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With this thought, we hereby present to you

# **BEYOND THE BARREL OF A GUN: EXAMINING THE NEXUS BETWEEN THE ARMED FORCES SPECIAL POWERS ACT, 1958 AND REGIONAL GROWTH IN CHANGLANG DISTRICT, ARUNACHAL PRADESH, INDIA.**

AUTHORED BY - MR. MAYONG TIKHAK<sup>1</sup> & DR RUMI DHAR<sup>2</sup>

## **ABSTRACT**

Many scholars, researchers, legal practitioners, etc. have analysed the constitutionality and impact of the Armed Forces Special Powers Act (AFSPA), 1958, which gives unlimited powers to kill, arrest, and search without a warrant with blanket immunity to the armed forces in "disturbed areas." The enforcement of this Act in Northeast India has also faced extensive criticism for human rights violations and misuse of power. However, in 1990, AFSPA was enforced in Changlang district, Arunachal Pradesh, to curb the problem of insurgency in the region, where Arunachal Pradesh has no insurgency of its own. The forceful implementation of the Act arguably exacerbated socio-economic challenges more chaotically and a sense of terror in the region.

This paper empirically examined the impact of AFSPA on regional security, socio-economic conditions, and civilian safety, analysing whether it is instrumental in suppressing insurgency or further destabilized the region. The study concludes by providing recommendations for reforming AFSPA or exploring alternative solutions to address the root causes of the insurgency and foster sustainable development in the region.

**Keywords:** *AFSPA 1958, North East, Armed Conflicts, Insurgency, Human Rights violations.*

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## I. INTRODUCTION

Arunachal Pradesh is the largest state (area wise) in Northeast India and referred as the "Land of the Rising Sun." It shares international borders with China, Bhutan, and Myanmar. The region has diverse ethnic groups of 26 major tribes and 110 sub-tribes with unique histories and identities. Some of the tribes share the same ancestral root with the neighbouring state of Assam and Nagaland. That is the reason for the widespread of insurgency activities in the state. In Arunachal Pradesh, insurgency is particularly concentrated in the districts of Tirap, Changlang, and Longding.

The rise of insurgency can be traced back to the partition of India, when Nagaland demanded a separate nation under the concept of "Greater Nagalim".<sup>3</sup> This claim extended to include the Tirap, Changlang, and Longding districts of Arunachal Pradesh, as well as parts of Assam and Manipur, arguing that the ethnic, cultural, and traditional connections between these regions and Nagaland indicated a shared ancestral heritage. This common identity is a primary factor behind the insurgency-related disturbances in Arunachal Pradesh, even though the state itself does not have own insurgency.

Insurgency began affecting the districts of Tirap, Changlang, and Longding around 1985, leading to increased militant activity, with incidents of extortion and abduction becoming frequent.<sup>4</sup> Security agencies report that these districts, along with Nagaland's Mon and Tuesang districts, have become key hubs for militant operations in the region. In response, the central government declared these areas "disturbed" and imposed the Armed Forces Special Powers Act (AFSPA), 1958, in 1990.<sup>5</sup>

However, the implementation of AFSPA intensified the situation, fuelling insurgent movements and further entangling civilians in the conflict between the Indian Army and insurgent groups.<sup>6</sup> Therefore, the objective of the paper is to focus on the impact of the AFSPA in the region and its repercussion to the people of Changlang District. To fulfil the objective,

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<sup>3</sup> Sanjib Baruah, In the Name of the Nation: India and Its Northeast 39-42 (Stanford Univ. Press 2020).

<sup>4</sup> Anupam Sharma, Insurgency and Ethnic Conflict in Northeast India: Focus on Arunachal Pradesh, 45 J. of Northeast Indian Stud. 123, 130-35 (2022).

<sup>5</sup> Ministry of Home Affairs, Gov't of India, Notification Declaring Tirap, Changlang, and Longding as Disturbed Areas Under Armed Forces (Special Powers) Act, 1958, G.S.R. 123(E) (Feb. 20, 1990), [https://www.mha.gov.in/sites/default/files/AFSPA\\_1990.pdf](https://www.mha.gov.in/sites/default/files/AFSPA_1990.pdf).

