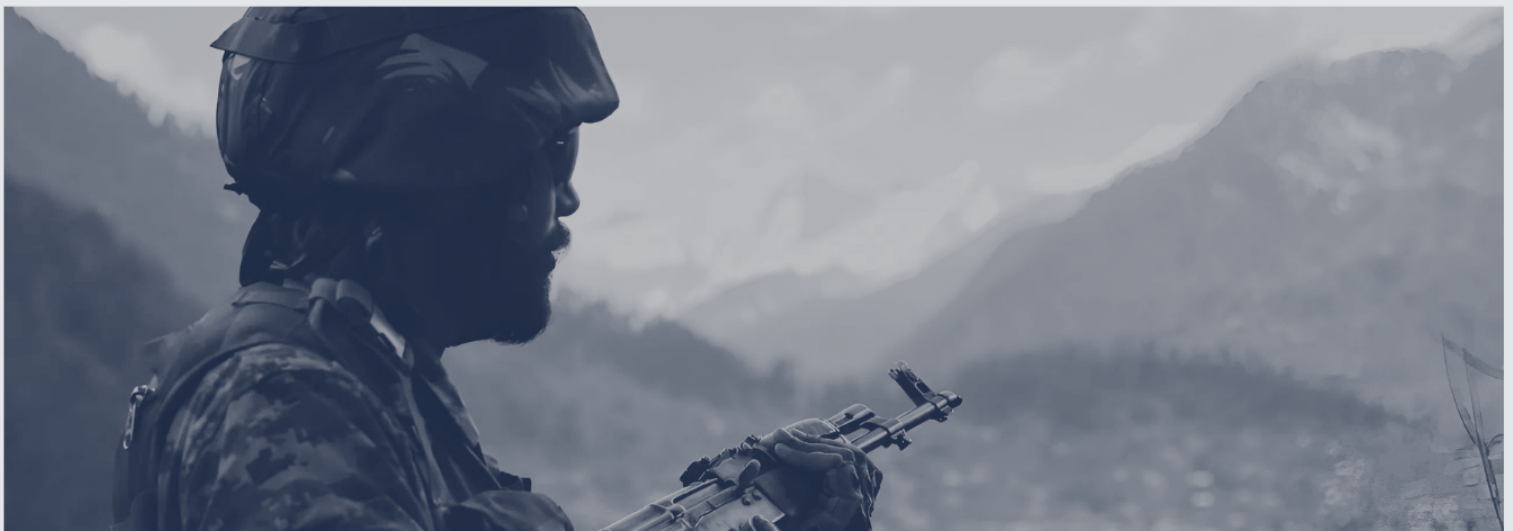




Agenda - Assessing the role of AFSPA Maintaining Internal Security While Safeguarding Constitutional Rights with Special Emphasis on North-East

LOK SABHA



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LETTER FROM THE BUREAU

Greetings Parliamentarians!

It is our absolute pleasure to welcome you all to the 11th iteration of the Shishukunj MUN, and to this dynamic simulation of the Lok Sabha. The agenda for this year's parliament is "Assessing the role of AFSPA Maintaining Internal Security While Safeguarding Constitutional Rights with Special Emphasis on North-East" with no freeze date, that is, the committee will function in present time.

This study guide has been made in order to aid your research, but that does not mean it is the end of it; the conference is all about research, analysis and meaningful discussions. Parliamentarians are encouraged to explore the historical, political, constitutional and humanitarian aspects of the agenda in depth. Data-backed arguments, assertiveness and accuracy of information is key and will definitely make everyone of you stand out. The MUN is a learning experience for us as much as it is for you, and so we are looking forward to valuable discussions. Please reach out to us if you have any confusion or question and we will answer it to the best of our abilities.

We look forward to exciting and fiery debates and discussions, and hope that the committee would be able to suggest constructive solutions to the agenda. Looking forward to having an enriching experience together!

Best Wishes

Akshita Nyati, Speaker

Atharv Sharma, Co-Deputy Speaker

Parth Upadhyay, Co-Deputy Speaker

INTRODUCTION TO THE COMMITTEE

The Lok Sabha is composed of representatives of people chosen by direct election on the basis of Universal Adult Suffrage. The Constitution of India allows for a maximum of 550 members in the House, with 530 members representing the States and 20 representing the Union Territories. At present, the Lok Sabha has 543 seats filled by elected representatives. The term of the Lok Sabha, unless dissolved, is five years from the date appointed for its first meeting. However, while a proclamation of emergency is in operation, this period may be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case, beyond a period of six months after the proclamation has ceased to operate.

