

# **Arunachal Pradesh Unlawful Activities (Prevention) Act, 2014**

ARUNACHAL PRADESH

India

## **Arunachal Pradesh Unlawful Activities (Prevention) Act, 2014**

### **Act 12 of 2014**

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Arunachal Pradesh Unlawful Activities (Prevention) Act, 2014(Act No. 12 of 2014)Last Updated 8th February, 2020(Received the assent of the Governor on 5th September, 2014 and published in the Arunachal Pradesh E.O. Gazette No 168, Vol. XXI dated 8th September, 2014)An Act to provide for more effective prevention of certain unlawful activities of individuals and associations and matters connected therewith.Be it enacted by the Legislature of the State of Arunachal Pradesh in the Sixty-fifth year of the Republic of India, as follows

### **1. Short title, Extent and commencement.**

(1)This Act may be called the Arunachal Pradesh Unlawful Activities (Prevention) Act, 2014.(2)It extends to the whole of the State of Arunachal Pradesh.(3)It shall come into force on such date, as the State Government by notification, in the Official Gazette appoint.

### **2. Definition.**

- In this act unless the context otherwise requires :(i)"Advisory Board" means the Board constituted under section 9.(ii)"Bootlegger" means a person who distills, manufactures, stores, transports or takes away, imports, exports, sells or distributes any liquor, intoxication drug or other intoxicating substances in contravention of any of the provisions contained in any law for the time-being in force, or knowingly spends or utilizes money or gives support or gives aid to do any of the matters mentioned above, by any person or through any person by providing any animal, vehicle, vessel, other conveyance or any tank, any other articles whatever it may be or the person who abets to do any such matter in any manner.(iii)"Close relative" means spouse parents, children or sibilate and first degree blood relative of such person and include the children or spouses of such persons.(iv)"Habitual Depredator of environment" means a person who, by any direct act by which he derives pecuniary or commercial benefit, commits an offence under any law relating to protection

of environment or rivers or under any law relating to sand mining from any place or under any law relating to quarrying or mining, or who commits or abets the commission of offences punishable under any law relating to conservation of forests or wild life.(v)"Detention Order" means an Order made under section 3.(vi)"Habitual Drug Offender" means a person, who illegally cultivates, manufactures, stocks, transport, sells or distributes any drug in contravention of the Narcotic Drugs and Psychotropic Substances Act 1985 (Central Act 61 of 1985) or in contravention of any other law/ for the time being in force, or who knowingly does anything abetting or facilitating any such activity.(vii)"Immoral Traffic Offender" means a person who commits or abets the commission of any offence under the Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956).(viii)"Unlawful Person" means a person who indulges in any unlawful activity or promote or abets any illegal organization/activities declared as prohibited by the State, which are harmful to maintenance of the public order or supply of daily services and goods to public either directly or indirectly.(ix)"Dangerous person" means a person, who either by himself or as a member or leader of a gang during a period of three successive years habitually commits, or attempts the commission of any of the offences punishable under Chapter XVI or Chapter XVII of the Indian Penal Code or any of the offences punishable under Chapter V of the Act 1959 (54 of 1959).(x)"Person" means a person mentioned in section 8 of the Act.(xi)"Property grabber" means a person who illegally takes possession, either for himself or on behalf of others, of any movable or immovable property belonging to Government or Government owned Institutions or of any person and includes a person who creates illegal tenancies or lease or license or agreements or any other agreements, express or implied, in respect of such properties, or who knowingly gives financial aid to any person for taking illegal possession of such properties or construction of unauthorized structures thereon or who attempts to collect from any possessors of properties, rent compensation or other charges by criminal intimidation or who evicts or attempts to evict any such possessors by force without resorting to the lawful procedure or who abets in any manner such activities.(xii)"Unlawful activity" means acting in such a manner so as to cause or likely to cause directly or indirectly, any feeling of insecurity, danger or fear among the general public or any section thereof or any danger to the safety of individuals, safety of public, public health or the ecological system or disruption of daily supplies and essential services to public or any loss or damage to public exchequer or to any public or private property or enforce on general public activities declared as illegal by the State or prohibited by State Government under section 144 of CrPc or any other order for the time being in force such as Bandh through intimidation or psychological fear or threat and causing actual damage to public or private property.(xiii)"State" means the State of Arunachal Pradesh.(xiv)"State Government" means the State Government of Arunachal Pradesh.

