

ANALYSIS OF THE UP GANGSTERS ACT

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1. INTRODUCTION AND METHODOLOGY

The preventive detention landscape in Uttar Pradesh is unique in the sense that U.P. does not have a State preventive detention law. The Gangsters Act in U.P. (Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, ('UP Gangsters Act') is distinct from the Gangsters Acts other major States in the country insofar as the U.P. legislation does not have a provision for preventive detention. The closest that U.P. comes to an executive enforced penal provision in State laws is the Uttar Pradesh Control of Goondas Act, 1970 which has a provision for externment. In the absence of a State legislation dealing with preventive detention the authorities in the State of U.P. rely more heavily upon Central laws to fulfil their preventive detention requirements, primary amongst them being the National Security Act, 1980 ('NSA'). This is evident from the fact that U.P. and M.P. (another major state which lacks an effective local law for preventive detention) account for the maximum detentions under the NSA, as per available data.

Even though the State of U.P. has one of the highest instances of usage of the NSA the actual number of preventive detentions do not seem to have gone beyond a few hundred in any year, which is clearly not enough for a State the size of U.P. This suggests that the State of U.P. relies on some other legal method to detain individuals, in circumstances where the regular criminal justice system is unable to fulfil the need to put certain individuals in detention in order to fulfil the '*bona fide*' needs of maintaining public order. This requirement appears to have been fulfilled by the UP Gangsters Act, which requires a mere declaration from the District Magistrate ('DM') or Commissioner of Police that the person is a gangster in order to arrest the individual. The fact that there is no fresh act or offence required to invoke the Act, coupled with its stringent provisions such as extra conditions for bail, exclusion of some of the safeguards under the Cr.P.C., etc. lead to a situation where the State is able to utilise this Act as an efficient and effective proxy for preventive detention.

This paper attempts to study in further detail the provisions of the UP Gangsters Act as they are being implemented in the State of U.P. It discusses the provisions of the UP Gangsters Act and how these provisions have been interpreted and implemented by the Allahabad High Court and the Supreme Court.

1.2 Lack of Factual Data

The judicial analysis is also interwoven with facts and data and corroborated with interviews conducted with practicing lawyers of the Allahabad High Court, whose names and details are not revealed to maintain anonymity. It must however be stressed that granular data regarding the number of cases registered under the UP Gangsters Act is not publicly available with either the U.P. State Crime Records Bureau or the National Crime Records Bureau.

The U.P. State Crime Records Bureau neither has a website nor does it put out crime statistics in the public domain. In order to overcome this drawback, the author filed a number of RTI Applications, with some basic data request such as:

- A. Director General of Police
 - (i) Copy of all reports published by the State Crime Records Bureau between 2017 to 2022
 - (ii) Number of cases registered under the UP Gangsters Act in the State of U.P.
- B. National Crime Records Bureau

- (i) Number of cases registered under the U.P. Gangsters Act in the State of U.P. in the years 2018, 2019, 2020, 2021 and 2022

The response to all the above RTI queries was that the data was not available. Therefore, the author had no choice other than to work with the sparse data that was publicly available and rely heavily on reported judicial decisions. The author examined about 200 judgments pronounced by the Allahabad High Court and the Supreme Court in the course of writing this paper in order to better understand the implementation of the U.P. Gangsters Act in the State of UP.

2. UP GANGSTERS AND ANTI SOCIAL ACTIVITIES (PREVENTION) ACT, 1986

In the 1980s a bitter rivalry between two eastern U.P. gangsters Hari Shankar Tiwari and Virendra Pratap Shahi led to the public usage of terms like mafia and gangsters in UP. Both gangs clashed on innumerable occasions and the eastern U.P. region (known as Purvanchal) kept grabbing headlines for its deadly gang wars.¹ The gang war between Tiwari and Shahi spilled out from the neighbouring districts of Deoria, Basti, Ballia, Azamgarh, Gonda, etc. to reach the state capital Lucknow and parts of Bihar.² The situation had become so bad that announcements were made on public address systems asking people not to venture out of their homes at specific hours as bullets would be fired.³ The influence of these gangsters ranged from land and property deals to government contracts and tenders, where they would threaten competitors to stay away so that they could corner the lucrative government tenders.⁴ Some journalists suggest that the fierce rivalry between these gangs and the law and order situation that emanated from it, forced the Chief Minister of U.P., Vir Bahadur Singh, who himself hailed from Gorakhpur and thus had first-hand experience of the inter-gang rivalry, to bring about the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 under which he arrested both Tiwari and Shahi.⁵

Commenting upon the situation before the passage of the UP Gangsters Act the Allahabad High Court stated that the situation in the State had made the life of citizens difficult, threats were extended to tenants to leave the houses for the landlords and *vice versa*. Criminal groups would hold out the threat to abduct or kidnap the daughters of landlords and tenants and at other times minor sons in order to get properties vacated in an extra-judicial manner. An

¹ Abhigyan Prakash, "The Saga Of Uttar Pradesh's Caste-based Criminal Gangs", Outlook India, March 1, 2022, <https://www.outlookindia.com/culture-society/book-review-the-caste-based-criminal-gangs-of-uttar-pradesh-news-184150>, accessed on December 12, 2023.

² Shyamlal Yadav, "Gangs of Gorakhpur, caste wars and the making of UP Gangsters Act, 1986", The Indian Express, May 27, 2023, <https://indianexpress.com/article/political-pulse/gangs-of-gorakhpur-caste-wars-and-the-making-of-up-gangsters-act-1986-8629734/>, accessed on December 11, 2023.

³ Times News Network, "Don's era: When UP crime world met 'Italy & mafia'", Times of India, May 18, 2020, <https://timesofindia.indiatimes.com/city/lucknow/dons-era-when-up-crime-world-met-italy-mafia/articleshow/100315824.cms>, accessed on December 12, 2023.

⁴ Shyamlal Yadav, "Gangs of Gorakhpur, caste wars and the making of UP Gangsters Act, 1986", The Indian Express, May 27, 2023, <https://indianexpress.com/article/political-pulse/gangs-of-gorakhpur-caste-wars-and-the-making-of-up-gangsters-act-1986-8629734/>, accessed on December 11, 2023.

