

Armed Forces (Special Powers) Act (AFSPA)

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The **Armed Forces (Special Powers) Act of 1958 (AFSPA)** has been extended in certain districts of Arunachal Pradesh and Nagaland for an additional six months.



[Ref: The Hindu]

About AFSPA (Armed Forces (Special Powers) Act):

- AFSPA was established in **1958**, allowing the armed forces to help maintain law and order in regions labelled as "**disturbed areas.**"
- The designation of an area as "disturbed" permits the use of **military force to support civil authorities.**

Authority to Declare "Disturbed Areas"

- Under **Section 3 of AFSPA**, an area may be declared "**disturbed**" if it's considered necessary for the armed forces to assist civil power.
- This declaration can be made by the **Central Government, the State's Governor, or the Union Territory's administrator.**

Special Powers Granted by AFSPA:

- **Use of Force:** Armed forces can prohibit gatherings of five or more persons, use force, or even open fire after giving due warning.
- **Arrests Without Warrant:** They can arrest a person without a warrant and enter or search a premise without a warrant based on reasonable suspicion.
- **Seizure of Firearms:** The possession of firearms can be banned.
- **Immunity From Prosecution:** Armed forces are immune from prosecution unless the Union Government provides sanction to the prosecuting agencies.

Regions Affected by AFSPA:

- AFSPA is currently enforced in several areas, including **Jammu and Kashmir, Assam, Manipur** (excluding the capital city of Imphal), **Arunachal Pradesh, and Nagaland.**
- Specifically, in **Arunachal Pradesh**, it affects Tirap, Changlang, and Longding districts, along with areas bordering Assam.

- In **Nagaland**, it includes districts like Mon, Kohima, Dimapur, Kiphire, Phek, and Zunheboto.

Legal Immunity under AFSPA

- The act provides armed forces with immunity from prosecution unless there is prior sanction from the Central Government for actions taken under AFSPA.

Supreme Court Judgment on AFSPA:

- In the 2016 case "**Extra Judicial Execution Victim Families Association v Union of India**," the Supreme Court ruled that there is no absolute immunity for army personnel from trial by criminal courts for offences committed under AFSPA.