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TOWARDS A MODERATION APPROACH: REVISITING THE INDIAN APPROACH TO CONFLICT RESOLUTION IN THE NORTH EAST

Lalnundika Hnamte

The Northeast of India has often been termed as a periphery due to its relative underdevelopment and geographical isolation from the Indian mainland. India's post-independent nation-building have witnessed several regional demands for development and autonomy in the Northeast, most of which have been expressed through Gandhian methods of non-violent resistance but have often ended with violence. The first part of the paper will, therefore, argue how Gandhian methods have been employed merely as a political tool without commitment to Gandhian principles. The second part of the paper deals with assessment of the responses of the Indian State for conflict resolution through its various devices of peacemaking, peacekeeping and peacebuilding. Lastly, the paper proposes the moderation approach to conflict resolution and identify what tools may be used by drawing lessons from the experiences of the Northeast.

Key Words: Northeast, Conflict Resolution, Moderation, Peace

Global Rise of Incredible India vis-à-vis Peace and Development

Peace and development are causally related to one another. We cannot think of peace without development or *vice versa*. Though India, being one of the largest democracies in the world, emerges as a major player in international affairs, India's ranking both in terms of peace and development have not been very convincing.

Global Peace Index (GPI) by Institute for Economics & Peace (IEP) ranked India at 135th in 2021 while most of its neighbours were ranked as more peaceful with Bhutan ranked 22nd, Nepal 85th, Bangladesh 91st, Sri Lanka 95th, China 100th, Myanmar 131st while Pakistan 150th and Afghanistan 163rd were ranked lower than India.¹ The indicators of peace include: number and duration of internal conflicts, number of deaths from both internal and external organized conflicts, relations with neighboring countries, political stability, number of refugees and internally displaced persons, violent demonstrations, terrorism impact, military expenditure etc.²

Development is a very broad concept that entails not only economic but also social, political and sustainable development. Though there are several indicators such as HDI, GDP and others for measuring development, the United Nations General

Assembly in 2011 adopted a resolution indicating 'happiness' as a holistic definition of development.³ The World Happiness Report 2022 ranked India at 136th with China 72nd, Nepal 84th, Bangladesh 94th, Pakistan 121st, Myanmar 126th, Sri Lanka 127th with only Afghanistan lowest with 146th lower than India.⁴ The predictors of happiness include: GDP per capita, life expectancy at birth, social support, freedom to make life choices, corruption etc.⁵

To make the global rise of incredible India holistic, its conditions of peace and development must improve. The following sections discuss India's challenges to peace and conflict resolution, and how they may be transformed.

Failed Gandhian Movements and the Northeast

A brief look at the current events of Northeast India over a week tells one that conflicts are endemic in the region. With the emergence of centrifugal forces with the demand for protection of identities, autonomy and even sovereign homelands, the integration of the States in the North Eastern Region has been one of the most complex challenges in India's post-independent nation-building project. The process of disintegration from the state of Assam, which once accommodates almost the whole of present Northeast, took place one by one with the rise of ethno-national movements fueled by economic deprivation, alienation and

sometimes ideology. In Northeast India alone, as per the Annual Report 2019-20 of the Ministry of Home Affairs, there are as much as 17 extremist/insurgent organizations declared as 'unlawful associations' and/or 'terrorist organizations' under the Unlawful Activities (Prevention) Act, 1967.⁶ South Asian Terrorism Portal (SATP) accounts 15 proscribed extremist/terrorist groups, 40+ active groups, 60+ inactive groups, and 18 in-talks groups.⁷

It may be argued that India takes pride in its non-violent national struggle for independence and that the Gandhian principles laid the foundation for practically all social and political movements in post-independent India. However, most of the conflicts in post-independent India that started with Gandhian methods of non-violent resistance and peaceful protests often ended in violent conflicts. To cite few examples, the Naga national movement for independence of Nagaland soon after India's independence, the Mizo national movement (1966-1986) for the independence of Mizoram, the Assam Agitation (1979-1985) against the problem of foreigners in Assam, all emerged as non-violent movements but ended in violence. To justify this, the Mizo National Front (MNF)'s memorandum to the Prime Minister of India in 1965 declared that despite the Mizos being known as headhunters and a martial race, they "commit themselves to a policy of non-violence and have no intention of employing any other means to achieve their political demand."⁸ The All Assam Students' Union (AASU)'s memorandum described the character of the Assam Movement as following the principles of "non-violence, democracy and secularism."⁹ Fernandes and Borgohain argued that most movements in the Northeast that began with peaceful demands turned violent when "the State did not pay attention to them."¹⁰

