

NEEDED: REPEAL OF AFSPA, NOT REGRET

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The [demand for the repeal](#) of the [Armed Forces \(Special Powers\) Act of 1958 \(AFSPA\)](#) is gathering momentum throughout the Northeast. Massive rallies are being held against the law in Nagaland. The Chief Minister and his Cabinet have [backed the demand](#) and Meghalaya's Chief Minister has also joined in. In Assam, large rallies are being held by student organisations against the Act.

The Centre has tried to convey the impression that the [Mon incident of December 4](#), which claimed the lives of 14 civilians, was [a "mistake" because of intelligence failure](#). But the [Union Home Minister tried to justify the Army's action](#) by saying that the firing was resorted to only when the vehicle under question refused to stop at a signal and tried to flee.

Explained | Which States in the N.E. are under AFSPA?

The people of the Tiru and Oting villages of Tizit subdivision of Mon district are used to checks carried out by the security forces. One of the survivors of the shooting has said that the Army personnel began firing without any signal whatsoever, in daylight. The FIR filed by the Nagaland Police against the 21 Para Special Forces involved in the firing states that the security forces did not "make requisition to police station to provide police guide for the operation" and that they "blankly opened fire at the vehicle without any provocation". The Army's statement that its operation had been carried out on the basis of "credible intelligence of the likely movement of insurgents" only shows once again how vulnerable the civilian population is in areas under the AFSPA.

The Mon incident cannot be seen as an exception or a mistake because it fits into a general pattern of civilian killings that have been taking place ever since the AFSPA was first invoked in the then Naga Hills district of Assam in 1958. This particular incident came to light only because of the quick intervention of the villagers. Moreover, it took place when the situation in Nagaland was largely peaceful and the State was celebrating the annual Hornbill Festival. It would perhaps have been a different picture had these killings taken place while an Army operation was in progress in the area.

Nagaland has seen numerous cases of civilian killings by the security forces which have gone unpunished because of the AFSPA. In his book *Nagaland and India: The Blood and the Tears*, Kaka Iralu documents the extra-judicial killings and the suffering of the common people under the draconian provisions of the AFSPA which gives total immunity to the security forces for their actions.

Nagaland's Mon district 'declared' out of bounds for military

There have been scores of civilian killings in the region over the last several decades since the AFSPA came into force. In the long list of the roll call of the dead, some incidents stand out in memory. In 1995, nine innocent civilians were killed by Central Reserve Police Force personnel in front of the RIMS hospital in Imphal. In 2000, 10 civilians were gunned down by the 8th Assam Rifles at Malom Leikai following a blast at Imphal's Tulihal Airport. It was this incident that triggered the famous 16-year fast by Irom Sharmila for the repeal of the AFSPA. The Manipur High Court later declared those killed as innocent and announced compensation for their families. One also cannot forget how in 2004, a group of women launched a nude protest in

front of the Assam Rifles Headquarters at Kangla Fort, Imphal, after Thangjam Manorama was allegedly tortured, raped and brutally killed by security personnel. This was followed by several months of continuous protest by the people of Manipur eventually forcing then Prime Minister Manmohan Singh to visit Imphal and assure the people that he “sympathised with the legitimate aspirations of the people regarding the Act” and would replace it with a “more humane law” which would “take into account” the legitimate aspirations of the people and national security concerns. Herein lay the catch. Though Dr. Singh’s assurance was followed by the setting up of the Justice Jeevan Reddy Committee, which recommended the repeal of the AFSPA, finally, national security concerns made the Commission’s recommendations infructuous and the AFSPA continued as it was.

Editorial | [End the impunity: On Nagaland killing](#)

In 2016, a two-judge Bench of the Supreme Court of Justices Madan B. Lokur and U.U. Lalit passed a historic judgment on a plea by hundreds of families in Manipur for a probe by a Special Investigation Team into 1,528 cases of alleged fake encounters involving the Army and the police between 1979 and 2012. The Court held that “there is no concept of absolute immunity from trial by a criminal court.”

Assam, which has been under the AFSPA since November 1990, has had its own share of killings by the security forces since the days the United Liberation Front of Asom insurgency began in the early 1990s. Gunning down young men in “encounters” became so common that Army dispatches on these incidents appeared to be carbon copies of one another. Such killings have been documented by organisations such as the Manav Adhikar Suraksha Samiti.

Manipur and Assam resisted MHA decision to remove AFSPA tag

However, at least in one case, because of the dogged perseverance of former legislator and present Assam Jatiya Parishad leader Jagadish Bhuyan and some activists of the All Assam Students’ Union, the security personnel involved in the cold-blooded murder in February 1994 of five young men of the Talap area of Tinsukia district were finally court-martialled. In that incident, nine youths were picked up by the Army on the suspicion that they were involved in the killing of the general manager of the Assam Frontier Tea Limited, Rameshwar Singh, at his Talap office. Following a habeas corpus petition at the Gauhati High Court, the Army handed over five bodies to the Dhola police while freeing the other four. As usual, the deaths were attributed to an encounter, while the police claimed them as killings. Finally, after the Gauhati High Court ordered a Central Bureau of Investigation inquiry, which indicted the Army personnel of murder of the five youths, the Army was forced to order a court martial in July 2018. Seven Army personnel, including a Major General, were dismissed and sentenced to life imprisonment. This is just one case where the protective cover given by the AFSPA wasn’t enough to hide the murders committed by the security forces. However, hundreds of extra-judicial killings under the AFSPA have gone unpunished throughout the State.

Also read | [Nagaland killings underline AFSPA pitfalls](#)

For decades now, the people of the Northeast have been living under the shadow of a draconian law which makes a travesty of the rights of the citizen guaranteed by the Constitution. The Centre has expressed its regret over a botched operation. A mere regret is not enough. What is needed is an immediate repeal of the AFSPA.

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