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## **TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) RULES, 1987**

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## **TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) RULES, 1987**

G.S.R. 843 (E), dated the 7th October, 1987 1-In exercise of the powers conferred by Section 28 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987), the Central Government hereby makes the following rules, namely:

### **1. Short title and commencement :-**

(1) These rules may be called the Terrorist and Disruptive Activities (Prevention) Rules, 1987.

(2) They shall come into force on the date <sup>1</sup> of their publication in the official Gazette.

1. 7th October, 1987.

### **2. Definitions :-**

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Terrorist and Disruptive Activities (Prevention)

Act, 1987 (28 of 1987);

(b) "empowered authority" means any authority being the Central Government or a State Government or the Administrator of a Union territory under Art. 239 of the Constitution or an officer of the Central Government not lower in rank than that of a Joint Secretary to that Government or an officer of a State Government or a Union territory Administration not lower in rank than that of a District Magistrate or an officer competent to exercise under any law the powers of a District Magistrate;

(c) "prohibited place" means a prohibited place as defined in Cl. (8) of Sec. 2 of the Official Secrets Act, 1923 (19 of 1923);

(d) "protected area" means any area so declared under rule 7;

(e) "protected place" means,-

(i) any Court room or building where trials or other proceedings in connection with the cases under the Act are held;

(ii) any jail, building or other place where the accused and undertrials connected with the cases under this Act are kept;

(iii) any other place so declared by the empowered authority under rule 6;

(f) "public servant" includes any public servant as defined in Sec. 21 of the Indian Penal Code (45 of 1860).

### **3. Interpretation :-**

The General Clauses Act, 1897 (10 of 1897) shall apply to the interpretation of these rules as it applies to the interpretation of a Central Act.

### **4. Non-compliance with these rules orders made thereunder :-**

If any person to whom any provision of these rules relates, or to whom any order made in pursuance of these rules is addressed or relates, or who is in occupation, possession or control of any property, provision relates, or in respect of which such order is made,-

(a) fails without lawful authority or excuse-

(i) in relation to such provision as relates to himself, or

(ii) in respect of any property, moveable or immovable or other

thing of which he is in occupation, possession or control, to comply or to secure compliance, with such provision or order, or

(b) evades, or attempts to evade, by any means, such provision or order, he shall be deemed to have contravened such provision or orders and in these rules the expression "contravention" with its grammatical variations includes any failure, evasion or attempt to evade.

## **5. Prohibited places :-**

(1) No person shall, without the permission of an empowered authority, enter, or be on or in, or pass over, or loiter in the vicinity of any prohibited place.

(2) Where in pursuance of sub-rule (1) any person is granted permission by an empowered authority to enter, or to be on or in, or to pass over, a prohibited place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by an empowered authority.

(3) Any police officer or any other person authorised in this behalf by an empowered authority may search any person entering, or seeking to enter, or being on or in, or leaving or passing over or seeking to pass over, a prohibited place, and any vehicle, vessel, aircraft or article brought in by such person and may, for the purpose of such search, detain such person, vehicle, vessel, aircraft or article: Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(4) If any person is in a prohibited place in contravention of this rule, then without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the empowered authority.

(5) If any person is in a prohibited place in contravention of any of the provision of this rule, he shall be punishable with imprisonment for a term which shall not be less than six months but may extend to seven years or a fine, or with both.

## **6. Protected places :-**

(1) If as respects any place or class of places, the empowered authority considers it necessary or expedient for the prevention of and for coping with terrorist and disruptive activity that special

precautions should be taken to prevent the entry of unauthorised persons, or to exclude any person or class of persons from having access to or being present in or in the vicinity of such a place or places, as the case may be, that authority may, by order, declare that place, or as the case may be, every place of that class, to be a protected place for such period as may be specified in the order.

(2) Upon such declaration, any authority or officer in-charge of such protected place shall regulate entry of any person into such protected place by granting necessary permits to such persons and subject to such conditions as he may deem fit to impose.

(3) No person, not being a public servant or a judge or officer of the Court or an accused, as the case may be, shall be in a protected place, except in accordance with the terms of a permit in writing granted to him under sub-rule (2).

(4) A copy of the order issued under sub-rule (1) shall be affixed in English and in vernacular of the locality at some conspicuous part of the protected place.