⁵ Abhigyan Prakash, "The Saga Of Uttar Pradesh's Caste-based Criminal Gangs", Outlook India, <https://www.outlookindia.com/culture-society/book-review-the-caste-based-criminal-gangs-of-uttar-pradesh-news-184150>, accessed on December 12, 2023.

atmosphere of fear and blackmail pervaded the State and there was no legislation to deal with such gangsterism.⁶

A similar sentiment was echoed by the Chief Minister in the Legislative Assembly during the debate on the introduction of the Bill where he stated that there were atrocities being committed against women and those belonging to lower castes, and government contracts were being cornered using force. It was to curb and control such a situation that it was felt necessary to pass the UP Gangsters Act.⁷ The Act was eventually passed by the U.P. Legislature and received the assent of the President on March, 19, 1986, with the purpose of making special provisions for the prevention of, and for coping with gangsters and anti-social activities. The Act provides that any person who is a gangster shall be punished with imprisonment of a minimum of two years which may extend up to ten years, along with a fine.⁸ The object of the UP Gangsters Act is to punish declared criminals who have deliberately chosen the life of crime. It was felt that the activities of such professional perpetrators of organized crime would have an extremely detrimental effect on the health and morals of the society and its people and therefore the activities of such recidivists cannot be subjected to same punishment as that of ordinary criminals, else the public might lose confidence in the efficacy and efficiency of the State.⁹ The Act intends to curb the type of crime, which has become an epidemic in society and therefore ‘provided for stern delineation with such activities to establish stability in society where citizens can live in peace and enjoy a secured life’. In that sense the UP Gangsters Act was a response to the actual feelings and requirements of the collective.¹⁰ Since the activities of gangsters posed a grave threat to the tempo of the society, it called for sterner and more deterrent punishment and speedier booking and proceedings.¹¹ It was in order to actualise the above objects that the UP Gangsters Act was passed by the State of U.P.

2.1 Importance of the UP Gangsters Act

Although the State of U.P. uses the NSA more than any other State, in terms of absolute numbers, the usage of NSA in UP is marginal. Statewise data on NSA detentions is only available for two years, i.e. 2014 and 2015, which it shows that U.P. registered only 221 and 253 cases under the NSA in 2014 and 2015 respectively. Latest data on nationwide NSA numbers also shows that in terms of total number of preventive detentions in India, the NSA accounts for only a miniscule number:

Year	Total Number of Preventive Detentions (India)	Number of Detentions under NSA (India)
2021	110683	483
2020	89405	741
2019	106612	489
2018	98768	697
2017	67084	501

⁶ *Ashok Kumar Dixit v. State of U.P.*, AIR 1987 (All) 235 (All HC-FB).

⁷ UP Legislative Assembly Proceedings, March 13, 1986, Khand 376, No. 7, pgs. 116 and 117.

⁸ Section 3(1), U.P. Gangsters Act.

⁹ *Ashok Kumar Dixit v. State of U.P.*, AIR 1987 (All) 235 (All HC-FB)

¹⁰ *Arjun v. State of U.P. and Ors.*, (12.08.2021 - ALLHC) : MANU/UP/1326/2021

¹¹ *Ambuj Parag Dubey v. State of U.P.*, 2023 (2) ACC 516

Since the number of detentions under the NSA are not even 1% of the total number of detentions, it only stands to reason that the State of UP utilises some other tool in order to achieve its objective of detaining criminals or individuals where the regular criminal justice system does not serve the purpose. The answer lies in the UP Gangsters Act. Since this Act merely requires the Commissioner or the DM to make a declaration that an individual is a gangster, the Executive can use the provisions hereunder to arrest an individual without there being any fresh act committed by the person. The only fresh act that is required by the statute is a declaration that the person is a gangster, which is made by the District Magistrate or the Commissioner of Police. Since the maximum punishment provided under the UP Gangsters Act is upto ten years, therefore the offence falls under section 41(ab) of the Code of Criminal Procedure, 1973 which empowers a police officer to arrest without a warrant and without satisfying the conditions listed out in section 41(a). Thus, the arrest of a person under this Act is a given in most cases, bringing the effect of the Act closer to that of preventive detention.

The long list of circumstances in which the Act can be invoked, coupled with the elimination of certain protections guaranteed under the Cr.P.C., stricter conditions for bail, etc. make the U.P. Gangsters Act a complicated and crucial piece of legislation which merits a deeper analysis.

2.2 Wide Scope of the Act

2.2.1 Definition of a Gangster is very wide

Gangsterism essentially creates special organisations and groups to commit murder, use violence and take people for a ransom, black-marketing, etc. It could also mean the destruction of buildings, robbery, ransacking and similar acts in a cruel manner to terrorise the people.¹² The term gangster has been defined as any person who is the member, leader or organiser of a gang and also includes persons who abet or assist in the activities of a gang or harbours any person who indulged in such activities.¹³ The term gang has been defined in section 2(b) of the Act as follows:

‘(b) "Gang" means a group of persons, who acting either singly or collectively, by violence, or threat or show of violence, or intimidation, or coercion or otherwise with the object of disturbing public order or of gaining any undue temporal, pecuniary, material or other advantage for himself or any other person, indulge in anti-social activities, namely-

(i) offences punishable under Chapter XVI, or Chapter XVII, or Chapter XXII of the Indian Penal Code, or

(ii) distilling or manufacturing or storing or transporting or importing or exporting or selling or distributing any liquor, or intoxicating or dangerous drugs, or other intoxicants or narcotics or cultivating any plant, in contravention of any of the provisions of the U.P. Excise Act, 1910 or the Narcotic Drugs and Psychotropic Substances Act, 1985 or any other law for the time being in force, or

¹² *Dhruv Singh and Ors. v. State of U.P.*, (25.07.2019 - ALLHC) = MANU/UP/3502/2019

¹³ Section 2(c), U.P. Gangsters Act.

