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Over 380 Army personnel move Supreme court on AFSPA

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By: **Express News Service** | New Delhi | September 1, 2018 4:13:28 am



The court is already seized of a petition by 356 Army personnel who have raised a similar plea.
(Representational photo)

More than 380 serving personnel of the Army have moved the Supreme Court questioning the alleged dilution of the protection under the Armed Forces Special Powers Act (AFSPA) available to soldiers engaged in counter-insurgency operations in areas like Manipur and Jammu and Kashmir.

The court is already seized of a petition by 356 Army personnel who have raised a similar plea. The apex court is scheduled to hear it on September 4. The fresh plea by 383 personnel seeks to implead in the petition filed by their 356 colleagues.

The application said it was being “filed collectively by the Soldiers and serving Officers of Indian Army for protecting the sovereignty, integrity, security and dignity of the nation and restore the confidence and morale of the soldiers of Indian Army, who are facing insurmountable difficulties and odds in performance of their bonafide duties of protecting the sovereignty, integrity, security and dignity of the nation”.



It added that they were approaching the court because of the “extraordinary circumstances in which their colleagues are being persecuted and prosecuted for carrying out there bonafide duties, without making any distinction or determination with regard to act having been done in good faith, without any criminal intent or mens rea...”

The original petition and the fresh application come in the wake of a two-judge bench of the apex court asking an SIT constituted under the CBI to file chargesheets against security personnel over alleged fake encounters in Manipur. The SIT has already filed chargesheets in three of the cases that it probed.

The petitioners said they “are now facing confusion and countering questions from the soldiers under their command, as to whether they are supposed to continue to engage the proxy war and insurgency with their military training, principals, standard operating procedures, operational realities, valour and courage or act and operate as per the yardsticks of peace time operations, law and order issues and CrPC”.

The protection under AFSPA, it said, “doesn’t give any blanket prohibition or any special right to the soldier for himself, but facilitates his functioning and operations in extraordinary circumstances of proxy war, insurgency, armed hostility, ambushes, covert and overt operations”.

