



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष १, अंक ५६(२)]

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असाधारण क्रमांक ११४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates (Amendment) Ordinance, 2015 (Mah. Ord. XXIII of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

N. J. JAMADAR,  
I/c. Secretary (Legislation) to Government,  
Law and Judiciary Department.

[Translation in English of the Maharashtra Prevention of Dangerous Activities of Slumlords, Booleggers, Drug-offenders, Dangerous persons and video pirates (Amendment) Ordinance, 2015 (Mah. Ord. XXII of 2015), published under the authority of the Governor].

### HOME DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,  
Mumbai 400 032, dated the 1st December 2015.

### MAHARASHTRA ORDINANCE No. XXIII OF 2015.

#### AN ORDINANCE

*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 are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render 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 ;

Mah.  
LV of  
1981.

AND WHEREAS the instructions of the President of India under the proviso to clause (1) of article 213 of the Constitution of India have been obtained ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and commencement.

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

(2) It shall come into force at once.

Amendment of long title of Mah. LV of 1981.

2. 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.

Mah. LV of 1981.

Amendment of section 1 of Mah. LV of 1981.

3. 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.

Amendment of section 2 of Mah. LV of 1981.

4. 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 black-marketing 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

10 of 1955.

10 of 1955. (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),

10 of 1955. 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);

67 of 1957. (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. 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:—

Mah. Ord. of 2015. “(d) on and after the commencement of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates (Amendment) Ordinance, 2015, in respect of any sand smugglers.”.

Amendment of section 17 of Mah. LV of 1981.

6. After section 17 of the principal Act, the following section shall be inserted, namely:—

Insertion of section 17A in Mah. LV of 1981.

7 of 1980. Mah. Ord. of 2015. “17A. 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) Ordinance, 2015 in respect of any person engaged in black-marketing of essential commodities.”.

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

## STATEMENT

The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates Act, 1981 (Mah. LV of 1981) provides for preventive detention of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates to prevent their dangerous activities prejudicial to the maintenance of public order.

2. In the State of Maharashtra, there is huge demand for sand which is required in very large quantities in the context of numerous housing projects and infrastructure works. The growing demand for sand has led certain anti-social elements to engage in unauthorized extraction, transportation and sale of sand. These elements have adopted the practice of first stalling auction and thereafter indulging in smuggling of unauthorizedly extracted sand. Currently, vigilance squads at various places are deployed to stop illegal extraction and transportation of sand to curb this mal-practice. However, there have been several incidents of the sand smugglers attacking or physically assaulting Government officials who try to stop illegal extraction as well as transportation of sand.

In a welfare State, it is essential to maintain the supplies of essential commodities to the needy and poor people of society through Public Distribution System (PDS) at fair prices. However, some persons are found to be engaged in black-marketing of essential commodities who try to frustrate the efforts of the Government in this regard. The Government is keen to curb this menace.

In these circumstances, the Government considers it expedient to arm itself with necessary statutory powers by bringing the sand smugglers and the persons engaged in black-marketing of essential commodities within the purview of the said Act, so that it can take recourse to the provisions thereof for preventive detention of such persons to maintain public order and thereby prevent revenue loss. For that purpose, it is proposed to suitably amend the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates Act, 1981.

3. In the Monsoon Session of the State Legislature which had commenced on the 13th July 2015, the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates (Amendment) Bill, 2015 (L.A. Bill No. XLII of 2015), was introduced in the Maharashtra Legislative Assembly on the 29th July 2015. However, before the Bill came for consideration in the Maharashtra Legislative Assembly, the session of the State Legislature came to be prorogued on the 31st July 2015. As the Government feels to bring, the sand smugglers and the persons engaged in black-marketing of essential commodities, within the purview of the said Act should immediately be made, it is expedient to amend the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates Act, 1981, suitably, by promulgating an Ordinance.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render 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 aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 1st December 2015.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

K. P. BAKSHI,  
Additional Chief Secretary to Government.