

Armed Forces (Special Powers) Act

Mains : GS III – Internal Security

Why in News?

The AFSPA Act has been extended in Manipur, Nagaland and Arunachal Pradesh.

What is the Armed Forces (Special Powers) Act (AFSPA), 1958, and how is an area declared "Disturbed"?

- **Statutory Purpose** - Enacted in 1958, AFSPA grants extraordinary legal powers to the Armed Forces and Central Armed Police Forces (CAPF) to restore public order in regions designated as "disturbed" due to insurgency, armed rebellions, or severe internal conflict.
- **Declaration of a "Disturbed Area" (Section 3)** - Under the AFSPA Act, an area can be declared "disturbed" if disputes between racial, religious, language, or regional groups/castes threaten public peace.
- **Dual Power** - Both the Central Government (Ministry of Home Affairs – MHA) and the State Governments possess the legal authority to issue a Disturbed Area Notification.
- **Constitutional Basis and Judicial Validity** - Supreme Court Benchmark (*Naga People's Movement of Human Rights v. Union of India, 1997*) - The Supreme Court upheld the constitutional validity of AFSPA while enforcing key procedural safeguards, requiring periodic review of notifications and mandatory handover of arrested persons.

Armed Forces (Special Powers) Act (AFSPA), 1958

Extraordinary Powers for Internal Security in Disturbed Areas

1 What is AFSPA and how is an area declared "Disturbed"?

Statutory Purpose (1958)

- Enacted in 1958, AFSPA grants extraordinary legal powers to the Armed Forces and CAPF to restore public order in regions designated as "disturbed" due to insurgency, armed rebellions, or severe internal conflict.

Declaration of a "Disturbed Area" (Section 3)

- An area can be declared "disturbed" if disputes between racial, religious, language, or regional groups/castes threaten public peace.

Dual Power

- Both the Central Government (MHA) and State Governments can issue a Disturbed Area Notification.

Constitutional Basis and Judicial Validity

- Supreme Court (Naga People's Movement of Human Rights v. Union of India, 1997) upheld the validity of AFSPA, while mandating:
 - Periodic review of notifications
 - Mandatory handover of arrested persons.

2 Special Powers and Legal Immunities

Special Operational Powers (Section 4)

Authorized security personnel can:

- Use Lethal Force**
 - Open fire or use force (including causing death) after giving due warning against individuals violating prohibitory orders (e.g., assembly, carrying arms).
- Warrantless Arrest and Search**
 - Arrest any person based on reasonable suspicion without a warrant and enter and search any premises without a warrant.
- Destruction of Hideouts**
 - Destroy armed dumps, fortified positions, or shelters used by insurgents.
- Legal Immunity (Section 7)**
 - Provides immunity from prosecution, suits, or legal proceedings for acts done under the law, unless prior sanction is granted by the Central Government.

3 Areas under Disturbed Area Notification (Latest 2026 Extension)

Manipur
(Entire state, with key exclusions)

- The entire state remains a "disturbed area", excluding 13 police station jurisdictions across 5 Valley districts.
- Districts/Police Stations excluded: Imphal, Lamphel, City, Singu, Patol, Wang, Porompat, Heingang, Inlabung, Thoubal, Bishnupur, Nambol and Kalching.
- Current conflict reversed a multi-year effort to lift AFSPA from valley areas, leading to its reimposition in sensitive pockets.

Nagaland
(Extended in specific districts and police stations)

- Extended across 9 entire districts: Dimapur, Nuland, Chumukedima, Mon, Kiphire, Naljak, Phek, Peren and Mokokchung.
- Covers 21 police stations across 5 other districts: Kohima, Mokokchung, Longleng, Wokha and Zunheboto.

Arunachal Pradesh
(Applicable in select districts and police stations)

- Applicable in 3 districts: Tira, Changlang and Longleng.
- Covers areas under 3 police stations in Namsai district: Namsai, Mahadevpur and Chomkham.
- These areas border Assam and remain sensitive due to potential insurgent movement across borders.

