

Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982

TAMILNADU

India

Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982

Act 14 of 1982

- Published on 12 March 1982
- Commenced on 12 March 1982
- [This is the version of this document from 12 March 1982.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982(Tamil Nadu Act No. 14 of 1982)Last Updated 4th December, 2019The following Act of the Tamil Nadu Legislature received the assent of the President on the 12th March 1982, first published in the Tamil Nadu Government Gazette Extraordinary on the 13th March 1982 (Masi 29, Thunmathi, Thiruvallur Aandu 2013) and is hereby published for general information:-An Act to provide for preventive detention of bootleggers, [cyber law offenders] [Added by Act 19 of 2014], drug offenders, [forest-offenders] [Act No.1 of 1988:- Forest Offenders are added.], goondas, immoral traffic offenders, [sand-offenders] [By Act No.16 of 2006, Sand Offenders are added], [sexual-offenders] [By Act No.20 of 2014, Sexual-offenders are added.], slum-grabbers and video pirates¹³¹ for preventing their dangerous activities prejudicial to the maintenance of public order. Whereas public order is adversely affected every now and then by the dangerous activities of certain persons, who are known as bootleggers, [cyber law offenders] [Added by Act 19 of 2014], drug offenders, forest-offenders,¹²¹ goondas, immoral traffic offenders, [sand-offenders] [By Act No.16 of 2006, Sand Offenders are added], [sexual-offenders] [By Act No.20 of 2014, Sexual-offenders are added.], slum-grabbers and [video pirates] [By Act No.32 of 2004, Video Pirates are added.];And whereas having regard to the resources and influence of the

persons by whom, the large scale on which, and the manner in which, the dangerous activities are being clandestinely organized and carried on in violation of law by them, as bootleggers, [cyber law offenders] [Added by Act 19 of 2014], drug offenders, [forest-offenders] [Act No.1 of 1988:- Forest Offenders are added.], goondas, immoral traffic offenders, [sand offenders] [By Act 16 of 2006, added], [sexual-offenders] [By Act No.20 of 2014, Sexual-offenders are added.], slum-grabbers and [video pirates] [By act 32 of 2004, added] in the State of Tamil Nadu, and particularly in its urban areas ([and forest areas] [By Act No.1 of 1988, added.],) it is necessary to have a special law in the State of Tamil Nadu to provide for preventive detention of these five six seven eight 121131141161 classes of persons and for matters connected therewith.Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows:-

1. Short Title, extent and commencement.

(1)This Act may be called the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders,161 Drug offenders, [forest-offenders] [Act No.1 of 1988:- Forest Offenders are added.], Goondas, Immoral Traffic Offenders, [sand-offenders] [By Act No.16 of 2006, Sand Offenders are added], [sexual-offenders] [By Act No.20 of 2014, Sexual-offenders are added.], Slum-grabbers and [video pirates] [By Act No.32 of 2004, Video Pirates are added.] Act, 1982.(2)It extends to the whole of the State of Tamil Nadu.(3)It shall be deemed to have come into force on the 5th January 1982.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"acting in any manner prejudicial to the maintenance of public order", means -(i)in the case of a bootlegger, when he is engaged, or is making preparations for engaging, in any of his activities as a bootlegger, which affect adversely, or are likely to affect adversely, the maintenance of public order;(iA)[in the case of a cyber law offender, when he is engaged, or is making preparations for engaging, in any of his activities as a cyber law offender, which affect adversely, or are likely to affect adversely, the maintenance of public order;] [Added by Act 19 of 2014](ii)in the case of a drug-offender, when he is engaged, or is making preparations for engaging, in any of his activities as a drug-offender, which affect adversely, or are likely to affect adversely, the maintenance of public order;(iiA)[in the case of a forest-offender, when he is engaged or is making preparations for engaging, in any of his activities as a forest-offender, which affect adversely, or are like to affect adversely, the maintenance of public order;] [By Act No.1 of 1988, added.](iii)in the case of a goonda, when he is engaged, or is making preparations for engaging, in any of his activities as a goonda which affect adversely, or are likely to affect adversely, the maintenance of public order;(iv)in the case of an immoral traffic offender, when he is engaged, or is making preparations for engaging, in any of his activities as an immoral traffic offender, which affect adversely, or are likely to affect adversely, the maintenance of public order;[(iv A) in the case of a sand-offender, when he is engaged, or is making preparations for engaging, in any of his activities as a sand-offender, which affect adversely, or are likely to affect adversely, the maintenance of public order;] [By Act No.16 of 2006, Sand Offenders are added][(iv B) in the case of a sexual-offender, when he is engaged, or is making preparations for engaging, in any of his activities as a sexual-offender, which affect adversely, or are likely to affect adversely, the

