

Rajasthan Control of Goondas Act, 1975

(Act No. 14 of 1975)

[Received the assent of the President on the 26th day of March, 1975]

Notification No. F. 2(19) Vidhi/75, dated 26.3.1975 (Published in Rajasthan Gazetted, Extraordinary., Part 4A, dated 26.3 1975, p. 269-281).

An Act to make special provisions for the control and suppression of Goondas with a view to the maintenance of public order.

1. Short title, extent and commencement. - (1) This Act may be called the Rajasthan Control of Goondas Act, 1975.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. Definition. - In this Act, unless there is anything repugnant in the subject or context—

(a) (i) "*Government*" and "*State*" means the Government and State of Rajasthan respectively.

(ii) ["*Tribunal*"] means the tribunal appointed by the State Government.

(iii) The "*District Magistrate*" includes an Additional District Magistrate specially empowered by the State Government in that behalf.

(iv) The "*District*" means the territorial division constituting the district for the purpose of the Code of Criminal Procedure, 1973.

(v) "*Police Station*" means the place declared by the State Government to be a Police Station and includes any local area specified by the State Government.

(vi) "*Officer-in-charge of the Police Station*" means the Officer-in-charge of Police Station being not below the rank of Sub-Inspector.

(vii) "*Code*" means the Code of Criminal procedure, 1973 (Central Act No. 2 of 1974).

(b) "*Goonda*" means a person who :-

(i) either by himself or as a member or leader of a gang, habitually commits, or attempts to commit, or abets the commission of, offences, punishable under Chapter XVI, Chapter XVII or Chapter XXII or the Indian Penal Code, 1860 (Act XLV of 1860) or under Sections 290 to 294 of the Indian Penal Code, 1860; or

(ii) has been convicted under the Suppression of immoral Traffic in Women and Girls [Act, 1956] (Act No. 104 of 1956); or

(iii) has been convicted not less than twice under the Rajasthan Excise Act, 1950 (Rajasthan Act No. 11 of 1950); or

(iv) has been convicted not less than twice under the Opium Act, 1878 (Central Act No. 1 of 1878); or

(v) has been convicted not less than twice under Rajasthan Public Gambling Ordinance, 1949 (Rajasthan Ordinance No. 48 of 1949); or

(vi) has been found habitual passing indecent remarks to or teasing women or girls; or

(vii) has been found habitual in intimidation of law abiding people by acts of violence or by show of force; or

(viii) is habituated to commit affray or breach of peace, riot, or who is habituated to make forcible collection of subscription or threatening people for illegal pecuniary gain for himself or for others, or who is habituated to cause alarm danger, or harm to persons or property.

Explanation—The words 'habitual' or 'habituated' wherever used in relation to a person in this clause means a person, who during a period within six months immediately preceding the commencement of an action under Section 3, has been found on not less than three occasions to have committed the offences or acts, as the case may be, referred to in sub-clauses (i), (vi) or (viii).

3. Extermment etc. of Goondas - (1) Where it appears to the District Magistrate:

(a) that any person is goonda; and

(b) (i) that his movements or acts in the district or any part thereof are causing, or are calculated to cause alarm danger or harm to persons or property; or

(ii) that there are reasonable grounds for believing that he is engaged or about to engage, in the district or any part thereof, in the commission or abetment of any offence or act specified in sub-clause (i) to (viii) of clause (b) of Section 2; and

(c) that witnesses are not willing to come forward to give evidence against him by reason of apprehension on their part as regards the safety of their person or property; the District Magistrate shall be notified in writing inform him of the general nature of the material allegations against him in respect of above clause (a), (b) and (c) and give him a reasonable opportunity of tendering an explanation regarding them.

(2) The person against whom an order under this section is proposed to be made shall have the right to consult and be defended by a counsel of his choice and shall be given a reasonable opportunity of examining himself, if he so desires, and also of examining any other witnesses or to produce any relevant document that he may wish to produce in support of his explanation, unless for reasons to be recorded in writing, the District Magistrate is of opinion that the request is made for the purpose of vexation or delay.

(3) Thereupon the District Magistrate on being satisfied that the conditions specified in clause (a), (b) and (c) of sub-section (1) exist, may order in writing—

(a) direct him to remove himself outside the district, or part, as the case may be, such route, if any, and within such time as may be specified in the order, and to desist from entering the district or the specified part thereof until the

expiry of such period not exceeding six months as may be specified in the order.

(b) (i) require such person to notify his movements, or to report himself, or to do both, in such manner, at such time and to such authority or person as may be specified in the order,

(ii) prohibit or restrict possession or use by him of any such article as may be specified in the order;

(iii) direct him otherwise to conduct himself in such manner as may be specified in the order; until the expiration of such period, not exceeding six months as may be specified in the order.

4. Permission to return temporarily - The District Magistrate may, by an order, permit any person in respect of whom an order has been made under clause (a) of sub-section (3) of Section 3 to enter or return, for a temporary period, into or to the area from which he was directed to remove himself, subject to such conditions as the District Magistrate may specify and may at any time rescind any such permission.

