

# AFSPA

Armed Forces (Special Powers) Acts



## 1. Why in News?

- Recently, the Ministry of Home Affairs (MHA) extended the Armed Forces (Special Powers) Act (AFSPA) in parts of Arunachal Pradesh and Nagaland for another six months.

## 2. Background:

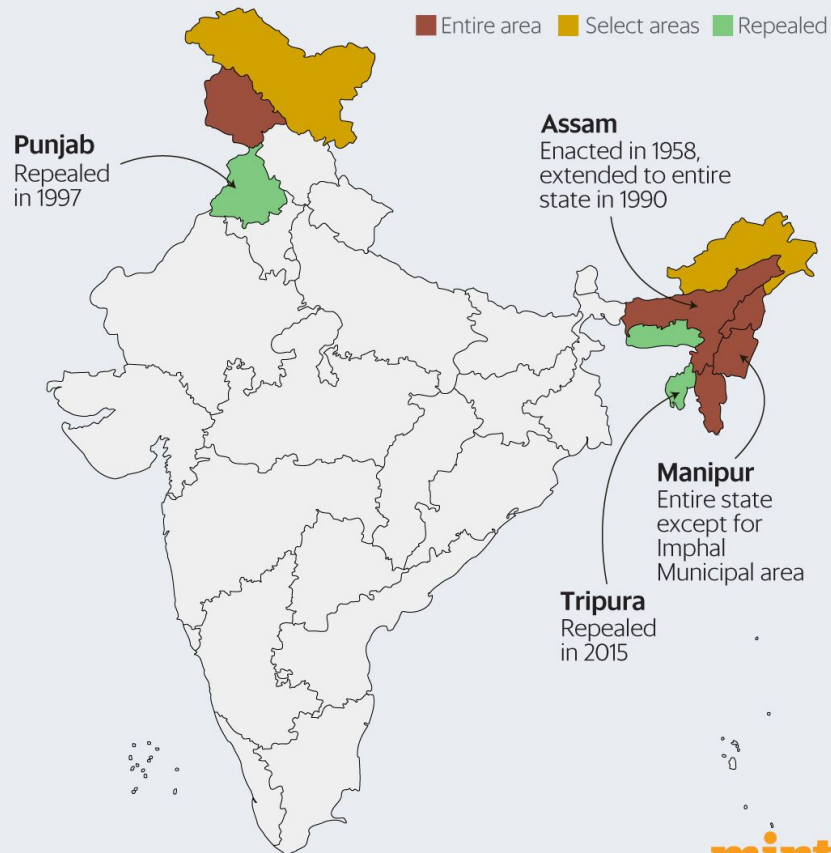
- AFSPA **originated** as a **response to the Quit India movement** during the British era.
- Enacted through four ordinances in 1947 and replaced by an **Act in 1948**.
- Introduced in the Northeast in **1958** as **Armed Forces (Assam and Manipur) Special Powers Act**.
- Adapted for Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland after their formation.

## 3. Powers Granted by AFSPA:

- AFSPA provides **unfettered powers** to the **armed forces** and **Central armed police forces** deployed in **"disturbed areas."**
- It grants authority to **use force, make arrests, and conduct searches without warrants**.
- Originally enacted in 1958 to address the Naga uprising, the Act has been amended over the years.

# ARMED POWER

## Status of Armed Forces (Special Powers) Act (AFSPA)



Source: MHA, Mint research

**mint**

Graphic: Sarvesh Kumar Sharma

## Law or Flaw?

Enacted in 1958, the contentious Armed Forces (Special Powers) Act, gives the armed forces sweeping search and arrest powers and immunities in areas declared 'disturbed' by governments. Enforced since 1958 in:

**Nagaland**

**Assam**

**Manipur** (except the Imphal municipal area)

**Arunachal Pradesh** (the Tirap, Changlang and Longding districts plus a 20km belt bordering Assam)

**Meghalaya** (a 20km belt with a common border with Assam)

**Jammu and Kashmir**

**Lifted from**

**Tripura** in 2015, **Mizoram** in 1986, **Punjab** and **Chandigarh** (imposed 1983, lifted 1997)





#### 4. Controversies and Human Rights Concerns:

- AFSPA has faced criticism for **alleged human rights violations**, including **fake encounters** and **abuse of powers**.
- The **Jeevan Reddy Committee in 2004** recommended the repeal of AFSPA, stating it had become a symbol of hate and high-handedness.
- The **Second Administrative Reforms Commission (ARC)** also recommended repeal, but these suggestions haven't been implemented.

