



THE GOENKA MUN' 23

SUSTAINING IDEAS | CREATING CHANGE



LOK SABHA

SEEKING TO RESTORE PEACE IN THE SEVEN SISTERS BY DELIBERATING ON THE CURRENT SITUATION IN THE STATES OF THE NORTH-EASTERN REGION OF INDIA WITH EMPHASIS ON THE VALIDITY OF THE ARMED FORCES SPECIAL POWERS ACT

BACKGROUND GUIDE

MESSAGE FROM THE EXECUTIVE BOARD

Dear Members of Parliament,

It is with great pleasure that we extend a warm welcome to you as you participate in the simulation of the Lok Sabha in The Goenka Mun 2023. The Executive Board eagerly anticipates the opportunity to learn alongside you through this committee simulation.

The agenda of the session being

“Seeking to restore peace in the seven sisters by deliberating on the current situation in the states of the north-eastern region of india with emphasis on the validity of the armed forces special powers act”

Having said that, this background guide should be the first step towards your research and you are encouraged to by all means further expand your realm of knowledge by delving into the themes and sub themes mentioned in the guide and the reference provided for further research. It is designed to give you a general overview of the committee and its objectives, but should not be considered as exhaustive or limiting.

This guide should be viewed as a starting point for your research and exploration, rather than the endpoint. We encourage you to engage in thorough research and brainstorming and to present your findings and opinions in a clear and compelling manner. We are confident that, through your hard work and dedication, your contributions will be both informative and impactful.

If you have any questions or concerns, please do not hesitate to reach out to us. We will make every effort to respond to your inquiries promptly and satisfactorily.

ALL THE MEMBERS NEED TO MAIL QUESTIONS FROM OPPOSITION AS WELL AS RULING ON THE GIVEN MAIL ID AS THESE QUESTIONS WILL BE STIMULATED IN THE 1HR QUESTION HOUR SESSION OF THIS COMMITTEE (the questions need to be directed towards Prime Minister or particular minister). SEND THEM BY 3 AUGUST 10 PM. NOTE: TREAT THIS LIKE PRE READ POSITION PAPER AND IT WILL BE MARKED BY THE EXECUTIVE BOARD.

MESSAGE FROM THE EXECUTIVE BOARD

Good luck!

Jai Hind!

Shivam Bhandari

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Shreya Dubey

(Deputy Speaker)

INTRODUCTION TO THE COMMITTEE

The Lok Sabha (House of the People) is the Lower house of India's bicameral Parliament, with the Upper house being the Rajya Sabha. Members of the Lok Sabha are elected by adult universal suffrage and a first-past-the-post system to represent their respective constituencies, and they hold their seats for five years or until the body is dissolved by the President on the advice of the council of ministers.

The house meets in the Lok Sabha Chambers of the Sansad Bhavan in New Delhi. Lok Sabha is a bilingual committee. Both Hindi and English are allowed. Members of Parliament represent the hopes and aspirations of the people of India hence they play a significant part in furthering the social and economic welfare of Indian citizens. Parliamentary discussions have a substantial impact on a wide range of subjects such as health, education, agriculture, internal security, and infrastructure.

As representatives of citizens, MPs have three key roles.

1. They debate and pass laws that govern the country.
2. They oversee the work of the government to ensure effective governance.
3. They ensure efficient allocation of public resources through the Union Budget.

Both Houses of Parliament have detailed Rules of Procedure which regulate their functioning. It is essential that MPs understand how to navigate these Rules in order to make effective interventions. In a Parliamentary democracy, the government is collectively responsible to the Parliament for its actions. Therefore, MPs have several devices at their disposal to scrutinise the work of the government. These include asking questions on the government's policies and debating on national issues.

This section provides an overview of the various ways in which MPs can hold the government accountable. A MP can raise issues in the House either on behalf of their political party or independently. In certain interventions, A MP can directly submit his name to the Speaker for consideration. In other interventions, the party leadership decides which MPs will speak on the issue and communicates the names of such MPs to the Speaker.

