

The Unlawful Activities (Prevention) Rules, 1968

UNION OF INDIA

India

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Rule THE-UNLAWFUL-ACTIVITIES-PREVENTION-RULES-1968 of 1968

- Published on 5 February 1968
- Commenced on 5 February 1968
- [This is the version of this document from 5 February 1968.]
- [Note: The original publication document is not available and this content could not be verified.]

The Unlawful Activities (Prevention) Rules, 1968Published vide Notification S.O. 481, dated 5.2.1968, published in the Gazette of India, Extraordinary, Part 2, Section 3(ii), dated 5.2.1968.

1061.

In exercise of the powers conferred by section 21 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement .-(1) These rules may be called The Unlawful Activities (Prevention) Rules, 1968.

(2)They shall come into force on the date of their publication in the Official Gazette.[1-A. Rules also to extend to the State of Jammu and Kashmir.-These rules shall be deemed to have also extended to, and come into force in the State of Jammu and Kashmir on the first day of September, 1969, the date on which the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), came into force in that State.]

2. Definitions .-In these rules, unless the context otherwise requires,-

(a)"the Act" means the Unlawful Activities (Prevention) Act, 1967 (37 of 1967);(b)"section" means a section of the Act;(c)words and expressions used in these rules but not defined, and defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Tribunal and District Judge to follow rules of evidence .-(1) In holding an inquiry under sub-section (3) of section 4 or disposing of any application under sub-section (4) of section 7 or sub-section (8) of section 8, the Tribunal or the District Judge, as the case may be, shall, subject to the provisions of sub-rule (2), follow, as far as practicable, the rules of evidence laid down in the Indian Evidence Act, 1872 (1 of 1872).

(2)[Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872), where any books of account or other documents have been produced before the Tribunal or the Court of the District Judge by the Central Government and such books of account or other documents are claimed by that Government to be of a confidential nature then, the Tribunal or the Court of the District Judge, as the case may be, shall not,-(a)make such books of account or other documents a part of the records of the proceedings before it; or(b)allow inspection of, or grant a copy of, the whole of or any extract from, such books of account or other documents by or to any person other than a party to the proceedings before it.]

4. Additional modes of service of notification made under section 3.-Without prejudice to the generality of the provisions of sub-section (4) of section 3, all or any of the following modes may also be followed in effecting service of a notification made under sub-section (1) of section 3, namely:-

(a)by making an announcement over the radio from the local or nearest broadcasting station of the All-India Radio, or(b)by pasting the notification on the notice board of the office of the District Magistrate or the Tehsildar at the headquarters of the district or the tehsil, as the case may be, in which the principal office of the association affected is situated.

5. Documents which should accompany a reference to the Tribunal .-Every reference made to the Tribunal under sub-section (1) of section 4 shall be accompanied by-

(i)a copy of the notification made under sub-section (1) of section 3, and(ii)all the facts on which the grounds specified in the said notification are based:Provided that nothing in this rule shall require the Central Government to disclose any fact to the Tribunal which that Government considers against the public interest to disclose.

6. Service of notice issued by the Tribunal .-Every notice referred to in sub-section (2) of section 4 shall be served on the affected association in such manner as the Tribunal may think fit and all or any of the following modes may be followed by the Tribunal in effecting service of such notice, namely:-

(a)by affixing a copy of the notice to some conspicuous part of the office, if any, of the association; or(b)by serving a copy of the notice, where possible, on the principal office bearers, if any, of the association, by registered post or otherwise; or(c)by proclaiming by beat of drum or by means of loudspeakers the contents of the notification in the area in which the activities of the association are ordinarily carried on.

7. Tribunal to have a seal .-(1) The Tribunal shall have a seal of such dimensions and in such form as it may think fit.

(2)Every order made or notice issued by the Tribunal shall be authenticated by affixing its seal thereon.

8. Tribunal to have a Registrar .-(1) The Tribunal shall have a Registrar who shall be either a whole-time or part-time officer of the Government.

(2)The Registrar shall have the custody of the seal and the records of the Tribunal and shall exercise such other functions as may be assigned to him by the Tribunal.

9. Reference to the Tribunal to be addressed to the Registrar .-Every reference made to the Tribunal under section 4 shall be addressed and sent to the Registrar who shall, immediately after the receipt of such reference or as soon as possible thereafter, place the same before the Chairman for his orders.

10. [Issuing of summons

.-The Tribunal or the District Judge, as the case may be, may issue summons to persons whose attendance is required either to give evidence or to produce documents.

11. The mode of issuing the summons .-Every summons shall be in duplicate and signed by the Registrar of the Tribunal or the District Judge, as the case may be, and sealed with the seal of the Tribunal or the Court of the District Judge, as the case may be, and it shall specify the time and place at which the person summoned is required to attend and also whether his attendance is required for the purposes of giving evidence or to produce a document, or for both purposes.

12. Summons for the production of documents .-A person may be summoned to produce a document, when being summoned to give evidence; and any person summoned merely to produce document shall be deemed to have

complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

13. The mode of service of summons .-A summon may be served by sending it] [by registered post with acknowledgement due] [Substituted by S.O. 346(E), dated 21.6.1973.][to the person for whom it is intended or any such other manner as may be directed by the Tribunal or the District Judge, as the case may be.

14. Power of Tribunal or District Judge to sit in private .-Where any request is made by the Central Government so to do, it shall be lawful for the Tribunal or the District Judge, as the case may be, to sit in private and to admit at such sitting such persons whose presence is considered by the Tribunal or the District Judge, as the case may be, to be necessary for the proper determination of the matter before it or him.

15. Other provisions of the Civil Procedure Code, 1908, to apply .-The provisions of the Civil Procedure Code, 1908 (5 of 1908), shall, in so far as they relate to any other matter with regard to the service of summons, shall, as far as may be, apply to the service of any summons issued by any Tribunal or District Judge under the Act.] [Inserted by S.O. 109, dated 4.1.1971 (w.e.f. 4.1.1971).]