



AFSPA Extended in Nagaland

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Why in News

The **Ministry of Home Affairs (MHA)** has declared the **entire State of Nagaland** as a “**disturbed area**” for six more months, under the **Armed Forces (Special Powers) Act, 1958 (AFSPA)**.

According to the **Ministry of Home Affairs**, the area comprising the whole of State of Nagaland is in a **disturbed and dangerous condition** and the use of armed forces in aid of civilian power is necessary.

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

- The Act came into force in the context of **increasing violence in the North-eastern States** decades ago, which the State governments found difficult to control.
- AFSPA gives armed forces the **power to maintain public order in “disturbed areas”**. They have the authority **to prohibit a gathering of five or more persons** in an area, can use force or even open fire after giving due warning if they feel a person is in contravention of the law.
- If reasonable suspicion exists, the army can also **arrest a person without a warrant**; enter or search premises without a warrant; and ban the possession of firearms.

Disturbed Areas

- A disturbed area is the one which is declared by notification under **Section 3 of the AFSPA**. It can be invoked in places where the use of armed forces in aid of civil power is necessary.
- An area can be considered to be disturbed due to differences or disputes between members of different religious, racial, language or regional groups or castes or communities.

- The **Central Government or the Governor of the State or administrator of the Union Territory** can declare the **whole or part of the State or Union Territory** as a **disturbed area**.
- Once declared 'disturbed', the region is maintained as disturbed for a **period of three months** straight, according to **The Disturbed Areas (Special Courts) Act, 1976**. The government of the state can suggest whether the Act is required in the state or not.

States under AFSPA, Act

- It is effective in the whole of Jammu and Kashmir, Nagaland, Assam, Manipur (excluding seven assembly constituencies of Imphal) and parts of Arunachal Pradesh.
- In Arunachal Pradesh, the impact of AFSPA has been reduced to eight police stations.

Source: TH