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THE ANDHRA PRADESH GAZETTE

PART IV-A EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 32] AMARAVATI, THURSDAY, 21st NOVEMBER, 2024.

ANDHRA PRADESH BILLS
ANDHRA PRADESH LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Andhra Pradesh Legislative Assembly on 21st November, 2024.

L. A. Bill No. 32 of 2024

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DACOITS, DRUG-OFFENDERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND LAND- GRABBERS ACT. 1986.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-Fifth Year of the Republic of India as follows,-

Short title and commencement,

1. (1) This Act may be called the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders And Land-Grabbers (Amendment) Act, 2024.

(2) It shall come into force on such date as the State Government may, by notification, in the Andhra Pradesh Gazette, appoint.

Amendment of long title and the Preamble.

Act No.1 of 1986.

2. In the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986 (hereinafter referred to as the Principal Act),-

(i) in the long title, for the words "and Land- Grabbers", the following shall be substituted, namely,-

"Land-Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders, White Collar or Financial Offenders, Rice Smugglers and Illegal Sand Mining, Transport, and Black Marketing Offenders";

(ii) in the preamble,-

(a) in the first paragraph, for the words "and Land- Grabbers", the following shall be substituted, namely,-

"Land-Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders, White Collar or Financial Offenders, Rice Smugglers and Illegal Sand Mining, Transport, and Black Marketing Offenders";

(b) in the second paragraph,-

(i) for the words "or Land- Grabbers", the following shall be substituted, namely:-

"Land-Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders, White Collar or Financial Offenders, Rice Smugglers and Illegal Sand Mining, Transport, and Black Marketing Offenders";

(ii) for the words "six classes", the words "twenty one classes" shall be substituted.

Amendment of Section 1.

3. In the Principal Act, in section 1, in sub-section (1),for the words "Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act", the following shall besubstituted, namely: -

"The Andhra Pradesh prevention of Anti- social Activities Act".

4. In the Principal Act, in section 2,- Amendment of Section 2.

(1) in clause (a), for the words "or a Land-Grabber", the following shall be substituted, namely,-

"Land-Grabber, a Spurious Seed Offender, an Insecticide Offender, a Fertiliser Offender, a Food Adulteration Offender, a Fake Document Offender, a Scheduled Commodities Offender, a Forest Offender, a Gaming Offender, a Sexual Offender, an Explosive Substances Offender, an Arms Offender, a Cyber Crime Offender, a White Collar or Financial Offender, Rice Smuggler and an Illegal Sand Mining, Transport, and Black Marketing Offenders".

(2) after clause (k), the following clauses shall be added, namely, -

(l) **"Spurious Seed Offender"** means any person who manufactures, stocks, sells or distributes any adulterated seeds or adulterate the original seeds by mixing low quality seeds or change the packing with the name of well known brands or does anything in contravention of any of the provisions of the Seeds Act, 1966 and the rules, notifications and orders made there under or punishable under section 318 of the Bharatiya Nyaya Sanhita, 2023 who knowingly by himself or through any other person abets in any other manner the doing of any such things/offences; Central Act No. 54 of 1966 and 45 of 2023.

(m) **"Insecticide Offender"** means any person who manufactures, stocks, sells or distributes the misbranded insecticides or does anything in contravention of any of the provisions of the Insecticide Act, 1968 or punishable under section 318 of the Bharatiya Nyaya Sanhita, 2023 or who abets in doing such things/offences; Central Act No.46 of 1968.

(n) **"Fertiliser Offender"** means any person who manufactures, stocks, sells or distributes the spurious fertiliser/ fake fertiliser, whether it may be chemical fertiliser or bio-fertiliser, or does anything in contravention any of the provisions of the Fertiliser (Control) Order, 1985 or the Essential Commodities Act, 1955 or the offences punishable under section 318 of the Bharatiya Nyaya Sanhita, 2023 or who abets in doing such things/offences; Central Act No. 10 of 1955.

(o) **"Food Adulteration Offender"** means any person who prepares or sells or stocks the adulterated food articles, low

nutritional standard food articles or does anything in contravention of any of the provisions under the Prevention of Food Adulteration Act, 1954 or Food Safety and Standard Act, 2006 or under sections 274 & 275 of the Bharatiya Nyaya Sanhita, 2023 or who abets in doing such things/ offences;

Central Act No.37 of 1954.

Central Act No.34 of 2006.

(p) **"Fake Document Offender"** means a person whomakes any false document or part of a document with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or commits the offences punishable under Chapter-XVIII of the Bharatiya Nyaya Sanhita, 2023 or who abets in doing such things/ offences;

(q) **"Scheduled Commodities Offender"** means a person who does anything in contravention of any provisions of Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage & Regulation) Order, 2016 or the commission of offences punishable under the Essential Commodities Act, 1955 or sections 316, 318, 319 of the Bharatiya Nyaya Sanhita, 2023 or who abets in doing such things / offences;

Central Act No. 10 of 1955.

(r) **"Forest-Offender"** means a person, who commits or abets the commission of offences punishable under the Andhra Pradesh Forest Act, 1967 or sections 51 and 52 of the Wild Life Protection Act, 1972 or under sections 303, 305, 306, 307, 308, 309, 310, 311, 312, 313 of the Bharatiya Nyaya Sanhita, 2023;

Act No. 1 of 1967.

(s) **"Gaming Offender"** means a person who commits or abets the commission of offences punishable under the Andhra Pradesh Gaming Act, 1974;

Act No.27 of 1974.

(t) **"Explosive Substance Offender"** means a person who commits or abets the commission of offences punishable under the Explosive Substances Act, 1908;

Central Act No.6 of 1908.

