Locating Armed Forces (Special Powers) Act, 1958 in the Federal Structure: An Analysis of Its Application in Manipur and Tripura

Rajiv Tewari

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LOCATING ARMED FORCES (SPECIAL POWERS) ACT, 1958 IN THE FEDERAL STRUCTURE: AN ANALYSIS OF ITS APPLICATION IN MANIPUR AND TRIPURA

Rajiv Tewari[1]

Abstract

Armed Forces (Special Powers) Act, 1958 (AFSPA) has attracted attention from all perspectives. The Act continues to be applied in regions where problems such as ethnic conflict and unmet aspirations have not been resolved, and where violence along with secessionism threatens the very fabric of our nation and society. This paper attempts to address the location of the Act in the context of the State in Society theory proposed by Joel S Migdal and Vivienne Shue with specific reference to the application of the Act in Manipur and Tripura. In order to assess its location, a pilot study was carried out in Manipur and Tripura and a set of questions asked to a defined population and its results were analysed. This brought out very interesting findings. The findings substantiate the State in Society theory, and shows that State-Society interaction is a necessary part of federal nation building.

Key words: *AFSPA, State in Society theory, Federalism, Insurgency, Manipur, Tripura*

Introduction

Berlin (1971) says Machiavellian wisdom is subject to opinion on the far edges of spectrum in terms of morality and statecraft. The same wisdom holds good for Armed Forces (Special Powers) Act, 1958 (AFSPA), which is a law with wide ranging powers designed to deal with situations of exceptional circumstances, especially when the sovereignty and integrity of the nation is at stake. Yet the controversy surrounding the law in the backdrop of the security debate, federal structure and human rights makes it a highly contested issue. However, federalism and the need for internal security debate are subjects fraught with competing discourse regarding the problem of how the vertical government arrangements lead to the issue of accountability and the way such arrangement enhances or hinders the efficiency of public policy on internal security. Kothari (2012) finds that in a democratic country like India, with a plural society and national integration still under way, the measures taken by the State to handle internal security issues are seen as efforts by the state governments to question the very federal idea as the law and order subject falls within the purview of the respective federating units[i]. Thus it is necessary to analyze the need and efficacy of Special Acts such as AFSPA, which protect the unity and integrity of the country and is an important element in the study of the broad subject of Indian federalism.

When studying the application of the Act in exceptional circumstances, such as in Jammu and Kashmir and North East India, it reveals a different scenario altogether. The fact that the situation in

[i] 'State' in the article refers to the Central Government and 'state' refers to the respective state governments of India.

these states results in organized violence, even to the extent of demanding secessionism, creates a tricky situation for the State. These conditions lead to the growth of a full-blown insurgency leading to the writ of the State getting questioned. Insurgency is all about political control. When the population of an area gets dissatisfied and resorts to both violent and non-violent actions to highlight their discontent, then a situation develops where the writ of the state starts failing and groups involved in these activities start gaining acceptance. The use of organized means of subversion and violence is what distinguishes insurgency from normal political contestation. Violence by its very spirit defeats all developmental measures and peaceful overtures to solve problems amicably. This is what happened in the two states of Manipur and Tripura in different periods leading to violence at an unprecedented level, which forced the application of AFSPA to counter the same.

Though India is a union of States, its federal principle is a cornerstone of the Indian Constitution. The federal idea and its practices have been developed by the makers of the Constitution on the premise that it will cater to the needs of the nation in all types of situations and conditions, and it has been institutionalized between the centre and the periphery (Kothari, 2012). However, when it comes to internal security and the unity of the country, a variety of legislative measures have been introduced, which primarily go against the basic tenets of federalism. The dominant view on the issue is visible in the recommendation given by the State Reorganisation Commission: "Any movement which may tend to impair the unity of the country must ultimately affect the welfare of all sections of the Indian people" (State Reorganisation Commission, 1955, p. 30). The Commission makes it clear that safeguards should be in place to meet the threat to the unity and integrity of the nation during the course of the process of various political contestations in case they turn violent to achieve their aims. The Constitution of India, having a federal feature, has provisions on internal security issues which make the handling of challenges on the unity and integrity of the country tricky, much in the manner of other federal states in the world. The handling of the AFSPA thus proves to be a litmus test for Centre-State relations, and thus warrants a study as to how the Act has influenced federalism in the backdrop of conditions prevailing in the two states and how it forms part of the various state and societal responses to the unmet aspirations of the society.

Theoretical Framework

General theory The application of AFSPA in the Indian federal structure is an aspect of exercise of power and authority by the State. However, the concept of power and the maintenance of authority have been explained differently by various scholars, who have stressed on the interaction between the various segments of society and the emergence of a set of values which ensured the survival of the institutions and the elites in the society (Parsons ,1991; Easton, 1981 and Almond & Powell, 1978). The Pluralists also accepted the aspect of harmonization of interests in society in order to cultivate the democratic ethos and ensure inclusiveness in society. Modern society has a set of values which go beyond the set of values that emerge over a period of time, and something more exists in these values to make them part of the Center which dominates the Periphery (Schils, 1961). The mechanics of domination in society and the changes brought in saw the emergence of the importance of institutions in the State (Huntington, 1968). The need for political institutions in society came to be recognized as a

primary loci of change, and this more or less became part of the Statism, Structuralism, Rational Choice Theory, Neorealism and henceforth.

