



# महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक ५७(४)]

गुरुवार, जुलै २७, २०१७/श्रावण ५, शके १९३९

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असाधारण क्रमांक ११२

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 Prohibition (Amendment) Bill, 2017 (L. A. Bill No. XLII of 2017), introduced in the Maharashtra Legislative Assembly on the 27th July 2017, is hereby published under the authority of the Governor.

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

N. J. JAMADAR,  
Principal Secretary and R. L. A. to Government,  
Law and Judiciary Department.

## L. A. BILL No. XLII OF 2017.

### A BILL

*further to amend the Maharashtra Prohibition Act.*

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

5 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 Prohibition Act, for the purposes hereinafter appearing ; and therefore, promulgated the Maharashtra Prohibition (Amendment) Ordinance, 2017 on the 17th July 2017 ;

XXV of  
1949.

Mah. Ord.  
XV of  
2017.

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

Short title and commencement.

**1.** (1) This Act may be called the Maharashtra Prohibition (Amendment) Act, 2017. 5

(2) It shall be deemed to have come into force on the 17th July 2017.

Amendment of section 134A of XXV of 1949.

**2.** In section 134A of the Maharashtra Prohibition Act, in sub-section (2), in clause (c), for the words “Tahsildar of the area” the following shall be substituted, namely :—

XXV of 1949.

“Tahsildar or any officer not below the rank of Group-B Officer of the State Government authorised by the Tahsildar of the area ”. 10

Repeal of Mah. Ord. XV of 2017 and saving.

**3.** (1) The Maharashtra Prohibition (Amendment) Ordinance, 2017 is hereby repealed.

Mah. Ord. XV of 2017.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Prohibition Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the said Act, as amended by this Act. 15

XXV of 1949.

STATEMENT OF OBJECTS AND REASONS.

To deal effectively, *inter alia*, with cases in respect of illegal distillation, storage, use and consumption of alcohol, a provision for establishment of the *Gram Rakshak Dal* was made in the Maharashtra Prohibition Act (XXV of 1949). Clause (a) of sub-section (2) of section 134A of the said Act provided that, the Sub-divisional Magistrate of the area on receipt of request under sub-section (1) shall call the special meeting of the *Gram Sabha* for establishment of *Gram Rakshak Dal*. Clause (c) thereof provided that, the meeting of such *Gram Sabha* shall be conducted in the presence of the Tahsildar of the area.

While, implementing the provisions of the said Act, it was noticed that, considering the work load of Tahsildar, it is not possible for him to conduct the meeting of special *Gram Sabha* of each village of the Taluka, convened for establishment of the *Gram Rakshak Dal*. To ensure effective implementation of the provisions of the said section, it was expedient to provide that, the meeting of such *Gram Sabha* shall be conducted in the presence of the Tahsildar or any officer not below the rank of Group-B Officer of the State Government, authorised by the Tahsildar of the area. It was, therefore, proposed to amend section 134A of the Maharashtra Prohibition Act, suitably.

2. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action, further to amend the Maharashtra Prohibition Act, for the purposes aforesaid, the Maharashtra Prohibition (Amendment) Ordinance, 2017 (Mah. Ord. XV of 2017), was promulgated by the Governor of Maharashtra on the 17th July 2017.

3. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,  
Dated the 24th July 2017.

CHANDRASHEKHAR BAVANKULE,  
Minister for Excise.