The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986

Act 7 of 1986

Keyword(s):
Ring, Gangster, Public Servant, Member of the Family of a Public Servant

Amendment appended: 14 of 2016
THE UTTAR PRADESH GANGSTERS AND ANTI-SOCIAL ACTIVITIES (PREVENTION) ACT, 1986
(U.P. ACT NO. 7 OF 1986)
[As passed by the U. P. Legislature]

AN
ACT

to make special provisions for the prevention of, and for coping with, gangsters and anti-social activities and for matters connected therewith or incidental thereto

It is hereby enacted in the Thirty-seventh Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Gangsters and Anti-social Activities (Prevention) Act, 1986.
(2) It extends to the whole of Uttar Pradesh.
(3) It shall be deemed to have come into force on January 15, 1986.

2. In this Act,

(a) "Code" means the Code of Criminal Procedure, 1973;
(b) "Gang" means a group of persons, who acting either singly or collectively, by violence, or threat or show of violence, or intimidation, or coercion or otherwise with the object of disturbing public order or of gaining any undue temporal, pecuniary, material or other advantage for himself or any other person, indulge in anti-social activities, namely—

(i) offences punishable under Chapter XVI, or Chapter XVII, or Chapter XXII of the Indian Penal Code, or

(ii) distilling or manufacturing or storing or transporting or importing or exporting or selling or distributing any liquor, or intoxicating or dangerous drugs, or other intoxicants or narcotics or cultivating any plant, in contravention of any of the provisions of the U. P. Excise Act, 1910 or the Narcotic Drugs and Psychotropic Substances Act, 1985 or any other law for the time being in force, or

(iii) occupying or taking possession of immovable property otherwise than in accordance with law, or setting-up false claims for title or possession of immovable property whether in himself or any other person, or

(iv) preventing or attempting to prevent any public servant or any witness from discharging his lawful duties, or

(v) offences punishable under the Suppression of Immoral Traffic in Women and Girls Act, 1956, or

(vi) offences punishable under section 3 of the Public Gambling Act, 1867, or

(vii) preventing any person from offering bids in auction lawfully conducted, or tender, lawfully invited, by or on behalf of any Government department, local body or public or private undertaking, for any lease or rights or supply of goods or work to be done, or

(viii) preventing or disturbing the smooth running by any person of his lawful business, profession, trade or employment or any other lawful activity connected therewith, or
(ix) offences punishable under section 171-E of the Indian Penal Code, or in preventing or obstructing any public election being lawfully held, by physically preventing the voter from exercising his electoral rights, or

(x) inciting others to resort to violence to disturb communal harmony, or

(xi) creating panic, alarm or terror in public, or

(xii) terrorising or assaulting employees or owners or occupiers of public or private undertakings or factories and causing mischief in respect of their properties, or

(xiii) inducing or attempting to induce any person to go to foreign countries on false representation that any employment, trade or profession shall be provided to him in such foreign country, or

(xiv) kidnapping or abducting any person with intent to extort ransom, or

(xv) diverting or otherwise preventing any aircraft or public transport vehicle from following its scheduled course;

(c) “gangster” means a member or leader or organiser of a gang and includes any person who abets or assists in the activities of a gang enumerated in clause (e), whether before or after the commission of such activities or harbours any person who has indulged in such activities;

(d) “public servant” means a public servant as defined in section 21 of the Indian Penal Code or any other law for the time being in force, and includes any person who lawfully assists the police or other authorities of the State, in investigation or prosecution or punishment of an offence punishable under this Act, whether by giving information or evidence relating to such offence or offender or in any other manner;

(e) “member of the family of a public servant” means his parents or spouse and brother, sister, son, daughter, grandson, grand-daughter or the spouses of any of them, and includes a person dependent on or residing with the public servant and a person in whose welfare the public servant is interested;

(f) words and phrases used but not defined in this Act and defined in the Code of Criminal Procedure, 1973, or the Indian Penal Code shall have the meanings respectively assigned to them in such Codes.

3. (1) A gangster shall be punished with imprisonment of either description for a term which shall not be less than two years and which may extend to ten years and also with fine which shall not be less than five thousand rupees:

Provided that a gangster who commits an offence against the person of a public servant or the person of a member of the family of a public servant shall be punished with imprisonment of either description for a term which shall not be less than three years and also with fine which shall not be less than five thousand rupees.

