

Review

Armed Force Special Power Act: A Critical Analysis

***Vikas Bhandari and **Naseer Ahmad Lone**

*Research Scholar Vikram University Ujjain. (M.P)

**Research Scholar Vikram University Ujjain. (M.P)

Accepted 9 January 2019

This paper will attempt a political analysis of Armed force Special Power Act (AFSPA) in the state of Jammu and Kashmir. More importantly this paper through a shaft of light to the undemocratic side of the law, by discussing the ground zero reality of this act on the basis of various committee reports and by highlighting few major human rights violation cases, thus an attempt is made to reframe the debate that it is not adequate to make alternation in the Armed Force Special Power Act but its annulment is the only way ahead.

Key words: AFSPA, Human Rights Violation, Jammu and Kashmir, Democracy, Law.

Cite this article as: Lone, N.A., Bhandari, V. (2019). Armed Force Special Power Act: A Critical Analysis. Int. J. Polit. Sci. Develop. 7(1) 1-7

INTRODUCTION

Armed Force Special Power act of 1958(AFSPA) is one among the most controversial and disputable act. This law was enacted to curb violence and to restore public order in India's northeast however the act has gradually expanded, since 1990, to cover the Indian state of Jammu and Kashmir also¹. Since then much has changed in areas where this act was enforced but not even a minor change in this act has taken place. Eminent people many national and international organization including Amnesty International had overtly criticized this law. But there are many other also who support this law on the reason of state necessity. Naghite (2015) points out doctrine of necessity when involved go unchallenged; however, arguments based on human rights and the rule of the law seems to become in fructuous. In this background, this paper will attempt a political analysis of Armed Force Special Power Act (AFSPA) in the state of Jammu and Kashmir. More importantly this paper through a shaft of light to the undemocratic side of this law, by discussing the ground zero reality of this act on the basis of various

committee reports and by highlighting few major human rights violation cases, thus an attempt is made to reframe the debate that it is not adequate to make alternation in the Armed Force Special Power Act but its annulment is the only way ahead.

OBJECTIVES OF THE STUDY

1. To study impunity under this Law.
2. To understand excoiating of AFSPA.
3. To discuss abuse of law and power that implicates public responsibility.

RESEARCH METHODOLOGY

In this paper qualitative method has been followed. In qualitative method historical and analytical methods are used. The data for the present study is collected mainly

through secondary sources. Objectivity of historical writings has been used to develop a frame work of the study and to arrive at an unbiased conclusion.

DESCRIPTION

About Armed Force Special Power Act.

Tracing its history AFSPA is based on colonial law. The starting of this act has been traced to the Quit India movement in 1942, which led the British Indian government to declare Armed Forces Special power ordinance to militarily curb it. While the Quit India movement started on 8 August 1942, the Armed forces (special power) ordinance of 1942 was proclaimed seven days afterwards, on 15 August 1942. It confers extreme power to certain officers of the armed force to kill, under section 72 of the government of India act 1935. However, in independent India Nehru's government passed the Armed Forces Special Powers Act (1958) in the Indian parliament? Very few lawmakers spoke in opposition to the law Surendra Mohanty, a dissident member of the parliament from Orissa, told the house. "We want a free India. But, we do not want a free India with barbed wires and concentration camps, where havaldars (sergeants) can shoot at sight any man," (Peer 2014). Though it was first applicable to north eastern states, gradually this act was extended to the state of Jammu and Kashmir following the furnished revolt in 1989² and authoritatively came to be known as The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.

Since its introduction by then home minister, Govind Ballabh Pant AFSPA has been debated and interpreted in different ways. Technically, AFSPA is implemented after an area is declared disturbed under the Disturbed Areas Act (DAA), which facilitates the summoning of armed forces to the aid of civil authorities when they are unable to control armed insurrection. The call can be made by the state government or the centre (Hazarika 2013). This law comprises of eight sections (Ministry of Home Affairs/ ACT NO. 21 OF 1990) of which the most cursing is to be found in the 4th and 6th section, as discussed in detail below. This act provides extensive powers to the armed forces in any area declared 'disturbed' by the central government.

This act allows 'any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or

the carrying of weapons or of things capable of being used as weapons or of firearms, ammunition or explosive substances; (MINISTRY OF LAW AND JUSTICE 1990, section 4a).

