



भारत सरकार / Government of India

# सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन  
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND  
DAMAN AND DIU

## असाधारण EXTRAORDINARY

प्राधिकरण द्वारा प्रकाशित / PUBLISHED BY AUTHORITY

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Daman	1 <sup>st</sup> April, 2022	11 Chaitra, 1944 (Saka)	No. : 04
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U.T. Administration of Dadra and Nagar Haveli  
and Daman and Diu  
Department of Law and Justice  
Vidyut Bhawan, Nani Daman

### NOTIFICATION

No. LAW/U.T. Merge (4) /Adapt. State Law/2022/48

Dated: 30/03/2022

In exercise of the powers conferred by section 19 of the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) and in pursuance of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Orders, dated 18<sup>th</sup> January, 2022 a copy of “**The Gujarat Prevention of Anti-Social Activities Act, 1985 (Gujarat Act No. 16 of 1985) (as extended to the Union territory of Dadra and Nagar Haveli and Daman and Diu)**” dated 22/03/2022 is hereby publish in the Official Gazette of this Union territory of Dadra and Nagar Haveli and Daman and Diu for implementation and for general information.

Sd/—  
(Rohit P.Yadav)  
Secretary Law  
Dadra and Nagar Haveli and  
Daman and Diu

**The Gujarat Prevention of Anti-Social Activities Act, 1985**  
**(Gujarat Act No. 16 of 1985)**  
**as extended to the Union Territory of Dadra and Nagar Haveli<sup>1</sup>[and Daman and Diu]**

AN ACT TO PROVIDE FOR <sup>2</sup>[PREVENTIVE] DETENTION OF BOOTLEGGERS, <sup>3</sup>[COMMON GAMING HOUSE KEEPERS, CRUEL PERSONS,] DANGEROUS PERSONS, DRUG OFFENDERS, <sup>4</sup>[IMMORAL TRAFFIC OFFENDERS, PROPERTY GRABBERS, CYBER OFFENDERS, MONEY LENDING OFFENDERS AND SEXUAL OFFENDERS] FOR PREVENTING THEIR ANTI-SOCIAL AND DANGEROUS ACTIVITIES PREJUDICIAL TO THE MAINTENANCE OF PUBLIC ORDER.

It is hereby enacted in the Thirty- Sixth Year of the Republic of India as follows:

1. **Short Title, extent and commencement.**-(1) This Act may be called the Gujarat Prevention of Anti-Social Activities Act, 1985.  
(2) It extends at the whole of the Union Territory of Dadra and Nagar Haveli<sup>5</sup>[and Daman and Diu].  
(3) It shall come into force at once.

**2. Definitions.-**

In this Act, unless the context otherwise requires, –

- (a) “Administrator” means the Administrator of the Union Territory of Dadra and Nagar Haveli <sup>6</sup>[and Daman and Diu] appointed by the President under article 239 of the constitution;
- (aa) “authorised officer” means a District Magistrate authorised under sub-section (2) of section to exercise the powers conferred under sub-section (1) of that section;

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<sup>1</sup>Inserted by the Union territory of Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Order dated 18<sup>th</sup> January, 2022 (herein after referred to as “the Presidential Order, 2022)

<sup>2</sup>“Prevention” substituted by the Presidential Order, 2022.

<sup>3</sup>Inserted by the Presidential Order, 2022.

<sup>4</sup>“immoral traffic offenders and property grabbers” substituted by the Presidential Order, 2022.

<sup>5</sup>Inserted by the Presidential Order, 2022.

<sup>6</sup>Inserted by the Presidential Order, 2022.

