NOTIFICATION

The draft Lakshadweep Prevention of Anti-Social Activities Regulation, 2021 is hereby published for the purpose of eliciting public opinion on the draft regulation. The comments / suggestions, if any may be submitted to the Senior Superintendent of Police, U.T of Lakshadweep in writing with in a period of 21 days from 28.01.2021.

To

1. The Director, Printing & Stationary, UTL, Kavaratti for publication in the Gazette
2. The Director, NIC for publication in the Lakshadweep website.

[Signature]
Senior Supdt. of Police
U.T. of Lakshadweep
MINISTRY OF LAW AND JUSTICE
(LEGISLATIVE DEPARTMENT)
New Delhi)


Promulgated by the President in the Seventieth Year of
Republic of India.

(DRAFT)

A Regulation to provide for preventive detention of
bootleggers, dangerous persons, drug offenders, immoral traffic
offenders, property grabbers, cyber offenders, money lending
offenders, Cruel Persons, depredators of environment and
sexual offenders for preventing their anti-social and dangerous
activities prejudicial to the maintenance of public order.

In exercise of the powers conferred by article 240 of the
Constitution, the President is pleased to promulgate the
following Regulation made by him:

1. (1) This Regulation may be called the Lakshadweep Prevention of
anti-social Activities Regulation, 2020.

(2) It extends to the whole of the Union Territory of Lakshadweep.

(3) It shall come into force at once.

2. In this Regulation, unless the context otherwise requires,—

(a) “administrator” means the Administrator of the Union Territory of
Lakshadweep appointed by the President under article 239 of the
Constitution;

(b) “advisory board” means an advisory board constituted under
section 9.

(c) "authorised officer" means a District Magistrate authorised under
sub-section (2) of section 3 to exercise the powers conferred under
sub-section (1) of that section;

(d) "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
provision of the Lakshadweep Prohibition Regulation, 1979 and the
rules and orders made there under, or 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 things described above by or through any
other person, or who abets in any other manner the doing of any such
thing;

(e) "cruel person" means a person, who either by himself or as a
member or leader of a gang, habitually commits or attempts to
commit or abets the commission of an offence punishable under the

(f) “cyber offender” means a person who commits or attempts to
commit or abets the commission of offence punishable under Chapter
XI of the Information Technology Act, 2000;

(g) "dangerous person" means a person, who either by himself or as a member or leader of a gang, habitually commits, or attempts to commit or abets the commission of any of the offences punishable under Chapter VIII or Chapter XVI (except section 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D or 377) or Chapter XVII or Chapter XVII of the Indian Penal Code or any of the offences punishable under chapter V of the Arms Act, 1959;

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

(i) "detenu" means a person detained under a detention order;

(j) "predator of environment" means a person who, by any direct act by which he derives pecuniary or commercial benefits, commits an offence under any law relating to protection of environment or under any law relating to sand mining from any place, or who commits or abets the commission of offences punishable under any law relating to conservation of forests or wild life;

(k) "drug offender" means a person who:

(l) imports any drug in contravention of section 10 of the Drugs and Cosmetics Act, 1940 (hereinafter in this definition referred to as "the Drugs Act");

(ii) manufactures for sale, or sells, or stocks or exhibits for sale, or distributes any drug in contravention of section 18 of the Drugs Act,

(iii) manufactures for sale any Ayurvedic (including Siddha) or Unani drug in contravention of section 33D of the Drugs Act,

(iv) sells, or stocks or exhibits for sale or distributes any Ayurvedic (including Siddha) or Unani drug other than that manufactured by a manufacturer licensed under Chapter IV-A, in contravention of section 33E of the Drugs Act,

(v) cultivates any coca plant, opium poppy, or cannabis plant or produces, manufactures, possesses, sells, purchases, transports, ware-houses, imports inter-State, exports inter-State, imports into India, exports from India or transships any narcotic drug or psychotropic substance in contravention of section 8 of the Narcotic Drugs and Psychotropic Substances Act, 1985,

(vi) knowingly expends or supplies any money in furtherance or support of the doing of any of the things mentioned in any of the sub-clauses (i) to (v) by or through any other person, or

(vii) abets in any manner the doing of any of the things mentioned in any of the sub-clauses (i) to (vi);

(m) "immoral traffic offender" means a person who habitually commits or abets the commission of any offence under the Suppression of Immoral Traffic (Prevention) Act, 1956;