Thus, the assertion by Max Weber that State is the organization which has monopoly over the legitimate use of coercion within a given territory continued in different forms all along (Migdal, 2001). The central issue which most of the theories lay down is that State is the locus around which the discourses on domination and changes revolve. However, when dealing with the topic of federalism and internal security the State-in-Society Theory is more applicable than a statist perception. Since various studies have come to the conclusion that the State itself cannot achieve the intended outcome of its policies without its interaction with society, the State-in-Society approach can provide fresh insight on the subject (Migdal, 2001; Evans, 1995; Haggard, 1990 and Kohli, 2004).

The State-in-Society Theory propounded by Migdal (2001) says that State is part of the society, and hence the various clashes between the two cannot be seen in isolation. This is the key point in the model of state-society interaction: the state and social organizations including society as a whole continually compete for social and other types of control (Migdal, Kohli and Shue, 1994). The State, by its very nature, lays claim to the authority to regulate all social relations within its borders, thus pitting it against all social and tribal organizations that resist this undertaking in case they are not integrated into the national mainstream. The State-in-Society theory strongly states that the state is not acting in isolation and the various social actors are constantly shaping the response of the state. The society's response in both the states has been met with a corresponding action by the State. The grievance of the population and their manner of contestation have led to the use of AFSPA when violence increased exponentially; the negotiations with the insurgent groups carried out when conditions became conducive have been investigated by means of secondary and primary data in the background of the State-in-Society Theory.

Theoretical framework as applicable to Tripura and Manipur In the context of a largely prevailing 'Statist' views on matters such as AFSPA, this study approaches the latter from the point of view of State-Society relations. Militancy and secessionist tendencies in the North East, and particularly in Manipur and Tripura, were met by the application of AFSPA as part of the policy of the State. Thus the application of AFSPA is a State response when its unity and integrity gets questioned by sections of population who are dissatisfied. The State and its application of AFSPA need not be seen as an isolated event. The State-in-Society Theory unequivocally says that the State is part of the society, and the entire gamut of relationship needs to be seen in the background of this theory (Migdal, 2001). Society affects state as much as state affects society is the key point in the model of state-society interaction: the state and social organizations including society as a whole continually compete for social and other types of control (Migdal, Kohli and Shue, 1994). However, competition leads to contestation and negotiation at various levels and platforms resulting in the constant evolution and morphing of both the entities. The condition affecting this evolution varies from environment to environment. The analysis of these conditions in these states will lead to a better understanding of the Act in an overall federal environment. Thus the Indian State's formation, its process of evolution and inclusion, and the subsequent discontent and insurgencies are attributable to various causes and conditions which need to be studied and analyzed in the backdrop of this theory. The understanding and analysis of primary and

secondary data provides relevant linkage in terms of State and Society interaction and how both shape each other's response. Therefore, the unfurling of events in disturbed areas need not be seen in isolation but in the overall rubric of the State in Society Theory.

Indian State evolution The growth of Federal States has been historically evolutionary in nature, and the Indian case is also not different and stands out as a shining example of how a plural society can be federally organized (Rudolph and Rudolph, 2010). Even the various approaches to the Constitution of India are seen as a process of constant evolution of the Indian state as part of the State-in-Society theory. Indian federalism can be approached from the Political Institutional point of view, Socio Cultural view and Historical Institutional view. The political institutional view holds that federalism comes about by the process of aggregation and devolution (Saxena, 2012 and Khan, 1992). Thus devolution of power takes place along with the aggregation that takes place in the nation. This was the aim of the founding fathers, and the same was ensured by the partition of the Legislative and Executive authority of the Centre and the State. However, certain segments and groups have not agreed to the manner in which demand aggregation and devolution occur, and therefore raise the demand for secessionism and resort to unprecedented violence. The existence of secessionist tendencies shows that the aggregation part remains unfulfilled, and in spite of the effort to carry out devolution of powers the affected parties are not ready to operate within the parameters of democratic discourse (Baruah, 2009).

