

IndiaCode

The Disturbed Areas (Special Courts) Act, 1976

(ACT NO. 77 OF 1976)

[*As on the* 08*th September*, 2026]

LIST OF ABBREVIATIONS USED

G.S.R.	. . . .	*for*	General Statutory Rules.
S.O.	. . . .	,,	Statutory Order.
Notifn.	. . . .	,,	Notification.

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THE DISTURBED AREAS (SPECIAL COURTS) ACT, 1976

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SECTIONS

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THE DISTURBED AREAS (SPECIAL COURTS) ACT, 1976

ACT NO. 77 OF 1976

[11*th June,* 1976.]

An Act to provide for the speedy trial of certain offences in certain areas and for matters connected therewith.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(*1*) This Act may be called the Disturbed Areas (Special Courts) Act, 1976.

(*2*) It extends to the whole of India [1]***.

(*3*) It shall come into force on such date[2] as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States or for different parts thereof.

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

(*a*) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

(*b*) "disturbed area" means an area declared as a disturbed area under section 3;

(*c*) period of disturbance, in relation to a disturbed area, means the period during which it is to be a disturbed area for the purposes of section 3;

(*d*) "scheduled offence" means an offence specified in the Schedule being an offence forming part or arising out of, or connected with, any such disturbance as is referred to in section 3;

(*e*) "Special Court" means a Special Court constituted under section 4;

(*f*) words and expressions used but not defined in this Act, and defined in the Code shall have the meanings respectively assigned to them in the Code.

3. Declaration of an area as disturbed area.—(*1*) Where a State Government is satisfied that—

(*i*) there was, or

(*ii*) there is,

in any area within a State extensive disturbance of the public peace and tranquillity, by reason of differences or disputes between members of different religious, racial, language or regional groups or castes or communities, it may, by notification in the Official Gazette, declare such area to be a disturbed area.

(*2*) A notification issued under sub-section (*1*) in respect of any area shall specify the period during which the area shall, for the purposes of this section, be a disturbed area and where the State Government is satisfied that there was such disturbance of public peace and tranquillity as is referred to in sub-section (*1*) in that area from any date prior to the issue of such notification, the period specified in the notification may commence from that date:

Provided that—

(*a*) no period commencing from a date earlier than three months before the date of publication of the notification shall be specified therein; and

(*b*) so much of the period specified in such notification as is subsequent to the date of publication of the notification shall not, in the first instance, exceed three months but the State Government may amend such notification to extend such period from time to time by any period not exceeding three

1. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and Sch. V (w.e.f. 31-10-2019).
2. 15th August, 1976, *vide* Notifn. No. S.O. 549(E), dated 13th August, 1976, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

months at any one time if in the opinion of the State Government there continues to be in such area such disturbance of public peace and tranquillity as is referred to in sub-section (*1*):

Provided further that where the State Government is satisfied that there is no longer such disturbance of public peace and tranquillity as is referred to in sub-section (*1*) in such area, it shall amend the notification issued under that sub-section in respect of that area to limit the period specified therein (whether originally or by amendment under the preceding proviso) accordingly.

STATE AMENDMENT

Karnataka

Amendment of section 3.-In section 3 of the Disturbed Areas (Special Courts) Act, 1976 (Central Act 77 of 1976) in sub-section (1), after the words "castes or communities", the words "or due to any other reason" shall be inserted.

[*Vide* Karnataka Act 49 of 1981, s. 2]

4. Constitution of Special Courts.—(*1*) The State Government may, for the purpose of providing speedy trial of scheduled offences committed in disturbed areas, by notification in the Official Gazette, constitute as many Special Courts as may be necessary in or in relation to such disturbed area or areas as may be specified in the notification.

(*2*) A Special Court shall consist of a single judge who shall be appointed by the High Court upon a request made by the State Government.

Explanation.—In this sub-section, the word "appoint" shall have the meaning given to it in the *Explanation* to section 9 of the Code.

(*3*) A person shall not be qualified for appointment as a judge of a Special Court unless—

(*a*) he is qualified for appointment as a judge of a High Court, or

(*b*) he has, for a period of not less than one year, been a Sessions Judge or an Additional Sessions Judge.

(*4*) Notwithstanding anything contained in sub-section (*3*), a person shall not be eligible for being appointed as, and for being, a Judge of a Special Court in any State after he has attained the age at which Sessions Judges in that State have to retire from service.

5. Jurisdiction of Special Courts.—(*1*) Notwithstanding anything contained in the Code or any other law, a scheduled offence committed in any disturbed area at any time during the period during which it is a disturbed area shall be triable, whether during or after such period, only by the Special Court constituted in or in relation to the disturbed area in which the offence has been committed.

(*2*) When trying any scheduled offence, a Special Court may also try any offence other than the scheduled offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with the scheduled offence.

