on 15th of October 1983, revoking the previous act named - The Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983, to empower the central armed forces to function in the state of Punjab as well as the union territory of Chandigarh. The terms of the Act comprehensively continued as before as that of the Armed Forces Special Powers Act (Assam and Manipur) of 1972 aside from two areas, which gave extra powers to the military..

1. Sub-segment (e) was added to Section 4 stipulating that any vehicle can be stopped, sought and seized coercively if it is alleged of carrying proclaimed criminals or offenders.
2. Section 5 was added to the Act determining that a fighter has the power to tear open any locks "if the key there of is withheld"

The Act was pulled back in 1997, about 14 years after it came to force.

3. The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990

This act was enacted in the month of September, 1990. If the governor or the central government of the Jammu and Kashmir, thinks or comes up with the opinion that the any area of the state is in such a dangerous and disturbed condition or any threat then this type of act can be enforced.³

COMMISSIONS ON AFSPA

1. The Santosh Hegde commission on Manipur encounter deaths

This commission was formed in January 2013 by N.Santosh Hedge in order to investigate six different cases of deaths in the state of Manipur.⁴ This committee consists of the former judge of Supreme Court (Santosh Hedge), ex-CEC (JM Lyngdoh) and a senior police officer. And the report says that no victims among them had any past criminal records. As per the report of this committee, five among six killings come across was found by both the Manipur police forces as well as Assam rifles. In order to make the controversial AFSPA (Armed Forces Special Powers Act) gentle so that it can work smoothly and the security services more answerable, Supreme Court constituted the judicial commission. The committee has also recommended about setting a time period of three months in making the final decision to the central government. It all depends on the central government whether to accuse security staffs

³ Dr. Ashok Dhamija, 'Justice Jeeven Reddy Committee suggestion to repeal Armed Forces (Special Powers) Act to be rejected?'

<<http://tilakmarg.com/opinion/justice-jeeven-reddy-committee-suggestion-to-repeal-armed-forces-special-powers-act-to-be-rejected/>>

⁴'Hedge Committee Report on AFSPA' <<http://www.thehindu.com/news/national/hegde-committee-report-on-afspa/article4945143.ece>> accessed on 11th June 2017.

involved in extrajudicial killings or disruptive conduct in insurgency-hit-regions. The commission also found that the AFSPA was an obstacle in attaining peace in areas like Jammu and Kashmir and in the north-east. Though, the government is still to act on these advices⁵. It has also pointed that whatever the law made regarding this needs to be revised in every six months in order to check regularly whether its implementation is actually necessary in that very particular state where it is being already imposed. It has also noted uneven use of force and interference of security forces in regions which are not informed as disturbed areas.

Section 6 of this act deals with the guarantees security against action to the forces. It doesn't mean that no action can be put forward against them. Action can be taken but only with the prior approval of the central government.

2. Justice Jeevan Reddy Commission

This commission was constituted in 2004 to revise the provisions given in the act in the north eastern parts.⁶ It also suggested revoking AFSPA as “the act is a symbol of hate, oppression and instrument of high handedness” but Government of India has not came up with any final verdict. It also recommended that its provisions should be contained in the UPA. Additionally, the powers provided to the army officers should be defined clearly. Furthermore, it suggested that complain cells should be established in each of the district where such type of law in power. The report was also sanctioned by the 2nd ARC (Administrative Reform Commission) report. Due to lack of improvement in the condition of the north eastern parts, central government discarded the report of committee.

3. Second Administrative Reforms Commission

The second Administrative Reforms Commission (ARC) in its fifth report on “Public Order,” suggested revoking of Armed Forces Special Powers Act, 1958. It remarked that its arguing would eliminate ideas of discrimination and alienation in the society of the North Eastern parts of India. It also recommended amending the Unlawful Activities (Prevention) Act, 1967 introducing a new episode to position the armed forces of the Union in the North eastern States.

⁵<http://www.gktoday.in/blog/armed-forces-special-powers-act-afspa/> accessed on 10th June 2017.

⁶ ‘Jeevan Reddy Commission on AFSPA’<https://exposingafspa.wordpress.com/tag/jeevan-reddy-commission/> accessed on 12th June 2017.

It maintained a new policy of policing and criminal justice intrinsic in a comprehensive approach to governance.

