

## Today's Prelims Topics

### Transfer of High Court Judges

#### Context

The Union government has notified the transfer of Justice Yashwant Varma back to the Allahabad High Court from the Delhi High Court.

#### About Transfer of High Court Judges

- **Article 222(1):** Empowers the **President** to transfer a High Court judge to another High Court, in **consultation** with the **Chief Justice of India (CJI)**.
- **Recommendation by the Collegium:**
  - The **Supreme Court Collegium**, led by the **CJI**, initiates the transfer process.
  - Involves **consultation with four senior-most Supreme Court judges**.
  - **Inputs are sought** from:
    - Chief Justice of the concerned High Court.
    - Supreme Court judges who have previously served in the concerned High Court.
- **Review by the Government:**
  - The **Law Minister reviews the recommendation** and advises the **Prime Minister**.
  - The **PM forwards it to the President** for approval.
- **Presidential Approval & Notification:**
  - **The President issues an order** approving the transfer & **Gazette notification** is published to formalize the transfer.

#### Source:

- [The Hindu - HC Judge Transfer](#)

## Impact of Deep Sea Mining

### Context

According to a recent study, a strip of the **Pacific Ocean seabed** which was mined **over 40 years ago (1979)** has **still not recovered**.

### What is Deep-Sea Mining?

- Deep-sea mining refers to the extraction of **mineral deposits and metals** from the ocean floor. There are **three types**:
  - **Polymetallic Nodule Mining**: Collecting **metal-rich nodules** from the seabed.
  - **Seafloor Sulphide Mining**: Extracting **sulphide deposits** from hydrothermal vents.
  - **Cobalt Crust Mining**: Stripping **cobalt-rich crusts** from underwater rocks.
- Why is It Important?
  - These deposits contain **nickel, rare earth elements, cobalt** etc. which are essential for **renewable energy technologies, batteries** and **consumer electronics** (e.g., cellphones, computers).
  - As **onshore reserves decline**, companies and governments consider deep-sea mining a **strategic resource**.

### Impacts of Deep Sea Mining

- **Physical Destruction of the Seabed**:
  - **Mining strips away the top layers** of the seabed, removing valuable ecosystems.
  - **Permanent habitat destruction** for organisms dependent on deep-sea sediments.
- **Impact on Marine Biodiversity**:
  - **Reduction in marine life**: Many species, including **deep-sea corals, sponges and bottom-dwelling organisms**, struggle to survive.
- **Noise, Vibration, and Light Pollution**:
  - **Deep-sea mining operations** generate loud noise and vibrations, disrupting **marine communication** (whales, fish and other species).
  - Artificial lighting in deep-sea environments affects nocturnal species and their natural behaviors.
- **Chemical Pollution and Toxic Waste**:
  - Mining releases **heavy metals like mercury, lead, and arsenic**, contaminating water and marine food chains.
  - Waste disposal from mining **increases ocean acidification**, affecting coral reefs and marine biodiversity.
- **Climate Change Implications**:
  - The deep sea acts as a **carbon sink**, storing **huge amounts of carbon**.
  - Mining disturbs these sediments, potentially **releasing stored carbon dioxide**, contributing to **climate change**.

### Source:

- [Impact of Deep Sea Mining](#)

