A New Agenda for Participatory Inclusive Development- An Analysis of the Socio-legal-political aspects and the Socio-economic Consequences in North-East India

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Abstract

The choice between civil liberties and economic security is false. In the longer term, lasting economic security cannot be achieved without the effective realization of an individual's civil and political rights. Focus of this study is, therefore, on northeast region. Objectives are to examine: (1) what are the needs for a participative development, which approach is better to counter insurgency? In this analysis, there are two parts of the debate. In the first phase, there have been two competing approaches to combating insurgency: First is the 'low and order' approach and the second one is the 'development' approach. The question was whether we must combat insurgency with the use of force or through economic development. This paper makes out a case to answer this question. This paper shows that what are the government policies and how those policies resolve conflict problem in Northeast India.
Keywords: Conflict, Constitution, Development, Insurgency.

1. CONFLICTS AND INSURGENCY : A SOCIO – POLITICAL ISSUE

In recent time, finding the means of accommodating mass, meeting the demands of national minorities and fostering the participatory inclusive development in multiethnic states has proven to be problematic, for democratic regimes. India is no exception, India is a home of multiethnic groups. Many time these ethnic, cultural, linguistic, racial and religious groups divided over conception of the good, norms, principles and ethics. This leads to destabilization of peace which in turn delay progress and development of the state. When conflicts inescapable, it is our joint responsibility to manage and accommodate these conflicts. So, in more or less politically terms here the question that has often been arises: can we manage them in liberal and secular democracies? In this paper I shall make out a case to answer this question.

The states, however, are not political units alone. I shall argue that in modern world, state is an important agency and their policies are the most effective way to accommodate differences. The state would certainly continue to be both a site for power and a source of power (as Weberian style). Now a days the universal trend is to "Roll back the state", it is equally imperative to "Bring the state back" and assign an autonomous and efficient role. Properly speaking, the state and its institutions (like- army, bureaucracy, executive, judiciary and the legislature) should be able to maintain its unbiased, autonomous and integrative role if democracy were divided. As we know, Terrorism and insurgency are common form of violence .Indian circumstances and the state of affairs at present are insurgency-invade which serve as a meager peek of structured terror campaign adopted by several terror outfits in search of their demands. India is indicative of what can happen in divergent cases where the patent deficiencies in the

national legal system in democratic governance, equality and respect for human right lead to political and social chaos. Everyday political scandals, civil unrests, social disaffections, communalism, human rights violations, economic disparities, etc. are common in India. This fateful incompetence of governance and low economics development is a significant factor for the corroboration of any autonomous areas sense of seclusion and separate identity. They emanate from interplay of domestic, regional and international factors. These factors are particular in societies fragmented by their obsession with castes, communities, regional and cultural differences. There is, however, no single and perfect answer on how to respond to insurgencies. The stability in India rests on the success and failure of initiatives for the resolution of existing conflicts. It will also depend rather heavily on the exploration of new ideas, ideologies and strategies that provide concrete and effective alternatives to violence as a means to political ends.

Focus of this study is, therefore, on northeast region. Objectives are to examine: (1) what are the needs for a participative development, which approach is better to counter insurgency. In this analysis, there are two parts of the debate on counter- insurgency. In the first phase of the debate, there have been two competing approaches to combating insurgency: First is the 'low and order' approach and the second one is the 'development' approach. The question was whether we must combat insurgency with the use of force or through economic development. The question now is not whether development is a better way to counter insurgency. Rather, it is which kind of development is best suited to end insurgencies.

