

**THE GUJARAT GOONDA AND ANTI-SOCIAL ACTIVITIES
(PREVENTION) BILL, 2020.**

GUJARAT BILL NO. 22 OF 2020.

A BILL

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

It is hereby enacted in the Seventy-first Year of the Republic of India as follow:-

1. (1) This Act may be called the Gujarat Goonda and Anti-social Activities (Prevention) Act, 2020.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall be deemed to have come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title, extent
and
commencement.**

Definitions.

- 2.** (1) In this Act, unless the context otherwise requires,-
- (a) "Code" means the Code of Criminal Procedure, 1973; **2 of 1974.**
- (b) "goonda" means a person, who, with the object of disturbing public order or of gaining any undue temporal, pecuniary, material or other advantage for himself or any other person, indulges in any anti-social activity, either singly or in group, by violence, or threat or show of violence or intimidation or coercion;
- (c) "anti-social activity" means acting in such manner as to cause or is likely to cause, directly or indirectly, any feeling of insecurity, danger or fear among the general public or any section thereof, or any danger to the safety of individuals, safety of public, public health or the ecological system or any loss or damage to public exchequer or to any public or private property or indulges in any activities, such as -
- (i) offences punishable under Chapter VIII or Chapter XV or Chapter XVI or Chapter XVII or Chapter XXII of the Indian Penal Code; or **45 of 1860.**
- (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 Gujarat Prohibition Act, 1949 or the Narcotic Drugs and Psychotropic Substances Act, 1985 or any other law for the time being in force; or **25 of 1949.**
61 of 1985.
- (iii) taking or attempting to take or aids or abets in taking possession of immovable property otherwise than in accordance with law, or setting-up false claims for title or forging of title documents of immovable property, whether for himself or on behalf of others or knowingly

giving financial aid to any person for taking illegal possession of such properties or evicting or attempting to evict any such legal possessor of immovable property by force or by criminal intimidation; or

- 104 of 1956.**
32 of 2012.
- (iv) offences punishable under the Immoral Traffic (Prevention) Act 1956, the Protection of Children from Sexual Offences Act, 2012; or
- Guj. 4 of 1887.**
- (v) offences punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887; or
- (vi) 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 services or work to be done; or
- (vii) 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
- (viii) inciting others to resort to violence to disturb communal harmony; or
- (ix) creating panic, alarm or terror in public; or
- (x) terrorising or assaulting employees or owners or occupiers of public or private undertakings or factories and causing mischief in respect of their properties; or
- (xi) kidnapping or abducting any person with intent to extort ransom; or
- (xii) use or threaten to use physical violence, directly or otherwise or through any person against any person for the purpose of collecting any part of the loan or interest levied in excess of the rate of interest notified under the Gujarat Money Lenders Act, 2011 thereon or any instalment thereof or for taking any movable or
- Guj. 14 of 2011.**

immovable property connected with the loan transaction or the realization of whole or part of the loan amount or interest thereon; or

- (xiii) illegally transporting and/or smuggling of cattle and indulging in acts in contravention of the provisions in the Gujarat Animal Preservation Act, 1954 and the Prevention of Cruelty to Animals Act, 1960; or **Guj. 72 of 1954.**
59 of 1960.
 - (xiv) human Trafficking for purposes of commercial exploitation, bonded labour, child labour, sexual exploitation, organ removing and trafficking, beggary and the like activities; or
 - (xv) involving in manufacture, sale and transportation of arms and ammunition in contravention of sections 5, 7 and 12 of the Arms Act, 1959; or **54 of 1959.**
 - (xvi) indulging in crimes that impact security of State, public order and even tempo of life.
- (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. **45 of 1860.**

(2) 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. **2 of 1974.**
45 of 1860.

Penalty. **3.** (1) Whenever a goonda is involved in or is making preparation for engaging in any anti-social activity or is found to be acting in any manner prejudicial to the maintenance of the public order, the goonda shall be punished with imprisonment of either description for a term which shall not be less than seven years and which may extend to ten years and also with fine which shall not be less than fifty thousand rupees:

(2) Whoever, being a public servant renders any illegal help or support in any manner to a goonda, whether before or after the commission of any

offence by the goonda (whether by himself or through others) or abstains from taking lawful measures or intentionally avoids to carry out the direction 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.