KEY PROVISIONS OF THE ACT

Following are some salient features of this act-

- Central government as well as the governor of that very particular state are free to proclaim any region of that state or nay whole state as a ‘disturbed area;, if they feel it is necessary for the state in order to protect it from any type of terrorist activity that may in future disturb the sovereignty of the country or cause insult to the national flag, national anthem or constitution of India.
- In section 4 it is Cleary mentioned that the army officers have special powers to shoot (even if it takes the life) any individual who violates or alleged to violate the law (consists assembly of five or more than five people, carrying of weapons) etc. but the only condition is that the individual must get some warning from the officers before opening a fire.
- Arrest anyone without any warrant, and can carry out searches without permission.
- Once an individual is taken into custody, then he or she has to be handed over to the nearest police station as soon as possible. Permission of the central government is also necessary by the office in order to initiate prosecution.⁷

CURRENT STATUS

1. Areas covered by the afspa

❖ **Assam**

Assam was the first state to have the AFSPA in 1958 in the form of Armed forces(Assam and Manipur) special powers act,1958. The current act in force in Assam is since 1990 which was enacted because activities of ULFA were at peak. Today, the whole state is under the act except the Guwahati municipal area.

⁷<<http://www.gktoday.in/blog/armed-forces-special-powers-act-afspa/>> accessed on 12th June 2017.

❖ **Meghalaya**

In Meghalaya, AFSPA is in force in only 20km belt adjacent to its border with Assam. This 20km belt area comes under ‘disturbed areas’ so as to be included in the AFSPA.

❖ **Arunachal Pradesh**

In Arunachal Pradesh, AFSPA is in force only in the three districts viz. Tirap, Changlang, Longding and a 20km belt bordering the state with Assam. In march 2015, the whole sate was included under the act by the Government, but later, state government withdrew it.

❖ **Mizoram**

The status of the act in Mizoram is vague and unclear. The act has not been applied in the state since 1986, when the Mizo accord was signed, thus as it is not very clear about the same, as of now, the act must be considered a sleeping act in Mizoram after 1986.

❖ **Nagaland**

In Nagaland, the act is in force since when it was not even a separate state. Nagaland was the Naga hills district of Assam and the act is in force in it since then. But now, the situation is changing as NSCN(IM) is in talks with the centre.

❖ **Manipur**

The law is in force in Manipur except in Imphal municipal area.

❖ **Tripura**

Tripura was under AFSPA since 1997. In 2015, the act has been withdrawn from the state.

❖ **Jammu and Kashmir**

AFSPA is in force in Jammu & Kashmir since 1990 when the Armed Forces (Jammu and Kashmir) special powers act was enacted.

2. Consequences of Tripura's withdrawal of the act

The act was in force in the state since 1997 when there were many cases of kidnapping and violence by the National Liberation Front of Tripura (NLFT). It was continuously renewed from the last 18 years. But this time, when it was sought to be renewed, the state government took the advice of all the state departments including the defence and security. Tripura did not face any violence from many years now and it was also developing on the economic front. So it was withdrawn.

The outcome will be definitely positive. Tripura has now been able to establish itself as an insurgency-free state and will be able to attract larger investment for development and the upliftment of its people. The upliftment of the factors like law and order (which is a state subject) and good governance, Tripura is certainly heading towards development.

“INDIGENOUS”- INDIAN CONTEXT ?

There is no mention of the word “indigenous” in the constitution of India. As of now, the word “indigenous” is not applicable within the boundaries of India. It was explained by the observer for India before UN working group on Indigenous population in 1993.

.....the application of the word “indigenous” is not applicable for India because all of its population is living on its land for several millennia, all these people are indigenous and any attempt to distinguish between indigenous and non-indigenous will be artificial.⁸In addition, the ILO convention no. 107, which is still in force in India has not yet ratified the convention no. 169.⁹ In it, indigenous people claim reparation against injuries specially arising from undemocratic features of legislation imposed by the government in response to the problems

⁸ UNHCR 'Report of the working group on Indigenous populations' (23 August 1993) UN Doc E CN.4/Sub 2/1993.

⁹<<http://www.ilo.org/ilolex/english/convdisp1.html>>accessed on 10 June 2017.

of terrorism, insurgency or violent extremism. These types of legislations include The Armed Forces (Special Powers) Act of 1958.¹⁰

Thus, the non-ratification of such conventions by India further endangers the human rights of the so-called “unrecognized” indigenous people of India.