(2) Whoever being a public servant renders any illegal help or support in any manner to a gangster, whether before or after the commission of any offence by the gangster (whether by himself or through others) or abstains from taking lawful measures or intentionally avoids to carry out the directions of any court or of his superior officers, in this respect, shall be punished with imprisonment of either description for a term which may extend to ten years but shall not be less than three years and also with fine.

4. Notwithstanding anything to the contrary contained in the Code or the Indian Evidence Act, 1872, for the purposes of trial and punishment for offences under this Act or connected offences;

(a) the court may take into consideration the fact that the accused was—

(i) on any previous occasion bound down under section 107 or section 108 or section 109 or section 110 of the Code, or

(ii) detained under any law relating to preventive detention, or
(iii) exempt under the Uttar Pradesh Control of Goondas Act, 1970 or any other such law;

(b) where it is proved that a gangster or any person on his behalf is or has at any time been, in possession of movable or immovable property which he cannot satisfactorily account for, or where his pecuniary resources are disproportionate to his known sources of income, the Court shall, unless contrary is proved, presume that such property or pecuniary resources have been acquired or derived by his activities as a gangster;

(c) where it is proved that the accused has kidnapped or abducted any person, the court shall, presume that it was for ransom;

(d) where it is proved that a gangster has wrongfully concealed or confined a kidnapped or abducted person, the Court shall presume that the gangster knew that such person was kidnapped or abducted, as the case may be;

(e) the Court may, if for reasons to be recorded it thinks fit so to do, proceed with the trial in the absence of the accused and record the evidence of any witness, provided that the witness may be recalled for cross-examination if the accused so desires but recording his examination in chief afresh in presence of the accused shall not be necessary.

5. (1) The State Government may if it considers necessary so to do in the interest of speedy trial of offences under this Act, for the whole or any part of the State, constitute one or more Special Courts.

(2) A Special Court shall be presided over by a judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court.

(3) The State Government may also appoint, with the concurrence of the Chief Justice of the High Court, Additional Judges to exercise jurisdiction in a Special Court.

(4) A person shall not be qualified for appointment as a judge or an additional Judge of a Special Court unless he is, immediately before such appointment, a sessions judge or an additional sessions judge in any State.

(5) Where the office of the Judge of the Special Court is vacant, or such Judge is absent from the ordinary place of sitting of Special Court, or he is incapacitated by illness or otherwise for the performance of his duties, any urgent business in the Special Court shall be disposed of—

(a) by the additional Judge, if any, exercising jurisdiction in that Special Court,

(b) where there is no such additional judge available, in accordance with the directions of the Sessions Judge having jurisdiction over the ordinary place of sitting of the Special Court as notified.

(6) Where one additional Judge is, or more additional judges are appointed in a Special Court, the Judge of the Special Court may, from time to time, by general or Special order, in writing, provide for the distribution of business of the Special Court among himself and the additional judge or additional judges and also for the disposal of urgent business in the event of the absence of any additional judge.

6. A Special Court may, if it considers it expedient or desirable so to do, sit for any of its proceedings at any place, other than the ordinary place of its sitting:

Provided that if the Public Prosecutor certifies to the Special Court that it is, in his opinion necessary for the protection of the accused or any witness or otherwise expedient in the interest of justice that the whole or any part of the trial should be held at some place other than the ordinary place of its sitting, the Special Court may, after hearing the accused make an order to that effect unless, for reasons to be recorded in writing, the Special Court thinks fit to make any other order.

7. (1) Notwithstanding anything contained in the Code, where a Special Court has been constituted for any local area, every offence punishable under any provision of this Act or any rule made thereunder shall be triable only by the Special Court within whose local jurisdiction it was committed whether before or after the constitution of such Special Court.
(2) All cases triable by a Special Court, which immediately before the constitution of such Special Court were pending before any court, shall on creation of such Special Court having jurisdiction over such cases, stand transferred to it.