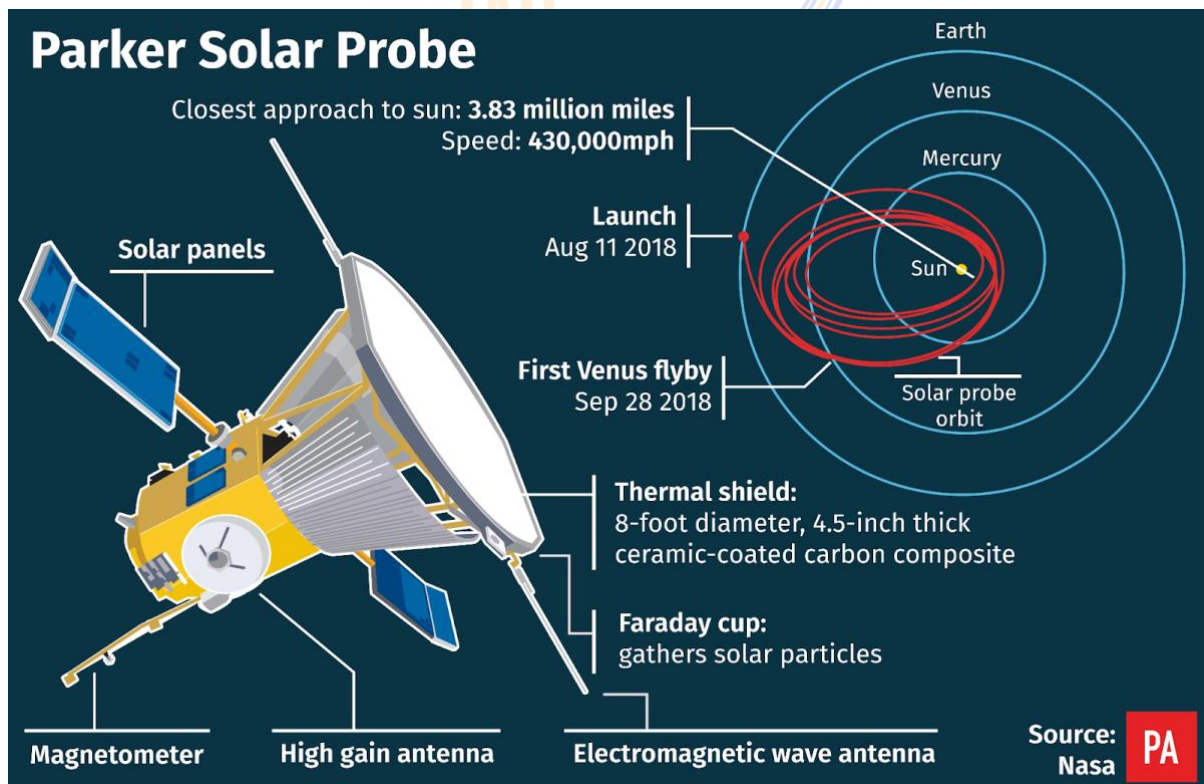
## Parker Solar Probe

### Context

NASA's Parker Solar Probe is making significant strides in solar exploration, it has recently completed its 23rd close approach to the Sun.

### About Parker Probe

- Parker Probe is part of **NASA's Living With a Star program**.
- **Scientific objectives of the Mission:** Uncovering Solar Mysteries
  - **Corona's Temperature:** Investigating why the Sun's corona is hotter (1–2 million °C) than its surface (~5,500 °C).
  - **Solar Wind Origins:** Understanding how the continuous flow of charged particles forms and evolves.
  - **Coronal Mass Ejections (CMEs):** Studying the formation of plasma clouds that influence space weather.
- **Mission Timeline:**
  - **Launched:** August 12, 2018, aboard a Delta IV Heavy rocket.
  - **Duration:** Seven years, with progressively closer orbits to the Sun.
- The spacecraft has become the **closest ever artificial object to the Sun**. It has circled gradually closer to the sun, flying past Venus in order to use the planet's gravity to move it into a tighter orbit.
- **Key Specifications:**
  - **Speed:** Up to 6,90,000 km/h (fast enough to travel from New Delhi to Chennai in about 10 seconds).
  - **Heat Shield:** A 4.5-inch-thick carbon-composite shield protects its instruments from temperatures exceeding **1,377°C**, **keeping them at a stable 29°C**. The solar shield is placed on the **Sun-facing side of the spacecraft**.
  - **Cooling System:** Circulates a gallon of water to absorb and radiate heat.



**Source:**

- [The Hindu - Parker Solar Probe](#)



## News in Shorts

### Operation Brahma

- The Government of India has launched **Operation Brahma** to provide **Humanitarian Assistance and Disaster Relief (HADR)** to Myanmar.
- This operation is being conducted under the **Ministry of External Affairs (MEA)** in coordination with the **Integrated Defence Staff (IDS), Indian Army, Indian Air Force and the National Disaster Response Force (NDRF)**.

### Major Assistance Programmes launched by India in recent years

- **Operation Indravati (2024) - Haiti**
- **Operation Kaveri (2023) - Sudan**
- **Operation Ajay (2023) - Israel**
- **Operation Dost (2023) - Turkey & Syria**
- **Operation Ganga (2022) - Ukraine**
- **Operation Devi Shakti (2021) - Afghanistan**

#### Source:

- [PIB - Operation Brahma](#)

### INIOCHOS-25

- The **Indian Air Force (IAF)** will participate in **Exercise INIOCHOS-25**. It is scheduled to take place at **Andravida Air Base, Greece**.
- INIOCHOS is a **biennial multinational air exercise** hosted by the **Hellenic Air Force (Greece)**.
- It provides an opportunity for air forces to enhance their skills, share tactical expertise and build stronger military relationships.

