

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3139
ANSWERED ON:15.03.2011
GUJCOC BILL, 2003
Shukla Shri Balkrishna Khanderao Balu Shukla

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government of Gujarat has resubmitted the `GUJCOC Bill, 2003` for the approval of the Union Government;
- (b) if so, the time when the said Bill was received by the Union Government alongwith the salient features thereof;
- (c) whether the Union Government has approved similar Bills from other States;
- (d) if so, the details thereof, State-wise; and
- (e) the time by which the GUJCOC Bill is likely to be approved?

Answer

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

(a) to (e): A statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) TO (e) OF LOK SABHA UNSTARRED QUESTION No. 3139 FOR 15.03.2011

(a) & (b): Yes, Madam. 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.

The important provisions of the Bill are as follows:-

- (i) Stringent punishments for perpetrators, abettors and harbours of organized crime;
- (ii) Offences to be tried by Special Courts;
- (iii) Confessions made before a Police Officer not below the rank of Superintendent of Police to be admissible in the trial;
- (iv) Provisions for protection of identity of witnesses;
- (v) Attachment and forfeiture of property earned through organized crime;
- (vi) Powers to Police Officers to order attachment of property;
- (vii) Presumption of offence in certain circumstances unless the contrary is proved.

(c) & (d): Yes, Madam. The following State Legislations on control of organized crime have been assented to by the President in accordance with the then policy of the Government:-

Sl. No.	Name of the Bill	Date of Assent
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| 1. | The Maharashtra Control of Organised Crime Bill, 1999. | 23.04.1999 |
| 2. | The Andhra Pradesh Control of Organised Crime Bill, 2001. | 16.10.2001 |
| 3. | The Karnataka Control of Organised Crime Bill, 2000. | 22.12.2001 |

(e): "The Gujarat Control of Terrorism and Organised Crime Bill, 2003" is now under further consideration of the Government.

The State legislations are examined from three angles viz. (a) repugnancy with Central laws, (b) deviation from National or Central Policy and (c) legal and Constitutional validity. Whenever necessary, the State Governments are advised to modify/amend provision of such legislations keeping the above in view. With the view to expeditiously arriving at a decision, discussions are also held with State Governments and Ministries/Departments of the Government of India. Hence no time- frame can be fixed in this behalf.

