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## Power of Armed Forces in Disturbed Areas

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### ABSTRACT

The power of armed forces in troubled areas, with a focus on the North Eastern states, is a complex and multifaceted issue that has received significant attention from academics and policy makers alike. This article seeks to investigate the various aspects of this issue, such as the role of the armed forces in maintaining law and order, the impact of military intervention on civilian populations, and the effectiveness of military strategies in addressing the root causes of conflict.

To explore these issues, this article will draw on a range of primary and secondary sources, including interviews with military personnel, government officials, and local community members. Furthermore, it will analyze data from a variety of sources, including government reports, academic studies, and media coverage.

The article seeks to shed light on the challenges and opportunities presented using military power in conflict zones, particularly in the North Eastern states, through this research. It will argue that, while military intervention can be an effective short-term solution for maintaining law and order in these areas, it is frequently insufficient in addressing the root causes of conflict. To truly address these issues, a more comprehensive approach that addresses socioeconomic and political grievances is required.

Overall, this article will provide a comprehensive analysis of the power of armed forces in conflict zones, with a focus on the North Eastern states. It will help us by investigating the complex interplay of factors that contribute to conflict and instability in these regions.

### Introduction:

The capacity of military services to sustain law and order in parts impacted by conflict, insurgency, terrorism, or other types of violence is referred to as their power in disturbed areas. The mission of the military forces in such places is to provide protection to civilians, safeguard infrastructure and public property, and restore stability. In troubled areas, the power of armed forces is usually essential to maintain civilian safety and prevent violence from growing. Military personnel have the training, equipment, and resources to engage in battle and address the dangers posed by armed organisations. They may also provide local police enforcement with training and equipment to assist them enhance their abilities.

Nonetheless, the use of military force in some cases can be difficult since it may include the use of fatal force and the possibility of collateral damage. To ensure that its activities are legitimate and appropriate, the military must adhere to international law and human rights principles. Finally, the use of armed troops in unstable areas necessitates a tough balancing act between ensuring civilian safety and security and upholding democratic and human rights objectives. It calls for a holistic strategy that addresses the root causes of conflict and instability while also providing short-term security and stability.

The goal of this research is to identify the state of current insurgency in India's northeast area and policy solutions for successful containment. After Kashmir, it is said that northeast India is the most dangerous and insurgency-affected region in the country. This area is mostly made up of eight states; it is a hilly region with attractive beauty and incredible biodiversity. It is also a region with a diverse range of tribes, ethnic groups, languages, and faiths. So far, since its independence, this region has been plagued by rebel groups. This region is characterised by widespread disputes connected to the topography of the region, the multi-ethnicity of its inhabitants, and economic causes for dissatisfaction. Different factors, such as Naga Hills' political history, Manipur's Merger Agreement, Mizo Hills' economic underdevelopment and autonomy cause, an unjust attitude of the central government towards Assam, Tripura's demographic imbalance, violent incidents in Tirap and Chaglang districts of Arunachal Pradesh, and Meghalaya's demographic and economic transformation, all contribute to the region's insurgency. Several factors, in addition to these, are to blame for the continued insurgency in these states. This study attempts to reposition the methods and policy actions to restrict insurgent and militant activity in the context described above.

The AFSPA 1948 was patterned after the British AFSPA of 1942, it was passed on 15<sup>th</sup> August of that year to put down the "Quit India" campaign.<sup>1</sup> As suggested by the title, to deal with an 'emergency,' 'some officers' of the armed services were given 'special capabilities' (Ministry of Defence, 1942). A

<sup>1</sup> (Das, 2012).

sentry has the authority to use assault (including deadly force) against anyone who does not comply with the sentry's command to halt, damages property, or opposes arrest. Recall that in 1957 Congress voted to do away with the AFSPA 1948, but it was reinstated a year later in 1958.

### Types of Armed Forces in Disturbed Areas

There is no question that the AFSPA's broad powers have resulted in the brutalization of India's armed forces, and former Indian Army Commander Gen. Shankar Roychoudhuri has been quoted as stating, 'are no use as fighting engines'.<sup>2</sup> Aside from the deterioration of the military forces, other interventions that do not have the AFSPA-granted licence to kill are also influenced to seek such capabilities.