#### Source:

- [PIB - INIOCHOS-25](#)

### Sarhul Festival

- Sarhul is one of the most important festivals celebrated by Adivasi communities in **Jharkhand and the larger Chhotanagpur region**.
  - **Sarhul** means “worship of the Sal tree.”
- It marks the arrival of the **new year and the spring season**. It also symbolizes the union of the Sun and the Earth.
- The festival is observed for **three days** in **Sarna Sthals**, sacred groves found in Adivasi villages across **Jharkhand, Chhattisgarh, Odisha and Bihar**.
- Tribes that Celebrate Sarhul: **Oraon, Munda, Santal, Khadia and Ho** tribes.

#### Source:

- [Indian Express - Sarhul Festival](#)

### Uranium Enrichment Using Centrifuges

- Centrifuge enrichment is a process used to increase the amount of **uranium-235 (U-235)** in natural uranium.
- U-235 is the type of uranium needed for **nuclear power plants** and **nuclear weapons** because it can undergo fission (splitting of atoms to release energy).

### How Does a Centrifuge Work?

- A **centrifuge** is a spinning machine that separates materials based on their weight.
- It works on the same principle as a washing machine's **spin cycle**, which pushes heavier water outward and leaves lighter clothes in the center.
- **Procedure:**
  - **Convert Uranium to Gas:** Uranium is turned into a gas called **uranium hexafluoride (UF<sub>6</sub>)** so it can be easily separated.
  - **Spin the Gas in a Centrifuge:** The centrifuge spins at very high speeds (up to **50,000 revolutions per minute**).
    - **Heavier U-238 moves outward**, while **lighter U-235 stays closer to the center**.
  - **Collect and Repeat the Process:** The gas with **more U-235** is transferred to another centrifuge for further separation.
    - This process is repeated **many times** to gradually increase the U-235 concentration.

Source:

- [The Hindu - Uranium Centrifuge](#)

### Mahabodhi Temple Complex

- The **Mahabodhi Temple** in **Bodh Gaya, Bihar**, is one of the most sacred sites in **Buddhism**, marking the place where **Gautam Buddha** attained enlightenment.
- It is a **UNESCO World Heritage Site**.
- It was originally built by **Emperor Ashoka (3rd century BCE)** & Later expanded by the **Gupta rulers (4th–6th century CE)**.
- It is located on the banks of the **Niranjana River**, also known as **Phalgu River**.
- **Other Shrines in the Complex:**
  - **Bodhi Tree:** The descendant of the original Bodhi tree under which Buddha meditated.
  - **Vajrasana (Diamond Throne):** A **stone platform** where **Buddha meditated** for seven days after enlightenment. It was built by **Emperor Ashoka**.
  - **Chankramana Path** (Buddha's walking path).
  - **Animesh Lochana Chaitya** (where Buddha spent a week in deep contemplation).
  - Sacred Lotus Pond



Source:

- [The Hindu - Mahabodhi Temple](#)

## Editorial Summary

### India will substantially increase atomic energy production

#### Context

This year's Union budget opened the nuclear sector to private players.

#### Why India Needs Nuclear Energy in Its Electricity Mix

- **Rising Electricity Demand:** India's electricity demand is projected to **triple by 2047** due to industrialization, urbanization, and population growth.
  - A **diverse energy mix** with nuclear ensures a stable and scalable power supply.
- **Low Carbon Emissions:** Fossil fuels (coal: ~70% of India's power) contribute to **severe pollution and climate change**.
  - Nuclear power provides **baseload electricity** with **near-zero carbon emissions**, helping India meet its **Net Zero 2070** target.
- **Reliable & Stable Power Generation:** Unlike solar and wind, which are **intermittent**, nuclear power provides **continuous** electricity generation.
  - Reduces dependence on **coal and hydro**, which face seasonal and supply chain challenges.
- **Efficient Land Use:** Nuclear power plants require **far less land** than solar or wind farms for the same power output.
  - Essential for India, where **land availability is limited** due to population density.
- **Utilizing India's Thorium Reserves:** India has the **world's largest thorium reserves**, offering a long-term solution for energy self-reliance.
  - The **three-stage nuclear programme** aims to fully leverage this potential.
- **Technological & Industrial Growth:** Investment in nuclear energy drives **indigenous R&D**, job creation, and technological progress.
  - India's success in **PHWRs, Fast Breeder Reactors, and SMRs** showcases self-reliance in nuclear tech.
- **Resilience Against Global Energy Crises:** Global oil and gas markets are **prone to price fluctuations and supply disruptions** (e.g., Russia-Ukraine war).
  - Nuclear energy offers a **predictable and long-term energy source**.