- (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 provision of the<sup>7</sup>[Dadra and Nagar Haveli and Daman and Diu Excise Duty Regulation, 1964 (5 of 1964)] and the Rules and orders made thereunder, 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;
- <sup>8</sup>[(bb) "common gaming house keeper" means a person who, commits or attempts to commit or abets the commission of an offence punishable under the Prevention of Gambling Act, applicable in Union Territory of Dadra and Nagar Haveli and Daman and Diu;
- (bbb) "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 Animal Preservation Act applicable in Union Territory of Dadra and Nagar Haveli and Daman and Diu;.
- (bbbb) "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)];
- (c) "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<sup>9</sup>[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 XVII or Chapter XXII of the Indian Penal Code 1860 (45 of 1860)]or any of the offences punishable under chapter V of the Arms Act, 1959 (54 of 1959);
- (d) "detention order" means an order made under section 3;
- (e) "detenu" means a person detained under a detention order;
- (f) "drug offender" means a person who-

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<sup>7</sup>"Dadra and Nagar Haveli Excise Duty Regulation, 1969 (2 of 1969)" substituted by the Presidential Order, 2022.

<sup>8</sup>Inserted by the Presidential Order, 2022.

<sup>9</sup>"Chapter XVI or Chapter XVII of the Indian Penal Code" substituted by the Presidential Order, 2022.

- (i) imports any drug in contravention of section 10 of the Drugs and Cosmetics Act, 1940(23 of 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 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, warehouses, imports inter-State, exports inter-State, imports into India, exports from India or tranships any narcotic drug or psychotropic substance in contravention of section 8 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (61 of 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);

(g) "immoral traffic offender" means persons who habitually commits or abets the commission of any offence under the Immoral Traffic (Prevention) Act, 1956 (104 of 1956);

<sup>10</sup>[(gg) "money lending offender" means a person, who commits or attempts to commit or abets the commission of offences under Chapter IX of the Money Lenders Act applicable in the Union Territory of Dadra and Nagar Haveli and Daman and Diu 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 installment 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];

(h) "property grabber" means a person who illegally takes possession of any land not belonging to himself but belonging to Central Government, local authority or any other person or enters into or creates illegal tenancies or leave

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<sup>10</sup>Inserted by the Presidential Order, 2022.

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;

<sup>11</sup>[(hh)“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, 376A, 376B, 376C, 376D or 377 of the Indian Penal Code (45 of 1860) or the Protection of Children from Sexual Offences Act, 2012 (32 of 2012)]

(i) <sup>12</sup>["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 Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971 (2 of 1971), the Goa, Daman and Diu Land Revenue Code, 1968 (9 of 1969), the Dadra and Nagar Haveli Panchayat Regulation, 2012 (5 of 2012), the Daman and Diu Panchayat Regulation, 2012 (4 of 2012), the Daman and Diu Municipalities (Amendment) Regulation, 1994 (6 of 1994), the Dadra and Nagar Haveli Municipal Council Regulation, 2004 (2 of 2004), the Goa, Daman and Diu Town and Country Planning Act, 1974 (21 of 1975) as applicable in Daman and Diu and as extended to the Union Territory of Dadra and Nagar Haveli and Development Control Rules framed thereunder, Dadra and Nagar Haveli Land Reforms Regulation, 1971 (3 of 1971) or except in accordance with any other law for the time being in force in such area.]

**3. Power to make orders detaining certain persons.-** (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.

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<sup>11</sup>Inserted by the Presidential Order, 2022.

<sup>12</sup>“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 Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971, the Dadra and Nagar Haveli Village Panchayats Regulation, 1965, the Goa, Daman and Diu Town & Country Planning Act, 1974, 2 of 1971, 3 of 1965, 21 of 1975, 3 of 1971 as extended to the Union Territory of Dadra and Nagar Haveli and Development Control Rules framed thereunder. Dadra and Nagar Haveli Land Reforms Regulation, 1971, or except in accordance with any other law for the time being in force in such area” substituted by the Presidential Order, 2022.

(2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate, the Administrator is satisfied that it is necessary so 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<sup>13</sup>[common gaming house keeper, cruel person], dangerous person or drug offender or immoral traffic offender or property grabber,<sup>14</sup>[cyber offender or money lending offender 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. Execution of detention order**<sup>15</sup>[..]-A detention order may be executed at any place in the Union territory of Dadra and Nagar Haveli<sup>16</sup>[and Daman and Diu] in the manner provided for the execution of warrant of arrest under the Code of Criminal Procedure, 1973.