Secondly, the Act allows armed forces personnel to arrest without warrant, 'any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence' (MINISTRY OF LAW AND JUSTICE 1990, Section 4c).

Thirdly, the Act allows armed forces personnel to enter and search any premises without a warrant to 'make any such arrest' (MINISTRY OF LAW AND JUSTICE 1990, Section 4d)

The most significant part of the Act is Section 7 (MINISTRY OF LAW AND JUSTICE 1990), which states: No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

Impunity under AFSPA

No security faculty can be litigated on the off chance that he claims to have acted under AFSPA. To put it plainly, the whole security establishment enjoys cover from prosecution under AFSPA. As Attar Rabbani (2011) explains, this laws renders meaningless the fundamental right of peaceful assembly (Article 19), protection in respect of conviction for offences (Article 20), protection of life and personal liberty (Article 21), protection against arrest and detention (Article 22) and remedies for enforcement of fundamental rights (Article 32) of the people of the area declared to be 'disturbed', besides putting into suspension a host of other human rights and humanitarian laws. It violates, by its very form and application, the Universal Declaration of Human Rights (UDHR) (UN 1948), the UN Body of Principles for Protection of All Persons Under any form of Detention (UN 1988) and the UN Principles on Effective Prevention and Investigation of Extra-legal and Summary Executions.

The rights granted in the Indian Constitution: right to life and expression, dignity, etc., are just brutal jokes on a hopeless people. Custodial deaths, fake encounters rape of women, torture, disappearances, thousands of unmarked graves in Kashmir are a horrifying testimony of the state of human right to life and the legality of extrajudicial killings³. Since the 1990s noteworthy global human rights associations such Human Rights Watch, Amnesty International, several other United Nations Agencies and many Indian human rights associations have recorded and released reports on human rights violation committed by the Armed forces under the

AFSPA . The list of such acts in Kashmir is long, but to name a few well-known cases, from 1990 onwards, the well-publicized rape case, in May 1990 of Mubina Gani first comes to mind. Although the inquiry concluded that the women had been raped, the security forces were never prosecuted (Amnesty International, 1992) the reported rape on February 23, 1991, of women from the village of Kunan Poshpora⁴ The Sopore Massacre On January 6, 1993, where at least 57 persons were killed (Pervaiz 2017). The Machil encounter case of 2010 in which three civilians were killed in Kashmir's Kupwara district⁵, As Amit rajan(2015) discusses in regions under AFSPA, the onus to prove that rape has been committed lies with the victim and not on the accused. In regions under AFSPA, the victim can be alleged to be a foreign agent, a militant or a supporter of a terrorist group. And for that reason, she can be killed, as happened in the famous Thangjam Manorama's rape case. A report by Amnesty called "DENIED" documented in 2015 noted down obstacles to justice for victims of human rights violations existing in both law and practice in Jammu and Kashmir, and showed how the government's response to reports of human rights violations has failed to deliver justice for several victims and families.

Over the 27 years of conflict in Jammu and Kashmir armed forces personnel have hardly even been punished where the cases of human rights violation were clearly seen. Even if they were acted against the punishments were either struck down by the civilian courts or by the army's higher-ups (Bukhari2017). Government's constant denial and its unspeakable crimes against humanity in Kashmir completely shrink the possibilities of that much needed space. It needs to realize and grapple with the fact that anger of the people and their political aspirations are legitimate rights (Jamwal 2016). A restriction since they have witnessed the extraordinary severity by law abiding agencies bringing about negative results and have built up a contempt towards anything identified with Indian patriotism. India is a democracy and a socialist secular republic as well. But one cannot help the feeling that this is a story for mainland India. Kashmir is a region where its citizen has truncated Fundamental Rights and it is forever emergency (Desai 2011).

Excoriating the Act.