In the present time, the debate has shifted to approaches of development. Development must be inclusive and participatory. There is also a need to acknowledge and fulfill certain 'negative' obligations of the state as ensuring the non-infringement of the civil and political rights of the populace residing in insurgency-infested areas. The fulfillment of these obligations is fundamental to defeating insurgency. Hence, today, there has emerged a consensus in the ruling class as well as in intellectual circles that insurgency is a consequence of economic deprivation this understanding has been the basis of development- based approaches to counter-insurgency that supplements the law and order approach to counter- insurgency. In doing so, focus on to know- the development model - examine (a) the impact of conflict on development, (b) the correlation between socioeconomic condition and development and (c) the impact of government policy on conflict. Economic development slows down the spread of Maoist and Naxalite movements. However, it cannot deter the emergence of such movements. So, the Correlation does not amount to causation. Correcting historical injustices and years of political subordination requires more than just access to markets and employment guarantees.

During 1980s to 1990s, development paradigm was challenged through advanced scientific and social analysis and increased political activity. The issue was not confined to proper implementation of programmes or distributive justice, but included a crisis of 'development paradigm' itself. The struggles have been issue- based and localized, yet their context and purpose are overarching and interrelated.[1] These movements have facilitated coordinating thinking and programmes, and internal discussions and debates regarding development.[2] The Naxal movement in India is an obtrusive example of the same. Political subjugation is the root cause of Naxalist and Maoist insurgencies. One of the ways political subjugation is achieved is by the taking away peoples means of subsistence or right to livelihood by the dominant group. So, while discussion on

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political approach main emphasis on constitutional- legal frame work to combat insurgency and the impact of government policy on conflict. For 'development approach to counter- insurgency' to succeed, political participation is essential. Communities must be free to choose the kind of development they want. Political control over the process of development and people's role in determining economic policies that will govern their means of subsistence and right to livelihood is the sine que non of a successful approach to counter- insurgencies. Enlightened persons in the government understand the limitations of the development approach as well as the downsides of the law and order approach to counter- insurgency.[3]

2. THE CONFLICTS IN NORTHEAST INDIA

The northeast region of India comprises of eight states – Assam, Nagaland, Manipur, Arunachal Pradesh, Mizoram, Tripura and Sikkim (Sikkim was bracketed under northeast in 2003). Not surprisingly, the region harbors "one of south Asia hottest trouble spots''.[4] The Institute of conflict management, New Delhi, which runs the South Asia terrorism portal, lists 39 active terrorist/insurgency groups in India's North-East, out of which 11 are prescribed 'terrorist groups'. Thus almost every conceivable ethnic group in India's North- East has their own armed groups. This region is poorly connected to the Indian mainland by a small land corridor also known as the chicken's neck, which links the former with the latter and surrounded by many Southeast Asia countries,[5] the 4500km international boundary lines that it shares with such as Bhutan, Myanmar, Bangladesh and China. Ninety-nine percent of the northeast's boundaries is international and only one percent is domestic boundary. This region is home to 213[6] notified scheduled tribes. Mostly belonging to the tribe to barman and

Asiatic ethnic groups, Unfortunately the northeast is territorially so organized that ethnic and cultural specificities were ignored during the process of depiction of state boundaries in the 1950s, giving rise to infuriation. Moreover physical connection between mainland India and northeast India was lacking. Till the early 1990s, thus the large parts of the northeast hill areas never came in touch with the principle of a central administration before. Hence, their commitment to the newly formed Indian state was lacking from the beginning.

The northeast India ethnically, linguistically and culturally is very different from the other states of India. The cultural and ethnic diversities are one of the major problems in this region. So, the conflicts in northeast are of various natures ranging from separatist movements, to inter-community, communal and inter-ethnic conflicts.[7] The Naga insurgency start since India's independence in 1947, several insurgency movements have occurred in most of the northeast states.[8] Also, the purposes of these insurgency movements have been wide-ranging: to establish independent states (viz., NSCN-IM of Nagaland), demanding maximum autonomy or separate states or districts for their tribal constituency within the purview of the Indian constitution (viz., BLT of Assam). Sometimes, insurgencies have been rooted in the sense of estrangement of the indigenous tribal as a result of the migration from neighboring countries or other states in India (NLFT of Tripura).

