The Uttar Pradesh Excise (Second Amendment) Act, 1970
Act 23 of 1970

Keyword(s):
Manufacturer, Excisable Goods, Liquor

THE UTTAR PRADESH EXCISE (SECOND AMENDMENT) ACT, 1970

(U. P. Act No. 23 or 1970)

*[Authoritative English Text of the Uttar Pradesh Excise (Dwitiya Sanshodhan) Adhiniyam, 1970.]*

AN ACT

further to amend the U. P. Excise Act, 1910, for the purposes hereinafter appearing

It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Excise (Second Amendment) Act, 1970.

2. In section 3 of the U. P. Excise Act, 1910, hereinafter referred to as the principal Act, after clause (20), the following new clause shall be inserted, namely:

   "(20-a) 'cultivation', with its grammatical variations, means the raising of a plant from seed, and includes the tending or protecting of a plant during its growth;".

3. For section 57 of the principal Act, the following section shall be substituted, namely:—

   "57. Every person who owns or occupies any land or building and the agent of such owner or occupier, on or in which there has been any unlawful manufacture of any intoxicant, or any unlawful cultivation or collection of any plants from which an intoxicating drug can be produced, and every owner of a vessel or vehicle in which any intoxicant is manufactured contrary to the provisions of this Act, and every lekhpal or village policeman in whose jurisdiction such land or building is situate or vessel or vehicle is found, shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to an officer of the excise, police or land revenue department immediately the same comes to his knowledge."

4. For section 60 of the principal Act, the following section shall be substituted, namely:—

   "60. Whoever, in contravention of this Act or of any rule or order made under this Act, or of any licence, permit or pass obtained under this Act—

   (a) imports, exports, transports or possesses any intoxicant; or

   (b) manufactures any intoxicant; or

   (c) cultivates any hemp plant (cannabis sativa); or

   (d) collects or sells any portion of the hemp plant (cannabis sativa) from which any intoxicating drug can be manufactured; or

   (e) constructs or works any distillery or brewery; or

   "*(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary, dated May 2, 1970.)*

   (Passed in Hindi by the Uttar Pradesh Legislative Assembly on May 1, 1970 and by the Uttar Pradesh Legislative Council on May 15, 1970.

   (Received the Assent of the Governor on June 4, 1970 under Article 200, of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated June 6, 1970.)

   Price 55 Paise.
(f) uses, keeps or has in his possession any materials, stills, utensils, implements or apparatus whatsoever for the purpose of manufacturing any intoxicant other than tari; or

(g) removes any intoxicant from any distillery, brewery or warehouse licensed, established or continued under this Act; or

(h) bottles any liquor for purposes of sale; or

(i) sells any intoxicant, save in the case provided for by section 1 or

(j) taps, or draws tari, from any tari-producing tree in areas notified under section 42,

shall be punished with imprisonment which may extend to ten years or with fine or with both:

Provided that in the case of conviction for an offence under clause (i) a sentence of not less than three months' imprisonment shall in the absence of special and adequate reasons to the contrary be mentioned in the judgment of the Court, be passed.

5. For section 61 of the principal Act the following section shall be substituted, namely:

“61. If any licensed vendor, or any person in his employ or under his control, shall sell or deliver to any person under the age of eighteen years any intoxicating drug to any person apparently under the age of eighteen years; or

(a) in contravention of section 22 sells or delivers any liquor or intoxicating drug to any person apparently under the age of eighteen years; or

(b) in contravention of section 23 uses or permits to be employed on any part of his licensed premises referred to in that section to any person under the age of eighteen years or any woman; he shall be punished with fine which may extend to one thousand rupees.

6. For section 62 of the principal Act, the following section shall be substituted, namely:

“62. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in India or denatured spirit fit for human consumption, any denatured spirit which has been rendered fit for public consumption or in respect of which any attempt has been made to render it fit shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.

7. For section 64 of the principal Act, the following section shall be substituted, namely:

“64. Whoever, being the holder of a licence, permit or pass granted under this Act, or being in the employ of such holder and acting on his behalf:

(a) fails to produce such licence, permit or pass on the demand of any Excise Officer or of any other officer duly empowered to make such demand; or

(b) in any case not provided for in section 60, wilfully contravenes any rule made under section 40; or

(c) wilfully does or omits to do anything in breach of any of the conditions of the licence, permit or pass not otherwise provided for in this Act, shall be punishable for each such offence with fine which may extend to five hundred rupees.”
8. For section 65 of the principal Act, the following section shall be substituted, namely:

"65. (1) If any chemist, druggist, apothecary or keeper of dispensary allows any intoxicant which has not been bona fide medicated for medicinal purposes to be consumed on his business premises by any person not employed in his business, he shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

(2) If any person not employed as aforesaid consumes any such intoxicant on such premises, he shall be punished with fine which may extend to five hundred rupees."

9. For section 68 of the principal Act, the following section shall be substituted, namely:

"68. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any rule or order made under this Act and not otherwise provided for, shall be punished for each such act or omission with fine which may extend to five hundred rupees."

