

AS INTRODUCED IN THE RAJYA SABHA
ON THE 21ST JUNE, 2019

Bill No. XLII of 2018

THE ARMED FORCES (SPECIAL POWERS) REPEAL BILL, 2018

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BILL

to repeal the Armed Forces (Special Powers) Act, 1958.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Armed Forces (Special Powers) Repeal Act, 2018. Short title and
commence-
ment.
- 5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. The Armed Forces (Special Powers) Act, 1958 is hereby repealed. Repeal of Act,
No. 28 of
1958.

STATEMENT OF OBJECTS AND REASONS

The Armed Forces Special Powers Ordinance was first promulgated on August 15, 1942 by Lord Linlithgow, the then Viceroy of India, to suppress the Quit India Movement launched by Mahatma Gandhi. Gandhi, Jawaharlal Nehru and most leaders of the Indian National Congress were imprisoned under this law.

A few years after Indian independence, India faced its first insurgency in Naga districts of Assam, along the Burmese border. India responded by sending in thousands of Indian army soldiers and para-military forces to crush the rebellion. To counter this insurgency and provide the armed forces with legal protection, the then Government passed the Armed Forces Special Powers Act, 1958. Since then, insurgency has spread to large parts of the country and the Act has been extended to Manipur, Jammu & Kashmir and other parts of India.

The AFSPA violates the provisions of the Universal Declaration of Human Rights ("UDHR"), the International Covenant on Civil and Political Rights ("ICCPR"), the Convention Against Torture, the United Nations Code of Conduct for Law Enforcement Officials, the United Nations Body of Principles for Protection of All Persons Under any form of Detention and the United Nations Principles on Effective Prevention and Investigation of Extra-Legal and Summary Executions.

The Supreme Court, various Commissions, Committees including International Organisations have recommended the repeal of this law. The report of the Justice Jeevan Reddy Committee (2005) recommending, among others, repeal of the Act is already with the Government.

The report of the Second Administrative Reforms Commission (2007) headed by none other than the former Union Minister, Shri M. Veerappa Moily, who was also the former Union Law Minister recommended, among others, repeal of the Armed Forces (Special Powers) Act, 1958. Further, the report of the Working Group on Confidence-Building Measures in Jammu and Kashmir (2007) headed by Shri Hamid Ansari, former Vice-President of India recommended, among others, repeal of AFSPA. The Justics J.S. Verma Committee (2012) had also recommended the repeal of this Act.

The Bill, therefore, seeks to repeal the Armed Forces (Special powers) Act, 1958.

Hence, this Bill.

RIPUN BORA

RAJYA SABHA

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to repeal the Armed Forces (Special Powers) Act, 1958.

(Shri Ripun Bora, M.P.)