

Should Armed Forces (Special Powers) Act Be Repealed In Nagaland?

—By Wing Commander Dinesh Mathur, VSM (Retd.)

Group Discussion is a significant activity in academic, business and administrative spheres. At the same time, while taking part in a group discussion, a person's thinking, listening and speaking skills can be easily observed and analysed. Here, exchange of thoughts and ideas takes place through verbal communication. Participants are encouraged to express their opinion on a complex issue in a free and frank manner, but in the end of the group discussion, the group is expected to reach a consensus. During the course of a group discussion, participants' problem-solving abilities, decision making, communication skills and other significant aspects of personality can be easily evaluated by the assessors. However, the objective of GD is also to check team-playing skills of the participants. Due to these reasons, group discussions are often fruitfully utilised to screen or assess candidates for jobs as well as admissions to prestigious institutions in India.

The transcript of the following GD involves a group of 10 candidates which has been asked to discuss a burning topic as a part of selection process to screen candidates before the final personal interview to pick up managers for a Public Sector Undertaking. Candidates had arrived formally dressed and they were made to sit in a semi-circle in such a manner that the three assessors could listen to them conveniently and also observe them to get non-verbal clues. They were allotted Identification Numbers, which were prominently displayed on their shirts. Candidates were briefed to address each other by calling their Identification Numbers and not names. They were further briefed that they were at liberty to speak as many times as they wished and for whatever time duration



Wing Commander Dinesh Mathur is a senior selector and trainer. He has worked as a selector at two Services Selection Boards and Chief Instructor at Defence Institute of Psychological Research, New Delhi. He has conducted a large number of interviews and group discussions during the last 2 decades and has authored four books, including two books on Interviews and Group Discussions. He has received Vishisht Seva Medal awarded by the President of India and Commendation by the Chief of the Air Staff.

they liked, but they must ensure that all participants were given a chance to speak. They must speak in a civilised manner, making sure that only one person speaks at a time. Thereafter, they were given three current topics for the GD and asked to pick up one topic by consensus. The above topic was selected by this group for the group discussion. Thirty minutes time was allotted to this group for the GD. Thereafter, the group discussion proceeded in the following manner:

Candidate No. 6 : Good morning friends. How are you all this morning? Today, we have been given a very burning and also interesting topic to discuss. The demand to repeal the Armed Forces (Special Powers) Act in Nagaland has been an outstanding one for quite some time now, but very recently, consequent to an unfortunate incident in which 14 civilians belonging to Konyak community were killed in a case of miss-identity by the Armed

Forces in a counter-insurgency operation in Nagaland, this demand has become extremely strong. Armed Forces are now being accused of killing innocent civilians over a long period of time and even carrying out all kinds of atrocities. Friends, we are needed to critically discuss the role of AFSPA and also decide whether this provision should be done away with. I am sure you all are waiting to give your views on this topic.

Candidate No. 3 : I think to critically discuss this topic and put things in perspective, there is a need to know the background of imposition of AFSPA in North-East and what changes have taken place since then?

Candidate No. 8 : Yes, after the Partition in 1947, four ordinances were promulgated. The first was the Bengal Disturbed Areas, this was followed by ordinances for Assam, East Punjab and Delhi and the United Provinces. These were replaced by a common legislation, the Armed Forces (Special Powers) Act (AFSPA) 1948. Thereafter, the President promulgated the Armed Forces (Assam and Manipur) Special Powers Ordinance in 1958. Thus it was in 1958 when Parliament enacted AFSPA. It was subsequently adapted appropriately after creation of Arunachal Pradesh, Meghalaya, Mizoram, Nagaland and Tripura.

Candidate No. 2 : I would like to add that then the Union Government had called it a very simple measure to control the misguided Nagas indulging in mischievous activities. In fact, the government at that time, and even thereafter for some time, felt that people inhabiting the North-East lacked loyalty or devotion to India. The aim of AFSPA was to confer special powers upon certain officers of the Armed Forces to firmly deal with anti-social elements of the area. Under the Act, any crime committed by

Armed Forces is given complete impunity. Presently, there are widespread protests against the Army alleging that it has been doing mass killing of civilians and committing other serious crimes and that the AFSPA must be immediately withdrawn.

Candidate No. 5 : Can some friend tell us which parts of North-East are under AFSPA and on what basis AFSPA is being imposed?

Candidate No. 8 : To my mind, under AFSPA, a certain area is declared a “disturbed area” by the government and then the Act offers protection to the Armed Forces for use of force in that specified area. In fact, AFSPA has been in force for most parts of the North-East States for quite some time now. Presently, Assam and Nagaland are under AFSPA. The government normally declares an area as “disturbed” for a period of six months and continues extending this period from time to time. Manipur state, except Imphal city, and some areas of Arunachal Pradesh are also under AFSPA. However, this Act was revoked in Tripura in 2015 after things had substantially improved there. Similarly, it was revoked in Meghalaya in 2018 after it was under AFSPA for almost 27 years. In case of Jammu and Kashmir, it has a separate J & K Armed Forces (Special Powers) Act 1990.

