

The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990

(ACT NO. 21 OF 1990)

[*As on the* 25*th September,* 2025]

LIST OF ABBREVIATIONS USED

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

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

ARRANGEMENT OF SECTIONS

SECTIONS

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

ACT NO. 21 OF 1990

[10*th September*, 1990.]

An Act to enable certain special powers to be conferred upon members of the armed forces in the 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. Short title, extent and commencement.—(*1*) This Act may be called the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.

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

(*3*) It shall be deemed to have come into force on the 5th day of July, 1990.

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.

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3. Power to declare areas to be disturbed areas.—If, in relation to the State of Jammu and Kashmir*, the Governor of that State or the Central Government, is of opinion that the whole or any part of the State is in such a disturbed and dangerous condition that the use of armed forces in aid of the 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 in *Explanation* to article 248 of the Constitution of India as applicable to the State of Jammu and Kashmir*.

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;

*. *Vide* Notifn. No. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

(*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, 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-cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a non-cognizable 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. Power of search to include powers to break open locks, etc.—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. Arrested persons and seized property to be made over to the police.—Any person 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 such property, arms, ammunition or explosive substance or any vehicle or vessel, as the case may be.

7. Protection of persons acting in good faith under this 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.

8. Repeal and saving.—(*1*) The Armed Forces (Jammu and Kashmir) Special Powers Ordinance, 1990 (Ord. 3 of 1990), is hereby repealed.

(*2*) Notwithstanding such repeal, anything 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.

STATEMENT OF OBJECTS AND REASONS

With the advent of summer and melting of snow the tendency of the militants and subversive elements of the valley to get across the border for smuggling of arms. ammunition and explosives and training in subversive activities is on the increase. The security forces deployed have to pursue the infiltrators and nab them inside the valley. Concerted and co-ordinated efforts by the State police and security forces to intercept the infiltrators, search for and take action against arms dumps by the militants and subversive elements are required so as to counter the designs of the secessionist elements. In the context of the prevailing situation in the valley, it was found necessary to empower the security forces with additional powers to assist the civil administration in containing the terrorism. To meet this situation the Armed Forces (Jammu and Kashmir) Special Powers Ordinance, 1990 (3 of 1990) was promulgated on the 5th July, 1990.

2. The Bill seeks to replace the above mentioned Ordinance.

MUFTI MOHAMMED SAYEED.

NEW DELHI;

The 31*st July,* 1990.

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