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## EXTRAORDINARY

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#### PART IV-B

**Rules and Orders (Other than those published in Parts I, I-A, and I-L) made  
by the Government of Gujarat under the Gujarat Acts**

#### HOME DEPARTMENT

##### Notification

Sachivalaya, Gandhinagar, 23<sup>rd</sup> January, 2020

#### The Gujarat Control of Terrorism and Organised Crime Rules, 2020

**No.GG-03/2020/SB.5/PRC/102015/07:** In exercise of the powers conferred by sub-section (1) of section 27 of the Gujarat Control of Terrorism and Organised Crime Act, 2015 (Guj.24 of 2019), the Government of Gujarat hereby makes the following Rules, namely: -

1. **Short title.** - These rules may be called the Gujarat Control of Terrorism and Organised Crime Rules, 2020.
2. **Definition.** - In these rules, unless the context otherwise requires, "Act" means the Gujarat Control of Terrorism and Organised Crime Act, 2015 (Guj.24 of 2019).
3. **Procedure for recording of confession under section 16 of the Act.** - (1) The Police Officer recording a confession under section 16 of the Act shall record it as specified in sub-rules (2) to (7) of this rule.
  - (2) When the person whose confession is to be recorded is produced before such Police - Officer, no Police Officer who has taken part in the investigation of the offence in connection with which the confession is being recorded, shall be allowed to remain present at the time of recording of such confession.
  - (3) The Police Officer recording the confession shall explain to the person making the confession that he is not bound to make such confession and that if he does so, such confession may be used as evidence against him.
  - (4) After having been so explained and warned, if such person adheres to his intention and insists on making a confession, the concerned Police Officer, who is to record the confession shall give, not less than twenty-four hours time to the person making the confession for reconsideration of his decision to make confession.
  - (5) After elapsing of the time given under sub-rules (4), when such person is again brought before such Police Officer, he shall once again ascertain from the person intending to make the confession whether he is still willing to make a confession. Upon such person reiterating his desire to make a confession, the concerned Police Officer shall record in writing the confession of such person in the same language and as narrated by the confessor.

(6) The confession recorded under sub-rule (5) shall, if it is in writing, be signed by the person who has made such confession and by Police Officer, who has recorded by the said confession. Such Police Officer shall, under his own hand, also make a memorandum at the end of the confession to the following effect: -

"I have explained to (name of the confessor) that he is not bound to make a confession and that, if he does so, any confession that he makes, may be used as evidence against him and I am satisfied that this confession has been made voluntarily. It has been made before me and in my hearing and has been recorded by me in the language in which it is made and as narrated by the confessor. I have read it over to the confessor and he has admitted it to be verbatim and correct, and containing also full and true account of the confession/statement made by him."

(7) Where the confession has been recorded on any mechanical or electronic device, the memorandum referred to in sub-rule (6) above, in so far as it is applicable, shall be incorporated in the form of a declaration made by the Police Officer recording the confession, by recording such declaration on the mechanical or electronic device at the end of the confession to the effect that the confession recorded on the mechanical or electronic device has been played back to the confessor and after hearing it, it has been admitted by him to be full, correct and without any technical faults in recording.

(8) The Police Officer recording the confession shall, after forwarding the certified copy of the confession made or retraction, if any, thereof, to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate as provided in sub-section (5) of section 16 of the Act and after ascertaining that the Chief Metropolitan Magistrate or the Chief Judicial Magistrate has, as provided in sub-section (5) of section 16 of the Act, forwarded the confession to the Special Court for taking cognizance of the offence, supply a copy of the confession recorded by him to the Investigation Officer, who is conducting investigation into the offence in connection with which, or relating to which, such confession has been made, for the purpose of investigation.

**4. Procedure regarding attachment and forfeiture of property under section 18 of the Act. -**

(1) Report of property to the State Government-The officer, investigating the offence, at the time of asking the prior approval of State Government, shall ensure proper identification of such property with reference to its particulars mentioned in the report. Investigating Officer shall prepare an index of a copy of the draft order, and the material, and sign each page of such index, order and the material, and shall also write a letter while forwarding such index, order and the material to the Home Department, Government of Gujarat, through Additional Director General of Police (C.I.D. Crime and Railways), Gujarat, in a sealed envelope. The report of the officer, asking the prior approval of State Government, shall also provide the reasons to believe that the property, in relation to which attachment and forfeiture is proposed, represents proceeds of terrorist act or organised crime being investigated by the officer.

**(2) Management of seized property. -**

(i) Where the property seized is of such a nature that its removal from the place of attachment is impracticable or its removal involves expenditure out of proportion to the value of the property, the officer, making such order, shall arrange for the proper maintenance and custody of the property at the place of attachment.

(ii) If the property seized consists of cash, Government or other securities, bullion, jewellery or other valuables, the officer, making such order, shall cause to deposit them for safe custody in the nearest Government Treasury or a branch of the Reserve Bank of India or State Bank of India or its subsidiaries or of any authorised bank.

(iii) The officer, making order for attachment and forfeiture of property, shall maintain records of the seized property, and also submit before the Special Court.

By order and in the name of the Governor of Gujarat,

**VIJAY BADHEKA,**

Under Secretary to Government