Splitting up states and creating new states are one of the many strategies available to new democracies to build nations and to contain ethnic conflicts (Kothari, 2012 and Khan, 1992). Ethnic accords, creating social regional councils, creating regional councils straddling several states, and district level autonomous councils are the means by which newly democratic nations face the challenge of nation making and meeting the aspirations of the indigenous people. However, there is a danger in excessive centralization as in excessive decentralization, as is evident from the experiences in African States and also the erstwhile Soviet Union (Ziblatt, 2004). Since the federal structure endeavors to make all segments part of the central decision making process and Asymmetric Federalism being the corner stone of Indian federalism, these ethnic demands and secessionist tendencies question the very basis of Indian federal structure. Asymmetric federalism is the means by which accommodation of special demands within federalism is made. In this way, the security of the ethnic and minority groups is ensured and the potential for conflict avoided. Asymmetric Federalism forms part of the State in Society Theory as it acknowledges that the state and society are interacting continuously and gradually evolving. Hence, in order to ensure that devolution and aggregation process is not derailed by violence and the demand for secessionism is checked, the Indian state has been resorting to the use of AFSPA to meet such unprecedented challenges to Indian federalism from violence and also to meet the aspirations of the people. In case the instability in any constituent unit reaches a level beyond which the State government finds it difficult to function and is incapacitated, then the Indian state has to intervene as per the Indian Constitution and invoke AFSPA in states where the violence and law and order breakdown reaches the tipping point. However, the militant groups' response too changes, and the next step would be to incorporate the militants in talks and other such measures as part of the State-in-Society Model.

Similarly, the 'Socio-Cultural' view of federalism acknowledges the varied social, ethnic and cultural groups existing in the nation and the need to accommodate them in the national rubric (Chaube, 2012). It is with this aspect in mind that the various States have been carved out and special arrangements made to accommodate the peculiar demands of the North East people. Even after the formation of States based on various linguistic and cultural parameters, the demands of various groups remain unfulfilled. These groups, in order to convey their points of view, resort to violence and want to secede from the Union. In North East India, this attitude has been summed up appropriately as separatist expressions, which were visible through inter-tribal differences and the differences between mainstream India and the people of Assam (Phukon, 1984). This leads to demand aggregation and contestation by various groups from time to time in the region in spite of Constitutional guarantees being introduced, even before Independence. The issues acquire violent overtones, placing the government in a position where restoring order becomes the prime task of the government. The State-in-Society Model acknowledges the existence of these groups and their constant demand aggregation and contestation, and the State's endeavor to look after the interest of all the segments forms part of the State-in-Society model from where the socio cultural approach emerges. The need to make the Border States an integral part of the nation is an extremely important task from both the political and security point of view. The concern of these groups has to be addressed and need to be assimilated in the nation and should be the prime concern of the government. The need to curb the centrifugal tendency and control violence forces the central government to employ the Army and Central Paramilitary Forces to counter the threat when it goes beyond a limit. The Army, due to the nature of its job and challenge, requires the AFSPA to carry out its task effectively. Events post Independence and the concern to avoid a partition-like situation recurring made the makers of the Constitution adopt a cautionary approach. The application of AFSPA in North East and the discussion in Parliament on the issue made the then home minister G. B. Pant state during the introduction of the bill in the monsoon session in 1958 that the bill would help the armed forces to function effectively in a situation when there is arson, looting and dacoity (Das, 2012). The AFSPA cannot be seen in isolation, and when seen in the overall framework of the State-in-Society framework gives an altogether different connotation to its application.

In addition, the issue can also be seen from the perspective of 'Historical Institutionalism'. This can give a perspective as to how the very concept of the Indian state evolved and how the various Acts were invoked by the British government. The process of Constitution making and national integration was deeply influenced by it. The Constitution making in a way constantly shaped, but did not erase, the institutional context in which groups and various actors of the State operated prior to independence (Sinha, 2007). However, this shaping and reshaping are being carried out constantly and need to be seen in the backdrop of the State-in-Society framework. The context in which AFSPA was introduced in Nagaland and later in other parts needs to be looked at in the background of the history of the formation of the Indian State. The law enforcing and stability function of the State did not get erased after independence although it got more democratized. But preserving the nation state continues to be the guiding principle. The reason for this shaping is that historical institutions or laws provide political capacities to the actors in order to discharge their constitutional duties (Sinha, 2007).

At the time of Independence, a pan Indian sentiment of assimilating all the areas occupied by the British existed, and the immediate task was to prevent the balkanization of the country. However, the North East region due to its lack of integration with the mainland was seeking an independent existence outside India, a demand which got compounded by cultural and identity issues (Nag, 1998). Manipur's relations with British India were different due to it being a princely state. Economic and social unrest preceded Indian absorption, with the King of Manipur signing the Instrument of Accession. Similar was the case with Tripura, which had a 1300-year-long history and had offered support to Bengali migration for economic and social development. The people of Tripura felt a deep 'sense of historical injustice' on being overwhelmed with the migration of primarily Bengali population and reacted by forming various political and militant organizations (Chaube, 2012). The fear of being overwhelmed by the people from the plains made the local population suspicious in both the states. The accession of Manipur to India in 1949 was considered to have been carried out under duress. On 24 November, 1964, the first resistance group was formed with the emergence of the United National Liberation Front (UNLF), which stated as its aim as not only an independent, socialist republic in Manipur but also that it had a 'historic mission' to liberate Manipur from colonial occupation in the larger context of liberating the entire Indo-Burma region, for a common future (Bertil, 2012). The various agitations being launched in the region along with the spiraling violence made the State react by employing AFSPA in order to contain the violence and bring about order in society.