maintenance of public order;] [By Act No.20 of 2014, Sexual-offenders are added.](v)in the case of a slum-grabber, when he is engaged, or is making preparations for engaging, in any of his activities as a slum-grabber, which affect adversely, or are likely to affect adversely, the maintenance of public order;(vi)[in the case of a video pirate, when he/she is engaged or is making preparations for engaging, in any of his/her activities as a video pirate, which affect adversely, or are likely to affect adversely, the maintenance of public order.] [By Act No.32 of 2004, Video Pirates are added.]Explanation. - For the purpose of this clause (a), public order shall be deemed to have been affected adversely, or shall be deemed likely to be affected adversely, inter alia, if any of the activities of any of the persons referred to in this clause (a) directly or indirectly, is causing or calculated to cause any harm, danger or alarm or a feeling of insecurity, among the general public or any section thereof or a grave or widespread danger to life or public health or ecological system;12(b)"bootlegger" means a person, who distills, manufactures, stores, transports, imports, exports, sells or distributes any liquor, intoxicating drug or other intoxicant in contravention of any of the provisions of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) and the rules, notifications and orders made there under, or in contravention of any other law for the time being in force, or who knowingly expends or applies any money or supplies any animal, vehicle, vessel or other conveyance or any receptacle or any other material whatsoever in furtherance or support of the doing of any of the above mentioned things by or through any other person, or who abets in any other manner the doing of any such thing;(bb)["cyber law offender" means a person, who commits or attempts to commit or abets the commission of any offence, punishable under Chapter XI of the Information Technology Act, 2000 (Central Act 21 of 2000);] [Added by Act 19 of 2014](c)"detention order" means an order made under Section 3;(d)"detenu" means a person detained under a detention order;(e)"drug-offender" means a person, who manufactures, stocks, imports, exports, sells or distributes any drug or cultivates any plant or does any other thing in contravention of any of the provisions of the Drugs and Cosmetics Act, 1940 (Central Act XXIII of 1940) [the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985)] [By Act 52 of 1986, For the expression 'Dangerous Drugs Act, 1930 (Central Act II of 1930)' the expression 'the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985)' are substituted.] and the rules, notification and orders made under either Act, or in contravention of any other law for the time being in force, or who knowingly expends or applies any money in furtherance or support of the doing of any of the above mentioned things by or through any other person, or who abets in any other manner the doing of any such things;(ee)["forest-offender" means a person, who commits or attempts to commit or abet the commission of offences, punishable under Chapter II or Chapter III or Chapter V or Chapter VI-B or Chapter VII of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) or under Chapter VI of the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972);] [Act No.1 of 1988:- Forest Offenders are added.](f)"goonda" means a person who either by himself or as a member of or leader of a gang, [habittuaaly] [Ommited by Act 19 of 2014] commits, or attempts to commit or abets the commission of offences, punishable under section 153 or section 153-A under chapter VIII or under Chapter XVI other than sections 354, 376, 376-A, 376-B, 376-C, 376-D, and 377171 or Chapter XVII or Chapter XXII of the Indian Penal Code 1860 (Central Act XLV of 1860) or punishable under section 3 or section 4 or section 5 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (Tamil Nadu Act 59 of 1992);(g)"immoral traffic offender" means a person who commits or abets the commission of, any offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (Central Act 104 of 1956);(gg)[

"sand-offender" means a person who commits or attempts to commit or abets the commission of offences in respect of ordinary sand punishable under the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) or under the Tamil Nadu Minor Mineral Concession Rules, 1959;] [By Act No.32 of 2004, Video Pirates are added.](ggg)["sexual-offender" means a person who commits or attempts to commit or abets the commission of any offence punishable under sections 354, 376, 376-A, 376-B, 376-C, 376-D or 377 of the Indian Penal Code (Central Act XLV of 1860) or the Tamil Nadu Prohibition of Harassment of Women Act, 1998 (Tamil Nadu Act of 44 of 1998) or the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012);] [By Act No.20 of 2014, Sexual-offenders are added.](h)"slum-grabber" means a person, who illegally takes possession of any land (whether belonging to Government, local authority or any other person) or enters into, or creates illegal tenancies or leave and licence agreements or any other agreement in respect of such lands; or who constructs unauthorised structures thereon for sale or hire, or gives such lands to any person on rental or leave and licence basis for construction or use and occupation of unauthorised structures or who knowingly gives financial aid to any person for taking illegal possession of such lands, or for construction of unauthorized structures thereon, or who collects or attempts to collect from any occupier of such lands, rent compensation or other charges by criminal intimidation or who evicts or attempts to evict any such occupier by force without resorting to the lawful procedure; or who abets in any manner the doing of any of the above mentioned things;(i)"unauthorised structure" means any structure constructed without express permission in writing of the appropriate authority under and in accordance with, any law for the time being in force in the area concerned.(j)["video pirate" means a person, who commits or attempts to commit or abets the commission of offences of infringement of copy right in relation to a cinematograph film or a record embodying any part of sound track associated with the film, punishable under the Copy Right Act, 1957 (Central Act XIV of 1957)".] [By Act No.32 of 2004, Video Pirates are added.]

