

Armed Forces Special Powers Act, 1958

28 of 1958

[11 September 1958]

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[11 September 1958]

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

1. Short Title And Extent :-

1[The Armed Forces (Special Powers) Act, 1958.]

2[(2) It extends to the whole of the State of 3[Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura].

1. Substituted for the words, brackets and figures "the Armed Forces (Assam and Manipur) Special Powers Act, 1958" by the Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972 (7 of 1972) w.e.f 05.04.1972.

3 . Substituted for the words "Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh" by the State of Arunachal Pradesh Act (69 of 1986) w.e.f 20.02.1987.

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 area" 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 the Air Force Act, 1950, or the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.

3. 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 or 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 the 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. Special Powers Of The Armed Forces :-

Any commissioned officer, warrant officer, on-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area,

(a) 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 fire-arms, ammunition or explosive substances;

(b) if he is of 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 training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;

(c) 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 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 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 The 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 Persons 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 anything done or purported to be done in exercise of the powers conferred by this Act.

7. Repeal And Saving :-

[Repealed by Amending and Repealing Act, 1960 (58 of 1960) w.e.f 26.12.1960.]

mending Act - Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972

Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972

An Act to amend the Armed Forces (Assam and Manipur) Special Powers Act, 1958.

Be it enacted by Parliament in the Twenty-Third Year of the Republic of India as follows :

1. This Act may be called the Armed Forces (Assam and Manipur) Special Powers (Amendment) Act 1972.

2. In the Armed Forces (Assam and Manipur) Special Powers Act, 1958 (hereinafter referred to as the principal Act), in the long title, for the words "in the State of Assam and the Union Territory of

Manipur" the words "in the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and Union Territories of Arunachal Pradesh and Mizoram" shall be substituted.

3. In section 1 of the principal Act

(a) in sub-section (1) for the words, brackets and figures "the Armed Forces (Assam and Manipur) Special Powers Act 1958" the words, brackets and figures "the Armed Forces (Special Powers) Act 1958" shall be substituted :

(b) for sub-section (2) the following sub section shall be substituted, namely :

(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.

4. For section 3 of the principal Act, the following section shall be substituted, namely :

[5] 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, 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 the 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 State or Union Territory to be a disturbed area.

5. As from the Commencement of this Act, the principal Act, as extended by notification of the Government of India in the Ministry of Home Affairs No GSR 1970, dated 25th November 1970 to the then existing Union Territory of Tripura, shall cease to operate in the State of Tripura.