

AFSPA Dilution Case

What is the issue?

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- A petition has been filed in the Supreme Court (SC) by many army personnel against the alleged dilution of the Armed Forces (Special Powers) Act (AFSPA).

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- This comes in the midst of inquiry commencing into the multiple alleged extra judicial killings since 2000 on the direction by the SC.

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What is the context?

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- Recently, SC asked CBI to constitute a “Special Investigation Team” (SIT) to probe the 1,582 cases of alleged extra-judicial killings since 2000 in Manipur.

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- Further, Jammu & Kashmir Police have also filed an FIR against an army officer for firing at alleged stone-pelters leading to the death of three persons.

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- In this context, the petitioners had alleged that criminal investigations against Army personnel for actions in line with their duty has demoralised the forces.

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- But many hold the opinion that as there are serious allegations of human rights violations, the decision of service men to approach the court is wrong.

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Why was the petition a wrong move?

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- The implementation or withdrawal of AFSPA from a particular terrain, or alterations in its provisions is political calls taken by elected governments.
- Hence, members of an apolitical institution like the armed forces should not be seen to act like a pressure group, to influence policy.
- In this context, the petitioning could even be perceived as a violation of the army act as forming collectives or organizing for political purposes is barred.
- The AFSPA has strong provisions that provide immunity for armed personnel involved in counter-insurgency operations.
- But transgressions while in the line of duty are open to legal scrutiny by courts and there have been extended debates on this aspect of AFSPA.
- Further, several commissions have suggested amendments to AFSPA, and the concerns of the armed forces too had figured in them prominently.

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What is the way ahead?

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- Armed forces are apolitical state institutions, and it should not intrude into the affairs of the other arms of the state with a political agenda.
- In this context, the increasing propensity of army personnel to approach the courts for redress of policy reflects a failure of internal mechanisms.
- With multiple promotion and pay related issues also making it to courts, the internal structure needs to be bettered by the forces to improve the situation.

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Source: Indian Express

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