3. THE DEVELOPMENT APPROACH

Multiethnic societies cannot be understood without accounting for the role of religion and culture organizations. Religion and culture are often used to legitimize conflicts. But only these causes are not always act as the sole divisive forces to initiate conflict unless there are economic reasons. Those who favor, economic development approach,

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they says Conflict leads to human displacement and loss of life, destruction of goods and low investment. This is called the short-run impact of conflict. This short-run impacts consecutively affect economic growth and institution in the long-run. Again low economic growth and institutional degradation worsen socioeconomic state of the afflicted people, and which (along with other non-economic factors like- religion, culture and politics) ultimately intensifies conflict. Thus conflicts have negative impacts on socio-economic state in many ways, internal or external displacement, destruction or damage of physical and social infrastructure, low economic growth, institutional degradation, and others. More or less all countries in the world are affected by conflicts though the expertise of conflict are different [9]. India's North-East, a euphemism for the eight states of India (viz. Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura) has been the land of several ethnic conflicts. Nature of conflicts are, rang from separatist movements to inter-community. However, a declining trend of industrial growth in northeast states declined due to conflict has been observed, in recent year especially, in northeast states and Jammu and Kashmir. Some empirical analysis shows that there exists high correlation between socioeconomic condition and industrial growth in this region.

Major internal conflict affected regions in India are northeast states, Jammu and Kashmir and Naxal affected states (likes- Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Maharashtra, Orissa, Uttar Pradesh, West Bengal, Madhya Pradesh and Karnataka).

Table 1
Distribution (per 1000) of workers according to usual status (ps+ss) approach by broad employment status for each state/U.T.   rural+urban   male+female

State/U.T./all India	Self-employed	Regular wage/Salaried employee	Casual labour	All
Andhra Pradesh	399	152	448	1000
Arunachal Pradesh	745	213	42	1000
Assam	685	127	189	1000
Bihar	525	50	425	1000
Chhattisgarh	383	93	524	1000
Delhi	411	552	37	1000
Goa	262	641	97	1000
Gujarat	510	184	305	1000
Haryana	539	262	200	1000
Himachal Pradesh	689	163	148	1000
Jammu & Kashmir	682	202	116	1000
Jharkhand	594	109	298	1000
Karnataka	439	163	398	1000
Kerala	384	232	385	1000
Madhya Pradesh	520	102	377	1000
Maharashtra	432	241	328	1000
Manipur	741	152	107	1000
Meghalaya	548	152	300	1000
Mizoram	746	178	76	1000
Nagaland	766	208	26	1000
Orissa	540	98	361	1000
Punjab	527	220	252	1000
Rajasthan	653	115	232	1000
Sikkim	588	297	115	1000
Tamil Nadu	330	214	456	1000

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Tripura	427	153	419	1000
Uttarakhand	689	140	171	1000
Uttar Pradesh	665	94	241	1000
West Bengal	467	152	381	1000
A & N Island	362	518	120	1000
Chandigarh	253	638	109	1000
Dadra& Nagar Haveli Daman & Diu	420	303	277	1000
Lakshadweep	266	369	265	1000
Punducherry	457	343	205	1000
	249	398	353	1000
All-India	510	156	335	1000

Terrorism and insurgency are common form of violence in these regions. But ethnic conflict is predominant in northeast states, and its impact on employment and economic status of people, which is reflected through Distribution (per 1000) of workers according to usual status (ps+ss) approach by broad employment status for each state/U.T (Table 1).[10] This thing also impact on migration, which is highest in some states of northeast India.

