

CHHATTISGARH VISHESH JAN SURAKSHA ACT, 2005

114/-009/2003/20-01-03. " fç«T\$, 30-5-2001. " 87] 21 30, 1927 21 2006 18-1-06 t, t. 173 174 2. 3. 4. s. 6. 7. 8. 9. 10. 11, 14. 15. 16. 17. 18. 21 2006 14 2006) 2005 fñ-fr4 #771. fiTirä ?Tfiæi. fifi* 2. (1) (2) (3) (71) 21 2006 a-Tfñfiq•q 14 2005 2005 14 2006). æix•oi ' 33fiüat, Ili, 174 (2) 3. 4. 5. (1) (2) (3) (4) (S). (1) (gig) #133, (74) 21 2006 fifi VT fä-q 21 2006 6. 7. 8. (2) (3) (1) (2) (1) (2) (4) (2) *711. qvi qvi 76. aft (3) (4) - ft-a ftile t a-ta•fV Q, -qqf-ä t, -#137 3-ßfq 3 174) Xq•r- 9. 10. (5) (1) (2) (3) (1) (2) (3) (4) 21 2006 fifm 3firG1tr fitt 174 (7) 12. 13. 14. 15. 16. (2) (1) (2) (3) 21 2006 Ftra Rrq qe.n üfiR 34füfiqq 174 (8) (4) 18. 21 2006 ü71, @ zrr gru e-fi.fizrq frzrq 21 2006 348 (3) q. 37fi.fiq•q, 2005 14 -q 2006) t. 2] 2006 CHHATTISGARH ACT (No. 14 2006) CHHATTISGARH VISHESR JAN SURAKSHA ACT, 2005 An Act to provide for more effective prevention of certain unlawful activities of individuals and organizations and matters connected thereto. Be il enacted by the Chhattisgarh legislature in fifty sixth year of Republic of India as (2) This Act may be called the Cllhauisgarh Vishesh Jan Suraksha Adhiniyam, 2005 (No. '4,,f 2006). 11 extend Io whole of Chhattisgarh. It shall come into rocce from the dale or its publication in the Official Gazette

2. In this Act. unless the context otherwise, requires,— Shor! title, extent and mence• menL Defini(imLs. (a) (h) (c) (d) "Advisory Board" Incans (he bourd constituted under section 5: means any cornbination. body or group of persons whether known by any distinctive nonne or not and whether registered under any relevant law or not and whether governed by any written constitution or not: • means the State Government; "Notification" means notification published in the Chhattisgarh Gazette and the word 'notified' shall he construed accordingly; "Unlawful Activity" in re}ation to and ihdividual or organization' means any action taken by such individual or orgänization whether by committing an act or by words either spoken or Writen or by signs or by visible representation or otherwise: (iv) which constitute a danger or. •nenace to public order, peace and tranquility; or which interftres or tends to interfere with maintenance of public order; or which interferes or tends to interrerc with the administration law or its established institutions and or which is designed to overawe by criminal force or show oi criminal fOorce or Otherwise to any public servanl including the lörcce pr the State Gavernment Or (he Central Govevnrnt in the exercise of the lawful powers of such public servant. of indulging in or propagating acts of violence, terrorism, vanda!isvn or other acts generating tzar and apprehension in the public or indulginz in or encouraging the use oi firearms. explosives and other devices or disrupting communications by rail or road: or of encouraging or prcaching disobedience to established law and its Institutions: or of collecting •noney or goods forcibly to carry out any onc or more the unlawful activities Inenlioned above; "Unlawful Organization" means any organization which indulges in or has its object, abels or assns or gives aid, succor encouragement directly or indirectly, through any medium device or otherwise any unlawaFu! activity. Decl»ration of organization unlawfu), Representation Organization. an as (1) (2) (3) (4) (5) 21 2006 If the Government is of opinion that any organization is, or has become an unlawful organization. it may be notification , detlare such organization to be unlawful. Every such notification Shail specify the grounds on which it is issued. Provided that nothing in this sub-section shall require the Govern- mvm 10 disclose any fact which it .considers to be against the publiC interesl to disclose. Where such unlawful organization has a registered office, the notification shall be served by sending (he same through Registered POSI or byhanding over 10 any office bearer in such registered oilicc any in case any office bearer is nol availablem or refuses to receive the notificaion, the QÆme shall be affixed to some conspicuous part oi the ofhce; and where the organization does 1101 have a registered ollice the nQLifiemion shall be published in anyone local newspaper. The notification shall he in torce [or a period of one year and Inlay he extended for such funher period or periods not exceeding one year at a lilne. as may bg deemed necessary after reviewing (he position. A notification issued under sub:section (I) may be revoked by the (Govevnrnt where i' considers that the need of its continuance has ceased. ne uniawtul may: il- il so chooses. selld a repe-esctation Io the Govevntnent _wilhin fifteen days Ironm the date or publication of the or the daw of receiP1 or affixture thereof, in the manner specified in Section 3, whichever is later and such representation shall placed before the Advisory Board for its consi- deration. The aroanizafion may if it so desires request (or a Brsonal hearing before the Advisory Board. Constitution and reference to the Ad- Board. Procedure ar Ehe Advisory Board. (h) 'The State Government shall

