

L. A. Bill No. XXXIII of 2024

Report of the Joint Committee on

Maharashtra Special Public Security Bill, 2024



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Maharashtra Legislature Secretariat,
Vidhan Bhavan,
Mumbai

L. A. Bill No. XXXIII of 2024

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**Composition of Joint Committee of both the Houses on L. A. Bill No. XXXIII
of 2024-The Maharashtra Special Public Security Bill, 2024**

- (1) Mr. Chandrashekhar Bawankule, Hon. Minister for Revenue-cum-Chairman**
- (2) Shri Jayant Patil, M.L.A.
- (3) Shri Nana Patole, M.L.A.
- (4) Shri Bhaskar Jadhav, M.L.A.
- *(5) Shri Vijay Wadettiwar, M.L.A.
- *(6) Dr. Jitendra Awhad, M.L.A.
- (7) Shri Deepak Kesarkar, M.L.A.
- (8) Shri Anil Patil, M.L.A.
- (9) Mrs. Manisha Chaudhary, M.L.A.
- (10) Shri Mangesh Kudalkar, M.L.A.
- *(11) Shri Ajay Chaudhary, M.L.A.
- (12) Shri Randhir Savarkar, M.L.A.
- (13) Shri Tushar Rathod, M.L.A.
- (14) Shri Rajesh Padvi, M.L.A.
- (15) Shri Ramesh Bornare, M.L.A.
- (16) Shri Siddharth Shirole, M.L.A.
- (17) Shri Manoj Kayande, M.L.A.
- (18) Shri Satej alias Bunt Patil, M.L.C.
- (19) Shri Vikram Kale, M.L.C.
- *(20) Shri Shashikant Shinde, M.L.C.
- (21) Dr. Manisha Kayande, M.L.C.
- (22) Shri Sunil Shinde, M.L.C..
- (23) Smt. Uma Khapre, M.L.C.
- (24) Shri Dnyaneshwar Mhatre, M.L.C.
- (25) Shri Amit Gorkhe, M.L.C.

Special Invitee Member - Shri Ambadas Danve, Hon. Leader of Opposition, Maharashtra Legislative Council.

* Nominated as Member of Committee as per a motion passed by the Maharashtra Legislative Assembly on 17th March, 2025.

Maharashtra Legislature Secretariat

- (1) Shri Jitendra Bhole, Secretary-1
- (2) Dr. Vilas Athawale, Secretary-3
- (3) Shri Shivdarshan Sathaye, Secretary-4
- (4) Shri Subhash Nalawade, Joint Secretary (Committee)-and-Officer on Special Duty
- (5) Shri G. D. Debadwar, Under Secretary
- (6) Shri Anand Telang, Section Officer

Officers from Mantralaya :

- (1) Smt. Sujata Saunik, Chief Secretary, Maharashtra State, Mantralaya, Mumbai.
- (2) Smt. Rashmi Shukla, Director General of Police, Maharashtra State.
- (3) Shri Anup Kumar Singh, Principal Secretary, Government of Maharashtra, Home Department, Mantralaya, Mumbai.
- (4) Shri Chhering Dorje, Additional Director General of Police (Special Operations) Maharashtra State.
- (5) Shri Sandeep Patil, Special Inspector General of Police.
- (6) Shri Satish Waghole, Secretary, Government of Maharashtra, Department of Law and Judiciary, Mantralaya, Mumbai.
- (7) Smt. Supriya Dhawre, Joint Secretary, Government of Maharashtra, Department of Law and Judiciary, Mantralaya, Mumbai.
- (8) Shri Hemant Mahajan, Deputy Secretary, Government of Maharashtra, Home Department, Mantralaya, Mumbai.
- (9) Shri Naresh Pusnake, Deputy Secretary, Government of Maharashtra, Department of Law and Judiciary, Mantralaya, Mumbai.
- (10) Smt. Sonali Sakhre, Under Secretary, Government of Maharashtra, Department of Law and Judiciary, Mantralaya, Mumbai

**Report of the Joint Committee on
L.A. Bill No. XXXIII - The Maharashtra Special Public Security Bill, 2024**

Legislative Assembly Bill No. 33 of 2024.—The Maharashtra Special Public Security Bill, 2024 was referred to this Joint Committee for consideration. As the Chairman of this Committee, I have been authorised to submit a report on behalf of the committee and I am submitting this report along with the bill as amended by the committee attached to it.