(5) Any police officer or any other person authorised in this behalf by the empowered authority may search any person entering or seeking to enter, or being on or in, or leaving a protected place, and any vehicle or article brought in by such person, and may, for the purpose of such search, detain such person, vehicle or article: Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(6) If any person is in, or passes over, a protected place in contravention of this rule, or refuses to submit himself or the vehicle or article for the time being in his possession for search, then, without prejudice to any other proceedings which may be initiated against him, he may be removed therefrom by or under the direction of any police officer or other person on security duty in such a place. Thereupon, the vehicle or article found to be in possession of the person so removed may also be seized or directed to be seized.

(7) Any contravention of the provisions of this rule shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend up to seven years or a fine or both.

## **7. Protected areas :-**

(1) If an empowered authority considers it necessary or expedient, for the prevention of and for coping with terrorist and disruptive activities, to regulate the entry of persons into any area, that Government may, without prejudice to the provisions of any other rule, by order, declare the areas to be a protected area, and thereupon, or so long as the order is in force, such area shall be a protected area for the purposes of these rules.

(2) A copy of the order issued under sub-rule (1) shall be affixed in English and in vernacular of the locality at some conspicuous part of the protected area.

(3) On and after such date as may be specified in, and subject to any exemption for which provision may be made by an order made under sub-rule (1) no person who was not at the beginning of the said date, residing in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit granted to him by an authority or person specified in the said order.

(4) Any police officer or any other person authorised in this behalf by, an empowered authority may search any person entering or seeking to enter, or being on or in, or leaving, a protected area and any vehicle, vessel, aircraft or article brought in by such person; and may, for the purposes of such search, detain such person, vehicle, vessel, aircraft or article : Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(5) If any persons is in, or passes over, a protected area, in contravention of the provisions of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed from such place by or under the direction of any police officer or any member of the Armed Forces of the Union on duty in the protected area.

(6) If any person is in a protected area in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend up to three years and shall also be liable to fine.

#### **8. Forcing or evading a guard :-**

Any person, whether alone or as part of a group of persons, who effects or attempts to effect entry into, or passes over, or attempts to pass over, a prohibited place or a protected place-

(a) by using or threatening to use criminal force to any person posted for the purpose of protecting or controlling access to such place, or

(b) after taking precautions to conceal his entry or attempted entry from any such person. shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

**9. Orders for certain places and areas :-**

(1) Without prejudice to the provisions of any other rule, the empowered authority as respects any other place or area in relation to which it appears to it to be necessary or expedient to take special precautions for prevention of, and for coping with, terrorist activities, may make orders for controlling or regulating the admission of persons to, and the conduct of persons in, and in the vicinity of, such place or area.

(2) Without prejudice to the generality of the foregoing provisions, orders made under sub-rule (1) in relation to any place or area may provide-

(a) for restricting the admission of persons or class of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of-

(i) any contravention of the provisions of these rules, or

(ii) any offence against public order;

(b) for requiring the presence of any person or class of persons as may be specified in the said order in such place or area and for requiring any person who has been convicted of any such offence as mentioned in Cl. (a) of this sub-rule to report his movements while in such place or area and to observe any other condition imposed upon him by such authority;

(c) for prohibiting any person or class of persons in such place or area from being in possession or control of any article specified in the said order.

(3) Any order made under this rule in respect of a place, which is not a prohibited place or a protected place, may direct that all or any of the provisions of these rules which are expressed to apply

to, or in relation to, a prohibited place or protected place shall apply to or in relation to the place in respect of which the order is made either without modification or subject to such modifications as may be specified in the order.

(4) If any person contravenes any order made under this rule he shall be punishable with imprisonment for a term which shall not be less than six months and may extend up to seven years or with fine or both.

**10. Loitering near certain premises :-**

(1) No persons loitering in the vicinity of any protected place or a prohibited place or any other place as is referred to in sub-clause (1) of rule 9, shall continue to loiter in that vicinity after being ordered to leave it by any police officer or any other person acting on behalf of Government or by the person in occupation of the said premises or any person authorised by him.

(2) If any person contravenes the provisions of sub-rule (1), shall be punishable with imprisonment for a term which shall not be less than six months but may extend to three years or with fine, or with both.

**11. Obstructing lawful authorities :-**

If any person voluntarily obstructs, or offers any resistance to, or impedes or otherwise interferes with -

(a) any member of the Armed Forces of the Union or the Police Force, by whatever name called, of a State acting in the course of his duty as such, or

(b) any authority, officer or person exercising any powers, or performing any duties, conferred or imposed upon it or him by or in pursuance of sub-sections (1) and (2) of Section 7 of the Act or any of these rules, or otherwise discharging any lawful functions in connection with the operations to prevent and cope with terrorist act and disruptive activities, or

(c) any person who is carrying out the orders of any such authority, officer or person as aforesaid or who is otherwise acting in accordance with his duty in pursuance of these rules, he shall be punishable with imprisonment for a term which shall not be less than six months but may extend up to seven years or with fine, or with both.