whenever necessary constituted an Advisory Board for the purpose of this Act. The Advisory Board shall consist of three persons who are or have been or qualified to be appointed as judges of the High Court. The Government shall appoint the members and designate one of them as the Chairman. 6. (2) The Government shall within six weeks from the date of publication of the notification under sub-section (1) of section 3 make a reference to the Advisory Board and place before it a copy of the notification, supporting material and the representation, if any, received from the unlawful organization for its consideration. The Advisory Board shall after considering the material placed before it and after calling (or further information, if necessary from the Government or from any office bearer or member of the organization concerned and after giving an opportunity or personal hearing to the authorized office bearer of the organization, shall submit its report to the Government, within three months from the date of receipt of reference from the Government. Where the organization seeks personal hearing an intimation specifying the date and time of hearing shall be sent to the address indicated in the representation or the organization. The concerned organization shall not be entitled to appear through a lawyer or any person other than an authorized office bearer. The report of the Advisory Board shall specify in a separate part thereof its opinion as to whether or not there was sufficient cause for the issuance of the notification in respect of the organization concerned. 8. (2) (3) (4) (5) (2) (3) 21 2006 In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the issuance (if the notification declaring the concerned organization as unlawful the Government may confirm the notification and continue the same for such period as it thinks fit, subject to the provisions of sub-section (4) of section 3. In any case where the Advisory Board has reported that there is, in its opinion no sufficient cause for the issuance of a notification as aforesaid the Government shall revoke the notification forthwith. Whoever is a member of an unlawful organization or takes part in meetings or activities of any such organization or contributes or receives or solicits any contribution for the purpose of any such organization shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Whoever not being a member of an unlawful organization in any manner contributes or receives or solicits any contribution or aid to any organization or harbours, any member of such organization shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Whoever manages or assists in the management of an unlawful organization promotes or assists in projecting a meeting of any such organization or any member thereof, or in any way indulges in any unlawful activity of such organization in any manner or through whatever medium or device shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. No police officer shall investigate any crime under sub-section (1) and (2) of this section, until the Superintendent of Police or the District Magistrate concerned has granted him a written permission thereof. Whoever commits or attempts to commit or plans to commit any unlawful activity in any specified area shall be punished with imprisonment for a term which may extend to seven years and also be liable to fine. The District Magistrate may notify any place which in his opinion is used for the activities of an unlawful organization. For the purpose of this section, place includes a house or building of part thereof or a warehouse or a vessel. When any place is notified under sub-section (1) the District Magistrate or any officer authorized in this behalf in writing by him may take possession of the notified place and evict therefrom any person found therein, and the Magistrate shall forthwith make report or file (taking possession of the Government. Provided that where such place contains any apartment occupied by women or children, reasonable time and facilities shall be provided for their withdrawal with least possible inconvenience. A notified place whereof possession is taken under sub-section (2) shall remain in the possession of the Government as long as the notification under section 3 in force. No such unlawful person shall be allowed to enter the notified place for a period as the Government decides. Action upon report of the Advisory Board, take possession of or used for the purpose of any unlawful activity. Movable property found in the notification. Powers to forfeit funds of an unlawful organization. (2) (3) (4) (6) (8) 21 2006 The District Magistrate or the officer authorized by him while taking possession of notified place shall also take possession of movable property including money, securities or other assets found therein and shall make a list in the presence of two respectable witnesses. If in the opinion of the District Magistrate any article specified in the list is of any use or in aid of the purposes of the unlawful organization he may proceed, subject to the provisions hereinafter contained in this section, to order such articles to be forfeited to the Government. All other articles specified in the list shall be delivered to the person whom the District Magistrate considers to be entitled to possession thereof and if no such person is found entitled

