Another 9/11, Another Act of Terror
The ‘Embedded Disorder’ of the AFSPA

A. Bimol Akoijam

To most people, the expression ‘9/11’ conjures up the image of two hijacked airplanes colliding with the twin towers of the World Trade Centre in New York. For the President of the United States, the events of this date were coincidental with the launch of a ‘War Against Terror’ to defend ‘Democracy and the American Way of Life’ from suicidal hijackers and terrorists. When thinking of ‘9/11’, we might remind ourselves of the fact that this method of numerical expression of the date September 11, when made bereft of the intervening slash, becomes identical with ‘911’ – the number most Americans dial in times of emergency. This irony has not gone unnoticed.

The discursive practices particular to the post 9/11 ‘globalisation’ of the ‘War Against Terror’ seem to point towards (the United States of) ‘America’ as taking over from ‘Europe’ as the sovereign and theoretical subject of all (future) histories. However, the identification of 11 September with ‘attacks on democracy’ has an ambit wider than the emergencies that visit the US population. The 1973 coup (an organised military attack on the institutions of popular democracy) that brought Augusto Pinochet to power in Chile, took place on 11 September of that year.

In this essay, I intend to narrate a story of another September 11, a story from the margins. It is the story of an ‘attack on democracy’, carried out not by ‘terrorists’ on a
'suicide mission', or through a military coup, but by the state in what is called the world's 'largest democracy', and through an instrument of state terror on a section of its own population.

On the 11 September 1958, the President of India signed his assent to a legislation enacted by the Indian parliament into law. This law was the Armed Forces (Assam and Manipur) Special Powers Act, 1958 (henceforth, AFSPA), which remains in force (in a much more extensive form) today, 47 years later.1

The AFSPA, which began its career in Assam and Manipur, has in the course of the last 47 years also been deployed in Punjab (in the 1980s) and in Jammu and Kashmir (since the early 1990s). However, this essay will dwell on the implications of the act's career in Manipur.

The Act, and Acts

The abstract letter of the law finally translates into the concrete actions that mark, mar, or on occasion, end, the lives of individuals. The Act, in every instance, gives rise to a plethora of 'acts'.

The list of such acts in the North-East is long, but to name a few well-known cases, from the 1980s onwards, they include the massacres of civilians at Heirangoithong (Manipur) in 1984, and at the Regional Institute of Medical Sciences (then Regional Medical College) (Manipur) in 1995, at Malom (Manipur) in 2000; the horror of army torture and violence on civilians during Operation Blue Bird (Manipur) in 1987 and Operation Rhino (Assam) in 1991; indiscriminate firing on civilians by armed forces personnel when a tyre of their own vehicle burst in the town of Kohima (Nagaland) in March 1995; the shelling and destruction of the town of Makokchung (Nagaland) in 1994; the enforced disappearances of Loken and Lokendro (Manipur) in 1980, of C. Paul and C. Danial (Manipur) in 1982, and of L. Bijoykumar (Manipur) in 1996; sexual assault on women at Ujanmaidan (Tripura) in 1988, at Namtiram (Manipur) in 1995, the gang-rape of Mrs. Ahanjaobi Devi in front of her disabled young son (Manipur) in 1996, and the rape of Miss N. Sanjita (who subsequently committed suicide) (Manipur) in 2003.

One such cluster of 'acts' visited itself in July 2004 on Thangiam Manorama, a Manipuri woman, who was killed while in custody after allegedly being raped by the security forces.2

Testifying before the (retired) Justice Upendra Inquiry Commission instituted to probe the circumstances leading to the death of Ms. Manorama, her bereaved mother said that around seven or eight personnel of the Assam Rifles (AR) violently entered their house in the intervening night of July 10 and 11, and one of the personnel, pointing his gun at her, asked about Ms. Manorama. “At that point of time, Manorama came out of her room and the AR men pounced upon her and took her towards the verandah”. She further said that Manorama was dragged outside the house and the personnel severely beat her up, and that she could hear the “muffled voice” of her daughter. After sometime, the personnel brought Ms. Manorama back into the house. At this time, the mother said that Manorama “was clutching her phanek (a sarong-like traditional garment worn by Manipuri women) with her left hand”, and that her “shirt was unbuttoned”. The personnel made out an arrest memo and got Manorama’s mother to put her thumb impression on the memo; Manorama’s
brothers were also made to sign the memo. Before taking her away, the personnel allowed Ms. Manorama to change into a new phanek and a shirt. The mother said that the lifeless body was discovered at Yaipharok Maring village the next morning.