4 Evolution of AFSPA's Footprint in the Northeast

Historical Peak vs. Rollback Strategy

- Over the last decade, improved security conditions led to a deliberate reduction of AFSPA's geographical footprint.

State-Wise De-notification Examples

- Tripura**
 - Fully revoked in 2015 following a decline in insurgency.
- Meghalaya**
 - Fully revoked in 2018 (previously applied in a 20-km border belt along Assam).
- Assam**
 - Disturbed Area status (since 1990) phased out, currently restricted to 3 districts (Tinsukia, Chirang and Sivasagar).

5 Key Takeaways

- AFSPA is a special law to maintain public order in "disturbed areas" facing insurgency or internal conflict.
- Grants wide operational powers and legal immunity to security forces, subject to prior central sanction for prosecution.
- As of 2026, it remains in force in parts of Manipur, Nagaland and Arunachal Pradesh.
- Its footprint in the Northeast has reduced over time, with Tripura (2015), Meghalaya (2018) and most of Assam de-notified, though reimposed in Manipur after the 2023 ethnic violence.
- Continued periodic review, transparency and balancing of security needs with human rights safeguards remain critical.

Security, Stability and People's Rights in the Northeast

What special powers and legal immunities does AFSPA grant to the security forces?

- **Special Operational Powers-** According to (Section 4) of AFSPA Act Authorized security personnel can –
- **Use Lethal Force** - Open fire or use force (including causing death) after giving due warning against individuals acting in contravention of prohibitory orders (e.g., assembly of persons, carrying arms).
- **Warrantless Arrest and Search** - Arrest any person based on reasonable suspicion without a warrant and enter and search any premises without a warrant.
- **Destruction of Hideouts** - Destroy armed dumps, fortified positions, or shelters used by insurgents.
- **Legal Immunity (Section 7)** - Provides immunity from prosecution, suits, or legal proceedings for acts done under the law, unless prior sanction is granted by the Central Government.

Which areas remain under the Disturbed Area Notification following the latest 2026 extension?

- **Manipur** - The entire state remains declared as a "disturbed area", excluding 13 police station jurisdictions across 5 Valley districts (Imphal, Lamphel, City, Singjamei, Patsoi, Wangoi, Porompat, Heingang, Irilbung, Thoubal, Bishnupur, Nambol, and Kakching).
- The current conflict reversed a multi-year effort to lift the law from valley areas, leading the Centre to reimpose AFSPA in sensitive pockets.
- **Nagaland** - Extended across 9 entire districts (Dimapur, Niuland, Chumoukedima, Mon, Kiphire, Noklak, Phek, Peren, and Meluri) and areas under 21 police stations across 5 other districts (Kohima, Mokokchung, Longleng, Wokha, and Zunheboto).
- **Arunachal Pradesh** - Applicable in 3 districts (Tirap, Changlang, and Longding) and areas under 3 police stations (Namsai, Mahadevpur, and Chowkham) in Namsai district bordering Assam.

How has AFSPA's geographical footprint evolved across the Northeast over time?

- **Historical Peak vs. Rollback Strategy** - AFSPA originally covered major parts of the region following its enactment to counter armed insurgencies in the Naga Hills and Assam.
- Over the last decade, improved security conditions led to a deliberate reduction of its footprint.
- **State-Wise De-notification Examples** -
- **Tripura** - Fully revoked AFSPA in 2015 following a decline in insurgency.
- **Meghalaya** - Fully revoked in 2018 (previously applied in a 20-km border belt along Assam).
- **Assam** - Disturbed Area status (in place since 1990 state-wide) has been phased out, and is currently restricted to just 3 districts (Tinsukia, Charaideo, and Sivasagar).
- **Reversal in Manipur** - While AFSPA's reach was contracting having been removed from all valley police stations by April 2023—the outbreak of ethnic violence in May 2023 halted this rollback, forcing a selective reimposition by the Centre to maintain law and order.

Reference

[The Hindu | AFSPA](#)



SHANKAR
IAS PARLIAMENT
Information is Empowering