



Legislative Assembly of Goa

**The Madhya Pradesh Control of
Music and Noises Act, Samvat
2008 (Goa Amendment)
Bill, 2005**

(Bill No. *9* of 2005)

^{As}
~~To~~ be introduced in the Legislative Assembly of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
JANUARY, 2005**

**The Madhya Pradesh Control of Music
and Noises Act Samvat 2008
(Goa Amendment) Bill, 2005**

(Bill No. ⁹... of 2005)

A

Bill

Further to amend the Madhya Pradesh Control of Music and Noises Act, Samvat 2008 (Madhya Bharat Act, 14 of 1951) as extended to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Fifty-fifth year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Madhya Pradesh Control of Music and Noises Act Samvat 2008 (Goa Amendment) Act, 2005.

(2) It shall come into force at once.

2. *Insertion of new section 9A.*— After section 9 of the Madhya Pradesh Control of Music and Noises Act, Samvat 2008 (Madhya Bharat Act 14 of 1951) (hereinafter referred to as the 'principal Act'), the following section shall be inserted, namely:—

“9-A *Power to confiscate musical instruments.*— It shall be lawful for any Police Officer not below the rank of Deputy Superintendent of Police/Sub-Divisional Police Officer to immediately confiscate the musical instruments being played in violation of the provisions of this Act”.

3. *Amendment of section 10.*— (i) The existing provision of section 10 of the principal Act shall be renumbered as sub-section (1) and in the sub-section (1) as so renumbered,—

(a) for the words "one month", the words "three months" shall be substituted;

(b) for the words "one hundred rupees" the words "two thousand rupees" shall be substituted.

(ii) after sub-section (1), the following sub-section shall be inserted, namely;—

"(2) When a person is convicted for the second or subsequent time under sub-section (1) he shall be punished with imprisonment which may extend to five months or with fine which may extend to five thousand rupees or with both":

Statement of objects and reasons

The Bill seeks to insert a new section 9A in the Madhya Pradesh Control of Music and Noises Act Samvat 2008 (Madhya Bharat Act 14 of 1951), as extended to the State of Goa, so as to empower any Police Officer not below the rank of Deputy Superintendent of Police/Sub-Divisional Police Officer to immediately confiscate the musical instruments being played in violation of the provisions of the said Act.

In terms of section 10 of the said Act, whoever contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or acts contrary to any order lawfully made under this Act shall be punished with imprisonment of either description for a term which may extend to one month or with fine not exceeding one hundred rupees or with both. It has been observed that the punishment specified under section 10 of the said Act is very meager and the same has failed to act as a deterrent thereby resulting in increase of violations and contraventions of provisions of the said Act.

With a view to curb the violations, it is proposed to insert sub-section (2) to section 10 of the said Act to specify a punishment that when a person is convicted for the second and subsequent time under sub-section (1) he shall be punished with imprisonment which may extend to five months or with fine which may extend to five thousand rupees or with both.

This Bill seeks to achieve the above objects.

Financial Memorandum

No Financial Implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall

MANOHAR PARRIKAR

Porvorim-Goa

Chief Minister

320 January, 2005

Assembly Hall

S. A. NARVEKAR

Porvorim-Goa

Secretary Legislature

320 January, 2005

ANNEXURE

Extract of the Madhya Pradesh Control of Music and Noises Act Samvat 2008 (Madhya Bharat Act 14 of 1951)

9. Power to police to arrest.— It shall be lawful for any Police Officer not below the rank of Sub-Inspector to require any person acting or about to act contrary to the provisions of this Act to abstain from so doing; and in case of refusal or disobedience, to arrest such person as if he has committed or is about to commit a cognizable offence.

10. Penalty.— Whoever contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or Acts contrary to any order lawfully made under this Act shall be punished with imprisonment of either description for a term which may extend to one month or with fine not exceeding one hundred rupees or with both.

Assembly Hall,

Porvorim-Goa

January, 2005

Arth

S. A. Narvekar

Secretary Legislature