**12. Attempts, etc. to contravene the rules :-**

Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, the contravention of, any of the provisions of these rules or of any order made thereunder, shall be deemed to have contravened that provision or as the case may be, that order.

**13. Burden of proof in certain cases :-**

Where any person is prosecuted for contravening any of the provisions of these rules or order made thereunder which prohibits him from doing an act or being on or in, or in the vicinity of any place specified in any of these rules or order made thereunder without lawful authority or excuse or without permission, the burden of proving that he had such authority or excuse or, as the case may be, the requisite permission, shall be on him.

**14. Power to issue search-warrants :-**

(1) If a District Magistrate, or any officer competent to exercise under any law the powers of a District Magistrate has reason to believe that any place whatsoever is reasonably suspected of being used, or is about to be used for committing the offences referred to in Section 3 or Section 4 of the Act for manufacturing or storing anything for the commission of any of the offences referred to in the said Section 3 or Section 4 he may by warrant, authorise any police officer above the rank of a constable-

(a) to enter and search and place in the manner specified in the warrant; and

(b) to seize anything found in or on such place which, the police officer has reason to believe, has been, or is being, or is intended to be, used, for the purpose of or in connection with any such contravention or offence as aforesaid, and the provision of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as they may be applicable, apply to any such search or seizure as they apply to any search or seizure made under the authority of a warrant issued under Sec. 94 of the said Code.

(2) Any Magistrate before whom anything seized under sub-rule (1) is conveyed shall forthwith report the fact of such seizure to the State Government and, pending the receipt of its orders, may detain in custody anything so seized or make such other order for its safe custody as he may think proper.

(3) Anything seized under sub-rule (1) shall, subject to the provisions of Section 8 of the Act be disposed of in such manner as the State Government may direct.

(4) In this rule, "place" includes a house, building, tent, vehicle, vessel and aircraft.

**15. Recording of confession made to police officer :-**

A confession made by a person before a police officer and recorded by such police officer under Section 15 of the Act shall invariably be recorded in the language in which such confession is made and if that is not practicable, in the language used by such police officer for official purposes or in the language of the Designated Court and it shall form part of the record.

(2) The confession so recorded shall be shown, read or played back to the person concerned and if he does not understand the language in which it is recorded, it shall be interpreted to him in a language which he understands and he shall be at liberty to explain or add to his confession.

(3) The confession shall, if it is in writing, be-

(a) signed by the person who makes the confession; and

(b) by the police officer who shall also certify under his own hand that such confession was taken in his presence and recorded by him and that the record contains a full and true account of the confession made by the person and such police officer shall make a memorandum at the end of the confession to the following effect: "I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing and recorded by me and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him. Sd/- Police Officer."

(4) Where the confession is recorded on any mechanical device, the memorandum referred to in sub-rule (3) in so far as it is applicable and a declaration made by the person making the confession that the said confession recorded on the mechanical device has been correctly recorded in his presence shall also be recorded in the

mechanical device at the end of the confession.

(5) Every confession recorded under the said Section 15 shall be sent forthwith to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate having jurisdiction over the area in which such confession has been recorded and such Magistrate shall forward the recorded confession so received to the Designated Court which may take cognizance of the offence.

**16. Application of Sec. 22 of the Act :-**

For the purposes of the application of Section 22 of the Act, declaring a person as a proclaimed offender in a terrorist case, the procedure, specified in Cl. (a) of sub-section (3) of Section 8 of the Act shall be followed.

**17. Powers to give effect to rules, orders, etc :-**

(1) Any authority, officer or person, who is empowered by or in pursuance of the Act or any of these rules to make any order or to exercise any other power, may, in addition to any other action prescribed by or under these rules, take, or cause to be taken, such steps and use, or cause to be used, such force, including the locking or sealing of any premises until a search or inspection thereof or seizure of any articles or things therein has been completed, as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying and contravention of, such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of these rules there is no authority, officer or person empowered to take action under sub-rule (1), the Central Government or the State Government may take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of that Government, be reasonably necessary for securing compliance with or preventing or rectifying any breach of such provision.

(3) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-rule (1) or under sub-rule (2) includes the power to enter upon any land or other property whatsoever.