



## AFSPA and Northeast

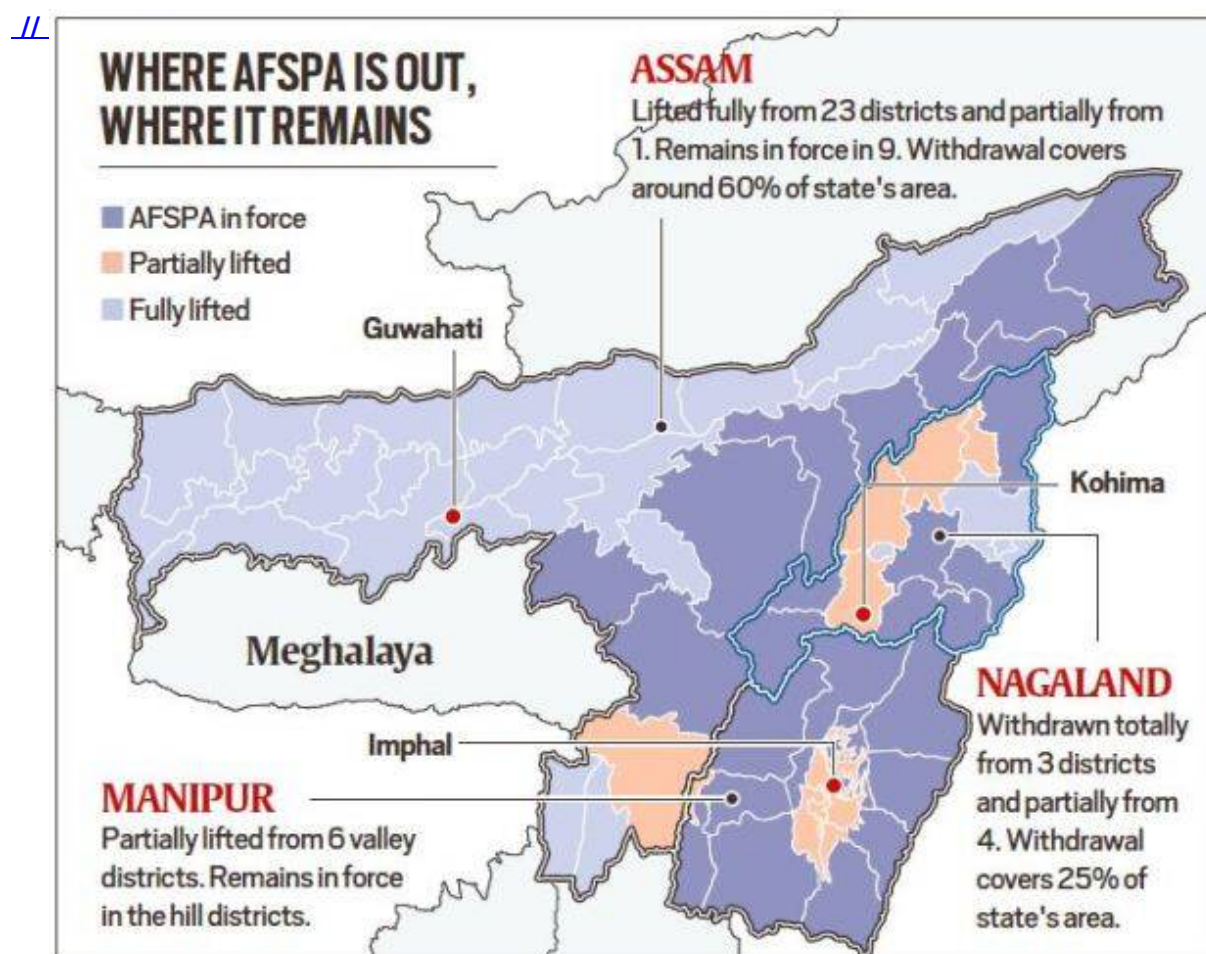
**For Prelims:** Armed Forces Special Powers Act (AFSPA), 1958, National Human Rights Commission (NHRC).

**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Recently, the Union Government has partially withdrawn the [Armed Forces Special Powers Act \(AFSPA\), 1958](#) from parts of **three Northeast states— Assam, Nagaland and Manipur**.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 15<sup>th</sup> 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    - **Tripura revoked the Act in 2015 and Meghalaya was under AFSPA for 27 years, until it was revoked by the MHA from 1<sup>st</sup> 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](#)