



# Between Law and Militarization: The Erosion of Women's Rights in Armed Conflict Zones

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## Abstract

This article interrogates the structural gap between expansive legal commitments to women's protection in armed conflict and the persistence of impunity on the ground, using Manipur as a paradigmatic case study. International humanitarian law, international human rights law, the Women, Peace and Security agenda, and India's constitutional guarantees together articulate a dense normative prohibition against sexual and gender-based violence. Yet in conflict zones, these protections are routinely neutralized by domestic immunity regimes that privilege security over accountability. In Manipur, the Armed Forces (Special Powers) Act, 1958, and its prior-sanction requirement operate as juridical devices that convert law from a mechanism of restraint into an instrument of exemption.

Drawing on a feminist socio-legal methodology, the article integrates doctrinal analysis, constitutional jurisprudence, and empirical engagement with archival and civil society materials. It advances two claims concerning law, gender, and accountability in governance. First, the denial of justice to women is structurally embedded in legal orders that collapse distinctions between official duty and criminal violence, rendering rights contingent and precarious. Second, human rights NGOs, women's collectives, and survivor-led mobilizations function as constitutional surrogates by documenting violations, constructing counter-archives of legality, and sustaining pathways to justice.

The article concludes that dismantling this architecture of impunity requires constitutionalism grounded in dignity, equality, and enforceable accountability.

**Keywords:** Women in Armed Conflict, Manipur, AFSPA, Sexual Violence, Militarization, Constitutionalism, Human Rights NGOs

## Introduction

Violence against women in armed conflict zones exposes a fundamental contradiction within contemporary legal systems. International law has developed a dense and sophisticated framework prohibiting sexual and gender-based violence through International Humanitarian Law, International Human Rights Law, international criminal law, and the Women, Peace and Security agenda. Instruments such as the Geneva Conventions, CEDAW, the Rome Statute, and UN Security Council Resolution 1325 articulate clear obligations on states to prevent, investigate, and punish such violations. Yet in many conflict-affected regions, these protections remain largely aspirational, neutralized by domestic legal regimes that privilege security imperatives over accountability. Women's rights are thus formally affirmed but structurally denied.

Manipur offers a paradigmatic illustration of this disjuncture between normative promise and lived reality. For more than six decades, the region has been governed through counterinsurgency administration under exceptional legal frameworks, most notably the Armed Forces (Special Powers) Act, 1958. AFSPA confers extraordinary coercive powers on security forces and conditions criminal prosecution on prior executive sanction, a mechanism that has functioned in practice as a near-complete barrier to accountability. Within this

legal architecture, sexual violence against women alongside arbitrary detention, enforced disappearances, and extrajudicial killings has been systematically under-investigated and rarely prosecuted. The persistence of these harms reflects not episodic institutional failure but a durable structure of impunity embedded in law itself.

This article advances the central claim that gendered violence in Manipur cannot be adequately explained as an enforcement deficit or a breakdown of governance. Rather, it is produced by a juridical configuration in which militarization reshapes legality, transforming law from a constraint on violence into a mechanism of exemption. Immunity regimes collapse distinctions between “official duty” and criminal conduct, displacing ordinary criminal process and rendering constitutional guarantees of equality, dignity, and bodily integrity contingent and uneven. In this environment, women’s experiences of violence are routinely marginalized, rendered administratively inconvenient, or absorbed into narratives of national security.

At the same time, the Manipur experience exposes the limits of state-centric constitutionalism. In the shadow of institutional inertia, Human Rights Non-Governmental Organizations, women’s collectives, and survivor-led mobilizations have emerged as critical sites of constitutional practice. Through documentation, advocacy, and strategic litigation, these actors have preserved evidence, internationalized local grievances, and compelled intermittent judicial engagement with otherwise silenced violations. This article treats such interventions not as peripheral activism but as surrogate constitutional functions that sustain the possibility of accountability.