PROCEDURES IN LOK SABHA

1. OPENING STATEMENT:

As the same way we do in AIPPM, Agenda relates insight to the committee that shows how much you understand overall and marks the opening of your debate session.

Pro tip- You can add different statements by leaders, rhetorics and their sayings which can enhance your opening speech.

2. QUESTION HOUR:

It is the one hour after the discussion hour where the members of the house are free to ask questions to each other on matters pertaining to agenda or on a national emergency provided that such a question is sent in writing to the said member via the speaker and with his due approval before the commencement of question hour. The question has been defined as an instrument by which a member can elicit information on any matter of public importance.

There will be a question hour on each of the days; members must submit their questions to the Deputy Speaker the night before. The member asking a question may only do so when called upon by the speaker. The questions must be addressed to the minister concerned or the Prime Minister.

Starred Questions: Meant for oral answers.

3. ZERO HOUR:

It starts immediately after the Question Hour. During the Zero Hour any question pertaining to agenda or a national emergency can be raised by a member without any prior written request. The Zero Hour can extend to any period of time depending upon the Speaker's direction. The Government is not obliged to answer any of the questions raised in the Zero Hour. However in the context of the debate it is highly expected from them to answer all the questions. The speaker/moderator shall choose the MPs on his discretion.

Note: All points except points of information are allowed in the zero hour

PROCEDURES IN LOK SABHA

4. DISCUSSION HOUR:

A discussion hour is the time allotted (maximum half hours) for the discussion on a sub-agenda which the members feel should be discussed in front of the house. The total time of all the discussion shall be an hour.

All agendas for discussion hour are supposed to be sent prior to the commencement of discussion hour. The speaker shall keep the agendas in chronological order and first put the agenda to vote which is received first on the Dias. The chairperson may withdraw any agenda he/she feels has no relation to the agenda.

However he/she has to notify the particular MP of the same on which the MP is allowed to send a chit explaining why the agenda should not be withdrawn. On receiving the agenda, the speaker will ask for seconds. An agenda requires 1/5th support of the house to enable it to be put to vote. On receiving required seconds the chairperson will put the agenda to vote and the result is decided by a simple majority of placard vote.

An extension to a discussion hour may be obtained if the total time does not exceed 30 minutes. Note: All points except points of information are allowed in the discussion hour.

5. DOCUMENTATION:

Bill Making / Tabling

This is perhaps the most interesting and intriguing part of a Lok Sabha. You get to mimic the lawmakers by making a bill from scratch and presenting it to the committee. Your job doesn't end here. You need to garner support from your party and the other members of the committee, defend it if someone asks a question, accept or deny amendments to your bill to pass it off.

Things to remember:

Not all MUN's accept bills. Confirm with your executive board if they would be accepting them

Research before presenting the bill to make sure that you would be able to defend it if someone questions you.

PROCEDURES IN LOK SABHA

Try presenting it along with your party so you can have support. If you are in BJP, lobby with the members from BJP/NDA, and if you are in the opposition gather support between the different parties which constitute the opposition (Congress, AITMC, etc.).

Try making the bill on your agenda unless explicitly stated that bill would be accepted on any issue

Good sources for research for the bill include PRS legislative research, Sansad TV, and other channels/websites which deal with UPSC exams (the last source is just so you can understand the bill and gain more information regarding it. Do NOT use it as a source of information).

Amendment to bills, motions and resolutions.

An amendment is a subsidiary motion, which interposes a new process of question and decision between the main question and its decision. Amendments may be to the clause of a Bill, to a resolution or to a motion, or to an amendment to a clause of a bill, resolution or motion.

The notice period for tabling amendments will be during the session of the house as notified by the secretariat it will be first come first serve, Any member proposing an amendment must notify the secretariat or the secretary generals in the time given. An amendment to a bill can only be tabled after the bill has been introduced.