If it shall be disposed of in such manner as he may direct. The District Magistrate shall publish a notice in two local newspapers one of which is in Hindi language and shall also affix a copy of such notice on conspicuous part of the place where from such property was taken possession of, specifying the articles which are proposed to be forfeited and calling upon any person claiming any article, is not liable for forfeiture to submit in writing within fifteen days from the date of publication of notice any representation he desires to make against forfeiture of the article. If the decision is in favour of the person claiming the article he shall give reasons therefor. Against any order of forfeiture passed under sub-section (3) the person who made the representation may file an appeal to the Government within thirty days from the date of receipt of the order. The Government may pass such orders thereon as it deems fit after giving an opportunity to the appellant. Such order of the Government shall be final. The Government may, in its discretion at any time, suo-motuo call for and examine the records of any order passed by the District Magistrate under sub-section (3) for the purpose of satisfying himself as to the legality, correctness or propriety thereof and pass any order with reference thereto as may seem fit. If the article seized is livestock of a perishable nature, the Magistrate may if he thinks it expedient order the immediate sale thereof and the proceeds of sale shall be disposed of in the manner herein provided for the disposal of the other articles. Where the Government is satisfied after such enquiry as it may think fit that any moneys, securities or other assets are being used or intended to be used for the purpose of an unlawful organization the Government may, by order in writing, declare such moneys, securities or other assets to be forfeited to the Government and on the receipt of such order such person shall pay or deliver the moneys, securities or other assets as specified in the order to the Government. Provided that in the case of moneys or securities a copy of the order may be endorsed to such officers as the Government may select or such persons and such officer shall have power to enter upon and search for moneys and securities in any premises where he may reasonably be suspected to have and seize the same. (3) (5) (7) (8) 2 1 : 2006 Before an order of forfeiture is made under sub-section (1) the Government shall give a written notice to the person, if any in whose custody the moneys, securities or other assets are (found of its intention to forfeit and) such person may make a representation to the Government against the proposed order of forfeiture within fifteen days of the receipt of the notice. The Government shall after considering the representation, if any, received from the affected person pass such orders as it deems fit. Where the Government has reason to believe that any person has custody or any moneys, securities or other assets which are being used or are intended to be used for the purpose of an unlawful organization, the Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of such order shall be served upon the person to whom it is directed. The Government may endorse a copy of an order under sub-section (4) for investigation to any Officer it may select, and such copy shall be deemed to be a warrant where under such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person or any officer, agent or servant or such person, search for moneys and securities and make inquiries from such person touching the origin of and dealings in any moneys, securities or other assets which the investigating Officer may suspect are being used or are intended to be used for the purpose of an unlawful organization. A copy of an order under this section may be served in the manner provided in the Code of Criminal Procedure, 1973 (NO. 2 of 1974) for the service of summons, or where the person to be served is a Corporation, Company, Bank or of persons, it may be served on any Secretary, Director or other officer or person concerned with the management thereof, or by leaving it with or sending it by post addressed to the Corporation, Company, Bank or Organization at its registered office, or where there is no registered office, at the place where it carries on business. Where the Government is satisfied that in the circumstances it is not reasonably practicable to follow such procedure, it may cause the order to be published in any local newspaper. Where an order of forfeiture is made under sub-section (1) in respect of any moneys, securities or other assets in respect of which a prohibitory order has been made under sub-section (4), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the moneys, securities, or other assets forfeited, to the Officer specified in the order of the Government. Where any person liable under this section to pay or deliver any moneys, securities or other assets upon the order of the Government refuses, or fails to comply with any direction of the Government in this behalf, the Government may recover from such