The autopsy on Manorama’s body was conducted at the Regional Institute of Medical Sciences Hospital (RIMS) in Imphal, the state capital, after the Iribung police picked up her body. Testifying before the Upendra Commission, the doctors who conducted the autopsy confirmed the presence of semen on the undergarments of the victim, and more than a half dozen bullet injuries, including on the genitals.

The spokesman of the security forces, while claiming “responsibility” for the “killing of a hardcore PLA cadre”, stated that they had acted on the basis of “specific information” about the presence of PLA cadres at Bamon Kampu area. They went on to state that, on this basis, an “…AR team rushed to the area and apprehended Manorama. During interrogation she disclosed that she possessed an AK-47 rifle and was willing to take the army personnel to recover the weapon. However, on the way, she was gunned down by the AR personnel as she made a bid to escape by jumping down from the army vehicle…One radio set, hand grenade and some incriminating documents were recovered from her possession”.

On the face of it, these accounts seem no different from the familiar stories that emanate from the ‘normal’ world of counter-insurgency operations in the North East.

The bereaved mother’s statement could have been any ‘unofficial’ account, made only to be delegitimised by official spokesmen as ‘baseless allegations’ made by vested parties against the patriotic soldiers of the Indian security forces fighting the ‘enemy within’. The post-hoc statements of the army officials3 would have been the final say on the ‘official’ reality of the situation on how they have eliminated an ‘enemy’.

This time however, there was a ‘Freudian slip’ that revealed the inner reality beneath the normality of hitherto familiar counter-insurgency narratives in the North-East. Havaldar Sureshkumar of the Assam Rifles, who signed the arrest memo, inscribed on the memo that Ms. Manorama was being arrested as a ‘suspect’ and that nothing had been taken from her house or her person.

There is no legal ‘absurdity’ in the killing of Ms. Manorama or of any other ‘suspect’ under the AFSPA. This banal fact will be elaborated upon below. What does ring hollow is the credulity of a narrative that features a group of armed men of the mighty Indian military having necessarily to fire more half-a-dozen bullets in order to subdue a woman dressed in a phanek while she was allegedly trying to escape from them by jumping down from their vehicle, and that too, late at night. Havaldar Sureshkumar’s inscription on the arrest memo says that nothing was recovered from her, meaning, she was un-armed. The post-hoc statement by the spokesman of the security forces, on the other hand, mentions the recovery of a “hand grenade”, a “radio set” and “incriminating documents” from “her possession”.

The death of Manorama opened out issues that became too unpalatable for the brutalised people of Manipur. Indeed, for many, this was the last straw. Venting decades of suppressed rage, a group of prominent women in the community protested by disrobing and staging a ‘Naked Protest’ in front of the Assam Rifles Headquarters in the heart of
Imphal City. They shouted, “Rape us, kill us, take our flesh”, while attempting to break open the gate of the AR headquarters. In immediate response, an indefinite curfew was imposed in Imphal and the surrounding area. There was no let-up in the protests. In spite of the curfew, sit-in protests and mass rallies continued, and continue, in Manipur.

Following a spell of mass agitations, the Union Home Minister finally visited Imphal months after the killing and announced that a review committee would be formed to look into the repeal of the AFSPA. In the meantime, the Manipur Government withdrew the AFSPA from seven assembly constituencies in the Imphal area in August. Six months later, in February 2005, the review committee is still conducting its deliberations. The AFSPA, as of now, remains law.