The following conditions govern the admissibility of amendments to clauses or schedules of a bill: -

- i) The amendment should be in the scope of a bill and relevant to the subject.
- ii) An amendment should not be inconsistent with any previous decision of the house on the same question.
- iii) The amendment should not be such as to make the clause unintelligent or ungrammatical.

Amendments are moved once the proposer has finished speaking on the need for it.

PROCEDURES IN LOK SABHA

ALLOCATION OF TIME AND SELECTION OF SPEAKERS.

A member desiring to notify the speaker of her/his intention to take part in a debate or discussion in the house may adopt the following method:

i) The member may have his/her name communicated to the speaker by his party.

A member may with the permission of the speaker bring the house's attention to an inaccuracy or mistake made by him/her in a previous speech or debate.

VOTING AND DIVISION

Any matter requiring the decision of the house will be voted on. It is the job of a parliamentary party's whip to see that members are present and voting. Voting may be done on small matters by the raising of hands/placards. On matters of great importance voting will take place by ballots.

POINTS OF ORDER

A point of order may be raised and directed as a question toward the speaker if any member is having difficulty or confusion in understanding the rules and procedures.

POINTS OF PERSONAL PRIVILEGE

Points of privilege may be spoken out in the house or can be directed to the speaker in writing. They will only pertain to matters which the speaker deems fit. Any member using a privilege motion as a tool to interrupt other speakers risks being disqualified/suspended.

DEFECTION

Members may only defect from their respective political parties if they do. So in a group of members consisting of 1/3rd of the party's number. If members defect from a political party without being part of a block of 1/3rd members or vote against/abstain from voting with their party they will risk losing their seat in the house.

PARLIAMENTARY DECORUM AND ETIQUETTE

No foul language shall be entertained in the house; the speaker may suspend any member using such language. Members may converse in Hindi or English.

INTRODUCTION TO THE AGENDA

1. NORTH EAST

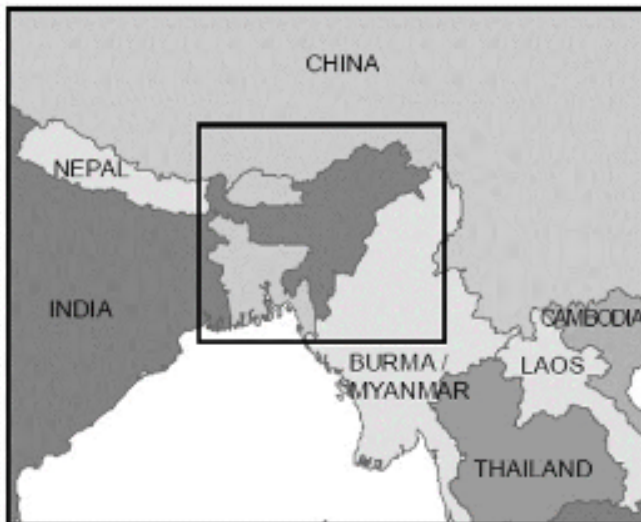
The seven Northeastern states of India are known as the seven sister states of India. The states and capitals of the seven sister states of India are:- Mizoram (Aizawl), Tripura (Agartala), Meghalaya (Shillong), Manipur (Imphal), Nagaland (Kohima), Assam (Dispur), Arunachal Pradesh (Itanagar)

North East India comprises seven states commonly known as the “Seven Sisters”. They are Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. The North East is a true frontier region.

It has over 2000 km of border with Bhutan, China, Myanmar and Bangladesh and is connected to the rest of India by a narrow 20 km wide corridor of land. One of the most ethnically and linguistically diverse regions in Asia, each state has its distinct cultures and traditions.

North-East counters common problems ranging from poor transportation and communication, ethnic conflict and insurgency, illegal taxing and extortion, and drug trafficking to immigration issues. The ethnic-based conflicts often backed by underground organisations are still alive and mobile. Nowadays, ethnic movements in North-East have deviated from the traditional socio-cultural roots to ethnopolitical aspirations

MAP OF NORTH EAST INDIA



- Capital Cities
- State Capitals
- ∩ Provincial Boundaries
- ∩ Country Boundaries

Note: Map boundaries and locations are approximate. Geographic features and their names do not imply official endorsement or recognition by the UN.

