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NOTIFICATION

No. H-12017/4/93-LJD, the 4th January, 1994. The following Central Act is hereby published for general information.

Rolura Sailo
Deputy Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Department.

THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT ACT, 1993.

An
Act

FURTHER TO AMEND THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1987.

Be it enacted by Parliament in the Forty-fourth
Year of the Republic of India as follows:—

- | | | |
|-------------|---|-------------------------|
| 1. | This Act may be called the Terrorist and Disruptive Activities (Prevention) Amendment Act, 1993. | Short title. |
| 28 of 1987. | 2. In the Terrorist and Disruptive Activities (Prevention) Act, 1987 (hereinafter referred to as the principal Act), in section 1, in sub-section (4), for the words "six years", the words "eight years" shall be substituted. | Amendment of section 1. |

3. In section 2 of the Principal Act, in sub-section (1), after clause (g), the following clause shall be inserted, namely:—

Amend-
ment of
section 2.

“(gg) “property” means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived or obtained from the terrorist act and includes proceeds of terrorism;”.

Amend-
ment of
section 3.

4. In section 3 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) Any person who is a member of a terrorists gang or a terrorists organisation, which is involved in terrorist acts, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.

(6) Whoever holds any property derived or obtained from commission of any terrorist act or has been acquired through the terrorist funds shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine”.

Insertion
of new sec-
tion 7A.

5. After section 7 of the principal Act, the following section shall be inserted, namely:—

Powers of
investigating
officers.

“7A. If an officer investigating an offence committed under this Act has reason to believe that any property in relation to which an investigation is being conducted is a property derived or obtained from the commission of any terrorist act and includes proceeds of terrorism, he shall, with the approval of the Superintendent of Police, make an order seizing such property and where it is not practicable to seize such property, he may make an order of attachment directing that such property shall not be transferred or otherwise dealt with except with the prior permission of the officer making such order, or of the Designated Court and a copy of such order shall be served on the persons concerned:

Provided that the investigating officer shall duly inform the Designated Court within forty-eight hours

of the attachment of such property and the said court shall either confirm or revoke the order of attachment so issued”.

Amend-
ment of
section 15.

6. In section 15 of the principal Act,—

(a) in sub-section (1), after the words “trial of such person”, the words “or co-accused, abettor or conspirator” shall be inserted;

(b) after sub-section (1), the following proviso shall be inserted, namely:—

“Provided that co-accused, abettor or conspirator is charged and tried in the same case together with the accused”.

Amend-
ment of
section 16.

7. In section 16 of the principal Act, for sub-section(1), the following sub-section shall be substituted, namely:—

“(1) Notwithstanding, anything contained in the Code, the proceedings under this Act may be held in camera if the Designated Court so desires”.

8. In section 20 of the principal Act, in sub-section (4),—

Amend-
ment of
section 20.

(a) in clause (b), for the words “one year”, at both the places where they occur, the words “one hundred and eighty days” shall be substituted;

(b) after clause (b), the following clause shall be inserted, namely:—

“(bb) in sub-section (2), after the 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 one hundred and eighty days, the Designated Court shall extend the said period up to one year, on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days; and”.

9. After section 20 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
20A.

“20A. (1) Notwithstanding anything contained in the Code, no information about the commission of an offence under this Act shall be recorded by the police without the prior approval of the District Superintendent of Police. Cognizance of offence.

(2) No court shall take cognizance of any offence under this Act without the previous sanction of the Inspector-General of Police, or as the case may be, the Commissioner of Police”.

10. In section 21 of the principal Act, in sub-section (1), clauses (c) and (d) shall be omitted. Amend-
ment of
section 21.