Arun Gandhi, Gandhian socio-political activist and fifth grandson of the Mahatma stressed, "People have adopted non-violence without actually understanding its meaning by adopting it as a tool of conflict resolution and that does not help... Non-violence is a way of life."¹¹ Gandhi adopted *satyagraha* and *ahimsa* during the Indian independence movement and earlier in South Africa. *Satyagraha* means "relentless search for truth and a determination to reach truth."¹² As a resistance against evil, *Satyagraha* implies insistence on truth so as to bring about political and social reform in a non-

violent manner by changing the attitude and actions of the evil doer rather than by physically defeating him. Gandhi maintained, "The *Satyagrahis* object is to convert, not to coerce, the wrong doer."¹³ He said, "The essence of non-violence technique is that it seeks to liquidate antagonisms but not antagonists themselves."¹⁴ The Gandhian approach proposes *satyagraha* as a way of life and not merely as a tool of conflict resolution. This means living the life of truth, non-violence, justice, *swadeshi* or self-reliant local economy.

India's Conflict Resolution Methods

The Ministry of Home Affairs is the nodal ministry of the Government of India that is responsible for the maintenance of internal security and centre-state relations whereas foreign relation is shouldered by the Ministry of External Affairs. The division of powers between the Union and the States under the Seventh Schedule of the Constitution of India *inter alia* listed defence, armed forces, preventive detention, war and peace under the List I- Union List while public order, police, prisons, *inter alia* are put under List II- State List. List III- Concurrent List which is shared between the Union and the States also contains preventive detention regarding security of a State, criminal law and criminal procedure. The Emergency Provisions in Part XVIII (Articles 352-260) of the Constitution of India contains provisions for the declaration of three types of emergencies by the President of India namely National Emergency (Article 352), Emergency in case of failure of constitutional machinery in States (Article 356) and Financial Emergency (Article 360). During the Emergency period of 1971-1977, the Maintenance of Internal Security Act (MISA), 1971 which provided for preventive detention of individuals, search and seizure without warrant was passed. The controversial act was scrapped after the Emergency.

Despite extensive division of powers between the Union and the States, and the power of the latter over public order and police, Article 355 of the Constitution of India empowers the Union Government to protect the States against external aggression and internal rebellion. For diminution of violent conflicts in Northeast India, the Government has adopted several strategies which may also be categorized on the basis of Galtung's triangular model of conflict resolution- peacemaking, peacekeeping and peacebuilding. The

Government's openness to meet and discuss legitimate grievances of the people and the resolve not to tolerate violence falls under peacemaking strategies. They involve dialogues, talks and negotiations resulting in agreement through compromise. The Assam Accord of 1985 and the Mizoram Accord of 1986 are suitable examples. The Government's efforts for accelerated infrastructural development, stress on employment, good governance and decentralization, building friendly-relations with neighbouring countries, may fall under the peacebuilding initiatives. Peacebuilding focuses on social, economic and political development creating favourable conditions for peace. Establishment of North East Council in 1971, Ministry of DONER in 2001, special provisions such as autonomous governments in the constitution etc. are examples. Peacekeeping strategies include the Central Government's assistance to the State Governments in combating militancy through deployment of units of central police forces and army, it implements schemes of reimbursement of security-related expenditure to the States seriously affected by insurgency and modernization of state police forces. There are legal frameworks such as the Unlawful Activities (Prevention) Act, 1967 and the Armed Forces (Special Powers) Act, 1958.

Of India's conflict resolution methods, the enforcement of AFSPA has been the most controversial inviting criticisms and resistances from different corners. Several human rights groups have questioned the validity of the law from a human rights or a constitutional perspective. At times, the AFSPA invites a ricochet of violent conflicts rather than ending them. As per the provision of AFSPA, an area may be declared as "disturbed area" and deploy armed forces in conflict area to restore normalcy. Section 4 of the said act gives special powers to army officers in disturbed area to shoot (to the extent of killing) any individual who violates law/or is suspected to violate law including assembly of five or more people, carrying of weapons etc. The only pre-condition is that the officer has to give a warning before opening fire. It also involves arrest without a warrant, searches without consent and preventive detention.

Iron Sharmila, popularly known as Iron Lady of Manipur, undertook a famous 16 year-long hunger strike for the repeal of AFSPA. The Justice Jeevan Reddy Commission reported, "The Act is a symbol of hate, oppression, and instrument of high-

handedness".¹⁵ Human Rights Watch labeled it a "Tool of state abuse, oppression and discrimination".¹⁶ Christof Heynes, UN Special Rapporteur in 2012 said, "The Armed Forces (Special Powers) Act has become a 'symbol of excessive state power' and 'has no role to play in a democracy'."¹⁷ Recently in January 2022, hundreds of people in Nagaland undertook a 70 km walkathon from Dimapur to Kohima in protest against the killing of 13 civilians in Mon District by the Indian Army on December 4, 2021 while demanding for the repeal of AFSPA.