4.   IMPACT OF CONFLICT

The lower economic performance of conflict affected areas was observed in different case studies.[11] Also, it has been observed that social conflicts and their management played a major role in transmitting the effects of external shocks on to economic performance.[12]
Ghani and Iyer[13] enquired about whether conflict contributes to low income, or low income contributes to conflict. According to them poverty-conflict link is a two-way relationship and understanding of causality relation is needed for policy prescription. Policy makers should focus on policing conflict if conflict restrains growth. On the other hand, there should be policy to mitigate poverty if poverty causes conflict. Some evidences in India reveal that states that had more welfare and less police had less violence than states that had more police and less welfare.[14]In some states of northeast India, the industrial growth was higher than all India average, whereas in some states it was much lower. However, data for seven states in northeast during in resent period shows a decreasing trend of industrialization with increasing violence in this region.

5. IMPACT OF CONFLICT ON SOCIO-ECONOMIC CONDITION

Conflicts often destroy and damage social infrastructure like schools and hospitals. Health services and educational institutions are often explicit targets of conflicting groups.[15] Death or displacement of personnel due to conflict is another cause of socioeconomic deterioration. The other cause is the access issue. It is due to destituteness, lack of appropriate documentation and sometimes language barrier, especially, of displaced people. Afflicted people lack sufficient food to maintain good health and unable to afford essential medicine even when they can access health services.[16] Surveys have revealed that malnutrition is a serious problem in conflict-affected countries. It was observed that external or internal relief aids do not always improve the situation because of security concerns, remoteness of communities, conditions of physical

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infrastructure, etc. However, the overall scenario in northeast is not promising. Conflict causes low investment in industries and social and physical infrastructure mainly because of uncertainty and security questions. Lack of higher educational institutions and job opportunities are common phenomena in conflict affected regions. Majority of the educated youths in northeast remain unemployed due to lack of industries.[17] Again unemployment triggers students' dropout at school, which in turn immobilize investment in higher education. Thus it may be inferred that conflict has direct and indirect (through underdevelopment) impact on socioeconomic conditions. Conflict along with other factors brings about slow economic growth of the region and deteriorates socioeconomic condition of the population, which may set off more violence in this region.

6. THE CONSTITUTIONAL-LEGAL APPROACH
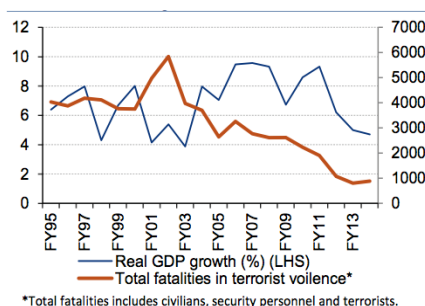
Since independence, Indian state has fought dozens of campaigns against insurgent groups, there is ever-present tussle between the Indian insurgency movement and the Indian state, within it role of the Naxilist and Maoist leadership has always been controversial. The Indian state is in a hurry to ruthlessly and violently suppress the Maoist armed groups because the big business industrial houses of India and powerful transnational corporations of the West are feeling impatient. Their big industrial projects are held up because of resistance organized by Marxist groups, especially in resource-rich forest areas inhabited by poor tribal. The state's response to armed struggle or suspected violent social movements, whether during colonial rule or in independent India has been consistently ruthless. This pattern of the state's response continues till today when dealing with the challenge or threat posed by Naxilist and Maoist. While the state response is not clear, the states leadership deserves an analysis.[18]
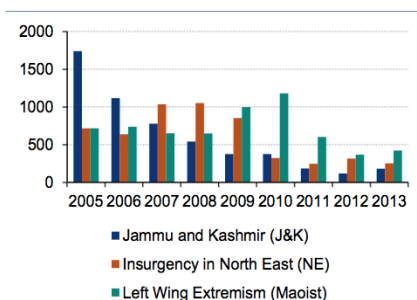
(Fig : 1 : Violent incidents in Jammu and Kashmir, Northeast states and Naxal affected states (Source: The institute for conflict management report)[19] shows that total deaths in terrorism- related violence- including civilians, security personnel and terrorists –have fallen to 885 in 2013 from 5839 in 2001 Not surprisingly, higher growth is cooling violence fatalities are also falling in each of India's three key theaters of conflict: cross-border terrorism, Maoist rebellion and insurgency in the North East.)