<sup>6</sup> Militant Extortion Rises in Arunachal's Changlang District, The Hindu (Jan. 15, 2023), <https://www.thehindu.com/news/national/militant-extortion-arunachal-changlang/article12345678.ece>.



the researcher has conducted an empirical study method including primary and secondary sources.

## **II. ORIGIN OF ARMED FORCES SPECIAL POWER ACT, 1958**

The Armed Forces (Special Powers) Act, 1958 (AFSPA) is the topic of debate and considers a draconian law, due to its contentious provisions. The Act is still operational in various regions of North-eastern states and Jammu & Kashmir. As define earlier, the Act was enacted to solve the issue of insurgency and internal security challenges, by granting broad powers to armed forces in “disturbed areas”. Since beginning, AFSPA has faced the criticism for its unlimited power, which is view as authoritarian and a source of Human Right Violation.<sup>7</sup>

The Armed Forces (Special Powers) Act (AFSPA) derives its origins in 19th-century British colonial legal frameworks, specifically drawn its provisions from the Armed Forces (Special Powers) Ordinance of 1942. This ordinance was enacted by the British government as an emergency response to suppress the Quit India Movement. Under this Act many prominent freedom fighters and revolutionist were detained by the British Government including Gandhi, Nehru and other renowned leaders.<sup>8</sup>

After the Independence of 1947, the integration of states issue emerged in India, erupting the internal communal clashes on a demand for self-determination and complete autonomy, which compromised the internal security notably in the North Eats Region. With the feeling of alienation, various communities took up the arms and revolt against the India. It became serious concern for the internal security within the region, witnessing multiple organisation of military outfit disturbing the public order in Assam and Manipur.

Moreover, the Nagas rejected the integration with India, due to their racial and socio-political differences. In 1951, a referendum for independence received wide support among Nagas, and they refused to recognise the Indian Constitution by boycotting India's first general elections in 1952, which leads to intense situation with more violent protest.<sup>9</sup> On 22<sup>nd</sup> March 1956, the Naga Nationalist Council (NNC) was established and announced for separate government

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<sup>7</sup> Human Rights Watch, *Getting Away with Murder: 50 Years of the Armed Forces (Special Powers) Act 10–15* (Aug. 11, 2008)

<sup>8</sup> Bipan Chandra, *India's Struggle for Independence* 458–62 (Penguin Books India 1989)

<sup>9</sup> Sanjib Baruah, *The Naga Insurgency and the Crisis of Statehood in Northeast India*, 32 J. of Asian Stud. 99, 102–05 (2020)

called the Federal Government of Nagaland. Eventually, the Central Government deployed the Indian military forces under the Armed Forces (Assam and Manipur) Special Powers Ordinance to suppress the uprising and reinstate stability in the Disturbed areas. However, due to rapid growth of militancy in the neighbouring regions, the Act applied in all the disturbed region of North east India and the changed the name into the Armed Forces Special Power Act, 1958.

The Act bestowed immense power to the military forces by providing power to apply lethal forces, which may cause death. They also have the power to search and detain without warrant along with that they are immune from any legal prosecution as defined in section 6 of the Act. This deathliest combination of right to kill and protection from prosecution guaranteed by the Act creates significant controversy in India. It is alleged that the armed forces have misused the power by committing extrajudicial execution, torture and forced disappearances, which infringed the fundamental rights and Human Rights of the people.

With the ongoing protest against the AFSPA, the Central Government promised to constitute a committee to review the Act and also the judicial committee was formed to scrutinise the Act under the order of the Supreme Court, such as the Justice B.P. Jeevan Reddy Committee in 2005<sup>10</sup>, Verma Committee 2012<sup>11</sup>, the Justice Hedge Commission, 2023<sup>12</sup>. The committees recommended for the revocation or the modification of the Act due to its harsh provisions and lack of grievances redressal mechanism to victims. Furthermore, the Act has oppressive character and capable of creating as sense of alienation to the indigenous community of the region. However, the recommendations were never executed properly and vanished in midway.

