

**Maharashtra Prevention Of Dangerous Activities Of
Slumlords, Bootleggers, Drug-Offenders, Dangerous
Persons And Video Pirates (Amendment) Act, 2015**

5 OF 2016

[29 January 2016]

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An Act further to amend the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates Act, 1981.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates Act, 1981, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates (Amendment) Ordinance, 2015 on the 1st December 2015 ;

AND WHEREAS the instructions of the President of India under the proviso to clause (1) of article 213 of the Constitution of India had

been obtained ;

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature ; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. Short title and commencement :-

(1) This Act may be called the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates (Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 1st December 2015.

2. Amendment of long title of Mah. LV of 1981 :-

In the long title of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates Act, 1981 (hereinafter referred to as "the principal Act"), for the words " and video pirates ", the words , " Video Pirates, Sand Smugglers and persons engaged in Black-marketing of Essential Commodities " shall be substituted.

3. Amendment of section 1 of Mah. LV of 1981 :-

In section 1 of the principal Act, in sub-section (1), for the words " and video pirates ", the words , " Video Pirates, Sand Smugglers and persons engaged in Black-marketing of Essential Commodities " shall be substituted.

4. Amendment of section 2 of Mah. LV of 1981 :-

In section 2 of the principal Act,-

(i) in clause (a),-

(A) after sub-clause (iv), the following sub-clauses shall be inserted, namely :-

" (iv-a) in the case of a sand smuggler, when he is engaged, or is making preparations for engaging, in any of his activities as a sand smuggler, which affect adversely, or are likely to affect adversely, the maintenance of public order ;

(iv-b) in the case of a person engaged in black-marketing of essential commodities, when he is engaged, or is making preparations for engaging, in any of his activities as a person engaged in blackmarketing of essential commodities, which affect adversely, or are likely to affect adversely, the maintenance of

public order ; "

(B) in the Explanation, after the words " public health " the words " or disturbance in public safety and tranquility or disturbs the day to day life of the community by black-marketing in the essential commodities which is resulting in the artificial scarcity in the supply of such commodities and rises in the prices of essential commodities which ultimately causes inflation " shall be inserted ;

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

" (e-1) " person engaged in black-marketing of essential commodities " means a person who is acting in any manner prejudicial to the maintenance of supplies of the commodities essential to the community.

Explanation.-For the purpose of this clause, the expression " acting in any manner prejudicial to the maintenance of supplies of the commodities essential to the community " means,-

(i) committing or instigating to commit any offence punishable under the Essential Commodities Act, 1955 or under any other law for the time being in force relating to the control of the production, procurement, supply or distribution of, or trade and commerce in, any commodity essential to the community ; or

(ii) dealing in any commodity which is essential commodity as defined in the Essential Commodities Act, 1955, or with respect to which provision have been made in any other law as is referred to in clause (i), with a view to make any gain in any manner which may directly or indirectly defeat or tend to defeat the provisions of the Essential Commodities Act, 1955 or any other law referred to in clause (i) ;

(e-2) " sand smuggler " means a person who individually or as a part of a group of persons is engaged in or is preparing to engage in or associated with or abets unauthorized extraction, removal, collection, replacement, picking up or disposal of sand and its transportation, storing and selling or who commits or attempts to commit or abets the commission of offences in respect of sand which are punishable under the Mines and Minerals (Development and Regulation) Act, 1957 or under the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 ;".

5. Amendment of section 17 of Mah. LV of 1981 :-

In section 17 of the principal Act,-

(i) in clause (b), the word " and " at the end shall be deleted ;

- (ii) in clause (c), the word " and " shall be added at the end ;
- (iii) after clause (c), the following clause shall be added, namely :-
- " (d) on and after the commencement of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates (Amendment) Act, 2015, in respect of any sand smugglers."

6. Insertion of section 17A in Mah. LV of 1981 :-

After section 17 of the principal Act, the following section shall be inserted, namely :-

" 17A. Detention order against any person engaged in blackmarketing of essential commodities to be made under this Act and not under Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980.

No order of detention shall be made by the State Government or any of its officer under the Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980 on or after the commencement of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates (Amendment) Act, 2015 in respect of any person engaged in blackmarketing of essential commodities."

7. Repeal of Mah. Ord. XXIII of 2015 and Saving :-

(1) The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates (Amendment) Ordinance, 2015 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.