A Colonial Inheritance

The AFSPA is no ordinary ‘extraordinary law’. It is a re-invention of the Armed Forces Special Powers Ordinance promulgated by the British in 1942 (at the time of World War II) to suppress the nationalist ‘Quit India’ Movement. Unlike any other extraordinary law that has ever been in force in India, it allows for direct military intervention in the ‘internal’ affairs of a state, and gives powers to the personnel of the armed forces to shoot to kill.

In order to understand how such an unthinkable proposition became a legal and practical reality in the North-East requires us to look at the post-1947 history of the region, and more specifically at the ‘Merger of Manipur’. This is necessary because the manner in which the controversial merger of Manipur was effected in 1949 in many ways anticipates the distinctly ‘colonial’ and ‘militaristic’ character of the regime inaugurated by the AFSPA in 1958.

Manipur, a princely state bordering then-Burma, now Myanmar, was the first territory within South Asia to have a democratic legislature elected on the principle of universal adult suffrage. The Manipur Constitution Act came into force in 1947, and the position of the Maharaja (King) of Manipur became that of a constitutional monarch. Following this, the Manipur Legislative Assembly was constituted in 1948 as an organ of self-governing representative democracy.

At the time of the transfer of power in 1947, Manipur, like many other princely states, was party to a ‘stand still’ agreement with the British crown that would defer the delineation of its precise constitutional status vis-à-vis the two major states (India and Pakistan) that were due to emerge as successor states with the demise of the British Indian empire.

From August 1947 till September 1949, the state of Manipur functioned as a virtually autonomous entity, governed in its external relations by the provisions of the ‘stand still’ agreement. Following the decision by the Government of India to ‘take over’ Manipur, based on strategic considerations, the newly-independent Dominion of India effected the Manipur Merger Agreement with the Maharaja of Manipur on 21 September 1949. This was done by
placing him under effective house arrest and military custody in neighbouring Shillong, a city in what was then 'undivided' Assam, a province of the Indian dominion. The Merger 'Agreement' did not have the sanction of the Manipur Legislative Assembly, the constitutional sovereign in Manipur at the time, and the only political body at that time in all of South Asia to be based on universal adult suffrage. In other words, the Merger Agreement effectively ignored the democratic will of the Manipuri people as expressed in the Legislative Assembly.

Subsequently, a battalion of the Indian army was sent to Manipur. The battalion arrived in Imphal, the capital of Manipur on 12 October 1949; the Manipur Legislative Assembly was unceremoniously dissolved on 15 October 1949. Thus began 23 long years of direct bureaucratic rule of Manipur by New Delhi. A state with its own written constitution and a democratically constituted Legislative Assembly was transformed into a fiefdom of New Delhi. It was fated to remain so, governed by Chief Commissioners and Lieutenant Governors who were not accountable to the people of Manipur for almost a quarter of a century. The term ‘postcolonial’, when applied to the post-1949 experience of Manipur, is nothing less than an oxymoron.

While there are other instances of ‘Merger Agreements’ being signed in situations of stress and duress (Jammu and Kashmir) as well as of military intervention (the ‘police action’ that ended the Nizam’s rule in Hyderabad in 1948), what makes the Manipur situation unique is the steamrolling of democratic institutions that the merger represents. The irony of a state (India) which at that time aspired to be a democratic republic, but was not one yet, effectively undermining the foundations of an existing democratic state through a basically military manoeuvre, makes the case of Manipur quite exceptional.

That all this was justified not by reference to the ‘will of the people’ of the territories concerned (as was the case with Hyderabad), or by a response to internal aggression (as is said to be the case with Jammu and Kashmir), but by invoking ‘strategic necessity’ is all the more revealing. The reason cited for the decision to ‘take over’: Manipur is a ‘border state’ and ‘backward’; therefore its takeover is a ‘strategic necessity’. These were the expressions used by V.P. Menon (then Home Minister Sardar Vallabhai Patel’s able bureaucratic lieutenant, who has been described as the ‘Arch Maneouverer’ of ‘Integration’) when referring to the merger of Manipur with the Indian Dominion. The fact that he uses the expression ‘takeover’ to mean ‘integration’ speaks for itself.4

A ‘border state’ that is also ‘backward’ needs to be ‘taken over’ because it is a ‘strategic necessity’. A ‘backward’ people need not be consulted about whether they would actually like to be ‘taken over’. A battalion marches in, and a population is told by the armed forces of a state that is still trying to get its own constitution together, that the constitutions that ‘backward’ people give to themselves, or the democratic institutions that they evolve in the course of their history, are of no consequence. What is of consequence is the ‘strategic necessity’ of the emerging Indian state, trying to live up to the imperatives of its Imperial inheritance.

