ARMED FORCES (SPECIAL POWERS) ACT, 1958  
(Act 28 of 1959)

An Act to enable certain special powers to be conferred upon members of the armed forces in disturbed areas in the 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. Short title and extent:

   (1) This Act may be called the Armed Forces (Special Powers) Act, 1958.

   (2) It extends to the whole of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram.

2. Definitions: In this Act, unless the context otherwise requires,

   (a) "armed forces" means the military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;

   (b) "disturbed areas" means an area which is for the time being declared by notification under S. 3 to be a disturbed area;

   (c) All other words and expressions used herein, but not defined and
Power to declare areas to be disturbed areas.—If, in relation to any State or Union Territory to which this Act extends, the Governor of that State or the Administrator of that Union Territory of the Central Government in either case, is of the opinion that the whole or any part of such State or Union Territory, as the case may be, 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 disturbed area.

Special Powers of the armed forces.—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 so to do for the maintenance of the 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 things capable of being used as weapons or of fire arms, ammunition or explosive substances;

(b) if he is of the opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as a training camp for armed volunteers or utilised 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 exists 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 and confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary.

5. Arrested persons to be made over to police.—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. Protection to person acting under Act.—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 any thing done or purported to be done in exercise of the powers conferred by this act.

7. Repeal and Saving:

(1) The Armed forces (Assam and Manipur) Special Powers Ordinance, 1958, is hereby repealed.

(2) Notwithstanding such repeal any thing done or any action taken under the said ordinance shall be deemed to have been done or taken under this act, as if this had commenced on the 22nd day of May, 1958.

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THE ARMED FORCES (JAMMU AND KASHMIR) SPECIAL POWERS ACT, 1990 (21 of 1990)

An Act to enable certain special powers to be conferred upon members of the armed forces in disturbed areas in the State of Jammu and Kashmir

Be it enacted by Parliament in the forty first year of the Republic of India as follows:

1. (1) This Act may be called the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.

   (2) It extends to the whole of the States of Jammu and Kashmir.

   (3) It shall be deemed to have come into force on the fifth day of July, 1990.

2. In this Act, unless the context otherwise requires:

   (a) "armed forces" means the military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;

   (b) "disturbed areas" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

   (c) all other words and expressions used herein, but not defined and defined in Air Force Act 1950 or the Army Act 1950, shall have the meanings respectively assigned to them in those Acts.

3. If, in relation to the State of Jammu and Kashmir the Governor of that...
State or the Central Government, is of the opinion that the whole or any part of the State is in such a disturbed or dangerous condition that the use of armed forces in aid of civil power is necessary to prevent—

(a) activities involving terrorist acts directed towards overawing the Government as by law established or striking terror in the people or any section of the people or alienating any section of the people or adversely affecting the harmony amongst different sections of the people;

(b) activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution of India.

The Governor of the State or the Central Government, may, by notification in the Official Gazette, declare the whole or any part of the State to be a disturbed area.

Explanation—In this section, "terrorist act has the same meaning as Explanation to Article 248 of the Constitution of India as applicable to the State of Jammu and Kashmir.

4. Any commissioned officer, warrant officer, non commissioned officer or any other of equivalent rank in the armed forces may, in a
disturbed area:

(a) if he is of the opinion that it is necessary so to do for the maintenance of the 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 things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(b) if he is of the opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as a training camp for armed volunteers or utilised 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 exists 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 and confined or any property reasonably
suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary and seize any such property, arms, ammunition or explosive substances;

(e) stop, search and seize any vehicle or vessel reasonably suspected to be carrying any person who is a proclaimed offender, or any person who has committed a non-cognisable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a non-cognisable offence, or any person who is carrying any arms, ammunition or explosive substance believed to be unlawfully held by him, and may, for that purpose, use such force as may be necessary, to effect such stoppage, search or seizure, as the case may be.

5. Every person making a search under this act shall have the power to break open the lock of any door, almirah, safe, box, cupboard, drawer, package or other thing, if the key thereof is withheld.

6. Any persons arrested and taken into custody under this Act and every property, arms, ammunition or explosive substance or any vehicle or vessel seized 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 or
as the case may be, occasioning the seizure of property, arms, ammunition or explosive substance or any vehicle or vessel, as the case may be.

7. 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 any thing done or purported to be done in exercise of the powers conferred by this Act.

8. The Armed forces (Jammu and Kashmir) Special Powers Ordinance, 1990, is hereby repealed.

Not withstanding such repeal any thing done or any action taken under the said ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.