(n) "money lending offender" means a money lender or any person engaged by the money lender or someone acting on his behalf, who uses or threatens to use physical violence directly or otherwise or through any person against any person for the purpose of collecting any part of the loan or interest thereon or any installment thereof or for taking any movable or immovable property connected with the
(o) "property grabber" means a person who illegally takes possession of any lands not belonging to himself but belonging to Government, local authority or any other person or enters into or creates illegal tenancies or lease and licence agreements or any other agreements 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 lease 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 occupiers of such lands rent, compensation or other charges by criminal intimidation or who evicts or attempts to evict any such occupiers by force without resorting to the lawful procedure or who abets in any manner the doing of any of the above mentioned things;

(p) "sexual offender" means a person who commits or attempts to commit or abets the commission of any offence punishable under section 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D or 377 of the Indian Penal Code or the Protection of Children from Sexual Offences Act, 2012;

(q) "unauthorised structure" means any structure constructed in any area without express permission in writing of the officer or authority having jurisdiction in such area required under the Laccadive, Minicoy and Aminfidvi Islands Land Revenue and Tenancy Regulation, 1965 and rules made there under or except in accordance with any other law for the time being in force in such area.

(r) "common gaming house keeper" means a person who commits or attempts to commit or abets the commission of an offence punishable against the provisions of Gambling Act Prevailing in U.T of Lakshadweep.

3. (1) The Administrator may if satisfied with respect to any person that with a view to preventing 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 person be detained.

(2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limit of the jurisdiction of the District Magistrate, the Administrator is satisfied that it is necessary to do, he may, by order in writing, direct that the District Magistrate, may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section.

(3) When any order is made under this section by an authorised officer he shall forthwith report the fact to the Administrator, together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the Administrator.

(4) For the purpose of this section, a person shall be deemed to be "acting in any manner prejudicial to the maintenance of public order" when such person is engaged in or is making preparation for engaging in any activities whether as a bootlegger or cruel person or
dangerous person or drug offender or immoral traffic offender or property grabber or cyber offender or money lending offender or depredator of environment or sexual offender, which affect adversely or are likely to affect adversely the maintenance of public order.

Explanation—For the purpose of this sub-section, 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 person referred to in this sub-section directly or indirectly, is causing or is likely to cause any harm, danger or alarm or feeling of insecurity among the general public or any section thereof or a grave or widespread danger to life, property or public health.

4. A detention order may be executed at any place in the Union Territory of Lakshadweep in the manner provided for the execution of warrant of arrest under the Code of Criminal Procedure, 1973.

5. Every person in respect of whom a detention order has been made shall be liable

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the Administrator may, by general or special order, specify; and

(b) to be removed from one place of detention to another place of detention, within the Union Territory of Lakshadweep by order of the Administrator.

6. 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 Administrator 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 Administrator 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.

7. (1) If the Administrator or any authorised officer 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 82 to 86 (both inclusive) of the Code of Criminal Procedure, 1973, shall apply in respect of such person and his property, subject to the modifications mentioned
in this sub-section and, irrespectively 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 Administrator, and officer, not below the rank of a District Magistrate authorised by the Administrator in this behalf, or where the detention order is made by an authorised officer, the authorised 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 82, 83, 84 and 85 of the said Code for issuing a proclamation for such person and for attachment and sale of his property situated in any part of the Union Territory of Lakshadweep 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 Sessions having jurisdiction in the place where the said person ordinarily resides, as provided in section 86 of the said Code.

(2) (a) Notwithstanding anything contained in sub-section (1), if the Administrator or an authorised officer has reason to believe that person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, the Administrator or the officer, as the case may be, may by order notified in the Official Gazette, direct the said person to appear before such officer, at such place and within such period as may be specified in the order.

(b) Where such person fails to comply with such order, then unless he proves that it was not possible for him to comply therewith, and that he had, within the period specified in the order, informed the officer mentioned in the order of the reasons which rendered compliance therewith impossible and of his whereabouts, or proves that it was not possible for him to so inform the officer mentioned in the order, he shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

8. (1) When a person is detained in pursuance of a detention order the authority making the order shall, as soon as may be, but not later than seven days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the Administrator.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

9. (1) The Administrator shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Regulation.

(2) Every such Board shall consist of a Chairman, and two other members who are, or have been, Judges, of any High Court or who are qualified under the Constitution of India to be appointed as Judges of a High Court:

Provided that the Chairman of such Board shall be a person who is, or has been, a Judge of a High Court.