- (iii) occupying or taking possession of immovable property otherwise than in accordance with law, or setting-up false claims, for title or possession of immovable property whether in himself or any other person, or
- (iv) preventing or attempting to prevent any public servant or any witness from discharging his lawful duties, or
- (v) offences punishable under the Suppression of Immoral Traffic in Women and Girls Act, 1956, or
- (vi) offences punishable under Section 3 of the Public Gambling Act, 1867, or
- (vii) preventing any person from offering bids in auction lawfully conducted, or tender, lawfully invited, by or on behalf of any Government department, local body or public or private undertaking, for any lease or rights or supply of goods or work to be done, or
- (viii) preventing or disturbing the smooth running by any person of his lawful business, profession, trade or employment or any other lawful activity connected therewith, or
- (ix) offences punishable under Section 171-E of the Indian Penal Code, or in preventing or obstructing any public election being lawfully held, by physically preventing the voter from exercising his electoral rights, or
- (x) inciting others to resort to violence to disturb communal harmony, or
- (xi) creating panic, alarm or terror in public, or
- (xii) terrorising or assaulting employees or owners or occupiers of public or private undertakings or factories and causing mischief in respect of their properties, or
- (xiii) inducing or attempting to induce any person to go to foreign countries on false representation that any employment, trade or profession shall be provided to him in such foreign country, or
- (xiv) kidnapping or abducting any person with intent to extort ransom, or
- (xv) diverting or otherwise preventing any aircraft or public transport vehicle from following its scheduled course;
- (xvi) offences punishable under the Regulation of Money Lending Act, 1976;
- (xvii) illegally transporting and/or smuggling of cattle and indulging in acts in contravention of the provisions in the Prevention of Cow Slaughter Act, 1955 and the Prevention of Cruelty to Animals Act, 1960;
- (xviii) human trafficking for purposes of commercial exploitation, bonded labour, child labour, sexual exploitation, organ removing and trafficking, beggary and the like activities;
- (xix) offences punishable under the Unlawful Activities (Prevention) Act, 1966;
- (xx) printing, transporting and circulating of fake Indian currency notes;

- (xxi) involving in production, sale and distribution of spurious drugs;
- (xxii) involving in manufacture, sale and transportation of arms and ammunition in contravention of Sections 5, 7 and 12 of the Arms Act, 1959;
- (xxiii) felling or killing for economic gains, smuggling of products in contravention of the Indian Forest Act, 1927 and The Wildlife Protection Act, 1972;
- (xxiv) offences punishable under the Entertainment and Betting Tax Act, 1979;
- (xxv) indulging in crimes that impact security of State, public order and even tempo of life,'

The list given in section 2(b) is only illustrative and cannot be given a restricted meaning, which is why the UP Gangsters Act has also been invoked in cases of illegal mining, an offence that is not specifically listed in the definition, on the ground that the provisions of the Act have to be interpreted in a manner that curbs the mischief prevailing in society.¹⁴ In the same vein, the Police Department has issued various circulars directing imposition of the Gangsters Act in case of offences which are not specifically listed in section 2(b), such as cow smuggling, crude bombs and firing in public places.¹⁵ The circulars also mention a number of other offences which may not be specifically listed in section 2(b), such as cow-smugglers assaulting the police with the intention to kill, acid attack, firing on accused persons in police custody, stealing oil from tankers of state oil companies,¹⁶ etc. However, these offences would also fall within Chapters XVI and XVII of the Indian Penal Code, 1860 which is covered under section 2(b)(i).

2.2.2 No criminal history needed

As can be seen from the above the definition of a gang and by implication gangster is very wide in amplitude and covers a large number of illegal activities. One question that immediately comes to mind when reading this definition is what is meant by the use of the term 'indulge' before the phrase 'in anti-social activities namely; -' used in the section.

The Allahabad High Court had given contradictory decisions with *Ajai Rai v. State of U.P.*,¹⁷ as well as *State of U.P. v. Phool Mian*,¹⁸ opining that a single act is not enough, whereas *Rinku @ Hukku v. State of U.P.*,¹⁹ *Kishan Pal @ KP v. State of U.P.*,²⁰ and a number of other cases²¹ held that a single act is enough to invoke provisions of the U.P. Gangsters Act. The issue was finally put to rest by the Supreme Court in the case of *Shraddha Gupta v. State of*

¹⁴ *Rajje Miya @ Rajjan Khan and others v. State of U.P. and others*, 2018 (102) ACC 139 (HC). Although in that case the accused were also charged with offences under Chapter XVII, IPC which is already covered under section 2(b)(i) of the U.P. Gangsters Act. See also *Vinay Parmar and others v. State of U.P. and others*, 2023 (125) ACC 138.

¹⁵ Notification No. 17 of 2015 dated March 10, 2015.

¹⁶ Notification No. 57 of 2018 dated October 24, 2018.

¹⁷ 1995 (32) ACC 477.

¹⁸ 1998 (37) ACC 270

¹⁹ 2001 (Suppl) ACC 641 (LB).

²⁰ 2006 (54) ACC 1015.

²¹ *Ritesh Kumar v. State of U.P.*, 2021 (117) ACC 876; *Arjun v. State of U.P.*, 2021 (117) ACC 230; *Guddu @ Parvej v. State of U.P. and others*, 2016 (94) ACC 644 (H.C.); *Ram Raheesh and another v. State of U.P. and others*, 2011 (73) ACC 559 (H.C.-L.B.)

Uttar Pradesh and others,²² where it was held that unlike the Maharashtra Control of Organized Crime Act, 1999 and the Gujarat Control of Terrorism and Organized Crime Act, 2015 there is no specific provision under the U.P. Gangsters Act specifically requiring that there should be more than one offence or FIR/charge sheet before prosecuting the accused under the Act. Therefore, it was categorically held that a person can be prosecuted under the U.P. Gangsters Act even in case of a single offence/FIR/charge-sheet for any of the anti-social activities mentioned in section 2(b) of the Act. This view has now been endorsed and clarified by the U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021 (**‘UP Gangster Rules’**) which clarify that for certain offences²³ an FIR under the Gangsters Act may be registered even on the basis of a single incident.²⁴

The conditions for invoking the U.P. Gangsters Act were loosened even more in the case of *Udham Singh and others v. State of U.P. and others*,²⁵ which held that there is no requirement that an FIR should be registered for the provisions of the Act to be invoked.

Key Takeaways

- There is a large list of offences for which the UP Gangsters Act may be invoked
- Proceedings under the Gangsters Act may be initiated even on the basis of a single offence

2.3 Strict provisions of the UP Gangsters Act

The Act contains certain provisions which limit or eliminate some of the rights and safeguards that are guaranteed to accused persons under the general law of the land, which make the provisions of the UP Gangsters Act more stringent, primary amongst them are:

2.3.1 Modification of safeguards under the Cr.P.C.

Section 19 of the UP Gangsters Act makes offences under the Act cognizable offences notwithstanding anything contained in the Cr.P.C. Further the requirement of satisfaction of the Magistrate for custody beyond 15 days is modified to 60 days and the periods for activation of the right to default bail of 90 days and 60 days as provided under section 167(2) of the Cr.P.C. have been modified to one year. The implication of this modification is that the right to default bail would not kick-in even if the police does not file the charge-sheet for a year. The section also does away with the pre-condition of the Judicial Magistrate not being available in order to produce the accused before an Executive Magistrate as provided in section 167(1), Cr.P.C. The section also imposes certain conditions for bail which will be discussed in detail in the next part dealing with bail.

