

What is Armed Forces (Special Powers) Act, 1958 (AFSPA)?

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- **Armed Forces (Special Powers) Act, 1958 [AFSPA]**
- **What is Armed Forces (Special Powers) Act, 1958 (AFSPA)?**
- **What are the Controversial provisions of AFSPA?**

Why in news?

- The department of Military Affairs under the Ministry of Defence has denied sanction to prosecute the 30 Army personnel.
- These Army personnel were allegedly found involved in the December 2021 firing incident in Nagaland's Oting village in which 14 civilians were killed.

What is the background of the present case?

- Army para commandos were lying in wait for militants in Nagaland's Mon district.
 - The commando team was deployed at a site between Tiru and Oting, about 100km from the Myanmar border.
 - They apparently mistook the coal mine workers for their targets in the dark and started firing.
- They shot and killed six villagers instead, all of them coal mine workers returning home in a van singing songs.
- Soon after, a village search party attacked the soldiers, leading to firing in which seven more civilians died. A soldier was also killed.
- Later, another civilian was killed in Mon, dominated by the **Konyak tribe**, when security forces repelled a mob attack on an Assam Rifles camp.
 - With a population of roughly 3 lakhs, the area inhabited by the Konyaks extends into Arunachal Pradesh, with a sizeable population in Myanmar as well.
 - Known to be one of the fiercest warrior tribes in Nagaland, the Konyaks were the last to give up the practice of head-hunting.
 - Mon is the only district in Nagaland where separatist group NSCN (IM) has not been able to set up base camps, largely due to resistance from the Konyaks.

Aftermath of killing

- **Formation of enquiry commission**
 - Following the incident, which caused wide public outrage in Nagaland and the Northeast, the state government had formed a Special Investigation Team (SIT) to probe the matter.
 - Separately, the Army initiated an independent Court of Inquiry to investigate the incident.
- **Findings of SIT**
 - The SIT completed its investigation and, based on its findings, filed a chargesheet in May 2022 at the district and sessions court in Mon.
 - It indicted all 30 personnel of the 21 Para SF team involved in the shooting.
- **Need for sanction to prosecute from the Centre**
 - These security personnel were operating in areas which are under the Armed Forces Special Powers Act (AFSPA), 1958.
 - Hence, there is need for the sanction of prosecution from the Centre for initiating any proceedings against security forces personnel for any actions taken by them while discharging their duties.

Armed Forces (Special Powers) Act, 1958 [AFSPA]

What is Armed Forces (Special Powers) Act, 1958 [AFSPA]?

- The Armed Forces (Special Powers) Act was enacted in 1958 to bring under control what the government of India considered disturbed areas.
- Enacted by Parliament in September 1958, AFSPA was first implemented in the Northeast, and then in Punjab.
- Under its provisions, the armed forces have been empowered to open fire; enter and search without warrant, and arrest any person who has committed a cognisable offence.
- Prosecution of the officer on duty needs prior permission of the Central Government.

What are the Controversial provisions of AFSPA?

- **Section 3** – It empowers the Centre to declare any area as Disturb Area without taking consent of the concerned state.
- **Section 4** – Accords certain power to an authorised officer which also include power to open fire at any individual even if it results in death.
 - Under this section, the officer has also been given the power to (a) arrest without a warrant; and (b) seize and search without any warrant any premise.
- **Section 7** – It mandates prior executive permission from central or state authorities for prosecution of a member of the security forces.

Q1) Who are Konyak tribe?

The Konyak tribe is a Naga ethnic group native to the Mon district of Nagaland, India, known for their elaborate tattoos, headhunting history, and traditional animist beliefs.

Q2) Who are para commandos of Indian Army?

Para Commandos are a special forces unit of the Indian Army trained in airborne, special operations, and counter-terrorism operations. They are also known as the Parachute Regiment.

Source: [Nagaland civilian killings: MoD denies sanction to prosecute 30 Armymen](#) | [Hindustan Times](#) | [The Hindu](#)

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