This bill was introduced in the Legislative Assembly on 20th December 2024. A motion was passed in the Legislative Assembly to refer this bill to a Joint Committee consisting of 21 members of both Houses for consideration. A motion to refer this bill to a Joint Committee of both Houses for consideration was passed by the Legislative Assembly on 21st December 2024 after receiving the consent of the Legislative Council. 14 Members of the Legislative Assembly and 07 Members of the Legislative Council were nominated to the said Joint Committee. The Leader of the Opposition, Maharashtra Legislative Council was nominated as a special invitee on the said committee.

The Committee held a total of 05 (five) meetings. The first meeting of the Committee was held on 04.03.2025 to finalize certain preliminary items. In its first meeting, the Committee decided to increase the composition of the Committee by 04 more Members (03 from the Legislative Assembly and 01 from the Legislative Council). Accordingly, a motion to increase the strength of the Joint Committee by 04 more Members totalling to 25 members was introduced in the Legislative Assembly on 12th March, 2025 and was passed on the same day. This Motion received the assent of the Legislative Council on 12th March 2025 and thereafter motion to nominate 04 members on the joint Committee was adopted by the Legislative Assembly on 17th March 2025. Accordingly, the strength of the Committee was increased by 04 members to a total of 25 members.

Further, in the first meeting of the Joint Committee, the Committee decided to seek suggestions / amendments from the sitting members of both the Houses, sitting MPs from Maharashtra, former members of the State Legislature, the public and various social organizations / associations / NGOs working in this field by 31st March, 2025. The same was communicated to the Hon'ble Members of the Legislative Assembly through letters and through advertisements in leading newspapers to the sitting Members of Parliament of Maharashtra, former Members of the Legislative Assembly of the State, the public as well as various social organizations / associations / NGOs working in this fields. Considering the importance of the Bill, the Committee extended the date for receipt of suggestions /amendments to 15th April, 2025.

The said Joint Committee held a total of five meetings dated 4th March, 2025, 8th April, 2025, 21st May 2025, 12th June, 2025 and 26th June, 2025 and after considering various suggestions / amendments received from all concerned, the Committee considered the Bill clause by clause and accordingly finalised the amendments to be made in the Bill. The Committee, in its meeting held on 26th June 2025, adopted the report alongwith amendments therein.

The observations of the Committee regarding amendments to long title, Preamble and various clauses of the Bill are detailed in the paragraphs to follow :—

The Long title and Preamble of the proposed Bill is as follows :—

Long Title: “A Bill to provide for more effective prevention of certain unlawful activities of individuals and organisations and for matters connected therewith or incidental thereto.”

Preamble: WHEREAS it is expedient to enact a new law to provide for more effective prevention of certain unlawful activities of individuals and organisations and for matters connected therewith or incidental thereto, it is hereby enacted in the seventy-fifth year of the Republic of India, as follows :—

The aforementioned “Long Title” and “Preamble” of the Bill were deliberated upon in the Committee meeting. Since the Bill intends to destroy Urban Naxalism, the Committee opined to bring clarity on this aspect in the said long title. Accordingly, the Committee proposed to amend the long title as **“A Bill to provide for the effective prevention of certain unlawful activities of Left Wing Extremist organisations or similar organisations and for matters connected therewith or incidental thereto”**. The Bill has been amended accordingly.

Further, in order to have greater clarity on the words used in the Bill namely individuals and organisations’ and also to crystallise the purpose in enacting the said Act, the Committee proposed an amendment to the preamble of the Bill as - “WHEREAS public order is being jeopardised by the unlawful activities of Left Wing Extremist organisations and such activities interferes with the administration of law and maintenance of public order ;

And WHEREAS it is expedient to enact a new law to provide for the effective prevention of certain unlawful activities of Left Wing Extremist organisations or similar organisations and for matters connected therewith or incidental thereto; it is hereby enacted in the Seventy-fifth Year of the Republic of India, as follows:- " Accordingly the long title and preamble of the Bill has been amended.