The preponderance of the dual logic of ‘backward’(ness) and ‘strategic thinking’ that was instrumental in effecting the Merger of Manipur continues to influence the ‘carrot-and-stick’ approach that defines India’s policy, not only towards Manipur, but towards the entire
north-eastern region today. ‘Backward’ people need to be propped up with subsidies, not left free to govern themselves; and a ‘strategic necessity’ needs to be maintained by military force. The evolution of democratic institutions can be arrested, or held in abeyance, or paid ritual obeisance to; but at all times, real power must be exercised not by the people of the region through free and fair processes, but by Indian state through the continued and uninterrupted presence of its armed and military forces.

This is the realisation of a perspective that envisions Manipur, and the North-East in general, at best as ‘something that one does not really have to think about’. Hence its virtual absence in the standard histories of ‘Modern’, ‘Medieval’ or ‘Ancient’ India, except when some sites find mention as footnotes to the history of the Indian National Army in World War II. Or more generally, as a hostile and an alien space, inhabited by ‘backward’ people and ‘tribes’, who can ‘integrate’ with the national mainstream either under gunpoint, or by dancing their way through to citizenship on colourful ‘folk dance’ floats in the Republic Day parade in New Delhi each year.

As early as 7 November 1950, five years before the first spark of armed rebellion had been lit in the Naga-inhabited hill regions of Assam, Home Minister Sardar Patel, the ‘Iron Man’ of India, wrote an exceptionally revealing letter to Prime Minister Jawaharlal Nehru. In this letter he refers to the people of the entire North East in the following words:

“The people inhabiting these portions have no established loyalty or devotion to India…Even the Darjeeling and Kalimpong areas are not free from pro-Mongoloid prejudices”.

When reading the exact quote, we would do well to remember that in the sweep of the statement about the ‘people’ of the North-East, Patel would either have included Indian nationalists from Assam such as Gopinath Bordoloi and members and supporters of the Manipur State Congress (thus rendering them insincere in their patriotism), or would have completely neglected to mention them, ascribing no real consequence to their patriotic feeling for India. In either case, the race-inflected character of such a comment is symptomatic of Indian nationalism’s myopia about the North-East, and of a wholesale and uncritical appropriation of the ‘Orientalist’ lens of European colonialism and its view of the peoples of Asia. It is this Orientalist consciousness that allows the narrative of a revolt in a small corner of the region, started in 1955 in the Tuensang and the Naga Hills, to inhabit the imaginary space of the entire North-East. It is also the same Orientalist consciousness that produces the envisioning of the North-East as an alien space, a necessary condition for the AFSPA to become a statutory reality.

The AFSPA: Disguised War

The AFSPA is presented as an instrument “in aid of civil power” (Section 3 of the Act) to “suppress” “armed revolt” or “armed insurgency” in the North-East. It was supposed to be a “temporary measure”. But the actual operation of the act for over four decades has shown that all stated claims are false.

The Act, which today covers the entire North-East, was enacted in 1958 ostensibly to deal with the “armed revolt” of the Nagas that erupted in 1955. The Naga uprising itself may also be seen as a response to the failure of the Indian state to foster any institutions
that could speak to the democratic aspirations of the diverse indigenous communities of the North-East. Another decade of similar autocratic rule led to the emergence of armed insurgencies in Manipur and Mizoram in the 1960s. A variety of factors led to insurgencies breaking out in the 1980s in Assam and Tripura as well, which continue till today. The entire state of Manipur was brought into the ambit of the act in 1980. Thus, the uninterrupted military presence in the region, inaugurated by the AFSPA, has in no way brought peace to the area. On the contrary, it can be seen as the instrument of a self-fulfilling prophecy. Indeed it is questionable as to whether the AFSPA is a response to, or the progenitor of, the insurgent in the North-East.