The AFSPA ensures that the demands of the Border States and various ethnic groups are worked out in an environment where violence has been contained and conditions for various groups to deal with the government in a democratic and peaceful manner are created (Manor, 1995). Insurgencies are different from regular force-on-force engagements. The two adversaries in an insurgency are government organized forces on one side, and on the other side, loosely organized non-state actors, henceforth called insurgents who loosely form violent demonstrators, armed rebels and terrorists (Chadha, 2009). However, these actors are carrying out contestation as part of the process to change the attitude of the state towards them through violent means. The insurgents use lethal weapons like Improvised Explosive Devices to cause damage and create an environment in which the writ of the State gets compromised. In these situations, the spread of violence and the use of civilians by means of force or as collaborators in their struggle lead to instability in society complicating the situation further (Ahmed, 2011).

The need to have an Act to cover the operations of the Armed forces in countering these threats is an important issue as the threat to law and order is way beyond the normal law and order requirements and capacities of the respective state governments. The armed challenge containment is an important issue and gives a cooling time to the insurgents (Manor, 1995). The development of these States and the maintenance of peace are important for efficient functioning of the Indian State. If the aspirations of these states are not met, then the influence on the other states can also be felt in the future. The need for the country to have the Border States integrated into the nation peacefully is very large and cannot be left to chance. A brief background information of both Tripura and Manipur will put the issues on a level platform to assess the conditions that led to the application of AFSPA and its efficacy in the federal structure.

Tripura

Most of the information pertaining to Tripura comes from the studies on Tripura and its people, which were undertaken by the British, and other published reports, notes, accounts, articles, etc. Indian and Tripuri sources were scarce and almost negligible, especially in English language. The source of information regarding the dynasty ruling the state comes from *Rajmala,* which gives an account of the various rulers in Tripura. Two momentous events took place in 1947 concerning Tripura, which were Indian Independence and the death of Maharaja Bir Bikram Kisore Manikya Bahadur of Tripura. Independence followed by Partition led to migration on a huge scale, thereby altering the demographic pattern of the state. It also altered the rural-urban ratio and the occupational profile of the state leading to pressure on state resources and a challenge to the tribals of the state. These were forces which were bound to make profound changes in society, polity, culture and economy. It became a threat to "the ancestral domains of the people posed by large scale migration as these sparsely populated areas become part of the historically densely populated South Asian economic space" (Baruah , 2002: 4178). The state thus became densely populated, as can be seen in Table 1 on the population variation in the state in the last 110 years. The state government settled the refugees through various schemes, which indirectly affected the tribal land. The strength of the migrant Bengalis, who account for 51.5 per cent of the population, and the strength of the Scheduled Tribes, who account for 31.75 per cent presently, reveal the magnitude of migration in the state.

In 1967 the Communists lost their two seats to the Congress and in the same year Sangkrek or the clenched fist militant organization took birth as also the Tripura Upajati Samiti (TUJS). The issue of marginalization and autonomy took root in the polity of Tripura. In the general elections in 1978, Congress was voted out and the Communists came to power with a thumping majority. Elements of TUJS and Sengarak formed the Tripura National Volunteer Force (TNV) to fight for "Swadhin Tripura". The Tripura Autonomous District Council (TADC) came into existence in 1978 and came under the Seventh Schedule, but in June 1980 violence broke out and it was only in 1982 that elections could be held for TADC. The tribals were however not satisfied with the seventh schedule. In 1985 the Tripura Tribal Area Autonomous District Council (TTAADC) was brought under the Sixth Schedule. In 2000 the Indigenous Peoples Front of Tripura (INPT) came to power amidst allegations of extremist threats, kidnapping etc., and the threats of National Liberation Front of Tripura (NLFT). However, the rising incidents of arson, killings and murder led to the application of AFSPA in Tripura with effect from 16 Feb 1997. The demand for a tribal state within the state has been raised by the tribal organizations in Tripura. However, the CPI (M) government in Tripura is concentrating on strengthening the grass roots level tribal institutions for their effective integration and development. Tripura, through its political efforts and application of AFSPA, was able to ensure an inclusive polity and bring an end to violence, which finally led to the removal of AFSPA from Tripura on 28 May, 2015.