INTRODUCTION TO THE AGENDA

The Armed Forces (Special Powers) Act, commonly known as the AFSPA, remains one of the most debated and controversial laws in India. Enacted in 1958, the Act grants special powers to the armed forces in areas declared as “disturbed” particularly in regions affected by insurgency, internal armed unrest and threats to national security. Over the decades, AFSPA has been implemented in several states and union territories including Assam, Manipur, Nagaland, Jammu and Kashmir and parts of Arunachal Pradesh with the objective of maintaining internal peace and preserving the sovereignty and integrity of the nation. The Act allows the security forces to conduct operations, make arrests without warrants and use force under specific circumstances and therefore it enables the security forces to give quicker response to threats in these conflict prone areas.

However, AFSPA has also faced criticism because of claim related to human rights violations, misuse of authority and lack of accountability. Critics argue that certain provisions of the act give excessive power to the security forces which often results in conflicts between civilians and the state, especially in the North East where social, political and regional issues along with demands for autonomy have fueled the ongoing unrest. Incidents such as the Malcom Massacre in Manipur and protests led by activists like Irom Sharmila have increased the debates regarding the balance between the national security and constitutional freedoms. While the supporters of AFSPA argue that the act is important for counter-insurgency operations and ensuring stability in regions facing armed rebellion and cross border threats.

The agenda seeks to critically assess AFSPA’S role in maintaining internal security while also safeguarding the constitutional rights which are guaranteed to the citizens under the Indian Constitution . The committee will deliberate upon whether AFSPA continues to be a necessary law for national security, whether reforms and accountability measures are required and how the government can address the concerns of the citizens without compromising the effectiveness of the armed forces. Special emphasis is on the North East considering its unique socio-political scenario, strategic importance and its long history under the act.

Through discussions and debates the committee aims to provide solutions that uphold both the security of the nation and the democratic principles upon which India was founded.

KEY TERMS

1. **Disturbed Areas:** A region declared by the Central or the State government because it is affected by insurgency, terrorism or internal unrest where AFSPA can be informed.
2. **Insurgency:** A violent, armed rebellion or uprising against a constitutional authority using guerrilla warfare and other irregular forces.
3. **Internal Security :** Protection of a nation from threats present within its own territory.
4. **Terrorism:** The use of violence or fear by individuals or groups to achieve political, religious or ideological goals.
5. **Constitutional Rights:** The fundamental rights guaranteed to all the citizens under the Indian Constitution which includes right to life, liberty, freedom etc.
6. **Scheduled tribes:** such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes

CONSTITUTIONAL VALIDITY AND FUNDAMENTAL RIGHTS CONCERN

Under this topic we will see whether AFSPA is in line with the Constitution of India and how it affects the fundamental rights of an individual.

❖ Legislative Framework

The Armed Forces (Special Powers) Act, 1958 (AFSPA), is an Indian parliamentary law that gives special powers to the armed forces operating in areas officially declared as “disturbed.” It was enacted to enable military assistance to civil authorities in maintaining public order amid insurgency or internal unrest, especially in India’s northeastern states. The Act remains one of the most debated legal instruments in India’s internal security framework.

It was enacted on September 11th, 1958, and was Act number 28 of 1958. This was administered by the Ministry of Home Affairs. This act was originally applied to Assam and Manipur but was later extended to other northeastern states through later amendments. The 1958 Act provides a framework for deployment against subversive activities when the civil administration is in danger, and it complements the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990, for the former state of Jammu and Kashmir.

The act has 6 sections in total and section 4 and 6 are considered the most controversial.

❖ Constitutional Validity

1. Declaration of Disturbed Area

The power to declare an area as “disturbed” is stated under Section 3 of the Armed Forces (Special Powers) Act, 1958.

“If, in relation to any State or Union territory, the Governor of that State or the Administrator of that Union territory or the Central Government is of the opinion that the whole or any part of such State or Union territory is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, he may, by notification in the Official Gazette, declare the whole or such part of such State or Union territory to be a disturbed area.”

The main problem with this provision lies in the fact that it is entirely based on the 'opinion' of the authority. The law does not clearly define what situation will actually be considered 'dangerous.' As a result, the decision depends on the discretionary judgment of the authority, which makes the process subjective rather than objective. In simple words, there are no fixed standards to follow before declaring an area as “disturbed”.

Another major concern is the absence of a clear timeframe. The law does not specify how long an area can remain in this condition. Some areas have been classified as disturbed for many years. This creates a situation where a provision that was meant to be temporary starts functioning as a permanent.

2. Section-Wise Powers

Section 4

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

(a) if he is of the opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death;

(b) destroy any arms dump, prepared or fortified position or shelter or structure from which armed attacks are made or are likely to be made;

(c) arrest, without warrant, any person who has committed a cognizable offence or is suspected to have done so;

(d) enter and search, without warrant, any premises to make such arrests or to recover any person wrongfully restrained or confined or any arms, ammunition, or explosive substances.”