5. Extension of period of order. - The District Magistrate may after giving, except where for reasons to be recorded in writing he is satisfied that it is impracticable so to do, to the person concerned an opportunity of making a representation in that behalf, extend from time to time in the interest of the general public, the period specified in the order made under Section 3, the period so extended shall in no case exceed two years in the aggregate.

6. Appeal - Any person aggrieved by an order made under Section 3, Section 4 or Section 5 may appeal to the [Tribunal] within fifteen days from the date of such order. (2) The appellant or his counsel shall not be entitled to inspect or to be informed of any record which was not disclosed to him at the inquiry, if any, held under Section 3.

(3) The [Tribunal] may either confirm the order, with or without modification, or set it aside, and may, pending disposal of the appeal, stay the operation of the order subject to such terms, if any, as he thinks fit.

7. Recognizance for certain purpose. - (1) The District Magistrate or the Tribunal may for the purpose of :

(a) securing the attendance of any person against whom an order is proposed to be made Section 3 or has been made but its operation has been stayed under Section 6; or

(b) securing the due observance of any direction requirement, prohibition, restriction or condition specified in an order made in respect of any person under Section 3, Section 4, Section 5 or Section 6, require such person to enter into a bond, with or without sureties, and the provisions of the Code shall *mutatis mutandis* apply in relation to such bond as they apply in relation to bonds executed or required to be executed under the said Code.

(2) In particular and without prejudice to the generality of the foregoing provisions:—

(a) The District Magistrate while issuing notice to any person under sub-section (1) of Section 3 may issue a warrant for his arrest with endorsement thereon of a direction in terms of the provisions of Section 71 of the said Code and the provisions of Sections 70 to 86 and Sections 87 to 89 of the said Code shall, so far as may be, apply in relation to such warrant as if the District Magistrate were the court of a Magistrate;

(b) If any person who is required to execute a bond for the observance of any direction, requirement, prohibition, restriction or condition fails to do so, he shall be committed to person or, if he is already in prison, be detained in prison until the person for which the direction, requirement, prohibition, restriction or condition operate or until within such period he executes the bonds with or without sureties as the case may be. in terms of the order. and the provisions of Sec. 119 to 124 of the said Code shall *mutatis mutandis* apply as if the District Magistrate or the Tribunal were the court of a Magistrate;

(c) Section 445, 446, 447 and 448 of the said Code shall *mutatis mutandis* apply in relation to all bonds executed under this section as if the District Magistrate or the [Tribunal] were the court of a Magistrate.

8. Nature of Evidence. - The District Magistrate or the [Tribunal], may for the purpose of satisfying it self as to whether the conditions necessary for the making or confirmation of an order under Section 3 or section 6 exist or not, take into consideration any evidence which he considers to have probative value, and the provisions of the Indian Evidence Act, 1872, shall not apply.

9. Rescission of order. - The District Magistrate or the [Tribunal] may at any time rescind an order made under Section 3, whether or not such order was confirmed on appeal under Section 6.

10. Punishment for contravention of orders under Section 3 to 6 - Whoever contravenes any order made under Section 3, Section 4, Section 5 or Section 6 shall be punishable with rigorous imprisonment for a term which may extend to three years but shall not be less than six months and shall also be liable to fine.

11. Forcible removal of external Goonda re-entering etc. in contravention of order - (1) Where, after an order is made against a person under Section 3, Section 4, Section 5 or Section 6, such person :

(a) has failed to remove himself from the district or part thereof as directed by the order; or

(b) has re-entered the area, from which he was ordered to remove himself during the period of operation of that order the District Magistrate may cause him to be arrested and removed in police custody to such place outside the area specified in the said order as he may direct.

(2) Any officer-in-charge of the police station may arrest without warrant any person reasonably suspected of an act or omission specified in sub-section (1), and shall forthwith forward the person so arrested to the nearest Executive Magistrate who shall cause him to be forwarded to the District Magistrate,

who may thereupon cause the person to be removed in police custody to such place outside the area specified in the said order as he may direct.

(3) The provisions of this section are in addition to and not in derogation of the provisions of Section 10.

12. Cognizance of Offence - No Magistrate shall take cognizance of an offence punishable under Section 10, except :

(a) upon a report in writing of the facts constituting such offence made by an officer-in-charge of the police station; or

(b) upon information received from any person other than an officer-in-charge of the police station or upon his own knowledge of suspicion, that such offence has been committed.

13. Saving as to orders - No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

14. Protection of action taken under the Act - (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any order made there under.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this act or of any order made there under.

15. Power to make rule - (1) The State Government may by notification in the Gazetted make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall, as soon as may after they are made, be laid before the House of the State Legislature, while it is in session, for a total period of not less than fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazetted subject to such modifications or annulments as the House of the State Legislature may during the said period agree to make; so however, that any such modification or annulment shall be, without prejudice to the validity of anything previously done thereunder.

16. Repeal and savings - (1) The Rajasthan Control of Goondas Ordinance. 1975 (Ordinance No. 5 of 1975) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance under sub-section (1), anything done or any action taken or any rules made under the said Ordinance shall be deemed to have been done, taken or made wider this Act.