



Negligence in Gang Chart Approval | Uttar Pradesh | 01 Oct 2024

Why in News?

Recently, the Uttar Pradesh government informed the [Allahabad High Court](#) about transferring the [District Magistrate](#) of Amroha for negligence in approving gang charts without proper justification violating the **Uttar Pradesh Gangster and Anti-Social Activities (Prevention) Rules, 2021**.

Key Points

- **Case Background:**
 - The matter arose from a writ petition filed to quash an FIR lodged against him under **Section 3(1) of the UP Gangsters and Anti-Social Activities (Prevention) Act, 1986**.
 - The petitioner contended that neither the Superintendent of Police (SP) nor the DM of Amroha recorded satisfaction while approving the gang chart.
 - **A Gang chart** is a document that contains details about an accused's criminal history and other relevant information in cases related to the **Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986**.
- **High Court's Observations:**
 - A bench comprising **Justice Vivek Kumar Birla** and **Justice Arun Kumar Singh Deshwal** noted that the SP-Amroha and DM-Amroha did not record satisfaction while preparing the gang chart, as required by **Rule 16(2) of the 2021 Rules**.
 - The Allahabad High Court noted that the DM's actions were contrary to both the 2021 Rules and the guidelines set by the HC in the **Sanni Mishra vs State of UP case**.
 - The court labeled this as "**sheer negligence**," noting similar cases from Amroha where officials did not properly prepare gang charts according to the rules.
- **Court's Final Decision:**
 - The court refrained from issuing direct action against the officers and left the decision to the state government.

The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986

- **Purpose:** To prevent gang-related and anti-social activities.
- **Scope:** Targets individuals involved in organized crime, violent offenses, or habitual criminals.
- **Provisions:**
 - Defines "gang" and "gangster" in legal terms.
 - Allows authorities to take preventive action, including detaining suspects.
 - Allows the attachment of properties obtained through criminal activities.
 - The act empowers district magistrates and police to approve gang charts (a formal record of an individual's gang-related activities).

UP Gangster and Anti-Social Activities (Prevention) Rules, 2021

- **Purpose:** Provides detailed guidelines for implementing the UP Gangsters Act.
- **Key Provisions:**
 - **Recording Satisfaction:** The competent authority, usually the District Magistrate, must record satisfaction while forwarding and approving gang charts.
 - **Joint Meetings:** Mandates joint meetings between the Superintendent of Police and the

- District Magistrate before approving a gang chart.
- **Due Process:** Specifies procedural guidelines to ensure the preparation of gang charts is thorough and based on concrete evidence.

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