

Revisit AFSPA

The Centre's decision to revoke the [Armed Forces \(Special Powers\) Act in Meghalaya and reduce its ambit in Arunachal Pradesh](#) is welcome insofar as it signifies a willingness to reconsider the use of the special law as and when the ground situation improves. The extent of 'disturbed areas' in Meghalaya was earlier limited to within 20 km of its border with Assam. The whole of Nagaland, most of Assam, and Manipur excluding the areas falling under seven Assembly constituencies in Imphal, continue to be under the law, which provides protection to the point of total immunity from prosecution for the security forces operating in the notified areas. In Arunachal, the areas under AFSPA have been reduced to the limits of eight police stations, instead of the previous 16, in three districts bordering Assam. It was only last month that the Act was extended for six months in Assam, even though the Union Home Ministry has said the situation has improved considerably. AFSPA was extended in Nagaland by six months from January. There is no sign that the vigour of the law will be diluted, but the area of its use may be progressively curtailed over time. It was withdrawn in Tripura in 2015. Assam has been empowered to decide on how long it needs the cover of AFSPA. Even though there is ample evidence that the law has created a sense of impunity among the security forces wherever it has been invoked, the Centre is still far from abrogating the Act, mainly because the Army favours its continuance.

What is AFSPA, and where is it in force?

Manipur had borne the brunt of Army excesses over the years. In a rare intervention in a matter concerning internal security, in 2016 the Supreme Court had ruled that the armed forces cannot escape investigation for excesses committed in the discharge of their duties even in 'disturbed areas'. It ordered a probe into specific cases. In other words, accountability for human rights violations is sacrosanct and the legal protection offered by AFSPA cannot be absolute. During the Budget session, Union Minister of State for Home Hansraj Gangaram Ahir informed the Lok Sabha in a written reply that the government was considering a proposal to make AFSPA more "operationally effective and humane". In 2005, a committee headed by former Supreme Court judge B.P. Jeevan Reddy was tasked by the then United Progressive Alliance government with suggesting amendments to AFSPA. The committee recommended that the law be repealed altogether, and that the Unlawful Activities (Prevention) Act be amended in a manner that would enable insurgency and conflict to be tackled legally. Now that there is some degree of official recognition that special laws for protecting armed forces personnel from the legal consequences of their operations and excesses need not continue indefinitely, it is time for the Centre to revisit the Jeevan Reddy committee report and find ways of humanising AFSPA, if not revoking it altogether.

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