

**Maharashtra Police (Second Amendment) Act, 2014**

**15 OF 2014**

**[25 June 2014]**

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**Maharashtra Police (Second Amendment) Act, 2014**

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An Act further to amend the Maharashtra Police Act.

WHEREAS it is expedient further to amend the Maharashtra Police Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :-

**1. Short title. :-**

This Act may be called the Maharashtra Police (Second Amendment) Act, 2014.

**2. Substitution of section 33A in XXII of 1951. :-**

For section 33A of the Maharashtra Police Act (hereinafter referred to as "the principal Act"), the following section shall be substituted, namely:-

Prohibition of performance of dance in eating house, permit room or beer bar and other consequential provisions.

"33A. (1) Notwithstanding anything contained in this Act or the rules made by the Commissioner of Police or the District Magistrate under sub-section (1) of section 33 for the area under their respective charges, on and from the date of commencement of the Maharashtra Police (Second Amendment) Act, 2014,-

(a) holding of a performance of dance, of any kind or type, in an eating house, permit room or beer bar is prohibited;

(6) performance licences issued, if any, by the Commissioner of Police or the District Magistrate or any other officer, as the case may be, being the Licensing Authority under the aforesaid rules, to hold a dance performance, of any kind or type, in an eating house, permit room or beer bar, shall stand cancelled.

(2) Notwithstanding anything contained in section 131, any person who holds or causes or permits to be held a dance performance of any kind or type, in an eating house, permit room or beer bar in contravention of sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to rupees five lakhs :

Provided that, in the absence of special and adequate reasons to be mentioned in the Judgment of the Court, such imprisonment shall not be less than three months and fine shall not be less than rupees one lakh.

(3) If it is noticed by the Licensing Authority that any person, whose performance licence has been cancelled under sub-section (1), holds or causes to be held or permits to hold a dance performance of any kind or type in his eating house, permit room or beer bar, the Licensing Authority shall, notwithstanding anything contained in the rules framed under section 33, suspend the Certificate of Registration as an eating house and the licence to keep a Place of Public Entertainment (PPEL) issued to a permit room or a beer bar and within a period of thirty days from the date of such suspension of the Certificate of Registration and licence, after giving the licensee a reasonable opportunity of being heard, either withdraw the order of suspending the Certificate of Registration and the licence or cancel the Certificate of Registration and the licence.

(4) A person aggrieved by an order of the Licensing Authority cancelling the Certificate of Registration and the licence under subsection (3), may, within a period of thirty days from the date of receipt of the order, appeal to the State Government. The decision of the State Government thereon shall be final.

(5) Any person whose performance licence stands cancelled under sub-section (1), may apply to the Licensing Authority, who has granted such licence, for refund of the proportionate licence fee. The Licensing Authority, after making due inquiry, shall refund the licence fee on pro-rata basis, within a period of thirty days from the date of receipt of such application.

(6) The offence punishable under this section shall be cognizable and non-bailable."

**3. Deletion of section 33B of XXII of 1951. :-**

Section 33B of the principal Act shall be deleted.