Need to repeal AFSPA

Why in news?

The Prime Minister has made a statement to the people of the North-east that the Government intends to withdraw the Armed Forces (Special Powers) Act 1958, or AFSPA, completely from the region.

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- Punjab was the first state from where it was repealed, followed by Tripura and Meghalaya.

What was the necessity for imposing the act?

- The need for the law was required in the 1950s when Naga insurgents resorted to large-scale violence that killed hundreds of Indian Army soldiers.
- While there was some signs of peace after the **Shillong Peace Accord 1975**, the situation took an ugly turn after the formation of the Nationalist Socialist Council of Nagalim (Isak-Muivah) (NSCN(I-M)) in 1980.
- The faction resorted to large-scale violence across the States of Nagaland and Manipur.
- In 2015, the **Naga Framework Agreement** had been signed between the Government and the NSCN (I-M).
- But, it has been hanging fire since then as the Government has not agreed to permit a separate flag and constitution for Nagaland which the NSCN (I-M) is determined to have.

What is the ongoing issue?

- AFSPA gives sweeping powers to the security forces
    - to shoot and kill anyone on suspicion and even search or arrest any person without warrant
    - no prosecution against them is possible for any wrongdoing without the previous

sanction of the Central government

- The consent from the Central government is delaying the action to be taken against Army's 21 Para (Special Forces) who killed 6 locals initially in a case of mistaken identity in Mon district of Nagaland.
- The incident led to a riotous situation in which more persons, including an Assam Rifles jawan were killed.
- The AFSPA drew critical comments from the Supreme Court.

What were the resistances that took place?

- The iron lady of Manipur, Irom Chanu Sharmila, went on a 16-year long hunger strike starting from 2000.
- The **Justice B.P. Jeevan Reddy Commission** that was tasked with reviewing the provisions of AFSPA recommended the withdrawal of AFSPA.
- It had suggested making amendments to the Unlawful Activities (Prevention) Act, 1967 to achieve the purpose of AFSPA.
- Recently, Union Defence Minister said that all three wings of the defence forces were in favour of removal of AFSPA from Northeast and Jammu and Kashmir but the act remained in place due to the situation.

The Government of India has partially withdrawn the draconian act from parts of Assam, Nagaland, Arunachal Pradesh and Manipur this year.

What is the need of the hour?

- **Periodical review**- There needs to be a comprehensive and serious periodical review undertaken by the Centre till the entire North-east is freed from AFSPA.
- **Fast tracking of cases**- Investigations into the alleged fake encounters also need to be fast tracked and taken to their logical conclusion.
- **Punishing the guilty**- There needs to be incarceration of the guilty, to send out a clear message that those who murder under the uniform of security forces cannot expect to go free if there are violations.

Reference

1. https://www.thehindu.com/todays-paper/tp-opinion/a-draconian-law-that-needs-to-disappear/article65816670.ece

SHANKAR IAS PARLIAMENT
Information is Empowering