(3) Where it appears to any court in the course of any inquiry or trial in respect of any offence that the case is one which should be tried by a Special Court constituted under this Act for the area in which such case has arisen, it shall transfer such case to such Special Court, and thereupon such case shall be tried and disposed of by the Special Court in accordance with the provisions of this Act:

Provided that it shall be lawful for the Special Court to act on the evidence, if any, recorded by the court in the case in the presence of the accused before the transfer of the case under this section:

Provided further that if the Special Court is of opinion that further examination of any of the witnesses whose evidence is already recorded in the case is necessary in the interest of justice, it may re-summon any such witness and after such further examination, cross-examination and re-examination, if any, as it may permit, the witness shall be discharged.

(4) The State Government may, if satisfied that it is necessary or expedient in the public interest so to do, transfer any case pending before a Special Court to another Special Court.

8. (1) When trying any offence punishable under this Act a Special Court may also try any other offence with which the accused may, under any other law for the time being in force, be charged at the same trial.

(2) If in the course of any trial under this Act of any offence, it is found that the accused has committed any other offence under this Act or any rule therein or under any other law, the Special Court may convict such person of such other offence and pass any sentence authorised by this Act or such rule or, as the case may be, such other law, for the punishment thereof.

9. (1) For every Special Court, the State Government shall appoint a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor or Additional Public Prosecutors:

Provided that the State Government may also appoint for any case or class of cases a Special Public Prosecutor.

(2) A person shall be eligible to be appointed as Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section only if he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or State, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or an Additional Public Prosecutor or Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (a) of section 2 of the Code, and the provisions of the Code shall have effect accordingly.

10. (1) A Special Court may take cognizance of any offence triable by it, without the accused being committed to it for trial upon receiving a complaint of facts which constitute such offence or upon a police report of such facts,

(2) Where an offence triable by a Special Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code, shall, so far as may be, apply to such trial:

Provided that when in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to rehear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation to a Special Court as they apply to and in relation to a Magistrate:

Provided further that in the case of any conviction in a summary trial under this sub-section, it shall be lawful for a Special Court to pass sentence of imprisonment for a term not exceeding two years.
(3) A Special Court may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person, on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor in the commission, thereof, and any pardon so tendered shall, for the purposes of section 309 of the Code, be deemed to have been tendered under section 307 thereof.

(4) Subject to the other provisions of this Act a Special Court shall for the purpose of trial of any offence, have all the powers of a Court of Session and shall follow the procedure prescribed in the Code for the trial of warrant cases by the Magistrate.

(5) Subject to the other provisions of this Act every case transferred to a Special Court under sub-section (3) of section 7 shall be dealt with as if such case had been transferred under section 406 of the Code to such Special Court.

11. (1) Notwithstanding anything contained in the Code all proceedings before a Court trying an offence under this Act shall be conducted in camera:

Provided that where the Public Prosecutor so applies, any proceedings or part thereof may be held in open Court.

(2) Such Court may, on an application made by a witness in any proceedings before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of the witness secret.

(3) In particular and without prejudice to the generality of the provisions of sub-section (2), the measures which such Court may take under that sub-section may include:

(a) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgment or in any records of the case accessible to public;

(b) the issuing of any directions for securing that the identity and addresses of the witnesses are not disclosed.

(4) Any person who contravenes any direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.

12. The trial under this Act of any offence by Special Court shall have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall remain in abeyance.

13. Where after taking cognizance of any offence, a Special Court is of opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to any court having jurisdiction under the Code and the Court to which the case is transferred may proceed with the trial of the offence as if it has taken cognizance of the offence.

14. (1) If the District Magistrate has reason to believe that any property, whether movable or immovable, in possession of any person has been acquired by a gangster as a result of the commission of an offence triable under this Act, he may order attachment of such property whether or not cognizance of such offence has been taken by any Court.

(2) The provisions of the Code shall, mutatis mutandis apply to every such attachment.

(3) Notwithstanding the provisions of the Code the District Magistrate may appoint an Administrator of any property attached under sub-section (1) and the Administrator shall have all the powers to administer such property in the best interest thereof.

(4) The District Magistrate may provide police help to the Administrator for proper and effective administration of such property.

15. (1) Where any property is attached under section 14, the claimant thereof may within three months from the date of knowledge of such attachment make a representation to the District Magistrate showing the circumstances in and the sources by which such property was acquired by him,
(2) If the District Magistrate is satisfied about the genuineness of the claim made under sub-section (1) he shall forthwith release the property from attachment and thereupon such property shall be made over to the claimant.