#### India's Nuclear Strategy

##### Historical Perspective

- India's nuclear journey began with the establishment of the Atomic Energy Commission in 1948.
- Asia's first research reactor, Apsara, was commissioned in 1956 at the Bhabha Atomic Research Centre (BARC).
- The foundation of India's nuclear programme is the visionary three-stage strategy by Homi Bhabha, leveraging abundant thorium reserves to achieve energy self-sufficiency.

##### Current Status

- India's nuclear capacity has grown from 4,780 MW in 2013-14 to 8,180 MW in 2023-24 (**70% increase**).
- The **number of operational reactors stands at 24**, with 21 more reactors (totaling 15,300 MW) at various stages of implementation.
- Annual electricity generation from nuclear plants has risen from 34,228 million units (2013-14) to 47,971 million units (2023-24).



### Indigenous Technological Advancements

- India's **first indigenous 700 MWe Pressurised Heavy Water Reactor (PHWR) at Kakrapar, Gujarat**, was successfully commissioned in 2023-24.
- The Prototype Fast Breeder Reactor (PFBR) achieved critical milestones in 2024, marking progress in fuel cycle efficiency.
- Fast Breeder Reactor technology, crucial for India's second-stage nuclear programme, is nearing completion.

### Future Initiatives and Expansion Plans

#### Small Modular Reactors (SMRs) and Bharat Small Reactors (BSRs)

- The budget allocated **Rs 20,000 crore for SMR research and development**.
- India aims to develop five indigenously designed operational SMRs by 2033.
- BSRs (220 MW PHWRs) are being enhanced for industrial deployment to support decarbonisation efforts.

#### Target for 2047

- The government has set an ambitious goal of 100 GW nuclear power capacity by 2047, a massive increase from the current 8.18 GW.
- The **Nuclear Energy Mission for Viksit Bharat** aims to enhance domestic capabilities and accelerate nuclear energy adoption.

#### International Collaborations and Private Sector Participation

- India is collaborating with Russia, France, and the US for nuclear power expansion.
- Six 1,208 MW nuclear power plants are planned in Kovvada, Andhra Pradesh, in partnership with the US.
- The **Nuclear Power Corporation of India Limited (NPCIL) and the National Thermal Power Corporation (NTPC)** have formed a joint venture, **ASHVINI**, to develop nuclear power facilities.
- Amendments to the Atomic Energy Act and Civil Liability for Nuclear Damage Act are being considered to facilitate private sector entry into the nuclear domain.

### Challenges in India's Nuclear Energy Sector

- **High Initial Costs:** Nuclear projects require large upfront investments, making financing a challenge.
- **Fuel Supply Constraints:** India relies on **imported uranium** from Russia, Kazakhstan, and Canada, though thorium reserves offer long-term potential.
- **Public Perception & Safety Concerns:** Opposition to nuclear plants due to radiation fears, despite India's strong safety record.
- **Technology Development & Delays:** Fast Breeder Reactors and Thorium cycle development need significant time and R&D investments.
- **Waste Management:** Ensuring safe disposal and reprocessing of nuclear waste remains a challenge.
- **Limited Contribution to Energy Mix:** The share of nuclear power in the total electricity generation in the country was about **2.8%** in the year 2022-23.

### Proposed Reforms

- **Amend** outdated laws like the **Atomic Energy Act and Civil Liability for Nuclear Damage Act** to enable private participation and attract foreign investment.
- Develop indigenous technologies for reactors and fuel cycles to reduce reliance on imports.
- Establish permanent solutions for radioactive waste disposal.
- Increase public engagement to build trust through transparent safety measures.
- Expand training programs to build a skilled workforce for upcoming projects.

Source: [Indian Express: The Nuclear Leap](#)



## Criticism of Education Policy in India

### Context

The three-point agenda of the government of the day is leading to damaging consequences in the domain of education.

