SC’s caution against use of ‘Goondas Act’

Why in news?

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Supreme Court had recently struck down the detention of a man who had allegedly sold spurious chilli seeds in Telangana, holding that the grounds of detention were extraneous to the Act.

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What are preventive detention laws?

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- Preventive detention laws confer extraordinary discretionary powers on the executive to detain persons without bail.
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- The period may extend to one year and courts tend to review them if the prescribed procedure was strictly followed.
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- Sometimes they question the invocation of the draconian power when sufficient provisions are available in the ordinary laws of the land.
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- Several States have a law popularly known as the ‘Goondas Act’ aimed at preventing the dangerous activities of specified kinds of offenders.
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What was the case about?

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- The Telengana government invoked the stringent provisions of the Goondas Act against a district distributor of Genetic Seeds.
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- The authorities had said the trader was harming poor, small farmers and jeopardising their safety and financial well-being.
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- It stated that recourse to normal legal procedure would be time-consuming

and would not be an effective deterrent against the sale of spurious seeds.
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- Therefore, it claimed, there was no option but to invoke the preventive detention law to insulate society from the person’s evil deeds.
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- The detention of Thirumurugan Gandhi, leader of the ‘May 17 Movement’, a pro-Tamil Eelam group, under the Goondas Act is a also brazen violation of their fundamental rights and another instance of abuse of the law.
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What is the Court’s stand?

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- The court rightly termed this as a gross abuse of statutory powers.
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- It has set aside the Telangana authorities’ decision, calling it ‘unsustainable’.
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- It also said that the order was affecting the life and liberty of citizens.
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- It also questioned the use of words such as “goonda” and “prejudicial to the maintenance of public order” as a “rhetorical incantation” solely to justify an arbitrary detention order.
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- The Goondas Act is meant to be invoked against habitual offenders, but in practice it is often used for a host of extraneous reasons.
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Source: The Hindu

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