Table1: Tripura Variations in Population during the Last 110 Years (Numbers)

Year	Total population	Density of population	Absolute Variation	Decennial growth rate (%)
1901	1,73,325	17	Data prior to 1901 not available	
1911	2,29,613	22	56,288	32.48
1921	3,04,437	29	74,824	32.59
1931	3,82,450	36	78,013	25.63
1941	5,13,010	49	1,30,560	34.14
1951	6,45,707	62	1,32,697	25.87
1961	11,42,205	109	4,96,498	76.89
1971	15,56,342	148	4,14,137	36.26
1981	20,53,058	196	4,96,716	31.92
1991	27,57,205	263	7,04,147	34.30
2001	31,99,203	305	4,41,998	16.03
2011	36,71,032	350	4,71,829	14.75

Source: Statistical Abstract, Government of Tripura, 2010-11

Manipur

The historical information about any region is mainly obtained from the historical text pertaining to that region. In the case of Manipur, it is the *Cheitharol Kumbaba* which lists out 74 Meitei Kings starting from 33 AD. The Meitei line ruled the area and bestowed on it a rich cultural heritage. Even the name Manipur was assumed during the reign of the famous Manipuri King Garib Nawaz in the 12 century AD. The Meitei people basically inhabited the Imphal Valley, which is highly fertile but constitutes a very small percentage of the total area of Manipur. In fact, it barely accounts for approximately 10 per cent of the total area. The remaining area is occupied by Nagas to the North and the Kuki-Mizo to the South. Another important issue is that the Meitis are basically followers of Vaishnavism whereas the surrounding areas around the Manipur valley is Christian dominated. The fact that the neighbouring state of Nagaland is also in turmoil and that Manipur has a substantial Naga population makes it willy-nilly part of the larger Naga problem also. There is a small percentage of Manipur Muslims or Pangals and they have integrated well into Manipuri society with Meitei as their mother tongue (Verghese, 2004). However, the politicization of the State started somewhere in 1934 with the formation of the Nikhil Hindu Manipuri Mahasabha (Parratt, 2005). The Sabha was formed with the aim of preventing the proselytisation of Manipuri society and to preserve its cultural heritage and Manipuri way of life. It also endeavoured to resolve the animosity between the Meiteis and the Bishanpurias. However, over a period of four years the Sabha dropped the name Hindu and by 1938 became a political party. The State of Manipur has been a battle ground for the Indian Army, the Manipuri separatists and the Naga rebels since the 1980s. Besides this, there is inter and intra tribal and group fighting amongst themselves. The long existing political violence has affected the region vary badly with the issues getting more and more complicated day by day. The demand for secession and violence led to the application of AFSPA in Manipur with effect from 8 September 1980. The new political culture of violence, kidnapping, killing and extortion is part and parcel of the state, which is badly governed and is in an economic crisis most of the time. The society and the polity in Manipur are badly fragmented and

it looks impossible that they can be amalgamated into a single society. The state boasts of not one but multiple movements with different demand structures. The Naga and Kuki insurgents are running their parallel governments and the Métis are resisting all the state concessions being made to the tribals for integration.

Table 2: Population of Major Scheduled Tribes and Groups in Manipur (Numbers)

Name of Tribe	Population	Name of Tribe	Population
Aimol	3,190	Any Mizo (Lushai) tribes and Kuki tribes	36,406
Anal	23,509	Monsang	2,427
Angami	95	Moyon	2,516
Chiru	8,599	Paite	55,542
Chothe	3,585	Purum	278
Gangte	17,178	Ralte	17
Hmar	48,375	Sema	40
Kabui	1,03,908	Simte	6,728
Kacha Naga	66,158	Suhte	804
Koirao	4,475	Tangkhul	1,78,568
Koireng	1,873	Thadou	2,15,913
Kom	14,528	Vaiphei	42,957
Lamgang	7,770	Zou	24,294
Mao	93,343	Poumai Naga	1,27,381
Maram	27,524	Tarao	1,066
Maring	26,424	Kharam	1,145

Source: Statistical Profile of Scheduled Tribes in India 2013, Ministry of Tribal Affairs, Statistical Division, Government of India.

As per the 2011 Census of India (provisional data), the Meitei constitute nearly 41.39 percent of the state's population, the Meitei Pangal (Muslims) nearly 8.40 percent, and tribal communities nearly 41.29 percent of the total population of 28,55,794. The population distribution and the land area under consideration make it a recipe for dispute as the Valley part of Manipur constitutes only 14 per cent of the land area with the hills being the major portion of the state area. Table 2 shows the various tribes of Manipur and their population. Nagas constitute a substantial portion within the tribal population. The demand of Nagalim or Greater Nagaland is a source of tension in the state with the Meitei population being apprehensive of any move by the State to negotiate with the Naga groups.