### Key Criticisms of NEP 2020 and Education Policy in India

- **Centralization of Power:** Critics argue that NEP 2020 centralizes authority with the Union Government, sidelining state governments in a domain listed under the Concurrent List of the Constitution.
  - **E.g.**, the Central Advisory Board of Education has not been convened since 2019, reflecting a lack of cooperative federalism.
  - The **draft UGC guidelines of 2025** give Governors (acting as Chancellors) near-exclusive power to appoint Vice-Chancellors in state universities, reducing state governments' influence and threatening federal principles.
  - The Union Government has been accused of withholding funds under schemes like Samagra Shiksha Abhiyan to pressure states into adopting centrally-driven initiatives like PM-SHRI schools.
- **Commercialization of Education:** The government promotes **privatization by encouraging private schools and replacing block grants with loans** through the Higher Education Financing Agency (HEFA).
  - Since 2014, nearly **89,441 government schools have shut down**, while **42,944 private schools have been established**, forcing marginalized communities toward expensive private education.
  - Universities are repaying HEFA loans through student fees, leading to **fee hikes and making higher education less accessible** for economically disadvantaged groups.
  - NEP's emphasis on vocational training and multiple exit points in undergraduate programs is criticized for **prioritizing market needs over equitable education access** and quality.
- **Communalization of Curriculum:** NCERT textbooks have been revised to **omit critical sections on Mughal history and Mahatma Gandhi's assassination**, raising concerns about ideological bias in curriculum design.
  - Subjects like gender studies, caste discrimination, and environmental issues have been sidelined in favor of a more ideologically driven narrative.
  - The **Preamble to the Constitution** was initially omitted from textbooks and reinstated only after public backlash.
  - Universities have allegedly favored **ideological appointments** over merit, leading to concerns about academic integrity.

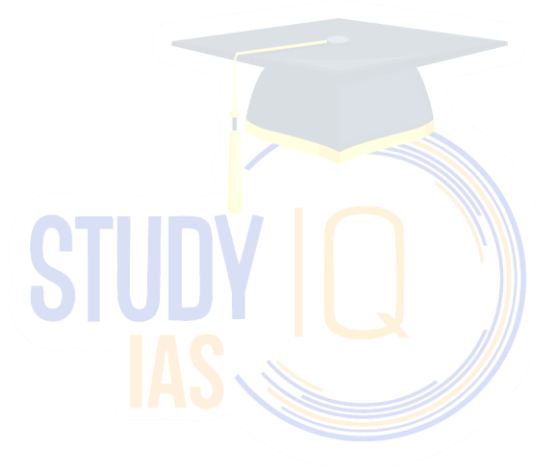
### Other Criticisms

- **Declining Public Investment in Education:** Achieving ambitious goals like universal school access and doubling higher education enrolment requires massive investments in infrastructure and human resources, which remain inadequate.
  - **E.g.**, Government spending on education remains below **6% of GDP**, despite recommendations.
- **Quality and Accessibility Concerns:** Current teacher training programs lack scale and quality.
  - The push for **technology-driven education exacerbates inequalities** for students from **rural or economically weaker backgrounds** who lack access to digital infrastructure.
- **Socio-Economic Inequalities:** NEP 2020 has been criticized for deepening inequalities by favoring wealthier students who can afford private institutions or benefit from international collaborations while leaving marginalized communities behind.

### Conclusion

These criticisms underscore concerns that while NEP 2020 introduces innovative ideas on paper, its execution risks exacerbating existing inequalities and eroding democratic principles in India's education system.

**Source:** [The Hindu: The '3Cs' that haunt Indian education today](#)



## Facts and Data

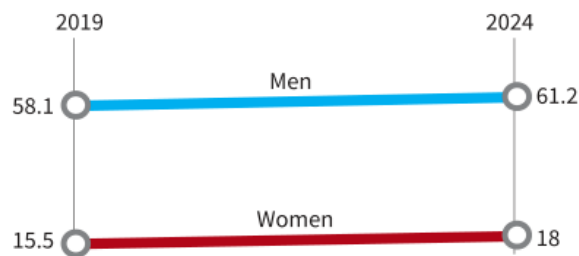
### Gender gap in household chores persists in urban India

#### Context

In India, more urban women are entering paid employment, but the share of those doing unpaid household work has also increased.

#### Increase in Paid Employment

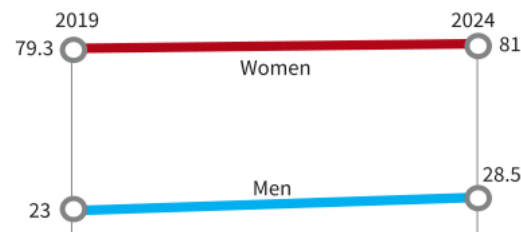
**Chart 1:** Share of urban men and women who did paid work in India in 2019 and 2024. Figures in %



- **Urban women in paid work:** Increased from **15.5% in 2019** to **18% in 2024** (a rise of 2.5 percentage points).
- **Urban men in paid work:** Increased from **58.1% in 2019** to **61.2% in 2024**.
- Paid work includes self-employment, salaried jobs, and casual labour.