Employing a feminist and socio-legal methodology, the article examines how armed conflict reorganizes legal responsibility, how gendered harm is systematically erased, and how counter-institutional practices contest entrenched impunity. By situating Manipur within broader debates on constitutionalism and gender justice, it illuminates the conditions under which legal protection retains or loses its meaning in conflict zones.

## Methodology

This study employs a socio-legal and feminist methodological framework that integrates doctrinal and empirical approaches. The doctrinal component involves a close analysis of statutory texts (AFSPA, BNSS, BNS), constitutional provisions (Articles 14, 15, 21), and judicial pronouncements (*NPMHR v. Union of India*, *EEVFAM v. Union of India*). This is complemented by a critical engagement with international instruments such as CEDAW, the Geneva Conventions, and the WPS resolutions.

The empirical dimension draws on archival research (Commission reports, NGO dossiers, Fact-Finding reports) and selective qualitative accounts from civil society actors and survivors, interpreted through feminist and critical legal theory. Triangulating these sources allows the study to uncover the disjuncture between the *law on the books* and the *law in action*, thereby exposing how gendered violence is both silenced and resisted in conflict zones.

## Objectives of the Study

The primary objective is to critically interrogate the regime of statutory impunity created by AFSPA and its progeny, and to assess its impact on the protection of women in armed conflict in Manipur. Specifically, the study seeks:

1. To examine the constitutional and international law incompatibility of sanction-based immunity for security forces.
2. To analyze how women’s experiences of violence are marginalized within militarized legal regimes.
3. To assess the role of NGOs and litigation in constructing counter-archives of accountability.
4. To propose doctrinal and institutional reforms that reconcile constitutionalism, gender justice, and accountability in conflict zones.

## The International Legal Regime on Women

International law now embodies a sophisticated and layered normative architecture dedicated to protecting women in armed conflict. The dual yet complementary regimes of International Humanitarian Law (IHL) and International Human Rights Law (IHRL) form the normative backbone. At the same time, international criminal law, through the Rome Statute, operationalizes individual responsibility for the gravest violations.

The 1949 Geneva Conventions remain foundational to humanitarian protection in armed conflict. Common Article 3, universally binding in non-international armed conflict, prescribes humane treatment without any adverse distinction, including sex, and thus prohibits sexual violence, including rape, torture, and inhumane treatment, even in internal conflicts. Its terse language has been expansively interpreted by jurisprudence as a categorical prohibition on sexual violence in any custodial or conflict setting.

More explicitly, Article 27 of the Fourth Geneva Convention stipulates that women shall be afforded special protection against attacks on their honour, including rape, enforced prostitution, and other forms of indecent assault. This provision signals that sexual violence is not incidental but a direct affront to human dignity and honour, and is therefore expressly prohibited (Crowe, 2016). The Geneva Additional Protocol I (1977) augments these protections. Articles 75(2)(a)(b) and 76 mandate special respect for women, forbidding violence to life or health, torture, and humiliating or degrading treatment, including enforced prostitution and indecent assault. These provisions clearly reflect a doctrinal evolution recognizing gender-specific violations as central to IHL's protective purposes (Chinkin, 2021).

Despite the absence of enumerated reliance on rape as a grave breach in the original Conventions, authoritative commentary has clarified that rape falls within the ambit of “inhuman treatment” under Article 147, thereby elevating it to the status of a grave breach warranting accountability (Gaggioli, 2014).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979), ratified by India in 1993, embeds women's rights within a human rights framework that remains in force irrespective of conflict. The Convention imposes positive obligations on States to prevent and remedy violence against women, including by non-state actors. Importantly, it mandates due diligence in investigation, prosecution, and reparations.

The CEDAW Committee's General Recommendation No. 30 (2013) extends the Convention's reach into conflict and post-conflict contexts. It underscores that States must ensure protection from conflict-related gender-based violence, support women's meaningful participation in peace processes, and integrate gender equality into reconstruction efforts. This generative interpretation emphasizes that gender equality is not merely a peacetime aspiration but a conflict-sensitive imperative (Chinkin, 2021).