7. **HUMAN RIGHTS VIOLATINS: INTROSPECTING INSURGENCY IN NORTH EAST INDIA**

In the north-eastern states, insurgency and violence have taken a heavy toll of civilian military and paramilitary forces. There were many allegations of human rights violations

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directed against security forces. Public attention has been focused on the actions of insurgents of the united liberation has been focused on the actions of insurgents of the united liberation Front of Assam (ULFA), the Bodo security Force in Assam, the National Socialist Council of Nagaland (NSCN) in Nagaland, Meitei extremists in Manipur, the National Liberation Front of Tripura (NLFT) in Tripura and the all Tripura Tiger Force (ATTF). The goal of these insurgent groups is to break out of the Indian union. Their complaints against the Indian government range from charges of neglect and indifference to the endemic poverty of the region, and active discrimination against the tribal and non- tribal peoples. These policies reduce the need for transparency in governance of the region.[20]

The armed forces special act, 1958 (AFSPA) is a law operative in "disturbed areas" like large parts of the north eastern region of India and Jammu Kashmir. But now a day, it has led to human rights abuses, because sweeping powers are bestowed on the armed forces in these areas. The security operations, conducted under this Act, gave blanket immunity to the soldiers against any legal interference. No legal proceeding against abuse of power can be started without prior permission of the central government. The legal and political issues involved with it are more complicated. AFSPA has been criticized by both intellectuals and the citizens who have been subjected to law. Despite reports of human rights violations, the law has been pronounced to have passed the test of non- arbitrariness and reasonableness under articles 14 and 21, respectively. The roots of the paradox lie in the gap between judicial reasonableness and public reason when it comes to AFSPA. While it may have satisfied the test of judicial reasonableness, it has failed to stand tall in the face of public reason in areas where it is functional. Judicial reasonableness is a narrow exercise which is limited to well-

settled judicial norms and legal precedents. Public reason, on the other hand, is a broader concept. It requires that our moral or political principles should be justifiable and acceptable to all those persons whom they are meant to apply.[21] There is powerful national security paradigm that justifies AFSPA's existence. This security and sovereignty paradigm is based on the logic of a perpetual trade- off between liberty and security. An inevitable corollary of increased power is the increased rate of executive abuses or in legal terms, violations of constitutional rights or human rights. According to the trade- off logic, such abuses are just costs for enhanced security. The logic is cemented in adverse security Circumstances. Therefore, some level of executive breach of civil liberties is an inevitable by- product of the overall security policies. This view justified with the addition of a lingering hope that the abuses as well as the need for such a law would come down with improvement in circumstances.[22]

There are, however, significant legal conceptual, moral, and empirical questions about the public- order theory or the trade- off theory. Firstly, conceptually, the national security argument is a double- edged sword, for preventing one type of insecurity, the state is creating another. Secondly, to what extent is it morally just to continue infringing the rights of a minority of citizen living in border areas or other disturbed areas in order to increase the majority's security? Countering the notions of public order and security, the defenders of civil liberty have long argued that AFSPA sacrifices civil liberties for inadequate security benefits or no benefits at all. In fact, there is no evidence to show that militancy has gone up in areas where APSPA has been withdrawn.

AFSPA lacks public support mainly due to its excessive provisions and its tardy and unconscionable implementation. Public reason is more susceptible to factor in circumstantial imperatives whilst assessing a law. Evidence indicates that the

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implementation of AFSPA has been abusive and excessive. The public perception is justified insofar as the reports of the law abuse is concerned. Hopefully, the gap between public and judicial reasoning is narrowing for the better. Judiciary is not blind to moral considerations, even though it must administer justice according to law. Earlier this year, a supreme court appointed panel in its report highlighted the misuse of AFSPA in Manipur and underscored the rampant problem of false encounters and other abuses.[23] Legislations like AFSPA assumed in the name of the nations and people's security, usher in politics of suspicion and distrust. The battle against insurgency/ terrorism must be fought. But if the reason behind the battle is to up hold the democratic order then what is the difference between the state and the terrorist. In India, rule of law is the basic feature of our constitution. Democracy in India is rooted in liberal constitutionalism with values of justice and democracy. They are accepted as the guiding principal of government.