The main idea is that in situations where delays could affect security, quick and effective action can be taken. However, many concerns arise within the framework of these powers. One of the main problems is the use of the phrase 'if he is of the opinion.' This makes the exercise of power dependent on the personal judgment of the officer in the field. There are no rules about the force that can be used and this increases the risk of abuse of power. Another serious concern is about the provision that allows the use of force 'even to the extent of causing death.' While the provision states that a warning is required for this, the law doesn't clearly define what a sufficient warning would be or what level of threat justifies such action.

Such acts usually require judicial oversight in normal situations however under AFSPA this oversight is less which leads to violation of fundamental rights. While the purpose of Section 4 is to provide flexibility in conflict it still gives too much freedom to AFSPA which makes it one of the most controversial parts of AFSPA. The lack of clear boundaries creates a constant tension between security needs and the protection of fundamental rights.

Section 6

“No prosecution, suit, or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.”

This provision means that no legal action can be taken against armed forces officers under AFSPA unless earlier permission is taken from the central government. Its purpose is to protect those officers who work in tough and dangerous conditions, where quick decisions often need to be made.

This provision raises serious concerns about accountability. In practice, getting permission from the central government is a long and tough process, and in many cases, approval isn't granted. This creates a situation where, even if there are any allegations like misuse of power then starting legal action becomes extremely difficult.

❖ Fundamental Rights

1. Articles

Article 14

Article 14 of the Indian constitution guarantees equality before law to every situation but clashes with AFSPA because decisions such as using force, making arrests and conducting searches usually depend on the judgment of the officer. These situations can be handled differently if strict and uniform guidelines are made.

Article 19

In AFSPA restrictions such as curfews and bans on gatherings are usually imposed even though these restrictions are justified by the law using such restrictions can limit the everyday life of the citizens thus violating article 19

of the Indian Constitution which provides freedom of movement, assembly and speech.

Article 21

The powers which are given under the AFSPA especially regarding the use of force violates Article 21 which protects the right to life and personal liberty.

2. Committee Findings

Justice Jeevan Reddy Committee

The Life Reddy Committee (2005) is considered one of the most important committees regarding AFSPA. The committee noted that the AFSPA act is now being used as a symbol of oppression in some areas rather than a protection law; it also suggested that its important provisions can be made more balanced. This shows that AFSPA in its current form does not go hand in hand with the democratic principles of India.

Santosh Hegde Commission

Similarly, the Santosh Hegde Commission investigated a few specific cases and it pointed out that in a few places the use of force seemed excessive or inappropriate. The findings of the commission focuses that there is a gap between the objective of the law and its implementation.

3. International Law Conflict

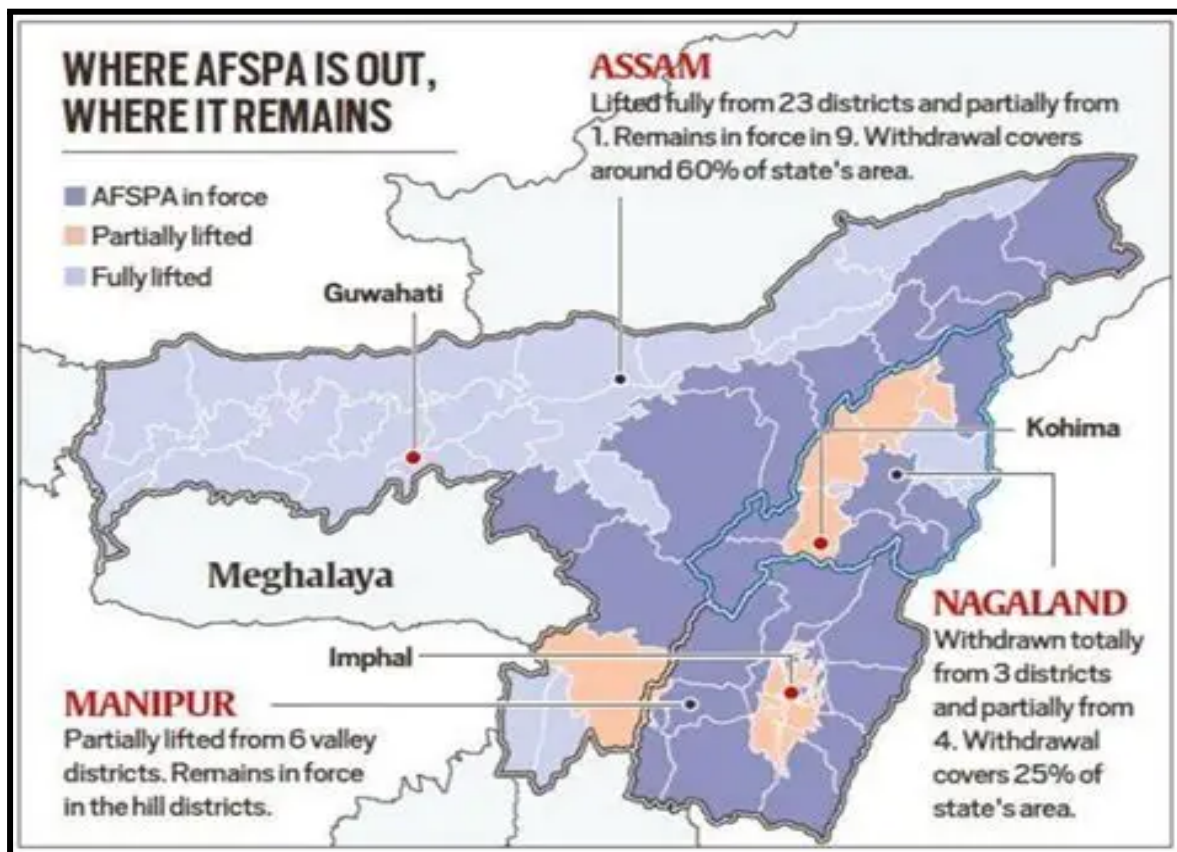
The international covenant on civil and political rights which focus on the right to life and access to justice has criticized AFSPA due to its human rights violation .This criticism mainly arises from the section 4 (allows the use of force based on officers discretion) and section 6 (grants legal immunity without requiring a prior approval from the government)