The Women, Peace and Security (WPS) agenda, inaugurated with United Nations Security Council Resolution (UNSCR) 1325 (2000), represents a landmark normative shift in international law and policy by foregrounding the gendered dimensions of armed conflict. UNSCR 1325 not only acknowledged the disproportionate impact of conflict on women but also underscored their indispensable role in peacebuilding, calling for their inclusion in decision-making processes and the adoption of gender-sensitive protective measures. Building upon this foundation, UNSCR 2106 (2013) reinforces prosecutorial mandates, encourages gender integration in security-sector reform, and prioritizes victim support and accountability (United Nations Security Council [UNSC], 2013). Collectively, these resolutions establish a normative architecture resting on four interrelated pillars: prevention, protection, participation, and prosecution, ensuring a comprehensive framework to address conflict-related sexual violence and to advance women's agency in peace and security governance.

The Rome Statute profoundly transformed international criminal justice by expressly criminalizing a broad spectrum of sexual and gender-based crimes. Articles 7 and 8 delineate rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and other forms of sexual violence of comparable gravity as war crimes or crimes against humanity, regardless of whether committed during international or non-international armed conflict. Significantly, the Statute recognizes gender persecution in Article 7(1)(h) as a standalone crime against humanity, expanding traditional grounds (e.g., race, religion) to include social group identifications tied to gender, thereby acknowledging gender-based oppression as an international atrocity (Grey, 2025).

The synergy among IHL, IHRL (particularly CEDAW and WPS frameworks), and international criminal law is doctrinally compelling. IHL prohibits wartime sexual violence; CEDAW demands structural and remedial accountability; UNSCR WPS resolutions impose operational obligations; and the Rome Statute codifies individual criminal liability.

Yet the gap between normative design and practical enforcement is stark. Non-State actors, weak states, and domestic immunities undermine accountability. States like India, though party to CEDAW, continue to resist ICC jurisdiction and rely on immunity regimes like AFSPA, blocking domestic enforcement. In conflict zones such as Manipur, these normative instruments remain aspirational rather than actual safeguards.

## The Constitutional and Statutory Erosion of Gender Justice

The constitutional and legal architecture of India lays down a formidable commitment to gender justice. While India has resisted international accountability mechanisms such as the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), its domestic legal order comprising the Constitution, penal laws, and special legislations offers a potentially robust framework for the protection of women, including those situated in conflict-affected regions.

At the heart of India's constitutional promise is the principle of substantive equality, enshrined in Articles 14, 15, and 21. Article 14 mandates equality before the law and equal protection of the law. Article 15(3) explicitly authorizes the state to enact special provisions for women, thereby recognizing historical disadvantages and structural inequities. In conflict-ridden states such as Manipur, these provisions assume urgent salience, as women not only face gendered vulnerabilities but are also disproportionately subjected to conflict-related violence (Agnes, 2001).

Article 21, which guarantees the right to life and personal liberty, has undergone expansive judicial interpretation to include the right to dignity, bodily integrity, and freedom from torture and sexual violence. In *Vishaka v. State of Rajasthan* (*Vishaka v. State of Rajasthan*, 1997), the Supreme Court held that international conventions, such as CEDAW, can be read into domestic constitutional interpretation, thereby enabling a normative bridge between international human rights standards and Indian constitutional law. The Court's affirmation of gender justice as intrinsic to Article 21 underscores the constitutional imperative to protect women, especially in exceptional contexts such as armed conflict.

Although non-justiciable, the Directive Principles of State Policy (Part IV) provide the ethical substratum for statutory interpretation and policy direction. Article 39 mandates the state to ensure that men and women equally have the right to an adequate means of livelihood and that women are not abused or forced by economic necessity to enter vocations unsuited to their age or strength. In the context of militarized zones, where socio-economic structures are destabilized, and women are rendered vulnerable to exploitation and violence, Article 39 must inform both executive discretion and legislative design (Baxi, 2006).