10. In every case where a detention order has been made under this Regulation the Administrator shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by him under section 9 the grounds on which the order has been made and the representation, if any, made by the
person affected by the order, and where the order has been made by an authorised officer, also the report made by such officer under subsection (3) of section 3.

| 11. | (1) The Advisory Board shall, after considering the materials placed before it and, after calling for further information as it may deem necessary from the Administrator or from any person called for the purpose through the Administrator or from the detenu and if, in any particular case, the Advisory Board considers it essential so to do or if the detenu desires to be heard, after hearing the detenu in person, submit its report to the Administrator, within seven weeks from the date of detention of the detenu. |
|  | (2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the detenu. |
|  | (3) When there is a difference of opinion among the members forming the Advisory Board the opinion of the majority of such members shall be deemed to be the opinion of the Board. |
|  | (4) The proceedings of the Advisory Board and its report excepting that part of the report in which the opinion of the Advisory Board is specified shall be confidential. |
|  | (5) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board. |

| 12. | (1) In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of the detenu, the Administrator may confirm the detention order and continue the detention of the detenu for a period, not exceeding the maximum period prescribed by section 13 as he thinks fit. |
|  | (2) In any case where the Advisory Board has reported that there is, in its opinion, no sufficient cause for the detention of the person concerned, the Administrator shall revoke the detention order and cause the detenu to be released forthwith. |

| 13. | The maximum period for which any person may be detained in pursuance of any detention order made under this Regulation which has been confirmed under sub-section (1) of section 12, shall be one year from the date of detention. |

| 14. | No detention order shall be invalid or inoperative merely by reason- |

|  | (a) that the person to be detained thereunder, though, within the Union Territory of Lakshadweep, is outside the territorial jurisdiction of the authorised officer making the order, or |

|  | (b) that the place of detention of such person though, within the Union Territory of Lakshadweep, is outside the said limits. |

| 15. | (1) Without prejudice to the provisions of the General Clauses Act, 1897 (10 of 1897), a detention order may, at any time for reasons to be recorded in writing, be revoked or modified by the Administrator, notwithstanding that the order has been made by an authorised officer. |
|  | (2) The expiry or revocation of a detention order (hereinafter in this sub-section referred to as “the earlier detention order”) shall not bar
the making of another detention order (hereinafter in this sub-section referred to as "the subsequent detention order") under section 3 against the same person:

Provided that in a case where no fresh facts have arisen after the expiry or revocation of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the subsequent detention order shall in no case extend beyond the expiry of a period of twelve months from the date of detention under the earlier detention order.

16. (1) The Administrator may, at any time, for reasons to be recorded in writing, direct that any person detained in pursuance of a detention order may be released for any specified period, either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any detenu under sub-section (1), the Administrator may require him to enter into a bond, with or without sureties, for the due observance of the conditions specified in the direction.

(3) Any detenu released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any detenu fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any detenu released under sub-section (1) fails to fulfill any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

17. Whoever, knows or has reason to believe that an order against any person has been made under section 3, harbours or conceals such person, shall, on conviction, be punished with imprisonment for a term which shall not be less than three months but may extend to one year, and shall also be liable to fine which may extend to one thousand rupees.

18. (1) The Administrator or the authorised officer may, by general or special order, empower any police officer to enter and search any place and dwelling house, stop and search any vessel, vehicle or animal, and may seize anything which he has reason to believe, has been, is being, or is about to be, used for any activities referred in clauses (d), (e), (f), (g), (h), (i), (k), (m), (n), (o), (p), (q) and (r) of section 2.

(2) Any officer empowered under sub-section (1) shall forthwith report to the Administrator or the authorised officer in detail any seizure made by him and till the receipt of their orders, may detain in custody anything so seized or take such other steps for its safe custody, as he may think fit.

(3) The Administrator or the authorised officer may make such order as they deem fit, for the disposal of anything seized under subsection (1), by destruction, confiscation or in such other manner, as they may direct.

19. No suit, prosecution or other legal proceeding shall lie against the Administrator or any officer or person, for anything in good faith done or intended to be done in pursuance of this Regulation.
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<td><strong>Offences to be cognizable and non-bailable</strong></td>
<td><strong>20</strong> Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences and willful violations of lawful orders made under this Regulation shall be cognizable and non-bailable.</td>
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<td><strong>Power to make rules</strong></td>
<td><strong>21</strong> The Administrator may make rules, not inconsistent with this Regulation, for carrying out the purposes of this Regulation.</td>
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<td><strong>Matters within the purview of this Regulation to be dealt with under this Regulation only</strong></td>
<td><strong>22.</strong> On and after the commencement of this Regulation, no order of detention under the National Security Act, 1980 shall be made by the Administrator or any officer subordinate to it, in respect of any bootleggers, dangerous persons, drug offenders, immoral traffic offenders, property grabbers, cyber offenders, cruel person, money landing offenders, depredators of environment and sexual offenders in the Union Territory of Lakshadweep on the ground of preventing him from acting in any manner prejudicial to the maintenance of public order, in so far as an order under this Regulation, could be made for detention of such person.</td>
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