



सत्यमेव जयते

# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष १, अंक २७] बुधवार, जुलै १५, २००९/आषाढ २४, शके १९३१ [पृष्ठे ४, किंमत : रुपये २०.००

असाधारण क्र. ५४

### 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 and Dangerous Persons (Amendment) Ordinance, 2009 (Mah. Ord. X of 2009), is hereby published under the authority of the Governor.

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

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

(Translation in English of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders and Dangerous persons (Amendment) Ordinance, 2009 (Mah. Ord. X of 2009), published under the authority of the Governor.).

### HOME DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 15th July 2009.

### MAHARASHTRA ORDINANCE No. X OF 2009.

#### AN ORDINANCE

*further to amend the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders and Dangerous persons 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 and Dangerous persons Act, 1981, for the purposes hereinafter appearing ;

AND WHEREAS the instructions of the President 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  
commence-  
ment.

1. (1) This Ordinance may be called the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders and Dangerous persons (Amendment) Ordinance, 2009.

(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 and Dangerous persons Act, 1981 (hereinafter referred to as "the principal Act"), for the words "Drug-offenders and Dangerous persons" the words "Drug-offenders, Dangerous persons and video pirates" 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 Dangerous persons" the words "Dangerous persons and video pirates" shall be substituted.

Amendment  
of section 2  
of Mah. LV  
of 1981.

4. In section 2 of the principal Act—

(a) in clause (a),—

(i) after sub-clause (iv), the following sub-clause shall be added, namely:—

"(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.";

(ii) in the *Explanation*, the following portion shall be added at the end, namely:—

"or disturb the life of the community by producing and distributing pirated copies of music or film products, thereby resulting in a loss of confidence in administration";

(b) after clause (f), the following clause shall be inserted, namely:—

“(f-1) “video pirate” means a person against whom at least one chargesheet has already been filed under the Copyrights Act, 1957 for Infringement of Copyrights relating to cinematograph film or sound recording and the Court has taken cognizance of such offence; and who commits or attempts to commit or abets the commission of offences of infringement of copyrights in relation to cinematograph film or sound recording or any part of sound track associated with the film or sound recording, punishable under the said Act;”.

Act  
XIV of  
1957.

5. In section 17 of the principal Act,—

(a) in clause (a), the word “and” shall be deleted;

(b) in clause (b), the word “and” shall be added at the end;

(c) after clause (b), the following clause shall be added, namely:—

“(c) on and after the commencement of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders and Dangerous persons (Amendment) Ordinance, 2009, in respect of any video pirate,”.

Amendment  
of section 17  
of Mah. LV  
of 1981.

Mah.  
Ord. of  
2009.

## STATEMENT

The Film Industry is facing a severe crisis because of the prevalence of the video piracy which results in audience staying away from theatres and loss of revenue to the Government, producers, distributors and theatre owners. Representatives of different associations of the Film industry have made representations to the Government to eradicate this menace and put the Film industry on the revival path. Apart from this, the prevalence of video piracy results in confrontation between various sections of the public and the film producers, distributors, etc.

2. As video piracy is an act prejudicial to the maintenance of public order, the Government of Maharashtra considers it expedient to amend the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders and Dangerous persons Act, 1981, on the lines of the amendments made by the Government of Tamil Nadu by the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest Offenders, Goondas, Immoral Traffic Offenders and Slum Grabbers (Amendment) Act, 2004 (Tamil Nadu Act No. X of 2004), so as to enable the authorities concerned to detain any video pirate under the said Act with a view to preventing him from acting in any manner prejudicial to the maintenance of public order. Beside, by way of an additional safeguard, it is provided that a person against whom at least one chargesheet has already been filed under the Copyrights Act, 1957 for infringement of Copyrights relating to cinematograph film or sound recording and the Court has taken cognizance of such offence, can only be detained as a video pirate.

3. 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 and Dangerous persons Act, 1981 (Mah. LV of 1981), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai, S. C. JAMIR,  
Dated the 14th July 2009. Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,  
ANNA DANI,  
Principal Secretary to Government.