International principles and policies demand that the use of force should be necessary and appropriate but under the AFSPA there is a lack of a clear limit of force and there is a difficulty in starting legal procedures related to the act. These situations raise concerns about the standards that are being followed. Organizations such as Amnesty have pointed out the use of excessive force and limited access to justice

4. Recent Policy Developments

In recent years the government has taken a more selective and region specific approach during the implementation of AFSPA. In parts of the northeast the act has been partially removed which is a prominent change.

For example, AFSPA has been removed from parts of Assam Nagaland and Manipur even though a few sensitive regions are still under it, This gradual shift is an effort to bring back the normal governance and reduce the dependency on acts such as AFSPA.



FUTURE, PRESENT AND PAST CONTEXT

To understand the role of AFSPA in contemporary India, we must first trace its origins through the colonial era, followed by the young nation that was forged among the chaos of the largest forced partition in history.

➤ Origins of AFSPA:

1. This legal framework that defines the stretch of the Indian military's powers was not originally framed by independent India; instead, it was inherited from the colonial administration.
2. On 15th August 1942 the British government passed the Armed Forces (Special Powers) Ordinance to suppress the civilian mobilisation during the Quit India movement. This ordinance established the precedent of granting military officers broad powers of arrest, search, and the use of lethal force to maintain domestic order when civilian policing was deemed insufficient.
3. This ordinance became the precursor to the Assam Disturbed Areas Act (1955), which had to be created following the boycott of the first general elections by the Naga National Council. The NNC demanded for an independent Naga nation; this violated India's sovereignty and integrity. This act included the following provisions:
 - a. DECLARATION OF DISTURBED AREAS: The State Government may, by the notification in the official Gazette, declare, the whole or any part of any district of Assam as a "Disturbed Area"
 - b. POWER TO FIRE UPON PERSONS CONTRAVENTING CERTAIN ORDERS: This provision grants authorized personnel specifically Magistrates, Police Officers not below the rank of sub-inspector, and Assam Rifles officers not below the rank of Havildar to use lethal force to maintain public order within a designated Disturbed Area against any individual who is acting in contravention of any law or order. This provision also prohibits the assembly of 5 or more persons carrying weapons or any other substance that can be deemed lethal.
 - c. POWERS TO DESTROY ARM DUMPS, FORTIFIED POSITIONS ETC: Under this provision the aforementioned officials are entitled to assess and destroy insurgent infrastructure. It authorizes the destruction of army dumps,

fortified positions, militant training camps and hideouts accommodating hostile individuals or fugitives wanted for creating regional disturbances.