Clause 5 (2) : This clause provides that “ The Advisory Board shall consist of three persons who are or have been or qualified to be appointed as judge of the High Court. The Government shall appoint the members and designate one of them as the Chairperson ”

The Committee opined that the Advisory Board should have such officers who hold qualifications equivalent to retired judges, judges and who have influence of law. Also, cases will remain pending as it is difficult for the sitting judges of the Hon'ble High Court to spare time for the Committee. In this regard, the Committee held an comprehensive deliberations and suggested an amendment to the aforesaid clause as - “ The Advisory Board shall consists of a Chairperson who is or has been a Judge of the High Court two members, of which one shall be a retired Judge and another shall be a Government Pleader of High Court, appointed by the State Government ” Accordingly the aforesaid clause has been amended.

Clause 15 (2): This clause provides that "All offences under this Act shall be investigated by the Police Officer not below the rank of a Sub-Inspector. "

The committee, on holding an in-depth deliberations as to what level of police officers should be in charge of cognizance and investigation of all offences committed under the Act, it opined that since the investigation of offences coming under the UAPA Act as well as those of Atrocity cases are entrusted to officers of the rank of Deputy Superintendent of Police or Superintendent of Police, all offences under the proposed Act be entrusted to an officer of the rank of Deputy Superintendent of Police instead of an officer of the rank of Sub-Inspector of Police. Accordingly, the Committee proposed an amendment in the aforesaid clause and the same has been amended.

The Committee also recommends that there appears to be an increasing inclination among certain tendencies towards Naxalite organisations, particularly towards **Naxalism**. The Government should formulate a comprehensive policy to effectively curb such tendencies and integrate the youth, especially those who seem to be attracted to this movement, into the mainstream of society by dissuading them from getting attracted to such organisations.

The amendments made by the Committee to the other clauses of the Bill are minor in nature or purely in terms of the drafting of the bill.

VIDHAN BHAVAN

Mumbai,

Date : 26th June 2025

CHANDRASHEKHAR BAWANKULE

Chairman of the Committee.

[*Note.*—Deletions made by the Joint Committee are shown in square brackets and additions are either underlined or side lined.]

L. A. BILL No. XXXIII OF 2024

[A BILL

to provide for more effective prevention of certain unlawful activities of individuals and organizations and for matters connected therewith or
5 incidental thereto.]

A BILL

to provide for effective prevention of certain unlawful
activities of Left Wing Extremist organizations or similar
organizations and for matters connected therewith or incidental
10 thereto.

(As amended by the Joint Committee)

[WHEREAS it is expedient to enact a new law to provide for more effective prevention of certain unlawful activities of individuals and organizations and for matters connected therewith or incidental thereto; it
15 is hereby enacted in the Seventy-fifth Year of the Republic of India, as follows :—]

WHEREAS public order is being jeopardised by the unlawful activities of Left Wing Extremist organizations or similar organizations and such activities interferes with the administration of law and maintenance of public order ;

20 AND WHEREAS, it is expedient to enact a new law to provide for effective prevention of certain unlawful activities of Left Wing Extremist organizations or similar organizations and for matters connected therewith or incidental thereto ; it is hereby enacted in the Seventy-fifth Year of the Republic of India, as follows :—

25 1. This Act may be called the Maharashtra Special Public Security Short title.
Act, 2024.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “ Advisory Board ” means the Advisory Board constituted under section 5 ;

(b) “ Government ” means the Government of Maharashtra ;

(c) “ notification ” means notification published in the *Official Gazette* and the word “ notified ” shall be construed accordingly ; 5

(d) “ organization ” means any combination, body or group of persons, whether known by any distinctive name or not, and whether registered under any relevant law or not, and whether governed by any written constitution or not ; 10

(e) “ prescribed ” means prescribed by rules made under this Act ;

(f) “ unlawful activity ” means any action taken by an individual or organization whether by committing an act or by words either spoken or written or by sign or by visible representation or otherwise,—

(i) which constitute a danger or menace to public order, peace and tranquility ; or 15

(ii) which interferes or tends to interfere with maintenance of public order ; or

(iii) which interferes or tends to interfere with the administration of law or its established institutions and personnel; or 20

(iv) which is designed to overawe by criminal force or show of criminal force or otherwise to any public servant including the Forces of the State Government or the Central Government in exercise of the lawful powers of such public servant and Forces ; or

(v) of indulging in or propagating, acts of violence, vandalism or other acts generating fear and apprehension in the public, or indulging in or encouraging the use of firearms, explosives or other devices, or disrupting communications by rail, road, air or water; or 25

(vi) of encouraging or preaching disobedience to established law and its institutions; or 30

(vii) of collecting money or goods to carry out any one or more unlawful activities mentioned above;

(g) “ unlawful organization ” means any organization which indulges in or has in pursuance of its objects abets or assists or gives aid, or encourages directly or indirectly through any medium, devices or otherwise, any unlawful activity. 35

Declaration of
an organization
as an unlawful
organization.

