

Armed Forces Special Powers Act (AFSPA), 1958 in Northeastern States

1. AFSPA for North-Eastern states was passed in 1958. It was initially implemented in Assam and Manipur and after its amendment in 1972, it was also implemented in Meghalaya, Nagaland, Tripura and Arunachal Pradesh.

2. Section 3 of the AFSPA empowers both the Central and the State Governments if they, after an examination, feel that there is such disturbance or dangerous situation in the whole of the State or any area thereof and armed forces need to assist the civil administration, then the whole State or some areas thereof may be notified as 'disturbed areas'. Section 4 of AFSPA gives certain special powers to the armed forces to operate in 'disturbed areas'.

3. Whenever a State, whole or a part of it, is declared as a 'disturbed area' under this Act, then the agencies of the Central/State Government concerned are consulted before that and a decision is taken keeping in view the security situation.

4.1 In Nagaland, Mon district was initially notified as a disturbed area by the Central Government on 17.09.1991. On 04.04.1995, the Government of Nagaland declared the whole of Nagaland as a disturbed area. Whole of Nagaland continued to be declared as a disturbed area vide Central Government's notification dated 22.07.2003. Since then, the entire Nagaland has been continuing to be declared as a disturbed area till date.

4.2 In some areas of Arunachal Pradesh (Tirap, Changlang district and 20 km belt bordering Assam) the Central Government has put in force Disturbed Area Declaration with effect from 17.09.1991. In 2015, it was extended to 3 districts, 20 km belt of Arunachal Pradesh bordering Assam and 16 police stations in 9 other districts, which has gradually been reduced to only 3 districts and 2 police station areas of another district.

4.3 In Assam, the whole of Assam was declared as a disturbed area by the notification of the Central Government dated 27.11.1990. Since 29.08.2017, the Government of Assam has been declaring the whole of Assam as a disturbed area, which is also applicable at present.

4.4 Since the enactment of the AFSPA Act, some areas of Manipur state have been declared as disturbed areas. The entire state of Manipur has been continuously declared as a disturbed area since 1999, out of which the Imphal Municipality area was removed with effect from 2004, which is still in force.

4.5 Due to the continuous improvement in the security situation (post 2014) in the North-East states, the disturbed area declaration from Meghalaya has been withdrawn in March, 2018. Similarly, it has been withdrawn from Tripura in May 2015. It has never been put in force in Mizoram.

5. Based on the above, at present the disturbed area notification under AFSPA is applicable in the following four states (as on 31.03.2022):

- (a) Declared the entire State of Nagaland as 'disturbed area' for six months with effect from 30.12.2021 in accordance with the Central Government notification dated 30.12.2021;
- (b) in accordance with the Central Government notification dated 01.10.2021, three districts of Arunachal Pradesh namely Tirap, Changlang, Langding and two police stations of Namsai and Mahadevpur in Namsai district have been declared as 'disturbed areas' for six months with effect from 01.10.2021;
- (c) Declaring the entire State of Assam as a 'disturbed area' for six months with effect from 28.02.2022 in accordance with the Government of Assam notification dated 28.02.2022; And
- (e) Declared the entire Manipur State (except Imphal Municipal Area) as 'disturbed area' for one year with effect from 01.12.2021 as per the Manipur State Notification dated 08.12.2021.

6.1 In view of the continuous improvement in the security situation of the North-East States, the Disturbed Area Declaration under AFSPA is reviewed from time to time in the Ministry of Home Affairs. On 23.09.2021, the Union Home Secretary reviewed the disturbed areas under AFSPA in all the North-Eastern States. On 26.12.2021, after the approval of the Union Home Minister, a committee was formed to review the disturbed area in Nagaland. On 07.03.2022, after the approval of the Union Home Minister, the Home Secretary again wrote a letter to the Chief Secretaries of Nagaland, Arunachal Pradesh, Assam and Manipur, asked all the four State Governments, keeping in view the security situation, their views on the need to continue the disturbed areas declaration.

6.2 The Union Home Minister had a detailed discussion with the Chief Ministers of the respective states in this regard. A VC meeting was held by the Home Secretary with the Chief Secretaries of Manipur and Assam on 22.03.2022 after which the proposal of reduction in the disturbed areas in their respective states from 01.04.2022 has been approved by the Home Minister. Similarly, in Nagaland, the proposal of reduction in the disturbed areas proposed by the committee has been approved by the Home Minister from 01.04.2022.

6.3 After the above review, the following disturbed areas are proposed under AFSPA in the four states for the next 6 months from 01.04.2022:

- (a) Disturbed Area Notification is being removed from 15 Police Stations in 7 Districts of Nagaland. After removal from these areas, the 'Disturbed Area' notification will remain in force in 57 police stations in 13 districts out of 72 police stations in total of 16 districts in the state of Nagaland;
- (b) the "disturbed area" notification shall remain in force in three districts of the State of Arunachal Pradesh namely Tirap, Changlang, Langding and two police stations of Namsai and Mahadevapur in Namsai district;
- (c) Disturbed area notification is being completely removed from 23 districts out of total 33 districts in the State of Assam and partially in 1 district. After removal from these areas, out of the total 33 districts in the State of Assam, the notification of 'Disturbed Areas' will remain in force in 9 districts completely and 1 district partially; And
- (d) Disturbed area notification is being removed from 15 police station areas in 6 districts of the State of Manipur. After removal from these areas, the 'Disturbed Area' notification

will remain in force in 82 police stations in 16 districts out of 97 police stations in 16 districts in the state of Manipur.