4. By 1956, however, the rebel NNC had formed a parallel "Federal Government of Nagaland," recognizing the limits of the Assam Disturbed Areas Act which was only enforced by local policing, the President promulgated the Armed Forces (Assam and Manipur) Special Powers Ordinance on May 22, 1958. This ordinance was replaced on September 11, 1958, by the Armed Forces (Assam and Manipur) Special Powers Act, 1958, which established the foundation for military intervention in domestic conflicts.
5. In 1972, Parliament passed the Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, which renamed the legislation the Armed Forces (Special Powers) Act, 1958, commonly known as AFSPA. This amendment also made the made the following provisions:
 - a. CENTRAL AUTHORITY TO DECLARE DISTURBED AREAS: Before this amendment under Section 3 of the 1955 Assam Disturbed Areas Act only the state government had the powers to declare a region as a Disturbed Area, now that power was shared with the Central Government, State Governors, Union Territory Administrators. While the State Governments retained their powers, they lost their exclusivity.
 - b. FULFILLING CENTRAL OBLIGATIONS: Under this amendment the state government could no longer unilaterally refuse the deployment of the armed forces or lift the act without the Center's agreement. It allowed the Union to fulfill its constitutional duty to protect states against internal disturbances under Article 355 of the Constitution of India.
 - c. EXPANSION OF REGIONAL APPLICATION: With this amendment being created around the same time as the reorganization of states (Creation of new states like Meghalaya, Tripura and Mizoram) it facilitated the extension of the act's special powers across a wider footprint in the North-East.

➤ The Present of APSPA- Current Deployment/Usage/Requirement:

AFSPA was enacted in a vastly different era so is this act, that fundamentally alters the military-civilian relation in our nation still necessary? Or is it a relic from an era

where the nation needed to empower the military at unprecedented levels just to keep the nation together.

Rather than applying AFSPA as a uniform, region-wide policy the Ministry of Home Affairs has increasingly adopted a calibrated state-by-state approach.

➤ The Foreseeable Future of AFSPA;

Despite the continuous claims of the government on eradicating internal conflicts like naxalism, it is evident by the number of regional instabilities that some form of safeguard should be present to maintain the sovereignty and integrity of India, but does this safeguard also needs to give near-despotic powers to the military and should this safety come at the cost of the fundamental rights of those very citizens whose safety concerns led to the creation of AFSPA or is there any other way?



IMPACT OF AFSPA IN THE NORTHEASTERN STATES

→ Assam

AFSPA was mainly associated with groups like ULFA (United Liberation Front of Assam) in Assam involved in armed activities and cross-border operations.

This act empowered security forces to undertake anti-terrorist operations, which gradually had a significant impact in weakening armed networks. However, it also raised concerns about civilian harassment and arbitrary detention.

Due to improvements in security conditions over the years, AFSPA has been partially withdrawn from several districts.

Border areas and some specific districts still face selected challenges such as extortion networks and activities of armed groups.

→ Nagaland

Nagaland has the longest history of AFSPA, because of insurgent activities by groups like NSCN demanding autonomy or independence.

This act allows the state to handle armed rebellions but it has also created a parallel system of control which includes underground taxation and extortion network.

In a recent major event in Nagaland, the Mon district firing, in which civilians were killed by security forces, has once again sparked protests and demands for the repeal of AFSPA.

Despite many efforts to make peace talks and ceasefire agreements, the presence of AFSPA indicates that a full political solution has not been achieved yet.

→ Arunachal Pradesh

Certain areas such as Tirap, Changlang, and Longding are under AFSPA, because these areas face terrorism and recruitment due to its closeness to Myanmar.

Compared to Manipur or Nagaland, the impact here is mostly local, not widespread, but still significant in the affected districts. The continuous implementation in limited

areas indicates that AFSPA is used as a preventive and deterrent measure rather than as a full-scale control mechanism.

→ Tripura

Tripura experienced a significant insurgent phase from the late 1980s to the early 2000s, which was because of ethnic tensions between the indigenous tribal groups and Bengali immigrants. This led to the imposition of AFSPA for several years.

Under AFSPA, strong counter-insurgency operations, along with political and developmental measures, proved quite helpful in significantly reducing terrorism.

In 2015 AFSPA was completely withdrawn making it successful in Tripura in maintaining conflicts but it also shows how AFSPA was not the only solution and governance, development and integration in politics also played a major role.

→ Meghalaya

AFSPA has only been applied in limited border areas, mainly due to spillover insurgency coming from Assam.

Its impact has been relatively low compared to other states because this act was never enforced across the whole state.

Over time, AFSPA has been withdrawn from most areas, reflecting an improvement in the security situation. Therefore in Meghalaya AFSPA acted as a temporary balance rather than a long term solution.

CONCERNS FOR NATION'S INTEGRITY

The ultimate goal of any bill, act or decision by any government should be the preservation of the unity and integrity of the nation. Some acts like AFSPA on the surface seem like they are made to do exactly that, but AFSPA can theoretically and practically exploit its legal immunities to perform sinister acts under the shield of protection given to it by the Constitution.

