

Repeal of Arm Force Special Power Act 1958: Is it in public interest ?

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There was a time when Mizoram and Nagaland were much in news for insurgency. **Laldenga** was leading the Mizo insurgency under the aegis of **Mizo National front (MNF)**. Because of fruitful dialogue between MNF and Government of Bharatvansh, Mizoram is one of the most peaceful and progressive states today. Nagaland was also besieged with insurgency and the militant cadres were armed with sophisticated lethal weapons and firearms. The public voice was choked. The truth was suppressed. The dissenting voices were never allowed to be heard. The dissention was a punishable act in the eye of insurgent leaders. The insurgent organizations had created terror in their respective areas of operation. The civil liberties and freedom of speech were hijacked by militant organizations. The agriculture, trade, industry and overall economy suffered beyond repair. The murder in factional clashes, the killing of innocent people, ambushes on the convoys of army and killing of security personnel had become order of the day. The looting of banks and government treasuries were often reported. The torture and murder of businessmen and Govt. Officers were increasing more and more. The rape and abduction of ladies and college going girls unknown to the Naga society till only 25-30 years ago in whole of the Northeast region particularly the janjati communities, has become a regular news items in local and regional media. These rape cases are reportedly sometimes by security personnels, sometimes by defiant cadres of different militant organizations and sometimes by the erring members of the same society with criminal instinct. The guilty security personnels are punished heavily, sometimes terminated as per the findings of departmental enquiries constituted under **Central Civil Services (Conduct) Rules**. In addition to this, the **Military Conduct Rule** tougher than CCS (Conduct) Rules are applied. But Army do not leak out this information in public and media, obviously to protect their prestige and credibility in the eye of masses and also not to humiliate the guilty jawan in the public. In Imphal, several jawans were tried in civil court and punished. Army jawans and army officers are also liable to be tried in civil court if charges of serious misconduct are framed. Nobody is above the law of the land. I know a case in which a senior military officer was court-martialed and he was stripped off his medals and rank symbols in Kohima few years back when he was found defying the military rules while on duty in Dimapur. He was jailed for five years term. It was when social commotion was unbearable and law and order was almost collapsed in the year 2000 and there after. The state government had requested the army to assist the law enforcing agencies to maintain the rule of law when the militants were openly waving weapons on the roads of Dimapur, Kohima, Mokokchung and elsewhere after signing the **Ceasefire Agreement on 1.8.2007**.

After Ceasefire Agreement on 1st August' 1997, the Army had gone into their barracks. **Lt. Gen. K.M. Seth** had pronounced "**Ten Commandments**" for army jawans in the media. **Ceasefire Ground Rules** were cautiously framed and published in media. **Lt. Gen. R.V. Kulkarni** manned the post of Chairman of **Ceasefire Monitoring Cell (CFMC)**. People took a sigh of relief. But by the advent of the year 2000 and the after, the Army was again called for assisting the state administration to maintain the law and order because the militants had come out with arms in open from their jungle hide-out and they were engaged in strength building mechanism torturing, extorting money and killing the innocent people. The army operation was opposed by the underground leaders but state government did not ask army to return to their barracks because the peace and harmony had become a thing of past. Hundreds of people were killed in factional clashes, ambushes, extortion, robbery, rape and rivalry. The anti-social elements took up the chance and added fuel to the fire. Many armed cadres also became defiant who, when caught, were punished heavily, sometimes killed by their respective group leaders. Such incidents brought bad name to respective underground organizations. **The Nagaland Post** reported in its editorial "**Neither east or west**" dated 19.01.2009 quoting **South Asian Intelligence** – "**201 people were killed in various incidents due to factional violence in Nagaland. The statistics would indicate that on an average around one person was killed in two days during last year (2008). There were 244 insurgency related incidents during the year 2008 in which 130 activists of different underground cadres were killed while three law enforcement agency personnel and thirty civilians were also killed during the same period.**" **The Nagaland Post** reported further, "**People want that the turf of war between**