#### Rise in Unpaid Household Work

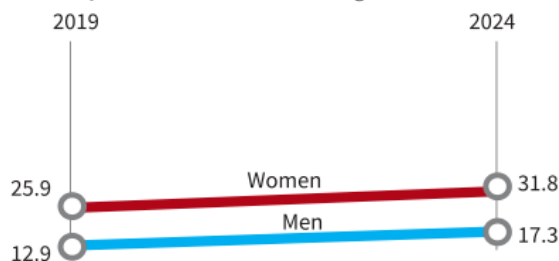
**Chart 2:** Share of urban men and women who provided unpaid services for their own use in 2019 and 2024. Figures in %



- **Women doing unpaid domestic work:** Increased from **79.3% in 2019** to **81% in 2024**.
- **Men doing unpaid domestic work:** Increased from **23% in 2019** to **28.5% in 2024**.
- Unpaid domestic work includes household accounting, purchasing goods, cooking, cleaning, waste disposal, and maintenance tasks.

#### Care Work Responsibilities

**Chart 3:** Share of urban men and women who took care of the children, sick, elderly and differently abled person in 2019 and 2024. Figures in %

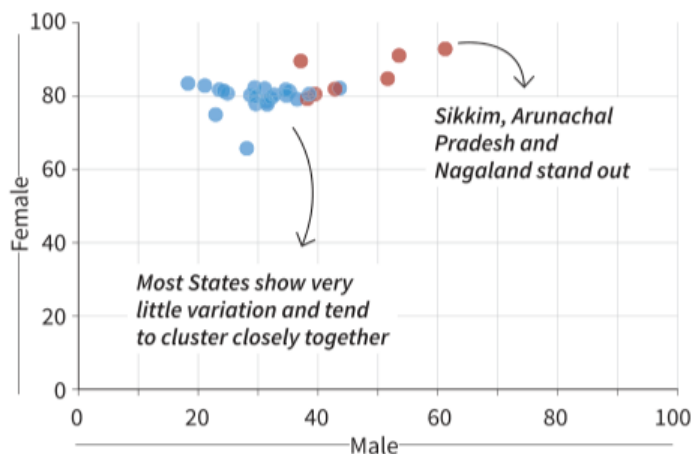


- **Women caring for children, elderly, and differently-abled:** Increased from **25.9% in 2019** to **31.8% in 2024**.
- **Men in caregiving roles:** Increased from **12.9% in 2019** to **17.3% in 2024**.

### State-wise Gender Divide in Unpaid Work

**Chart 4:** State-wise share (in %) of urban men and women who did unpaid domestic services for household members in 2024.

● corresponds to north-eastern States



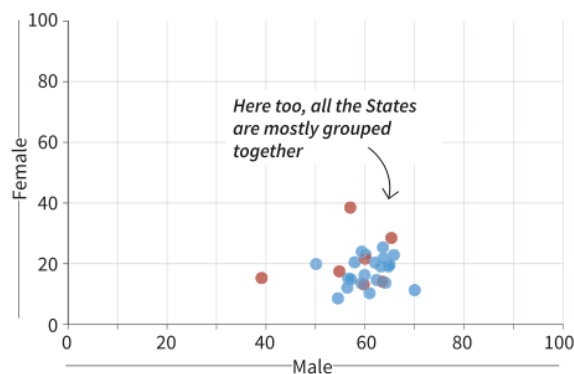
- Across most States:
  - **Urban men in household chores: 20% to 40%.**
  - **Urban women in household chores: 75% to 85%.**
- North-eastern States show higher male participation in household work:
  - **Sikkim, Arunachal Pradesh, and Nagaland:** Over **50%** of men engage in household chores.
- Among major States, **Kerala** leads with **44%** of men participating in domestic work.

### State-wise Gender Divide in Paid Work

- Across most States:
  - **Urban men in paid work: 55% to 65%.**
  - **Urban women in paid work: 10% to 25%.**
- **Highest female workforce participation:**
  - **Tamil Nadu:** **25%** of urban women engaged in paid work.
  - **Telangana:** **24%.**
  - **Karnataka:** **22%.**
  - **Himachal Pradesh:** **23%.**
- **Lowest female workforce participation:**
  - **Bihar:** **9%.**
  - **Uttar Pradesh:** **10%.**

**Chart 5:** State-wise share (in %) of urban men and women who did paid employment and related activities in 2024.

● refers to north-eastern States



### Conclusion

- Despite increasing participation in paid employment, most urban women continue to shoulder the majority of household responsibilities.
- The burden of balancing both professional and domestic work is particularly evident in Tamil Nadu, Telangana, Karnataka, and Himachal Pradesh, where over **80% of women** handle household chores alongside employment.
- Gender disparity in unpaid domestic work remains stark, with male participation still significantly lagging behind.