### III. JUDICIAL RESPONSE TO AFSPA

The Armed Forces Special Powers Act (AFSPA) has been challenged many times in Supreme Court for its constitutionality by general public of the effected region and the human right organisation. In **Indrajit Baruah v. Union of India**<sup>13</sup>, the Delhi High Court upheld the

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<sup>10</sup> Report of the Committee to Review the Armed Forces (Special Powers) Act, 1958, at 74–78 (Ministry of Home Affairs, Gov't of India, June 6, 2005), [https://www.mha.gov.in/sites/default/files/Report\\_JeevanReddyCommittee\\_2005.pdf](https://www.mha.gov.in/sites/default/files/Report_JeevanReddyCommittee_2005.pdf)

<sup>11</sup> Report of the Committee on Amendments to Criminal Law, at 150–53 (Ministry of Home Affairs, Gov't of India, Jan. 23, 2013), [https://www.mha.gov.in/sites/default/files/VermaCommitteeReport\\_2013.pdf](https://www.mha.gov.in/sites/default/files/VermaCommitteeReport_2013.pdf)

<sup>12</sup> Justice Hedge Commission Recommends Review of AFSPA Powers, The Indian Express (Mar. 15, 2023), <https://indianexpress.com/article/india/justice-hedge-commission-afspa-review-2023>

<sup>13</sup> *Indrajit Baruah v. Union of India*, AIR 1983 Del 513

constitutional validity of AFSPA, stating that such legislation serves the “greater good.” The Court emphasized more by stating that the law like AFSPA, could be justified if they protect a broader social interest, even if it might violates some individual liberties. However, the critics place their argument that the perspective of the court has appeared to be contradict Article 14 of the Constitution, which guarantees equality before the law.<sup>14</sup> So, this perspective creates a divide in the application of constitutional rights for citizens in Northeast India from the rest of the states.

The People’s Union for Democratic Rights (PUDR)<sup>15</sup> filed a petition in the Gauhati High Court to challenge the constitutionality of AFSPA as the provisions are in ultra virus to the fundamental rights of citizen. Although the Court stated that, the judiciary has no direct power to repeal the Act, instead it can declare the Act unconstitutional. But, the court declined to declare AFSPA unconstitutional and directed the Central Government to place some specific limitations on its implementation, and ensure that the Army officers promptly produce detainees at the nearest police station with the least possible delay and helping the police to bring detainees before a magistrate within 24 hours.

However, in the case **Khatri v. State of Bihar**<sup>16</sup>, the Supreme Court strongly directed that the concerned state government and police authority to ensure the constitutional and legal requirement to produce an arrested person before a magistrate within 24 hours.

In **Luithukia v. Rishang Keishing**<sup>17</sup>, the Gauhati High Court evaluated the role of District Coordination Committees and emphasized that armed forces should cooperate with district administration rather than acting independently and controlling the civil power. The Court strongly emphasized for the necessity for armed forces deployed in disturbed areas to work in harmony with civilian authorities to maintain a balance between security and civil administration. However, the Act still continue to effect in designated disturbed areas of Northeast, India. The ongoing debate over AFSPA’s validity continues to evoke significant legal and ethical questions regarding the balance between state security interests and the protection of individual rights in the Northeast.

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<sup>14</sup> Ujjwal Kumar Singh, *The Armed Forces (Special Powers) Act and the Question of Equality*, 48 Econ. & Pol. Wkly. 45, 47–49 (2013)

<sup>15</sup> People’s Union for Democratic Rights v. Union of India, (1982) 2 Gauhati LR 321