(3) Any act committed by a goonda in contravention of rules made under this Act shall be punishable with imprisonment for a term not exceeding six months with or without fine not exceeding rupees ten thousand.

1 of 1872. 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;

**Special rules
of evidence.**

(a) The Court may take into consideration the fact that the accused was-

16 of 1985.

(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 the Gujarat Prevention of Anti-Social Activities Act, 1985 and confirmed by the Advisory Board; or

**Guj. 22 of
1951.**

(iii) externed under section 56 or section 57 of the Gujarat Police Act, 1951;

45 of 1860.

(iv) on any previous occasion convicted in a criminal case or facing criminal proceedings in a court of law for offences punishable under Indian Penal Code or any special law or local law;

(b) where it is proved that a goonda 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 goonda;

- (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 gondola wrongfully concealed or confined a kidnapped or abducted person, the Court shall presume that the goonda 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.

**Constitution
of Special
Courts.**

5. (1) The State Government may, if it considers necessary so to do so in the interest of speedy trial of offences under this Act, by notification in the *Official Gazette*, 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 of Gujarat.

(3) The State Government may also appoint, with the concurrence of the Chief Justice of the High Court of Gujarat, Additional Judges to exercise jurisdiction of 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:

Place of 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.

Jurisdiction of Special Courts.

(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:

(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.

**Power of
Special
Courts with
respect to
other
offences.**

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 there under 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.

**Public
Prosecutor.**

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 (u) 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.

**Procedure
and powers
of Special
Courts.**

(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 308 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 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.

Protection of witnesses.

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 five 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.

Trial by Special Courts to have precedence.

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.

Power to transfer cases to regular Courts.

14. (1) If a District Magistrate has reason to believe that any property, whether moveable or immovable, in possession of any person has been acquired by a goonda 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.

Attachment of property.

(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

Release of property.

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.

Inquiry into character of acquisition of property by Court.

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 release 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 so 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 any subsequent date to which the inquiry may be adjourned, the Court shall hear the parties, receive evidence produced by them, take such further evidence as it considers necessary, decide whether the property was acquired by a goonda 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: -

V of 1908.

- (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 witness or documents;
- (f) Dismissing a reference for default or deciding it *ex-parte*;
- (g) Setting aside an order of dismissal for 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 goonda a result of the commission of any offence triable under this Act, shall be on the person claiming the property, notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872.

1 of 1872.

17. If upon such inquiry the Court finds that the property was not acquired by a goonda a result of the commission of any offence triable under this Act, it shall order for release of the property of 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.

Order after inquiry.

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

Appeal.

**Modified
application of
certain
provisions of
the Code.**

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.

(2) Section 167 of the Code shall apply in relation to case involving an offence punishable under this Act or any rule made thereunder subject to the modifications that the references in sub-section (2) –

(a) the reference to "fifteen days" and "sixty days" wherever they occur, shall be construed as reference to "thirty days" and "ninety days", respectively;

(b) after the existing proviso, the following proviso shall be inserted, namely:-

Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Special Court shall extend the said period upto one hundred and eighty days on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for detention of the accused beyond the said period of "ninety days".

(3) Sections 366, 367, 368 and 371 of the Code shall apply in relation to a case involving an offence triable by a Special Court, subject to the modification that the reference to "Court of Session" wherever occurring herein, shall be construed as reference to "Special Court".

(4) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act or any rule made thereunder shall, if in custody, be released on bail or on his own bond unless:

(a) The Public Prosecutor has been given an opportunity to oppose the application for such release, and

(b) where the Public Prosecutor opposes the application, the Court 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.

(5) The limitations on granting of bail specified in sub-section (4) are in addition to the limitations under the Code.

20. Notwithstanding anything contained in the Code, -

Cognisance of, and investigation into, offence.

(a) no information about the commission of an offence under the provisions of this Act shall be recorded by a police officer without the prior approval of the police officer not below the rank of officer in charge of range of the concerned Districts or the Commissioner of Police, as the case may be;

(b) no investigation of an offence under the provisions of this Act shall be carried out by a police officer not below the rank of a Police Sub Inspector.

(2) No Special Court shall take cognisance of any offence under this Act without the previous sanction of the State Government.

21. The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment.

Overriding effect.

22. Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority.

Presumption as to order.