Behind the enactment of the AFSPA lies the ‘original sin’ of the first military intrusion into the region: the controversial merger of Manipur. Every subsequent action of the state can only be seen as shoring up the defence of what is essentially an offensive operation. In effect, and on the ground, what it amounts to is the unleashing of a ‘disguised war’ on the local population.

The military character of the Act is reflected in more ways than one. To begin with, the AFSPA allows the “use of armed forces” defined as “military forces, the air forces operating as land forces” and “any other armed forces” of ‘the Union’ (Section 3) in within the nation, in domestic space. Section 2 (c) of the Act also clearly shows the close affinity between the AFSPA and those laws governing the military, such as the Army Act (1950). It reads, “…all other words and expressions used herein but not defined in the Air Force Act, 1950, or the Army Act 1950, shall have the meaning respectively assigned to them in those Acts”.

For the AFSPA to come into force, all that is required is that a territory (a state of the Indian Union, a centrally administered territory, or any part thereof) be described as ‘disturbed’. Subsequent amendments to the act have expanded the scope of the AFSPA to its application in any location, anywhere in India. This has led to its being invoked in Punjab in the 1980s, and in Kashmir, where it has been in operation from the early 1990s till today.

Under the AFSPA, once an area is declared as “disturbed”, the personnel of the armed forces simultaneously acquire powers to use “force as may be necessary”, based on their “opinion” and “suspicion”, to effect “arrest without warrant” or “fire upon or otherwise use force, even to causing death” (Section 4).

The nature of these powers conferred upon the armed forces is quite in tune with the military paradigm and the business of war. For instance, unlike the assumption of innocence of an ‘accused’ or ‘suspect’ (until he or she is proved guilty) in normal criminal law, a significant measure that protects a citizen, the hostile intention of the inhabitants of the space that is rendered ‘disturbed’ by the simple fact of the declaration of the AFSPA is taken for granted by the military personnel. Thus, the ‘opinion’ and ‘suspicion’ of the commanding officer of a military formation (commissioned, junior commissioned or non-commissioned officer in the military) serves as the basis for exercising the powers to “fire upon or otherwise use force”, which he thinks is ‘necessary’. These powers can also be exercised for acts that “likely to be made” or even “about to (be) committed” (Section 4).

There is a crucial difference between all other laws and the AFSPA. In all other laws, including the various preventive detention and anti-terrorist legislations that have come and gone or stayed in the course of Indian judicial history (National Security Act, Terrorist and
Disturbed Areas Act, Prevention of Terrorism Act, Maharashtra Control of Organised Crime Act, etc.), the forces of law and order can (or could) at the most detain without trial, for varying lengths of time. However, the AFSPA gives the armed forces personnel an additional and crucial item of power: to shoot to kill, or to destroy property, on the basis of a mere suspicion. Here, there is not even the necessity of the elaborate staging and retrospective narrative devices associated with the production of an ‘encounter’ (an average extra-judicial killing indulged in by the police or paramilitary forces in the course of its business in the field). The AFSPA empowers the armed forces to do away with the legal fiction of the ‘encounter’ and to act as judge, prosecutor and executioner all at once, and often in the course of an instant.

This is why the ‘bare act’ of the AFSPA, unencumbered by numerous qualifications, elaborate procedures and conditions, does not exceed more than six sections, and is contained in a single page in print form. That is also why attacks by ‘insurgents’ are ‘retaliated’ with indiscriminate firing and killing of civilians, including women and children, by the security forces. These non-combatant casualties can then be seen as instances of ‘collateral damage’. Therefore, the numerous cases of massacre in the so-called ‘crossfire’ or ‘excesses’ of the army are not examples of the ‘abuse’ of but the ‘use’ of the AFSPA. To see these as ‘abuses’ or ‘excesses’ is to obfuscate the fact that, theoretically and practically, the AFSPA amounts to a disguised declaration of war.