**5. Power to regulate place and conditions of detention.**-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 condition as to maintenance, discipline and punishment for breaches of discipline, as the Administrator may, by general or special order, specify; and

<sup>13</sup>Inserted by the Presidential Order, 2022.

<sup>14</sup>Inserted by the Presidential Order, 2022.

<sup>15</sup>“2 of 1974” omitted by the Presidential Order, 2022

<sup>16</sup>Inserted by the Presidential Order, 2022.

(b) to be removed from one place of detention to another place of detention, within the Union territory of Dadra and Nagar Haveli <sup>17</sup>[and Daman and Diu] by order of the Administrator.

**6. Grounds of detention severable.**-Where a person has been detained in pursuance of an order 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 ground 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. Detention orders not to be invalid or inoperative on certain grounds.**- 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 Dadra and Nagar Haveli <sup>18</sup>[and Daman and Diu] 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 Dadra and Nagar Haveli <sup>19</sup>[and Daman and Diu] is outside the said limits.

**8. Power in relation to Absconding persons.**-(1) If the Administrator or any authorized 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

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<sup>17</sup>Inserted by the Presidential Order, 2022.

<sup>18</sup>Inserted by the Presidential Order, 2022.

<sup>19</sup>Inserted by the Presidential Order, 2022.

be executed, then the provisions, of section 82 to 86 (both inclusive) of the Code of Criminal Procedure 1973, (2 of 1974) 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 Administrator and officer not below the rank of District Magistrate authorized by the Administrator in this behalf, or where the detention order is made by an authorized officer, the authorized officer, as the case may be, shall, irrespective of his ordinary jurisdiction, be deemed to be empowered to exercise all 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 Dadra and Nagar Haveli <sup>20</sup>[and Daman and Diu] and for taking any other section 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 86 of the said Code.

(2) (a) Notwithstanding anything contained in sub-section (1) if the Administrator or any 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.

(c) Notwithstanding anything contained in the said Code, every offence under clause (b) shall be cognizable.

**9. Grounds of Orders of Detention to be Disclosed to Detenu.**-(1) When a person is detained in pursuance of a detention order the authority making the order shall, as soon as may be, but no 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.

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<sup>20</sup>Inserted by the Presidential Order, 2022.



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

**10. Constitution of Advisory Board.-** (1) The Administrator shall whenever necessary constitute one or more Advisory Boards for the purpose of this Act.

(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 person who is, or has been a Judge of a High Court.

**11. Reference to Advisory Board.-**In every case where a detention order has been made under this Act, 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 10 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 authorized officer, also the report made by such officer under sub-section (3) of section 3.

**12. Procedure of Advisory Board.-**(1) The Advisory Board shall, after considering the materials placed before it and, after calling for such 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.

**13. Action upon Report of Advisory Board.**-(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 14 as it 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.

**14. Maximum period of Detention.**-The maximum period for which any person may be detained in pursuance of any detention order made under this Act which has been confirmed under section 13, shall be one year from the date of detention.

**15. Revocation of Detention Orders.**-(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 authorized 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 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. Temporary Release of person detained.**- (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 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. **Protection of action taken in good faith.**-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 Act.

18. **Matter within the purview of this Act to be dealt with under this act only.**-On and after the extension of this Act to the Union territory of Dadra and Nagar Haveli<sup>21</sup>[and Daman and Diu], no order of detention under the national Security Act, 1980 shall be made by the Administrator or any officer subordinate to him in respect of any bootlegger, drug offender, dangerous person, immoral traffic offender, or property grabber in the Union territory 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 Act, could be made for detention of such person.

By order and in the name of the  
Administrator of U.T. of Dadra &  
Nagar Haveli and Daman & Diu.

Secretariat,  
Daman.

Dated: 22<sup>nd</sup> March, 2022

Sd/-  
(Rohit P.Yadav)  
Law Secretary  
Department of Law & Justice

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<sup>21</sup>Inserted by the Presidential Order, 2022.