8. CONSTITUTIONAL FRAMEWORK

India is a pluricultural nation-state. Whose polity is organized around the belief of unity in diversity. The idea of pluralism provide the basis for the constitutional framework within which peoples having multiple identities were to be accommodated within an Indian union, with statutory guarantees for safeguarding their rights as individuals and as groups.[24] The framers of the constitution were acutely aware of the vast range of diversity within this it is important to underline here that out of all the available options, the makers of India's Constitution came up with a brilliant "constructive constitutional" model which privileges the "multicultural path" of federal democracy.[25]The model affirms the liberal commitment to uniform citizenship rights. In the same token, it recognizes and upholds communitarian rights as a means to protect socio cultural diversity in India. This is done by differentiating communities based on caste, language, religion and tribe. Stateness-democracy continuum in India as an important variable. [26]The full force of linguistic and cultural diversities began to be felt even in the early years of the republic. For example-The dalits and other backward classes, the historic victims of caste politics, have been demanding comprehensive affirmative action from the Indian state with a view to put in place an appearance of rectificatory justice regime (say reparation or amending past discriminatory rules). Latter these demands ,it goes on to recognize distinct groups and confers special rights on them, notably through affirmative action policies or by crafting inclusionary policies like reservation in public offices and institutions of learning (in the public and private sectors). Of crucial importance here is the acceptance of the intrinsic value of cross-time narrative which would situate the problems of the dalits and other backward classes within a historical continuum and address them accordingly.[27] It is equally compelling to accept the truth that discriminatory treatments would reproduce themselves overtime till affirmative actions are seen as largesse of the state rather than as rights. Moreover, there is a need to repair the past wrongs by providing formal and informal guarantees or to ensure that erewhile stigmatized communities realize their self-worth and contribute to the present and future progress of India not merely on equal terms but as equals. Here it is the essential to bring about structural transformation of the public sphere which would ensure participatory parity for multiple publics.[28] This can be applicable to the peripheral tribal people, in India's Northeast who had for long been claiming their historic rights and unique political situations.

The issue of reconciling the demand of ethnic minority groups for self-rule within the shared rule has been a nagging constitutional problem faced by multiethnic states.[29] In

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India the principle of linguistic self-determination was espoused by the Congress to hold the diverse ethno linguistic groups together. After independence, two Commissions—The Dar Commission, 1948 and the State Reorganization Commission, 1953 were appointed to look into the viability of affirming this principle. These Commissions reports recommended that linguistic criteria can only be considered when the overriding concerns of the "unity and security'' of India and "administrative amenity" are in place. If we contextualize this reluctant recognition within the initial euphoria of post-Partition era especially revisiting the ideational premise of the Hindu nationalists, it would be understandable. In fact, the Hindu nationalists considered that the question of nationality in India was settled in favour of a Hindu nation with the creation of Pakistan for the Muslims in the 1940s.[30] However, the liberal nationalists' project of building a multicultural democratic fabric in India, which finally prevailed over the Hindu nationalists' project, impels putting in place group-differentiated rights by recognizing the import of language, religion, caste and tribe identities in India's Constitution. The 'Indian model' of sustaining what Rasheeduddin Khan calls the bouquet approach (unity in diversity), necessitates asymmetric federal arrangements. [31] The linguistic reorganization of states in India backed up by the three language formula (The Official Language Act, 1963) help stymied further ethno linguistic state reorganization to a considerable extent. Privileging regional languages alongside Hindi (as an official national language) and English (as an associate official language) ensures accommodation, protection and promotion of "multiple identities in a single state."[32]However, the terms and conditions of recognition continue to be contested as more regional minorities are demanding recognition. Recently the refusal to give recognition to Mizo language into Indian Constitution is a case in point. The nature of Indian federalism is "holding together federalism"—necessitates recognition of multiethnic identities.[33] The issues of ""unity and security'' and "administrative expediency" implies the establishment of a constricted ethno federal polity in India which hardly satisfies irredentist demands of ethno cultural minority groups.[34] This explains why the tribal people in India's Northeast, are inter alia, negotiating the terms of ethno federal polity by claiming their ingrained self-determination right to merge adjacent territories in Northeast India and the bordering areas in Bangladesh and Myanmar. Therefore, the politics of territoriality engenders different groups within multiethnic societies where ethno cultural and territorial boundaries increasingly overlap with each other. For holding different groups together in federal systems there is a need of a people-centric approach and a political solutions by creating special representative structures and incorporating home-grown autonomous institutions which give voice and power to the people. This is to suggest that asymmetric arrangement of giving unequal autonomy packages to different units of the state should minimally be seen as a denotation of the subsidiary principle of social justice.[35]