Bimol Akoijam (2012) says, the single Act AFSPA has given rise to a plethora of 'acts of horror', like the thousands of murders, rapes, custodial deaths/rapes, disappearances, torture, encirclements, combing operations and genocides. Much recently discovered unmarked graves in Kashmir are a chilling testimony to these hard realities of everyday living in Kashmir⁶. We have to look forward and should scrutinize the central government, what contribution AFSPA had given to the

current Kashmir distress? Raina (2010) has rightly pointed out that the existing dominance of Armed forces in Kashmir alienates inhabitants instead of bringing them into the national mainstream. This act greatly fails as a counterinsurgency tool besides giving a bad name to a country like India, After all, India has been perhaps the most successful postcolonial democracy anywhere, and certainly in South Asia. Federalism, the panchayati system of directly elected district-level and village-level governance, reservations aimed at redressing discrimination, and a vibrant civil society have all been lauded, although rarely without qualifiers (Dasgupta 2001; Lijphart 1996/2001). Having a history of reliably stayed against any kind of repression/oppression against civilians in any part of the world. This raises the question of how has such an uncommon law continued to exist in a democratic country like India for about 69 years now? In those 69 years there have been many review committees, interlocutors and mass protests, yet no indications from the government that the Act may be re-examined let alone repealed. Singh (2007) argues existence of this law is even more pertinent when one considers the repeal of other extraordinary laws in India, particularly the Prevention of Terrorism Act 2002 (POTA) and the Terrorism and Destructive Activities Act 1985, and the high-level public and parliamentary debate over the National Security Act 1980, the Preventive Detention Act 1950, and the Unlawful Activities Prevention Act 1967/2004 (UAPA), leading to amendments in certain cases. . A.G Noorani (1997) in one of his articles argued that it is not enough to amend the AFSPA. The entire draconian legislation must be remodelled. While the POTA was overwhelmingly talked about, restricted by the Congress and influenced a national decision to issue in 2004, prompting its removal. Laws like AFSPA governing places like Kashmir and the Northeast was neither contradicted nor been a subject of political debate. AFSPA stays as it seems to be. Any recommendations for its repeal or dilution are readily countered by the seemingly logical national security argument. Duncan McDuie-Ra (2009) discusses possibility of victimization of the people of Northeastern states in terms of their location, cultural, geographical, ethnical, social and territorial alienation from the main land Indians. He writes:

While India contains diverse regions and a holistic national polity or even coherent national society is not always identifiable, there is a distance between the Northeast and the rest of India that is qualitatively different to that between other regions in India, and between these regions and the central government. While regions and peoples throughout India are constructed and viewed differently to each other and these differences are pronounced and often

articulated forcefully at the local level, they still fit into the larger nation, although rarely seamlessly, in ways that the Northeast does not.

Keeping this perception in mind one can simply observe that even the people of Kashmir share less similarities with people from other parts of India. The division between the people of Kashmir and the people of other parts of India is rarely accepted and enunciated by mainstream politics as not much is being done on the political front to bridge this division. Whatever efforts have been put are either by individuals or by through certain networks such as, environmental organizations, women's organizations and human rights activists. As Singh(2007,29) argues, this has meant that struggles for human rights and justice in the face of these laws are themselves 'imputed with extraordinariness' and are quickly juxtaposed to 'notions of national sovereignty, national security, national integrity, and national interest'.

Sebastian (1996) is right when he writes, the problem of Kashmir being presented by the media before general public is that the whole problem in Kashmir has been created by Pakistan in cahoots with the Muslim fundamentalist forces. This shuts out all possibilities for a peaceful solution. The problem has to be represented as one between people of Kashmir on one side and India and Pakistan on the other side. Between the two stakeholders of Kashmir i.e. India and Pakistan respectively it is the inhabitants of the Kashmir who has paid huge prices. Syed Ali Shah Geelani is seen by vast numbers of Kashmiri Muslims as the symbol of their collective resistance to Indian rule, which they regard as illegitimate. Geelani routinely refers to the "people of the state" a term he uses interchangeably with the Kashmiri *awam*, as being united in their fierce opposition to Indian rule (Sikand 2010). Non-Muslims of the state are wholly invisible in Geelani's representation of the people of the state. This is what legitimized the claim of Delhi based political and media gatherings that Geelani appears to be not interested in the desires of the non-Muslims of Kashmir and the general population of Jammu and Ladakh locale and to their fear about the possibility of living as clearly minimized and extremely oppressed minorities in Pakistan if Kashmir, joined Pakistan, as he demands.

Various committee report's in focus.