person, as arrears of land revenue or as a fine. the amount of such moneys or other financial assets or the market value of such securities. In this section, security includes a document whereby any person acknowledges that he is under a legal liability to pay money, or where under any person obtains a legal right to the payment of money and [the market value of any security means the value as fixed by any officer or person deputed by the Government in this behalf. Except so far as is necessary for the purpose of any proceeding under this section, no information obtained in the course of any investigation made under sub-section (5) shall be divulged by any officer or Government without the consent of the Government. (11) (12) (D) (2) 21 2006 The Government may by order, delegate its powers under this section to any officer not below the rank of a District Magistrate and likewise withdraw the same. The Government may, in its discretion at any time, either suo-moto or on an application made by the person who made the representation, call and examine the records of any order passed by the District Magistrate under sub-section (1) for the purpose of satisfying itself as to the legality, correctness or propriety thereof and pass such orders in reference thereto as it may deem fit: Provided that no order under sub-section shall be passed by the Government unless the party likely to be affected thereby has had an opportunity of making a representation. An application for revision shall be lie to the High Court against any order passed by the Government under sub-section (1) of section 7 as confirming the notification issued under sub-section () of section 3 or against any order passed under sub-section (4) of section 3 extending the period of notification or against any order of forfeiture under sub-section (1) of section 11 questioning the legality, correctness or propriety thereof. A revision petition under this section shall be filed within a period of thirty days from the date of receipt of the order of the Government referred to in sub-section (1). Revision. & upon notified places. Bar of jurisdiction. Protection of action taken in good-faith. Cognizance and investigation of offences. Constitution of organization. 12. 14. 16

17. Any person who enters or remains upon a notified place without the permission of the District Magistrate or of an officer appointed by the District Magistrate shall be deemed to commit an offence or criminal trespass. Save as otherwise expressly provided in this Act and without prejudice to the jurisdiction and powers of the Supreme Court and the High Court under the Constitution of India, no proceedings taken under this Act by the Government or the District Magistrate or any officer authorized in this behalf by the Government or by the District Magistrate shall be called in question in any court in any suit or proceeding or application or by way of appeal or revision and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any powers conferred by or under this Act. No civil or criminal proceeding shall be instituted against any person for anything done in good-faith or intended to be done under this Act against the Government or any person acting on behalf of or by the authority of the Government for any loss or damage caused to or in respect of any property, whereof possession has been taken by the Government under this Act. (2) (3) (4) A] offences under this Act shall be cognizable and non-bailable. All offences under this Act shall be investigated by the Police Officer not below the rank of inspector, Offences under this Act committed or abetted or attempted or designed to be committed shall only be registered under the written permission by the Superintendent of Police of that district. No court shall take cognizance of any such offence except on the report of District Magistrate of that area or district. An organization shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of name by any oral or written declaration but shall be deemed to exist so long as such organization or any member thereof actually engaged in or continuing in any manner any unlawful activity, 18. (2) 21 2006 The Government may, by notification make rules for carrying out all or any of the purposes of this Act. All rules made under this Act shall be laid on the table of the Legislative Assembly. Power to make rules. 2006.