Research Methodology

The choice of Manipur and Tripura in locating the AFSPA is due to the fact that the comparative literature sees them as a contrasting case of application of AFSPA in the prevailing discourse. This study compares the application of AFSPA in Tripura and Manipur under parameters which include the causes and the effect of AFSPA in the respective states. The study design included both secondary and primary data. The secondary data was acquired from various government and private agencies. The primary

data was acquired by means of an interview schedule in the two states.The state of Tripura has been taken because Tripura earlier imposed and later withdrew the AFSPA and is a case of how the central Act was used and withdrawn on achieving its aim. Manipur continues to be under AFSPA with militancy showing no signs of easing, and hence the conditions prevailing there and the views of the various sections of the society will throw light on the causes and effects of AFSPA in Manipur. The qualitative assessment of both the states, along with the quantitative analysis, was combined to make sure that the data gathered from the survey captures the necessary mechanism of the causes and application of AFSPA. The need to search for a causal relationship to regularities of events is important, but it is also important to view carefully these periods and convert context to causes in order to place AFSPA in the correct perspective. The pilot survey was conducted in the states of Tripura and Manipur in March 2016. Random sampling was adopted to select the respondents and the sample size was 100 in each state. The Manipur sample has Meitei 48 percent, Nagas 24 per cent, Kukis 22 per cent and others six per cent. The Tripura sample has 48 per cent Bengalis, 38 per cent tribals and 14 per cent others. The districts covered in Tripura were Gomthi, Sepahijala and Agartala; and in Manipur they were Imphal East, Imphal West and Ukhrul. An interview schedule was prepared, and based upon the response of the individual interviewed, the findings were analysed and presented in the paper. Access to remote villages and security concerns posed a limitation on data collection. The geographical and infrastructural constraints were also substantial and overcoming these required time and finance in order to cover the length and breadth of the states.

Parameters of Study and Results

Conditions in the states and the cause of conflict

Historical records and other materials lay down the genesis of the conflicts. The field surveys regarding the cause of conflict give the following results for both States. The Manipur sample reveals that 52 per cent believe that tribal/ethnic conflict is the cause of insurgency, 22 per cent attribute it to the crumbling law and order and the balance 26 per cent say it is due to economic and social reasons. The differences in Manipur are primarily ethnic in nature, and hence the survey also reveals that the cause of the conflict is primarily due to tribal/ethnic issues. Tripura meanwhile throws a result in which 58 per cent of the respondents attributed the conflict to poverty, 18 per cent to unemployment and the rest 24 per cent to lack of economic development. This is in total agreement with the historical approach, which clearly says that the demographic imbalance in the State was due to reasons beyond the control of the authorities then and it simply compounded itself once a democratic set up took place.

Economic development alters the social and political structure of a society. In the absence of any substantial economic development taking place in the North East states, the likelihood of contestation for land and other natural resources becomes strong and leads to identity politics being played by all the stakeholders. The economic status of tribals in both the states is considered to be an important parameter as both the states have insurgency issues over tribal identity and sharing of resources. Tripura strongly feels that the tribals are economically worse, and 88 per cent of the respondents share this view. In Manipur, only 56 percent respondents agree that the tribals are economically worse off; 44 percent consider them better placed in terms of constitutional protection and

opportunities while the other 10 per cent are noncommittal on the issue. The fault lines in the case of Manipur are thus evident, and the fact that the tribes have benefitted greatly in terms of getting government jobs in all categories corroborates this opinion of the various respondents. A Cross Tab of the various groups and their opinion on the condition of the tribals in Tripura reveal that 82 percentage of the Bengali respondents felt that the tribals are worse off than the migrants. The same was not discovered in Manipur, where the environment of inclusion and understanding is missing, as evident from the recent events where an economic blockade is in place in response to the formation of additional districts in the state. Such problems had historically plagued the state (Singha, 2013).

Application of Armed Forces (Special Powers) Act (AFSPA) The application of AFSPA is an issue that is always debatable and has more detractors than supporters. This is an issue which needs to be seen in the backdrop of the field survey carried out and also on the secondary data made available. The summation of the response of the respondents on the issue of support for application of AFSPA in the larger national interest reveals that 94 per cent of respondents in Tripura support it whereas only 40 per cent support it in Manipur. Similarly, the support for demands of the militants groups finds a higher acceptance in Manipur than in Tripura. In Manipur, the figure is 78 per cent whereas in Tripura it is only 54 per cent. Even the support for secessionism is 34 per cent in Manipur but 22 per cent in Tripura, as per the data collected from respondents. The plethora of militant groups with diverse aims has been one of the causes for normalcy not returning to the North East (Chadha, 2009). The respondents in both Manipur and Tripura agreed on the issue of multiplicity of groups, and 92 per cent in Manipur and 88 per cent in Tripura acknowledged this aspect in the respective states.

This is in fact a major reason for divisions since the groups lack a single vision and therefore can never have a final agreement with the State. As the theoretical framework of the thesis says that the State and the society are shaping each other, the society's inability to present a common front on matters concerning itself leads to fractured agreements with the state and lacks a single direction for the general population. The violence continues unabated and the State has no other option but to implement AFSPA in order to curb the violence in the State. However, one of the main reasons for the unabated violence is also the high number of militant groups with a clash of aims, inter-group rivalry and the Government's inability to meet the demands of the various groups. The year wise casualty figures shown in Table 3 and the bar graph representation of the same in Figure 1 reveal a rising trend in terrorist related casualty, which is more in Manipur than in Tripura thereby justifying the application of the Act in Manipur and its withdrawal in Manipur in due course of time.

