

ANNEXURE A

The Armed Forces (Special Powers) Act, 1958 (As Amended in 1972)

An Act to enable certain special powers to be conferred upon members of the armed forces in disturbed areas in States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram. Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:

1. This Act may be called the Armed Forces (Special Powers) Act, 1958.
2. It extends to the whole of the State of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram.
 - a) "Armed Forces" means the military and the Air Forces of the Union so operating;
 - b) "Disturbed area" means the area which is for the time being declared by notification under Section 3 to be disturbed area;
 - c) all other words and expressions used herein, but not defined in the Air Force Act, 1950, or in the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.
3. If in relation to any State or Union Territory to which this Act extends, the Governor of the State or the Administrator of the Union Territory, or the Central Government in either case, is of the opinion that the whole or any part is in such a disturbed or dangerous condition that the use of Armed Forces in aid of civil power is necessary, the Governor of that State or the Administrator of that Union Territory or the Central Government, as the case may be, may, by notification in

the Official Gazette, declare the whole or such part of such State or Union Territory to be a disturbed area.

4. Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the Armed Forces may, in a disturbed area

a) if he is of the opinion that it is necessary to do so for 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 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 firearms, ammunition or explosive substances;

b) if he is of the opinion that it is necessary to do so, destroy any armed dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made, or any structure used as a training camp for armed volunteers or utilized as a hideout by armed gangs or absconders wanted for any offence;

c) arrest without warrant, any person who has committed a cognisable offence or against whom a reasonable suspicion exist that he has committed or is about to commit a cognisable offence and may use such force as may be necessary to effect the arrest;

d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises; and may for that purpose use force as may be necessary.

5. Any person arrested and taken into custody under this Act shall be made over to the officer in charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest.

6. 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 powers conferred by this Act.