Thus, on 21<sup>st</sup> February 2005, the DIG of the CISF met with a committee to review the AFSPA 1958 to request that the force be granted the same special powers as the CRPF and the BSF as militaries of the Union. Amongst the powers requested by the DIG were legal authority and immunity from vexatious prosecution of conduct performed while on duty.<sup>3</sup> The sensitivity of this plea is highlighted by the bombardment of Nilikesh Gogoi, a trader and local communal leader from Geleky on the Assam-Nagaland border, by CISF forces on 23<sup>rd</sup> January 2007.<sup>4</sup> It was that, when Gogoi and a friend supposedly refused to halt at a CISF checkpoint close to a publicly accessible ONGC plant in the municipality, it reportedly caused indignation throughout Assam. An eyewitness claimed that the security guards with weapon shot on towards without warning and killed them.

The incident was later referred to as "devastating" by a CISF spokeswoman, who also clarified that the security force had been dispatched to the zone to watch the ONGC site and had not been "involved in counter-insurgency activities." Thus, whether or not there is an AFSPA, incidents like these are common in the Northeast. A leading Assam police official describes Gogoi's death as an instance of CISF personnel acting hastily in a dangerous border area, just a few days beforehand Indian Republic Day on 26<sup>th</sup> January—one of the region's preferred days for rebellious attacks—when numerous insurgent groups call for a boycott of celebrations.<sup>5</sup>

Despite being forbidden from using the AFSPA's exception, the police have also participated in excessive behaviour and grave human rights violations. One of the finest and most structured killing sprees in the Northeast was the surreptitious killings, or extrajudicial executions of detained ULFA insurgents and their family members in Assam between 1998 till 2001, supposedly mustered by the police with the aid of radicals who had surrendered. This killing spree is widely believed to have been carried out with direct state support.<sup>6</sup> The committee established to investigate the killings, the K. N. Saikia commission, took "two years to compile three extensive findings on 35 incidents involving 50 fatalities".<sup>7</sup> There was no concrete evidence of convicts involved in the form of identification.

Later, a replica of the colonist legislature was created at the suggestion of PM Jawaharlal Nehru and Assam CM Bishnu Ram Medhi. The lone naysayer since the AFSPA was passed by Parliament in 1958 was a tribal MP from Bihar named Birsa Munda. The Ukhrul district of Manipur's Naga-inhabited areas were classified as "disturbed," and this phrase was subsequently broadened to other Naga-inhabited areas on 18<sup>th</sup> September, 1981. Manipur fell under the control of the turmoil that began with the Imphal valley in the years 1979–1980. Even though the legislation was only intended to remain in existence for a year, the Naga rebellion continued. Sec 4a AFSPA permits the phrase "any commissioned officer, warrants official, non-commissioned official, or other individual of corresponding rank in the armed forces" is used to cover a wide range of military personnel. to fire "even to the causing of death" on anyone acting against any rules and regulation, anyone possessing weapons or such, capable of being used as a weapon, and to forbid gatherings of more than five individuals.<sup>8</sup>

Armed police officers are permitted by Section 4c, d, 5 and 6 respectively of the Act to use whatever necessary force when making an arrest of "any person who has engaged in a cognizable offence" regardless of a warrant. Military personnel may "enter and examine premises without a warrant" in order to perform "any such arrest." The seized person has to be handed over to authority as soon as is practical. Anyone who violates the law cannot be sued for their actions. The AFSPA is required to be periodically examined every six months and is applicable to any location that has been flagged by the Indian government or the state governments as "disturbed."<sup>9</sup>

As of 2008, most of North eastern regions has been declared as disturbed including areas of Arunachal bordering Assam, Manipur excluding the Imphal valley, border of Meghalaya and Assam, parts of Nagaland bordering Assam and Hill areas of Tripura.

Although the Act has been banned, violent outfits have prospered and even grown in number. Others claim it has led to an upsurge in violent groupings, government sources maintain that this justifies the AFSPA's continuance. The AFSPA, which at first has been in enforce in the north-eastern region for over fifty years, offers the context for conflicts to take place. The Act was only slightly altered in terms of who may execute the decree and how extensive a person can be detained. The Act imposes De Facto martial law which affects ties between military and people, other things as central and state govt.,

<sup>2</sup> (Bhaumik 2007,35)

<sup>3</sup> (DIG, CISF, Guwahati 2005)

<sup>4</sup> (The Telegraph 2007)

<sup>5</sup> (Field interviews 2008)

<sup>6</sup> (Barpujarie t al)

<sup>7</sup> (Hindustan Times 2009)

<sup>8</sup> AFSPA 1958 (section 4a)

<sup>9</sup> AFSPA 1958 (sec 4c, d, 5 & 6)

industrial estates and workers who work there, India and its neighbors. It degenerates to identify political environment, prioritizes counterinsurgency in preparation, and retains development initiatives under the control of the central government.