The constitutionality of the above provision was upheld by a Full Bench of the High Court on the ground that the Act is designed to deal with a class of crime which is entirely distinct

²² 2021 (2020) ACC 664 (SC).

²³ If “it appears that the gang has committed a single offence mentioned in sections 302, 376-D, 395, 396 or 397 of the Penal Code out of the offences mentioned in sub-clause (1) of clause (b) of section 2 of the Act or sub-clauses (ii), (iii), (v), (vii), (x), (xii), (xiv), (xv), (xvii), (xviii), (xix), (xx) or (xxi) of clause (b) of section 2”.

²⁴ Rule 22, UP Gangster Rules.

²⁵ 2008 (61) ACC 642.

from ordinary offences, and the accused involved may be such as against whom it may be difficult to collect evidence.²⁶

2.3.2 Bail is not easy

Section 19 of the UP Gangsters Act puts two conditions for granting bail in addition to those specified under the Cr.P.C. viz. (i) the Public Prosecutor has been given an opportunity to oppose the bail application,²⁷ and (ii) the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail. These restrictions have been upheld on the ground that if the State specifies that an offender should not be granted bail in certain types of crime and restrictions are placed on the power of the Court for the purpose of the security of the citizens, such restrictions cannot be termed as unreasonable.²⁸ Further, interpreting the term 'reasonable grounds' in clause (ii) it has been held that the term is to be interpreted to mean that on the *prima facie* material available on the record or in the police papers the Court is able to conclude that the accused is not guilty of the offence charged or is not likely to commit any offence while on bail.²⁹ The U.P. Gangsters Rules also specifically bar granting *interim bail* in any cases involving the UP Gangsters Act.³⁰

2.3.3 Special Rules of Evidence

The UP Gangsters Act also lays down certain special rules of evidence which have to be taken into account both during the trial phase (while determining the guilt of the accused) as well as when determining the sentence. They state that the Court shall also take into consideration whether the accused has in the past been (i) made to give security for keeping the peace or for good behaviour under sections 107 to 110 of the Code of Criminal Procedure, 1973 ('Cr.P.C.'), (ii) detained under any preventive detention law, or (iii) externed under the U.P. Control of Goondas Act, 1970 or any similar law.³¹

The Act also provides that in case a gangster or any person on his behalf is in possession of any assets which are disproportionate to his known sources of income, the Court shall presume such assets to have been acquired through his activities as a gangster.³² Further any kidnapping done by the accused shall be presumed to have been done for the purposes of ransom³³ and in case of any wrongful concealment or confinement of a kidnapped or abducted person by the gangster, he shall be presumed to have knowledge that such person

²⁶ *Ashok Kumar Dixit v. State of U.P.*, AIR 1987 (All) 235 (All HC-FB).

²⁷ Apart from the public prosecutor, in case the victim of a predicate offence comes forward to make objections to the bail application, such person is also required to be given an opportunity to be heard. See *Ramesh Rai @ Matru Rai v. State of U.P.*, 2023 (122) ACC 489.

²⁸ *Naulakh v. State of U.P.*, 1986 (23) ACC 385.

²⁹ *Naulakh v. State of U.P.*, 1986 (23) ACC 385. Recently in the case of *State of Gujarat v. Sandip Omprakash Gupta*, 2023 (243) AIC 129 (SC) the Supreme Court has interpreted the term 'reasonable grounds' in a similar provision under the Gujarat Control of Terrorism and Organised Crime Act, 2015 to mean something more than *prima facie* grounds. It was held to contemplate substantial probable causes for believing that the accused is not guilty of the alleged offence. It was also held that recording of findings under the said provision is a *sine qua non* for granting bail.

³⁰ Rule 35, UP Gangster Rules.

³¹ Section 4(a), U.P. Gangsters Act.

³² Section 4(b), U.P. Gangsters Act.

³³ Section 4(c), U.P. Gangsters Act.

had been kidnapped or abducted.³⁴ The Act also grants the Court the discretion to do away with the presence of the accused and record the examination in chief of any witness in the absence of the accused. However, this power is limited by mandating that the Court should record its reasons for doing so and also mandating that the witness may be recalled for cross-examination if the accused so desires.³⁵

2.3.4 Attachment of Property

The Act empowers the District Magistrate to order attachment of any property if the DM has reason to believe that it was acquired by a gangster as a result of the commission of an offence under the Act.³⁶ A report of the investigation into the property of the gangster and the source of its acquisition has to be compulsorily sent to the DM in order for the DM to decide whether to order attachment of the property. The report contains a detailed description of the known sources of income of the gangster, his ancestral property and the property acquired by the gang by committing offences under the Act including details of benami properties of the gangster.³⁷ The property of a gangster can be attached even before a case is registered under the Act provided that at that time any criminal case enumerated in sub-sections (i) to (xxv) of Section 2(b) of the Act has been registered against the accused and the property has been acquired by causing such offence.³⁸

The owner (claimant) of such property has the right to make a representation (in the form specified in the U.P. Gangsters Rules) before the DM within three months of having knowledge of the attachment showing the circumstances and sources through which such property was acquired. Such representation shall contain, *inter alia*, a list of evidence and witnesses in support of the representation, the market value as well as the records of the property. The DM shall give notice to and hear all interested parties and may even conduct on-site inspection of the scene in order to come to its decision.³⁹ If the DM is satisfied with the explanation offered by the claimant the property may be released.⁴⁰

Once the proceedings before the DM are decided, or if no representation is made within the specified period, the matter is referred to the Special Court (established under the UP Gangsters Act) which shall, after hearing the parties and considering their evidence, pass a final order on whether the property was acquired by a gangster as a result of commission of an offence triable under the Act.⁴¹ If the Special Court answers the above question in the negative, it shall order release of the property to the person from whose possession it was attached. In any other case, the Court has the power to make any order for the disposal of the property by attachment, confiscation or delivery to any person entitled to the possession thereof.⁴²

Notwithstanding anything contained in the Indian Evidence Act, 1872, the burden of proving that the property was not acquired by a gangster as a result of commission of an offence

³⁴ Section 4(d), U.P. Gangsters Act.