This declaration, which amounts to the initiation of a ‘disguised war’, allows for a direct intervention of the military within what is ‘domestic space’. However, the military is in a sense freer than it would be if it were actually in alien territory. The Geneva Conventions of 1949, to which India is a signatory, specify the limits of military action in the event of war. Section 4 of the Convention clearly prohibits the military from taking the life of civilians, non-combatants or even of combatants who have laid down arms. It furnishes detailed guidelines for detention of non-combatants; it goes on to prohibit collective punishments, and damage to property, explicitly forbids the military forces from interfering with the work of medical and religious personnel, and details the ways in which military forces are to deal with women and children, including a stringent prohibition on rape or any conduct detrimental to the dignity of women and children.

While these conditions pertain to ‘international conflict’, the Indian armed forces are governed by them through instruments known as ‘Articles of War’. There is, however, no legal instrument that compels the armed forces to act accordingly in situations of what might be described as ‘internal conflict’. The Additional Second Protocol of the Geneva Conventions, enacted in 1977, actually brings what are known as ‘non-international conflicts’ within its ambit. Interestingly, India is not a signatory to this protocol. Thus, while the AFSPA amount to a de facto declaration of war, yet it allows the armed forces to act as if they were, de jure, not in a war situation. To all intents and purposes the armed forces act as if they are at war, but at the same time they are not bound by the international laws that govern the conduct of war. Nothing, thus, requires them to restrain their actions as they go about securing the North-East for India. Nothing can stay their hand, because they act in the name of the ‘citizens’ they kill.
Acts committed under the ambit of this tacit declaration of war cannot be challenged by those who bear the brunt of the AFSPA. This becomes clear when we read in Section 6:

“No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government in respect of anything done or purported to be done in exercise of the powers conferred by this Act”.

Sadly, neither members of the Indian Parliament, when they voted on the Armed Forces (Assam and Manipur) Special Powers Bill in 1958; and again in 1972 (when an amendment was brought in to make the AFSPA more stringent, and when the power to promulgate AFSPA was vested in the central government), nor the President of India (when he signed it into law), or even the Supreme Court (when it upheld the ‘constitutionality’ of the Act in 1997) considered even for a moment that Section 6, apart from granting impunity to the members of the armed forces in the ‘disturbed areas’, also constitutes an effective challenge to the principle of the separation of powers that are vital to the checks and balances inherent in any functioning democracy, or of federalism.

What Section 6 does is to elevate the military arm of the executive above judicial and legislative scrutiny in a way that gives complete carte blanche to the State vis-à-vis a population that can have no legal protection, recourse or relief against the armed forces. It makes it impossible even for the regional government to initiate any action against anything done under AFSPA, and reduces it to nothing other than ‘proconsul’ of the tyranny of indirect central rule. Not only does Section 6 of the AFSPA subvert the principles of judicial remedy and independence, it also echoes the convenient legal fiction of the ‘extraterritoriality’ principle that Imperial powers invoke when they seek to protect their soldiers fighting wars on their behalf in distant lands.

In effect, it brings to bear one legal regime for people in the states and territories affected by the AFSPA, and another for the rest of India. The consequent legal inequalities that obtain between a ‘citizen’ of India who happens to live in Manipur and a ‘citizen’ of India who happens to live in, say, New Delhi, amount to a chasm so wide as to render the concepts of ‘Indian citizenship’ or ‘equality before the law’ devoid of any substance.

