

L. A. BILL No. XLIV OF 2023.

A BILL

further to amend the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities Act, 1981.

Mah. LV
of 1981.

WHEREAS it is expedient further to amend the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities Act, 1981; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities (Amendment) Act, 2023. Short title.

- 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, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities Act, 1981 (hereinafter referred to as “the principal Act”), after the words “Sand Smugglers” the words, “Fertiliser Offenders, Insecticide Offenders, Seed Offenders” shall be inserted. Mah. LV of 1981. 5
- Amendment of section 2 of Mah. LV of 1981. 3. In section 2 of the principal Act, in clause (a),—
- (1) (a) after sub-clause (iv-b), the following sub-clauses shall be inserted, namely :—
- “(iv-c) in the case of fertiliser offender, when he is engaged, or is making preparation for engaging, in any of his activities as a fertiliser offender, which affect adversely, or are likely to affect adversely, the maintenance of public order; 10
- (iv-d) in the case of insecticide offender, when he is engaged, or is making preparation for engaging, in any of his activities as a insecticide offender, which affect adversely, or are likely to affect adversely, the maintenance of public order; 15
- (iv-e) in the case of seed offender, when he is engaged, or is making preparation for engaging, in any of his activities as a seed offender, which affect adversely, or are likely to affect adversely, the maintenance of public order;” 20
- (b) in the *Explanation*, after the words “causes inflation” the words “or by manufacturing, stocking, selling or distributing non-standard fertilisers, misbranded insecticides or misbranded seeds or adulterated seeds” shall be inserted ; 25
- (2) after clause (e-2), the following clauses shall be inserted, namely :—
- “(e-3) “fertiliser offender” means a person, who manufactures, stocks, sells or distributes the non-standard fertilisers, whether it may be chemical fertiliser or bio-fertiliser, or does anything in contravention of any of the provisions of the Fertiliser (Inorganic, Organic and Mixed) (Control) Order, 1985 or the Essential Commodities Act, 1955 or the offences punishable under section 420 of the Indian Penal Code, who knowingly by himself or through any other person commits or attempt to commit or abets in any other manner the commission of such offences; 30 10 of 1955. 45 of 1860.
- (e-4) “insecticide offender” means a person, who manufactures, stocks, sells or distributes the misbranded insecticides or does anything in contravention of any of the provisions of the Insecticide Act, 1968 and the rules, notifications and orders made thereunder or the offences punishable under section 420 of the Indian Penal Code, who knowingly by himself or through any other person commits or attempt to commit or abets in any other manner the commission of such offences; 40 45 of 1860.

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(e-5) “seed offender” means a person, who manufactures, stocks, sells or distributes any misbranded seeds or adulterated seeds by mixing original seeds with poorer or inferior quality seeds or does anything in contravention of any of the provisions of the Seeds Act, 1966 and the rules, notifications and orders made thereunder or the offences punishable under section 420 of the Indian Penal Code, who knowingly by himself or through any other person commits or attempt to commit or abets in any other manner the commission of such offences;”.

10 4. In section 17 of the principal Act, after clause (d), the following clause shall be added, namely :—

Amendment of section 17 of Mah. LV of 1981.

Mah.
of 2023.

15 “(e) on and after the commencement of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities (Amendment) Act, 2023, in respect of any fertiliser offender, insecticide offender and seed offender.”.

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

Insertion of new section 17B in Mah. LVof 1981.

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1980.

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of 2023.

25 “ **17B.** 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, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities (Amendment) Act, 2023 in respect of any person engaged in manufacture, stock, sale or distribution of non-standard fertilisers, misbranded insecticides or misbranded seeds or adulterated seeds.”.

Detention order against any person engaged in manufacture, stock, sale or distribution of non-standard fertilisers, misbranded insecticides or misbranded seeds or adulterated seeds to be made under this Act and not under Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980.

STATEMENT OF OBJECTS AND REASONS.

The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities Act, 1981 (Mah. LV of 1981) provides for preventive detention of Slumlords, Bootleggers, Drug-offenders, Dangerous persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities, for preventing their dangerous activities prejudicial to the maintenance of public order.

2. It has been noticed that, fertiliser offenders, insecticide offenders and seed offenders, manufactures, stocks, sells or distributes non-standard fertilisers, whether it may be chemical fertiliser or bio-fertiliser, misbranded insecticides and misbranded seeds or adulterated seeds by mixing original seeds with poorer or inferior quality seeds, which are in contravention of the provisions of the Essential Commodities Act, 1955 (10 of 1955), the Seeds Act, 1966 (54 of 1966) and the Insecticides Act, 1968 (46 of 1968). The Non-standard fertilisers, misbranded insecticides and misbranded seeds or adulterated seeds results in low yielding of agricultural produce and failure of crops, which affect the main source of livelihood of farmers.

3. Therefore, it is necessary to curb manufacturing, stocking, sale and distribution of the non-standard fertilisers, misbranded insecticides and misbranded seeds or adulterated seeds by the persons engaged in such activities. In these circumstances, the Government considers it expedient to bring such offenders engaged in such activities 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. For that purpose, it is proposed to amend sections 2 and 17 of the said Act, suitably and to insert section 17B thereof.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 3rd August, 2023.

DEVENDRA FADNAVIS,
Deputy Chief Minister.

(v) in the case of video pirate, when he is engaged or is making preparations for engaging in any of his activities as a video pirates, which affect adversely or likely to affect adversely, the maintenance of public order.

Explanation.—For the purpose of this clause (a), public order shall be deemed to have been affected adversely, or shall be deemed likely to be affected adversely, *inter alia* if any of the activities of any of the persons referred to in this clause, directly or indirectly, is causing or calculated to cause any harm, danger or alarm or a feeling of insecurity, among the general public or any section thereof or a grave or widespread danger to life or public health 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 or disturbs the life of the community by producing and distributing pirated copies of music or film products, thereby resulting in a loss of confidence in administrations ;

(b) to (g) *	*	*	*
3. to 18. *	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

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Dangerous Persons, Video Pirates,
Sand Smugglers and Persons engaged in
Black- marketing of Essential
Commodities Act, 1981.]**

[SHRI DEVENDRA FADNAVIS,
Deputy Chief Minister.]

JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.