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### Impact of state violence

Women have suffered grave effects from both official state brutality and counterviolence by armed opposition organizations. Sexual harassment and questioning of women are both commonplace. In research of women in military conflict situations in the area, affected women were recognized as being women who were related to armed activists, women who were related to members of the State armed forces, women who were activists or fighters, women who provided accommodation to militants, women who had experienced sexual and physical exploitation, and women who served as armistice mediators. Even in places where there was no actual armed conflict, the study found that physical assault against women was much higher in militarized communities. racial and gender issues clashed. Particularly by military personnel who were not from a tribe, women frequently experienced abuse and harassment. Women in each of these situations are presumably to include children.

The military's control over the northeast was described in another tale. It concentrated on the abuse and brutality committed against common people by AR soldiers in 1987 while they were engaged in a counter-insurgency operation known as "Operation Bluebird" in the villages of Oinam and other locations in Manipur's Senapati district. The savage attack on the adjoining AR barracks and the subsequent gun seizure prompted the Army to take this action. Incorporating the area in its commercial and other interactions with South-east Asian nations was suggested in the book NER: Vision 2020<sup>10</sup> as a participatory development approach. The plan was vital and pertinent, but the insistence on upholding AFSPA made it difficult to get beyond the resistance of the locals to any efforts to build cordial relationship with the GoI.

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### Protests law

Following the tragedy committed by the AR in Malom on the 2nd of November 2000, the unflappable Irom Sharmila Chanu began an ongoing remonstrance fast to demand that the AFSPA be abolished in Manipur. After over sixteen years, the fast came to an end in 2017, but the restricted law was still in effect. Public clamour to remove the AFSPA increased when Thangjam Manorama was raped and slaughtered on the 11th of July 2004, by AR soldiers. The political support for the demand, however, was insufficient. The Naga People's Movement for Human rights was unable to get the case reviewed by the court.

Many women agitated naked at the gate of the AR Headquarters in Imphal after Thangjam Manorama's passing, startling the country. The AFSPA has also unintentionally diminished the ability of the state police forces to manage internal security. In 2004, the Manipur Chief minister was purportedly informed by former Army Chief Gen V.P. Malik, who oversaw an army division in Manipur during counter-insurgency operations, that it was "either the AFSPA or no counter-insurgency operations."

The continuance of the AFSPA in Manipur has led to a sharp increase in killings and violations of human rights. The state police force, that got a large number of bravery medals as an outcome of the AFSPA's inadequate accountability, was one of the major beneficiaries. A significant catastrophe has happened as a result of the AR' deployment and the creation of the AFSPA in the region of the north-east. The Union Home Ministry, however, which is in charge of the National Human rights Commission, the AR operations, and the AFSPA's implementation, nonetheless contributes a sizable quantity of money each year to the upkeep of "law and order" in the northeast.

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### Insurgency

Insurgencies are a ferocious battle in contradiction of the state for legitimacy and influence over important people. The first fundamental principle for any reverse-insurgency force is to win the public's support in order to defeat any insurgency consequently. Operationalizing against an insurgency becomes challenging, if not impossible, without this support. Together with resident's support, well-organized intellect is essential. Nevertheless, just asserting that population support or intelligence is important for counter-insurgency is insufficient; an essay on counter-insurgency best practises should ideally describe a roadmap to get there. As a result, this Art outlines several counter-insurgency best practises as well as how to put these techniques into action on the ground.

This research has then been used to evaluate the Indian Army's counter-insurgency operations in India's northeast.

The Naxalite insurgence is communalist in nature, as opposed to the insurgent movements in the Northeast, which are largely ethnic in form. The fate of civilians under the control of the military forces, on the other hand, is comparable in both insurgency-affected areas. Paradoxically, many of the atrocities and molestation instances documented by human rights advocates in Chhattisgarh are committed by IRB soldiers from the North-eastern states.<sup>11</sup> Arguably, one of the most compelling justifications against deploying Naga youths to combat terrorists in Chhattisgarh was their brutalization in the manner of other military forces.