AFSPA due to its provision, has drawn in the wrath not only of the members of the many human rights organizations but also by the Indian judiciary and various commissions set up to look into its cases. In 2004, intense agitation was launched by several civil society groups following the death of Thangjam Manorama, while in the custody of Assam Rifles and the indefinite fast

undertaken by Irom Sharmila. The central government on November 19, 2004, appointed a five-member committee headed by justice B P Jeevan Reddy to review the provision of the act in the north eastern states. The Reddy committee submitted its report on June 6, 2005. It came up with the following recommendation:

While providing protection against civil or criminal proceedings in respect of the acts and deeds done by such forces while carrying out the duties entrusted to them, it is equally necessary to ensure that where they knowingly abuse or misuse their powers, they must be held accountable therefore and must be dealt with according to law applicable to them.

The committee recommended that the Armed Forces (Special Powers) Act, 1958 should be repealed. Therefore, recommending the continuation of this Act, with or without amendments, does not arise (2005: 74–5). The Act was considered too sketchy, too bald and quite inadequate in several particulars. In an article Bhaumik (2014) contends for the revocation of the Act, not only on grounds of human rights violations but also on the grounds that the Act gives India a bad name, brings about languid policy making and is totally inadequate as a counter-insurgency tool. Certain that the security institutions still have the last word on issues related to the Northeast and AFSPA in general, he made it a attention point to say that out of the five members that made up the Justice Jeevan Reddy Committee which recommended the Act's annulment, one was Lt Gen. (Retd) V.R. Raghavan, former Director General (Military Operations) of the Indian Army and another was P.P. Shrivastav, a former bureaucrat in the Home Ministry. Bhaumik(2014) rhetorically asks: 'Why would such hardcore members of the security establishment advocate a repeal of the AFSPA?'

The above argument is further strengthen by Chakravarti(2017), In his representation to the Justice Reddy Committee, a (retired) Major General stated that of the 55,000 cases registered against the armed forces, there have been only three convictions so far

In another committee report submitted to the union Home Ministry on 23 January 2013, Justice Verma committee recommended; the imminent need to review the continuance of Armed Forces (Special Powers) Act (AFSPA) in conflict areas. The Committee also recommended sexual violence against women by members of the armed forces to be brought under the preview of ordinary law. Complainants of sexual violence must be afforded witness protection. Special commissioners should be appointed in conflict areas to monitor and prosecute for sexual offences.

Aftermath of 2010 unrest in the Kashmir valley⁷, On September 20, New Delhi sent a group of three

interlocutors to Srinagar in an attempt to diffuse the unrest and to hold managed dialogue with all section of the people of Jammu and Kashmir to comprehend the problem and to graph a course for future. The three-member panel of Daleep Padgaonkar, Radha kumar and MM Ansari proposed various changes in their report. They recommended speedy punishment of those accused of human rights violations. The mechanisms in place for this purpose, especially the state Human right commission, must be strengthened without delay. Their report also suggested for special training for security persons to respect the dignity of people of Jammu and Kashmir⁸. The opinion behind appointing the interlocutors was to have a dialogue with all section of Kashmiri people and to bridge the distance between Centre and the people of Kashmir. Although the idea of appointing interlocutors is neither new nor a sure fire solution, in some sense, the interlocutor's mission was doomed to failure (Banerjee 2011) Hurriyat conference kept itself at bay from any talk and demanded for the revocation of AFSPA.

Further, a Commission was appointed by the Indian Supreme Court in January 2013 to inquire into allegations of fake encounter killings in Manipur. It found allegations of impunity to be true when it blamed the AFSPA for engendering a sense of impunity in the security forces operating in the state. . The Santhosh Hedge commission appointed by the Supreme Court in response to a public interest litigation seeking investigation (ASA 20/042/2013) into 1,528 cases of extra judicial executions found that all seven deaths in the six cases it investigated were extra judicial executions and said that AFSPA is widely abused by the armed forces. The commission echoed a statement made by the Jeevan Reddy committee, which said that the law has become "a symbol of oppression, an object of hate and an instrument of discrimination and high-handedness" In April 2013, while investigating a case where two Border Security Force (BSF), personnel were engaged in the killing of a Kashmiri teenager in 2010, the Supreme Court held that the provisions of AFSPA could not summarily replace general laws and that all such cases need not be tried in defense services court. It asserted that AFSPA's protection was limited to acts conducted in the line of duty. Rape and murder were 'normal crimes' that should be prosecuted in criminal courts (Sen2013). Even after much recommendations to amend AFSPA by above mentioned committees, the Indian Government seemed reluctant, not only to withdraw but also to amend this law in Kashmir. As AFSPA turned into a symbol of state oppression in regions hit my militancy, it likewise turns into people opens outrage and dissent. It has spurred violent protest and challenges against Men in uniform (Chakravarty 2016). Greater the intensity of state oppression greater is their resonance. Given the rigidity of the government, the space for peaceful resistance

