

## RESOLUTION

We the civil society groups from Jammu and Kashmir and the North East affected by militarization and Armed Forces Special Powers Act (AFSPA) and other organizations in solidarity, having come together from 12 to 14 November 2009 at New Delhi and deliberated on the issues of AFSPA,

**Taking cognizance** of the prolonged imposition of the Act in one part or the other since 1958 and its adverse impact on the democratic rights of the peoples of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Jammu and Kashmir,

**Concerned** that AFSPA continues to be the most potent repressive tool of the Indian state that empowers even a non commissioned officer of the armed forces of union to kill on mere suspicion and provide legal immunity from prosecution, thereby causing untold misery and agony among the peoples of the affected regions,

**Concerned** over the importance being given to AFSPA on the part of the state in the context of the increasing militarization of the society in the sub-continent especially after 9/11 and the growing communalization of the polity in India as a whole,

**Concerned** over the way the media is reporting incidents of violence in J&K and the North-East by and large ignoring the assault on human rights by the guardians of law and order and broadly endorsing, in the name of 'national security', those policies of the state that militate against democratic norms and humanitarian principles.

**Noting that** this Act has led to gross civil and political rights violations including enforced disappearances, extra-judicial execution, torture, inhuman and degrading treatment, rape and other forms of sexual violence against women, arbitrary arrest and detention,

**Further noting** that the imposition of AFSPA also has severe economic, social and cultural cost including erosion of civil administration, lack of access to education, basic health care, destruction of properties and sources of livelihood, and environmental destruction,

**Further noting** that the continuation of the 'disturbed area' status under the AFSPA in many part of the country is illegal in view of the violation of the mandatory six monthly periodic review directed by Supreme Court in its 1997 Judgment.

**Further noting** that the climate of impunity entrenched in these areas have led to the complete failure of the Rule of Law including non-registration of cases against the armed forces, and even if the few cases where investigations are completed the criminal prosecution is pending for want of sanction from the Central Government on the application send by the State governments,

**Recalling** the Government of India's own B.P. Jeevan Reddy Committee (2005), Administrative Reforms Commission headed by Veerappan Moily (2007) and Working Group on Confidence-Building Measures in Jammu and Kashmir headed by Mohammad Hamid Ansari (2007) have all recommended the repeal of AFSPA,

**Further recalling** that different committees and commissions set up by different State Governments into specific incidents of violence have also acknowledged the unbridled power the security forces enjoys under AFSPA.

**Emphasizing** that the regions where AFSPA has been imposed, there exist suppressed democratic aspiration of people and the prolonged imposition of AFSPA has resulted in deepening the cycle of violence, repealing AFSPA will open up the necessary democratic space for addressing the root causes of the political discontent.

Therefore the collective unanimously

Calls upon the Government of India

1. To repeal immediately
  - The Armed Forces (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura) Special Powers Act, 1958 (as amended in 1972), and
  - The Jammu and Kashmir Armed Forces Special Powers Act, 1990
2. To refrain from inserting any part of the Acts into any other legislation granting unbridled powers to the armed forces of the union or the State police.

Calls upon the people of India to support the ongoing campaign for the repeal of the Armed Forces Special Powers Act and resist the increasing militarization of democratic spaces.

**Participant organizations:**

Association of Parents of Disappeared Persons (Kashmir)  
All Twipra Indigenous and Minority Association (ATIMA)  
Boro Women Justice Forum (BWJF)  
Campaign For Peace & Democracy (Manipur) (CPDM)  
Centre for Law Development (CLD), Srinagar  
Human Rights Alert (HRA)  
Indian Social Action Forum (INSAF)  
Jammu & Kashmir Trade Union Centre (JKTUC)  
Karbi Nimso Chingthur Asong (KNCA)  
Manipur Students' Association Delhi (MSAD)  
Muslim Khawateen Markaz (MKM) Kashmir  
Naga People's Movement for Human Rights (NPMHR)  
Naga Women's Union, Manipur (NWUM)  
New Trade Union Initiative (NTUI)  
Saheli Women's Resource Centre  
Samindar Karbi Amei (SKA)  
The Other Media (TOM)