

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 26th April 2025 is published together with Statement of Objects and Resasons for general information:-

L.A Bill No. 12 of 2025

A Bill further to amend the 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.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the 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 (Amendment) Act, 2025. 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.

2. In the long title to the 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 (hereinafter referred to as the principal Act), for the expression "bootleggers, cyber law offenders, drug offenders", the expression "bio-medical waste offenders, bootleggers, cyber law offenders, drug offenders, economic offenders" shall be substituted. Amendment of long title.

3. In the preamble to the principal Act,—

Amendment of preamble.

(1) in the first paragraph, for the expression "bootleggers, cyber law offenders, drug offenders", the expression "bio-medical waste offenders, bootleggers, cyber law offenders, drug offenders, economic offenders" shall be substituted;

(2) in the second paragraph, for the expression "bootleggers, cyber law offenders, drug offenders", the expression "bio-medical waste offenders, bootleggers, cyber law offenders, drug offenders, economic-offenders" shall be substituted.

4. In section 1 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 1.

"(1) This Act may be called the Tamil Nadu Preventive Detention Act, 1982."

5. In section 2 of the principal Act, —

Amendment of section 2.

(1) in clause (a),—

(a) sub-clauses (i) and (i-A) shall be re-numbered as sub-clauses (i-A) and (i-B), respectively, and before sub-clause (i-A) as so re-numbered, the following sub-clause shall be inserted, namely: —

“(i) in the case of a bio-medical waste offender, when he is engaged, or is making preparations for engaging in any of his activities as a bio-medical waste offender, which affect adversely, or are likely to affect adversely, the maintenance of public order;”;

(b) sub-clause (ii-A) shall be re-numbered as sub-clause (ii-B) and before sub-clause (ii-B) as so re-numbered, the following sub-clause shall be inserted, namely: —

“(ii-A) in the case of an economic offender, when he is engaged, or is making preparations for engaging in any of his activities as an economic offender, which affect adversely, or are likely to affect adversely, the maintenance of public order;”;

(2) after clause (a), the following clause shall be inserted, namely: —

“(aa) “bio-medical waste offender” means a person, who disposes of or attempts to dispose of any bio-medical waste in contravention of the Bio-Medical Waste Management Rules, 2016, which is punishable under the Environment Protection Act, 1986 (Central Act 29 of 1986);”;

(3) clause (ee) shall be re-lettered as clause (eee) and before clause (eee) as so re-lettered, the following clause shall be inserted, namely: —

“(ee) “economic offender” means a person, who commits or attempts to commit or abets the commission of any offence punishable under the Chit Funds Act, 1982 (Central Act 40 of 1982) or the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 (Tamil Nadu Act 44 of 1997) or the Banning of Unregulated Deposit Schemes Act, 2019 (Central Act 21 of 2019);”;

(4) in clause (f), for the expression “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 377 or Chapter XVII or Chapter XXII of the Indian Penal Code (Central Act XLV of 1860)”, the expression “punishable under sections 80, 87 to 97 under Chapter V or Chapter VI except section 113 or section 192 or section 196 under Chapter XI or under Chapter XVII or under Chapter XIX except sections 356 and 357 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023)” shall be substituted;

(5) for clause (g), the following clause shall be substituted, namely: —

“(g) “immoral traffic offender” means a person who commits or abets the commission of any offence punishable under sections 98 and 99 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) or punishable under the Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956);”;

(6) in clause (ggg), for the expression “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)”, the expression “punishable under sections 64 to 71 or sections 74 to 79 under Chapter V of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023)” shall be substituted.

6. In section 3 of the principal Act, in sub-section (1), for the expression "bootlegger, or cyber law offender or drug offender", the expression "bio-medical waste offender or bootlegger or cyber law offender or drug offender or economic offender" shall be substituted.

Amendment of
section 3.

7. In section 4 of the principal Act, for the expression "the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)", the expression "the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023)" shall be substituted.

Amendment of
section 4.

8. In section 7 of the principal Act,—

Amendment of
section 7.

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

"(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, then the provisions of sections 84 to 89 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) 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 a 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 sub-section (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 84, 85, 86, 87 and 88 of the said Sanhita for issuing a proclamation for such person and for identification, 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 89 of the said Sanhita.";

(2) in sub-section (2), in clause (c), for the expression "said Code", the expression "said Sanhita" shall be substituted.

9. In section 17 of the principal Act,—

Amendment of
section 17.

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

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

STATEMENT OF OBJECTS AND REASONS

The Hon'ble Chief Minister while moving the demand for police department on the floor of the Legislative Assembly for the year 2024-2025, has announced that in order to control the activities of persons indulging in economic offences, they will be detained under the 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 14 of 1982) and the said Act will be amended suitably.

2. Further, the improper disposal of Bio-Medical Waste poses grave risks to public health and environment. There are frequent complaints about the dumping of such wastes in our State from the neighboring States. The Hon'ble Madurai Bench of Madras High Court in its Order dated 15.11.2023 in CrI.R.C (MD) No.957 of 2023 and CrI.M.P (MD) No.12436 of 2023, has observed that it is right time to book the violators of the Bio-Medical Waste Management Rules, 2016 under the said Tamil Nadu Act 14 of 1982, by bringing suitable amendment thereto.

3. Besides that, the Indian Penal Code, 1860 (Central Act XLV of 1860) and the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) were repealed and re-enacted as the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) and the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023), respectively. Hence, certain consequential amendments are required to be made in the said Tamil Nadu Act 14 of 1982.

4. Accordingly, the Government have decided to amend the Tamil Nadu Act 14 of 1982 suitably for the said purposes.

5. The Bill seeks to give effect to the above decision.

V SENTHILBALAJI,
Minister for Electricity,
Prohibition and Excise.

Secretariat,
Chennai,
26th April 2025.

K. SRINIVASAN,
Principal Secretary.