16. (1) Where no representation is made within the period specified in sub-section (1) of section 15 or the District Magistrate does not release the property under sub-section (2) of section 15 he shall refer the matter with his report to the Court having jurisdiction to try an offence under this Act.

(2) Where the District Magistrate has refused to attach any property under sub-section (1) of section 14 or has ordered for release of any property under sub-section (2) of section 15, the State Government or any person aggrieved by such refusal or order may make an application to the court referred to in sub-section (1) for inquiry as to whether the property was acquired by or as a result of the commission of an offence triable under this Act. Such court may, if it considers necessary or expedient in the interest of justice as to do, order attachment of such property.

(3) (a) On receipt of the reference under sub-section (1) or an application under sub-section (2), the court shall fix a date for inquiry and give notice thereof to the person making the application under sub-section (2) or, as the case may be, to the person making the representation under section 15 and to the State Government, and also to any other person whose interest appears to be involved in the case.

(b) On the date so fixed or on any subsequent date to which the inquiry may be adjourned, the court shall hear the parties, receive evidence produced by them, take further evidence as it considers necessary, decide whether the property was acquired by a gangster as a result of the commission of an offence triable under this Act and shall pass such order under section 17 as may be just and necessary in the circumstances of the case.

(4) For the purpose of inquiry under sub-section (3) the Court, shall have the power of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commission for examination of witnesses or documents;

(f) dismissing a reference for default or deciding it ex parte;

(g) setting aside an order of dismissal or default or ex parte decision.

(5) In any proceedings under this section, the burden of proving that the property in question or any part thereof was not acquired by a gangster as a result of the commission of an offence triable under this Act shall be on the person claiming the property, anything to the contrary contained in the Indian Evidence Act, 1872 notwithstanding.

17. If upon such inquiry the Court finds that the property was not acquired by a gangster as a result of the commission of an offence triable under this Act it shall order for release of the property to the person from whose possession it was attached. In any other case the Court may make such order as it thinks fit for the disposal of the property by attachment, confiscation or delivery to any person, entitled to the possession thereof, or otherwise.

18. The provisions of Chapter XXIX of the Code shall, mutatis mutandis, apply to an appeal against any judgment or order of a Court passed under the provisions of this Act.

19. (1) Notwithstanding anything contained in the Code every offence punishable under this Act or any rule made thereunder shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code and cognizable case as defined in that clause shall be construed accordingly,
Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act or any rule made thereunder subject to the modifications that—

(6) the reference in subsection (1), (2), (3), (4) and (5) of section 167 of the Code shall be construed as a reference to "Judicial Magistrate" or "Executive Magistrate" as the case may be;

(7) the reference in subsection (1), (2), (3), (4) and (5) of section 167 of the Code shall be construed as a reference to "additional or Sub-Judicial Magistrate" respectively;

(8) the reference in subsection (1), (2), (3), (4) and (5) of section 167 of the Code shall be construed as a reference to "Civil Court", "Magistrate" or "Executive Magistrate" as the case may be;

(9) where the Public Prosecutor opposes the application, the Court shall not grant bail unless—

(a) the Public Prosecutor has previously applied to a District Judge or an Additional District Judge or an Executive Magistrate for such release, and

(b) it is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.


Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act or any rule made thereunder subject to the modifications that—

(6) the reference in subsection (1), (2), (3), (4) and (5) of section 167 of the Code shall be construed as a reference to "Judicial Magistrate" or "Executive Magistrate" as the case may be;

(7) the reference in subsection (1), (2), (3), (4) and (5) of section 167 of the Code shall be construed as a reference to "additional or Sub-Judicial Magistrate" respectively;

(8) the reference in subsection (1), (2), (3), (4) and (5) of section 167 of the Code shall be construed as a reference to "Civil Court", "Magistrate" or "Executive Magistrate" as the case may be;

(9) where the Public Prosecutor opposes the application, the Court shall not grant bail unless—

(a) the Public Prosecutor has previously applied to a District Judge or an Additional District Judge or an Executive Magistrate for such release, and

(b) it is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.
सरकारी गजट, उत्तर प्रदेश
उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिषिद्ध
भाग—1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, मुथुवार, 27 अप्रेल, 2016
वैशाख 7, 1938 शक सन 1961

