

**THE GUJARAT PREVENTION OF ANTI-SOCIAL ACTIVITIES
(AMENDMENT) BILL, 2020.**

GUJARAT BILL NO. 20 OF 2020.

A BILL

further to amend the Gujarat Prevention of Anti-social Activities Act, 1985.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prevention of Anti-social Activities (Amendment) Act, 2020.
(2) It shall be deemed to have come into force on the 7th September, 2020.

Short title and commencement.

**Amendment
of long title of
Guj. 16 of
1985.**

2. In the Gujarat Prevention of Anti-social Activities Act, 1985 (hereinafter referred to as “the principal Act”), in the long title, for the words “immoral traffic offenders and property grabbers”, the words “immoral traffic offenders, property grabbers, cyber offenders, money lending offenders and sexual offenders” shall be substituted.

**Guj. 16 of
1985.**

**Amendment
of section 2 of
Guj. 16 of
1985.**

3. In the principal Act, in section 2, -

(i) for clause (bb), the following clause shall be substituted, namely:-

“(bb) “common gaming house keeper” means a person who commits or attempts to commit or abets the commission of an offence punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887;”;

**Bom. IV of
1887.**

(ii) after clause (bbb), the following clause shall be inserted, namely:-

“(ba) “cyber offender” means a person who commits or attempts to commit or abets the commission of offence punishable under Chapter XI of the Information Technology Act, 2000;”;

21 of 2000.

(iii) in clause (c), for the words “Chapter XVI or Chapter XVII of the Indian Penal Code”, the words “Chapter VIII or Chapter XVI (except section 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D or 377) or Chapter XVII or Chapter XXII of the Indian Penal Code” shall be substituted.

45 of 1860.

**45 of
1860.**

(iv) after clause (g), the following clause shall be inserted, namely:-

“(ga) “money lending offender” means a person, who commits or attempts to commit or abets the commission of offences under Chapter IX of the Gujarat Money Lenders Act, 2011 or a money lender or any person engaged by the money lender or someone acting on his behalf, who uses or threatens to use physical violence directly or otherwise or through any person

**Guj. 14 of
2011.**

against any person for the purpose of collecting any part of the loan or interest thereon or any instalment thereof or for taking any movable or immovable property connected with the loan transaction or the realization of whole or part of the loan amount or interest thereon.”.

(v) after clause (h), the following clause shall be inserted, namely:-

“(ha) “sexual offender” means a person, who commits or attempts to commit or abets the commission of any offence punishable under section 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D or 377 of the Indian Penal Code or the Protection of Children from Sexual Offences Act, 2012;”.

45 of 1860.
32 of 2012.

4. In the principal Act, in section 3, in sub-section (4), after the words “immoral traffic offender or property grabber”, the words “cyber offender or money lending offender or sexual offender” shall be inserted.

**Amendment
of section 3 of
Guj. 16 of
1985.**

**Guj. Ord.
11
of 2020.** **5.** (1) The Gujarat Prevention of Anti-social Activities (Amendment) Ordinance, 2020 is hereby repealed.

**Repeal
and
saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Prevention of Anti-social Activities Act, 1985 has been immensely useful in maintaining peace and order by detaining the anti-social elements. However, with the rapid growth of the State, the law enforcement agencies are faced with the challenges of new kind of offenders, viz. the sexual offenders, the cyber-crime offenders and money lenders lending money at the exorbitant rate of interest in clear violation of the provisions of the Gujarat Money Lenders Act, 2011 and causing the recovery of the moneys lent to the persons in need by resorting to myriad ways of recovery and therefore, it is need of the hour to protect and safeguard the interests of the public at large from such challenges of the said offenders.

It is also noticed that the provision for detention of “common gaming house” has proved to be ineffective as it entails conviction for the offence punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887 and the commission of another offence under the said section within a period of three years.

The said Act is therefore, required to be amended by inserting therein the definitions of the sexual offenders, cyber-crime offenders and money lending offenders as also substituting the definition of the “common gaming housekeepers” so as to effectively counter the said offenders. *Clauses 2, 3 and 4 of the Bill provides for the same.*

As the Legislative Assembly of the State of Gujarat was not in session at that time, the Gujarat Prevention of Anti-social Activities (Amendment) Ordinance, 2020 was promulgated to amend the said Act to achieve the aforesaid objects.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 16th September, 2020.

PRADEEPSINH JADEJA.

*ANNEXURE***EXTRACT FROM THE GUJARAT PREVENTION OF ANTI-SOCIAL
ACTIVITIES ACT, 1985.****(Guj. 16 of 1985)**

An Act to provide for preventive detention of boot-leggers, dangerous persons, drug offenders, immoral traffic offenders and property grabbers preventing their anti-social and dangerous activities prejudicial to the maintenance of public order.

2. In this Act, unless the context otherwise, requires,-

Definitions.

(a) and (b) XXX XXX XXX

(bb) "common gaming house keeper" means a person who, having been convicted of an offence punishable under section 4 of the Bombay Prevention of Gambling Act, 1887, within a period of three years from the date of such conviction either by himself or as a member or leader of a gang habitually commits or attempts to commit or abets the commission of an offence punishable under that section;

**Bom. IV of
1887.**

(bbb) XXX XXX XXX

(c) "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 to commit or abets 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 or the Arms Act 1959;

**XLV of
1860.
54 of 1959.**

(d) to (i) XXX XXX XXX

3. (1) to (3) XXX XXX XXX

**Power to
make orders
detaining
certain
persons.**

(4) For the purpose of this section, a person shall be deemed to be "acting in any manner prejudicial to the maintenance of public order" when such person

is engaged in or is making preparation for engaging in any activities, whether as a bootlegger or common gaming house keeper or cruel person or dangerous person or drug offender or immoral traffic offender or property grabber, which affect adversely or are likely to affect adversely the maintenance of public order.

Explanation- For the purpose of this sub-section, 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 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.

GUJARAT LEGISLATURE SECRETARIAT

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**[SHRI PRADEEPSINH JADEJA,
MINISTER OF STATE FOR HOME]**

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D.M.PATEL,
Secretary,
Gujarat Legislative Assembly.

