

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 11th August 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 19 of 2014

A Bill further to amend the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand-offenders, Slum-grabbers and Video Pirates Act, 1982 .

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum-grabbers and Video Pirates (Amendment) Act, 2014.

Short title and commencement.

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

Tamil Nadu Act
14 of 1982.

Amendment of long title

2. In the long title to the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum-grabbers and Video Pirates Act, 1982 (hereinafter referred to as the principal Act), for the expression “bootleggers, drug-offenders”, the expression “bootleggers, cyber law offenders, drug-offenders” shall be substituted.

3. In the preamble to the principal Act,

Amendment of preamble

(1) in the first paragraph, for the expression “bootleggers, drug-offenders”, the expression “bootleggers, cyber law offenders, drug-offenders” shall be substituted;

(2) In the second paragraph, -

(a) for the expression “bootleggers, drug-offenders”, the expression “bootleggers, cyber law offenders, drug-offenders” shall be substituted;

(b) the expression “eight” shall be omitted.

4. In section 1 of the principal Act, in sub-section (1), for the expression “Bootleggers, Drug-offenders”, the expression “Bootleggers, Cyber law offenders, Drug-offenders” shall be substituted.

Amendment of section 1

5. In section 2 of the principal Act,-

Amendment of section 2

(1) in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

“(i-A) 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;”;

(2) after clause (b), the following clause shall be inserted, namely:-

“(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.

(3) in clause (f), the expression "habitually" shall be omitted.

Amendment of
section 3

6. In section 3 of the principal Act, in sub-section(1), after the expression "bootlegger", the expression " or cyber law offender" shall be inserted.

Amendment of
section 17

7. In section 17 of the principal Act,

(1) In the marginal heading, for the expression "bootlegger, drug-offender", the expression "bootlegger, cyber law offender, drug-offender" shall be substituted;

(2) for the expression "bootlegger, drug-offender", the expression "bootlegger, cyber law offender, drug-offender" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug- offenders, Forest - offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum- grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) provides for preventive detention of certain types of offenders whose activities have the potential to affect the public order. The basic requirement for making an order of detention under the said Act, in respect of 'goonda' is habitual commission or attempt to commit or abetment of commission of offences specified in the definition of the term "goonda". There are instances where a single act has the potential to disrupt public order and therefore it will not be meaningful to wait for habitual commission of offences by a person before resorting to preventive detention. Hence, there is a need for a provision for preventive detention of such persons even on commission of a single offence which has the propensity to disturb public order.

2. Now, cyber crime is assuming great importance because of spread of information technology. Cyber crime also has the potential for posing a threat to internal security. Businesses and even Government functioning can be affected or even brought to a standstill by hackers and cyber criminal. Hence it has been considered to bring the cyber law offenders within the ambit of the said Act.
3. Accordingly, the Government have decided to amend the said Tamil Nadu Act 14 of 1982 for the above purposes.
4. The Bill seeks to give effect to the above decision.

NATHAM R. VISWANATHAN,
*Minister for Electricity,
Prohibition and Excise.*

A.M.P. JAMALUDEEN,
Secretary.