उत्तर प्रदेश शासन
विधायी अनुभाग—1

संख्या 697/79-वि-1-16-1(क)-2015
लखनऊ, 27 अप्रेल, 2016

अधिसूचना

विविध

"भारत का संविधान" के अनुसार 201 के अधीन चारुपवति महोदय ने उत्तर प्रदेश गिरोहबन्द और समाज विकासी क्रियाकलाप (नियारण) (संशोधन) नियम, 2015 पर विवेचन 10 अप्रैल, 2016 को अनुमति प्रदान की और यह उत्तर प्रदेश अधिनियम संख्या 14 जून 2016 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है :—

उत्तर प्रदेश गिरोहबन्द और समाज विरोधी क्रियाकलाप (नियारण)
(संशोधन) अधिनियम, 2015
[उत्तर प्रदेश अधिनियम संख्या 14 जून 2016]
(जैसा उत्तर प्रदेश विधान सभा द्वारा पारित हुआ)

उत्तर प्रदेश गिरोहबन्द और समाज विरोधी क्रियाकलाप (नियारण) अधिनियम, 1986 में अधिकार संशोधन करने के लिए संशोधन

अधिनियम

भारत गणराज्य के विषयसदृष्टि वर्ष में निम्नलिखित अधिनियम बनवा जाता है :—

1—(1) यह अधिनियम उत्तर प्रदेश नियोजन और समाज विकासी क्रियाकलाप (नियारण) (संशोधन) अधिनियम, 2015 के आधार पर संशोधन करता है।

(2) यह 20 जनवरी, 2015 को प्रकाशित हुआ तथा जारी है।
उत्तर प्रदेश अतिबाहित अधिनियम, 1986 (उत्तर प्रदेश अतिबाहित अधिनियम संख्या 7 सन 1986) का अधिनियम गिरोहबन्द और समाज विरोधी क्रियाकलाप (निवारण) अधिनियम, 1986, जिसे अभी मूल अधिनियम कहा गया है, की धारा 2 में, खंड (ख) में उपखंड (पंद्रह) के पर्याय में निम्नलिखित उपर्युक्त बाबा दिशे जानें, अर्थात्—

“(सोलह) सादृश्यार्थी विनियमन अधिनियम, 1976 के अंतिम दण्डनीय अपराध;
(सातवाँ) नगर परिवार अधिनियम, 1955 और भूमिजों के प्रांत संरक्षण का निवारण अधिनियम, 1960 में उपखंडों के उल्लंघन में मद्देशियों के अधीन परिवार और/या तकनीकी के कार्यों में संहितात्मक;
(अर्ध-सातवें) दातावान शोषण, बंपुआ श्रम, बलश्रम, बीती शोषण, अंग हटाने तथा दुर्योगपरी, सहभागिता और इसी प्रकार के क्रियाकलापों के प्रयोजनों हेतु मानव दुर्योग का कारण बनाने के लिए नियत नियुक्त होते हैं।
(स्वतः) विरोधकर्म क्रियाकलाप (निवारण) अधिनियम, 1966 के अंतिम दण्डनीय अपराध:
(बीती) जाली भारतीय करेंगी नोट का मुख्य, परिवर्तन और परिवार करना;
(द्वितीय) नकली दावाओं का उपयोग, विधियां और वितरण में अवैध
(बारहवें) अधिनियम, 1959 की धारा 5, 7 और 12 के उल्लंघन में आयुग नवोदय-वाली के विनियमन, विधियां और परिषद में अवैध होता है;
(तेल) भारतीय वन अधिनियम, 1927 और दन्त जीव कस्बा अधिनियम, 1972 के उल्लंघन में आधिकारिक अधिनियम के लिए नियत अधिनियम करना, उत्पादों को संरक्षित करना;
(विज्ञ) आर्थिक भावना तथा पर्यटन अधिनियम, 1979 के अंतिम दण्डनीय अपराध;
(पाँचवीं) राज्य की सुरक्षा, लोक व्यवस्था और जीवन की गति को भी प्रभावित करना वाले अपराधों में संहिताकृत होता है।”

निर्देश और अपवाद

उत्तर प्रदेश गिरोहबन्द और समाज विरोधी क्रियाकलाप (निवारण) (संशोधन) अधिनियम, 2015 एवंद्वारा निरस्त किया जाता है।