1 of 1872.

23. No suit, prosecution or other legal proceeding shall lie against the State Government or any Officer or authority of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

Protection of action taken in good faith.

24. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

Power to make rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be

subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or session immediately following. Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

**Power to
remove
difficulties.**

25. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Gujarat State has achieved all round development and has emerged as a model for other states to emulate. However, the activities of goondas have the potential to disturb the public order and derail the development efforts of Government of Gujarat. Therefore, there is an urgent need to bring in legislative measures to deal with anti-social activities of goonda elements who exploit the law abiding citizens by indulging in violence, intimidation and coercion.

A separate legislation is proposed to deal with Goonda elements indulging in anti-social activities such as bootlegging, gambling, cow slaughter, drug trafficking, immoral trafficking, human trafficking, sale of spurious drugs, loan sharks, land grabbing, kidnapping, unlawful activities, illegal arms, etc.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

Clause 1.-This clause provides for short title, extent and commencement of the Act.

Clause 2. - This clause defines certain terms used in the Bill.

Clause 3.-This clause provides for the penalty whenever a goonda is involved in or is making preparation for engaging in any anti-social activity or is found to be acting in any manner prejudicial to the maintenance of the public order.

Clause 4.-This clause provides for the special rules of evidence as specified therein, for the purposes of trial and punishment for offences under this Act or connected offences.

Clause 5.-This clause provides for the constitution of one or more Special Courts by the State Government if it considers necessary so to do so in the interest of speedy trial of offences under the Act.

Clause 6.-This clause provides for the place of sitting of a special court for any of its proceedings at any place, other than the ordinary place of its sitting.

Clause 7.-This clause provides for the jurisdiction of the Special Court.

Clause 8.-This clause provides for the power of Special Courts with respect to other offences with which the accused may, under any other law for the time being in force, be charged at the same trial.

Clause 9.-This clause provides for the appointment of the Public Prosecutor.

Clause 10.-This clause provides for the procedure to be followed and powers to be exercised by the Special Courts.

Clause 11.-This clause provides for the protection of the witnesses.

Clause 12.-This clause provides for that 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).

Clause 13.-This clause provides for the power of Special Court to transfer cases to the regular courts.

Clauses 14 and 15.-This clause provides for the power of the District Magistrate to attach property in possession of any person has been acquired by a goonda a result of the commission of an offence triable under the Act and provides for release of such property after satisfying about the genuineness of the claim.

Clause 16.-This clause provides for inquiry into character of acquisition of property by court.

Clause 17.-This clause provides for the order for release of the property of the person from whose possession it was attached.

Clause 18.-This clause provides for the appeal against any judgment on an order of a Court passed under the provisions of the Act.

Clause 19.-This clause provides for the modified application of certain provisions of the Code of Criminal Procedure, 1973.

Clause 20.-This clause provides for the cognisance of, and inquiry into an offence committed under this Act.

Clause 21.-This clause provides that the provisions of the Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment.

Clause 22.-This clause provides for the presumption as to order.

Clause 23.-This clause provides for the protection of action taken in good faith.

Clause 24.- This clause provides for the powers of State Government to make rules under this Act.

Clause 25.- This clause empowers the State Government to remove difficulties arising within a period of two years in giving effect to the provisions of the Act.

PRADEEPSINH JADEJA,

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to empower the State Government, to constitute one or more Special Courts for the whole or any part of the State as also *clause 9* of the Bill provides for the appointment of the Public Prosecutor. Hence, the Bill, if enacted and brought into force would involve expenditure from the Consolidated Fund of the State. However, at present, it is not possible to ascertain the exact amount of grant to be made available for such purpose.

PRADEEPSINH JADEJA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 5.- Sub-clause (1) of this clause empowers the State Government to constitute, by notification in the *Official Gazette*, one or more Special Courts for the whole or any part of the State.

Clause 24. – Sub-clause (1) of this clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 25. – Sub-clause (1) of this clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arisen in giving effect to the provisions of this Act within a period of two years.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 16th September, 2020.

PRADEEPSINH JADEJA.

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 22 OF 2020.

A BILL

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**[SHRI PRADEEPSINH JADEJA,
MINISTER OF STATE FOR HOME]**

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D.M.PATEL,
Secretary,
Gujarat Legislative Assembly.

