

**THE MAHARASHTRA DIRECTOR OF PROHIBITION AND EXCISE (CHANGE IN DESIGNATION) ACT, 1973**

*[Text as on 29<sup>th</sup> February 2024]*

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**MAHARASHTRA ACT No. LII of 1973<sup>1</sup>**

[THE MAHARASHTRA DIRECTOR OF PROHIBITION AND EXCISE (CHANGE IN DESIGNATION) ACT, 1973.]

[This Act received the assent of the President on the 21<sup>st</sup> December 1973; assent was first published in the *Maharashtra Government Gazette* on the 27<sup>th</sup> December 1973.]

**An Act further to amend certain enactments due to change in designation of the Director of Prohibition and Excise.**

WHEREAS the designation of the post Director of Prohibition and Excise is proposed to be changed to Commissioner of Prohibition and Excise ;

AND WHEREAS as a consequence thereof it is expedient to amend certain enactments and to provide for matters connected therewith ; It is hereby enacted in the Twenty-fourth Year of Republic of India as follows :—

**1. Short title and commencement.**— (1) This Act may be called the Maharashtra Director of Prohibition and Excise (Change in Designation) Act, 1973.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**2. Construction of references in enactments or instruments.**— Any reference by whatever form of words to “the Director of Prohibition and Excise” in any law for the time being in force, or in any instrument or document, shall, unless the context otherwise requires, be construed as a reference to the Commissioner of Prohibition and Excise; and all proceedings pending before the Director of Prohibition and Excise shall be deemed to be transferred to the Commissioner of Prohibition and Excise for disposal according to law, and if in any legal proceeding pending before any court, tribunal or authority, the Director of Prohibition and Excise is a party, the Commissioner of Prohibition and Excise shall be substituted as a party to these proceedings.

**3. Amendment of certain enactments.**— The enactments specified in column 1 of the Schedule are hereby amended in the manner and to the extent, shown in column 2 thereof.

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<sup>1</sup> For Statement of Object and reasons, see *Maharashtra Government Gazette*, dated 27<sup>th</sup> December 1973, Extraordinary No. 67, Part-IV, page 323.

SCHEDULE  
(See section 3)

Enactments 1	Amendments 2
1. The Bombay Prohibition Act, 1949 (Bom. XXV of 1949).	<p>(1) Throughout the Act (including the marginal notes), except as otherwise expressly provided, for the word “Director” whether it occurs the word “Commissioner” shall be substituted.</p> <p>(2) In section 2, for clause (5) the following shall be substituted, namely :—</p> <p style="padding-left: 40px;">‘(5) “Commissioner” means an officer appointed as the Commissioner of Prohibition and Excise under section 3 of this Act and includes any officer on whom the State Government may confer all or any of the powers of the Commissioner under this Act.’.</p> <p>(3) In section 3—</p> <p style="padding-left: 40px;">(a) for the words “Director of Prohibition and Excise” where they occur for the first time the words “Commissioner of Prohibition and Excise” shall be substituted ;</p> <p style="padding-left: 40px;">(b) for the proviso the following shall be substituted, namely :—</p> <p style="padding-left: 80px;">“Provided that the person holding the office of Director of Prohibition and Excise immediately before the commencement of the Maharashtra Director of Prohibition and Excise (Change in Designation) Act, 1973 (Mah. LII of 1973) shall be the Commissioner of Prohibition and Excise for the State and shall hold that office until the State Government otherwise directs.”</p>
2. The Bombay Opium Smoking Act, 1936 (Bom. XX of 1936).	<p>(1) Throughout the Act, except as otherwise expressly provided, for the word “Director” the word “Commissioner” shall be substituted.</p> <p>(2) In section 2, for clause (2), the following shall be substituted, namely :—</p> <p style="padding-left: 40px;">‘(2) “Commissioner” means the Commissioner of Prohibition and Excise appointed under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and includes any officer on whom the State Government may confer all or any of the powers, duties and functions of the Commissioner under this Act’.</p>
3. The Bombay Drugs (Control) Act, 1959 (Bom. XI OF 1960)	<p>(1) Throughout the Act, except as otherwise expressly provided, for the word “Director” the word “Commissioner” shall be substituted ;</p> <p>(2) In section 2, clause (c), the following shall be substituted, namely :—</p> <p style="padding-left: 40px;">‘(c) “Commissioner” means the Commissioner of Prohibition and Excise appointed under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and includes any officer on whom the State Government may confer all or any of the powers, duties and functions of the Commissioner under this Act’.</p>