#### 5. Supreme Court Views:

- The Supreme Court upheld the constitutionality of AFSPA in a 1998 judgment (Naga People's Movement of Human Rights v. Union of India).
- The Court outlined conditions, including a **limited duration**, **periodic review**, and the **use of minimal force**.

#### 6. Recent Developments and Recommendations:

- Post the Mon incident in December 2021, where 13 civilians were killed, the Nagaland Cabinet recommended the repeal of AFSPA.
- AFSPA was revoked in Tripura in 2015, and parts of Meghalaya were removed in 2018.

## WHERE AFSPA IS OUT, WHERE IT REMAINS

- AFSPA in force
- Partially lifted
- Fully lifted

Guwahati

### ASSAM

Lifted fully from 23 districts and partially from 1. Remains in force in 9. Withdrawal covers around 60% of state's area.

Kohima

Meghalaya

Imphal

### MANIPUR

Partially lifted from 6 valley districts. Remains in force in the hill districts.

### NAGALAND

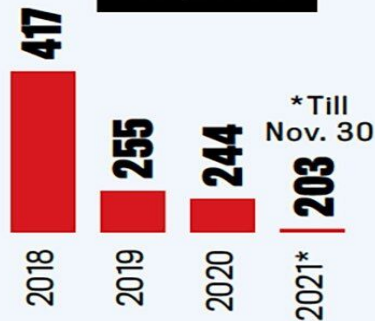
Withdrawn totally from 3 districts and partially from 4. Withdrawal covers 25% of state's area.

## THE AFSPA IMPACT

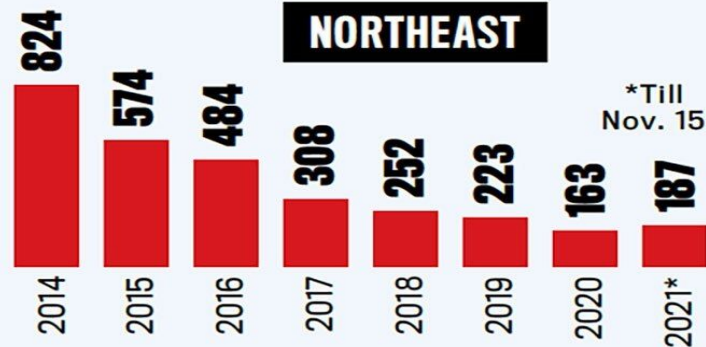
The sharp decline in terror-related incidents after 2014 has given more voice to the demand for repeal of AFSPA

(Number of terrorism related incidents)