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BACKGROUND OF CONFLICT IN NORTH EAST

"mainland" due to the partition of the subcontinent in 1947. However, it officially became a distinct category in 1971 following a significant reorganisation of internal boundaries and the creation of new states. The region is connected to the rest of India through a narrow corridor, approximately thirty-three kilometres wide on the eastern side and twenty-one kilometres wide on the western side. This corridor constitutes merely one percent of the region's boundaries, with the remaining 99 percent being international, shared with China's Tibet region to the north, Bangladesh to the southwest, Bhutan to the northwest, and Burma/Myanmar to the east.

The Northeast region consists of seven Indian states: Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura, often referred to as the "Seven Sisters." Later, Sikkim was included as the eighth member of the regional North Eastern Council in 2003. These states were mostly reorganised between 1971 and 1987 and collectively cover an area of over 254,645 square kilometres, which is about 8.7 percent of India's territory. According to the 2001 Census of India, the region is inhabited by a population of 38,495,089 people, roughly 3.73 percent of the country's total population. Notably, the region is home to one of the largest concentrations of tribal communities in India, accounting for approximately 30 percent of the total population, with a significant majority of them residing in Arunachal Pradesh, Manipur, Meghalaya, Mizoram, and Nagaland. Additionally, three states in the region, namely Nagaland, Mizoram, and Meghalaya, have a substantial Christian population, with proportions of 90, 87, and 70 percent, respectively.

BACKGROUND OF CONFLICT IN NORTH EAST

"The Northeast region is characterised by its extraordinary ethnic, cultural, religious, and linguistic diversity. It boasts more than 160 Scheduled Tribes and over 400 distinct tribal and sub-tribal groupings. Additionally, there is a sizable and diverse non-tribal population concentrated mainly in Assam, Manipur, and Tripura. The linguistic landscape of the region is equally diverse, with an estimated 220 languages belonging to the Indo-Aryan, Sino-Tibetan, and Austric language families spoken, making it the largest concentration of languages in the Indian subcontinent.

Although the Ahoms managed to gradually unite a significant portion of the region under a single political entity during their rule from 1228 to 1826, historical court chronicles of the Kacharis (1515-1818), the Jaintias (1500-1835), the Manipur Kings (1714-1949), and other local groups reveal that these entities had maintained varying levels of independence until the nineteenth century, when British colonization took hold of the region. It took the colonial rulers nearly a century to fully annex the entire area, and they governed the hilly regions as a loosely administered "frontier" zone, effectively separating it from the densely populated plains under their control.

Northeast India has been the stage for the earliest and most prolonged insurgency in the country, starting with the Naga Hills in 1952, where violence erupted due to demands for independence. This was followed by the Mizo rebellion in 1966, and numerous other conflicts have emerged, particularly since the late 1970s. Presently, every state in the region, except Sikkim, is grappling with some form of insurgent violence, with four of these states (Assam, Manipur, Nagaland, and Tripura) experiencing conflicts that, between 1990 and 2000, could be categorised as low-intensity conflicts.

BACKGROUND OF CONFLICT IN NORTH EAST

"Over time, the Indian Government has engaged in ceasefire agreements with leading factions of insurgent groups, notably with two factions of the National Socialist Council of Nagaland in 1997 and 2001. Currently, there are reports of the Government of India engaging in discussions on "substantive issues" with one of these factions, the National Socialist Council of Nagaland (Isak-Muivah), in pursuit of a "permanent and honourable" resolution to the long-standing problem.

In 1986, the Mizo National Front and the Government of India signed a Memorandum of Understanding, leading to their rebel leader, Laldenga, forming his own political party and becoming the chief minister of Mizoram State.

