



AFSPA and Northeast

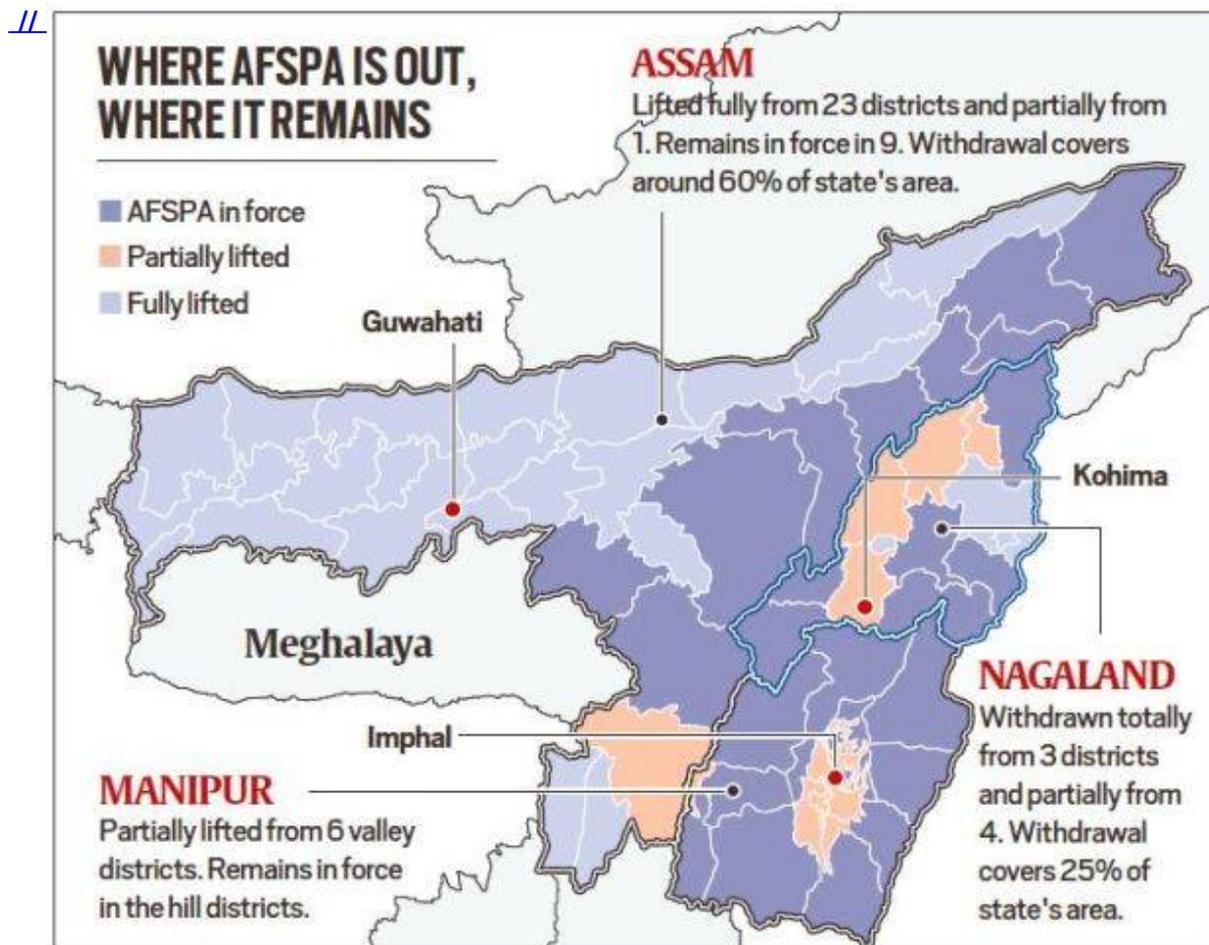
For Prelims: Armed Forces Special Powers Act (AFSPA), 1958, National Human Rights Commission (NHRC).

For Mains: Armed Forces Special Powers Act (AFSPA), 1958, North East Insurgency.

Why in News?

Recently, the Union Government has partially withdrawn the [Armed Forces Special Powers Act \(AFSPA\), 1958](#) from parts of **three Northeast states— Assam, Nagaland and Manipur**.

- Currently, AFSPA remains in force in parts of these **three states as well as in parts of Arunachal Pradesh and Jammu & Kashmir**.



What is AFSPA?