### JAMMU & KASHMIR



### NORTHEAST



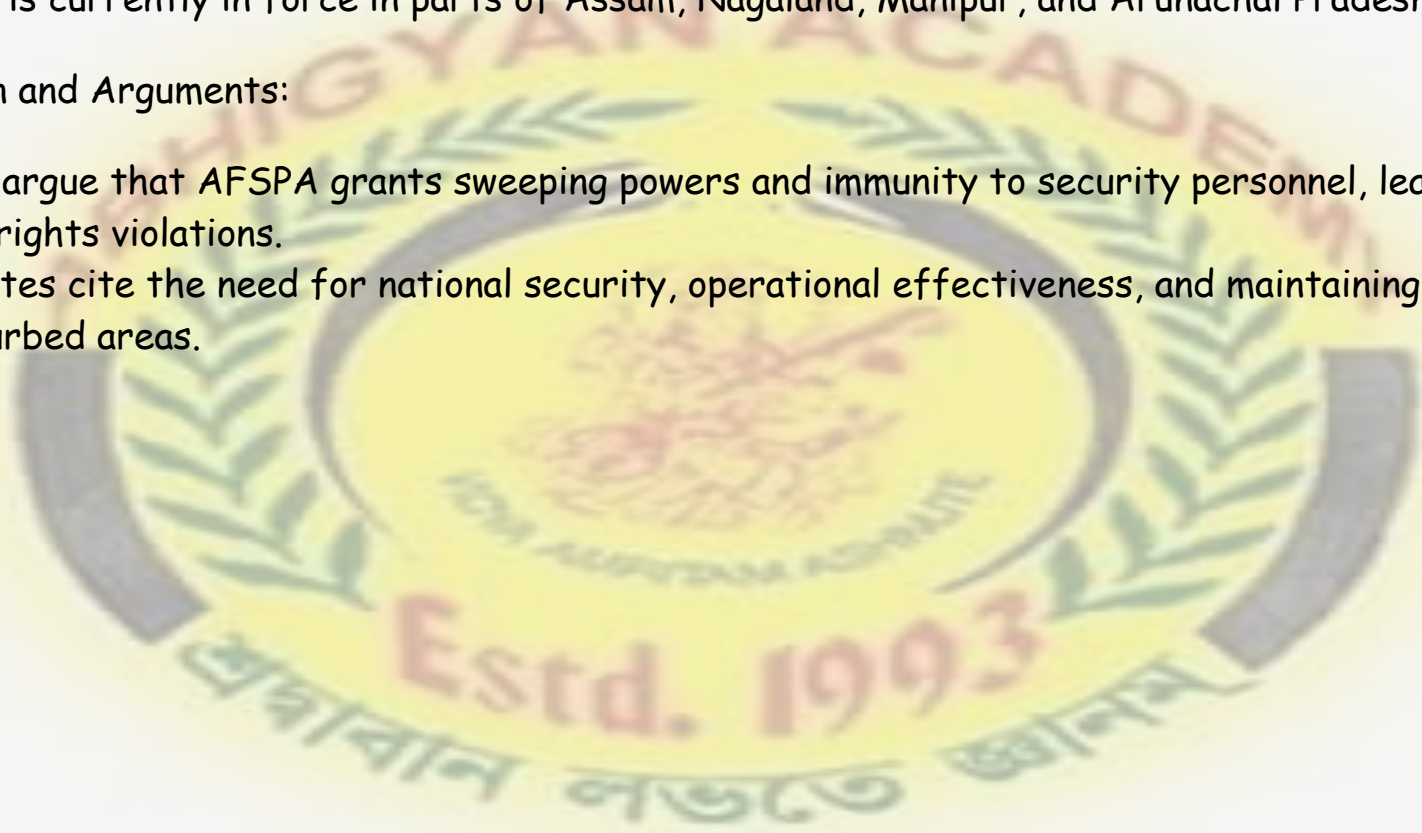
Sources: Lok Sabha, November 30, 2021;  
Rajya Sabha, December 15, 2021

## 7. Current Status:

- AFSPA is currently in force in parts of Assam, Nagaland, Manipur, and Arunachal Pradesh.

## 8. Opposition and Arguments:

- Critics argue that AFSPA grants sweeping powers and immunity to security personnel, leading to human rights violations.
- Advocates cite the need for national security, operational effectiveness, and maintaining public order in disturbed areas.







## 9. Way Forward:

- A nuanced approach is needed to balance security concerns with human rights considerations.
- Emphasize compliance with human rights norms while ensuring operational effectiveness.
- Consider recommendations for repeal in specific cases and address root causes through development initiatives.
- Clarify ambiguous terms like "disturbed areas" and ensure periodic reviews to adapt to changing circumstances.

## 10. Conclusion:

- AFSPA is a crucial legal framework for national security, but its application requires careful consideration and periodic review to strike a balance between security needs and the protection of human rights. The government should address concerns and work towards a more nuanced and responsive legal framework.