

# What is AFSPA



Armed Forces (Special Powers) Act (AFSPA) is a Parliamentary act that grants special powers to the Indian Armed Forces and the state and paramilitary forces in areas classified as “disturbed areas”. The objective to implement the AFSPA Act is to maintain law and order in disturbed areas. **AFSPA was first enacted to deal with the Naga insurgency in the Assam region.**

*The Armed Forces (Assam and Manipur) Special Powers Ordinance 1958 was promulgated by President Dr. Rajendra Prasad on 22 May 1958. It was later replaced by the Armed Forces (Assam and Manipur) Special Powers Act of 1958.*

## ❖ WHAT IS AFSPA?

### ❖ AFSPA : ARMED FORCES (SPECIAL POWER) ACT GIVES SPECIAL POWERS OF THE ARMED FORCES –

Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area-

- It gives powers to the army, state and central police forces to shoot to kill, search houses and destroy any property that is “likely” to be used by insurgents in areas declared as “disturbed” by the home ministry.
- AFSPA is invoked when a case of militancy or insurgency takes place and the territorial integrity of India is at risk.
- Security forces can “arrest a person without a warrant”, who has committed or is even “about to commit a cognizable offence” even based on “reasonable suspicion”.
- It also provides security forces with legal immunity for their actions in disturbed areas.
- While the armed forces and the government justify its need in order to combat militancy and insurgency, critics have pointed out cases of possible human rights violations linked to the act.
- It was known initially as the **Armed Forces (Assam and Manipur) Special Powers Act, 1958**. The law first came into effect in 1958 to deal with the uprising in the Naga

## CONTROVERSY AROUND THE ACT?

### Human Rights Violations:

# AFSPA

### Armed Forces (Special Powers) Acts

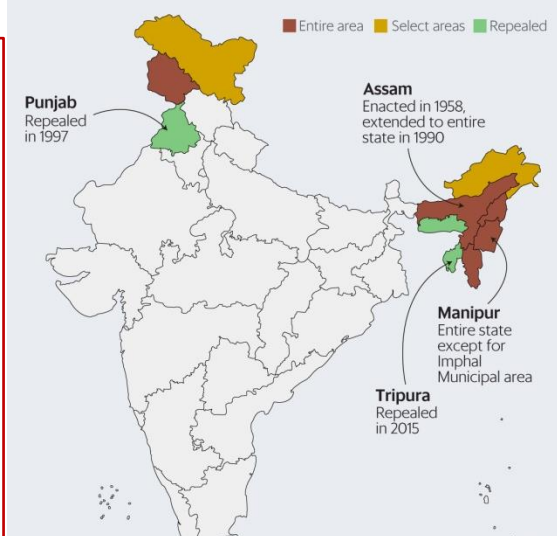


✓ The law empowers security personnel, down to non-commissioned officers, to use force and shoot “even to the causing of death” if they are convinced that it is necessary to do so for the “maintenance of public order”.

✓ It also grants soldiers executive powers to enter premises, search, and arrest without a warrant.

✓ The exercise of these extraordinary powers by armed forces has often led to allegations of fake encounters and other human rights violations by security forces in disturbed areas while questioning the indefinite imposition of AFSPA in certain states, such as Nagaland and J&K.

In 2005 the killing of Thangjam Manorama by the Assam Rifles in Manipur triggered widespread protests and outrage against the enforcement of AFSPA and as a follow up the government set up the **JEEVAN REDDY COMMISSION** to review AFSPA.



The central government enacted the **Armed Forces (Punjab and Chandigarh) Special Powers Act in 1983**, by repealing The Armed Forces (Punjab and Chandigarh) Special Powers Ordinance of 1983, in order to enable the central armed forces to operate in the state of Punjab and the union territory of Chandigarh which was battling the Khalistan movement in the 1980s.

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