Judicial dicta have consistently affirmed that Directive Principles cannot be disregarded in interpreting the scope and content of fundamental rights. Therefore, a combined reading of Articles 14, 15(3), 21, and 39 enables a purposive, gender-sensitive interpretation of the Constitution, obligating the state to protect women in all situations, including conflict.

Bharatiya Nyaya Sanhita, 2023 (BNS), provides the statutory backbone for penalizing acts of sexual violence. Sections 375 to 376E criminalize various forms of rape and sexual assault, including gang rape, custodial rape, and rape resulting in death or a vegetative state. The Criminal Law (Amendment) Act, 2013, enacted in the aftermath of the Nirbhaya case, broadened the definition of sexual offences and introduced stringent penalties, including mandatory minimum sentences (The Criminal Law (Amendment) Act, 2013).

These reforms were influenced by the Justice J.S. Verma Committee Report (2013), which made pathbreaking recommendations, particularly in relation to conflict zones (Justice J.S. Verma Committee, 2013). The Committee explicitly condemned the blanket immunity granted under AFSPA and argued for its review, particularly where it functioned as a shield for sexual violence by security forces. It is recommended that crimes such as rape, sexual assault, and trafficking be exempted from the requirement of prior sanction under Section 6 of AFSPA. The failure to implement these recommendations signifies a structural gap between normative commitments and operational realities.

AFSPA, operational in Manipur since 1958, epitomizes the legal infrastructure of impunity. Section 6 of the Act requires prior sanction from the Central Government before any legal proceeding can be instituted against security personnel for actions done in the line of duty. This provision has had a chilling effect on the prosecution of sexual violence, even in cases where prima facie evidence exists (Amnesty International, 2015).

From a constitutional standpoint, this statutory immunity is deeply problematic. It effectively nullifies the guarantees of Articles 14 and 21 for a specific class of victims, women in conflict zones. The jurisprudence of the Supreme Court in cases such as *NPMHR v. Union of India* (*Naga People's Movement of Human Rights v. Union of India*, 1997) has been critiqued for not adequately addressing the gendered dimensions of state violence under AFSPA. Although the Court upheld the constitutionality of the Act, it failed to insist on procedural safeguards for women alleging sexual violence.

Moreover, international human rights bodies, including the UN Special Rapporteur on Violence Against Women and Amnesty International, have repeatedly criticized AFSPA for fostering a culture of impunity and for being incompatible with India's obligations under CEDAW and the ICCPR (UN Special Rapporteur on Violence Against Women, 2014). The refusal to subject security forces to ordinary criminal law in cases of rape and sexual assault perpetuates a two-tier system of justice that is antithetical to both the Indian Constitution and international human rights law.

Even where formal legal protections exist, institutional barriers undermine their efficacy. Women in conflict zones face multiple hurdles: fear of reprisal, lack of legal aid, social stigma, and the psychological trauma of navigating hostile bureaucracies. Investigations are frequently delayed or compromised, medical examinations are conducted without sensitivity or compliance with established guidelines, and prosecutions, when initiated, rarely reach conviction (Human Rights Watch, 2008).

The National Human Rights Commission (NHRC), though empowered to investigate human rights violations, has limited jurisdiction over armed forces and often defers to the Ministry of Defence or the Ministry of Home Affairs. This self-limiting approach dilutes the principle of independent oversight and denies victims a meaningful forum for redress. The lack of witness protection mechanisms and gender-sensitive procedural protocols further exacerbates the problem.

The Indian Constitution, when read purposively and in harmony with international obligations, provides a comprehensive normative framework for the protection of women, including those living in conflict zones. However, this promise remains largely unrealized in states such as Manipur, where emergency laws like AFSPA undermine constitutional guarantees and perpetuate structural violence.

### **Women in Conflict: The Manipur Paradigm**

The armed conflict in Manipur, fueled by a complex interplay of insurgency, counter-insurgency operations, and ethnic tensions, has created an enduring climate of militarization and violence. Women, as both targets and resisters, occupy a paradoxical position, enduring the most egregious human rights violations while simultaneously mobilizing for justice. The deployment of the Armed Forces (Special Powers) Act, 1958 (AFSPA) has effectively entrenched a regime of structural impunity, wherein sexual violence against women by state and non-state actors often goes unpunished.