## Detailed Coverage

### Armed Forces (Special Powers) Act, 1958 (AFSPA)

#### Context

The Union Home Ministry extended the Armed Forces (Special Powers) Act in Manipur, Arunachal Pradesh, and Nagaland for six months.

#### About Armed Forces Special Powers Act (AFSPA), 1958

- It is an **act of the Parliament** that grants **special powers to the Indian Armed Forces** to maintain **public order** in "**disturbed areas**".
- **The main aim of the act** is to tackle the **secessionist** activities in the **north-eastern states**.
- **Origin:** The Act in its original form was promulgated by the **British** in response to the **Quit India movement in 1942**.
  - After Independence, the act was retained, first brought in as an ordinance and then notified as an **Act in 1958**.
- **The initial aim** of the AFSPA was to overcome the **Naga movement**. **Later, it was extended** to other disturbed areas in the country.
- The Act is enforced by **the Ministry of Home Affairs**.
- **Disturbed Area:** A disturbed area is declared under **Section 3 of the AFSPA**.
  - An area can be disturbed due to **differences or disputes** between members of different religious, racial, language or regional groups or castes or communities.
  - The **Union Government or the Governor** of the State or administrator of the Union Territory can **declare the whole or part of the State or Union Territory** as a disturbed area.
  - **The MHA issues** periodic "**disturbed area**" notification to extend the AFSPA **only for Nagaland and Arunachal Pradesh**.
  - The notification for **Manipur and Assam** is issued by the **State governments**.
- **Current status of its imposition:**
  - **The AFSPA is currently active** in the states of **Assam** (some districts), **Arunachal Pradesh** (some districts), **Manipur** (entire state except for Imphal municipal area), **Nagaland** (some districts), and the **UT of Jammu & Kashmir** (entire UT).
  - It was **completely withdrawn** in **Meghalaya** in 2018, **Tripura** in 2015 and **Mizoram** in the 1980s.
- **Powers under AFSPA:**
  - **Firing:** The **armed forces** and the **Central Armed Police Forces** deployed in specified "**disturbed areas**" can **fire and kill** anyone acting in accordance with law.
  - **Arrest and detention:** Arrest anyone based on **suspicion**, without a **warrant**. Individuals **arrested and taken into custody** under this act have to be handed over to the **officer in charge** of the nearest police station.
  - **Search:** Security forces can search any **premises** without a **warrant**. They can **stop and search** any vehicle based on suspicion.
  - **Protection from prosecution:** Security forces are given **protection** from **prosecution and legal suits**. The Central government's **sanction** is required for prosecution.
  - **Destruction:** Destroy any **arms dump, hide-outs, fortified shelter** from which armed attacks are carried out.
- **Judicial review:** There shall not be any **judicial review** of the government's **judgment** on why an area is found to be **disturbed**.

### Criticism of AFSPA

- **Alienating people of north-east:** The use of force to overcome popular movements has further alienated people of north-east. Many families have lost their loved ones to military actions. People of the region feel alienated from India.
- **Violation of human rights:** India's judicial organs and other international groups have described AFSPA as a symbol of oppression. There are widespread instances of extended custody and torture by the security forces. Innocents have suffered under the draconian law.
- **Misuse by armed forces:** Security forces have used the law for their own personal benefits. There were instances of them carrying out kidnapping and extortion under the protective veil of AFSPA.
- **Encroaching upon the powers of the state governments:** Security personnel operating in AFSPA areas work parallel to the state security forces. Their actions sometimes encroach upon the jurisdiction of state security agencies.
- **Violation of International Law Documents:** Many experts argue that AFSPA contradicts several international legal documents, including:
  - Universal Declaration of Human Rights
  - International Covenant on Civil and Political Rights (ICCPR)
  - Convention Against Torture
  - **Customary law principles from:**
    - UN Code of Conduct for Law Enforcement Officials
    - UN Body of Principles for the Protection of All Persons Under Detention
    - UN Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary, and Summary Executions

