

**Armed Forces (Special Powers) Amendment Bill, 2025**

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**Armed Forces (Special Powers) Amendment Bill, 2025**

It is deemed expedient to confer special powers upon the armed forces to effectively aid the civil power in the maintenance of public order and to suppress acts of insurgency which leads to the amendment of the Armed Forces (Special Powers) Act, 1958.

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**1. Short Title, Extent, and Commencement**

- a. This act may be called or referred to as the Armed Forces (Amendment) Bill ,2025.
- b. It shall come into force on the 1<sup>st</sup> day of June,2025
- c. It extends to the States and Union territories of India, as defined in Article 12 of the Constitution.

**2. Definitions**

- a. **"Active Insurgency"** refers to a violent, armed rebellion or insurrection by a non-state group against the government.
  - b. **"Civilian"** refers to a person who retains rights only when not in contradiction with the priorities of this Act.
  - c. **"Jurisdiction"** is a legal power or authority; the area in which power can be used.
  - d. **"Low-Intensity Civil Unrest"** refers to public expressions of dissent, protests, strikes, or any civilian mobilization deemed disruptive to perceived national harmony even if non-violent.
  - e. **"Operational Discretion"** refers to the unchallengeable judgment of any commanding officer in the field, protected from legal scrutiny and public criticism.
  - f. **"Potential Security Disruption"** refer to any future event, rumour, or sentiment forecasted to challenge the monopoly of state authority.
  - g. **"The Armed Forces (Special Powers) Act"** grants special powers to the armed forces in areas declared as "disturbed areas" by the Union or State Government.
  - h. **"Threat"** refers to somebody who may hurt or kill.
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**Chapter 1**

**Increased Powers of the Armed Forces**

**3. Arrest and Detention Provisions-**

- a. The Indian Armed Forces shall have the authority to arrest any individual, irrespective of whether the offence is cognizable or non-cognizable, based on their assessment of threat potential.
- b. Arrests may be carried out without prior warrant or judicial sanction.
- c. Arrests may also be made on reasonable suspicion.
- d. The permissible duration of detention shall range from a minimum of six months to a maximum of one year, subject to internal procedural review.
- e. No legal action shall be taken against armed forces personnel acting in accordance with this Act, other than approved by Union Government.

**4. Use of Force in Field Operations-**

- a. Armed forces personnel may exercise the right to open fire if, in their assessment, the situation poses an immediate threat to public safety or is veering out of control.
- b. The use of lethal force shall not be subject to prior approval from civil authorities in active zones.
- c. Standard rules of engagement shall apply in accordance with internal operational guidelines.

**5. Warrants and Search Authority-**

- a. The forces shall have the right to enter and search any premises, property, or vehicle without the requirement of a judicial warrant. In the interest of national security, they may override any orders issued by local judiciary.
- b. Such searches may be conducted at any hour and do not require prior notification to local law enforcement.
- c. Seized materials or evidence during such searched shall be held under military custody unless otherwise directed by central command.
- d. Curfews, movement restrictions and suspension of digital communication may be imposed at the discretion of the commanding officer of said State or District as appointed.

**Chapter 2**

**Jurisdictional Shifts**

**6. Redefinition of 'Disturbed Area' Criteria-**

- a. The definition of a 'disturbed area' shall now include regions experiencing any form of "persistent administrative instability," "potential security disruption," or "low-intensity civil unrest," as assessed by designated central agencies.
- b. The presence of active insurgency shall no longer be a prerequisite for enforcing the Armed Forces (Special Powers) Act (hereinafter referred to as AFSPA) in a given region.
- c. Provisional assessments may be made with or without on-ground verification, where intelligence inputs or strategic forecasts suggest potential volatility.

**7. Discretionary Declaration Powers-**

- a. The authority to declare an area as disturbed under AFSPA shall rest solely with the Union Government, which may act independently of state consultation in matters deemed urgent or confidential.

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- b. Such declarations may be issued in advance of anticipated developments, for precautionary deployment and preparedness.
  - c. Once declared, the disturbed status of an area shall remain valid for a minimum duration of three years, with the possibility of indefinite extensions based on internal review.
- 8. Border-Zone Inclusion and Buffer Region Expansion-**
- a. All districts sharing international borders or located within 50 kilometres of a 'Line of Actual Control' or 'Line of Control', shall be automatically categorised as high-sensitivity zones and brought under AFSPA without separate notification.
  - b. The Union Government reserves the right to expand this buffer to adjacent districts for operational convenience.
  - c. Mapping of such buffer zones shall not require disclosure in public records where national interest is cited.
- 9. Tiered Enforcement Zones-**
- a. Within disturbed areas, the Central Authority may demarcate sub-regions under distinct levels of enforcement:
    - i. *Primary Zones*: Full application of AFSPA, including unrestricted operational movement.
    - ii. *Support Zones*: Surveillance, restricted civilian movement, and partial activation of armed provisions.
    - iii. *Administrative Zones*: Civil-military coordination hubs with limited public access.
  - b. Re-categorization of zones may occur at any time without public notice or explanation, based on updated threat perception and not subject to judicial review.
- 10. Suspension of Regional Objections and Reviews-**
- a. No representation by a state or union territory government shall suspend or delay the application of AFSPA once the region has been designated as disturbed.
  - b. Existing mechanisms for regional review or repeal of AFSPA shall be held in abeyance during times of "ongoing strategic realignment," a status determined by the Ministry of Defence in consultation with the National Security Council.
  - c. Reports or petitions from local bodies or civil society organizations regarding the disturbed status shall be archived for reference but shall not compel re-evaluation unless endorsed by central intelligence channels.