The United National Liberation Front (UNLF), an armed opposition group operating in the valley of Manipur, contests the "Merger Agreement" that the king of Manipur signed with the Government of India in 1949, claiming that the king signed it under duress. Similarly, the United Liberation Front of Assam (ULFA) questions Assam's inclusion in the Indian Union. Attempts have been made to bring UNLF and ULFA to the negotiating table.

The Government's response to these independentist demands has involved enacting extraordinary legislation like the Armed Forces (Special Powers) Act of 1958, deploying security forces to suppress rebellion, promoting economic development, and engaging in peace negotiations with the insurgent organisations.

BACKGROUND OF CONFLICT IN NORTH EAST

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Despite being surrounded by land on all sides, migration to Northeast India persists without any decline, whether from across international borders or from other regions within India. A substantial portion of this immigration is believed to be illegal and cross-border in nature, particularly involving foreigners from Bangladesh. As a consequence, the region has frequently experienced intense outbreaks of anti-immigrant sentiments. However, the government faces significant challenges in detecting and disqualifying, let alone deporting, these foreign individuals, making it a major predicament.

Conflicts in Northeast India go beyond their focus on the Indian state and also involve complex intergroup and intragroup dimensions. These intergroup conflicts are rooted in conflicting demands for separate "homelands" between various ethnic groups, such as the Bodos and the non-Bodos, the Karbis and the Dimasas in Assam, the Nagas and the Kukis/Paites in the hills of Manipur, and the Mizos and the Brus/Reangs in Mizoram, among others. Additionally, struggles for power among competing groups have further fueled conflicts and led to internal displacements within the region. Given the exceptional diversity of ethnic groups in the area, there are multiple forms of resistance, resulting in politics and struggles characterised by numerous competing agendas.

WHAT IS AFSPA?

The Armed Forces (Special Powers) Act (AFSPA) is a controversial law that has been in effect in various parts of India, including the North East region, since the 1950s. Enacted to empower the armed forces in areas facing internal security challenges, the AFSPA has generated intense debate and criticism due to allegations of human rights abuses and excessive use of force. This article will delve into the history, provisions, impact, and the ongoing debate surrounding the AFSPA in North East India.

Violence became the way of life in north-eastern States of India. State administration became incapable of maintaining its internal disturbance. Armed Forces (Assam and Manipur) Special Powers Ordinance was promulgated by the President on 22nd May of 1958.

In which some special powers have been given to the members of the armed forces in disturbed areas in the State of Assam and Union Territory of Manipur. Later the Ordinance was replaced by the Armed Forces Special Powers Bill. An Act to enable certain special powers to be conferred upon members of the armed forces in disturbed areas in the State of *[Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura].

History and Provisions:

The AFSPA was passed in 1958 during a time of growing insurgencies in North East India. It granted special powers to the armed forces deployed in "disturbed areas," authorising them to take necessary actions to maintain law and order, including arrest without warrant, the use of force, and even opening fire if they feel it is required for the maintenance of public order. This law initially applied only to the state of Assam and Manipur but was subsequently extended to other states in the region due to ongoing conflicts and insurgency movements.

WHAT IS AFSPA?

Impact and Controversies:

The implementation of AFSPA in North East India has been a subject of intense debate and controversy. While supporters argue that it is essential for combating insurgency and maintaining security in the region, critics argue that it has led to numerous human rights violations, including extrajudicial killings, torture, and rape. The law grants broad powers to the armed forces, and there have been allegations of its misuse and abuse, leading to the suffering of innocent civilians caught in the crossfire.

The AFSPA has often been criticized for providing immunity to the armed forces, as it requires prior approval from the central government for prosecuting any military personnel accused of wrongdoing while carrying out their duties. This has led to a lack of accountability and transparency, fueling resentment and anger among the local population.