AFSPA is a tool for preventive detention dating back to the British colonial administration when it was promulgated as ordinances to suppress the Quit India Movement of 1942. After independence, the law was rejuvenated in 1958 as a counter-insurgency measure in the Naga Hills but eventually extended to all seven sister states. Presently, the AFSPA is in effect in the entire states of Assam, Nagaland and Manipur (except Imphal Municipal Area).¹⁸ There is partial imposition of AFSPA in Arunachal Pradesh covering three districts of Tirap, Changlang and Longding, and four police stations in other districts bordering the State of Assam namely Namsai and Mahadevpur in Namsai District, Roing in Lower Dibang Valley and Sunpura in Lohit District.¹⁹ AFSPA is lifted from the entire State of Meghalaya due to improved conditions since April 1, 2018.²⁰ As per the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990, AFSPA is also in force in Jammu and Kashmir since July 6, 1990.²¹ The law have not been extended to Mizoram since the State came into existence in February 20, 1987.

It may be argued that the AFSPA which is more than a 60 years old conflict resolution needs a review given the decline of violent conflicts in the Northeast and assess the feasibility of its repeal.

Towards Moderation

Moderation is not a new concept but has been central in political science from the ancient Greek philosophers to the modern political thinkers. It may be defined as a condition where radical interests or extremities are negotiated and compromised. It is also a process where conflicting sides attune themselves to live in harmony. Aristotle's Doctrine of Golden Mean, the Social Contract Theories of Hobbes, Locke and Rousseau; and even the Dialectical Method of Hegel and Marx all point to a synthesised outcome resulting

out of the interaction between opposites though Marx's dialectical materialism deviates from the other theories as it proposed a class struggle which may involve violence. Michael S. Lund, former Director of Jennings Randolph Fellowship at the United States Institute of Peace wrote, "Peaceful outcomes are more likely when the leaders of the parties to the dispute are moderate in their words, actions and policies, making conciliatory gestures, and seek bilateral or multilateral negotiations and bargaining to resolve the issue in dispute."²²

The Government of India has signed several peace accords or Memorandum of Settlements (MOS) in its post-independent state-building and integrationist project. Peace accords, even though they entail moderation of extremities, do not provide endpoints to violent conflicts but are rather starting points to peace and therefore should not be considered as an end in itself. This section argues that peace has become relatively sustainable for Mizoram due to the process of moderation after moderation, which means that recurrence of violent conflicts are prevented by deradicalization of extremism or by addressing the roots of conflicts.

Taking the cases of the the Assam Accord of 1985 and the Mizoram Accord as examples, the former has not been able to sustain peace while the latter has become the most peaceful state in the region. The agitators in the Assam Movement of 1979-1985 greatly compromised their original stance for determination of foreigners from the National Register of Citizens of 1951 to March 24, 1971 as the cut-off year while the original stance of Prime Minister Indira Gandhi remained undeterred. However, the Government of India *inter alia* agreed to provide certain constitutional, administrative and legislative safeguards for the Assamese and provide provisions for economic development of Assam. As to why the Assam Accord of 1985 has not been able to sustain peace in the State Clauses 5 and 6 which are considered as the heart and soul of the peace accord have not been implemented in letter and spirit by successive governments both at the Centre and the State during the 35 years of the post-accord period. Clause 5 which provides for the detection, deletion from electoral rolls and deportation of foreigners was greatly hampered by the Illegal Migrants (Determination of Tribunals) Act of 1983 for 20 years until it was struck down as unconstitutional by the Supreme

Court in 2005. The update of the NRC that followed was completed only in 2019 and identified 19,06,657 foreigners.²³ This indicates that the process of illegal migration into Assam continued at a large scale even after the signing of the Assam Accord in 1985. As for the deportation of foreigners, the matter has not been taken up by the Government of India with the Government of Bangladesh. Instead, the Citizenship Amendment Act (CAA), 2019 provides for granting citizenship to foreigners which the AASU and other organizations in the Northeast vehemently opposed. While the NRC update of 2019 based the cut-off-date to March 24, 1971 which is in the spirit of the Assam Accord, the CAA of 2019 reduces the naturalization process for foreigners to just five years. The AASU resolved to fight the CAA until it is scrapped. Clause 6 which provides for constitutional, administrative and legislative safeguards for Assamese too has not been implemented despite establishment of committee after committee to implement this clause. The question of "Assamese" or who the Assamese constitute has not been resolved till today. The Report of the Committee for Implementation of Clause 6 of the Assam Accord submitted in February 10, 2020 after one year did not even reach the Ministry of Home Affairs, Government of India as the recommendations of the high committee are under the examination of the State Government.²⁴ The case of Assam shows that social and political developments have worked against the implementation of the Assam Accord in letter in spirit which repeatedly harm the interests of one of the major stakeholders, the AASU.

