

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:68

ANSWERED ON:23.02.2010

GUJARAT CONTROL OF ORGANISED CRIME BILL

Pathak Shri Harin;Rathwa Shri Ramsinhbhai Patalbhai;Shanavas Shri M. I.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Union Government has received a Bill titled `Gujarat Control of Organised Crime Bill, 2003` from the Government of Gujarat for approval;
- (b) if so, the details and reaction of the Government in this regard;
- (c) whether the Government has withheld approval to the Bill;
- (d) if so, the reasons therefor; and
- (e) the time by which the Bill is likely to be approved?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a)to (e): The Gujarat Control of Organised Crime Bill, 2003 as passed by the State Legislature and reserved by the Governor for the consideration of the President under article 200 read with article 254 (2) of the Constitution of India, was received in this Ministry on 23.6.2004.

The approval of the Government has not been withheld to the Bill. However, as there is change in the policy of the Central Government, the Central Government is of the opinion that all the subsequent State Legislations should be in line with the Unlawful Activities (Prevention) Amendment Act, 2008, as approved by Parliament.

Hence, the Gujarat Control of Organised Crime Bill, 2003 was returned to Governor of Gujarat on 25.6.2009 together with President's message dated 24.6.2009 to the Legislature of Gujarat to reconsider it and (i) to delete Clause 16, (ii) to substitute 'may' for 'shall' after the words Special Court occurring in clause 20(2) and bring the proviso in line with the proviso to Section 43 D (2) of the Unlawful Activities (Prevention) Amendment Act, 2008, and (iii) to amend clause 20(4) to bring it in conformity with Section 43 D (5) of the Unlawful Activities (Prevention) amendment Act, 2008.

The State Legislature reconsidered the Bill in the light of the directives of the President and passed with certain amendments in clauses 1,2,3,15,18,21,23 (inclusion of the word "terrorist act" in appropriate places in these sections) and long title of the Bill and without any amendments in clauses 16 and 20 as suggested in the message of the President.

The Bill viz., the Gujarat Control of Terrorism and Organised Crime Bill, 2003, as passed by the State Legislature and reserved by the Governor for consideration of the President has been received in this Ministry on 11.11.2009.

In the light of the above developments, " The Gujarat Control of Terrorism and Organised Crime Bill, 2003" is now under further consideration of the Government.