The Impact on Civilian Life:

The AFSPA has had a profound impact on the lives of civilians in the NorthEast region. Many communities have faced a sense of fear and insecurity due to the presence of armed forces and the potential for arbitrary actions. There have been reports of alleged abuses, including incidents of custodial deaths and disappearances, leading to deep-seated grievances and distrust towards the security forces.

The Debate and Demands for Repeal:

The AFSPA has been a contentious issue in North East India, with human rights activists, civil society organisations, and various political groups demanding its repeal. They argue that such draconian laws are not only counterproductive in addressing the root causes of conflicts but also perpetuate a cycle of violence and alienation.

Many believe that the focus should shift towards addressing the socio-economic and political grievances of the local population to foster a climate of peace and reconciliation. Critics of the AFSPA assert that its continuation only exacerbates tensions and contributes to a climate of fear and hostility.

RECENT ACCELERATIONS IN NORTH EAST

MANIPUR:

At least 130 people have been killed and 400 wounded in violence that began in May. More than 60,000 have been forced from their homes as the army, paramilitary forces and police struggle to quell violence.

Police armouries have been looted, hundreds of churches and more than a dozen temples ruined, and villages destroyed. The Meitei have roots in Manipur, Myanmar and surrounding areas. The vast majority are Hindu although some follow the Sanamahi religion. The Kukis, mostly Christian, have spread across the north-east of India, and many of those in Manipur can trace their roots back to Myanmar too.

Meiteis mostly live in the Imphal valley, while the Kukis live in the surrounding hills and beyond. Tensions boiled over when Kukis began protesting against demands from the Meiteis to be given official tribal status, which the Kukis argued would strengthen their already strong influence on government and society, allowing them to buy land or settle in predominantly Kuki areas.

But there are myriad underlying reasons. The Kukis say a war on drugs waged by the Meitei-led government is a screen to uproot their communities.

Illegal migration from Myanmar has heightened tensions. There is pressure on land use from a growing population and unemployment has pushed youth towards the various militias.

RECENT ACCELERATIONS IN NORTH EAST

ASSAM:

The flood and erosion problem of Assam is singularly different from other states so far as extent and duration of flooding and magnitude of erosion is concerned and is probably the most acute and unique in the country. The flood prone area of the state as assessed by the Rashtriya Barh Ayog (RBA) is 31.05 Lakh Hectares against the total area of state 78.523 Lakh Hectares.

During the post-independence period, Assam faced major floods in 1954, 1962, 1972, 1977, 1984, 1988, 1998, 2002, 2004 and 2012. Almost every year three to four waves of flood ravage the flood prone areas of Assam. Average annual loss due to flood in Assam is to the tune of Rs. 200.00 Crores and particularly in 1998, the loss suffered was about Rs. 500 Crores and during the year 2004 it was about Rs. 771 Crores. The flood problem of the state is further aggravated due to flash floods by the rivers flowing down from neighbouring states like Arunachal Pradesh and Meghalaya. During the year 2004 and 2014 the south bank tributaries of Brahmaputra in lower Assam, experienced flash floods of high magnitude due to cloud burst in the catchment areas in Meghalaya. During the month of August in 2011

RECENT ACCELERATIONS IN NORTH EAST

ARUNACHAL PRADESH:

China and India share a disputed 3,440km long de facto border - called the Line of Actual Control, or LAC - which is poorly demarcated. The presence of rivers, lakes and snowcaps means the line can shift.

China continues to stake claim on the whole of Arunachal Pradesh, calling it "South Tibet". The Indian monastery town covered by China

Shadow of 60-year-old war at India-China flashpointThe town living in the shadow of India-China warThe soldiers on either side - representing two of the world's largest armies - come face to face at many points, the last time being in December when Indian and Chinese troops clashed along the border in the town of Tawang.

This is also not the first time that Beijing has renamed places in the state, triggering angry reactions from India. Beijing first sought to rename six districts in Arunachal Pradesh in 2017 in a move that was seen as "retaliation" for a visit by the Dalai Lama. The Tibetan spiritual leader had visited the region earlier that year in April. It released a second list in December last year, this time renaming 15 places in the region. India reacted strongly and said it rejected the changes.