Several emblematic cases underscore the pervasive nature of violence against women and the broader civilian population under the shadow of armed conflict in Manipur. The 1987 Oinam incident is one such case, where following an ambush on the Assam Rifles, over 30 villages in the Senapati district in Manipur were subjected to mass torture, arbitrary detention, rape, destruction of property, and killings during a prolonged military operation named 'Operation Bluebird'. Despite substantial documentation and petitions, no prosecutions or institutional accountability followed (Talwalker, 1991).

The tragic case of Thangjam Manorama in 2004 remains a watershed in the discourse on militarization and sexual violence. Manorama, a 32-year-old woman, was arrested by the Assam Rifles, allegedly tortured, raped, and shot dead. Despite inquiries and state-level investigations, justice remains elusive due to AFSPA's immunity provisions.

Similarly, Luingamla Muinao and Rose Ningshen, both young Tangkhul women from Ukhrul and Kamjong districts, were allegedly raped and murdered in the 1980s by paramilitary personnel, though no legal action was taken (Human Rights Watch, 2008). These incidents reflect the systemic patterns of violence and the state's failure to create prosecutorial pathways.

The prolonged hunger strike by Irom Sharmila Chanu, popularly known as the "Iron Lady of Manipur," further illuminated the extent of state repression. For 16 years, Sharmila fasted to demand the repeal of AFSPA following the Malom massacre in 2000, killing ten civilians by the central armed forces. Although her protest did not result in the repeal of AFSPA, it globalized the issue of impunity and galvanized human rights networks worldwide.

These cases, collectively, reveal a disturbing pattern of gendered violence sustained by legal immunity and institutional inertia.

The Indian judiciary has intermittently responded to the crisis in Manipur. The Supreme Court's judgment in *EEVFAM v. Union of India* (2016) constituted a landmark development, directing the Central Bureau of

Investigation (CBI) to probe 1,528 cases of alleged extrajudicial killings. However, this intervention did not translate into a comprehensive reckoning with the gendered dimensions of state violence (Bhatia, 2019).

While the Court acknowledged the breakdown of accountability in AFSPA-dominated areas, it stopped short of developing a distinct jurisprudence on sexual violence in conflict. Even in cases with corroborated allegations of rape by security personnel, the demand for prior sanction under Section 6 of AFSPA continues to frustrate efforts at prosecution (South Asian Human Rights Documentation Centre, 2010). Moreover, the judiciary has not articulated the standard of due diligence under international human rights law that the state must meet to protect women in conflict zones, as mandated by General Recommendation No. 30 of CEDAW.

The absence of a gendered judicial lens results in legal erasure of the most intimate and devastating forms of violence experienced by women in Manipur. The reliance on militarized legal reasoning, rather than a human rights framework, further limits the potential for transformative justice.

Armed conflict in Manipur has not only led to direct violence against women but also reinforced patriarchal control through structural disempowerment. The militarization of daily life curtails women's mobility, economic agency, and access to public spaces. State and non-state actors have invoked protective discourses to justify restrictions on women, leading to the re-entrenchment of gender hierarchies (Kikon, 2019).

Reports by Human Rights Watch and the UN Special Rapporteur on Violence Against Women highlight the interlinkages between conflict and gender-based violence in Northeast India, characterizing the situation as one of endemic impunity.

The Manipur paradigm shows how prolonged militarization under AFSPA normalizes sexual violence against women by shielding perpetrators through legal immunity. Judicial interventions remain limited, as they neither address gendered harm nor enforce international due diligence standards, thereby sustaining a structure of impunity and denying transformative justice.