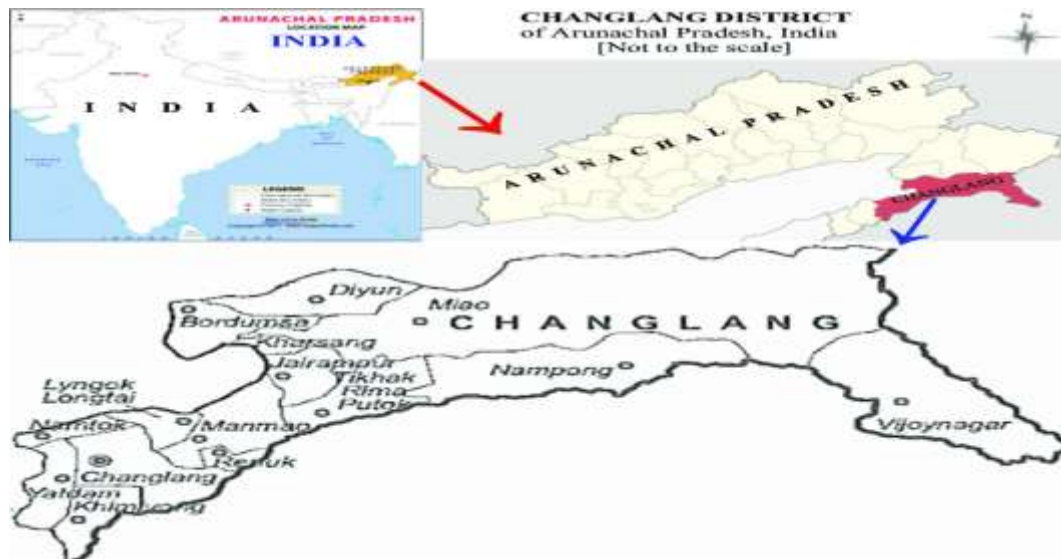
<sup>16</sup> Khatri v. State of Bihar, (1981) 1 SCC 627

<sup>17</sup> Luithukia v. Rishang Keishing, AIR 1988 Gau 44



#### IV. AN EMPIRICAL ANALYSIS OF CHANGLANG DISTRICT, ARUNACHAL PRADESH.

Figure 1  
*Map: Changlang District*



Source: Researchgate.net

The Changlang district located in south-eastern part of Arunachal Pradesh, having area of 4,662 sq. Km and a population of 1,48,226 persons as per 2011 Census.<sup>18</sup> It shares the international border with Myanmar (Barma) and internal border with Nagaland and Assam.<sup>19</sup>

This paper has carefully studied the consequences of the insurgency activeness in the Changlang District and also scrutinized the enforcement of AFSPA in the region. The problems of insurgency and the impact of the AFSPA start from 1990. More than five decades, the rights and the privileges guaranteed to the people by the Indian constitution are severely violated. Furthermore, the region has poor socio-economic development, having scored lowest rank in development index. In this study, the researcher has tried to find out the link between the insurgency and impact of AFSPA in socio-economic development of the region. To meet up the outcome, the researcher has place two important questions; firstly, “whether the enforcement of AFSPA in Changlang District has been instrumental in checking the insurgency movement. Secondly, whether the Armed Forces Special Power Act has led to

<sup>18</sup> Office of the Registrar Gen. & Census Comm'r, Gov't of India, Census of India 2011: District Census Handbook, Changlang, Arunachal Pradesh 12, 15 (2014), [https://censusindia.gov.in/2011census/dchb/1203\\_PART\\_B\\_DCH\\_CHANGLANG.pdf](https://censusindia.gov.in/2011census/dchb/1203_PART_B_DCH_CHANGLANG.pdf)

<sup>19</sup> District Administration, Changlang, *About District*, Gov't of Arunachal Pradesh, <https://changlang.nic.in/about-district/> (last visited May 10, 2025)

upsurge insurgency in the Changlang District. Total 100 participants were interviewed, which was divided into five different categories, ensuring the age above 18 years: 1. Student, 2. Army personnel, 3. Leaders, 4. Gaon Buras (Village Head), 5. Common Villagers.