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<sup>10</sup> Ner: Vision 2020

<sup>11</sup> (AHRC 2007)

Due to their propensity for anti-social acts including robbery, murder, extortion, and other crimes, field interviews conducted in 2008 revealed that IRB forces are as dreaded by the citizens of states like Nagaland and Manipur as any other military force of the Indian Union.<sup>12</sup>

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### **Power dynamics between armed forces and civilians in disturbed areas**

The concept of Civil Society provides a fresh perspective. It changes the emphasis from issues of power balance between the state and society to issues of dependency. Bringing both opposing sides to the negotiating table. From a theoretical standpoint, Montesquieu plainly thought that civil society should serve as a check on the government's dictatorial impulses (Harbeson, 1994). Civil societies organise several events such as peace conferences and demonstrations, cultural exhibitions for the promotion of culture and peace, football matches, and so on. Members of civil organisations such as the Naga Mothers Association (NMA), the Bacay Women and Child Welfare Society, the Development Action Centre, the Chen Women Development Centre, the Agency for Integral Development, and the Peace Channel were interviewed for this study. Their perspective on rebel organisations was that they were fractured and battling each other, hence they needed to be unified. As a result, the general public is faced with the difficulty of paying taxes to all rebel organisations. Representatives of several civil society organisations also occupy editorial roles in some of the state's prominent publications. Their perspectives on the current situation of rebel organisations are diametrically opposed.

One civil society member, who also happens to be the editor of a daily newspaper, expressed the opinion that insurgent organisations are needed since they are fighting for Greater Nagaland, but the insurgent groups are fractured and should unite; only then would Greater Nagaland be conceivable. Another civil society member who happens to be a member of Naga Reconciliation Movement is actively working to bring the different insurgent factions under the same umbrella, and to make them as one. This to some extent helps to fight against tax. A committee on unabated tax known as "Action Committee Against Unabated Tax (ACAUT)" is working to fight against unabated tax. That people are not to pay tax to various insurgent groups, but to pay tax to only one group, that is the unified group. Another set of members from another civil society organisation expressed their opinion on the current state of the insurgent group, stating that the younger generation of individuals are now distancing themselves from the insurgent organisations because they no longer want to spend their lives in forest hideouts. With globalisation and education, the younger generation believes that having a job is more convenient than living in the wild. As a result, this lends credence to the notion that insurgent activity has slowed to some extent. The civil societies' perspective on Greater Nagaland reveals that having a larger state (Greater Nagaland) is highly desirable, but the practicality remains a challenge.

The civil society consensus on AFSPA was that it should be repealed. Despite the government keeps extending the legislation, it is widely despised. Several civil society members disagreed with the army, arguing that the army should remain but the act should be repealed. That is because they feel the army has made some progress in quelling the rebellion, but the act in their hands has made them more brutal and vicious. Clearly, there are several occasions when the act has shown to be harsh. As a result, the widespread consensus on AFSPA was that it must be repealed if the state is to see any real progress. Civil society also proposed that the government take specific steps, such as repealing AFSPA first, and then bringing rebel factions to the negotiating table within the confines of the ceasefire agreement.

And instead of negotiating with a specific proportion or group, ask them to form one group that represents them all and then sit down for discussions. Because the cease-fire has clearly helped to achieve some quiet in the region, the government should take advantage of this opportunity. Civil society's ongoing peace activities include conversations and interventions to reconcile disparate insurgent divisions and organisations, emphasising on women to assist in peace negotiations, building up self-help groups for employment prospects, and developing various areas (villages).

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### **Impacts of armed forces on civil society**

The presence of armed troops in North East India has had a profound influence on the region's civil society. Some of these effects are beneficial, while others are detrimental. On the plus side, the existence of armed troops has aided in preservation of law and order in the region, which has been plagued by insurgencies and violent wars for decades. This has given individuals a sense of security and allowed them to go about their everyday lives without worry.

Furthermore, the military has played an important role in delivering relief and support during natural disasters and other emergencies. They have participated in rescue operations, distribution of relief goods, and medical support to persons afflicted by natural catastrophes such as floods and landslides.

So far, the presence of armed personnel has had a deleterious influence on the region's civic society. Excessive use of force, human rights violations, and extrajudicial murders by the military forces have been extensively publicised, leading to tensions and mistrust between the public and the armed forces.