### NGOs as Constitutional Surrogate

In Manipur's protracted armed conflict, the protection of women's rights exposes a profound gap between constitutional promise and lived reality. Constitutionalism here cannot be reduced to formal institutions but must be understood as a contested normative project shaped by militarization, emergency governance, and routine rights derogation. For over six decades, counterinsurgency under exceptional regimes, particularly the Armed Forces (Special Powers) Act, 1958, has normalized coercive power and eroded accountability, rendering women acutely vulnerable to sexual violence and structural insecurity. Within this systemic deficit, Non-Governmental Organizations (NGOs), especially Human Rights Non-Governmental Organizations (HRNGOs), have emerged as *constitutional surrogates*, performing protective, evidentiary, and accountability functions that constitutional institutions are normatively obliged, yet empirically fail, to discharge.

The surrogate constitutional role of NGOs in Manipur becomes especially visible when examined through the lens of women's protection in armed conflict. Existing scholarship identifies three overlapping forms of civic intervention: dedicated human rights NGOs, general civic organizations that mobilize rights during crises, and temporary, issue-specific formations such as Joint Action Committees (Naoroibam, 2023). Although differing in structure and strategy, these modalities together constitute a layered ecosystem of protection that is crucial for women, whose experiences of conflict-related harm are often rendered invisible by both security discourse and formal legal processes.

Dedicated HRNGOs represent the most institutionalized expression of constitutional surrogacy in the protection of women's rights. Organizations such as the Naga People's Movement for Human Rights (NPMHR), Human Rights Alert (HRA), Extra Judicial Execution Victim Families Association (EEVFAM), and the Centre for Organisation Research and Education (CORE) engage in systematic documentation, strategic litigation, and sustained engagement with national and international accountability mechanisms. In a political environment where sexual violence, custodial abuse, and gendered humiliation are frequently dismissed as "unverified allegations" or collateral effects of counterinsurgency, HRNGOs function as unofficial truth commissions. They generate counter-archives that contest state-produced regimes of truth and transform women's testimonies of violence into legally intelligible claims.

EEVFAM's dossier documenting 1,528 alleged unlawful killings between 1979 and 2012, prepared in collaboration with HRA, exemplifies this process of juridical inscription (Extra Judicial Execution Victim Families Association [EEVFAM], 2012). While focused on encounter killings, the dossier is inseparable from

the gendered consequences of such violence: widows, mothers, and daughters become primary claimants of justice, bearing both the emotional and socio-economic burdens of state violence. Through meticulous and methodical documentation of names, locations, and the state agencies allegedly implicated, the dossier transformed private grief, often articulated by women's family members, into public evidence. The Supreme Court has explicitly affirmed the constitutional significance of this documentary labour. In *Extra-Judicial Execution Victim Families Association v. Union of India* (2016), the Court recognized that credible documentation produced by HRNGOs is sufficient to trigger constitutional scrutiny of alleged excesses committed under AFSPA, underscoring that Article 21 remains operative even in insurgency-affected areas (*Extra-Judicial Execution Victim Families Association v. Union of India*, 2016). For women affected by conflict, this recognition is critical. It affirms that neither militarization nor exceptional laws can extinguish constitutional protection of life, dignity, and bodily integrity.

Conceptually, this practice aligns with Upendra Baxi's notion of "surrogate constitutionalism," whereby non-state actors assume constitutional responsibilities in contexts of institutional abdication (Baxi, 2006). In Manipur, HRNGOs act as intermediaries between women survivors and a legal system often inaccessible, hostile, or indifferent to gendered harm. They assist in evidence collection, facilitate access to courts and commissions, and translate women's lived experiences into the language of constitutional rights.

A second modality of constitutional surrogacy is performed by organizations whose primary identity is not formally juridical but whose interventions become rights-centered during moments of crisis. Student unions such as the All Naga Students' Association, Manipur (ANSAM) and the All Manipur Students' Union (AMSU), along with women's organizations including the Naga Women Union and Tangkhul Shanao Long (TSL), exemplify this form of engagement. Their interventions may lack the professionalized legal strategies of HRNGOs, yet they possess democratic legitimacy grounded in mass participation, immediacy, and moral authority. Women's organizations, in particular, have historically intervened in cases of sexual violence, custodial abuse, and arbitrary arrest through protest, community mobilization, and public shaming of security forces. These actions reframe gendered violence as a constitutional wrong rather than a private issue, thereby expanding the social meaning of rights beyond courtrooms and statutes.