In fact, by legitimising the use of military force in the internal affairs of the state beyond what is already provided in the Criminal Procedure Code and the provisions of emergency in the constitution, AFSPA seeks to supplant rather than supplement civil authority with military authority in the administration of everyday life. There is no question that if exigency demands, the State, under the Indian constitution, can always promulgate an ordinance to use its military might to deal with that exigency. But to convert such an ordinance into a regular law that stays in place for almost half a century is to entrench a military structure and ethos in the polity and structure of the state. It sets into motion the process of reproduction and appropriation of the military structure and ethos by other instruments of the State (the paramilitary and police) as well as civil society itself. Ultimately, it leads to a complete subversion of the basic foundation of society and polity. It blurs the necessary distinctions between the police and the military, between the civilian and the combatant, and between ‘domestic’ and ‘alien’ space. This is what has happened in Manipur.
The Reproduction of Militarism

Historically speaking, the Indian army had already moved into the Naga Hills in March 1956, two-and-a-half years before the AFSPA was enacted, and has been conducting its operations since then. Indeed, the AFSPA, rather than being a response to the “armed revolt” in the North East, is in actual fact a reified expression of the militarism that characterises the policy of the Indian government towards the region from the foundational years of the Republic of India. This militarism exists despite and in spite of insurgency, be it of the Nagas, the Mizos, the Manipuris or the Assamese.

The deployment and operation of the “armed forces” under the AFSPA not only subverts and seeks to replace the power of the civil authority and the judiciary but it also tries to re-enact the roles of other institutions as well. Alongside violent operations, the “armed forces” also swing to the other end of behaviour by adopting a policy (such as was reflected in “Operation Samaritan”) of constructing bridges, schools, playgrounds, etc., and providing medical help to civilians. These ‘Samaritan’ activities invite uncomfortable questions as to why the military undertakes to do what other institutions of the state, such as the departments of public works, health, education, youth and sports, etc., should be doing. If the State has a real intention of providing these services to the people, different civilian departments and institutions should have legitimately carried out these activities. In a critical sense, under the AFSPA, the judiciary has already been made redundant and policing has been equated with ‘war’. What we have in the North-East is in reality a military State that masquerades under token institutions of civilian power.

The tragedies that the people in the North-East have suffered do not originate as much in their ‘suspect loyalties’ or even in the deeds of ‘foreign hands’ as they do in the mechanisms that give rise to this obfuscation. The violence that affects the North-East emerges from a paranoiac suspicion of the North-Eastern ‘other’, a tragic hangover of colonialist attitudes that resides deep within the heart of Indian nationalism.

In other words, the bipolarity marked by an alternate swing between an aggressive and a patronising posture is an outcome of an internally, rather than externally, located threat to the ‘Indian nationalist’ self. All that the Indian state tries to seek is a sense of national security through militarism to assuage its inherent sense of insecurity born out of the ‘absence’ of the North-East in the “national imagination” of the Indian state. The ‘mongoloid’ peoples of the North-East figure nowhere in the nation’s myth of itself, yet retaining them as citizens is vital to the nation state’s sense of security.9

This madness continues to subvert the basic foundation of a civilised democratic order in the North-East and, in a way, also critically threatens the very future of the societies of that region. The AFSPA is only a symptom of a violently embedded disorder.

The ‘repressed’ of the North-East can only ‘return’, to use a psychoanalytical metaphor, through the staging of a schism writ upon the body of the North-Eastern person. The state claims the Manipuri, or Naga, or Mizo, or Khasi, or Garo, or Kuki, or Bodo, or Assamese or any of the indigenous peoples of the region, as citizens, and simultaneously wages war upon them as insurgents. The Indian military, armed with the AFSPA, kills the Manipuri in order to save him or her as a citizen of India. Death and redemption simultaneously mark the same ‘encounter’ that the state stages in the North-East. The AFSPA is the script that
details the acts that the ‘encounter’ rehearses, time and again.

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NOTES


6. All quotations of sections of the AFSPA are taken from the Bare Act of the Armed Forces Special Powers (Manipur and Assam) Act, 1958.

7. For a full text of the Geneva Conventions (1949), [Convention IV: Relative Protection of Civilian Persons in Time of War, Geneva, 12 August 1949] and a list of parties and signatories to the convention, see http://www.icrc.org/ihl.nsf/WebCONVFULL?OpenView

8. For a full text of the II Protocol to the Geneva Conventions (1977) [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977]; and a list of parties and signatories to the Convention, see http://www.icrc.org/ihl.nsf/WebCONVFULL?OpenView