Candidate No. 9 : I think the mistrust between the Central Government and these States has been continuing for a long time now, even after Nagaland became a state in 1963. But after the recent incident, the entire North-East has now demanded the repeal of AFSPA.

Candidate No. 2 : Let me put before you some facts about the recent incident which has attracted so much attention. It was a botched Army anti-terror operation based on intelligence report in which six innocent civilians were gunned down due to mistaken identity. Subsequently, when widespread protests broke out and the mob attacked the Army camp, seven protesters were killed in firing by forces in self-defence—taking the total number of deaths to thirteen. I think it goes without saying that there is certainly a need for the Army to review its anti-insurgency protocol to ensure that such incidents are not repeated. Any civil society will not tolerate such killings of innocent civilians by the Army personnel.

Candidate No. 7 : Yes, I quite agree with number 2. Can some friend tell us what are the special powers given to Armed Forces under AFSPA?

Candidate No. 6 : The Act allows arrest and search of any premises without a warrant in a notified area and recover any confined person, or arms and ammunition stored unlawfully. An officer of the Armed Forces may also fire upon or use force, even to the point of causing death, against any person for the maintenance of public order. This must be done after giving due warning as considered necessary, and the target must be a person who is contravening any law, or order prohibiting the assembly of five or more persons, and carrying weapons, firearms or ammunition.

Candidate No. 2 : This Act also entails that the Armed Forces may also destroy any hideout, or arms dump or fortified area or shelter from which armed attacks are being launched or any arms training is being carried out. And finally, no Army person can be prosecuted under this Act without the sanction of the Central Government.

Candidate No. 8 : Yes, I feel these powers are needed to be given to our Armed Forces in view of brutal and well planned attacks which are being carried out by terror groups who are receiving international support. Why do we forget that so many Armed Forces personnel are being mercilessly killed by these terror groups from time to time? We must protect our Armed Forces as they are sacrificing their lives for the country. Don't you all agree? The Army is totally opposed to repealing of this Act and asserts that provisions of this Act are certainly necessary to protect them when they deal with dangerous situations created by terrorist organisations so often.

Candidate No. 4 : I fully agree with you. We must protect our Army personnel.

Candidate No. 1 : You are right. But, human rights organisations and many sections of our civil society say that this Act is the main reason for many excesses and atrocities committed by the Armed Forces under the protection of AFSPA. That is the issue. There have been repeated protests in North-East to repeal this Act. I am sure you would recall that Manipur activist Ms. Sharmila had sat on an indefinite fast in 2000 and ended it only in 2016 to repeal AFSPA.

Candidate No. 10 : But, I am really wondering that if this is the situation,

what has our government done in this regard?

Candidate No. 2 : Yes, some actions have been taken. In 2005, the Union Government had appointed a five-member committee headed by a Supreme Court judge to look into this matter and that committee had recommended that AFSPA should be repealed. This committee had further recommended that Unlawful Activities (Prevention) Act could be appropriately amended to deal with terrorism. The committee had made this recommendation as it had felt that this Act created an impression that the people of North-East are being targeted and are being subjected to hostile treatment by the government. However, the government did not repeal AFSPA, mainly due to the fact that Armed Forces felt very strongly that AFSPA was needed to protect the soldiers in disturbed areas.

Candidate No. 1 : The demand to repeal AFSPA is really long-standing and this demand has now been triggered afresh by the killing of 13 civilians in Nagaland in Army actions. Why the issue has become so significant now?

Candidate No. 3 : I think presently the people of North-East feel that the Indian Government does not value loss of lives in their area, and therefore, is against repealing AFSPA. They think the government wants to only ‘regret’ the incident and get away. What about the grief and trauma of the families who have lost their near and dear ones? They feel that if similar killings would have happened in Delhi or in some other part of the country, the government would have acted differently and acted promptly.

Candidate No. 9 : Yes, I agree that people of this region do feel that Indian Government does have a partial attitude towards them. I think this is really unfortunate. Do you all agree?

Candidate No. 1 : Yes, it's a fact that for long Indian Government has not given due attention to development of our North-Eastern region. So, such feelings of people of this area are not without any reason. We have to accept this fact.

Candidate No. 6 : Friends, the fact remains that it was an anti-terror operation by the Army mainly based on some intelligence report, which obviously was grossly inadequate or erroneous. Six persons were gunned down in this

operation and seven protesters were subsequently killed in the firing by the forces in self-defence, when protesters attacked the Army post. One soldier also lost his life during this clash. The Army has labelled the killings of six persons a case of 'mistaken identity', but the Army people responsible for these actions must be taken to task and dealt with accordingly. Secondly, the Army must urgently review its anti-insurgency protocols to ensure that such severe mistakes are not committed in future. It brings such a bad name to the Army, which is respected so much by the people of India.

