

Andhra Pradesh Prevention Of Anti-Social And Hazardous Activites Act, 1980

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Andhra Pradesh Prevention Of Anti-Social And Hazardous Activites Act, 1980

Reserved by the Governor on the 5 th March, 1980 for the consideration and assent of the President, received the assent of the President on the 18 th March, 1980 and published on the 20 th March, 1980 in the Andhra Pradesh Gazette, Part IV-B (Ext.) dt. 20-3-1980.

1. Short Title, Extent And Commencement :-

This Act may be called the Andhra Pradesh Prevention of Anti-Social and Hazardous Activities Act, 1980.

(2) It extends to the whole of the State of Andhra Pradesh

(3) It shall be deemed to have come into force on the 26 th October, 1979.

2. Definitions :-

"GOONDA":- means a person who,

(i) either by himself or as a member or leader of a gang, habitually commits or attempts to commit or abets the commission of offences punishable under Section 294, Chapter XVI, or Chapter XVII or Chapter XXII of the Indian Penal Code, 1860; or

(ii) having once been convicted of an offence under one or more of the following Acts is again convicted under -

- (a) the Opium Act, 1878;
- (b) the Dangerous Drugs Act , 1930;
- (c) the Drugs and Cosmetics Act, 1940
- (d) the Prevention of Food Adulteration Act, 1954
- (e) the Essential Commodities Act, 1955;
- (f) the Suppression of Immoral Traffic in Women and girls Act, 1956;
- (g) Sections 25, 26, 27, 28, or 29 of the Arms Act, 1959;
- (h) the Customs Act, 1962;
- (i) the Foreign Exchange Regulation Act, 1968;
- (j) the Andhra Pradesh Excise Act, 1968;
- (k) the Andhra Pradesh Gaming Act, 1974 (i) the Andhra Pradesh Prevention of Begging Act, 1977
- (iii) has been found habitually passing indecent remarks to, or teasing women or girls; or
- (iv) has been found habitual in intimidation of law abiding people by acts of violence or by show of force; or
- (v) is habituated-
 - (a) to commit affray or breach of peace, roit; or
 - (b) to make forcible collection or subscription, or to threaten people for illegal pecuniary gain for himself or for himself or for others; or
 - (c) to cause alarm, danger, or harm to persons or property;

3. Externment Of Goondas :-

(1) Where it appears to the Commissioner or the District Magistrate

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- (a) That any person is a Goonda; and
- (b) (i) that his movements or acts in the district or any part thereof are causing or are calculated to cause alarm, danger or harm to persons or property; or
- (ii) that there are reasonable grounds for believing that he is engaged or about to engage in the district or any part thereof, in the commission or abetment, of any offence or act specified in sub-clauses (i) to (v) of clause (e) or Section 2; and
- (c) that witnesses are not willing to come forward to give evidence against him by reason of apprehension on their part as regards the safety of their person or property;

The Commissioner or the District Magistrate shall, by notice in writing, inform him of the general nature of the material allegations against him in respect of clauses (a), (b) and (c) and give him a reasonable opportunity of tendering an explanation regarding

them.

(2) The person against whom an order under this section is proposed to be made, shall have the right to consult and to be defended by a counsel of his choice and shall be given reasonable opportunity of examining himself, if he so desires and also of examining any other witnesses or any relevant document that he may wish to produce in support of his explanation, unless for reasons to be recorded in writing, the Commissioner or the District Magistrate, is of opinion that the request is made for the purpose of vexation or delay.

(3) The Commissioner or the District Magistrate on being satisfied that the conditions specified in clauses (a), (b) and (c) of subsection (1) exist may by order in writing -

(a) direct him to remove himself outside the district or part thereof, as the case may be, by such route, if any, and within such time as maybe specified in the order and to desist from entering the district or the specified part thereof until the expiry of such period, not exceeding six months, as may be specified in the order;

(b) (i) require such person to notify his movements, or to report himself, or to do both, in such manner, at such time and to such authority or person as may be specified in the order;

(ii) Prohibit or restrict possession or use by him of any such articles as may be specified in the order;

(iii) Direct him otherwise to conduct himself in such manner as may be specified in the order, -until the expiration of such period, not exceeding six months, as may be specified in the order.

4. Section 4 :-

5. Section 5 :-

6. Section 6 :-

7. Section 7 :-

8. Section 8 :-

9. Section 9 :-

10. Punishment For Contravention Of Order Under Sections 3 To 6 :-

Whoever contravenes any order made under Section 3, Section 4, Section 5 or Section 6 shall be punishable with rigorous imprisonment for a term which may extend to three years but shall not be less than six months, and with fine which may extend to

three thousand rupees but shall not be less than one thousand rupees.

11. Forcible Removal Of Externed Goonda Re-Entering Etc., In Contravention Of Order :-

(1) Where, after an order is made against a person under Section 3, Section 4, or Section 5, or Section 6, such person:-

(a) has failed to remove himself from the District or part thereof as directed by the order; or

(b) has re-entered the area, from which he was ordered to remove himself during the period of operation of that order- The Commissioner or the District Magistrate, as the case maybe, may cause him to be arrested and removed in police custody to such place outside the area specified in the said order as he may direct.

(2) Any officer -in-charge of the police station may arrest without warrant any person reasonably suspected of an act or omission specified in sub-section (1), and shall forthwith forward the person so arrested to the nearest Executive Magistrate, who shall cause him to be forwarded to the Commissioner or the District Magistrate, as the cause may be, who may thereupon cause the person to be removed in police custody to such place outside the area specified in the said order as he may direct,

(3) The Provisions of this section are in addition to, and not in derogation of, the provisions of Section 10.