(u) **"Arms Offender"** means a person who commits or abets the commission of offences punishable under the Arms Act, 1959;

Central Act No.54 of 1959.

(v) **"Sexual Offender"** means a person who commits or abets the commission of offences in contravention of any of the provisions under the Protection of Child from Sexual Offences Act, 2012 or the offences punishable under sections 74, 75, 76, 77, 78, 64, 69, 67, 70, 79 of the Bharatiya Nyaya Sanhita, 2023. Central Act No.32 of 2012.

(w) **"Cyber Crime Offender"** means a person who commits or abets the commission of offences punishable under the Information Technology Act, 2000. Central Act No.21 of 2000.

(x) **"White collar offender"** or "Financial Offender" means a person who commits or abets the commission of offences punishable under the Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 or under sections 316 or 318 to 319 or under Chapter XVIII of the Bharatiya Nyaya Sanhita, 2023.". Act No. 17 of 1999.

(y) **"Rice Smuggler"** means any person who smuggles, illegally transports or exports rice" indulging in PDS Rice Smuggling", in contravention of the provisions of the Essential Commodities Act, 1955 or the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage & Regulation) Order, 2016, or who abets such acts/offenses, or is punishable under sections 316, 318 and 319 of the Bharatiya Nyaya Sanhita, 2023.". Central Act No. 10 of 1955.

(z) **"Illegal Sand Mining, Transport, and Black Marketing Offender"** means any person who repeatedly engages in unlawful activities related to the extraction, transportation, or un authorised trade of sand, in contravention of the Andhra Pradesh Minor Mineral Concession Rules, 1966 and applicable sand policy of the State of Andhra Pradesh.

5. In the Principal Act, in section 3, in sub-section (1),for the words " Land-Grabber" the following shall be substituted, namely:- Amendment of section 3.

"Land-Grabber, Spurious Seed Offender, Insecticide Offender, Fertilizer Offender, Food Adulteration Offender, Fake Document Offender, Scheduled Commodities Offender, Forest Offender, Gaming Offender, Sexual Offender, Explosive Substances Offender, Arms Offender, Cyber Crime Offender, White Collar or Financial Offender, Rice Smuggler and Illegal Sand Mining, Transport, and Black Marketing Offenders".

Insertion of new section.

6. In the Principal Act, after section 5, the following new section shall be inserted, namely,-

Grounds of detention severable.

5A. "Where 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-

(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 the 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 the 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.".

Amendment of Section 7.

7. In the Principal Act, in section 7, in subsection (1), for the words "section 82 to 86 (both inclusive) of the code of criminal procedure, 1973" &"sections 82, 83, 84 and 85 of the said code"&" as provided in the section 86 of the said code" respectively, the following shall be substituted, namely,-

"Sections 84 to 89 (both inclusive) of the Bhartiya Nagrik Suraksha Sanhita,2023"

&

"Section 84, 85, 86, 87, 88 of the Bhartiya Nagrik Suraksha Sanhita,2023"

&

" as provided in the section 89 of the Bhartiya Nagrik Suraksha Sanhita,2023"

Note:- For the purpose of clarifying the legislative intent and to bring the Principal Act up-to-date with the new criminal laws, it is here by stated that; Except if explicitly stated otherwise , any mention of the Indian penal code, the criminal procedure code and the Indian Evidence Act in the Principal Act shall be deemed to be a congruent and corresponding reference to the Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhiniyam respectively.

Amendment of section 17.

8. In the Principal Act, in section 17 including in the marginal heading, for the words "and Land-Grabber", the following shall be substituted, namely: -

"Land-Grabber, Spurious Seed Offender, Insecticide Offender, Fertilizer Offender, Food Adulteration Offender, Fake Document Offender, Scheduled Commodities Offender, Forest Offender, Gaming Offender, Sexual Offender, Explosive Substances offender, Arms Offender, Cyber Crime Offender, White Collar or Financial Offender, Rice Smugglers and an Illegal Sand Mining, Transport, and Black Marketing Offenders".

STATEMENT OF OBJECTS & REASONS

The proposed amendments to the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, to enhance the statutory provisions of the said Act, by bringing in certain types of offenders under the purview of the Act.

To expand the scope of the Act by including additional categories of offenders and updating legal references to align with new criminal laws. Strengthen preventive detention mechanisms to address emerging threats and new categories of offenses. Address Emerging Threats: Spurious seeds, cybercrimes, financial frauds, and other offenses demand inclusion under preventive detention laws. Strengthen Governance: A robust mechanism for public safety and economic security. Legal Modernization: Aligning with new national criminal law frameworks for coherence and clarity.

Accordingly, it has been decided to amend the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, suitably.

The Bill seeks to give effect to the above decisions.

NARA CHANDRA BABU NAIDU,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (2) of the Bill authorizes the Government to issue notification in respect of matters specified therein and generally to carry out the purposes of the Act and such notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of the both Houses of the State Legislature and will be subject to any modifications made by the Legislature.

The above provisions of the Bill regarding delegated legislation are thus of normal type and are mainly intended to cover matters of procedure.

NARA CHANDRA BABU NAIDU,
Chief Minister.

MEMORANDUM UNDER RULE 95 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE ANDHRA PRADESH LEGISLATIVE ASSEMBLY.

The Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers (Amendment) Bill, 2024 after it is passed by the both Houses of the State Legislature, may be reserved by the Governor for the consideration and assent of the President under article 254(2) of the Constitution of India.

NARA CHANDRA BABU NAIDU,
Chief Minister.

PRASANNA KUMAR SURYADEVARA,
Secretary-General to State Legislature.