There are 362 Villages in Changlang District, but the area influence by insurgency is in selected areas. According to the report collected from the office of Superintendent of Police, Changlang HQ, the effected areas are Maithingpum, Khachang, Pannyak, Khamlang, Songking, Jairampur, Kamlao, Manmao, Nampong, Namtok and Changlang H.Q. Accordingly the researcher has conducted the survey on the specified areas and data are collected from the concerned departments from the period 2010 to 2023. This study is purely base on the changes occurred in the duration of 13 years.

## **V. ANALYSIS**

After thorough analysis of the data collected and valuable responses and feedback from the people about the ground reality of the region, the researcher has come to the position to answer the questions raised.

In the interview, the participants were asked about the adverse pro-Activeness in insurgent groups due to the implementation of AFSPA. Surprisingly, 41.2% people agreed on the claim whereas same 41.2% people disagreed on the pro-activeness of insurgency due to AFSPA. So, equal response from both sides makes no conclusion. However, 41.2% agreed people had opinion in support of their response. They opined that the implementation of Armed Forces Special Power Act has impact on the modus-operadendi of the insurgent groups. The exploitation of villagers was substantially increased and they used youth to collect extortion money, export drugs and opium. The villagers also noticed the change and upgrade in the arms they carry. So, it is obvious that they became more careful and well equipped in terms of combat strategies.

In continuation of the matter, the participants were asked on the involvement of insurgency is decreasing in the village after implementation of AFSPA. With the highest majority of 64.7% of people agreed that the involvement of insurgency is decreasing in the village. They are in the opinion that the involvement and movement of insurgent groups in the village were very frequent before the enforcement of the Act. After the Act enforced, the involvement decreased

but their activities and influences are still the same. The villagers also confirmed that they still pay the ransom money or protection money to the militant groups on the per household basis.

Basically, they are agreed on the condition that their regular visit in the village has decreased, not the activities. With advance technology and digital era, they smoothly operate from untraceable base outside the village. In the interview, the Gaon Bura stated that the villagers requested the insurgent groups, not to take shelter in the village, because it may cause untoward incident to the villagers. There are many incidents, where the clashed between Indian army and Insurgent groups damaged and destroyed the village property and cases of casualty.

Therefore, it becomes pertinent to observed that 'do the Armed Forces Special Power Act is effective in securing peace and security in the village. In order to get the result of this question, the participants were asked about 'How secure they feel with the implementation of Armed Forces Special Power Act?' A very surprisingly, majority of 58.8% people have expressed their view that they neither feel secure nor insecure, whereas, 29.4% people feel secured and 11.8% people feel insured.

Here, it is apparently clear that the people have less faith on the Act because of the constant misuse of the power. They alleged that the Armed Forces are here to kill and torture innocent civilians instead of their protection. The situation remains the same as before the implementation of the Act. They expressed the difficulty facing by the people due to strict security protocols; they are under 24x7 surveillance and have to face interrogation of armed forces. On the other hand, there is still active movement of insurgency in the region.

Many time it is alleged by the villagers that the armed forces do not follows the protocols of combats, because there many incidents where the armed forces starts firing in the village resident area. There are more chances of having common public casualty. In order to understand the ground reality of such situation, the participants were asked 'how far the villagers suffer due to the clashes between armed forces and insurgent groups?' No doubt, the majority of 100% people agreed that the clashes between both the parties, the villagers suffer a lot. The researcher has also recorded the opinion of the villagers regarding the consequences they bear. Firstly, they suffer the loss and damage of property and agricultural field because of the explosion of bomb and grenade. Secondly, they have to bear the losses occurred to the insurgent group during the attack, may be in the form of monetary or volunteers. Thirdly, they



hand over the injured and wounded militant personnel to the villagers to take care of and all the expenses to be beared by the villagers. Fourthly, the villagers have to vacate the village in no time whenever there is gun fire between the army and insurgent group. Not only this, the innocent people are also being killed, wounded and arrested by the armed forces for no reason. Majority of 94% people agreed that the armed forces detained people without any reason and tortured and wounded the detainees without any order from deputy commissioner. There are many instants where the innocent lives have been taken by armed forces by giving the reason of 'mistaken identity' or 'by accident'.