Candidate No. 2 : Friends, AFSPA has been a very contentious issue in the North-Eastern regions, but this time, killing of 13 civilians has really precipitated the matters. Recently, Chief Ministers of Nagaland, Meghalaya and Manipur have joined in to back the demand for repeal of AFSPA. The Manipur Chief Minister, who belongs to the same political party as the Central Government, has said that they need to create a better understanding with the Centre in this regard and need to discuss and find a way out with the Centre to resolve the issue. Meanwhile, protests are continuing all over North-Eastern region demanding repeal of AFSPA.

Candidate No. 3 : Friends, all of you have been highlighting that the situation is so grave in North-Eastern region, but nobody is telling us as to how should we deal with the situation or how in future can we avoid this conflict with our Army?

Candidate No. 6 : I feel the demand for repeal of AFSPA has to be suitably considered keeping in view the current situation of unrest in Nagaland. But, I strongly feel that our Army should not be utilised to deal with internal disturbances like in North-Eastern region. Friends, please remember that our Army has been trained and equipped to fight external enemies, they are good at shoot and kill and must not be deployed in our own country, that too for such long durations as has been the case with our North-Eastern region. I feel it is a total misuse of the capabilities of our Army and our Army personnel must not be happy performing such duties.

Candidate No. 9 : Yes, I quite agree with Number 6. Our Army is not meant to deal the internal conflicts. These must be tackled by State Police and Paramilitary Forces.

Candidate No. 2 : No, I think, even if a need is felt to deploy our Army in extreme situations in certain declared 'disturbed areas', such deployment must be for short durations only. Our Army has been there in North-East for far too long a period. Situation is certainly better now compared to the time when the Army was called in quite some time back.

Candidate No. 8 : I would like to add that bringing in the Army was meant to be a temporary measure and there was perhaps justification for that. In the 1980s and early 1990s violent and state-seeking separatist movements were at their peak in the region including Nagaland. At that time, you would recall, it was argued that the Central Police Organisations were ill-equipped to effectively deal with armed insurgents. But friends, now more than 40 years have gone by and Peace Deals have either been signed or are in the final stages of negotiations. Presently, the deal between Naga insurgents and the Government of India is almost ready for finalisation. Therefore, under the present circumstances, deployment of Army for such a long period may not be justified in Nagaland.

Candidate No. 10 : I think Number 8 has analysed the situation quite well and I fully agree with him.

Candidate No. 6 : I feel Army does need some protection to deal with fully armed and trained insurgents. Like some friends have said we must not deploy Army to fight our own citizens. But in case we do deploy Army, then protection afforded to its personnel by the AFSPA is considered necessary. Paramilitary Forces must be specially trained and equipped to deal with armed insurgents in these areas. It would be desirable if Paramilitary Forces recruit personnel for this task from North-Eastern region itself. To my mind, that would be a long-term solution to this problem and then there will not be any need to enforce AFSPA in these areas.

Candidates No. 7 : Yes, I quite agree with Number 6.

Candidate No. 8 : Friends, the time allotted to us to discuss this topic is now getting over. So let me take the liberty to conclude this discussion. We have had a fairly long and informative discussion on this current as well as burning topic. Even though the demand to repeal AFSPA from North-Eastern regions, especially Nagaland, has been long

outstanding, the issue has been recently triggered afresh in a big way due to killing of 13 civilians by the Army in Nagaland in an anti-terror operation. The Army has declared that it was a case of 'mistaken identity', but people of the area are alleging that the Army has been committing atrocities as they are protected under AFSPA and, therefore, AFSPA must be repealed from Nagaland. We feel that the Army should not be deployed against our own citizens. But, if due to special circumstances, the Army has to be deployed, then it must be for a short duration only. Meanwhile, appropriate action should be initiated against Army personnel, who were responsible for gunning down 13 civilians in the recent Army operation.

Thank you friends and have a good day.

Critical Analysis of Candidates' Performance

Good : Candidate Nos. 2, 6 and 8

These candidates have displayed good knowledge of the topic and other group members have agreed with their views. They have shown good insight of the topic, therefore, they could suggest ways and means to resolve this burning problem. It is apparent that they have definitely contributed to the discussion in an effective manner. They spoke with confidence, since they had prepared the topic quite well. Owing to all these reasons, their performance has been graded as 'Good'.

Average : Candidate Nos. 1, 3 and 9

These candidates did take part in the Group Discussion, but their knowledge base was somewhat limited. Obviously, they did not prepare well for the discussion and hence could not participate in an effective manner. It was observed that they could not add much information to attract others' attention. Their limited awareness of the topic was seen quite clearly. Due to all these reasons, their performance has been assessed as 'Average'.

Below Average : Candidate Nos. 4, 5, 7 and 10

These candidates did not take part in the Group Discussion as was expected. They hesitated in airing their views since they did not possess much information about this topic. Due to their inadequate information base, they lacked self-confidence to come out with their views. It was seen that these candidates were merely agreeing with what other candidates were saying or were asking questions from others. It was obvious that they had not prepared the topic adequately. Due to all these reasons, their performance has been judged as 'Below Average'.

CSR