³⁵ Section 4(e), U.P. Gangsters Act.

³⁶ Section 14, U.P. Gangsters Act.

³⁷ Rule 36, U.P. Gangsters Rules.

³⁸ Rule 37, U.P. Gangsters Rules.

³⁹ Rules 43, 44 and 45, U.P. Gangsters Rules.

⁴⁰ Section 15, U.P. Gangsters Act.

⁴¹ Section 16, U.P. Gangsters Act.

⁴² Section 17, U.P. Gangsters Act.

under the Act lies on the person claiming the property.⁴³ It must be noted that it is only property that is acquired as a result of commission of an offence that is to be confiscated, but if it has been acquired through legal means then no action can be taken under this section.⁴⁴

The object behind providing for judicial scrutiny of the order of the DM through the jurisdictional Court is to check the arbitrary exercise of power by the DM in depriving a person of his property. Therefore, a heavy duty lies on the Court to hold a formal enquiry and find out the truth and not merely act as the mouthpiece of the DM.⁴⁵ The Court however does not have any power to pass an interim order of release of property till the final disposal of the proceedings regarding confiscation.⁴⁶

Key Takeaways

- Property may be attached even before registering a case under the Act
- Burden of proving that property was not purchased from proceeds of crime is on the accused offence

2.3.5 Special Courts

The Act also provides for the establishment of Special Courts, with the power of a Sessions Court, for the purposes of conducting speedy trials of offences under the Act.⁴⁷ The Judges of the Special Courts are appointed by the State Government with the concurrence of the Chief Justice of the High Court. Only those persons who immediately before their appointment, were Sessions Judges or an Additional Sessions Judges in any State, shall be qualified to be appointed as Judges of the Special Courts.⁴⁸ The Special Courts have also been given the power to try and sentence the accused for any other offences in case it is found in the course of the trial that the accused has committed any offences under any other laws.⁴⁹ The Special Court has been empowered to take cognizance of any offence triable by it on receiving a complaint without the accused being committed to it for trial. In case of offences punishable with imprisonment of less than three years or fine or both the Special Court may try the offence in a summary manner notwithstanding sections 260(1) or 262 of the Cr.P.C. It also has the power to tender pardon to any person on the condition of his making a full and true disclosure of the circumstances in relation to an offence.⁵⁰

The Act further provides that the trial of any offence under the Act in the Special Court shall have precedence over the trial of any other case against the accused and accordingly the trial in the other case shall be kept in abeyance.⁵¹ The term ‘kept in abeyance’ under this provision has been interpreted by the High Court to mean that the trial in both the cases can go on but a

⁴³ Section 16(5), U.P. Gangsters Act.

⁴⁴ *Badan Singh v. State of U.P.*, 2001 (43) ACC 1133; *Prabhu Dayal v. State of U.P.*, 2006 (55) ACC 195, *Ram Kumar v. State of U.P.*, 2005 (53) ACC 191.

⁴⁵ *Najmi Begum v. State of U.P. and others*, CrI. App. No. 2070 of 2021, dated 14-02-2023.

⁴⁶ *Ram Kumar Dubey v. State of U.P.*, 2005 (51) ACC 878 = 2005 (29) AIC 539 (HC).

⁴⁷ Section 5, U.P. Gangsters Act.

⁴⁸ *Id.*

⁴⁹ Section 8, U.P. Gangsters Act.

⁵⁰ Section 10, U.P. Gangsters Act.

⁵¹ Section 12, U.P. Gangsters Act.

clash of dates is to be avoided and if the dates are common then the date in the trial under UP Gangsters Act shall prevail.⁵² The constitutional validity of the requirement of conducting the trial in Special Courts was upheld by the Supreme Court on the ground that the legislature has specified that the other trials shall be kept in abeyance so as to give the accused full opportunity to defend himself in the trial before the Special Court and the provision does not frustrate the concept of fair and speedy trial.⁵³

Key Takeaways

- The UP Gangsters Act removes some of the key safeguards granted to an accused under the Code of Criminal Procedure, 1973
- Apart from the regular tests for bail, the Act adds two other conditions including that there are reasonable grounds for believing that the accused is not guilty of the offence
- There is no right to interim bail as per the UP Gangsters Rules

2.4 Courts Step in to Restore Balance

Although the Courts may have shown some indulgence to the police authorities and interpreted the term gang liberally so as to widen the scope of the UP Gangsters Act, they have at times taken a more humanitarian approach so as to balance the scales. This balancing approach can be seen in indulgence in grant of bail in certain circumstances, stricter requirement of motive, etc. as discussed below:

2.4.1 Granting bail in certain circumstances

Despite the strict provisions for bail contained in the UP Gangsters Act, the Allahabad High Court has held that the provisions of section 19(4) of the UP Gangsters Act cannot be interpreted in a manner so as to make the provisions dealing with bail redundant. The Courts are thus required to adopt a pragmatic approach when dealing with bail cases under the UP Gangsters Act.⁵⁴ There are a large number of circumstances under which bail has been granted by the High Court in cases under this statute, the rationale behind such an approach probably emanates from the difference between the principles governing bail for preventive and punitive statutes. Since the Gangsters Act is a punitive statute, therefore bail is the rule and jail the exception.⁵⁵ Some of the instances where bail has been granted are:

- A. Applicant granted bail in the solitary case contained in the gang chart;⁵⁶
- B. Applicant was already granted bail in the 7 cases based on which the Gangsters Act was invoked;⁵⁷
- C. Accused a juvenile below 16 years of age;⁵⁸

⁵² *Balliya and another v. State of U.P.*, 2020 (113) ACC 203.

⁵³ *Dharmendra Kirthal v. State of U.P. and another*, 2013 (83) ACC 111 (SC)

⁵⁴ *Raghu Raj Pratap Singh @ Raja Bhaiya v. State of U.P.*, 2011 (74) ACC 517 (H.C.-L.B.).

⁵⁵ *Atique Ahmed v. State of U.P.*, 2012 (76) ACC 698.

⁵⁶ *Shiv Kumar v. State of U.P.*, CRIMINAL MISC. BAIL APPLICATION No. - 41733 of 2020, Order dated 26-11-2020.

