

L. A. Bill No. XXXII OF 2022.

A BILL

*further to amend the Maharashtra Police Act and the Maharashtra
Cinemas (Regulations) Act.*

XXII of 5 WHEREAS it is expedient further to amend the Maharashtra Police
1951. Act and the Maharashtra Cinemas (Regulations) Act, for the purposes
XI of hereinafter appearing; it is hereby enacted in the Seventy-third Year of the
1953. Republic of India, as follows :—

CHAPTER I
PRELIMINARY

Short title. **1.** This Act may be called the Maharashtra Police and Maharashtra Cinemas (Regulations) (Amendment) Act, 2022.

CHAPTER II
AMENDEMENTS TO THE MAHARASHTRA POLICE ACT.

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Amendment
of section 90A
of XXII of
1951.

2. In section 90A of the Maharashtra Police Act (hereinafter, in this Chapter, referred to as “ the Police Act ”), in sub-section (1), for clause (i), the following clause shall be substituted, namely :—

XXII of
1951.

“ (i) for the first offence, with fine which may extend to three thousand rupees ; ”.

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Amendment
of section 118
of XXII of
1951.

3. In section 118 of the Police Act, in sub-section (1), for clause (i), the following clause shall be substituted, namely :—

“ (i) for the first offence, with fine which may extend to four thousand rupees ; ”.

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Amendment
of section 131
of XXII of
1951.

4. In section 131 of the Police Act, in clause (b), sub-clause (ii) shall be deleted.

CHAPTER III

AMENDEMENTS TO THE MAHARASHTRA CINEMAS (REGULATIONS) ACT.

Amendment
of section 7 of
XI of 1953.

5. In section 7 of the Maharashtra Cinemas (Regulations) Act (hereinafter, in this Chapter, referred to as “ the Cinemas Act ”), in sub-section (1), for the portion beginning with the words “shall be punished with imprisonment” and ending with the words “ for the first such offence ”, the following shall be substituted, namely :—

20 XI of
1953.

“shall be punished with fine which may extend to fifty thousand rupees and in the case of a continuing offence, a further fine which may extend to five thousand rupees for each day during which the offence continues after conviction for the first such offence”.

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Amendment
of section 9 of
XI of 1953.

6. In section 9 of the Cinemas Act, in sub-section (3), for the portion beginning with the words “be punished with imprisonment” and ending with the words “ for the first such offence ”, the following shall be substituted, namely :—

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“ be punished with fine which may extend to fifty thousand rupees and in the case of a continuing offence, a further fine which may extend to five thousand rupees for each day during which the offence continues after conviction for the first such offence ”.

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STATEMENT OF OBJECTS AND REASONS

The State Government has, upon request of the Government of India, undertaken a comprehensive review of all State Acts and Rules framed thereunder to eliminate the risk of imprisonment for citizens for minor violations with the objective of enhancing Ease of Doing Business and Ease of Living of Citizens.

2. For the above purposes, the State Government had constituted a Committee of Secretaries under the Chairmanship of Additional Chief Secretary (Industries) to recommend deletion or mitigation of existing imprisonment provisions or providing for compounding of offences in the Maharashtra State Acts or rules framed thereunder after consultation with the concerned administrative Departments and authorities or institutions thereunder.

Accordingly, after such review, the Government considers it expedient to amend imprisonment and fine provisions contained in sections 90A, 118 and 131 of the Maharashtra Police Act (XXII of 1951) and sections 7 and 9 of the Maharashtra Cinemas (Regulations) Act (XI of 1953).

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 15th December, 2022.

DEVENDRA FADNAVIS,
Deputy Chief Minister.

ANNEXURE TO THE L.A.BILL NO. XXXII OF 2022-
THE MAHARASHTRA POLICE AND MAHARASHTRA CINEMAS
(REGULATIONS) (AMENDMENT) BILL, 2022
(Extracts from the Maharashtra Police Act, 1951)
(MAH. XXII OF 1951)

1. to 90.

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90A. (1) whoever in any area (other than Greater Bombay) under the charge of a Commissioner allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished--

Penalty for allowing cattle to stray in to street or trespass upon private or public property

(i) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three thousand rupees or with both;

(ii) * * * *

(2) to (4) * * * *

91. to 117. * * * *

118. (1) In any local area in which the State government by notification in the Official Gazette brings this section in to force, whoever through neglect or otherwise fails to keep in confinement or under restraint between on hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, be punished,--

Penalty for failure to keep in confinement cattle, etc.

(i) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to four thousand rupees;

(ii) for the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.

Explanation.-- Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment.

Penalty for
contravening
rules etc.,
under section
33.

(1A) to (IC)	*	*	*	*
(2) and (3)	*	*	*	*
119. to 130.	*	*	*	*
131. Save as Provided in Section 131A, whoever—				
(a)	*	*	*	*
(b) abets the commission of any offence under clause (a) shall, on conviction, be punished—				
(i) and (ia)	*	*	*	*
(ii) if the rule or order contravened was made under clause (wb) or (x) of sub-section (1) of section 33, with imprisonment for a term which may extend to three months or with fine which may extend to twelve thousand and five hundred rupees or with both;				
(iii) to (v)	*	*	*	*
131AA and 131A.	*	*	*	*
132 to 168	*	*	*	*
SCHEDULES.	*	*	*	*

(Extracts from the Maharashtra Cinemas (Regulations) Act)

(MAH. XI OF 1953)

1. to 6.

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7. (1) If a cinematograph or any place licensed under this Act, is used in contravention of the provisions of this Act, or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act or if a cinematograph is used by any person in any place of which a licence granted under this Act is revoked or suspended under section 8, or if any person in charge of a cinematograph contravenes, any of the conditions or restrictions imposed by an order of exemption made under section 10, then the owner, or person in charge of the cinematograph, or the occupier of the place, as well as the managers, servants or agents of the person to whom the licence is granted, shall be guilty of an offence; and shall, on conviction, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both; and in the case of a continuing offence, a further fine which may extend to five hundred rupees for each day during which the offence continues after conviction for the first such offence:

Penalties for
contravention
of Act.

Provided that, a person to whom a licence is granted shall not be guilty of an offence as aforesaid. if he proves that any offence committed by any person in his employ or on his behalf took place without his knowledge and consent, and that the employee or agent was not acting with his express or implied permission, and that he exercised all due diligence to prevent the commission of the offence or its continuation.

(2) to (4)

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8A. to 8C.

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9. (1) and (2)

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Power to
make rules.

(3) In making rules under this section the State Government may provided that any person failing to comply with or contravening the provisions of any rule shall, on conviction in respect of an offence not falling under section 7, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both; and in the case of a continuing offence a further fine which may extend to five hundred rupees for each day during which the offence continues after conviction for the first such offence. A failure to comply with, or a contravention of the provisions of a rule made under clause (d) of sub-section (2) shall be a cognizable offence within the meaning of the* Code of Criminal Procedure,1898.

(4) and (5)

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**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXXII OF 2022]

**[A Bill further to amend the
Maharashtra Police Act and
the Maharashtra Cinemas
(Regulations) Act.]**

**[SHRI DEVENDRA FADNAVIS,
Deputy Chief Minsiter.]**

**RAJENDRA BHAGWAT
Principal Secretary,
Maharashtra Legislative Assembly.**