- Background:
 - The British colonial government had on 15th August, 1942, **promulgated the Armed Forces Special Powers Ordinance to suppress the [Quit India movement](#)**.
 - It was the foundation for four ordinances, including **one for the “Assam disturbed areas” invoked in 1947** to deal with Partition-induced internal security challenges.
 - The **Armed Forces (Assam and Manipur) Special Powers Act, 1958, followed the Assam Disturbed Areas Act of 1955** to deal with the uprising in the Naga Hills and adjoining areas.
 - The Act was **replaced by the AFSPA for wider application**. A **similar Act specific to Jammu and Kashmir** was enacted in 1990.
- About:
 - AFSPA gives **sweeping powers to the armed forces**.
 - For example, it allows them to **open fire, even causing death, against any person in contravention to the law or carrying arms and ammunition**.
 - Also, it gives them powers to **arrest individuals without warrants**, on the basis of **“reasonable suspicion”**, and **search premises without warrants**.
 - It can be imposed by the Centre or the Governor of a state, on the state or parts of it, after these areas are declared **“disturbed” under Section 3**.
 - The Act was amended in 1972 and the powers to **declare an area as “disturbed”** were conferred concurrently **upon the Central government along with the States**.
 - Currently, the Union Home Ministry issues periodic **“disturbed area” notification to extend AFSPA only for Nagaland and Arunachal Pradesh**.
 - The notification for Manipur and Assam is issued by the State governments.
 - **Tripura revoked the Act in 2015 and Meghalaya was under AFSPA for 27 years, until it was revoked by the MHA from 1st April 2018**.

What is the Role of State Governments Vis-a-Vis AFSPA?

- **Informal Consultation with State:** While the **Act gives powers to the central government to unilaterally take the decision** to impose AFSPA, this is usually done **informally in consonance with the state government**.
 - The Centre takes its decision after having **received a recommendation from the state government**.
- **Coordination with Local Police:** While the Act gives powers to security forces to open fire, this cannot be done **without prior warning given to the suspect**.
 - According to the act, after the apprehension of suspects, the **security forces have to hand them over to the local police station within 24 hours**.
 - It says the armed forces must act in cooperation with the district administration and **not as an independent body**.

Why has AFSPA been withdrawn now and Its Impact?

- **Withdrawal:** Reduction in areas under AFSPA is a result of the **improved security situation and fast-tracked development** due to the consistent efforts and several **agreements to end insurgency** and bring lasting peace in the North-East by the Indian government.
 - For example, In **Nagaland, all major groups — the [NSCN\(I-M\)](#) and [Naga National Political Groups \(NNPGs\)](#)** — are at advanced stages of concluding agreements with the government.
- **Impact:** The Northeast has lived under the shadow of AFSPA for **nearly 60 years, creating a feeling of alienation from the rest of the country**.
 - The move is expected to help **demilitarise the region, it will lift restrictions on movements through checkpoints and frisking of residents**.

Why was AFSPA imposed on the Northeast in the first place?

- **Naga Insurgency:** When the Naga nationalist movement kicked off in the 1950s with the setting up of the [Naga National Council \(NNC\)](#), the Assam police forces allegedly used force to quell the movement.
 - As an armed movement took root in Nagaland, **AFSPA was passed in Parliament, and subsequently imposed on the entire state.**
 - In Manipur, too, it was imposed in 1958 in the three Naga-dominated districts of Senapati, Tamenglong and Ukhrul, where the NNC was active.
- **Secessionist and Nationalist Movements:** As secessionist and nationalist movements started sprouting in other Northeastern states, AFSPA started being extended and imposed.

What has made AFSPA unpopular among the people?

- **Furtherance of Feeling of Alienation:** According to leaders of the Naga nationalist movement, the **use of force and AFSPA furthered the feeling of alienation of the Naga people, solidifying Naga nationalism.**
- **Draconian Law & Fake Encounters:** Various incidents of violence have been recorded in the Northeastern states, as AFSPA gives **sweeping powers to security forces.**
 - In a writ petition filed in the [Supreme Court in 2012](#), the families of victims of extra-judicial killings alleged **1,528 fake encounters had taken place in the state from May 1979 to May 2012.**
 - The Supreme Court set up a commission to **scrutinize six of these cases, and the commission found all six to be fake encounters.**
- **Bypassing State:** There have been instances where the Centre has overruled the state, such as the imposition of AFSPA in Tripura in 1972.

What attempts have been made to repeal AFSPA or reduce its area of operation in the past?

- **Protest by Irom Sharmila:** In 2000, the activist Irom Sharmila began a hunger strike that would continue for 16 years against AFSPA in Manipur.
- **Justice Jeevan Reddy:** In 2004, the then central government set up a five-member committee under former Supreme Court Justice Jeevan Reddy.
 - The committee recommended the repeal of AFSPA and called it “highly undesirable”, and held that it had become a symbol of oppression.
- **Second Administrative Reforms Commission Recommendation:** Subsequently, the Second Administrative Reforms Commission, headed by **Veerapa Moily, endorsed these recommendations.**

Way Forward

- The government and the security forces should abide by the guidelines set out by the Supreme Court, Jeevan Reddy Commission, and the [National Human Rights Commission \(NHRC\).](#)

[Source: IE](#)