3. (1) If the Government is of opinion that any organization is or has become an unlawful organization, it may, by notification in the *Official Gazette*, declare such an organization to be an unlawful organization.

(2) Every such notification shall specify the grounds on which it is issued and such other particulars as the Government may consider necessary :

5 Provided that, nothing in this sub-section shall require the Government to disclose any fact which it considers to be against the public interest.

(3) No such notification shall have effect until the Advisory Board has, by report made under section 6, confirmed the declaration made in such notification :

10 Provided that, if the State Government is of the opinion that circumstances exist which render it necessary for the Government to declare an organization to be an unlawful organization with immediate effect, it may, for reasons to be stated in writing, direct that the notification shall, subject to any report of the Advisory Board that may be made under section 6, have effect from the date of its publication in the *Official Gazette*.

15 (4) Every such notification shall, in addition to its publication in the *Official Gazette*, be served where such an unlawful organization has a registered office, by sending the same through registered post or electronic means or by serving a copy to any office bearer in such registered office, but if in case any office bearer is not available or refuses to receive the same, 20 the notification shall be affixed to some conspicuous part of the office of the organization; and where the organization does not have a registered office, the notification shall be published in any two daily newspapers having circulation in the State.

(5) The notification issued under this section shall, if the declaration 25 made therein is confirmed by the Advisory Board by the report made under section 6, remain in force for a period of one year from the date on which the notification becomes effective and may be extended for such further period not exceeding one year at a time, as may be deemed necessary after reviewing the position.

30 (6) Notwithstanding anything contained in sub-section (1), the State Government may, either on its own motion or on an application of any aggrieved organization, at any time, revoke the notification issued under this section, whether or not the declaration made therein has been confirmed by the Advisory Board.

35 4. (1) Any organization declared as an unlawful organization under section 3, may make a representation to the Government within fifteen days from the date of publication of the notification or from the date of receipt or affixture thereof, as specified in sub-section (4) of section 3, whichever is later, and the Government shall place such representation before the 40 Advisory Board for its consideration.

Representation
by organization.

(2) Such an organization may request for personal hearing before the Advisory Board.

Constitution of
Advisory Board.

5. (1) The State Government shall constitute, as and when necessary, an Advisory Board for the purposes of this Act.

[(2) The Advisory Board shall consist of three persons who are or have been or qualified to be appointed as judge of the High Court. The Government shall appoint the members and designate one of them as the Chairperson.] 5

(2) The Advisory Board shall consists of a Chairperson who is or has been a Judge of the High Court and two members, of which one shall be a retired District Judge and another shall be a Government Pleader of High Court, appointed by the State Government. 10

(3) The term and other conditions of service of the Chairperson and members shall be such as may be prescribed.

Procedure of
Advisory Board.

6. (1) Where any organization has been declared as an unlawful organization by notification issued under section 3, the Government shall, within six weeks from the date of publication of such notification in the *Official Gazette*, make a reference to the Advisory Board for consideration and also provide a copy of the notification, supporting material and the representation submitted by the unlawful organization, if any. 15

(2) The Advisory Board shall, after considering all the material placed before it and after calling for such further information, as it may consider necessary, from the Government or from any office bearer or members of the concerned organization, and after giving an opportunity of personal hearing to the authorized office bearer of the organization, submit its report to the Government within three months from the date of receipt of reference from the Government. 20 25

(3) Where the organization seeks personal hearing, an intimation specifying the date and time of hearing shall be sent to the address mentioned in the representation of the organization.

(4) The Advisory Board shall decide whether or not there is sufficient cause for declaring the organization to be an unlawful organization and make a report as it may deem fit either confirming the declaration made in the notification or cancelling the same. 30

(5) The Advisory Board shall, for the purpose of exercising powers under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely :- 35

5 of
1908.