The people have reason to believe that the armed forces misuse the power assigned to them in order to maintain peace and security in the region, because in 2021, the incident that happened in the Mon District of Nagaland, where the Indian army killed 14 innocent workers. It was one of the most heinous incidents in the North East.<sup>20</sup>

Therefore, they are in the stand that the behaviour and the treatment of the armed forces are condemnable and misuse of powers by the Indian army should be properly monitored. The locals corroborated the assertion of the losses occurred during the confrontation between the Indian army and the insurgents. The safety of the civilian should be the first priority for Indian soldiers, however as villages have reported, they failed to prioritise the safety of civilian during atrocities.

The casualties are mostly covered by saying 'by accident' or 'misidentify'. When the researcher asked about the revocation of the Act, majority of 64% voted for the repeal of the Act and rest other percent stated that the AFSPA should continue to be enforced but with proper revision and more humane of the provisions where the victim's grievances redressal provision should be there. In the entire north east, the case of Arunachal Pradesh is different because the state has no insurgency of its own. The insurgent group's influences over the region are from the neighboring state of Assam and Nagaland. There is no sense of alienation among the native people. However, due to the misuse of the power by the armed forces and unlawful treatments towards the locals may give a sense of alienation. Due to the Act, people have less faith on the armed forces and losing support from the public.

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<sup>20</sup> The Hindu, Oting Killing: Centre Denies Prosecution Sanction Against 30 Army Men, THE HINDU (May 2, 2023), <https://www.thehindu.com/news/national/other-states/oting-killing-centre-denies-prosecution-sanction-against-30-army-men/article66737378.ece>.

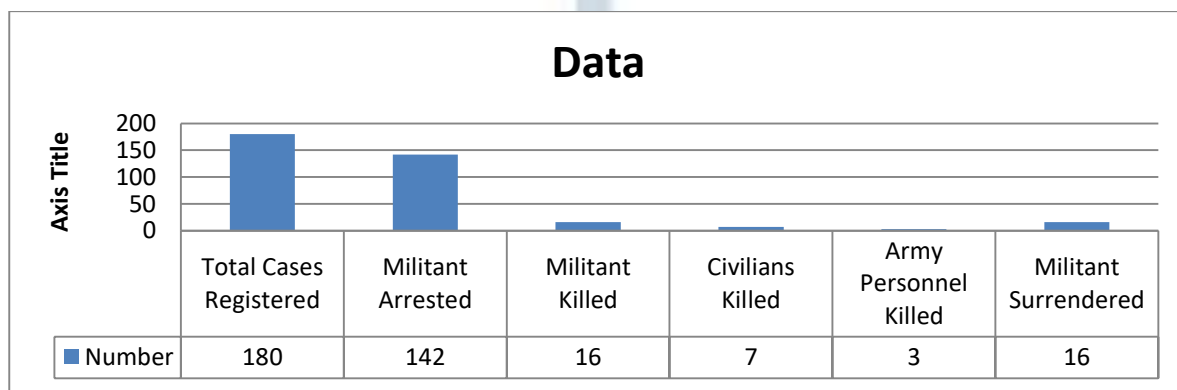
❖ *Whether the enforcement of AFSPA in Changlang District has been instrumental in checking the insurgency movement?*

To evaluate the effectiveness of AFSPA in Changlang District in halting an increase of insurgency, the data was collected from different police stations on the region. The data was collected from 2010 to 2023.

Table of the cases registered under Unlawful Activity prevention Act with effect from 2010 to till date.

Figure 2

***Registered cases under Unlawful Activity prevention Act with effect from 2010 to 2023***



*Source of Data's:* Office of Superintendent of Police, Changlang

There are 180 cases registered relating to insurgency under unlawful Activity prevention Act (UAPA) 1967. Out of the total registered cases only 142 militant have been arrested. So far 16 (sixteen) militants were killed and unfortunately 7 (civilians) lost their lives and 3 (three) army soldiers died.

