

## **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- Punjab was the first state from where it was repealed, followed by Tripura and Meghalaya.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.
- 2<sup>nd</sup> 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-india-n-army-repeal-of-afspa-northeast-7661460/>



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