

IndiaCode

The Armed Forces (Special Powers) Act, 1958

(ACT NO. 28 OF 1958)

[*As on the 1st June*, 2026]

LIST OF AMENDING ACTS

1. The State of Mizoram Act, 1986 (34 of 1986).
2. The State of Arunachal Pradesh Act, 1986 (69 of 1986).

LIST OF ABBREVIATIONS USED

Cl., cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

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THE ARMED FORCES (SPECIAL POWERS) ACT, 1958

ARRANGEMENT OF SECTIONS

SECTIONS

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3. Power to declare areas to be disturbed areas.
4. Special powers of the armed forces.
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6. Protection to persons acting under Act.
7. [*Repealed*.]

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THE ARMED FORCES (SPECIAL POWERS) ACT, 1958

ACT NO. 28 OF 1958

[11*th September*, 1958.]

An Act to enable certain special powers to be conferred upon members of the armed forces in disturbed areas [1][in the States of [2][[3][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*) This Act may be called [4][the Armed Forces (Special Powers) Act, 1958].

[5][(*2*) It extends to the whole of the States of [2][[3][Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura]]].

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 (45 of 1950), or the Army Act, 1950 (46 of 1950), shall have the meanings respectively assigned to them in those Acts.

[6][**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, non-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;

1. Subs. by Act 7 of 1972, s. 2, for "in the State of Assam and the Union territory of Manipur" (w.e.f. 5-4-1972).
2. Subs. by Act 34 of 1986, s. 40, for "Meghalaya, Nagaland and Tripura and the Union territories of Arunachal Pradesh and Mizoram" (w.e.f. 20-2-1987).
3. Subs. by Act 69 of 1986, s. 43, for "Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh" (w.e.f. 20-2-1987).
4. Subs. by Act 7 of 1972, s. 3, for "the Armed Forces (Assam and Manipur) Special Powers Act, 1958" (w.e.f. 5-4-1972).
5. Subs. by s. 3, *ibid*., for sub-section (*2*) (w.e.f. 5-4-1972).
6. Subs. by s. 4, *ibid*., for section 3 (w.e.f. 5-4-1972).

*Central Government declares whole of the State of Nagaland to be 'disturbed area' for a period of six months with effect from 30th December, 2021.

(*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 a 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*.] *Rep. by the Repealing and Amending Act*, 1960 (58 *of* 1960), *s*. 2 *and Sch. I* (*w.e.f.* 26-12-1960).

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STATEMENT OF OBJECTS AND REASONS

An Ordinance entitled the Armed Forces (Assam and Manipur) Special-Powers Ordinance, 1958, was promulgated by the President on the 22nd May, 1958. Section 3 of the Ordinance empowers the Governor of Assam and the Chief Commissioner of Manipur to declare the whole or any part of Assam or the Union territory of Manipur, as the case may be, to be a disturbed area. On such a declaration being made in the Official Gazette, any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may exercise, in the disturbed area, the powers conferred by sections 4 and 5 of the Ordinance. The Bill seeks to replace the Ordinance.

NEW DELHI;
The 5th July, 1958

G. B. PANT.

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