

Government of India
Ministry of Home Affairs
(CFT Cell/CTCR Division)

North Block, New Delhi.
Dated: the 15th March, 2023.

OFFICE MEMORANDUM

Subject:- Procedure for designating/ listing of an individual or organisation under the Unlawful Activities (Prevention) Act, 1967 and on the basis of UNSCR 1267 and UNSCR 1373 and delisting thereof - regarding.

The Ministry of Home Affairs, Government of India designates/lists individual terrorist or organisation under the Unlawful Activities (Prevention) Act, 1967 on its own motion or pursuant to requests from other countries under the United Nations Security Council Resolution 1373 (2001).

2. An Individual/ organisation is designated as per criteria laid down in Section 35 of the Unlawful Activities (Prevention) Act, 1967 and only if it is believed to be involved in terrorism based on reasonable grounds and inputs received from the Law Enforcement Agencies and other Security Agencies and Intelligence Agencies.

2.1. The designation is subject to fulfillment of the conditions under Section 35 of the UAPA and is not contingent upon the existence of a criminal proceeding against the individual/ organisation.

2.2. The Ministry of Home Affairs, Government of India has power to issue ex-parte orders for designating such individual or organisation under the Unlawful Activities (Prevention) Act, 1967.

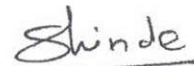
3. Further, in order to combat international terrorism, organisation identified as a terrorist organisation in a resolution adopted by the Security Council under Chapter VII of the Charter of United Nations or an individual is also designated as per Section 35 (1) (b) of the UAPA.

4. The Ministry of Home Affairs, Government of India also processes requests received from other countries for designation under the UNSCR 1373 (2001), routed through the Ministry of External Affairs, Government of India as per the procedure laid down in Para 2 above to promptly determine whether the proposed designee meets criteria for designation in the UNSCR 1373.

5. The Ministry of Home Affairs, Government of India, based on inputs received from the Law Enforcement Agencies and other Security Agencies and Intelligence Agencies, also submits proposal under the UNSCR 1373 (2001) to other countries through the Ministry of External Affairs, Government of India for designation of individual/ organisation in the prescribed format (copy enclosed), providing as much relevant information supporting the designation as possible.

6. The request for delisting of individual/ organisation, designated under the UAPA and the UNSCR 1373 (2001), are dealt with as per Section 36 of the Unlawful Activities (Prevention) Act, 1967, and 'the Procedure for Admission and Disposal of Application Rule, 2004', as amended from time to time.

7. This is for information and necessary action by all concerned Departments/ Agencies.



(Deepak Shinde)

Deputy Secretary to the Government of India