⁵⁷ *Yakub v. State of U.P.*, 2001 (42) ACC 381.

⁵⁸ *Satrohan v. State of U.P.*, 2001 (42) ACC 383 (HC).

- D. Acquittal and final reports submitted in 3 cases, others are under sections 352/506/357/380/307 IPC and sections 8/18/20 NDPS Act, and accused has been in jail for a year and a half;⁵⁹
- E. Applicants acquitted in most of the cases either on merits or due to withdrawal from prosecution and are on bail in remaining cases;⁶⁰
- F. Imposition of the Act for a second time in order to frustrate the bail granted to the accused on the previous occasion;⁶¹
- G. Applicant was implicated under the Act merely because he had a criminal history and FIR was lodged in a mechanical manner on a stereotyped proforma without application of mind;⁶²

Apart from the above, the High Court has often come down in favour of the accused where the State's actions were causing a delay in disposal of the proceedings,⁶³ including non-appointment of Judges in the Special Courts.⁶⁴ However the Supreme Court has thrown in a word of caution by stating that when deciding bail applications courts should not limit their consideration to only the parties before them and the incident in question, but should also take into account other circumstances such as the impact on the witnesses yet to be examined as well as the of the victims or their family members, who might in turn become future victims.⁶⁵

2.4.2 Limitations Imposed by the High Court

In *Ashok Kumar Dixit v. State of U.P.*,⁶⁶ a Full Bench of the Allahabad High Court, while upholding the constitutional validity of the Act, has opined that the authorities can only invoke the provisions of the Act when they are *prima facie* satisfied that a person has acted and that the activities of the person were to achieve undue temporal, physical, economic or other advantage. In *Ram Raheesh and another v. State of U.P. and others*,⁶⁷ High Court stayed the arrest of the accused till the submission of the police report since the gang chart had been approved in a mechanical manner. Proceedings under the UP Gangsters Act have also been quashed in certain other instances, such as when the accused was a juvenile at the time of commission of the underlying crime,⁶⁸ where the accused was acquitted in the underlying crime,⁶⁹ or where the UP Gangsters Act was invoked on the basis of wrong information furnished in the gang chart.⁷⁰

⁵⁹ *Sheetal v. State of U.P.*, 2002 (44) ACC 308 (H.C.-L.B.).

⁶⁰ *Raghu Raj Pratap Singh @ Raja Bhaiya v. State of U.P.*, 2011 (74) ACC 517 (H.C.-L.B.).

⁶¹ *Vimal Shukla v. State of U.P.*, 2019 (106) ACC 531 (H.C.).

⁶² *Ramesh Rai @ Matru Rai v. State of U.P.*, 2023 (122) ACC 489.

⁶³ *Suresh Yadav and others v. State of U.P.*, 2002 (45) ACC 669 (HC-LB).

⁶⁴ *Anil Kumar Singh v. District and Sessions Judge, Varanasi*, 1993 (30) ACC 151.

⁶⁵ *Sudha Singh vs. The State of Uttar Pradesh and Ors.* (23.04.2021 - SC)

⁶⁶ 1987 (24) ACC 164 (FB).

⁶⁷ 2011 (73) ACC 559 (H.C.-L.B.).

⁶⁸ *Rishabh Awasthi v. State of U.P. and another*, 2017 (98) ACC 479 (H.C.). This rule has now been incorporated in Rule 27 of the U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021 and applied in recent cases, See *Vishal (Minor) v. State of U.P. and others*, 2023 (124) ACC 78.

⁶⁹ *Sartaj v. State of U.P.*, 2020 (111) ACC 51 (H.C.).

⁷⁰ *Master and others v. State of U.P. and others*, 2021 (115) ACC 65.

In *Tej Singh and others v. State of U.P. and another*,⁷¹ the High Court tried to limit the scope of the term ‘gang’ by analysing the phrase ‘gaining any undue temporal, pecuniary, material or other advantage’ and holding that the term ‘other advantage’ is not an all-inclusive term and has to be read *edjusdem generis* since it is qualified by the preceding terms temporal, pecuniary and material.⁷² While discussing the term ‘public order’ the Court held that there may be some disturbance in society whenever a grave crime is committed however such normal disturbance is very different from ‘disturbing the public order’ or ‘creating panic or terror’. It was therefore held that cases of mere criminal assaults between private parties due to property or other disputes would not be appropriate for imposition of the UP Gangsters Act.⁷³ Relying upon this ratio the Allahabad High Court in *Kafeel v. State of U.P.*,⁷⁴ quashed proceedings under the UP Gangsters Act in a case where the accused had been booked under the UP Prevention of Cow Slaughter Act, 1955 on the ground that there was no ‘allegation of violence, threat or show of violence or intimidation or coercion or otherwise’.

However in another decision in *Ambuj Parag Dubey v. State of U.P.*,⁷⁵ the High Court gave a much wider meaning to the term ‘public order’ stating that the word public order is virtually synonymous with public peace, safety and tranquillity and incidents of breach of public order ‘would include the legislation to regulate the use of sound amplifiers in public places, forcing entry into, schools, setting fire to school building, public property, public gambling, manufacture and distribution of spurious and adulterated liquor, drugs, attempting to throw a bomb at the Police etc. are all connected with public order.’ *The Court further held that the Gangsters Act does not distinguish between public order and law and order.* If this ratio is to be followed, it would give the term ‘public order’ under the U.P. Gangsters Act a much wider meaning as compared to ‘public order’ as used under the preventive detention jurisprudence (discussed in Part I).

Key Takeaways

- The High Court has had to step in to rein in the liberal and widespread use of the Act
- High Court has opined that authorities can only invoke the Act when they are *prima facie* satisfied that the activities were to achieve undue temporal, physical, economic or other advantage
- There seem to be opposing views with regard to the scope of the term ‘public order’ as contained in the UP Gangsters Act

2.5 Misuse of the UP Gangsters Act

The UP government has arrested over 64,000 people under the UP Gangsters Act from March 2017 till March 2023, and the Allahabad High Court has repeatedly noticed that not all the arrests made are above board.⁷⁶ In September 2020 the Lucknow Bench of the Allahabad

⁷¹ 2019 (109) ACC 42 (H.C.) (Sum.)

⁷² 2019 (109) ACC 42 (H.C.) (Sum.)