factions must stop so also rampant extortion and abduction, all for money. People want peace to prevail and this means that those responsible for the maintenance of law and order should ensure that no one is allowed to circumvent the law". "Because of this", writes The Nagaland Post, "many businessmen have left Dimapur due to the problems they face and unfortunately "compromise" formula means only a brief respite or a brittle truce which could be abrogated anytime by those who write their own law". This was the reason that NSCN (K) camp in Mokokchung town was attacked by the people of the town and armed cadres were chased. An underground cadre was beaten to death in the packed court in **Tuensang** by enraged mob few years before. Only in very recent past in April 2006, the **Phek Area Public Organization (PAPO)** asked the both factions NSCN (IM) and NSCN (K) to leave the vicinity of **Pfutsero Town** because of their anti-people activities. There have been a frequent "Peace" and "Reconciliation" meeting organized mostly by the Church and sometimes by **Naga Hoho** joined by other civic organizations but the peace and tranquility are nowhere to be seen. This has shattered the work culture, righteousness, economy, trade, industry, even educational institutions etc. The educated promising Nagas are settling elsewhere outside Nagaland. Almost all wealthy and worthy parents are sending their children of primary level onwards in the schools/colleges outside the state. There is unrestricted brain drain from Nagaland. The skilled persons and tourists are scared of visiting Nagaland.

The situation in Manipur has become worse than Nagaland. In Nagaland, there are four underground organizations- NSCN (IM), NSCN (K) NSCN (U) and NNC. But in Manipur, there are reportedly 28 undergrounds organizations of Nagas, Kukis and Meiteis. Frequent killings, ethnic clashes and robbery, National Highway blockade and bundhs have worsened Manipur more than Nagaland. The majority people are engulfed with poverty. In fact, the poverty and armed militants of different rebel organizations have pushed farmers to drug cultivation in Manipur and other insurgency-infested zones of Northeast region. **To fill the coffers, the militants are smuggling explosives like RDX, narcotic drugs from notorious Golden Triangle and lethal weapons and fire-arms from Cox-Bazar of Bangladesh** Until State and Central Government, so also the civic society decide to address these issues, this unseemingly unbreakable cycle of drugs, poverty, terror and HIV/AIDS will continue to wreak havoc with the life of Manipuris. Not that people do not raise their voice against these excesses by militants. For this, they had to pay heavy price. Several of opponents are murdered. **The people of Heirok are remembered throughout the northeast for their heroic deed of opposing militants. The media men who supported the helpless public were also killed. Now, the traders from other states are targeted. Only on 23rd March one Deepak Gupta 40, a resident of Haryana was gunned down by miscreants in Imphal.**

The condition in Asom is no better. As reported in Guwahati based media, at least 10,000 criminals wanted in connection with different criminal cases are moving freely in and around Guwahati city alone. The preoccupation with militancy related matters is cited as a reason behind the ineffective role of police in checking city crimes. Because of this preoccupation coupled with political patronage of criminals and militants, there is, though warranted, no matching response from the morally down police. The helpless people, then, look towards army for reprieve from militants and professional criminals. Here also, those who stand for innocent masses are targeted. The executive editor of a vernacular daily, Aiji, **Anil Majumdar** was gunned down on 24th March by unidentified gunmen. **The Northeast Frontier Railway withdrew train services from Lumding – Silchar section after an unsuccessful attempt by militants to blow up tracks in North Cachar Hills on March 23. This has raised fears of more attacks on railway staff and property.** DHD (J) is allegedly involved in it. The order of withdrawal of railway, according to the railway sources, was to be in force indefinitely. The DHD (J) has demanded that construction of BG line, Mahasadak and running of trains between Lumding and Silchar be stopped till its demand is fulfilled. The militant of Dima Haram Daoga (Jewel) and Dima Haram Daoga (Dilip) have allegedly killed over two hundred innocent people in N.C. Hills district of Assam from January 2008 till March 2009. On March 19, **Rajdhani Express** narrowly missed a blast on the tracks in Karbi Anglong. **The Karbi Longri National Liberation Front (KLNLF)** was suspected to have triggered the explosion. These are the tip of the iceberg. The bomb explosions in Guwahati, Tinsukia and Dibrugarh have taken the toll of several hundred innocent lives. Over two dozen militant organizations

