

Armed Forces Special Powers Act and Human Rights in Nagaland

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Abstract : The strategies and tactics used by governments throughout the world to counter terrorism and insurgency over the past few decades include the declaration of states of siege or martial law, enactment of anti-terrorist legislation and strengthening of judicial powers. Some of these measures taken have been more successful than the other, but some have proved counterproductive, alienating the public from the authorities and further polarizing an already fractured political environment. Such cases of alienation and polarization can be seen in the northeastern states of India. The Armed Forces (Special Powers) Act which was introduced to curb insurgency in the remote jungles of the far-flung areas has remained a telling tale of agony in the north east India. Grievous trauma to humans through encounter killings, custodial deaths, unwarranted torture, exploitation of women and children in several ways have been reported in Nagaland, Manipur and other northeastern states where the Indian army has been exercising powers under the Armed Forces (Special Powers) Act. While terrorism and the insurgency are destructive of human rights, counter-terrorism does not necessarily restore and safeguard human rights. This special law has not proven effective particularly in dealing with terrorism and insurgency. The insurgency has persisted in the state of Nagaland even after sixty years notwithstanding the presence of a good number of special laws. There is a need to fight elements that threaten the security of a nation, but the methods chosen should be measured, otherwise the fight is lost. There has been no review on the effectiveness or failure of the act to realize its intended purpose. Nor was there any attempt on the part of the state to critically look at the violation of rights of innocent citizens by the state agencies. The Indian state keeps enacting laws, but none of these could be effectively applied as there was the absence of clarity of purpose. Therefore, every new law which has been enacted time and again to deal with security threats failed to bring any solution for the last six decades. The Indian state resorts to measures which are actually not giving anything in terms of strategic benefits but are short-term victories that might result in long-term tragedies. Therefore, right thinking citizens and human rights activists across the country feel that introduction of Armed Forces (Special Powers) Act was as much violation of human rights and its continuation is undesirable. What worried everyone is the arbitrary use, or rather misuse of power by the Indian armed forces particularly against the weaker sections of the society, including women. After having being subjected to indiscriminate abuse of that law, people of the north-east India have been demanding its revocation for a long time. The present paper attempts to critically examine the violation of human rights under Armed Forces (Special Powers) Act. It also attempts to bring out the impact of Armed Forces (Special Powers) Act on the Naga people.

Keywords : armed forces, insurgency, special laws, violence

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