KARNATAKA LEGISLATIVE ASSEMBLY

FOURTEENTH LEGISLATIVE ASSEMBLY

FOURTH SESSION

# THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG-OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS, SLUM-GRABBERS AND VIDEO OR AUDIO PIRATES (AMENDMENT) BILL, 2014

**(L.A. Bill No. 53 of 2014)**

A Bill further to amend the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates Act, 1985.

Whereas it is expedient further to amend the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates Act, 1985 (Karnataka Act 12 of 1985) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the sixty-fifth year of the Republic of India as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates (Amendment) Act, 2014.

(2) It shall come into force at once.

**2. Amendment of long title and preamble.-** In the long title and the preamble of the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates Act, 1985 (Karnataka Act 12 of 1985) (hereinafter referred to as the principal Act) for the words "Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates" the words "Acid Attackers, Bootleggers, Depredator of Environment, Digital Offenders, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Land-Grabbers, Money Launderers, Sexual predators and Video or Audio Pirates" shall be substituted.

**3. Amendment of Section 1.-** In section 1 of the principal Act in sub-section (1) for the words "Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates" the words "Acid Attackers, Bootleggers, Depredator of Environment, Digital Offenders, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Land-Grabbers, Money Launderers, Sexual predator and Video or Audio Pirates" shall be substituted.

**4. Substitution of Section 2.-** For section 2 of the principal Act, the following shall be substituted, namely:-

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

(a) "acting in any manner prejudicial to the maintenance of public order" means,-

(i) in the case of acid attacker, when he is engaged or making preparations for engaging in any offences under sections 326A and, 326 B of the Indian Penal Code (Central Act XLV of 1860) which affect adversely, or are likely to affect adversely, the maintenance of public order;

(ii) in the case of a bootlegger, when he is engaged, or is making preparations for engaging, in any of his activities as a bootlegger which affect adversely or are likely to affect adversely the maintenance of public order;

(iii) in the case of depredator of environment, when he is engaged or making preparations for engaging in any of his activities as a depredator of environment, which affect adversely or likely to affect adversely the maintenance of public order;

(iv) in the case of digital offender, when he is engaged, or is making preparations for engaging in any of his activities as a digital offender, which affect adversely or are likely to affect adversely, the maintenance of public order;

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

(vi) in the case of a gambler when he is engaged, or is making preparations for engaging in any of his activities as a gambler which affect adversely or are likely to affect adversely the maintenance of public order;

(vii) in the case of a goonda when he is engaged, or is making preparations for engaging, in any of his activities as a goonda which affect adversely or are likely to affect adversely the maintenance of public order;

(viii) in the case of an immoral traffic offender when he is engaged, or is making preparations for engaging in any of his activities as an immoral traffic offender which affect adversely, or are likely to affect adversely, the maintenance of public order;

(ix) in the case of a land-grabber, when he is engaged, or is making preparations for engaging, in any of his activities as a land-grabber, which affect adversely or are likely to affect adversely the maintenance of public order;

(xi) in the case of money launderer, when he is engaged, or is making preparations for engaging in any of his activities as a money launderer, which affect adversely or are likely to affect adversely, the maintenance of public order;

(xii) in the case of sexual predator, when he is engaged, or making preparations for engaging in any offences under Sections 376, 376A, 376B, 376C, 376D and 376E of the Indian Penal Code (IPC) and under the Protection of Children from Sexual Offences Act, 2012 which affect adversely or likely to affect adversely the maintenance of public order;

(xiii) In the case of a Video or Audio pirate, when he is engaged or is making preparations for engaging in any of his activities as a Video or Audio pirate habitually for commercial gain, which affect adversely, or are likely to affect adversely, the maintenance of public order.

**Explanation.-** For the purpose of this clause, 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 of the persons referred to in this clause directly or indirectly, is causing or is calculated to cause any harm, danger or alarm or a feeling of insecurity, among the general public or any section thereof or a grave or widespread danger to life or public health.

(a) "Acid Attackers" means a person who commits or attempts or abets the commission of any offences under sections 326A and 326B of the Indian Penal Code (Central Act XLV of 1860) and the Poisons Act, 1919 and Mysore Poisons Rules 1966;

(b) "bootlegger" means a person, who distills, manufactures, stores, transports, imports, exports, sells or distributes any liquor, intoxicating drug or other intoxicant in contravention of any of the provisions of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966) and the rules, notifications and orders made thereunder, or in contravention of any other law for the time being in force, or who knowingly expends or applies any money or supplies any animal, vehicle, vessel or other conveyance or any receptacle or any other material whatsoever in furtherance or support of the doing of any of the above mentioned things by or through any other person, or who abets in any other manner the doing of any such things ;

(c) "detention order" means an order made under section 3;

(d) "detenue" means a person detained under a detention order ;

(e) "Depredator of Environment" means a person who by any direct act or omission by which he derives for himself or for any other person pecuniary or commercial benefit, commits an offence under any law relating to protection of environment or rivers or under any law relating to sand mining from any place or under any law relating to quarrying or mining, or who commits or abets the commission of offences punishable under any law relating to conservation of forest or wildlife;