In the case of Mizoram, the Mizo National Front (MNF) dropped its original demand for independence from the Indian Union and agreed to settle for separate State of Mizoram under the framework of the Constitution. The Government of India, on the other hand, provided special provisions to the new State of Mizoram which was incorporated into Article 371G by the Constitution (Fifty-third Amendment) Act, 1986. The heart and soul of the Mizoram Accord of 1986 lie in Paragraphs 3 and 4. The former dealing with restoration of normalcy, the Peace Accord MNF Returnees' Association (PAMRA) lamented that they have done their part in coming overground and submitting their arms while the Government have been apathetic towards their resettlement and rehabilitation. The latter which provides for legal administrative and other steps guarantees special provision for Mizoram with respect to religious practices, Mizo customary

law or procedure, administration of civil and criminal justice involving Mizo customary law, ownership and transfer of land and gives constitutional safeguard by inserting Article 371G through the Constitution (Fifty Third Amendment) Act, 1986. Over the years, there have been several protests over the violation or non-implementation of the Mizo Accord but these issues rather than escalating into violent conflicts have always been moderated and that makes the difference.²⁵

This paper argues that the presence of a moderating agency in the form of civil society organization makes peace durable in Mizoram. The churches in Mizoram from the beginning of the disturbance intervened as a third-party mediator between the MNF and the Government of India by starting the Peace Mission and later the Christian Peace Committee. The Zoram Kohhran Hruaitute Committee (ZKHC), a committee of church leaders representing different denominations also took a lead role in the final stages of negotiations. Its role as a third-party mediator during the disturbed period, along with its teachings and messages to the people, has inculcated a political culture of peace. Political leaders and academicians have acknowledged the role of the church in this regard.²⁶ The Mizo Accord, 1986 is not a model accord given its several shortcomings and non-implementation. It is rather the mandate of the different sections of Mizo society who, prior to the signing of the Mizo Accord, resolved to accept any kind of peace agreement to bring an end to the Mizo disturbance. In the post-accord period too, with nearly 90 per cent of the population belonging to Christianity, the churches continue to assume a hegemonic role in the social and political life of the State. Religious conglomerations such as the Mizoram Kohhran Hruaitute Committee (MKHC) and the Mizoram People's Forum (MPF) are today civil society organizations in Mizoram that firmly stood for peace and good governance. It however maintains the separation of religion and politics by distancing itself from party politics. Despite the participation of some church elders and retired pastors in active politics, no denominational churches in Mizoram put up candidates nor endorse any political party during elections. As far as politics is concerned, the main concern of the church in Mizoram is on good governance and peaceful conduct of elections by issuing model code of conduct for elections, election vigilance, organising mass or state-wide prayers,

directives to government and so on.

Conclusion

Peace explained in terms of moderation stresses on the process of limiting extremities – of interests, means and ends. It is a state or a condition where conflicting sides attune to live in harmony. For moderation to take place, parties in conflict must have willingness for peaceful resolution. Moderation is possible only when both parties respect each others' existence and is not possible in a zero sum game where parties try to destroy one another. Moderation is also in consonance with Gandhian principles.

The Indian method of conflict resolution needs a relook. Peacemaking, particularly the signing of memorandum of understanding, takes place through moderation. Moderation is direct and conflicting sides acknowledge their gains and losses. However, peacemaking is not an end in itself but only a means creating frameworks for sustainable peace. As discussed in the case of Mizoram, the presence of moderators in the society, particularly the church, by influencing and shaping the political culture of the people have been instrumental in sustaining peace in the region. Peacebuilding indirectly results in moderation. Development creates an environment of peace by creating a sense of trust towards the government. It also alienates people from insurgents or other centrifugal forces. Peacekeeping through the deployment of armed forces may act as a moderator but with coercion and fear. Peacekeeping tactics cannot be shun altogether as they are necessary from a security point of view because of the existence of extremists or terrorists who are not willing to compromise or follow a path of mutual existence. However, draconian laws such as AFSPA may suppress conflict for a time being but it will increase alienation of people from the government and create a sense of mistrust against the government.

Peace has often been perceived as a condition of tranquility and serenity in the absence of conflict, isolate from opposition. But such a negative connotation of peace would be impractical and even misleading. Our understanding of peace in fact determines the methods we employ for the resolution of conflicts and the realization of peace. Therefore, the right approach to peace and conflict resolution is the need of the hour. Without peace and harmony in

India's rise in the global stage, Terrible India, rather than Incredible India, may seem more befitting.

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