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

(b) the discovery and production of any document or other material object producible as evidence ; 40

(c) the reception of evidence on affidavits ;

(d) the requisitioning of any public record from any court or office ;

(e) the issuing of any commission for the examination of witnesses. 45

7. (1) If the Advisory Board confirms the declaration made in the notification issued under sub-section (1) of section 3, the Government shall confirm the notification by an order and continue the same for such period as specified in sub-section (5) of section 3.

Action upon
report of
Advisory Board.

5 (2) If the Advisory Board is of the opinion that there is no sufficient cause for issuance of the notification, the Government shall revoke the notification forthwith.

8. (1) Whoever, is a member of an unlawful organization or takes part in the 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 upto three lakhs rupees.

Offences.

15 (2) Whoever, not being a member of an unlawful organization in any manner, contributes or receives or solicits any contribution or aid for such organization, or harbours any member of such organization, shall be punished with imprisonment for a term which may extend to two years and shall also be liable to fine upto two lakhs rupees.

20 (3) Whoever, manages or assists in the management of an unlawful organization or promotes or assists in promoting 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 upto three lakhs rupees.

25 (4) Whoever, commits or abets or attempts to commit or plans to commit any unlawful activity of such unlawful organization, shall be punished with imprisonment for a term which may extend to seven years and also be liable to fine upto five lakhs rupees.

30 9. (1) Where an organization has been declared as an unlawful organization under section 3, the District Magistrate or the Commissioner of Police, as the case may be, within their respective jurisdiction, may notify any place which in his opinion is used for the activities of such unlawful organization.

Powers to notify
and take
possession of
places used for
purpose of
unlawful
activities.

Explanation.—For the purposes of this section, place includes a house or a building or part thereof or a tent or a vessel.

35 (2) When any place is notified under sub-section (1), the District Magistrate or the Commissioner of Police or any officer authorized in this behalf in writing by him, may take possession of notified place and evict therefrom any person found therein and the District Magistrate or the Commissioner of Police shall forthwith make a report of taking of such possession to the Government :

Provided that, where any such place contains any apartment occupied by women or children, reasonable time and facilities shall be provided for their withdrawal with least possible inconvenience.

45 (3) A notified place whereof possession is taken under sub-section (2), shall remain in possession of the Government as long as the notification issued under section 3 is in force or such earlier period as the Government decides.

Movable
property found
in notified place.

10. (1) The District Magistrate or the Commissioner of Police or any officer authorized by him while taking possession of notified place shall also take possession of movable property including moneys, securities or other assets found therein and shall make a list thereof in the presence of two respectable witnesses.

5

(2) If in the opinion of the District Magistrate or the Commissioner of Police, any article specified in the list is or may be used for 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.

10

(3) All other articles specified in the list shall be delivered to the person whom the District Magistrate or the Commissioner of Police considers to be entitled to possession thereof, and if no such person is found entitled thereto, it shall be disposed of in such manner as he may direct.

(4) The District Magistrate or the Commissioner of Police shall publish a notice in two local newspapers and one newspaper having circulation in the whole of the State, one of which shall be in the Marathi language and shall also affix a copy of such notice to the conspicuous part of the place wherefrom such property was taken possession of, specifying the articles which are proposed to be forfeited and calling upon any person claiming that 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.

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(5) The District Magistrate or the Commissioner of Police shall consider the representation and pass such orders as he deems fit, if the decision is to forfeit the article he shall give reasons therefor.

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(6) The person who made the representation may file an appeal against the order under sub-section (5) to the Government within thirty days from the date of receipt of the order. The Government may pass such order thereon as it deems fit, after giving an opportunity of being heard to the appellant. Such order of the Government in appeal shall be final.

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(7) The Government may, in its discretion at any time, *suo-moto* call for and examine the records of any order passed by the District Magistrate or the Commissioner of Police under sub-section (5), for the purpose of satisfying itself as to the legality, correctness or propriety thereof, and pass any order with reference thereto as it may deem fit.

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(8) If an article seized is livestock or is of a perishable nature, the District Magistrate or the Commissioner of Police may, if he thinks it expedient, order the immediate sale thereof, and the proceeds of the sale shall be disposed of in the manner herein provided for the disposal of the other articles.

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Powers to forfeit
funds of an
unlawful
organization.

11. (1) 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 an order in writing, declare such moneys, securities or other assets to whomsoever they belong to, be forfeited to the Government.