The comparatively large number of civilian deaths in comparison to militant deaths is a crucial finding from the data, indicating that military operations carried out under the Armed Forces Special Powers Act (AFSPA) may have had a major effect on civilians. The fact that the civilian death toll is nearly half that of the militant casualties suggests that the provision's strengthening of security forces may cause unintentional injury to non-combatants. This figure calls into question the degree to which AFSPA holds military activities in regions with a civilian population accountable and raises questions about how to strike a balance between preserving security and preserving civilian life.

It shows in the table that 16 persons have surrendered before the police belong to different outfits.

Table 1

*List of Insurgent surrendered from 2010 to 2023*

<i>Sl. No</i>	<i>Faction's Name</i>	<i>Number</i>
01	NSCN-R	01
02	NSCN-IM	02
03	NSCN-K	10
04	ENNT	03

*Source of Data's:* Office of Superintendent of Police, Changlang

The official statistics suggesting a decline in insurgency-related violence often fail to reflect the complex reality on the ground. Numerous cases go unreported, where militants, despite having surrendered, are rearrested for illegal activities. For instance, Dhan Bora, a former member of the United Liberation Front of Asom (ULFA), was arrested in Tinsukia, Assam, for illegal possession of firearms despite having surrendered earlier.<sup>21</sup> Similarly, a Kuki rebel leader in Manipur, who had previously entered into a cease-fire agreement with the state, was arrested in October 2023 for drug trafficking.<sup>22</sup>

These examples highlight that despite claims of declining violence, many former insurgents continue to engage in criminal activities to gain power and financial resources. Thus, the apparent reduction in insurgency-related incidents does not fully capture the persisting challenges in the region.

In the survey, majority of 63.9% people agreed that the movement of insurgency have decreased in the villages after the implementation of AFSPA and continue patrolling of the army. However, the insurgent activities are still continues in the region and many youths of

<sup>21</sup> Assam: *Ex-ULFA-I Member Nabbed for Illegal Weapons in Tinsukia*, The Sentinel Assam (May 8, 2024), <https://www.sentinelassam.com/north-east-india-news/assam/assam-ex-ulfa-i-member-nabbed-for-illegal-weapons-in-tinsukia>

<sup>22</sup> *Kuki Rebel Leader Arrested in Manipur for Drug Trafficking*, The Times of India (Oct. 15, 2023), <https://timesofindia.indiatimes.com/india/kuki-rebel-leader-arrested-manipur-drug-trafficking/articleshow/104456789.cms>



the village are reportedly joining the militant outfit. It is a serious concern due to the lack of proper check and balance of the authorities, along with the limited awareness and educational opportunities in the effected region. If AFSPA were as impactful against insurgency as claimed, then the surrendered cases would have been much higher as expected. However, since 2010, there are only 16 insurgents surrendered, which can be assumed that the Act may not be effective in suppressing insurgency. The continue protest against AFSPA in Changlang district is evident that the Act is not the perfect solution to the problem of insurgency.

❖ ***Whether the AFSPA has led to upsurge insurgency in the Changlang District?***

The findings of the survey revealed that the majority of 41% believed that AFSPA creates adversely fuelling the insurgency growth in the region.

Within the mentioned duration, multiple factions of National Socialist Council of Nagaland (NSCN) emerged in the region, showing in diversification of insurgent groups. According to the reports of police, there are currently five active insurgent groups operating in the area with more organised and advanced tactics in response to the effect of AFSPA and continuous presence of armed forces.

Furthermore, the insurgent groups changed and improved their revenue sources, involving in drug trafficking and opium trading. Through the villagers input, their main route is connected to the Myanmar because there is no sealed border between Indian and Myanmar. This strategic shift not only improved their activities but also increased their network throughout the region. Such development on the insurgent activities raised a serious concern about the long-term effectiveness of the Act in countering the insurgency, as it might adversely intensify the security challenges which it aims to eliminate.

❖ ***Whether the AFSPA is detrimental to the people of Changlang District?***

Since 2010, only 16 militant were eliminated, while 7 non-combatants civilians have lost their lives. This ratio to militant to civilian deaths indicates that the provisions of the Act are detrimental towards the civilian, raising a big question about the impact of the Act.