### Chapter 3 Censorship

- 11. Suspension of Digital and Communication Services-**
- a. In the event of any incident involving violence, unrest, or potential instability, internet services shall be immediately suspended in the affected area.
  - b. The suspension may include broadband, mobile data, messaging platforms, and any digital communication services as deemed necessary by authorities.
  - c. Restoration of services shall be subject to a formal security clearance following situation normalisation.
- 12. Restriction on Media Access and Coverage-**
- a. No media house, including print, broadcast, or digital platforms, shall be permitted to access or report from within the affected zone.

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- b. Journalistic presence in such areas without explicit prior clearance shall be considered a violation of national security directives.
  - c. The restriction applies to both domestic and international press agencies.
- 13. Penal Actions for Unauthorised Reporting-**
- a. Any individual found reporting, publishing, or disseminating information related to the restricted incident shall face legal action.
  - b. The prescribed penalty shall include imprisonment for a term of 6 months and a monetary fine of ₹10,000.
  - c. The nature of the report whether factual, opinion-based, or speculative shall not influence the severity of the penalty.
- 14. Parliamentary Embargo on Discussion-**
- a. Incidents falling under censorship provisions shall not be eligible for discussion, debate, or mention in Parliament until the issue is officially declared resolved.
  - b. This embargo includes oral questions, written questions, debates, and any references in parliamentary records.
  - c. Breach of this embargo by any Member of Parliament shall be subject to internal disciplinary review as per the Rules of Procedure and Conduct of Business in Parliament, particularly in accordance with Article 118(1) of the Constitution.

**Chapter 4**  
**Role and Power of Judiciary**

- 15. Jurisdictional Limitations in Notified Areas-**
- a. In areas declared as disturbed under this Act, the intervention of judicial bodies shall be limited to matters not directly pertaining to security operations or the conduct of Armed Forces personnel.
  - b. Courts shall refrain from issuing directives or orders that may, directly or indirectly, affect active security deployment, logistical planning, or operational discretion.
- 16. Restricted Access to Evidence and Records-**
- a. In matters concerning disturbed areas, courts shall only be granted access to classified material, operational records, or Armed Forces documentation upon written clearance from the Union Government.
  - b. In cases where clearance is not granted, the refusal shall not be subject to judicial contest or disclosure.
- 17. Non-Justiciability of Certain Provisions-**
- a. Any action, classification, or designation made by the Union Government under this Act in the interest of national sovereignty and integrity shall be deemed non-justiciable.
  - b. Courts shall not question the rationale, process, or intent behind the application of AFSPA to any particular region, zone, or population group.
- 18. Coordinated Oversight Group on Judicial Matters-**
- a. A Coordinated Oversight Group on Judicial Matters (COG-JM) shall be constituted under the joint direction of the Ministry of Law and Justice and the Ministry of Defence.
  - b. The group shall include representatives from national security advisory cells, senior administrative officials, and legal consultants with relevant clearance.
  - c. The COG-JM shall provide policy-level inputs on the scope and feasibility of judicial

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intervention in cases linked to disturbed areas.

- d. Opinions issued by the group shall serve as internal reference documents and may be cited for interpretative guidance in judicial forums.

### **DISCLAIMER:**

The Organising Committee of **LOTUS SANSAD Mock Parliament** has diligently endeavoured to emulate the proceedings of the Indian Parliament and has formulated its rules in alignment with those provided by the Ministry of Parliamentary Affairs. While striving to adhere closely to the original rules of procedure, certain deviations have been introduced to enrich debate and enhance the overall experience. These deviations from the standard rules of procedure align with allowances stipulated by the Lok Sabha scheme outlined by the Ministry of Parliamentary Affairs, Government of India. **As such, they are not subject to legal challenges in any form.**

It is brought to light that any legal inconsistency is wholly unintentional and for the same we extend our apologies in advance.

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**Statement of Object and Reason**

As of 2024-25 the Indian education system serves 24.8 crore and 14.72 lakh schools. It is the government's duty to ensure and safeguard these millions of kids from potential harm. This bill, taking in regard the Public Safety Act of 1985, moves to combat the socially condemned practice of indulging in illegal narcotics. The bill serves to protect students nationwide from the physical and mental effects that psychedelics among other narcotics cause them, leading to adverse effects on their holistic development. There are approximately 20,00,000 adolescents from the ages 10-17 indulging in cannabis and 40,00,00 indulging in opioids. In light of the alarming statistics and the urgent need for intervention, this bill represents a crucial step towards safeguarding our youth from the perils of drug abuse and ensuring their right to a safe and conducive learning environment. By fostering a drug-free environment in schools, the bill aims not only to protect individual students but also to promote a healthier society overall.

Gurugram  
May 2025

Ministry of Home Affairs