

The Andhra Pradesh Prevention Of Anti-Social And Hazardous Activities Act, 1980

ANDHRA PRADESH

India

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Act 9 of 1980

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The Andhra Pradesh Prevention Of Anti-Social And Hazardous Activities Act, 1980[Act No. 9 of 1980][20th March, 1980]An Act to make special provisions in the State of Andhra Pradesh for the prevention of anti-social activities and other activities which are hazardous to the community.Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty-first Year of the Republic of India as follows:-

1. Short title, extent and commencement

(1)This Act may be called the Andhra Pradesh Prevention of Anti-Social and Hazardous Activities Act, 1980.(2)It extends to the whole of the State of Andhra Pradesh.(3)It shall be deemed to have come into force on the 26th October, 1979.

2. Definitions

In this Act, unless the context otherwise requires,—(a)"Code" means the Code of Criminal Procedure, 1973(Central Act 2 of 1974);(b)"Commissioner" means the Commissioner of Police appointed under section 5 of the Hyderabad City Police Act, 1348 F (Act IX of 1348 F);(c)"District" means the territorial division constituting the district for the purpose of the Code;(d)"District Magistrate" includes an Additional District Magistrate specially empowered by the Government in that behalf;(e)"Goonda" means a person who,—(i)either by himself or as a member or leader of a gang, habitually commits or attempts to commit or abets the commission of, offences punishable under section 294, Chapter XVI, Chapter XVII, or Chapter XXII of the Indian Penal Code, 1860; or(ii)having once been convicted of an offence under one or more of the following Acts is again convicted under—(a)the Opium Act, 1878 (Central Act 1 of 1878);(b)the Dangerous Drugs Act,

1930(Central Act 2 of 1930);(c)the Drugs and Cosmetics Act, 1940(Central Act 23 of 1940);(d)the Prevention of Food Adulteration Act, 1954(Central Act 37 of 1954);(e)the Essential Commodities Act, 1955(Central Act 10 of 1955);(f)the Suppression of Immoral Traffic in Women and Girls Act, 1956 (Central Act 104 of 1956);(g)sections 25, 26, 27, 28 or 29 of the Arms Act, 1959 (Central Act 54 of 1959);(h)the Customs Act, 1962 (Central Act 52 of 1962);(i)the Foreign Exchange Regulation Act, 1973 (Central Act 46 of 1973);(j)the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968);(k)the Andhra Pradesh Gaming Act, 1974 (Act 27 of 1974);(l)the Andhra Pradesh Prevention of Begging Act, 1977 (Act 12 of 1977); or(iii)has been found habitually passing indecent remarks to or teasing, women or girls; or(iv)has been found habitual in intimidation of law abiding people by acts of violence or by show of force; or(v)is habituated—(a)to commit affray or breach of peace, riot; or(b)to make forcible collection or subscription, or to threaten people for illegal pecuniary gain for himself or for others; or(c)to cause alarm, danger, or harm to persons or property;Explanation:□The word "habitual" or "habituated" wherever used in relation to a person in this clause means a person, who during a period within six months immediately preceding the commencement of an action under section 3, has been found on not less than three occasions to have committed the offences or acts, as the case may be, referred to in subclauses (i) to (v) of this clause;(f)"Government" means the State Government;(g)"Officer-in□Charge of the Police Station" means the Officer-in□Charge of police station being not below the rank of Sub□Inspector;(h)"Police Station" includes any place which the Government may, by notification published in the Andhra Pradesh Gazette, declare to be police station for the purposes of this Act;(i)"Tribunal" means the Tribunal appointed by the Government.

3. Externment of Goondas

(1)Where it appears to the Commissioner or the District Magistrate□(a)that any person is a goonda; and(b)(i)that his movements or acts in the district or any part thereof are causing or are calculated to cause alarm, danger or harm to persons or property; or(ii)that there are reasonable grounds for believing that he is engaged or about to engage in the district or any part thereof, in the commission or abetment, of any offence or act specified in sub□clauses (i) to (v) of clause (e) of section 2; and(c)that witnesses are not willing to come forward to give evidence against him by reason of apprehension on their part as regards the safety of their person or property;the Commissioner or the District Magistrate shall, by notice in writing, inform him of the general nature of the material allegations against him in respect of clauses (a), (b) and (c) and give him a reasonable opportunity of tendering an explanation regarding them.(2)The person against whom an order under this section is proposed to be made, shall have the right to consult and to be defended by a counsel of his choice and shall be given reasonable opportunity of examining himself, if he so desires and also of examining any other witnesses or any relevant document that he may wish to produce in support of his explanation, unless, for reasons to be recorded in writing, the Commissioner or the District Magistrate, is of opinion that the request is made for the purpose of vexation or delay.(3)The Commissioner or the District Magistrate on being satisfied that the conditions specified in clauses (a), (b) and (c) of sub-section (1) exist, may by order in writing—(a)direct him to remove himself outside the district or part thereof, as the case may be, by such route, if any, and within such time as may be specified in the order, and to desist from entering the district or the specified part thereof until the expiry of such period, not exceeding six months, as may be specified in the order;(b)(i)require such person to notify his movements, or to report himself, or to do both, in such

manner, at such time and to such authority or person as may be specified in the order;(ii)prohibit or restrict possession or use by him of any such article as may be specified in the order;(iii)direct him otherwise to conduct himself in such manner as may be specified in the order,—until the expiration of such period, not exceeding six months, as may be specified in the order.