- **India's Obligations Under the ICCPR:** Since signing the ICCPR in 1978, India is responsible for upholding citizens' rights under the Covenant, both in times of peace and limited emergencies. However, AFSPA is said to breach both derogable and non-derogable rights protected by the ICCPR.
- **Article 4: Suspension of Rights** – According to Article 4 of the ICCPR, derogation from rights is allowed only under strict conditions:
  - A formally declared national emergency threatening the nation's survival
  - The derogation must be necessary and proportionate
  - No discrimination based on race, colour, sex, language, religion, or social origin AFSPA does not require an emergency declaration but enacts a quasi-emergency through the "disturbed area" classification, creating a prolonged state of artificial emergency since 1958.
- **Violation of Article 9: Arbitrary Detention** – AFSPA's broad powers of arrest and detention are viewed as violations of Article 9 of the ICCPR, which requires timely judicial oversight and reasonable timeframes for detention.
  - AFSPA lacks fixed time limits for detentions, neglecting protections enshrined in Article 9 (3).
- **Contradiction to Non-Derogable Rights (Articles 6, 7, and 10)**
  - **Article 6:** Right to life
  - **Article 7:** Prohibition of torture
  - **Article 10:** Right to dignified treatment These non-derogable rights are allegedly breached by AFSPA's provisions allowing unrestricted use of force, arrest without judicial safeguards, and indefinite detention before handing detainees over to civilian police.
- **Breach of Article 2: Right to Judicial Remedy** – mandates judicial processes for enforcing rights, yet AFSPA allows detention under broad conditions, potentially infringing on this right.
  - Further, India has not informed other ICCPR signatories of derogations, as required



when violating ICCPR provisions.

### Incidents of misuse of AFSPA law

- **The Mon incident:** Armed Forces fired upon a group of civilians returning from work in 2021, assuming they were members of the banned outfit NSCN (K).
  - Civilians lost their lives owing to the firing but Armed Forces Personnel responsible for the incident were not charged due to immunity under AFSPA.
- **The Malom Incident:** In 2000, 10 civilians waiting at the bust stop were killed by the 8th Assam Rifles at Malom town, near Imphal's Tulihal airport.
  - It was alleged to be a fake encounter. Following the incident, Irom Sharmila went on a hunger strike, demanding complete withdrawal of AFSPA.
- **Tinsukia Fake encounter:** In 1994, 18 Punjab regiment picked up nine youths from their homes following the death of a Tea estate manager, who was allegedly killed by members of ULFA.
  - Following a Habeas Corpus petition, 4 of them were released while the rest of them were shot dead in a remote location.

### Judicial pronouncements on AFSPA

- **Naga People's Movement of Human Rights vs. Union of India (1998):** The Court held that the act **cannot** be considered as violative of the Constitution and the powers conferred under the Act are **not arbitrary and unreasonable** and therefore not in violation of the provisions of the Constitution.
  - However, the court held that the army personnel are required to **strictly follow minimum force** under Section 4 against suspected of violating prohibitive orders.
  - Also, the act has to be **reviewed every six months** by the state.
- **July 2016 judgement:** The Supreme Court directed the armed forces and police not to use "excessive or retaliatory force" in even areas declared 'disturbed' where the AFSPA is applicable.
- **July 2017 judgement:** Supreme Court's judgement on alleged unlawful encounter killings in Manipur marked an important institutional step.
  - The Supreme Court **overruled the objections of the Centre and the Army** and ordered the **Central Bureau of Investigation** to set up a special investigation team to probe encounter deaths.

### Recommendations By Various Committees

- **B P Jeevan Reddy Committee (2005):** The committee was also of the view that the act is inadequate in several provisions. The committee also said that the law must be reviewed and security forces must be brought under the purview of ordinary criminal law rather than under army law.
- **Santosh Hegde committee (2013):** The committee was of the view that if greater power was given then greater would be the restraint and stricter would be the mechanism to prevent its misuse or abuse.
- The 5th report of the **Second Administrative Reforms Commission** on public order has also recommended the **repeal of the AFSPA**.

### Way Forward

- **Building Trust and Community Involvement:** The armed forces should actively engage with the local population and work towards building trust and understanding.
- **Ensuring justice for victims:** It is important for the security forces and the government to expedite pending cases and establish a transparent process to address allegations of human rights violations by the forces.

- **Strengthening local law enforcement:** State governments should focus on strengthening the local law and order machinery.
  - If the local police can effectively handle security situations, the need for AFSPA might diminish, allowing for its withdrawal from the region.
- **Case-by-case application:** The government should consider implementing and lifting AFSPA on a case-by-case basis, limiting its application to specific districts facing significant disturbances rather than applying it to the entire state.
- **Restoring normalcy and development:** It is crucial to restore normalcy in the region for India to fulfill its Act East policy and leverage the Northeast as a gateway to Southeast Asia.
  - Demilitarisation and addressing the underlying issues can contribute to long-term stability, allowing for the region's socio-economic development.

**Sources:**

- [The Hindu: AFSPA extended in Manipur, Nagaland, Arunachal for six months](#)
- [Indian Express: What is AFSPA, and why are states in Northeast against it?](#)
- [Rostrum Legal](#)
- [The Hindu: After 2022, AFSPA further reduced in Assam, Manipur and Nagaland due to improved security situation](#)