3. Power to make orders detaining certain persons.

(1)The State Government may, if satisfied with respect to any bootlegger or [cyber law offenders] [Added by Act 19 of 2014] or drug-offender or forest-offender[2] or goonda or orders detain immoral traffic offender or [sand offender], [By Act No.16 of 2006, Sand Offenders are added.] or [sexual-offenders] [By Act No.20 of 2014, Sexual-offenders are added.] or slum-grabber or [video pirates] [By Act No.32 of 2004, Video Pirates are added.] that with a view to prevent him from acting in any manner prejudicial to the maintenance of public order, it is necessary so to do, make an order directing that such person be detained.(2)If, having regard to the circumstances prevailing, or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government are satisfied that it is necessary so to do, they may, by order in writing, direct that during such period as may be specified in the order, such District Magistrate or Commissioner of Police may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section;Provided that the period specified in the order made by the State Government under this sub-section shall not, in the first instance, exceed three months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.(3)When any order is made under this section by an officer mentioned in sub-section (2), he

shall forthwith report the fact to the State Government together with the grounds on which the order has been made and such other particulars as in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the State Government.

4. Execution of detention orders.

- A detention order may be executed at any place in the State in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)-

5. Power to Regulate places and conditions of detention.

- Every person in respect of whom a detention order has been made shall be liable:-(a)to be detained in such place and under such conditions, including conditions as to maintenance, discipline, and punishment for breaches of discipline as the State Government may, by general or special order, specify; and(b)to be removed from one place of detention to another place of detention, within the State by order of the State Government.

5A. [Grounds of detention severable. [By Act No.52 of 1986 Section 5A inserted.]

- Where a person has been detained in pursuance of an order of detention 1whether made before or after the commencement of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Goondas, Immoral Traffic Offenders and Slum Grabbers (Amendment) Act, 1986)1 under Section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly:-(a)such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are:-(i)vague;(ii)non-existent;(iii)not relevant(iv)not connected or not proximately connected with such person, or(v)invalid for any other reason whatsoever, and it is not, therefore, possible to hold that the Government or officer making such order would have been satisfied as provided in Section 3 with reference to the remaining ground or grounds and made the order of detention;(b)the Government or officer making the order of detention shall be deemed to have made the order of detention under the said section after being satisfied as provided in that section with reference to the remaining ground or grounds.]

6. Detention orders not to be inoperative on certain grounds.

- No detention order shall be invalid or inoperative merely by reason-(a)that the person to be detained thereunder, though within the State, is outside the limits of the territorial jurisdiction of the officer making the order, or(b)that the place of detention of such person, though within the State, is outside the said limits.

7. Powers in relation to absconding persons.

(1) If the State Government have, or an officer mentioned in subsection (2) of Section 3 has, reason to believe that a person in respect of whom, a detention order has been made has absconded, or is concealing himself so that the order cannot be executed, then the provisions of Sections 82 to 86 (both inclusive) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall apply in respect of such person and his property, subject to the modifications mentioned in this sub-section and, irrespective of the place where such person ordinarily resides, the detention order made against him shall be deemed to be a warrant issued by the competent Court. Where the detention order is made by the State Government, an officer, not below the rank of District Magistrate or Commissioner of Police authorised by the State Government in this behalf, or where the detention order is made by an officer mentioned in subsection (2) of Section 3, such officer, as the case may be, shall irrespective of his ordinary jurisdiction, be deemed to be empowered to exercise all the powers of the competent Court under Sections 82, 83, 84 and 85 of the said Code for issuing a proclamation for such person and for attachment and sale of his property situated in any part of the State and for taking any other action under the said sections. An appeal from any order made by any such officer rejecting an application for restoration of attached property shall lie to the Court of Session, having jurisdiction in the place where the said person ordinarily resides, as provided in Section 86 of the said Code.

2. (a) Notwithstanding anything contained in sub-section (1), if the State Government have, or an officer mentioned in sub-section (2) of Section 3 has, reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, the State Government or the officer, as the case may be, may, by order notified in the Tamil Nadu Government Gazette, direct the said person to appear before such officer, at such place and within such period as may be specified in the order.