⁷³ *Tej Singh and others v. State of U.P. and another*, 2019 (109) ACC 42 (H.C.) (Sum.)

⁷⁴ 2023 (123) ACC 893.

⁷⁵ 2023 (123) ACC 516.

⁷⁶ <https://www.outlookindia.com/national/-special-law-through-which-bjp-cracked-down-on-gangsters-like-atig-ahmad-in-uttar-pradesh-news-278842>

High Court noticed that the UP Police often sets up bogus, unbelievable and impossible stories to implicate one accused in several cases and then invoke the provisions of the UP Gangsters Act. The Court felt that the provisions of the UP Gangsters Act were being misused thoroughly in the State of U.P. by the police in this manner.⁷⁷ A similar observation was also made in *Smt. Aalia v. State of U.P.*,⁷⁸ but in *Manoj Kumar Nirmal v. State of U.P.*,⁷⁹ the High Court went a step further and after observing that the UP police is misusing the UP Gangsters Act by invoking it in even trivial matters, stated that it is expedient that certain guidelines be formulated to ensure that the Act is not misused and threatened that in case such guidelines are not framed the Court would have to step in and pass a detailed judgment to ensure that the Act is not misused. The judgment was directed to be forwarded to the Director General of Police, U.P. as well as Principal Secretary (Home), U.P. to formulate necessary guidelines to ensure that the Act is invoked only in deserving cases. It was perhaps these repeated reprimands by the High Court which eventually forced the State of UP to formulate the U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021 almost 35 years after the passing of the original legislation.

2.6 Rules Finally Made After 35 Years

After specific directions were given by the High Court in this regard,⁸⁰ the State of U.P. finally framed and notified the U.P. Gangsters Rules in order to provide for a transparent procedure under the UP Gangsters Act.

2.6.1 Limiting circumstances in which Act can be invoked

Ever since the passage of the UP Gangsters Act, the police department has been issuing circulars listing out the types of offences in which the Act should be invoked. As was discussed above these circulars list not only offences which are specifically covered under section 2(b) such as spreading communal hatred, dacoity, looting, etc. but also included offences which were not specifically provided for in section 2(b). Interestingly, the circulars did not talk about the motive for the offences, a prerequisite for the application of section 2(b), even though the Allahabad High Court had oftentimes stressed this issue. This lacuna was finally addressed in the UP Gangsters Rules which specify that the provisions of the Act can be invoked only where offences mentioned in section 2(b) are committed:

- (i) For disturbing public order; or
- (ii) By causing violence or threat or display of violence, or by intimidation, or coercion or otherwise, either singly or collectively, for the purpose of obtaining any unfair worldly, economic, material, pecuniary or other advantage to himself or to any other person.⁸¹

The way the Rules are drafted they appear to increase the scope of section 2(b) as the term ‘for disturbing public order’ was qualified by the terms ‘causing violence or threat or display of violence or by intimidation, or coercion or otherwise’. However as per the Rules this qualification would not apply to the phrase ‘disturbing public order’. Although it appears to be an exercise of increasing the scope of the section through delegated legislation, the issue

⁷⁷ *Kapil Raidas v. State of U.P.*, CrI. Misc. Bail Appln. No. - 6671 of 2020.

⁷⁸ CrI. Misc. Bail Appln. No. - 23691 of 2021.

⁷⁹ CrI. Misc. Bail Appln. No. - 6696 of 2020.

⁸⁰ *Nishant @ Nishu v. State of U.P.*, 2021 (117) ACC 167.

⁸¹ Rule 3(1), UP Gangster Rules.

may be rendered mute as the High Court has held that the words ‘or otherwise’ should be read disjunctively and not *edjusdem generis*, thereby expanding the scope of the definition of gang in a manner as not to require the existence of force or violence.⁸²

2.6.2 Gang Chart

When filing an FIR under the U.P. Gangsters Act the police attaches a ‘gang chart’ which clearly mentions that there is a gang and also mentions the offences in which the gang has indulged. It is one of the most important documents in the entire process under the UP Gangsters Act. The gang chart forms a part of the FIR and a perusal of the gang chart itself was indicative of the satisfaction of the authorities while sanctioning registration of the FIR under the Act.⁸³ Since no rules were framed under the Act for 35 years⁸⁴ it had led to a situation where incomplete and half-baked gang charts were being prepared and the accused were relying upon the *lacunae* in the gang charts and securing bail, thus defeating the object and purpose of the Act. This concern was raised repeatedly by the courts and finally in response to the directions given by the High Court in *Amarnath Dubey v. State of U.P.*,⁸⁵ the government of U.P. issued circulars containing detailed directions regarding the preparation of gang charts in 2003.⁸⁶

These directions were reiterated over the years through repeated circulars by the police authorities.⁸⁷ These directions were later given statutory backing under the UP Gangsters Rules which contain detailed provisions regarding the preparation of gang charts,⁸⁸ the process as contemplated under the Rules is summarised below:

⁸² *Ambuj Parag Dubey v. State of U.P.*, 2023 (2) ACC 516.

⁸³ *Udham Singh and others v. State of U.P. and others*, 2008 (61) ACC 642.

⁸⁴ The U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021 were finally notified in December 2021.

⁸⁵ W.P. No. 6249 of 2003.

⁸⁶ D.G. Circular No. 27/2003 and G.O. of Principal Secretary (Home) dated 2.1.2004.

⁸⁷ Circular No. 53 of 2014 dated August 18, 2014, No. 20 of 2017 dated July 31, 2017, No 20 of 2018 dated May 6, 2018.

⁸⁸ Rules 5 to 18 of the , UP Gangster Rules were finally notified in December 2021.



Notes:

1. The term ‘satisfied’ has been interpreted to be much narrower than ‘application of mind’. The competent authority is not required to be satisfied that the material placed before him would be sufficient to secure a conviction. The satisfaction contemplated in the rules is confined to a *prima facie* satisfaction based on the representations that the accused should be prosecuted under the Act. *See Ambuj Parag Dubey v. State of U.P.*, 2023 (2) ACC 516.

2. The rule mandating discussion has been held to be only directory in nature and is not needed when the authority on the basis of the material placed before it is convinced and *prima facie* satisfied that a case for prosecution is made out. It is only when the competent authority is not convinced or in two minds that it may call for a discussion to *prima facie* satisfy itself that a prosecution is warranted. *See Ambuj Parag Dubey v. State of U.P.*, 2023 (2) ACC 516.