(f) "Digital Offender" means any person who knowingly or deliberately violates, for commercial purposes any copy right law in relation to any book, music, film, software, artistic or scientific work and also includes any person who illegally enters through the identity of another user and illegally uses any computer or digital network for pecuniary gain for himself or for any other person or commits any of the offences specified under section 67, 68, 69, 70, 71, 72, 73, 74 and 75 of the Information Technology Act, 2000 (Central Act 21 of 2000);

(g) "drug-offender" means a person, who manufactures, stocks, imports, exports, sells or distributes any drug or cultivates any plant or does any other thing in contravention of any of the provisions of the Drugs and Cosmetics Act, 1940 (Central Act XXIII of 1940), or the Dangerous Drugs Act, 1930 (Central Act II of 1930) and the rules, notifications and orders made under either Act, or in contravention of any other law for the time being in force, or who knowingly expends or applies any money in furtherance or support of the doing of any of the above mentioned things by or through any other person, or who abets in any other manner the doing of any such things ;

(h) "gambler" means a person, who commits or abets the commission of any offence punishable under Chapter VII of the Karnataka Police Act, 1963 (Karnataka

Act 4 of 1964) including an offence of gambling relatable to "matka" and punishable under the said Chapter ;

(i) "goonda" means a person who either by himself or as a member of or leader of a gang, habitually commits or attempts to commit or abets the commission of offences punishable under Chapter VIII, ChapterXV, Chapter XVI Chapter XVII or Chapter XXII of the Indian Penal Code (Central Act XLV of 1860) ;

(j) "immoral traffic offender" means a person who commits or abets the commission of any offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (Central Act 104 of 1956) ;

(k) "land-grabber" means a person, who illegally takes possession of any land (whether belonging to Government, local authority or any other person) including tank bed or enters into, or creates illegal tenancies or leave and license agreements or any other agreement in respect of such lands ; or who constructs unauthorized structures thereon for sale or hire, or gives such lands to any person on rental or leave and license basis for construction or use and occupation, of unauthorized structures or who knowingly gives financial aid to any person for taking illegal possession of such lands, or for construction of unauthorized structures thereon, or who collects or attempts to collect from any occupier of such lands, rent, compensation or other charges by criminal intimidation, or who evicts or attempts to evict any such occupier by force without resorting to the lawful procedure; or who abets in any manner the doing of any of the above mentioned things;

(l) "Money Launderer" means a person who by any direct act by which he derives pecuniary benefits for himself or for any other person commits or abets any of the offences specified in Part-A of the Schedule of the Prevention of Money Laundering Act, 2002;

(m) "Sexual predator" means a person, who commits or attempts or abets the commission of any offences under sections 376, 376A, 376B, 376C, 376D and 376E of the Indian Penal Code (Central Act XLV of 1860), or offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO);

(n) "unauthorised structure" means any structure constructed without express permission in writing of the appropriate authority under, and in accordance with any law for the time being in force in the area concerned;

(o) "Video or Audio pirate" means a person who commits or attempts to commit or abets the commission of offences of infringement of copy right habitually for commercial gain, in relation to cinematograph film or a record embodying any part of the sound track associated with the film, punishable under the Copy Right Act, 1957 (Central Act XIV of 1957).

**5. Amendment of section 3.-** In section 3 of the principal Act, for the words "Bootlegger or Drug Offender or Gambler or Goonda or Immoral Traffic Offender or Slum-Grabber or Video or Audio Pirate" the words "Acid Attacker or Bootlegger or Depredator of Environment or Digital Offender or Drug Offender or Gambler or Goonda or Immoral Traffic Offender or Land-Grabber or Money Launderer or Sexual predator or Video or Audio Pirate" shall be substituted.

**6. Substitution of section 17.-** For section 17 of the principal Act, the following shall be substituted, namely:-

"**17. Detention Order against acid attacker, bootlegger, depredator of environment, digital offender, drug offender, gambler, goonda, immoral traffic offender, land-grabber, money launderer, sexual predator and video or audio pirate to be made under this Act and not under national security Act.-** On and after the commencement of this Act, no order of detention under the National Security Act, 1980 (Central Act 65 of 1980) shall be made by the State Government or any of their officers under that Act, in respect of any acid attacker, bootlegger, depredator of environment, digital offender, drug offender, gambler, goonda, immoral traffic offender, land-grabber, money launderer, sexual predator or video or audio pirate in the State of Karnataka, on the ground of preventing him from acting in any manner prejudicial to the maintenance of public order, which order of detention may be or can be made against such person under this Act".

## STATEMENT OF OBJECTS AND REASONS

It is considered necessary further to amend the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates Act, 1985 (Karnataka Act 12 of 1985) to include the offences relating to acid attack, environment, digital media, land grabbing, many laundering and sexual offences in public interest, as a preventive measure.