(b) If such person fails to comply with such order, unless he proves that it was not possible for him to comply therewith, and that he had within the period specified in the order, informed the officer mentioned in the order of the reasons which rendered compliance therewith impossible and of his whereabouts, or proves that it was not possible for him to inform the officer mentioned in the order, he shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both. (c) Notwithstanding anything contained in the said Code, every offence under clause (b) shall be cognizable.

8. Grounds of order of detention to be disclosed to persons affected by the order.

(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but not later than five days from the date of detention, communicate to him

the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government.(2)Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

9. Constitution of Advisory Boards.

(1)The State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.(2)Every such Board shall consist of a Chairman and two other members, who are, or have been Judges of any High Court or who are qualified under the Constitution of India to be appointed as Judges of a High Court.

10. Reference to Advisory Boards.

- In every case where a detention order has been made under this Act, the State Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by them under Section 9, the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in the case where the order has been made by an officer, also the report by such officer under sub-section (3) of Section 3.

11. Procedure of Advisory Boards.

(1)The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the State Government or from any person called for the purpose through the state Government or from the person concerned, and if, in any particular case, the Advisory Board considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the State Government, within seven weeks from the date of detention of the person concerned.(2)The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.(3)When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.(4)The proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.(5)Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with reference to Advisory Board.

12. Action upon report of Advisory Boards.

(1)In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person, the State Government may confirm the detention order and continue the detention of the person concerned for such period, not exceeding the maximum period specified in Section 13, as they think fit.(2)In any case where the Advisory Board has reported that there is, in

its opinion, no sufficient cause for the detention of the person concerned, the State Government shall revoke the detention order and cause the person to be released forthwith.

13. Maximum period of detention.

- The Maximum period for which any person may be detained, in pursuance of any detention order made under this Act which has been confirmed under Section 12, shall be twelve months from the date of detention.

14. Revocation of detention orders.

(1) Without prejudice to the provisions of Section 15 of the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891), a detention order may, at any time, be revoked or modified by the State Government, notwithstanding that the order has been made by an officer mentioned in sub-section (2) of Section 3.(2) [The revocation or expiry of a detention order (hereafter in this sub-section referred to as the earlier detention order) shall not (whether such earlier detention order has been made before or after the commencement of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Goondas, Immoral Traffic Offenders and Slum-grabbers (Amendment) Act, 1986) bar the making of another detention order (hereinafter in this sub-section referred to as the subsequent detention order) under section 3 against the same person; Provided that in a case where no fresh facts have arisen after the revocation or expiry of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the subsequent detention order shall in no case extend beyond the expiry of a period of twelve months from the date of detention under the earlier detention order.] [By Act 52 of 1986, in Section 14 sub-section (2) substituted with sub-section (2) & proviso.]

15. Temporary release of persons detained.

(1) The State Government, may, at any time, that any person detained in pursuance of a detention order may be released for any specified period, either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time cancel his release. (2) In directing the release of any detenu under subsection (1), the State Government may require him to enter into a bond, with or without sureties, for the due observance of the condition specified in the direction. (3) Any person released under sub-section (1) shall surrender himself at the time and place and to the authority, specified in the order directing his release or cancelling his release, as the case may be. (4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both. (5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said subsection or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

16. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or person, for anything in good faith done or intended to be done in pursuance of this Act.

17. Detention orders against any boot-legger, [cyber law offenders] [Added by Act 19 of 2014] , drug-offender, [forest-offenders] [Act No.1 of 1988:- Forest Offenders are added.], goonda, immoral traffic offender, [sand offender] [By Act No.16 of 2006, Sand Offenders are added.], [sexual-offenders] [By Act No.20 of 2014, Sexual-offenders are added.], slum-grabber or [video pirates] [By Act No.32 of 2004, Video Pirates are added.] to be made under this Act and not under National Security Act.

- On and after the commencement of this Act, no order of detention under the National Security Act, 1980 (Central Act 65 of 1980) shall be made by the State Government or any of their officers under that Act in respect of any boot-legger, cyber law offender,¹⁶¹ drug-offender, forest- offender,¹²¹ goonda, immoral traffic offender, sand offender,¹⁴¹ sexual-offender,¹⁷¹ slum-grabber or video pirate¹³¹ in the State of Tamil Nadu on the ground of preventing him from acting in any manner prejudicial to the maintenance of public order, where an order of detention may be or can be made against such person, under this Act.

18. Repeal and savings.

(1)The Tamil Nadu Prevention of Dangerous Activities of Repeal and Bootleggers, Drug-offenders, Goondas, Immoral Traffic Offenders savings- and Slum-grabbers Ordinance, 1982 (Tamil Nadu Ordinance I of 1982) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.