

Extra No. 15



વાર્ષિક લવાજમનો દર રૂ. ૪,૦૦૦/-

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

HOME DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 7th September, 2020.

GUJARAT ORDINANCE NO. 11 OF 2020.

AN ORDINANCE

further to amend the Gujarat Prevention of Anti-social Activities Act, 1985.

WHEREAS the Legislative Assembly of the State of Gujarat is not in Session;

Guj. 16 of 1985. AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Prevention of Anti-social Activities Act, 1985;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely: -

1. **Short title and commencement.-** (1) This Ordinance may be called the Gujarat Prevention of Anti-social Activities (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

2. **Guj. 16 of 1985 to be temporarily amended.-** During the period of operation of this Ordinance, the Gujarat Prevention of Anti-social Activities Act, 1985 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 5.

**Guj. 16
of 1985.**

3. **Amendment of long title of Guj. 16 of 1985.-** In the principal Act, in the long title, for the words "immoral traffic offenders and property grabbers", the words "immoral traffic offenders, property grabbers, cyber offenders, money lending offenders and sexual offenders" shall be substituted.

4. **Amendment of section 2 of Guj. 16 of 1985.-** In the principal Act, in section 2, -

(i) for clause (bb), the following clause shall be substituted, namely:-

"(bb) "common gaming house keeper" means a person who commits or attempts to commit or abets the commission of an offence punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887";

**Bom. IV
of 1887.**

(ii) after clause (bbb), the following clause shall be inserted, namely:-

"(ba) "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";

21 of 2000.

(iii) in clause (c), for the words "Chapter XVI or Chapter XVII of the Indian Penal Code", the words "Chapter VIII or Chapter XVI (except sections 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D, or 377) or Chapter

45 of 1860.

45 of 1860. XVII or Chapter XXII of the Indian Penal Code" shall be substituted.

(iv) after clause (g), the following clause shall be inserted, namely:-

Guj. 14
of 2011.

"(ga) "money lending offender" means a person, who commits or attempts to commit or abets the commission of offences under Chapter IX of the Gujarat Money Lenders Act, 2011 or 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 instalment thereof or for taking any movable or immovable property connected with the loan transaction or the realization of whole or part of the loan amount or interest thereon."

(v) after clause (h), the following clause shall be inserted, namely:-

45 of 1860.

32 of 2012.

"(ha) "sexual offender" means a person, who commits or attempts to commit or abets the commission of any offence punishable under sections 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;"

5. *Amendment of section 3 of Guj. 16 of 1985.*- In the principal Act, in section 3, in sub-section (4), after the words "immoral traffic offender or property grabber", the words "cyber offender or money lending offender or sexual offender" shall be inserted.

STATEMENT

The Gujarat Prevention of Anti-social Activities Act, 1985 has been immensely useful in maintaining peace and order by detaining the anti-social elements. However, with the rapid growth of the State, the law enforcement agencies are faced with the challenges of new kind of offenders, viz. the sexual offenders, the cyber-crime offenders and money lenders lending money at the exorbitant rate of interest in clear violation of the provisions of the Gujarat Money Lenders Act, 2011 and causing the recovery of the moneys lent to the persons in need by resorting to myriad ways of recovery and therefore, it is need of the hour to protect and safeguard the interests of the public at large from such challenges of the said offenders.

It is also noticed that the provision for detention of "common gaming house" has proved to be ineffective as it entails conviction for the offence punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887 and the commission of another offence under the said section within a period of three years.

The said Act is therefore, required to be amended by inserting therein the definitions of the sexual offenders, cyber-crime offenders and money lending offenders as also substituting the definition of the "common gaming housekeepers" so as to effectively counter the said offenders. Sections 3 and 4 of the Ordinance amend the relevant provisions for the said purpose.

As the Legislative Assembly of the State of Gujarat is not in session, the Gujarat Prevention of Anti-social Activities (Amendment) Ordinance, 2020 is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar.

Dated the 5th September, 2020.

ACHARYA DEVVRAT,

Governor of Gujarat.

By order and in the name of the Governor of Gujarat.

SANGEETA SINGH,

Additional Chief Secretary to Government.