WHY IS IT A NECESSARY EVIL?

It was expected that the process of decolonization would solve many problems of Asia. But, the cultural, social and ethical problems that were hidden for the sake of independence resurfaced after decolonization. Attempts to assimilate the indigenous people turned into violent conflicts. The government sought military solutions, thereby, enacting draconian national security laws, like AFSPA, intention of which does not seem to be racist, but a closer examination of the application of such laws clearly shows the presence of racist elements. AFSPA allows arbitrary search without warrant, arrest and summary execution with impunity. The act was supposed to be applied for one year, but 42 years have elapsed, the act is untouched. Moreover, it was enacted to fight a particular political problem i.e. naga insurgency, but the problem still subsists.¹¹ The dreadful effects of AFSPA also include the decades of militarization and continuation of the structural violence among the indigenous people. The naga people joined national campaigns against the continuance of AFSPA and observed November 19 as the national day for protest against the continuance of it. Naga people criticize the fact that decades of ceasefire between the government and the naga people has not led to the repeal or even a reduction in military deployment in the north eastern states.¹²

"Tribal parties such as the Indigenous Nationalist Party of Tripura and the Indigenous Peoples Front of Tripura had been demanding the withdrawal of the Act, saying it was aimed at suppressing the State's 33 percent tribal population," said a [report](#) in *The Hindu*.

¹⁰Federico Lenzerini, *Reparations for Indigenous Peoples* (Oxford University Press 2009) .

¹¹Suhas Chakma, *Racism Against Indigenous Peoples* (IWGIA 2001).

¹²Kathrin Wessendorf, *The Indigenous World 2008* (IWGIA 2001).

Jiten Yumnam has raised the issue of prolonged imposition of Armed forces special powers act (AFSPA) at the 15th session of UN Parliament forum on Indigenous Issues(PFII) at New York, reported by the press report released by the centre for Research and Advocacy, Manipur(CRAM). He is the secretary of Centre for Research and Advocacy, Manipur(CRAM) and a member of civil society coalition on human rights in Manipur and UN.

He intervened on two agenda items of PFII, viz., agenda item 3:“Indigenous Peoples: Conflict, Peace and Resolution” and agenda item 5: “Implementation of outcome of World Conference on Indigenous Peoples”.He pointed out how Manipur continues to be afflicted by armed conflict in an effort to attain their rights because of AFSPA being continued to be applied. The act has long been controversial for its extra ordinary powers given to the Indian army and explicit violation of human rights of tribal and Indigenous people of the state. Several Human Right officials have already strongly recommended the Indian Government to repeal the act. The excessive corporatization and expropriation of indigenous peoples’ land and property for building dams, oil extraction and several other infrastructural projects by centre as well as corporate bodies backed and aided by International bodies such as Asian Infrastructural bank, World Bank has worsened the situation. Moreover, people can no longer even fight for their resources on which they have full right of self-determination because of AFSPA.¹³

AFSPA, therefore has its origins in the denial of the human rights of the indigenous people and continues to be discriminatory in intent and effect in as much the indigenous people of the north eastern states are concerned.

The Human Rights Committee finds that AFSPA creates an undeclared state of emergency from almost 50 years in the north east¹⁴ and creates much “Human Rights violations, in particular, with respect to articles 6, 7, 9 and 14, committed by security and armed forces as well as by the insurgent groups”.

When India acquired Manipur, armed opposition by the Naga, Ahomia and Tripurries people broke out as they sought to exercise their right to self-determination. “Tensions in that region originated in demands for self-determination by the Naga people in the post-independence period which led to an armed struggle”¹⁵ It was against this background that the government

¹³JitenYumnam, ‘AFSPA Raised In UN Indigenous Meet’ The Hindu (Imphal, May 18 2016).

¹⁴Concluding observations of the Human Rights Committee: India.

¹⁵Amnesty International, A Briefing on the Armed Forces (*Special Powers*) Act 1958(ASA 20/025)p.3.

of India enacted the AFSPA. Ironically, the law was based on a British enacted legislation that was legislated to quell the decolonization movement.