RECENT ACCELERATIONS IN NORTH EAST

NAGALAND, TRIPURA, MIZORAM, MEGHALAYA:

Nagaland;

Since 1952, Naga rebels in northeastern India have engaged in a violent insurgency against the government of India, fighting for a separate “Nagalim” or “Great Nagaland” for all Naga people. In August 2015's announcement offered a ray of hope not just for bringing peace to Nagaland, but for resolving the last vestiges of a conflict that has limited development in several Indian states and hindered India's ambitions as it looks to “Act East.”

Nearly four years later, the road to a lasting peace remains challenging. Because of the conflict's geostrategic location on India's land border with Southeast Asia and the way it has hindered infrastructure development in the region, resolving the Nagaland issue can unlock new development opportunities and catalyse a new era of trade, infrastructure, and cultural connectivity with Southeast Asia, thereby reenergizing the “Act East” policy

Tripura

A major share of Tripura's woes emerges from its 856-kilometre international border with Bangladesh, which touches each of its four districts, being porous. This is the first time that any anti-Left government has retained power in the northeastern state in the past three decades. Hopes are that the BJP 2.0 government will meet the aspirations of the people. The BJP won 32 seats in the 60-member House in the recent assembly elections in Tripura, while its ally IPFT managed to secure one seat and CM Manik Saha emerged as a winner.

RECENT ACCELERATIONS IN NORTH EAST

MIZORAM AND MEGHALAYA

Mizo society has undergone tremendous changes over the years. Before the British moved into the hills, for all practical purposes the village and the clan formed units of Mizo society. The Mizo code of ethics or Dharma moved around “Tlawmngaihna”, an untranslatable term meaning on the part of everyone to be hospitable, kind, unselfish and helpful to others. Tlawmngaihna to Mizo stands for the compelling moral force which finds expression in self-sacrifice for the service of others.

The old belief, Pathian, is still used in the term God till today. Mizos have been enchanted to their new-found faith of Christianity with so much dedication and submission that their entire social life and thought-process has been transformed and guided by the Christian Church Organisation and their sense of values has also undergone drastic change.

The Mizos are a close-knit society with no class distinction and no discrimination on grounds of sex. Ninety percent of them are cultivators and the village exists like a big family. Birth of a child, marriage in the village and death of a person in the village or a community feast arranged by a member of the village are important occasions in which the whole village is involved.

Inter-State border violence and dispute with neighbouring Assam, ethnic troubles, illegal coal mining are some of the major issues that dominated 2022 in Meghalaya, which, however, is confident of resolving the complex issues in the new year. After the November 22 inter-State border violence that killed six people, including five villagers of Meghalaya in the Mukroh village in the West Jaintia Hills district along the Assam-Meghalaya border.

RECENT ACCELERATIONS IN NORTH EAST

Over eight years ago illegal coal mining, including the more dangerous practice of rat-hole mining, was banned by the National Green Tribunal (NGT) after terming it as unscientific and most hazardous. The prohibited activities, however, continue in Meghalaya and other Northeastern states despite the Supreme Court and High Court's series of subsequent directions.

Environmental experts, activists and various NGOs have protested the illegal coal mining, saying that the illegal activities continued with the active support of a section of most powerful politicians while the law enforcing agencies remained silent. To meet their election expenditure and to create their assets, a section of political leaders sponsors the coal mafia and coal traders of both the North-East and outside the region to do the illegal trades and activities, destroying the environment and often killing poor people.

Rat-hole mining, an extremely unsafe practice in Meghalaya, Assam and other Northeastern States, involves digging narrow tunnels, each of which fits only one person to enter and extract coal by poor and young people for their livelihood, benefiting the coal traders.

IS AFSPA JUSTIFIED?