The most fluid and episodic form of constitutional surrogacy is embodied by Joint Action Committees (JACs). Typically emerging in response to specific incidents such as custodial deaths, encounter killings, or sexual violence against women, JACs mobilize rapidly to generate visibility, articulate urgent demands, and compel state response. Although intentionally temporary, their effectiveness lies in producing immediate accountability through collective pressure. For women victims, JACs often constitute the first forum of recognition, breaking the silence and preventing cases from being buried under administrative inertia.

Across these modalities, constitutional surrogacy is most visible in the domain of litigation and doctrinal contestation. NPMHR's constitutional challenge to AFSPA in 1997, although unsuccessful in securing repeal, compelled the Supreme Court to articulate standards of proportionality, procedural safeguards, and review mechanisms (*Naga People's Movement of Human Rights v. Union of India*, 1997). Earlier, litigation concerning the disappearance of C. Daniel and C. Paul from Huining village of Ukhrul district resulted in judicial directions for compensation and prosecution. This is an exceptional acknowledgment of state culpability in Manipur's conflict landscape (Sanajaoba, 1994). Such interventions indirectly advance women's protection by challenging the culture of impunity that enables sexual and gender-based violence.

Constitutional surrogacy in Manipur also operates through transnationalization. By submitting shadow reports during India's Universal Periodic Review and engaging with United Nations forums on indigenous rights, HRNGOs reframe violence in Manipur, including violence against women, as a human rights crisis rather than a security necessity (Civil Society Coalition on Human Rights in Manipur, 2012). NPMHR's sustained international advocacy embeds local struggles within global indigenous and women's rights discourse (Luithui & Haksar, 1984), while EEVFAM's intervention before the United Nations Human Rights Council demonstrates sophisticated multi-level advocacy aimed at dismantling entrenched impunity. This transnational visibility also provides a measure of protection to women activists and survivors by situating their claims within global solidarities.

In Manipur, NGOs operate as constitutional surrogates, compensating for institutional failure under militarized legality by sustaining accountability, reconstituting public reason, and preserving constitutional meaning beyond formal state institutions

## Conclusion

This article has argued that the erosion of women's rights in Manipur is a structural outcome of a legal order shaped by militarized exception. Despite robust constitutional and international protections, immunity regimes under the Armed Forces (Special Powers) Act, 1958, displace accountability, transforming law from a restraint on violence into an instrument of exemption.

The Manipur paradigm demonstrates how militarization reorganizes legality itself. Sexual violence against women is not merely under-investigated; it is rendered legally peripheral through doctrines of "official duty," procedural barriers to prosecution, and the absence of a gender-sensitive judicial lens. Judicial interventions, including the Supreme Court's decision in *EEVFAM v. Union of India*, have partially unsettled this architecture by reaffirming that constitutional protections do not evaporate in conflict zones. Yet these interventions remain normatively incomplete.

At the same time, this study underscores the constitutional significance of NGO's action in Manipur. Human Rights NGOs, women's collectives, and survivor-led mobilizations function as constitutional surrogates by preserving evidence, constructing counter-archives of legality, and sustaining claims to justice where formal institutions have failed. These interventions are not peripheral to constitutionalism; they are constitutive of it in conditions of institutional abdication.

The implications are necessarily structural. Meaningful reform requires the removal of sanction-based immunity for sexual and gender-based offences, the institutionalization of gender-sensitive investigative and prosecutorial mechanisms, and the strengthening of independent oversight. More fundamentally, it requires reimagining constitutionalism in conflict zones as a normative project grounded in dignity and equality, rather than one subordinated to security imperatives. Only then can the promise of justice for women in armed conflict move from rhetorical commitment to substantive realization.

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