doesn't visibly exist.

This law has outlasted its utility, as episodes of militancy are no place close as normal or as rough as they were at the point when the laws were first proclaimed.

Democracy or Dictatorship: AFSPA

At the local level the AFPSA is more than an extraordinary law. The AFSPA is the legal framework for the military occupation of the region and the subsequent militarization of everyday life. Armed personnel are encountered on the roads, in the main towns, in the markets, and in border areas. Stopping, searching and questioning have made everyday life oppressive for most people in 'disturbed areas'. (McDuie-Ra 2009).

AFSPA has alienated people of these states to a second class citizens being deprived of their basic fundamental rights. Exposed to these conditions, a new generation of Kashmiris has experienced childhood in a mobilized situation where they are subjected to mortifying searching, looks, cordon offs and weapon-toting troopers at each niche and corner. I am not going to give the subtle elements of the human rights violation committed by the armed forces in Jammu and Kashmir for the last few years as they have been plentifully recorded by, Asia Watch, Amnesty International and many other Indian human rights associations.⁹ No other words can better depict the prevailing condition in Kashmir than the words of a filmmaker interested in resistance politics, the fact is:

Kashmiris have lost the protection of their rights to speech, assembly and travel; they have lost all guarantees of their freedom from violence, harassment and unlawful detention. They have seen every single substantive attribute of democracy give way under the pressure of militarization and the attitudes of those who administer Kashmir. The rule of law, the independence of the judiciary, and the civic responsibilities of elected politicians: as each of these protective pillars has been hollowed out, all that remains of democracy is the thin patina of elections. (Kak 2010)

CONCLUSION

Regular and fair elections are crucial for successful running of a democratic system and democracy in general. However, it is not by any means the only way to assess all dimensions of Democracy. More specifically, the success of democracy is based on the essential basic elements such as the supremacy of civil authority, protection of basic human rights, minority rights,

transparency, accountability and freedom of citizen from violence harassment and unlawful detention. Democracy is based on political freedom. Its main foundation, the holding of free elections, cannot legitimately be used to introduce political conditions of organized violence or state repression that prevent fair and free elections from being held again. In such instances, elections are not signs of democracy, but rather a mask to anti-democratic political structures. No excuse in the grab of National interest' should be accepted as a pretext for violating human rights. Such politics is designed to make lies sound truthful and murder respectable. (Rabbani 2011). Kashmir has witnessed the worst form of democratic system where murder was legalized under this draconian law. In the state of Jammu and Kashmir violence by the armed forces is not privately-motivated form of abuse but an abuse of power that implicates public responsibility. The fate of the valley remains an intensively divisive issue in modernizing India. There is a trust deficit and the sense of security no more prevails, democracy they know by observing, changes its path once you enter valley. Conflicts must be understood politically and in a civilized manner. The continued deployment of the armed forces with an absolute cover of AFSPA in the state of J&K and elsewhere, strengthen the claim of those forces who accuse India off violating human rights and holding people against their own will. On the other hand conflict management military has cost India immense loss in terms of economy, power, loss of lives of thousands of our military men who do not tally however to oil the state publicity machinery. Beside such a policy of sustaining, conflict kill the underlying soul and motivation of the Indian constitution by butchering its own citizens and building the very basis of the Indian democracy and its cherished values of liberty equality and justice. What New Delhi can do is to strengthen the role and responsibility of state police instead of armed forces for maintaining law and order, restoration of civil liberties, to pursue a dialogue with all sections of Kashmiri people, indeed more transparency and assurance by confining military to its established role of external defense More importantly the state should institute an independent commission of inquiry into the complaints of enforced disappearances, extra-judicial killings, torture, rapes and other human rights violations by state actors and provide a supportive environment to facilitate access to justice for human rights defenders. AFSPA should be nullified- the last nail to the coffin parliamentary democracy in J&K will be the continuation of AFSPA.