We will evaluate and assess both sides of the argument to determine whether AFSPA is disgrace to Indian democracy or is it the pillar that is preventing its fall.

❖ Arguments for AFSPA:

1. STATE OBLIGATIONS: The primary argument for retaining AFSPA is rooted in the state's obligation under Article 355 of the Constitution to protect every state against external and internal threats. Supporters of the military's legal immunity argue that in highly disturbed, ethnically volatile border regions, the reduction/removal of these powers would dismantle the state's capacity to protect its borders.
2. EXTERNAL THREATS: India's northeastern holdings are connected to the mainland by the Siliguri Corridor, a highly vulnerable geographic chokepoint which is only about 20 KM wide at its narrowest point. This isolated region is surrounded by international boundaries with Myanmar, Bangladesh, Bhutan, and China which gives other nations and hostile militant groups a strategic advantage over India's connectivity to its north-eastern states.
3. INSURGENT GROUPS: Hostile foreign actors and insurgent networks regularly exploit these tactical borders to establish their bases for operations, especially in Myanmar where insurgent groups use these bases to coordinate recruitment and extortion schemes and transport weapon shipments back into India.
4. EFFECTS OF GEOGRAPHY: In these environments, traditional policing methods are rarely sufficient. Proponents of AFSPA argue that the military requires the specialized tactical powers to conduct rapid operations in these border zones. Without these powers, the armed forces would lack the operation powers to combat these insurgent groups, leaving vulnerable border districts open to these turbulent activities. In these regions, cross-border ethnic networks adapted to these rugged and forested

terrains which have complicated traditional border management. That's why AFSPA is not just needed but essential in the border security of these regions.

But this only reflects one side of the coin, while AFSPA has extremely valid arguments for its existence and usage, the arguments against AFSPA are equally strong and in some cases morally stronger.

❖ Arguments against AFSPA:

1. ALIGNMENT OF THE POPULATION: The long term integrity and stability of a democratic nation relies on the social and political alignment of the population within its borders. When a region is kept under what is effectively martial law the everyday interactions between the citizen and the state are replaced by interactions between citizens and the military. These citizens will not experience that they are living in the world's largest democracy, they will feel like they live under a military dictatorship. The powers to search private residences without warrants, enter properties at will, and arrest individuals on mere suspicion fundamentally destroy the democratic values of our nation.
2. COUNTER STATE PROPAGANDA: This continuous militarization brings deep alienation and isolationism among local populations, who will view the Indian state not as a protective democratic republic, but as an occupying, tyrannical force. This damage creates a highly fertile ground for hostile foreign intelligence services and local insurgent factions to construct anti-state narratives. These hostile actors successfully frame the Indian state's reliance on AFSPA as a form of forced occupation, thereby driving local recruitment and breathing new life into violent secessionist ideologies.
3. FURTHER DISCONNECT FROM THE RURAL/ ISOLATED REGIONS: Many regions of India especially the north-east are already very disconnected from the mainland but instead of providing these regions with India's democratic framework the government gives them military rule it will only amplify this disconnect between the State and these regions, and if the differences grow larger what incentive or motivation will these regions have to stay with the union?

We have assessed that AFSPA is not a black and white act, it lies in the morally grey,

On one hand the State has to protect the borders and maintain the unity of the nation but on the other hand it is also the responsibility of the State to gain the trust of the population within those very borders it is trying to protect and to provide these citizens with democracy not military rule. That's why the solution to the AFSPA problem is not simple removal or conservation, it's rethinking and reimagining the way India maintains the balance between civilian rights and military protection.

SOCIO-ECONOMICAL IMPACTS

- The term socio-economic impact refers to the effect that a law or a policy has on society both socially and economically.
- Social impacts are the changes in the people's life for example access to education, justice, equality and social harmony.
- Economic impacts refer to factors like employment, income level, businesses and trade and economic participation.
- It shows how AFSPA is not only a security law but it also shapes how society and economy functions in those regions.

1. Effect of Livelihood and Income:

- Conflict, violence and instability in a region directly affects the livelihood and income of the people. Frequent curfews, shutdowns and security restrictions disrupt daily economic activities of the people living in that region and also cause heavy losses to workers, farmers and traders. Many lose their jobs or face irregular incomes due to slow down of or collapse of business activities. As poverty and unemployment increases, families struggle to meet their basic needs.

2. Impact on Business, Trade and Investment

- Instability and insecurity creates a negative environment for business, trade and investment. Companies and investors became more cautious in investing and starting new businesses and projects because of fear of safety and financial losses. The trade activities are also disrupted because of restrictions of transport, damaged infrastructure and decline in market. As trade, business and investment decreases the region faces reduced development opportunities.