Table 3: Year wise Number of Casualty Figures: Manipur and Tripura (Numbers)

Year	Manipur Terrorism	Tripura Terrorism
2001	129	82
2002	58	72
2003	76	97
2004	75	63
2005	110	24
2006	127	17
2007	152	14
2008	112	8
2009	61	0
2010	29	1
2011	13	2
2012	12	0

Source: *www.satp.com*

Violence unleashed by the militants evoked different responses in both the states since the conditions and the demands vary considerably. In Tripura, 50 per cent agreed that the condition necessitated the application of AFSPA. In Manipur, only 32 per cent agreed that the law and order situation necessitated the application of AFSPA. The data given below amplifies the state of law and order in the states. Figure 1 displays the comparative casualty figures of Manipur and Tripura. Manipur shows a constant high number in casualties whereas Tripura shows a downward trend. This downward trend can partly be attributed to the application of AFSPA and the setting in process of negotiation, agreements and inclusive policies.

Figure 1: Comparative Casualty Figure of Manipur and Tripura
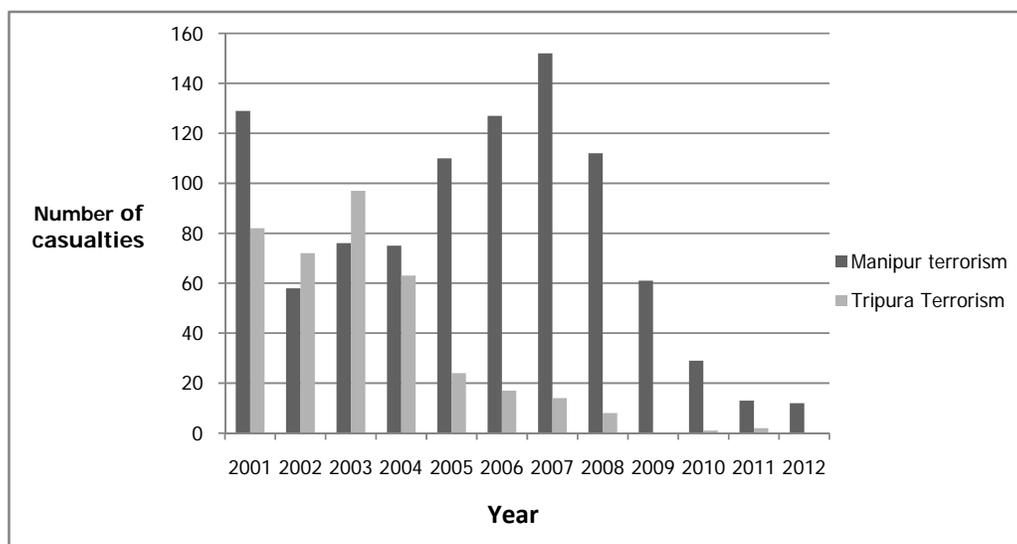
Source: *www.satp.com*

Federalism strengthened or weakened A federal and democratic polity has been created in India by adopting the Socio Political Approach and the Socio Cultural Approach to the framing of the Indian Constitution. The application of AFSPA and the subsequent control of violence are in a way directed at ensuring that various democratic activities are carried out in the state and that the development paradigm resumes its journey. The respondents were asked about their opinion on various development and election related issues.

Table 4: Response on the Effect of Violence on Development

State	Response in Percentage of Respondents			
	Strongly Agree	Agree	Disagree	Strongly Disagree
Manipur	32	56	8	4
Tripura	34	66	Nil	Nil

Source: Field Survey, Tripura and Manipur, March 2016

Table 4 above shows that respondents in both the states strongly felt the deleterious effect of violence on development. The theoretical framework of the paper says that the Society and the State are shaping each other, and once the violence unleashed by the militants starts affecting the development process the state starts losing on the development front, which has an effect on the population of the state. The AFSPA is applied to make the militants part of the political process and to ensure peace so that development takes place in the area. An analysis of the issue of the militants joining the political process reveals that the participants predominantly want the militants to join mainstream politics, as shown below in Table 5.

Table 5: Response on Support for Militants Joining Mainstream Politics

States	Response in Percentage of Respondents	
	Yes	No
Manipur	78	22
Tripura	76	24

Source: Field Survey, Tripura and Manipur, March 2016

The issue of local bodies and their election is an important factor that can reveal the manner in which the society is taking the issue of decentralization and inclusiveness in the correct perspective. Modern governments retain their just powers by receiving the consent of the population, and that legitimacy and power will depend on the ability to take care of their aspirations. Decentralization of important policies and other decisions have opened new local channels of state-society relations and efforts are increasingly being made to conserve ecosystems or implement environmental policy (Sellers, 2002). Knowledge about local governments and the level of participation in the same are therefore important. Participation in elections in Tripura as per the survey was 70 per cent and in Manipur 46 per cent. This is indicative of the deepening of democratic ethos in Tripura as compared to Manipur, and the same is substantiated by the other findings. Table 6 highlights the awareness level of the respondents regarding Panchayat and Urban bodies, which is an important aspect of decentralization.

Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) is a law enacted by the Government of India for ensuring self governance through traditional Gram Sabhas for people living in the Scheduled Areas of India, and their participation in the process will go a long way in deepening democracy and meeting their aspirations locally.

Table 6: Response on Knowledge about Panchayat and Urban Bodies

States	Response in percentage of Respondents	
	Yes	No
Manipur	56	44
Tripura	68	32

Source: Field Survey, Tripura and Manipur, March 2016

The data thus clearly shows a high level of grass root democratization in Tripura, unlike Manipur. One of the obvious reasons for the same can be that Tripura, because of the influence of the Communist Government that commands the support of the major portion of tribals, has a higher level of committed workers at the grass roots level, leading to democratization at the grass roots level. A strong connection also exists between awareness about Panchayati Raj institutions and participation in the election process. That grass root organizations are gradually establishing themselves in these states is highlighted by the data on these bodies. Tripura has eight districts and 58 blocks, and in the Fifth Elections to the Panchayat held in July 2014 it constituted 511 Gram Panchayats, 35 Panchayat Samitis and 8 Zila Parishads. In addition, 527 Village Advisory Committees and 40 Block Advisory Committees were formed under the Tripura Tribal Area Autonomous District Council (TTAADC). Manipur similarly has 165 Gram Panchayats which are fully functioning and elections are being held at regular intervals.

Discussion

The causes of conflict in both the states vary considerably as is evident in the primary data regarding the cause of conflict. In Manipur, the deep ethnic divide is the cause and in Tripura it is the unemployment and lack of economic development along with the marginalization of tribals due to demographic transition. The tribal position is on the far end of the spectrum in both the states. In Manipur it is a sense of tribals being better off and in Tripura it is their relative low position in spite of being the major group not a very long time ago, as the historical records reveal. The year wise casualty figures (Refer Table 3 and Figure 1) are indicative of the high level of violence in both the states attributable to insurgency. However, the support for militants varies in both the states, with Manipur showing a higher level of support. The numerical variation in the level of violence, as shown in the casualty figures, is more in Manipur than in Tripura (Figure 1). The social and economic effect of violence on society is evident in both the states, as shown by the response of the respondents (Refer Table 4). The need for militants to join the democratic process exists in both the states, and a faith in the democratic process is evident in Table 5. The strengthening of democratic institutions and ethos, and the spread of Panchayati Raj institutions can be seen in Table 6 data.

The paper's point of departure is the discourse on AFSPA, the opinion on the insurgent movements and the State's response to the situation in Tripura and Manipur. The prevailing social and economic situation in both the states, along with other historical events, has generated much angst and various demands. The demand aggregation and contestation took the violent path, to which the State responded by using AFSPA. However, once the position improved the State withdrew, as in the case of Tripura. The State meanwhile made efforts to deepen the democratic ethos, which is evident in the spread of decentralization and knowledge about the grass root institutions in the respective states. The survey strongly shows the manner in which the State and the society responded to the situation as it evolved, and once stability was achieved by the application of AFSPA the militants were made part of the negotiations. Similarly, the evolution of the Indian State kept on taking place, in sync with the society. The use of AFSPA for longer duration should not be made a practice, and the need to build capacity within the respective state governments to counter violence should be the larger aim of the federating units and the State.

Concluding Remarks

The empirical analysis of the field data collected from Tripura and Manipur reinforces the 'State in Society' theory. The fact that the conditions prevailing in both the States were responsible for the emergence of insurgency was ascertained in the data analysis. The society has certain aspirations and demands which, when mixed with the issues of ethnic identity and sharing of resources and power, lead to violence and disruption of peace in the State. The AFSPA and its application were done to bring order and peace in the State, and it was found that both the primary and secondary data substantiate the claim that it was the violent conditions which led to the application of AFSPA. The efficacy of the law and its effectiveness in arresting violence and creating conditions for the growth of democratic process in both the states is clear from the findings. However, there do exist allegations of human rights abuses, which need to be investigated and appropriate action taken to curb such incidents. Certain clauses of the Act also need to be reassessed (Noorani, 2009). Allegations of human rights abuses by the security forces are indeed serious and these will be investigated in a subsequent survey. The fact that peace and democratic processes are in place in Tripura and that insurgency continues in Manipur is evident from the empirical analysis of the data. The empirical analysis has helped to place the role of AFSPA in the federal structure and also proves that the law is an intricate part of the internal security architecture of the nation when insurgents and others resort to violence to highlight their demands.

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