

Supreme Court Halts Criminal Proceedings Against 30 Army Personnel in Nagaland

October 27, 2025 • vajiramandravi.com



What's in today's article?

- Why in News?
- Background of the present case
- Armed Forces (Special Powers) Act, 1958 [AFSPA]

Why in News?

- The Supreme Court has closed all proceedings related to an FIR against 30 army personnel accused of a botched operation in Nagaland in 2021, which resulted in the death of 13 civilians.
- The SC bench stated that Nagaland, being a state under the **Armed Forces (Special Powers) Act (AFSPA), 1958**, requires sanction from the competent authority to prosecute armed forces personnel under Section 6 of the Act. The two-judge bench, however, said its order would not prevent the Army from taking any disciplinary action against the personnel.
- The competent authority, in an order dated February 28, 2023, had denied granting this sanction, leading the court to close the case.

Background of the present case

• Killing of 13 People in Nagaland

- In December 2021, Army para commandos were lying in wait for militants in Nagaland's Mon district.
- The commando team was deployed at a site between Tiru and Oting, about 100km from the Myanmar border.
- They apparently mistook the coal mine workers for their targets in the dark and started firing.
- They shot and killed six villagers instead, all of them coal mine workers returning home in a van singing songs.
- Soon after, a village search party attacked the soldiers, leading to firing in which seven more civilians died. A soldier was also killed.
- Later, another civilian was killed in Mon, dominated by the Konyak tribe, when security forces repelled a mob attack on an Assam Rifles camp.
- With a population of roughly 3 lakhs, the area inhabited by the Konyaks extends into Arunachal Pradesh, with a sizeable population in Myanmar as well.
- Known to be one of the fiercest warrior tribes in Nagaland, the Konyaks were the last to give up the practice of head-hunting.
- Mon is the only district in Nagaland where separatist group NSCN (IM) has not been able to set up base camps, largely due to resistance from the Konyaks.

• Aftermath of killing

◦ Formation of enquiry commission

- Following the incident, which caused wide public outrage in Nagaland and the Northeast, the state government had formed a Special Investigation Team (SIT) to probe the matter.
- Separately, the Army initiated an independent Court of Inquiry to investigate the incident.

◦ Findings of SIT

- The SIT completed its investigation and, based on its findings, filed a chargesheet in May 2022 at the district and sessions court in Mon.
- It indicted all 30 personnel of the 21 Para SF team involved in the shooting.

• Need for sanction to prosecute from the Centre

- These security personnel were operating in areas which are under the Armed Forces Special Powers Act (AFSPA), 1958.
- Hence, there is need for the sanction of prosecution from the Centre for initiating any proceedings against security forces personnel for any actions taken by them while discharging their duties.

• Centre denied sanction to prosecute

- In February 2023, the competent authority had declined to grant the sanction.

• Present case in the Supreme Court

- The present case involves two writ petitions filed by the wives of two Indian Army officers, seeking to quash a suo moto FIR registered by the Nagaland Police against army personnel, including their husbands.
- The FIR was filed under several sections of the Indian Penal Code (IPC), including:
 - Sections 302 (murder),

- 307 (attempt to murder),
- 326 (grievous hurt),
- 201 (causing disappearance of evidence),
- 34 (acts done by several persons in furtherance of common intention), and
- 120-B (criminal conspiracy).
- A Special Investigation Team (SIT) was set up to investigate the case, and the petitions also challenge the findings and recommendations of this SIT.

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

• About

- The Armed Forces (Special Powers) Act was enacted in 1958 to bring under control what the government of India considered disturbed areas.
- Enacted by Parliament in September 1958, AFSPA was first implemented in the Northeast, and then in Punjab.
- Under its provisions, the armed forces have been empowered to open fire; enter and search without warrant, and arrest any person who has committed a cognisable offence.
- Prosecution of the officer on duty needs prior permission of the Central Government.

• Controversial provisions of AFSPA

- **Section 3** – It empowers the Centre to declare any area as Disturb Area without taking consent of the concerned state.
- **Section 4** – Accords certain power to an authorised officer which also include power to open fire at any individual even if it results in death.
- Under this section, the officer has also been given the power to (a) arrest without a warrant; and (b) seize and search without any warrant any premise.
- **Section 7** – It mandates prior executive permission from central or state authorities for prosecution of a member of the security forces.

Q.1. Why did the Supreme Court close the criminal proceedings against 30 Army personnel in Nagaland?

The Supreme Court closed the case due to the denial of prosecution sanction under the Armed Forces (Special Powers) Act (AFSPA). The court ruled that without this sanction, proceedings could not continue.

Q.2. What was the role of the Special Investigation Team in the Nagaland case?

The Special Investigation Team (SIT) was formed to investigate the Nagaland operation, which led to the deaths of 13 civilians. The SIT's findings indicted 30 army personnel, but prosecution could not proceed without central approval under AFSPA.

Source: [2021 Nagaland killings: Supreme Court sets aside criminal proceedings against 30 Army personnel | Live Law | India Today](#)

Source: <https://vajiramandravi.com/current-affairs/supreme-court-halts-criminal-proceedings-against-30-army-personnel-in-nagaland/>

© Vajiram & Ravi. For personal use only.