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(2) A copy of an order under sub-section (1) may be served on the person having custody of the moneys, securities or other assets, and on the service of such copy, such person shall deposit or deliver the moneys, securities or other assets to the officer as specified in the order of the Government :

5 Provided that, in case of moneys or securities, a copy of the order may be endorsed for execution to such officers as the Government may select and such officers shall have power to enter upon and search for such moneys or securities in any premises where they may reasonably be suspected to be and to seize the same.

10 (3) 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 others 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.
15 The Government shall, after considering the representation, if any, received from the affected person, pass such orders as it deems fit.

(4) Where the Government has reason to believe that any person has custody of any moneys, securities or other assets which are being used or are intended to be used for the purpose of an unlawful organization, the
20 Government may, by an order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same. A copy of such order shall be served upon the person to whom it is directed.

(5) The Government may endorse a copy of an order under sub-section
25 (4) for investigation to any officer it may select and such copy shall be deemed to be a warrant whereunder 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, securities or other assets and make inquiry from such person
30 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.

46 of 2023. 35 (6) A copy of an order under this section may be served in the manner provided in the Bharatiya Nagarik Suraksha Sanhita, 2023, for the service of summons or where the person to be served is a corporation, company, bank or organization of person, 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
40 office at the place where it carries on business. Where the Government is satisfied in the circumstances it is not reasonably practicable to follow such procedure, it may cause the order to be published in any local newspaper.

(7) 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
45 order has been made under sub-section (4), such order of forfeiture shall have effect from the date of the prohibitory orders, 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 officers specified in the order of the Government.

(8) 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 money or other financial assets or the market value of such securities. 5

Explanation.— For the purposes of this section, securities includes a document whereby any person acknowledges that he is under legal liability to pay money, or whereunder any person obtains a legal right to the payment of the 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. 10

(9) 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 disclosed by any officer of the Government without its consent. 15

(10) The Government may, by order, delegate its powers under this section to any officer not below the rank of a District Magistrate or the Commissioner of Police and likewise withdraw the same.

(11) The Government may, in its discretion at any time, either *suomotu* or on an application made by the person who made the representation, call for and examine the record of any order passed by the District Magistrate or the Commissioner of Police, under sub-section (1) for the purpose of satisfying itself as to the legality, correctness or propriety thereof and pass such order in reference thereto, as it may deems fit: 20

Provided that, no order under this sub-section shall be passed by the Government unless the party likely to be affected thereby has given an opportunity of making a representation. 25

Revision. **12.** (1) A revision petition may be filed before the High Court against any order passed by the Government under sub-section (1) of section 7 confirming the notification issued under sub-section (1) of section 3 or against any order passed under sub-section (5) 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. 30

(2) A revision petition under this section shall be filed within a period of thirty days from the date of receipt of any order referred to in sub-section (1). 35

Trespass upon notified place. **13.** Any person, who enters or remains upon a notified place without the permission of the District Magistrate or the Commissioner of Police or of an officer authorized in this behalf by the District Magistrate or the Commissioner of Police, shall be deemed to have committed an offence of criminal trespass. 40

Bar of jurisdiction. **14.** 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 proceeding taken under this Act by the Government or the District Magistrate or the Commissioner of Police, or any officer authorized in this behalf by the Government or the District 45

Magistrate or the Commissioner of Police, 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 power conferred by
5 or under this Act.

15. (1) All offences under this Act shall be cognizable and non-bailable.

Cognizance and investigation of offences.

(2) All offences under this Act shall be investigated by the Police Officer not below the rank of a [Sub-Inspector.] **Deputy Superintendent of Police.**

(3) All offences under this Act committed or abetted or attempted or
10 designed to be committed shall only be registered under the written permission by an officer not below the rank of the Deputy Inspector General of Police, who shall also specify the Investigating Officer who shall investigate the case as per provisions of this Act.

(4) No court shall take cognizance of any such offence except on the
15 report of an officer not below the rank of the Additional Director General of Police.

16. An organization shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title by any oral or written declaration but shall be deemed to exist so long as such organization
20 or any member thereof is actually engaged in or continuing in any manner in any unlawful activity.

Existence of organization.

17. 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 or against the Government or any person acting on behalf of or by the
25 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.

Protection of action taken in good faith.

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

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be,
30 after it is made, before each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both
35 Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect as the case may be ; so, however, that any such modification or annulment shall be without prejudice
40 to the validity of anything previously done or omitted to be done thereunder.