In order to get more clarity in understanding, the researcher has analysed the public opinion, especially focusing on the people mostly affected by insurgency. In the survey, a significant

number of respondents expressed their disagreement with AFSPA. Many interviewees shared their hardship and challenges by citing the incidents where armed forces misused their conferred powers. They faced harassment and abuse under the pretext of military operation. They strongly expressed that, despite the enforcement of AFSPA since 1990, there is negative result in reducing insurgency, whereas the civilian life become increasingly restrictive and fearful due to frequent petrols, military presence and constant interrogations have make daily life disrupted.

In the survey conducted, total 58% of respondents responded that neither feels secure nor insecure due to AFSPA, but they criticised the Indian army for misusing the powers. The psychological impact of living due to the war like situation is profound, with 88% of respondents strongly agreed that the clashes between the armed forces and militants have physically and mentally affected the locals. There are many instances where civilians are often caught in the crossfire, resulting in fatalities. As a result, majority of 93% people expressed a strong desire to repeal the AFSPA from the Changlang districts.

The remaining respondents expressed that at the very least, the provisions of the Act should be revised with more accountability and transparency in the military operations. Citing the concern about the tragic incident of 2021, where 13 civilian were killed by armed forces in Mon district of Nagaland, many locals expressed their concerns that such incidents may occur if reforms are not made. The people need balanced approach which can address the security problem without violating the civilian rights and helpful for the development of socio-political landscape of the region.

With all this data report and interviews it is very much clear that the AFSPA is detrimental to the people of Changlang District.

## **VI. CONCLUSION**

Despite many challenges faced during the research, the paramount objective was to bring out the impact of the Armed Forces (Special Powers) Act (AFSPA) on the daily lives of the disturbed region. The empirical study unequivocally shows that the declaration of a “disturbed area” by the government and subsequent implementation of AFSPA have fuelled the cycle of violence, posing more thread than the insurgency itself.

The aim of this study is to give a comprehensive understanding on the enduring issues that stemming from the AFSPA. The constitutionality debates on the AFSPA remains complex and unresolved. While it can be acknowledged that the powers to the armed forces is required to combat insurgency in disturbed regions, but it does not mean that the soldiers are to be given complete immunity.

To control the misuse of power, it is imperative to implement stricter laws for the armed forces, reviewing the provisions of the AFSPA, and sanction serious penalties for the abuses of power. Additionally, the role of judiciary should be enhancing to ensure justice.

Focusing on the specific context of Changlang district and the provision of the AFSPA, there are several recommendations given below:

1. **Repeal AFSPA:** To end the human rights abuses in Changlang district, the AFSPA should be repealed and the armed forces should be disengaged from controlling the civilian authorities within the region.
2. **Strengthen Border Security:** The porous border between India and Myanmar, there is a free movement regime signed between the countries, needs to enhanced security measures to curb insurgency. This border portion is the centre of various insurgency activities.
3. **Redefine "Disturbed Area":** The definition of a "disturbed area" should be more precise and objective, rather than relying on the subjective assessment of government authorities. The declaration of disturbed area should be made after empirical assessment of the area, involving village Gaon Bura, CBOs, members etc.
4. **Role of Judiciary:** the decision made under the preview of the Act should be judicially reviewable. Where there is law there is remedy and the law without remedy is not a law, therefore, the role of judiciary is very important to ensure justice to victim of this act.
5. **Sense of Security:** if the Act continues to affect in the region and solve the problems ethnic conflicts, the armed forces needs to gain the trust of the public and ensure the safety of the civilians.
6. **Promote Socio-Economic Development:** To address the root causes of insurgency, the government must take steps for the development initiatives in the region. The "Act East Policy" should be encouraged more for boosting infrastructure, education, healthcare,



and other essential services. This will foster a sense of unity and belonging among the people of Northeast India.

By implementing these recommendations, it is possible to mitigate the negative impact of AFSPA and create a more peaceful and just society in Changlang District and the broader Northeast region.

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