9. POLITICAL ASYMMETRY ARRANGEMENT

In India there are some notable examples of political asymmetry, in fact it is replete with de jure and de facto asymmetries.[36] The states are represented in Rajya Sabha on the basis of their population. Thus, the state of Uttar Pradesh has 31 seats whereas state from the northeast and Pondicherry and Goa have just one seat each in the Rajya Sabha. There also exists a concept of constitutional asymmetry[37] under which the states of Jammu and Kashmir, Nagaland and Mizoram enjoy certain special position and powers in the constitution. While there is a single

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constitution both for the union and the states, the case of Jammu and Kashmir is an exception. Jammu and Kashmir has a constitution of its own adopted in 1957 and the provisions broadly conform to the constitution of India. Article 370 limited the power of the parliament to make laws for the state of Jammu and Kashmir to foreign affairs, defense and communications as specified in the instrument of accession by which the state joined the union of India in October 1948.[38] This asymmetry reflects the historical conditions. Similarly Article 371 A and E provide that a parliamentary statute to be extended to the states of Nagaland and Mizoram require the consent of the legislatures of those states. The remaining Articles 371, 371B, 371C,371D, 371E, 371F, 371H and 371I make special provision in some states (Examples-Maharashtra, Gujarat, Assam, Manipur, Andhra Pradesh, Sikkim, Arunachal Pradesh and Goa), in matter of administration, resistance of number of seats in legislative assembly and law and order situation.

Besides these asymmetries at the state level, there are some sub- state asymmetries (like-creation of autonomous regional councils and hill district) in the Indian constitution. Another asymmetrical feature of Indian federalism relates to a special kind of federating units that are called the union territories (UTs). The seven UTs have been created at various points in time. These areas were either too small to be states or too difficult to merge with neighbouring states on account of cultural differences, interstate disputes, specific need of the National Capital territory, or far flung isolated location on the coasts. They were administered by union through appointed administrator. Noun of these has a legislature but represented by at least one seat in lower house of the parliament. According to Article 241(1) and (4) the parliament can either extend the jurisdiction of a neighbouring state or create a separate High Court for it. Subsequently, two new types of UTs were created, namely, Pondicherry (14th Amendment Act 1962) and Delhi (69th Amendment Act 1991). A common feature of these two territories is that they have been granted unicameral legislatures whose members are directly elected by the people. The head of the state in both Delhi and Pondicherry is a lieutenant governor appointed by the union to perform formal executive functions of the government. Both the territories also have governments headed by chief ministers accountable to their respective legislatures.