3. Although this requirement could be read to be limiting the ratio of the judgment in *Udham Singh* which held that proceedings under the Gangsters Act may be initiated even in the absence of an FIR in the base case, Rule 22(2) provides some clarity in this regard. It specifies that if it appears that a gang has committed certain specified offences, then the gang chart should also be approved by the concerned Commissioner of Police/DM involved in the investigation of the said offence and the provisions of the Act may be imposed while investigating both offences together.

Form 1 of the UP Gangsters Rules also gives the format in which the Gang Chart is to be prepared, the format is as given below:

‘Form – 1

S.No.	Name and complete address of Accused present and permanent both	Age	Sex	Number of cases registered	Details and current status of criminal cases			Whether accused is in jail or on Bail	Gangs Activities (district / inter-district / inter-state level)	Whether accused has misused the Bail and did any crime subsequently
					Crime Number - Section - Police Station - Stage -	Crime Number - Section - Police Station - Stage -	Crime Number - Section - Police Station - Stage -			

NOTE - (i) The details of criminal history is at Annexure-I (ii) Dossier of the accused is at Annexure-2

Sir, it is requested that gang leader A along with his co-accused members C, E, G is forming an organized criminal gang which is active at district / inter-district / inter-state level. By this gang on _____ (Example - Murdered Mr 'A' in a crowded crowd in order to capture his land and ran away from the spot while firing from the spot.) After being released on bail in this case, the gang leader A and co-accused member E (Example - while attempting to kill 'B', an eyewitness to the murder of Mr. A, shot him at ____ on the date ____ so that Mr. B's evidence against the gang in the trial fixed couldn't testify. After that, the said gang on ----- on the date ----- while going back after witnessing from the court ----- the plaintiff sued at the place due to which there is an atmosphere of fear and panic in the public and normal life has become disturbed. People ran away from their homes due to the rapid firing. Public order was disturbed. The bail obtained earlier by the gang Further crime has been committed in violation of this gang, the activity of this gang is inter-generational, due to fear and panic, in many criminal cases registered against them, the witnesses have denied the prosecution story itself, leading to many cases. Due to the lack of evidence in the cases, the final report was taken and the cases were dropped due to the ambiguity of some witnesses. The criminal act committed by the said gang is covered by sub-sections (i) to (twenty-five) of section-2 (b) of the Gangs Act. Which is an offence punishable under section 3 of the Ganging and Anti-Social Activities (Prevention) Act, 1986. Therefore, please approve the proposed gang chart, so that action can be taken against the gang.

<p>"I duly perused the gang-chart and attached forms, in the light of the evidence attached with the gang chart. There is a satisfactory basis for taking action under the Uttar Pradesh gang-chart and Anti-Social Activities (Prevention) Act, 1986. Accordingly, gang-chart is approved." Approved Police Commissioner/ District Magistrate District Date</p>	<p>Sir, "Duly perused the gang chart and attached evidence, the grounds for action under the Uttar Pradesh Gangster and Anti-Social Activities (Prevention) Act, 1986 are present, accordingly forwarded with recommendation." forwarded DCP/SSP/SP District Date</p>	<p>Sir, "I have duly perused the gang-chart and attached forms and I am fully satisfied that all the particulars mentioned in the case are correct and action will be taken under the Uttar Pradesh Gangster and Anti-Social Activities (Prevention) Act, 1986. Satisfying grounds exist, hence gang-chart to be forwarded for approval." forwarded Nodal Officer District Date."</p>
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2.6.3 Other Important Provisions

The UP Gangsters Rules also clarify a number of other points which are not addressed in the parent statute, the most important of which are summarised below:

- A. It is not necessary that the accused should be present at the scene of the crime. It is also not necessary that an accused should have committed the crime together with other members of the gang;⁸⁹
- B. After approval from the DM/Commissioner of Police, the investigation would be done by the Officer Incharge of a different police station;⁹⁰
- C. Provisions of the Act can be imposed in cow slaughter cases only if the transportation of the bovines is being done outside the State of UP or the accused has been apprehended in selling beef or slaughtering or causing to be slaughtered producing for slaughter a bovine animal;⁹¹
- D. Investigation to be completed, as far as possible, within six months, but in no cases should it extend beyond one year;⁹²
- E. Property of the accused may be attached in certain circumstances even before a case under the Act is registered and the burden of proving that the property has not been acquired by committing an offence, shall be on the accused;⁹³
- F. Although the UP Gangsters Act gives power to make attachment orders and hear representations against the same only to the DM, but the Rules seem to suggest that this power is vested with the Commissioner of Police as well as the DM;⁹⁴

3. CONCLUSION

Although the State of U.P. uses the NSA more than any other State, in terms of absolute numbers the usage of the NSA is miniscule. Although no official numbers are available, it stands to reason that the State of UP still uses the UP Gangsters Act to arrest individuals that it would otherwise have detained under preventive detention since the Act requires a mere declaration of a person as a gangster in order to make an arrest. Due to the sentence of ten years prescribed under the Act it is almost a given that every person charged under the Act would be arrested once the Gang Chart is approved by the DM/Commissioner of Police. Added to this the stringent provisions for bail and the deletion of certain protections guaranteed under the Cr.P.C. makes the UP Gangsters Act an effective proxy for preventive detention. This cumulative mechanism is utilised by the State of U.P. to overcome the absence of preventive detention provisions in the UP Gangsters Act.

Due to its wide scope, stringent provisions and the State's proclivity to misuse the Act the High Court has had to step in to rein in misuse of the Act. Infact it was only after repeated observations of the High Court regarding misuse of the Act, that the State was forced to issue Rules containing guidelines as to how the Act is to be used and implemented. However, if

⁸⁹ Rules 4(1) and 4(2), UP Gangster Rules.

⁹⁰ Rule 19, UP Gangster Rules.

⁹¹ Rule 23, UP Gangster Rules.

⁹² Rule 24, UP Gangster Rules.

⁹³ Rule 37, UP Gangster Rules.

⁹⁴ Chapter 6, UP Gangster Rules.

latest judicial pronouncements are anything to go by,⁹⁵ despite specific directions by the High Court the misuse of the UP Gangsters Act has not fully subsided.

⁹⁵ *Govardhan v. State of U.P.*, CMWP No. 12619 of 2023, dated 10-08-2023.