The AFSPA, which has stood in effect in various areas of the region for decades, has also sparked debate. The Act grants the military forces broad authority to search, arrest, and use force, as well as protection from prosecution. This has resulted in charges of power abuse and abuses of human rights. Moreover, the presence of armed forces in the region has also led to displacement and the disruption of livelihoods for many people. The deployment of armed forces in areas where there are conflicts has often led to the displacement of civilians, who have had to leave their homes and villages due to the fear of violence.

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<sup>12</sup> Field interviews (2008)

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**Positive Impacts:**

1. Preserving law and order: For decades, the North East area has been plagued by insurgencies and deadly wars. The presence of military personnel has helped to preserve peace and order in the region, giving the inhabitants a sense of security.
2. Supplying relief during calamities: During natural disasters and other emergencies, the military services have been active in giving relief and support. For example, during floods and landslides, they have participated in rescue operations, distribution of relief goods, and medical support to disaster victims.
3. Helping with infrastructure development: The armed services have also been active in regional infrastructure development. They have aided in the construction of roads, bridges, and other infrastructure projects, which has aided in the region's economic development.

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**Negative Impacts:**

1. Human rights violations: There are reports of armed forces violating human rights, including extrajudicial murders, torture, and rape. These measures have heightened tensions and mistrust between the public and the military.
2. Displacement: The presence of military troops in war zones has frequently resulted in civilian displacement. Fear of violence has forced many people to flee their homes and towns. This has caused tremendous suffering and disruption to their livelihoods.
3. Limitation of freedom of movement: The existence of military troops in some regions has resulted in limits on people's freedom of movement. They had to go through security checks and experience delays on their way to their destinations.
4. Economic impact: The presence of armed forces in the region has also had an economic impact. The military presence has imposed limits on commerce, tourism, and other economic activities, resulting in a detrimental economic impact.
5. Effect on civil liberties: For several decades, the AFSPA has been a source of contention in various sections of the region. The Act grants the military forces broad authority to search, arrest, and use force, as well as protection from prosecution. As a result, claims of abuse of authority and infringement of civil liberties have surfaced.

Consequently, the effects of military forces on civil society in North East India have been complicated and multifaceted. While the military forces have helped to preserve peace and order, provide relief during catastrophes, and aid in infrastructure development, their activities have also resulted in human rights violations, displacement, limits on freedom of movement, and economic consequences.

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**CONCLUSION**

In conclusion, the power of armed forces in disturbed areas plays a crucial role in shaping the dynamics and outcomes of conflicts, as well as in fostering stability and security. This study has examined the significance of armed forces and their ability to project power, maintain law and order, and address security challenges in areas affected by disturbances.

Firstly, armed forces possess the capability to project power, enabling them to establish a strong presence and deter potential adversaries. Through their military prowess and advanced weaponry, armed forces can instill fear in opposing forces, dissuading them from engaging in further hostilities. This projection of power serves as a deterrent, promoting stability and discouraging the escalation of violence in disturbed areas.

Secondly, armed forces play a critical role in maintaining law and order in disturbed areas. By implementing security measures and enforcing regulations, they create an environment conducive to stability and normalcy. The presence of armed forces instills a sense of security among the local population, assuring them of protection and reducing the likelihood of criminal activities and acts of violence.

Furthermore, armed forces possess the necessary training and expertise to address security challenges effectively. They are equipped to combat insurgency, terrorism, and other forms of organized violence, employing a range of tactics and strategies to neutralize threats. Their specialized knowledge and intelligence capabilities enable them to identify and dismantle terrorist networks, providing relief to affected communities and restoring a sense of normalcy.

However, it is essential to recognize that the power of armed forces should be exercised within a framework of respect for human rights and the rule of law. Upholding principles such as proportionality and accountability is crucial in ensuring that the use of force remains legitimate and justifiable. Civil-military cooperation and coordination with local authorities, humanitarian organizations, and the broader international community are also imperative for effective conflict resolution and post-conflict reconstruction.

In conclusion, the power of armed forces in disturbed areas is instrumental in shaping the outcome of conflicts and establishing stability. By projecting power, maintaining law and order, and addressing security challenges, armed forces contribute significantly to the overall well-being of affected communities. Nevertheless, it is vital to balance the use of force with respect for human rights and the rule of law, emphasizing the importance of collaborative efforts for sustainable peace and development in disturbed areas.