Furthermore, there are some glaring examples of de facto asymmetries in the Indian political system. The ten Hindi heartland states are both territorially and demographically huge. UP, in particular, dominated federal politics and until the end of the 1980s contributing eight prime ministers out of 13 so far. This is de facto domination. Consensus seems to be emerging, that these regions can work better in the fulfillment of their aspirations if they are given sufficient autonomy to deal with their own affairs. It is, therefore, imperative to compare the present state of affair in India with similar situations across the world where nations have not only recognized the distinct political identities of similar regions but have also given and respected their autonomy in order that they many function well within constitutional frameworks.

10. CONCLUSION

So, this widespread violation alienates the people and forces them to join the insurgents. Alternatively, need a bold step in the direction of participative development and political empowerment. Like-

1. Economic development of inaccessible and economically unviable areas should be fostered by the state.
2. Outcome of governmental efforts should be scrutinized.

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3. The deprived groups need to be mobilized in the right direction.
4. Fulfillment of implicit constitutional mandates should be on the top of the state's task list for the areas reeling under insurgent occupation.
5. Instead of a novel legislation, what the present insurgency scene needs is a radical review of the existing anti-terror legislations.

Government policy has an important role to play in conflict resolution. Sometimes for reconciliation of conflict government has to specify languages of conflicting group as official languages through legislation. It is empirically observed that recognition of more languages of the diverse population of northeast states reduces conflict. Some other initiatives have already been taken by the state and central governments to maintain the social stability in northeast India. tripartite Memorandum of Settlement has been signed or under Suspension of Operations agreement, an idea about the present status of Peace process in northeast states. Some states are now comparatively peaceful and stabilized. Yet the country has to pass a long distance to achieve complete stabilization. Here we need a bottom-up autonomous institutional structure which can interlink multiple publics with state having civic obligations to common constitutional principles and norms or a constitutional and political engineering of sorts which would accommodate peoples demands. In other words, it should recognize people's self-understanding about their culture and identities while at the same time capable of converting peoples' legitimate grievances into supporting linkages of peoples and institutions to maintain "unity" of multiethnic states amidst diverse diversities.[39] A serious rethinking should be made to involve traditional autonomous institutional structures. Another idea is non-territorial federal accommodation of ethnic minorities or the idea of 'shared sovereignty' which are spread across intra-state and inter-state boundaries. This is famous in Scandinavian countries under this scheme, liberal cultural autonomy packages in the form of special linguistic, cultural and identity rights are to be ensured for such ethnic minorities.

CIVIL LIBERTY VERSUS ECONOMIC SECURITY

Justice and economic development are not mutually exclusive goals. The choice between civil liberties and security is false. In the longer term, lasting security cannot be achieved without the effective realization of an individual's civil and political rights. Therefore, no model of participative development shall be successful without addressing the legal issues at the heart of the insurgencies- violation of human rights and the rule of law.

Counterterrorism laws in India have not served the very purpose for which they were enacted. Instead, the laws were liberally used as ''political weapons'' to settle scores with political rivals and those who dissented with the ruling regimes. Counter insurgency programmes in India have been counterproductive. The search and clear programmes of the forces have actually created more communal disharmony rather than doing away with it. State violations of the democratic rights should be done away with and constitutional sprit should be followed. It is, therefore, recommended that anti- terrorism measures must be enacted and administered within a culture of legality. It also said that any comprehensive response to terrorism must address to its root cause.

The constitutional limit of democratic government is in conflict with its efforts to secure the life and liberty of its citizen against terrorists. Instead of addressing root causes, the government has undertaken policies that escalate the tendency of civil war. Therefore,

in order to solve the problems the root cause of the problems needs to be identified and addressed. Many committees in our country have recommended that AFSPA should be repealed. But repeal of the Act is like addressing the symptoms and not the disease and hence there arises the need to imbibe paradigm to the solution of the problem. The government should ensure the safety of participants of movements and ensure that civilians are not involved in the conflict. So, today we need a purposive approach. It was observed that the state has got a duty to recognize and duly support the identity, culture and interest of tribal so that they can effectively participate in achieving sustainable development.

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