3. Disruption of Education and Youth Opportunities

- Curfews, disturbances and violence severely impacts education and limits the opportunities for the youth. Schools, colleges and universities often remain closed during conflicts which affects the academic progress and also creates uncertainty about their future. Many young people are unable to access quality education, skill training or employment opportunities which results in anger, frustration and a sense of alienation among the youth. As a result the youth of the country not only loses opportunities but they also lose faith in the system and the government.

4. Degradation of Tourism and Regional Image

- Tourism is one of the sectors which is the most affected by instability and conflict as tourism depends on peace, stability and safety of a place so when a state or region is associated with conflicts or military presence tourists avoid visiting those places which causes heavy losses to hotels, transport services and businesses based on tourism. Along with the economic loss the image and reputation of the region also declines and a place once known for its cultural heritage and natural beauty may be associated with fear, danger and insecurity.

5. Effect on Migration and Displacement

- Conflicts often force people to leave their homes in search of safety, stability and better opportunities. Many families are displaced due to violence, destruction of property or lack of livelihoods. Migration on a large scale creates pressure on other cities and regions by increasing the demands for jobs, homes, healthcare and public services. At the same time the region affected by migration loses skilled workers and youth which slows down the economic and social progress of the region.

6. Lower Standard of Living and Public Welfare

- When a region is under tension and unrest for a long period of time it lowers the standard of living and the overall welfare of the people. Basic and public services like healthcare, education, sanitation, transportation and general welfare becomes harder to access or less effective. Rising unemployment, inflation and poverty increases the struggles faced by the citizens. The government is often forced to be more focused on security measures then welfare and development which over time lowers the overall quality of life and living.

CASE STUDY: AFSPA IN MANIPUR

The best way to fully understand the practical workings of AFSPA is to see it in full action; that is why the case study of Manipur will help us in realizing the scope of AFSPA's actual powers and its implications on civilian lives as well as administration in Disturbed Areas.

➤ The Root of the Manipur Conflict:

1. **ETHNIC COMPOSITION OF MANIPUR:** Tucked into India's northeastern corner, sharing a long border with Myanmar, Manipur is one of the most ethnically layered states in the country. Its social map is shaped by a clear geographic divide: a fertile central valley and the surrounding hills that cover most of the land. This division has produced a society where the valley-dwelling Meiteis and the hill-based Naga and Kuki tribes have lived side by side for centuries, each holding on to distinct languages, faiths, and customs. To fundamentally understand this conflict, it is very important to understand these ethnicities and their relations with each other.
2. **LANDMARK DECISION OF THE MANIPUR HIGH COURT:** In a civil writ petition, filed by several members of the Meitei Tribe Union, seeking a writ of mandamus to direct the Government of Manipur to submit recommendations to the Government of India to include the Meitei community in the Scheduled Tribe list. The HC bench allowed the petition and directed the State to consider including the Meitei community in the Scheduled Tribe list within the period of four weeks. (Scheduled Tribes definition to be included in key terms)
3. **IMPLICATIONS OF THIS JUDGEMENT:** The other communities felt that the Meitei would end up politically and socially dominating the others as they were already the majority; this sparked opposition against the High Court decisions, subsequently leading to ethnic violence throughout the state and the start of a conflict that to this day has no end in sight.

➤ The Role of AFSPA in Manipur:

1. **HUMAN RIGHTS VIOLATIONS:** Human rights violations are a significant and deeply troubling aspect of counterinsurgency operations, especially in conflict-affected regions like Manipur. The actions of AFSPA have been linked to unnecessary abuses, torture, extreme methods for interrogation, and extortion. Officers under AFSPA are often perceived as having a legal shield that allows them to bypass the judiciary or any other form of sensible accountability. Reports by human right organizations document cases where innocent civilians have been caught up in the operation, subjected to violence or falsely accused of insurgent activities. Such violations do not only have an immediate negative impact on persons and communities but also have long-term effects leading to an increase of further insurgent activities.
2. **CONTRIBUTIONS IN THE PACIFICATION OF THE CONFLICT** AFSPA has also been accused of violating the rights of civilians, but its tremendous contribution in maintaining stability in Manipur as well is hard to ignore. From disarming violent groups and foiling insurgent plans, it is not hard to see how much worse this conflict could have been without AFSPA involvement.

➤ CONCLUSION:

To conclude, the situation with AFSPA and human rights in Manipur shows a massive problem the nation is facing. The great moral dilemma of choosing between the nation's integrity and civilian rights, but to counter this moving forward, the goal of every member of this house must be upholding human rights. We have to make sure that our push for security protects the dignity of our citizens instead of taking it away.