6. Procedure and powers of Special Courts.—(*1*) Every scheduled offence shall be cognizable.

(*2*) A Special Court may take cognizance of any scheduled offence,—

(*a*) where under the Code such offence is an offence triable exclusively by a Court of Session, upon its being committed to it under section 209 of the Code as if the Special Court were a Court of Session;

(*b*) in any other case, upon a police report of the facts together with a certificate from the public prosecutor to the effect that the offence is triable exclusively by the Special Court.

(*3*) Where a scheduled offence is an offence triable exclusively by a Court of Session under the Code, a Special Court shall have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, so far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Session.

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(*4*) Where a scheduled offence is an offence which is punishable with imprisonment for a term exceeding three years but which, according to the provisions of the Code, is not an offence triable exclusively by a Court of Session, a Special Court may on taking cognizance of the offences perform the functions of a Magistrate under section 207 of the Code and thereafter try such offence so far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Session as if the Special Court were a Court of Session and the case had been committed to it for trial under the provisions of the Code.

(*5*) Where a scheduled offence is punishable with imprisonment for a term not exceeding three years or with fine or with both, a Special Court may, notwithstanding anything contained in sub-section (*1*) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code, shall so far as may be, apply to such trial:

Provided that when, in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try it summarily, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation to a Special Court as they apply to and in relation to a Magistrate:

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding two years.

(*6*) A Special Court may, with a view to obtaining the evidence of any person suspected to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or abettor in the commission thereof and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under section 307 thereof.

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7. Power to transfer cases to regular courts.—Where, after taking cognizance of any offence, a Special Court is of opinion that the offence is not a scheduled offence, it shall, notwithstanding that it has no Jurisdiction to try the case, transfer the case for trial to any court having jurisdiction under the Code and the court to which the case is transferred may proceed with the case as if it had taken cognizance of the offence.

8. Appeal and revision.—The High Court may exercise, so far as they may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code on a High Court, as if a Special Court is a Court of Session trying cases within the local limits of the jurisdiction of the High Court.

9. Overriding effect of Act.—(*1*) The provisions of this Act shall have notwithstanding anything contained in the Code or any other law, but save as expressly provided in this Act, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of this Act, apply to the proceedings before a Special Court; and for the purposes of the said provisions of the Code, the Special Court shall be deemed to be a Court of Session and the person conducting a prosecution before a Special Court shall be deemed to be a public prosecutor.

(*2*) In particular and without prejudice to the generality of the provisions contained in sub-section (*1*), the provisions of sections 326 and 475 of the Code shall, so far as may be, apply to the proceedings before a Special Court, and for this purpose references in those provisions to a Magistrate shall be construed as references to the Special Court.

10. Saving.—(*1*) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under any law relating to the naval, military or air forces or any other armed forces of the Union.

(*2*) For the removal of doubts, it is hereby declared that for the purposes of any such law as is referred to in sub-section (*1*), a Special Court shall be deemed to be a court of ordinary criminal justice.

THE SCHEDULE

[*See* section 2(*d*)]

1. Offences under the following provisions of the Indian Penal Code (45 of 1860):—

Section 120B;

Sections 143 to 145, 147, 148, 151 to 155, 157, 158 and 160;

Sections 182, 183, 186 to 190;

Sections 193 to 195, 199, 201 to 203, 211 to 214, 216, 216A and 225;

Sections 295 to 298;

Sections 302, 303, 304, 307, 308, 323 to 335, 341 to 348, 352 to 358, 363 to 369 and 376;

Sections 379, 380, 382, 384 to 387, 392 to 399, 402, 411, 412, 426, 427, 431, 435, 436, 440, 447 to 462;

Sections 504 to 506 and 509.

2. Offences under the following provisions of the Arms Act, 1959 (54 of 1959):—

Sections 25 to 30.

3. Offences under the following provisions of the Indian Explosives Act, 1884 (4 of 1884):—

Sections 6(*3*) and 8(*2*).

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STATEMENT OF OBJECTS AND REASONS

There are considerable delays in the disposal of criminal cases arising out of communal disturbances. The National Integration Council had, in 1968, considered the problem and had recommended that Special Courts with summary powers to deal with the offences connected with communal disturbances should be constituted. Under the existing law it is only a small number of minor offences which can be tried in a summary way in accordance with the procedure laid down in Chapter XXII of the Code of Criminal Procedure. It is necessary to provide that cases relating to specified offences, arising out of disturbances between different religious, racial, language or regional groups or castes or communities, may be triable (*a*) by Special Courts, and (*b*) according to a quick and effective procedure.

2. The Bill seeks to achieve the above object.

NEW DELHI; R. N. MIRDHA.

The 24*th May*, 1972.

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