### **3. Powers to make Orders detaining a certain person.**

(1)State Government or any Officer of the State Government not below the rank of a Secretary to the State Government or a District Magistrate may if satisfied with respect to any person who is Bootlegger. Habitual Depredator of Environment, Habitual drug offender, Property Grabber. Dangerous Persons, Unlawful persons associated with unlawful activities may make an order directing such person to be detained with the view to preventing him from acting in any manner prejudicial to the security of the State, or maintenance of Public Order or maintenance of daily supplies and services essential to the public.(2)When any order is made under the preceding

subsection by any officer mentioned herein, he shall forthwith report the fact to the State Government together with the ground 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 more than 12 days after making the order unless in the mean time it has been approved by the State Government. Provided that where under section 8, the ground of detention are communicated by the officer making the order after 5 days but not later than 10 days from the date of detention the validity of detention order shall be for 15 days. Explanation. - For the purpose of this sub-section a person shall be deemed to be "acting in any manner prejudicial to maintenance of Public order" when such person is engaged in or is making preparation for engaging in any activity which will affect adversely or is likely to affect adversely the maintenance of public order or daily supplies of goods and services to public. Further, for the purpose of this section, public order is deemed to have been affected adversely or public order is deemed to likely have been affected adversely, inter alia, if any of the activities of any person referred to in this sub-section directly or indirectly is causing or is likely to cause any harm, danger or alarm or feeling of insecurity among the general public or any section thereof or a grave or widespread danger to life, property or public health.

#### **4. Execution of detention order, places of detention and powers to regulate place and condition of detention.**

(1) A detention order may be executed at any place in the State in the manner provided for the execution of warrant of arrest under the Code of Criminal Procedure, 1973. (2) Every person in respect to whom detention order has been made shall be liable- (i) To be detained in such place and under such condition including conditions as to maintenance, discipline and punishment for breaches of discipline as the State Government may, by general or special order, specify; and (ii) To be removed from one place of detention to another place of detention within the State of Arunachal Pradesh by the order of the State Government.

#### **5.**

When a person has been detained in pursuance of an order of detention 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 ground and accordingly, 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.

#### **6. Detention not to be invalid or inoperative on certain grounds.**

- No detention order shall be invalid or inoperative merely by the reason that, - (1) That the person to be detained under there is outside the limit of the territorial Jurisdiction of the officer making the order. (2) That the place of detention of such person is outside the said limits.

## **7. Powers on relation to absconding persons.**

(1) If the State Government or the officer making an order under sub-section (1) of section 3 has the 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, in that case, (a) The provisions of section 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973 shall apply in respect of the said person and his Property as if the order directing that he be detained were a warrant issued by the Magistrate. (b) By order direct the said person to appear before such officer at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, 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 reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine of Rupees fifty thousand or with both. (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under clause (b) of sub-section (1) shall be cognizable.

## **8. Grounds of order detention to be disclosed to person 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 ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing not later than ten days from the date of detention, communicate to him and his close relatives 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 Board.**

(1) The State Government shall constitute one or more Advisory Boards for the purposes of this Act. (2) Every such Board shall consist of a Chairman who shall be a retired Judge of the High Court duly recommended by the Chief Justice of High Court and of not less than two other members who shall be appointed by the State Government.

## **10. References of Advisory Board.**

- 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, the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer referred to in sub-section (1) of section 3, also the report by such officer under subsection (2) of that section.

## **11. Procedure of Advisory Board.**

(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 it in any particular case, it 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 of the Advisory Board the opinion of the majority of such members shall be deemed to be the opinion of the Board.(4)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 the reference to the Advisory Board.(5)The proceedings of the Advisory Board and the report of the Advisory Board excepting that part of the report in which the opinion of the Advisory Board is specified shall be confidential.

## **12. Action upon the report of Advisory Board.**

(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 as it thinks 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 that 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 which has been confirmed under section 12 shall be six months from the date of detention.Provided that nothing contained in this section shall affect the power of the State Government to revoke or modify the detention order at any earlier time.

## **14. Revocation or modification of detention order.**

(1)A detention order made by any officer may, at any time, be revoked or modified by the State Government.(2)The revocation or expiry of a detention order shall not bar for making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the State Government or an officer, as the case may be, is satisfied that such an order should be made.

## **15. Temporary release of person detained.**

(1)The State Government may, at any time, direct 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 person under subsection (1), the State Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.(3)Any person released under sub-section (1) shall surrender himself at the time and place to the authority, specified in the order directing his release or canceling his release, as the case may be.(4)if any person fails without sufficient cause to surrender himself in the manner specified in subsection (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine of Rupees Two Thousand or with both.(5)if any person released under sub-section (1) fails to fulfill any of the condition imposed upon him under the said sub-section 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 proceedings shall lie against the State Government or any officer of the State Government or any other person, for anything done in good faith or intended to be done in good faith in pursuance of this Act.

## **17. Punishment for concealing persons ordered to be detained.**

- Whoever, knows or has reason to believe that an order against any person has been made under section 3 or section 15, harbors' or conceals such person, shall be punished with imprisonment for a term which shall not be less than three months but may extend to one year or fine of rupees fifty thousand.

## **18. Powers to make rules.**

(1)The government may, not inconsistent with this Act make rules for all or any of the provisions for carrying out the purposes of this Act.(2)Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and before the expiry of the session in which they are so laid Assembly agrees in making any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, 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.