including ULFA and ISI are allegedly masterminding the attacks and social upheavals. The **Changlong** and **Tirap** districts of Arunachal Pradesh is worst victim of factional fight between NSCN (IM) and NSCN (K) who are attacking each other in quest of gaining dominance over each other. In the process, the people of the area are torn asunder.

The militancy related social upheavals have their reflections on the states of Meghalaya, Tripura and Mizoram also. **The whole of Northeast region is connected with main land by 30 kms wide Siliguri-neck. Pakistan, Bangladesh, China and other foreign countries hostile to Bharatvarsh are active in this region to slit from this narrow-neck.**

Here, Army has dual role to play. As the first and foremost duty, the Army and other wings of defence including paramilitary forces have to guard our International border which they are doing well. Secondly, they have to assist the respective state governments in maintaining law and order to ensure peace and prosperity of the people. Thirdly, the army is asked to render philanthropic services to local people in Nagaland, Manipur, Asom and other disturbed states of this reasons, obviously, to give a message that army personnel are not the enemy but the member of the one and the same society. **With this view in mind, Army has to perform their duties assigned to them i.e. to control the militancy and restore the law and order. This is certainly unpleasant to underground organizations because they want unrestricted movement for causing chaos in whole of the Northeast region and invite the enemy across the international border.**

In fact, Army is meant to kill invader enemy and defend the international borders. When they kill the enemy while defending the sovereignty of the country, they are rewarded. Truly speaking, they are trained to kill. That is why, they are not supposed to be posted in civilian areas. Even the movement of Army personnel outside the marked boundary of military station is restricted. But in northeast region, the situation is quite abnormal because of secessionist movements. Here, they are asked by none other than the respective state governments manned mostly by none other than local people, to patrol and nab the anti social elements belonging to their own communities. It is, therefore but natural for aberrations to occur in patrolling army jawans because they are also human being and they are trained to kill unless otherwise ordered

But their mode of training to kill the enemy and win the awards cannot be an excuse to forgive the defiant army personnel. The erring jawan is also liable to prosecution under military court of law. But to deal with abnormal situation i.e. to contain militancy spearheaded by Bharatiya people, Bharatiya citizens, our own people and our own brothers, the abnormal rules and regulations are required. Here comes the need of **Armed Forces Special Power Act 1958 as Prevention of Terrorist Acts (POTA)** is felt necessary to contain the terrorism throughout the country.

Let us analyze why this Act is applicable only in NE Region and Kashmir. Why is not there in other parts of the country? The answer is very simple. Because, there is no such insurgency or secessionist movement. In fact, army also does not want to kill their own people and get killed in the ambushes followed by sever condemnation and major punishments when found guilty while patrolling. Because it is a thankless job. After killing a militant, the Army also do not rejoice the unfortunate incidents. The answer is straight-why should Bharatiya Sena kill another Bharatiya. I also feel that such draconian law should no more prevail but if situation remain volatile and explosive and innocent people continue to be killed by anti-social elements, who will be able to help in this regard? Army can be controlled easily but who will control the armed militants? Let us, then, work for sustainable peace and prosperity so that Army and paramilitary forces are not at all required to operate in civilian areas.

In that case, there will be double benefit. One, the society will lead a tension free life and rapid development will occur. The armed cadres will also lead a peaceful life. And secondly, there will not be any fear from Army. The army will also be happy and will be relieved of “thankless” duty incurring wrath of local people in return instead of their sympathy for bringing peace and harmony by restricting the movement of militants. The militant cadres can also live a family life peacefully with parents, wife and children.