End Notes:

1. The Armed Forces (Jammu and Kashmir) Special Powers Act of 1990 has recently come under renewed challenge, as reflected in a report in early July 2015 by Amnesty International (Yasir, 2015).
2. Talveen Singh(1995) had extensively written, how Congress-NC alliance blatantly rigged the elections in 1987in the state of Jammu and Kashmir. Opposition Muslim United Front workers were arrested and tortured. Many of them spearheaded the armed insurgency as Yusuf Shah (Syed Salahuddin), who had contested the elections, founded the Hizbul Mujahideen. The rigging was blatant. This simply deepens people feelings against the Government of India. Thus triggered the insurgency along with overbearing presence and manipulative nature of the deep state
3. Basharat peer in his book 'Curfewed night'(2008) has extensively recorded the testimony of many people who were the victims of state forces.
4. 'DO YOU REMEMBER KANUN POSHPORA' a book co-authored by Essar Batool, Ifrah Butt and three others. This book gives the chilling account of rapes committed by the armed forces in the twin villages of Kanun and Poshpora on 22-23 feb.1991.
5. The Machil encounter case of 2010 in which three civilians were killed in Kashmir's Kupwara District, can be seen as a test case. It shows that contrary to the view that the Armed Forces (SpecialPowers) Act gives impunity to the army personnel in conflict areas, see Bhukari (2017).
6. In 2011 over 2,700 unmarked graves have been identified by the 11-member police team of the State Human Rights Commission (SHRC) in four districts of north Kashmir. Despite claims of the local police that the graves contained dead bodies of "unidentified militants", the report points out that 574 bodies have been identified as disappeared locals – 17 of these have already been exhumed and shifted to family or village grave sites, see Govind Acharya (2011).
7. On 30 April 2010, the Indian Army claimed to have foiled an infiltration bid from across the Line of Control, at Machil Sector in Kupwara district of Jammu and Kashmir by killing three armed militants from Pakistan. However, it was subsequently established that the encounter had been staged and that the three alleged militants were in fact civilians of Rafi Abad area, who had been lured to the army camp by promising them jobs as "porters" for the Army, and then shot in cold blood, in order to claim a cash award. See (The Indian Express 29 May 2010.)
8. The text was extracted from <http://www.firstpost.com/india/full-text-centres-interlocutors-report-on-jammu-and-kashmir-319954.html>.
9. For more details, see Asia Watch, Kashmir Under Siege (New York: Human Rights Watch, 1991) and Human Rights Watch/Asia and Physicians for Human Rights, The Human Rights Crisis in Kashmir: A Pattern of Impunity (New York: Human Rights Watch, 1993),

(hereafter A Pattern of Impunity) also Amnesty international, "DENIED" Failures in accountability in Jammu and Kashmir (UK: Amnesty International, 2015).

