Explained: What is AFSPA, and why are states in Northeast against it?

Why in news?

The Nagaland govt has called for repeal of AFSPA in the wake of public outrage against the killings of 13 civilians.

Why Nagaland government wants to repeal AFSPA?

- The Nagaland Cabinet recommended repealing AFSPA from the state after security forces gunned down 13 civilians.
- This has been a long-standing demand in the North eastern states.
- After the firing both Nagaland Chief Minister Neiphiu Rio and Meghalaya Chief Minister Conrad Sangma called for repeal of AFSPA.
- Nagaland leaders feel the killings have the potential to create mistrust about the Indian government and derail the peace process currently underway between the Centre and the Naga insurgents groups.

What is AFSPA?

- The Act in its original form was promulgated by the British in response to the Quit India Movement in 1942.
- After Independence, in 1958 Prime Minister Jawaharlal Nehru decided to retain the Act.
- The Act empowers the Centre to unilaterally take a decision to impose AFSPA
- AFSPA provides special powers for the armed forces.
- It can be imposed by the Centre or the Governor of a state, on the state or parts of it, after it is declared “disturbed’’ under Section 3.
- Till now AFSPA has been imposed on the Northeast states, Jammu & Kashmir, and Punjab during the militancy years.
- Punjab was the first state from where it was repealed, followed by Tripura and Meghalaya.
- It remains in force in Mizoram, Nagaland, Manipur, Assam, J&K, and parts of Arunachal Pradesh.

What impunity does the Act give the armed forces?

- The Act gives sweeping powers to the armed forces.
- It allows them to carry arms, ammunition and even open fire against any person in contravention to the law.
- It gives them powers to arrest individuals without warrants, on the basis of “reasonable suspicion” and also search premises without warrants.
- There can be no prosecution or legal proceedings against them without the prior approval of the Centre.

Is there any safety net for civilians?

- Security persons cannot open fire without prior warning given to the suspect.
- Any suspects apprehended by security forces should be handed over to the local police station within 24 hours.
- It says armed forces must act in cooperation with the district administration and not as an independent body.

What attempts have been made to repeal AFSPA in the past?

- In 2000, Manipur activist Irom Sharmila began a hunger-strike, which would continue for 16 years, against AFSPA.
- In 2005 a five member committee (setup in 2004) under Justice Jeevan Reddy Commission recommended repealing AFSPA stating it had become a symbol of oppression.
- 2nd ARC headed by Veeerapa Moily endorsed these recommendations.
- The UPA set up a cabinet sub-committee to continue looking into the matter.
- The NDA government subsequently dropped the sub-committee and also rejected the findings of the Reddy Commission.

Reference

1. https://indianexpress.com/article/explained/nagaland-civilian-killings-indian-army-repeal-of-afspa-northeast-7661460/



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