



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

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असाधारण क्रमांक ५८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 Police (Second Amendment) Bill, 2014 (L.A. Bill No. XXIV of 2014), introduced in the *Maharashtra Legislative Assembly* on the 13th June 2014 is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Principal Secretary to Government,  
Law and Judiciary Department.

**L. A. BILL No. XXIV OF 2014.**

*A BILL*

*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:—

1951.

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

Substitution of section 33A in XXII of 1951.

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

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

XXII  
of  
1951.

**"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,—

Mah.  
of  
2014.

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

(b) 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 sub-section (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 Licencing Authority, who has granted such licence, for refund of the proportionate licence fee. The Licencing 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. Section 33B of the principal Act shall be deleted.

Deletion of section 33B of XXII of 1951.

STATEMENT OF OBJECTS AND REASONS.

The State of Maharashtra has inserted new sections 33A and 33B in the Maharashtra Police Act (XXII of 1951) in the year 2005 to prohibit performance of dances in the eating house, permit room and beer bar and to exempt certain establishments from the provisions of the said section 33A. The Indian Hotel and Restaurant Association and others have challenged the said sections 33A and 33B by filing the Writ Petition No. 2450 of 2005 in the Hon'ble High Court. The Hon'ble High Court by Judgment dated the 12th April 2006 has declared the provisions *ultravires* to articles 14 and 19(1)(g) of the Constitution of India. The State of Maharashtra has filed appeal in the Hon'ble Supreme Court against the said order. The Hon'ble Supreme Court by its Judgment dated the 16th July 2013 upheld the Hon'ble High Court's Judgment and dismissed the appeal of the State of Maharashtra.

2. After the said Judgment of the Hon'ble Supreme Court, the Government considered it expedient to move the Cabinet for further necessary action in the matter. The State Cabinet has decided to formulate a Sub-Committee of group of Ministers for recommending solutions to tackle the issue of Dance Bars in consultation with the group leaders of various political parties in both Houses of the State Legislature. The said Sub-Committee has, after consultation with the said group leaders and considering various factors, right guaranteed under article 19(1) (g) of Constitution of India read with clause (6) thereof, dignity of women, public morality, culture of Maharashtra, exploitation of poor women for profiteering, maintenance of public order and in the larger public interest recommended the Cabinet substitution of the said section 33A by new provisions prohibiting performance of Dance in eating house, permit room and beer bar. It is also recommended to make the provisions more stringent, and also delete section 33B.

The Cabinet after careful consideration, has decided to accept the recommendations of the said Sub-Committee. The Government, therefore, considers it expedient to substitute section 33A with suitable provisions and delete section 33B of the Maharashtra Police Act.

3. The Bill intends to achieve the above objectives.

Place : Mumbai,

Dated the 12th June 2014.

R. R. PATIL,

Home Minister.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for refund of license fee on *pro-rata* basis by the Licensing Authority, on an application made to it, to a person whose performance license stands cancelled. It is not possible to ascertain the exact amount likely to be incurred for such refund, at this stage. However, such amount will have to be met out of the Consolidated Fund of the State.