SECTIONS 4 AND 6 OF THE ACT

Again, as observed by the HR committee, endorsing the views of National Human Rights Commission, that AFSPA has both intent and effect in violating human rights of the indigenous people, thus violation the provisions of convention on elimination of all forms of racial discrimination. – “bearing in mind the provisions of articles 1, 19 and 25 of the Covenant: ... the problems in areas affected by terrorism and armed insurgency are essentially political in character and that the approach to resolving such problems must also, essentially, be political...”¹⁶ The commission on elimination of discrimination against women made the similar comments in 2000.¹⁷

The key provisions of AFSPA have led to the gross and indiscriminate violation of the human rights and right to self-determination of the indigenous people of north east. Sections 4 and 6 require special mention in this respect

“Sec. 4 Special Power of the Armed Forces– Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area-

(a) if he is of opinion that it is necessary so to do for the maintenance of Public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons

¹⁶Human Rights Committee, A report on AFSPA (CCPR/C/79)para.18.

¹⁷Committee on the Elimination of Discrimination Against Women,(1/02/2000) para. 72 – “The Committee recommends a review of prevention of terrorism legislation and the Armed Forces Special Provisions Act, in consultation with the Human Rights Commission of India, the National Commission of Women and civil society, so that special powers given to the security forces do not prevent the investigation and prosecution of acts of violence against women in conflict areas and during detention and arrest. The Committee recommends that women be given an opportunity to make their contribution to peaceful conflict resolution.”

or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

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

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

(d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises and may for that purpose use such force as may be necessary.

Sec. 6-Protection to Persons acting under Act – No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.”¹⁸

Similarly, Amnesty International has also concluded that AFSPA “has facilitated grave human rights abuses, including extrajudicial execution, ‘disappearance’, rape and torture by bestowing sweeping powers on the armed forces...”. The committee on the rights of the children further confirms that children in the north east have further been victimized.¹⁹

¹⁸Armed Forces (Special Powers) Act, 1958.

¹⁹Committee on the Rights of the Child, Report on AFSPA(23/02/2000)para.63 -- “The Committee is concerned that the situation[s] in areas of conflict, particularly Jammu and Kashmir and the north-eastern states, have seriously affected children, especially their right to life, survival and development (art. 6 of the Convention). In the light of articles 38 and 39, the Committee expresses its very serious concern at reports of children who are involved in and are victims of these conflicts. Moreover, it is concerned at reports of involvement of the security forces in disappearances of children in these conflict areas.”

Additionally, the committee observed that “the Kashmiris, as well as other groups [such as the indigenous peoples of the northeast], are frequently treated, on account of their ethnic or national origin, in ways contrary to the basic provisions of the Convention.”²⁰

“All three special laws in force in the state assist the government in shielding the perpetrators of human rights violations from prosecution, and encourage them to act with impunity. Provisions of the Armed Forces (Jammu and Kashmir) Special Powers Act clearly contravene international human rights standards laid down in the International Covenant on Civil and Political Rights, as members of the UN Human Rights Committee have pointed out. One Committee member felt that provisions of the act – including immunity from prosecution – were highly dangerous and encouraged violations of the right to life“.

— *A clipping from a report published by the Amnesty*

CONCLUSION

To conclude, the Armed Forces (Special Powers) Act is, in addition to violating the basic human rights, violating the right to self-determination of the indigenous people who are in overwhelming majority in the North East. This was observed by various national and international committees like The Human Right Committee (1997 report), the committee on the rights of the child, Amnesty International, The south Asian human rights centre, etc.

Committee’s 1996 General Recommendation XXI on the right to self-determination says that in order to protect the right of self-determination of these people fully, the governments are called upon to adhere to the international human rights conventions and in particular, the International Convention on Elimination of all kinds of Racial Discrimination. According to the Section 2 of the International Convention on Elimination of all kinds of Racial Discrimination, the governments of the respective countries must be sensitive towards the rights of the people belonging to a particular ethnicity, specially their rights to lead a life of dignity and the rights to preserve their cultures. In addition, the governments should consider,

²⁰ <http://www.forestpeoples.org/publication/2010/report-submitted-committee-elimination-racial-discrimination-cerd-fpp-and-indigenous-people.com> last accessed 10 june 2017.

within their respective constitutional framework, vesting the people belonging to particular ethnic or linguistic groups with the right to peacefully engage in the activities which are essential for the preservation of identity of such persons or groups.