(2) इस निर्देश के होते हुए भी, उपवाद (1) में निर्देश अधिनियम द्वारा प्राप्त संरक्षित मूल अधिनियम के उपवादों के अंतिम कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा प्राप्त संरक्षित मूल अधिनियम के तत्कालिन उपवादों के अंतिम कृत कार्य या कार्यवाही समझी जाएगी तदनांतर अधिनियम के उपवाद सभी सारांश समय पर प्रकट थे।

उद्देश्य और कारण

उत्तर प्रदेश गिरोहबन्द और समाज विरोधी क्रियाकलाप (निवारण) अधिनियम, 1986 (उत्तर प्रदेश अधिनियम संख्या 7 सन 1986) का अधिनियम गिरोहबन्द और समाज विरोधी क्रियाकलापों को रोकने और उनका सामना करने के लिए लिया गया है। नए उच्च न्यायालय, इलाहाबाद की संवि संबंधी द्वारा द्वारा 2390/2012 मुख्य अन्तर्राष्ट्रीय ओलंपिया द आदेश द्वारा द्वारा वाद संस्करण 8 जुलाई, 2013 में निम्नलिखित अपराधों को भी उत्तर अधिनियम की पद्धति में लाना और उक्त अधिनियम के अन्तिम ऐसे अपराधों में निर्देश हेतु चेतन व्यक्ति की विवाद कार्यवाही करने के लिए निर्देश दिए गये हैं—

1—साहुकारी विनियमन अधिनियम, 1976 के अंतिम दण्डनीय अपराध;
2—गिरोह विनियमन अधिनियम, 1955 और भूमिजों के प्रांत संरक्षण का निवारण अधिनियम, 1960 में उपवादों के उल्लंघन में मद्देशियों के अधीन परिवार और/या तकनीकी के कार्यों में संहितात्मक;
3—प्रांत संरक्षण, बंपुआ श्रम, बलश्रम, बीती शोषण, अंग हटाने तथा दुर्योगपरी, सहभागिता और इसी प्रकार के क्रियाकलापों के प्रयोजनों हेतु मानव दुर्योगपरी करना;
4—विरोधकर्म क्रियाकलाप (निवारण) अधिनियम, 1966 के अंतिम दण्डनीय अपराध;
5-जाली भाषाली कर्मचारी नोट का दुरुश्य, परिवहन और परिभाषण करना;
6-नकली दस्तावेज का उत्तलन, विकल्प और विनिमय में अन्तर्निहित होना;
7-आयुक्त अधिनियम, 1959 को धारा 5, 7 और 12 के अनुसार में आयुक्त द्वारा गोला-बाज़क के विनिमय, विकल्प और परिभाषण में अन्तर्निहित होना;
8-राष्ट्रीय वन अधिनियम, 1927 और राष्ट्रीय वन संरक्षण अधिनियम, 1972 के अनुसार में आयुक्त अधिनियम के लिए गिरफ्तार अध्यक्ष करना, उस्पतालों की तरफ से करना;
9-आमदेव तकनीकी गणित अधिनियम, 1979 के अधीन दम्पतीय अपराध;
10-राज्य की सुरक्षा, तोक व्यवस्था और जीवन की निदान को संबंधित करने वाले अपराधों में सहित होना।

माननीय उच्च न्यायालय के उद्देश्य आदेश के अनुसार में यह विनिमय किया गया है कि उच्च अधिनियम को संशोधित करने वाले शब्द “निरोध” की परिभाषा में उत्तराधिकारी को भी सम्मिलित किया गया।

यद्यपि राज्य विधान मंडल सत्र में नहीं था और उपर्युक्त विनिमय को कार्यान्वित करने के लिए आवश्यक विशेषाधिकारी का आयुक्त अधिकार था, अतः रायपुर द्वारा दिनांक 20 जनवरी, 2015 को उत्तर प्रदेश गिरोहबंधन और समाजवादी गिरोहबंधन (उच्चस्थल) अधियोग, 2015 (उत्तर प्रदेश अध्ययन संख्या 1 जनवरी, 2015) प्रकाशित किया गया।

