

LOK SABHA

VSA MODEL PARLIMENT 2022

Agenda: Reviewing the Armed Forces (Special Powers) act (AFSPA) and its need in a modern

Letter from the Executive Board

Dear MPs (Members of the Lok Sabha),

We, the Executive Board of the Lok Sabha would like to extend our heartiest greetings and would like to thank each one of you for choosing to take part in this Committee. During the course of two days, we would like participants to engage in discussions with a broad spectrum of ideas and varying resolutions. We would prefer Parliamentarians to come up with solutions that are meaningful and inclusive of every citizen of the Country.

Wishing all the delegates the best of luck, we hope to make this an enjoyable and memorable experience.

Regards,

Akshita Prasad and Krish Giria, Co-Speakers

Sameeksha Mehta, Deputy Speaker

Introduction to the Agenda

AFSPA

Armed Forces (Special Powers) Act (AFSPA), 1958 is an act of the Parliament of India that grants special powers to the Indian Armed Forces to maintain public order in "disturbed areas". On August 15, 1942, the British administration enacted the armed forces (Special Powers) ordinance to suppress the Quit India Movement. The increasing instances of violence in the North-East states of India had made the two houses of the Parliament initiate and pass the Armed Forces (Special Powers) Bill which received the presidential assent on 11th September 1958. The Act has been in the Seven sister states and Kashmir for several decades now.

The act has the following key parts - Section 3 of the act lays down the procedures for declaring an area "disturbed". Sections 4 and 5 lay down the special powers granted to the armed forces. Section 6 provides for the legal immunity of the Armed Forces.

The act confers many powers to the armed forces and has also drawn lots of criticism for these powers. This act has been criticized for being severely misused and being anti-constitutional, but the proponents of the act remain adamant about the fact that it is necessary for the efficient functioning of the armed forces and helps secure the Nation.

On 8 July 2016, in a landmark ruling, the Supreme Court of India ended the immunity of the armed forces from prosecution under AFSPA, saying, in an 85-page judgement, "It does not matter whether the victim was a common person or a militant or a terrorist, nor does it matter whether the aggressor was a common person or the state. The law is the same for both and is equally applicable to both ... This is the requirement of a democracy and the requirement of preservation of the rule of law and the preservation of individual liberties."

With the above-mentioned facts in mind,

QARMA (Questions a resolution must answer)

1. Is AFSPA constitutionally valid when taking into consideration the fundamental rights granted to citizens? If not, then what should be the future of the act?
2. Are the powers given by AFSPA being misused? If yes, then how can the act be changed to curtail such misuse?
3. Is the absolute immunity given to the soldiers in line with the ideals of liberal democracy? To what extent should an act done in the service of the Nation be pardoned?
4. Does the system lay down under section 3 of the act comprehensively detail the requirements for an area to be declared as “disturbed”? If not, then how should the procedure be changed?
5. Do the actions in section 4 of the act constitute a plausible reason for impunity from the law? Is the violation of the rights in the aforementioned act in line with the basic structure of the constitution?

Procedures

The following procedure shall take its course during the 2-day session of the Committee.

1. Statements from the members of the house
2. Voting on Agenda
3. Discussion Hour
4. Question Hour
5. Zero Hour
6. Introduction of Bills
7. Reading of Bills (discussion and amendments)
8. Voting (simple majority)

NOTE

- An informal session or adjournment of a maximum of 15 minutes can be allotted to the house at the sole discretion of the speaker.
- In case there is no bill available to be introduced, the house will return to Discussion Hour.
- For the benefit of debate, the Speaker/ Deputy Speaker has the right to start the second day directly from any point; however, the same shall be informed at the end of the day. The speaker has the authority to put into effect any order or procedure that the Speaker/ Deputy Speaker may feel is required for the proper functioning

If you require any clarifications regarding any aspect of this committee, feel free to contact:
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