4. Permission to return temporarily

The Commissioner or the District Magistrate may, by an order, permit any person in respect of whom an order has been made under clause (a) of subsection (3) of section 3, to enter or return, for a temporary period, into or to the area from which he was directed to remove himself, subject to such conditions as the Commissioner or the District Magistrate may specify and may, at any time rescind any such permission.

5. Extension of period of order

The Commissioner or the District Magistrate may after giving, except where, for reasons to be recorded in writing, he is satisfied that it is impracticable so to do, an opportunity of making a representation in that behalf to the person concerned, extend, from time to time in the interest of the general public, the period specified in the order made under section 3, but the period so extended shall in no case exceed two years in the aggregate.

6. Appeal

(1)Any person aggrieved by an order made under section 3, section 4 or section 5 may appeal to the Tribunal within fifteen days from the date of service of the order in the manner prescribed by rules made in this behalf.(2)The appellant or his counsel shall not be entitled to inspect or to be informed of any record which was not disclosed to him at the inquiry if any, held under section 3.(3)The Tribunal may either confirm the order, with or without modification, or set it aside, and may pending disposal of the appeal, stay the operation of the order subject to such terms, if any, as it thinks fit

7. Recognizance, for certain purposes

(1)The Commissioner or the District Magistrate or the Tribunal may for the purpose of.—(a)securing the attendance of any person against whom an order is proposed to be made under section 3 or has been made but its operation has been stayed under section 6; or(b)securing the due observance of any direction, requirements, prohibition, restriction or condition specified in an order made in respect of any person under section 3, section 4, section 5 or section 6; require such person to enter into a bond with or without sureties.(2)In particular and without prejudice to the generality of the foregoing provisions,□(a)the Commissioner or the District Magistrate while issuing notice to any person under subsection (1) of section 3 may issue a warrant for his arrest with endorsement thereon of a direction in terms of the provisions of section 71 of the Code and the provisions of sections 70 to 89 of the Code shall, so far as may be, apply in relation to such warrant as if the

Commissioner or the District Magistrate, as the case may be, were the Court of a Magistrate;(b)if any person who is required to execute a bond for the observance of any direction, requirement, prohibition, restriction or condition fails to do so, he shall be committed to prison, or, if he is already in prison, be detained in prison until the period for which the direction, requirement, prohibition, restriction, or condition is to operate or until within such period he executes the bonds with or without sureties, as the case may be, in terms of the order, and the provisions of sections 119 to 124 of the Code shall mutatis mutandis apply as if the Commissioner or the District Magistrate or the Tribunal were the Court of a Magistrate;(c)the provisions of Chapter XXXIII of the Code relating to bonds shall mutatis mutandis apply in relation to all bonds executed under this section as if the Commissioner or the District Magistrate or the Tribunal were the Court of Magistrate.

8. Nature of evidence

The Commissioner or the District Magistrate or the Tribunal may for the purpose of satisfying himself or itself as to whether the conditions necessary for the making or confirmation of an order under section 3 or section 6 exist or not, take into consideration any evidence which he or it considers to have probative value, and the provisions of the Indian Evidence Act, 1872 (Act 1 of 1872) shall not apply.

9. Rescission of order

The Commissioner or the District Magistrate may at any time rescind an order made under section 3, whether or not such order was confirmed on appeal under section 6.

10. Punishment for contravention of orders und sections 3 to 6

Whoever contravenes any order made under section 3, section 4 section 5 or section 6 shall be punishable with rigorous imprisonment for a term which may extend to three years but shall not be less than six months, and with fine which may extend to three thousand rupees but shall not be less than one thousand rupees.

11. Forcible removal of externed Goonda reentering, etc., n contravention of order

(1)Where, after an order is made against a person under section 3, section 4, section 5, or section 6, such person,—(a)has failed to remove himself from the district or part thereof as directed by the order, or(b)has re-entered the area, from which he was ordered to remove himself during the period of operation of that order□the Commissioner or the District Magistrate, as the case may be, may cause him to be arrested and removed in police custody to such place outside the area specified in the said order as he may direct.(2)Any officer-in-□charge of the police station may arrest without warrant any person reasonably suspected of an act or omission specified in subsection (1), and shall forthwith forward the person so arrested to the nearest Executive Magistrate, who shall cause him to be forwarded to the Commissioner or the District Magistrate, as the case may be, who may

thereupon cause the person to be removed in police custody to such place, outside the area specified in the said order as he may direct.(3)The provisions of this section are in addition to, and not in derogation of, the provisions of section 10.

12. Cognizance of offence

No Magistrate shall take cognizance of any offence punishable under section 10, except—(a)upon a report in writing of the facts constituting such offence made by an officer-in-charge of the police station or (b) upon information received from any person other than an officer-in-charge of the police station, or upon his own knowledge or suspicion, that such offence has been committed.

13. Bar of jurisdiction of courts

No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

14. Protection of action taken under the Act

(1)No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act, or of any order made thereunder.(2)No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any order made thereunder.

15. Power to make rules

(1)The Government may, by notification published in the Andhra Pradesh Gazette, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act, shall immediately after it is made, be laid before each House of the State Legislature, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified in the Andhra Pradesh Gazette, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

16. Repeal of Ordinance 13 of 1979

The Andhra Pradesh Prevention of Anti-Social and Hazardous Activities Ordinance, 1979, is hereby repealed.