The Central Government of India had always a policy difference for the North Eastern States. While introducing AFSPA in the Parliament, authorising martial law in the North-east Region, the then Union Home Minister justified the Act as a temporary measure to contain the uprising in the Naga Hills. But five decades later, a large part of the Northeast is still declared 'disturbed' under the Act and the civilian population is still under the grip of military rule.

Thousands of lives have been extinguished in enforced disappearances and extrajudicial executions. Torture, rape, arbitrary detention, forced migration and displacement has become part of life.

An attempt has been made in this paper to find that this draconian law has been applied for the last fifty years to people whose features are mongoloid and different from the rest of the country. It is a draconian and xenophobia law. There is a need to repeat the debate that AFSPA has failed to solve insurgency challenges; rather, it has only intensified the problem of human rights for the people of the north eastern state.

There is an ideological debate on the subject of why youngsters take up arms. How can we solve the problem without using armed violence? It will be worth focusing on other alternatives to solve the five decades old socio-political crisis of the North East India region.

The powers that the AFSPA extends to the armed forces come into force once an area subject to the Act has been declared "disturbed" by the central or state government. This declaration is not subject to judicial review. The right to life is violated by section 4(a) of the AFSPA, which grants the armed forces power to shoot to kill in law enforcement situations without regard to international human rights law restrictions on the use of lethal force.

IS AFSPA JUSTIFIED?

Lethal force is broadly permitted under the AFSPA if the target is part of an assembly of five or more persons, holding weapons, or “carrying things capable of being used as weapons”. The terms “assembly” and “weapon” are not defined. The right to liberty and security of person is violated by section 4(c) of the AFSPA,

which fails to protect against arbitrary arrest by allowing soldiers to arrest anyone merely on suspicion that a “cognizable offence” has already taken place or is likely to take place in the future.

Further, the AFSPA provides no specific time limit for handing arrested persons to the nearest police station. Section 5 of the AFSPA vaguely advises that those arrested be transferred to police custody “with the least possible delay.” The right to remedy is violated by section 6 of the AFSPA, which provides officers who abuse their powers under the AFSPA with immunity from legal accountability. This section of the AFSPA prohibits even state governments from initiating legal proceedings against the armed forces on behalf of their population without central government approval. Since such a sanction is seldom granted, it has in effect provided a shield of immunity for armed forces personnel implicated in serious abuses.

POPULAR JUDGEMENTS

1. Indrajit Barua v. State of Assam [1983]
2. Naga People's Movement of Human Rights v. Union of India [1997]
3. Luithukla v. Rishang Keishing, (1988)
4. Shri Bacha Bora vs. The State of Assam (1991)
5. Extra Judicial Execution Victim Families Association (EEVFAM) & Anr. V. Union of India & Anr (2012)
6. Karma Dorjee & Ors vs U.O.I & Ors

QUESTIONS TO CONSIDER IN THE COMMITTEE

1. Intervention of neighbouring countries in the regions of North-East due to geographical conditions is justifiable?
2. Several human rights violations in the region with reference to insurgencies in the seven sisters. Will it ever end or not?
3. Protection of indigenous culture and ethnic identity be considered or not?
4. How can local governance be strengthened and maintain the rule of law in the region?
5. Armed Forces Special Powers Act (AFSPA); its future in North- East and need for today?

FURTHER READ

1. Armed Forces (Special Power) Act, 1958
2. Unlawful Activities (Prevention) Act, 1967
3. Justice Jeevan Reddy Committee Report, 2004
4. Justice Santosh Hegde Commission 2013
5. Justice Verma Committee 2013
6. Bodo Accord
7. Bru-Reang Agreement
8. National Liberation Front of Tripura (NLFT) Agreement
9. Karbi Anglong Agreement
10. Assam-Meghalaya Inter-State Boundary Agreement

LIST OF VALID SOURCES

1. Government published reports from official sites.
2. PTI, PIB, LSTV, RSTV, Sansad TV and all government run news channels
3. Standing committee reports, RTI and parliamentary proofs
4. Supreme Court, High Court Judgements