Hence, the Bill

## FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

**K.J. GEORGE**
Minister for Home

**P. OMPRAKASHA**
Secretary
Karnataka Legislative Assembly

## ANNEXURE

### THE EXTRACT FROM THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG-OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM-GRABBERS ACT, 1985 (Karnataka Act No. 12 of 1985)

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### THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG-OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS, SLUM-GRABBERS AND VIDEO OR AUDIO PIRATES ACT, 1985

**1.** This Act may be called as the the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates Act, 1985.

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

(a) "acting in any manner prejudicial to the maintenance of public order" means,-

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

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

(iii) in the case of a gambler when he is engaged, or is making preparations for engaging in any of his activities as a gambler which affect adversely or are likely to affect adversely the maintenance of public order ;

(iv) in the case of a goonda when he is engaged, or is making preparations for engaging, in any of his activities as a goonda which affect adversely or are likely to affect adversely the maintenance of public order ;

(v) in the case of an immoral traffic offender when he is engaged, or is making preparations for engaging in any of his activities as an immoral traffic offender which affect adversely, or are likely to affect adversely, the maintenance of public order;

(vi) in the case of a slum-grabber, when he is engaged, or is making preparations for engaging, in any of his activities as a slum-grabber, which affect adversely or are likely to affect adversely the maintenance of public order;

**Explanation.-** For the purpose of this clause, 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 of the persons referred to in this clause directly or indirectly, is causing or is calculated to cause any harm, danger or alarm or a

feeling of insecurity, among the general public or any section thereof or a grave or widespread danger to life or public health.

(b) "bootlegger" means a person, who distills, manufactures, stores, transports, imports, exports, sells or distributes any liquor, intoxicating drug or other intoxicant in contravention of any of the provisions of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966) and the rules, notifications and orders made thereunder, or in contravention of any other law for the time being in force, or who knowingly expends or applies any money or supplies any animal, vehicle, vessel or other conveyance or any receptacle or any other material whatsoever in furtherance or support of the doing of any of the above mentioned things by or through any other person, or who abets in any other manner the doing of any such things ;

(c) "detention order" means an order made under section 3;

(d) "detenue" means a person detained under a detention order ;

(e) "drug-offender" means a person, who manufactures, stocks, imports, exports, sells or distributes any drug or cultivates any plant or does any other thing in contravention of any of the provisions of the Drugs and Cosmetics Act, 1940 (Central Act XXIII of 1940), or the Dangerous Drugs Act, 1930 (Central Act II of 1930) and the rules, notifications and orders made under either Act, or in contravention of any other law for the time being in force, or who knowingly expends or applies any money in furtherance or support of the doing of any of the above mentioned things by or through any other person, or who abets in any other manner the doing of any such things ;

(f) "gambler" means a person, who commits or abets the commission of any offence punishable under Chapter VII of the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964) including an offence of gambling relatable to "matka" and punishable under the said Chapter ;

(g) "goonda" means a person who either by himself or as a member of or leader of a gang, habitually commits or attempts to commit or abets the commission of offences punishable [1][under Chapter VIII, ChapterXV, Chapter XVI][1] Chapter XVII or Chapter XXII of the Indian Penal Code (Central Act XLV of 1860) ;

(h) "immoral traffic offender" means a person who commits or abets the commission of any offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (Central Act 104 of 1956) ;

(i) "slum-grabber" means a person, who illegally takes possession of any land (whether belonging to Government, local authority or any other person) or enters into, or creates illegal tenancies or leave and licence agreements or any other agreement in respect of such lands ; or who constructs unauthorised structures thereon for sale or hire, or gives such lands to any person on rental or leave and licence basis for construction or use and occupation, of unauthorised structures or who knowingly gives financial aid to any person for taking illegal possession of such lands, or for construction of unauthorised structures thereon, or who collects or attempts to collect from any occupier of such lands, rent, compensation or other charges by criminal intimidation, or who evicts or attempts to evict any such

occupier by force without resorting to the lawful procedure; or who abets in any manner the doing of any of the above mentioned things ;

(j) "unauthorised structure" means any structure constructed without express permission in writing of the appropriate authority under, and in accordance with any law for the time being in force in the area concerned.

**3. Power to make orders detaining certain persons.-** (1) The State Government may, if satisfied with respect to any bootlegger or drug-offender or gambler or goonda or immoral traffic offender or slum-grabber that with a view to prevent him from acting in any manner prejudicial to the maintenance of public order, it is necessary so to do, make an order directing that such persons be detained.

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**17. Detention Order against any bootlegger, drug-offender, gambler, goonda, immoral traffic offender or slum - grabber to be made under this Act and not under National Security Act.-** On and after the commencement of this Act, no order of detention under the National Security Act, 1980 (Central Act 65 of 1980) shall be made by the State Government or any of their officers under that Act, in respect of any bootlegger, drug-offender, gambler, goonda, immoral traffic offender or slum-grabber in the State of Karnataka, on the ground of preventing him from acting in any manner prejudicial to the maintenance of public order, which order of detention may be or can be made against such person under this Act.

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