यह विवेचन उपर्युक्त आदेश को प्रतिस्थापित करने के लिए पुस्तापित किया जाता है।

आज्ञा रो,
अनुबद्ध शाहीम,
प्रमुख सचिव।

No. 697 (2)\LXXIX-V-I
Dated Lucknow, April 27, 2016

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Giriband Aur Samaj Virodhi KriyaKalap (Nivaran) (Sanshadhan) Adhiniyam, 2013 (Uttar Pradesh Adhiniyam Sankhya 14 of 2016) as passed by the Uttar Pradesh Legislature and assented to by the President on April 10, 2016:–

THE UTTAR PRADESH GANGSTERS AND ANTI-SOCIAL ACTIVITIES (PREVENTION) (AMENDMENT) ACT, 2015

[U.P. Act No. 14 of 2016]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986.

IT IS HEREBY enacted in the Sixty-sixth Year of the Republic of India as follows:–

1. (1) This Act may be called the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) (Amendment) Act, 2015.

(2) It shall be deemed to have come into force on January 20, 2015.
2. In section 2 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, hereinafter referred to as the principal Act, in clause (b) after sub-clause (xv) the following sub-clauses shall be inserted, namely:

“(xvi) offences punishable under the Regulation of Money Lending Act, 1976;

(xvii) illegally transporting and/or smuggling of cattle and indulging in acts in contravention of the provisions in the Prevention of Cow Slaughter Act, 1955 and the Prevention of Cruelty to Animals Act, 1960;

(xviii) human trafficking for purposes of commercial exploitation, bonded labour, child labour, sexual exploitation, organ removing and trafficking, beggary and the like activities;

(xix) offences punishable under the Unlawful Activities (Prevention) Act, 1966;

(xx) printing, transporting and circulating of fake Indian currency notes;

(xxi) involving in production, sale and distribution of spurious drugs;

(xxii) involving in manufacture, sale and transportation of arms and ammunition in contravention of sections 5, 7 and 12 of the Arms Act, 1959;

(xxiii) killing or killing for economic gains, smuggling of products in contravention of the Indian Forest Act, 1927 and the Wildlife Protection Act, 1972;

(xxiv) offences punishable under the Entertainment and Betting Tax Act, 1979;

(xxv) indulging in crimes that impact security of State, public order and even tempo of life.”

3. (1) The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) (Amendment) Ordinance, 2015 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

**STATEMENT OF OBJECTS AND REASONS**

The Uttar Pradesh Gangsters Act and Anti-Social Activities (Prevention) Act, 1986 (U.P. Act no. 7 of 1986) has been enacted to provide for making special provisions for the prevention of, and for coping with gangsters and anti-social activities in the State. The High Court of Judicature at Allahabad, Lucknow Bench, Lucknow has in case no. 2396/2012 Mushraf Ali Son of Shaukat Ali versus Uttar Pradesh State in the order thereof dated January 8, 2013 suggested to bring the following offences in the ambit of the said Act and take action against the persons indulging in such offences under the said Act:

1. offences punishable under the Regulation of Money Lending Act, 1976;

2. illegally transporting and/or smuggling of cattle and indulging in acts in contravention of the provisions in the prevention of Cow Slaughter Act, 1955 and the prevention of Cruelty to Animals Act, 1960;

3. human trafficking for purposes of commercial exploitation, bonded labour, child labour, sexual exploitation, organ removing and trafficking, beggary and the like activities;
4. offences punishable under the Unlawful Activities (Prevention) Act, 1966;
5. printing, transporting and circulating of fake Indian currency notes;
6. involving in production, sale and distribution spurious drugs;
7. involving in manufacture, sale and transportation of arms and ammunition in contravention of sections 5, 7 and 12 of the Arms Act, 1959;
8. felling or killing for economic gains, smuggling of products in contravention of the Indian Forest Act, 1927 and the Wildlife Protection Act, 1972;
9. offences punishable under the Entertainment and Betting Tax Act, 1979;
10. indulging in crimes that impact security of State, public order and even tempo of life.

With a view to complying with the said orders of the Hon’ble High Court it has been decided to amend the said Act to include the said offences in the definition of the word “Gang”.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) (Amendment) Ordinance, 2015 (U.P. Ordinance no. 1 of 2015) was promulgated by the Governor on January 20, 2015.

This Bill is introduced to replace the aforesaid Ordinance.

By order,

ABDUL SHAHID,

Promukh Sathiv.