REFERENCES

- Acharya, Govind (2011, 23 August) 'Thousands of Unmarked Graves Discovered in Kashmir' (consulted on 27, Nov 2017) from <http://blog.amnestyusa.org/asia/thousands-of-unmarked-graves-discovered-in-kashmir/>
- AFSPA, says Verma. *The Hindu*. Retrieved from www.thehindu.com/multimedia/Archival/01340/JusticeVerma_comm_130438a.pdf.
- Amnesty International (2015) "DENIED" Failures in accountability for human rights violations by security force personnel in Jammu and Kashmir
- Amnesty International, India: Torture, Rape and Deaths in Custody, (London: March, 1992), p.21.
- Banerjee, Indrani (2011, 24 March) 'A history of failed interlocutors' (consulted on 26, nov 2017) from <http://www.vifindia.org/article/2011/march/24/Kashmir%E2%80%93A-History-of-failed-Interlocutors>.
- Bimol Akoijam – Another 9/11, Another Act of Terror - The 'Embedded Disorder' of the AFSPA.
- Bhukari, Shujaat (2017, 26 August) 'Machil Encounter Case Dashed Hopes' Economic and Political Weekly, Vol II No 34.
- Chakravarti, S. (2012:262). Highway 39: Journey through a fractured land. New Delhi: Harper Collins Publications, Fourth Estate.
- Chauhan, Anuja (2017, 14 May) 'Wars's not for Titillation' The Week, p.39.
- Dasgupta, J (2001:49–77) India's federal design and multicultural national construction. In The success of India's democracy, ed. A. Kohli,. Cambridge: Cambridge University Press.
- Desai, Meghanand (2011), Mother India's Stepchildren (consulted on 09, nov 2017) from India International Centre Quarterly, Vol. 37, No. 3/4, A TANGLED WEB: Jammu & Kashmir (WINTER 2010 - SPRING 2011), pp. 118-125.
- Duncan McDuaie-Ra (2009, 3 September) 'Fifty-year disturbance: the Armed Forces Special Powers Act and exceptionalism in a South Asian periphery'. Contemporary South Asia. Vol. 17, No. 3, pp 255–270
- The Indian Express (2010, 29 May) "Fake encounter at LoC: 3 arrested, probe ordered" Retrieved 29 November 2017.
- Jamwal, B. Anuradha (2016, 6 August) 'Burhan Wani and Beyond India's Denial, Kashmir's Defiance' Economic & Political Weekly Vol I no 32(12-15).
- Justice Verma committee report (2013, 23 January) 'Report of the committee on the amendments to criminal law'. Ministry of home affairs. (151-52).
- Kalhan, A., G. Conroy, M. Kaushal, S. Scott Miller, and J. Rakoff. (2007) 'Colonial continuities: Human rights, terrorism, and security laws in India'. Columbia Journal of Asian Law 20, no. 1: 93–234.
- Lijphart, A. The puzzle of Indian democracy: A convocational interpretation in Democracy in India, ed. N.G. Jayal,. New Delhi: Oxford University Press.
- Ministry of Home Affairs (1990) 'THE ARMED FORCES (JAMMU AND KASHMIR) SPECIAL POWERS ACT, 1990' New Delhi: Ministry of Home Affairs. Government of India.
- Ministry of Law and Justice (1990, 11 September) THE ARMED FORCES (JAMMU AND KASHMIR) SPECIAL POWERS ACT, 1990 No. 21, New Delhi.
- Nagihte, Thanghanlal (2015) 'ARMED FORCES IN INDIA'S NORTHEAST: A NECESSITY REVIEW' South Asia Research Vol. 35(3): 368–385 2015.
- Pervaiz, Imroz (2017, 5 January) "January 6, 1993: When BSF shot dead 57 innocent civilians" Kashmir Watch.
- Peer, B. (2008). Curfewed nights. New Delhi: Random House.
- Peer, Basharat (2014, 8 March) 'The Armed Forces Special Powers Act: A brief history' Aljazeera America.
- Rabbani, Attar (2011) Jammu & Kashmir and the Armed Forces Special Powers Act South Asian Survey 18(2) 259–277 assessed from <http://sas.sagepub.com>.
- Rajan, Amit (2015) 'A Gender Critique of AFSPA': Social Security for Whom? SAGE Publications 45(3) 440–457
- Sebastian, A.P (1996 10 Feb) 'Kashmir behind the Propaganda Curtain Source': Economic and Political Weekly, Vol. 31, No. pp. 319-321.
- Sen, M. (2013, 19 June) 'Right to rape'. The Telegraph.
- Singh, Tavleen (1995) 'Kashmir' A Tragedy of Errors. VIKING Penguin Books India. ISBN 0-670-86559-1 P.no.101-102.
- Singh, U.K. (2007) 'The state, democracy and anti-terror laws in India'. New Delhi: Sage.
- Sikand, Yoginder (2010, 2-8 OCTOBER) 'Jihad, Islam and Kashmir: Syed Ali Shah Geelani's Political Project'. Economic and Political Weekly, Vol. 45, No.40
- Yasir, Samir (2015, 4 July) 'Amnesty Report says AFSPA Shields Human rights Violators: Jammu's PDP-BJP Govt Won't scrap it Soon'. URL (consulted 5 July, 2015), from http://www.firstpost.com/printpage.php?idno=2327234&sr_no=0.