



AFSPA

Description

Theme:

- On 31st March 2022, the government has decided to reduce the disturbed areas under the “Armed Forces Special Powers” Act (AFSPA) in Nagaland, Assam and Manipur with effect from 1st April 2022.

What is AFSPA:

- “Armed Forces Special Powers” Act, 1958 grants special powers to Indian Armed Forces such as shoot on sight, arrest without warrant, search without warrant etc. in disturbed areas. The main purpose of this Act is to help local police and state government to deal with the separatist armed campaigns.

Background:

- The ordinance for AFSPA Act was first started by the British to suppress the ‘Quit India movement’ in 1942. After Independence, the Indian Govt used this ordinance to deal with the internal insurgent situation.
- This ordinance became Act in 1958 and was first implemented in the Naga Hills area and then spread to entire North-Eastern India.
- It was also implemented in Punjab & Chandigarh in 1983 but was withdrawn in 1997, as the situation there came under control.
- In 1990, AFSPA came under force in Jammu & Kashmir.
- The Act was withdrawn from Mizoram, Tripura, and Meghalaya after the situation came under control.
- ‘Irom Sharmina Chanu’, a social activist started doing an indefinite fast as a protest in the year 2000 to repeal AFSPA. She took this decision when ten innocent persons were killed by Assam Rifles. She ended her fast in 2016 after 16 long years.
- In July 2016, the Supreme court ended the immunity of Armed forces from prosecution

under AFSPA, by saying that personnel should be subjected to thorough enquiry if they committed the offence.

- At present, AFSPA is in force in the disturbed areas of Nagaland, Manipur, Assam, Arunachal Pradesh, Jammu & Kashmir.
- There are widespread protests against AFSPA.

Why AFSPA should be repealed?

- A lot of human rights violation incidents were committed under AFSPA. Several innocent people were killed.
- This Act is against the spirit of democracy.
- United Nations (UN) termed AFSPA as a draconian law that breaches the current international human rights standards and asked India to repeal AFSPA.
- Solution by use of military forces for political problems may not solve the issue.
- Too much intervention of the centre in state affairs violates constitutional principles.
- The central government was renewing the act from time to time, without consulting the states.
- Instead of helping the police forces to deal with the situation, the Armed forces are totally controlling the areas and giving the local police a mere nominal role.
- Second Administrative Commission, 2005 recommended repealing AFSPA.

Why AFSPA is still in place in some areas:

- Without AFSPA, local police may not be able to handle the overwhelming presence of insurgents in the areas, where AFSPA is in force currently.
- If there is no AFSPA, neighbouring countries, with which we share borders may take advantage of the situation.
- Santosh Hegde committee, 2013 reported that AFSPA is mandatory to achieve peace in disturbed areas, but the act should be reviewed every 6 months to check whether the Act is still necessary.

Conclusion:

Reducing the disturbed areas under AFSPA is a good step. The move restored peace and dignity. Repealing or reforming the law is very much needed to prevent human rights violations. Moreover, there is a need to train the local police to deal with the separatist armed campaigns.

Your Turn...

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