CASE STUDY: AFSPA IN JAMMU AND KASHMIR

Jammu and Kashmir is honestly a very different case when we compare it to the North-East. Over there, it's mostly internal conflicts, but here it's not that simple. It's a mix of internal issues plus external pressure, which automatically makes everything more sensitive and complicated. Because of this, AFSPA in this region works in a very different kind of environment.

- ❖ The cause of the Jammu and Kashmir Conflict:

- Historical Background and Territory Dispute:

This conflict started in 1947 during the partition of India and Pakistan when Jammu and Kashmir did not immediately join India or Pakistan. But due to an invasion the then ruler Maharaja Hari Singh decided to join India. That decision led to the first war between India and Pakistan and eventually the region got divided.

But this is where things don't really settle. Even after that, both countries continued claiming the region. So the tension never actually ended, it just kept going in different forms. That's why J&K is still such a sensitive region even today.

- Rise of Insurgency in the Late 1980s:

Things got much worse in the late 1980s. After the 1987 elections which were believed to be unfair a lot of people were unhappy and this caused frustration especially among the young people.

When it is no longer just protests or political issues it has turned into militancy is where the shift happens. Armed groups start forming, and some of them even get support from across the border. So now the situation isn't just internal anymore it becomes much more complicated.

- Declaration as a Disturbed Area and Imposition of AFSPA:

By 1990, things had gone pretty out of control. Normal police and administration were just not enough to handle the situation.

So the area was declared “disturbed,” and AFSPA was brought in. This basically gave the army more freedom to operate but it also meant that the military became a continuous presence in the life of people living in that region which changed how the whole region continued to work.

❖ The Role of AFSPA in Jammu and Kashmir:

➤ Human Rights Concerns:

Over a period of time accusations have been made that excessive force is used, wrongful arrests are made and lack of accountability is there.

A big issue here is the legal protection under AFSPA. It makes it really hard to take action against personnel without permission. Because of this, a lot of people feel that justice doesn't really happen properly.

At the same time, daily life gets affected too. Curfews, checks, operations it all creates a kind of pressure on normal life. People start feeling restricted, and naturally, that creates distance between them and the authorities.

➤ Role in Counter-Insurgency and Security:

But again, it's not one-sided. AFSPA has definitely helped in controlling violence to some extent since the army can now act faster and carry out operations against the militant groups.

In larger areas this has become more important because of the risk of infiltration. Without quick action, the situation could get worse very easily.

But still, this doesn't solve everything. It controls the situation but it doesn't fix the actual problems.

❖ Conclusion:

Therefore, AFSPA in Jammu and Kashmir is a double-edged sword. On one hand AFSPA helps in maintaining peace and security in regions but on the other a lot of questions regarding rights and accountability have been raised.

CONCLUSION

India is based on the principles of justice, liberty, equality and protection of constitutional rights. Along with these the government also has the responsibility of maintaining internal security, peace and safeguarding the sovereignty and integrity of the nation. In regions affected by insurgency and prolonged unrest balancing these responsibilities becomes a difficult task. The North-East with its unique ethnic composition, strategic importance and socio-political complexity, has remained at the centre of this challenge for several decades.

The Armed Forces (Special Powers) Act has become one of the most debated laws within India's internal security. Supporters of the act believe that such security situations require stricter and stronger measures to maintain peace and stability and protect the civilians from the violence and insurgency. Others however, raise concerns regarding accountability, public trust and the long term impact such laws may have on the everyday lives of citizens. Therefore the AFSPA debate reflects a broader question of how to ensure national security while also protecting constitutional values.

Considering all these, it is an important task to discuss the role and implementation of AFSPA and finding solutions and ways to maintain internal security while safeguarding constitutional rights. In doing so the committee hopes to approach the agenda with balance and provide implementable and long term solutions for the same.

QUESTIONS A BILL MUST ANSWER

1. How can AFSPA continue to assist security forces in combating terrorism, insurgency and cross border threats while ensuring that the constitutional rights of the citizens are protected?
2. Under what conditions should an area be declared or continue to remain a “Disturbed Area” and what should be the criteria used to review such declarations periodically?
3. Who should be held accountable for the actions of AFSPA, the government that enforces it or the Army official that commands its actions?
4. Why India of all nations that proudly calls itself the world's largest democracy needs a legal framework like AFSPA to maintain its sovereignty and integrity while similar nations around the world have no such provisions
5. How does the bill ensure that the extraordinary powers under AFSPA are temporary and not a permanent substitute for normal constitutional governance?
6. What accountability mechanisms are provided for in the bill regarding armed forces personnel, particularly if immunity from prosecution is claimed?

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