

## CONCEPT NOTE

### Towards Ending Armed Violence, Sustainable Peace & Reconciliation

### Assessing the Call to Repeal the Armed Forces (Special Powers) Act 1958

**Date:** Wednesday, 8 September 2010

**Venue:** Conference Room 1, India International Centre  
40 Max Mueller Marg, Lodhi Estate, New Delhi - 110 003

**Time:** 9 am to 5 pm

The Armed Forces Special Powers Bill was passed by both the Houses of Parliament and it received the assent of the President on 11th September, 1958. It came on the Statute Book as 'The Armed Forces (Special Powers) Act, 1958.

Enacted as a short-term measure to allow deployment of the army against an armed separatist movement in India's northeastern Naga Hills, the AFSPA has been invoked for five decades. It has since been used throughout the northeast, particularly in Assam, Nagaland, Tripura and Manipur. A variant of the law was also used in Punjab during a separatist movement in the 1980s and 90s, and has been in force in Jammu and Kashmir since 1990. Indian officials have long sought to justify use of the law by citing the need for the armed forces to have extraordinary powers to combat armed insurgents. The abuses facilitated by the AFSPA, especially extrajudicial killings, torture, rape and disappearances, have fed public anger and disillusionment with the Indian state. This has permitted militant groups to flourish in the northeast and Jammu and Kashmir. The AFSPA has not only led to human rights violations, but it has allowed members of the armed forces to perpetrate abuses with impunity. They have been shielded by clauses in the AFSPA that prohibit prosecutions from being initiated without permission from the central government. Such permission is rarely granted.

Indians have long protested against the AFSPA. The Supreme Court has issued guidelines to prevent human rights violations, but these are routinely ignored. Since 2000, Irom Sharmila, an activist in Manipur, has been on hunger strike demanding repeal of the act. The government has responded by keeping her in judicial custody, force-fed through a nasal tube, and has ignored numerous appeals for repeal from activists in Jammu and Kashmir. Following widespread protests after the 2004 murder in custody of an alleged militant called Manorama Devi in Manipur, the Indian government set up a five-member committee to review the AFSPA. The review committee submitted its report on June 6, 2005, recommending repeal of the act. In April 2007, a working group on Jammu and Kashmir appointed by the prime minister also recommended that the act be revoked. However, the cabinet has not acted on these recommendations because of opposition from the armed forces.

There has long been international criticism of the AFSPA. Over 10 years ago, in 1997, the United Nations Human Rights Committee expressed concern over the “climate of impunity” provided by the act. Since then, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions (2006), the Committee on the Elimination of Discrimination against Women (2007) and the Committee on the Elimination of Racial Discrimination (2007) have all called for an end to the AFSPA.

We believe that women from the northeast can play a pivotal role in bringing about peace in the region with collective voices from all sections of the society if we sincerely work together. The North East Women Initiative for Peace (NEWIFP) is a project proposed by Control Arms Foundation of India, New Delhi are now directly engaging into debates and dialogue with the Armed Forces on the highly controversial and sensitive topic on the Armed Forces Special Powers Act (AFSPA).

This proposed conference will have guests and resource persons ranging from women’s organization, civil society organisations, the armed forces and men and women from the north east as well as other parts of India working on peace and conflict issues. Each guest will have an inspiring story to share or incidents that we can relate to and also to suggest new methods and innovative ideas for capacity building to work towards greater peace and stability in the Northeast.

Through NEWIFP, CAFI will be organizing similar seminars and workshops in the northeast so that we can make greater impact and share ideas and visions to work towards peace building. We believe that the state and non state armed groups alone cannot be put solely responsible to bring about peace, but women’s organizations and sensitive and committed men and women can play a vital role to bring the change that we wish to see. Please join in our efforts.

*For more information, please contact:*

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