



## AFSPA

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#### WHAT IS THE ARMED FORCES (SPECIAL POWERS) ACT?

It provides protection from prosecution to soldiers while operating in areas declared as disturbed. Enacted in 1958, it prohibits any legal proceedings against them without the prior go-ahead of the Centre provided the allegations are linked to the public duty of the accused.

#### WHAT ARE THE POWERS IT CONFERS ON SOLDIERS?

The AFSPA allows soldiers to open fire or use force that can even result in death against any person who is in any contravention of any law in a disturbed area. It also authorises soldiers to make arrests or search any premises without warrants. Soldiers can take these steps if it is necessary for the maintenance of public order. It can be done if someone has committed a cognizable offence or on the basis of reasonable suspicion that such an offence is about to be committed.

#### WHY HAS THE ACT BECOME SO CONTROVERSIAL?

The Act has drawn criticism from human rights organisations who allege that the armed forces have misused their powers to carry out extra judicial killings in the northeast and Jammu and Kashmir where the law is in force. There have been demands to repeal the law that has often been described as "draconian".



- Human rights activists allege the army has misused AFSPA to carry out extra-judicial killings.

#### WHAT IS ARMY'S STAND ON AFSPA?

The army has maintained that the Act is essential for them to operate in difficult conditions.

The army is not even in favour of diluting the Act as they believe it will hinder soldiers from operating effectively.

