

AFSPA should go entirely because of the impunity it offers armed forces.

It augurs well for the future that Prime Minister Narendra Modi has given the first authentic indication that the operation of the Armed Forces (Special Powers) Act (AFSPA) may come to an end in the whole of the north-eastern region, if ongoing efforts to normalise the situation bear fruit. Mr. Modi's remark that a good deal of work is being done in that direction, not only in Assam but also Nagaland and Manipur, may be rooted in his keenness to demonstrate the level of progress achieved in the region under his regime; but it will bring immense relief to the citizens, nevertheless.

Areas notified as 'disturbed areas' under AFSPA have been progressively reduced in the last few years, mainly due to the improvement in the security situation. About a month ago, the Union Home Ministry reduced such notified areas considerably in Assam, Nagaland and Manipur. There was a substantial reduction in Assam, where AFSPA was removed entirely in 23 districts and partially in one.

In Nagaland, after the removal of the law from 15 police stations in seven districts, it remains in areas under 57 police stations, spread across 13 districts. Areas under 82 police stations are still notified under the Act in Manipur, even though 15 police station areas were excluded from the notification from April 1. Mr. Modi, who spoke at a 'peace, unity and development rally' in Diphu in Assam last week, cited "better administration" and the "return of peace" as the reasons for the removal of AFSPA in these areas in a region that has seen insurgencies for decades.

AFSPA was revoked in Tripura in 2015 and in Meghalaya in 2018. It is not unforeseeable that other States will also be excluded from its purview at some point of time. It is convenient to link the exclusion of an area from AFSPA's purview with reduction in violence by armed groups, improvement in the security situation and an increase in development activity, but what is important is the recognition that the law created an atmosphere of impunity and led to the commission of excesses and atrocities.

It was hardly four months ago that 15 civilians were killed in Mon district in Nagaland in a botched military operation. Therefore, alongside the gradual reduction in the areas under the Act,

there should be serious efforts to procure justice for victims of past excesses too. On the political side, it is indeed true that much headway has been made in moving towards a political solution to some of the multifarious disputes in the region, in the form of peace accords, ceasefire and creation of sub-regional administrative arrangements.

The removal of AFSPA from the entire region will be an inevitable step in the process. But irrespective of the security situation, AFSPA should not have allowed such impunity to the armed forces.

GS World Team Input

IN THE NEWS

What is AFSPA?

- ➞ The Armed Forces Special Protection Act (AFSPA) is a law that empowers the Armed Forces to maintain public order in 'disturbed areas'. They have the right to prohibit the gathering of five or more persons in an area.
- ➞ If the Armed Forces feel that a person is violating the law, then after giving proper warning, they can use force or even fire.
- ➞ In case of suspicion of any person, the army can also arrest any person without warrant and can also search the premises without warrant.
- ➞ Any person arrested or taken into custody may be handed over to the officer-in-charge of the nearest police station and the reasons for their arrest may be explained.

Who can impose this law?

- ➞ Disturbed area is explained in Section 3 of AFSPA. Any place or region may be disturbed due to differences or disputes between members of different religious, racial, language or regional groups or castes or communities.
- ➞ The central government or the state governor can declare that area as a disturbed area. According to section 3, this law can be imposed in those places where Armed Forces will be required for security. This law is often imposed by the Ministry of Home Affairs according to the requirements.

When was AFSPA originated?

- ➞ Decades ago, this act came into force when the state government failed to control the increasing violence in the north-eastern states.
- ➞ The Armed Forces (Special Powers) Bill was passed by both the Houses of Parliament and was assented to by the President on September 11, 1958. This act became known as the Armed Forces Special Powers Act (AFSPA) 1958.

Which agreements have been signed by the Government of India during the last three years?

- ➔ The Bodo Accord of January, 2020 which has resolved the 5 decade old Bodo problem of Assam.
- ➔ The Karbi-Anglong Agreement of September 04, 2021 which resolved the long-standing dispute over the Karbi region of Assam.
- ➔ The NLFT(SD) agreement was signed in August 2019 to bring the militants into the mainstream of the society in Tripura.
- ➔ On January 16, 2020, a landmark agreement was reached to resolve the 23-year-old Bru-Reang refugee crisis, under which 37000 internally displaced people are being resettled in Tripura.
- ➔ On March 29, 2022, another important agreement has been signed regarding the boundary of the state of Assam and Meghalaya.

Expected Question (Prelims Exams)

Q. Consider the following statements in the context of AFSPA-

1. It was assented to by the President on September 11, 1958.
2. Disturbed area is defined in Section 3 of AFSPA.
3. This law is imposed by the Ministry of Home Affairs.

Which of the above statements is /are correct?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 3
- (d) All of the above

Expected Question (Mains Exams)

Q. What is AFSPA Act? While throwing light on the advantages and disadvantages of AFSPA, discuss how relevant is the decision of the government to completely remove the AFSPA law? (250 Words)

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC main examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.