10. In section 69 of the principal Act, for the proviso thereto the following provisos shall be substituted, namely:

"Provided that in the case of conviction for a second or subsequent offence under clause (a) or any of the clauses (c) to (f) of section 60, section 62, section 63 or section 65, a sentence of imprisonment for a term of not less than one month, with or without fine, and in the case of conviction for a second or subsequent offence under clause (b) of section 60, a sentence of imprisonment for a term of not less than six months, with or without fine, shall in the absence of special and adequate reasons to the contrary be mentioned in the judgment of the court, be passed:

Provided further that nothing in this section shall prevent any offence which might otherwise have been tried summarily under Chapter XXII of the Code of Criminal Procedure, 1898, from being so tried."

11. After section 69 of the principal Act, the following sections shall be inserted, namely:

"69-A. (1) Whenever any person is convicted of an offence punishable under the provisions of clause (b), clause (c), clause (e), clause (f) or clause (h) of section 60, or section 62, the court convicting such person may, at the time of passing the sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, to abate from the commission of any offence punishable under the said provisions during such period not exceeding three years as it may direct.

(2) The provisions of the Code of Criminal Procedure, 1898, shall mutatis mutandis apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of the said Code.

69-B. Whoever abets an offence punishable under this Act shall, whether such offence be or be not committed in consequence of such abetment and notwithstanding anything contained in section 116 of the Indian Penal Code, be punished on conviction for such abetment with the same punishment as is provided for the principal offence.

69-C. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of its business, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:
Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, managing agent, secretaries and treasurers, or other officer of the company, such director, manager, secretary or managing agent, secretaries and treasurers, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section—

(a) 'company' means any body corporate and includes a firm or other association of individuals; and

(b) 'director', in relation to a firm, means a partner in the firm.

Amendment of section 70.

12. For sub-section (1) of section 70 of the principal Act, the following sub-section shall be substituted, namely:—

"(1) No Magistrate shall take cognizance—

(a) of an offence punishable under section 60, section 63 or section 65, except on his own knowledge or suspicion or on the complaint or report of an Excise Officer; or

(b) of an offence punishable under section 64, section 66, section 67 or section 68 except on the complaint or report of the Collector or an Excise Officer authorised by him by a general or special order in that behalf."

Insertion of new section 71-A.

13. After section 71 of the principal Act, the following section shall be inserted, namely:—

"71-A. The provisions of sections 337, 339 and 339-A of the Code of Criminal Procedure, 1898, shall apply in relation to offences punishable under this Act as they apply in relation to offences mentioned in the said section 337."
उत्तर प्रदेश एक्साइज (स्तूमिय संघोधन) आयोगनयम, 1970

(उत्तर प्रदेश आयोगनयम संख्या 4, 1971)

(उत्तर प्रदेश विधान सभा ने विलाक 21 दिसंबर, 1970 ई. तथा उत्तर प्रदेश विधान परिषद् ने विनाक 23 दिसंबर, 1970 ई. की बैठक में स्वीकृत किया।)

(“भारत का संविधान” के अनुसार 200 के हस्ताक्षर राज्यपाल ने विलाक 4 जनवरी, 1971 ई. की स्वीकृति प्रदान की तथा उत्तर प्रदेश रक्षाबल रक्षास्थायी गठन में विनाक 6 जनवरी, 1971 ई. की प्रकाशित हुई।)

संविधान के प्रानुक्षेत्र 47 में उल्लिखित राज्य की नीति के निर्देशक संस्थाओं के अनुसार उत्तर प्रदेश की स्वतंत्रता संग्रहण गठन में विलाक 6 जनवरी, 1971 ई. की प्रकाशित हुई।

उत्तर प्रदेश एक्साइज द्वारा स्तूमिय संघोधन के लिए उपयुक्त नियमात्मक प्रक्रिया का क्रियान्वयन करने प्रेरित है।

आयोगनयम

भारत गणराज्य के इस्तीफे के बच्चे द्वारा निीत तथा नियमात्मक प्रक्रिया का क्रियान्वयन करना है।

1—यह आयोगनयम उत्तर प्रदेश एक्साइज (तूमीय संघोधन) आयोगनयम, 1970 कहलाया।

2—एक्साइज एक्ट, 1910, जिसे ग्राम-पंचायत आयोगनयम कहा गया है, की धारा 20 के प्रकार से नियमात्मक धाराओं वाले द्वारा योजना की शक्ति है।

“20—ए—धारा 14 के अनुसार किसी मादक वस्तु के धारात्मक निर्माण का प्रकाशित करने के लिए रक्षाबल नियमात्मक प्रक्रिया का क्रियान्वयन करने के लिए यह आयोगनयम कहलाया।

(क) तीव्र स्वास्थ्य, विधा तथा वैद्यकीय कार्य के रूप में उस क्षेत्र की नीति के विषय में स्वतंत्रता का प्रति में अद्यतन लाने की विशेषता;

(ख) लोकतन्त्र नियमित रिपोर्ट द्वारा आयोग के अधूरे टूक तथा उनका प्रस्तावित उद्धरण पुनः-पुनः या जीवन-स्थान भी है;

(ग) प्रशासन जन-मत; चोर;

(घ) कोई धारा के संग्रह तथा, जो राज्य सरकार के राज्य में, लोक-हित में सार्वजनिक हो।

(उत्तर प्रदेश एक्साइज के विनाक के लिए कुपला विलाक 30 दिसंबर, 1970 ई. का सरकारी प्रशासन गठन देखिए।)
प्रतिबन्ध यह है कि इस उपक्रम की किसी वात से यह प्रभावित नहीं हो सकता. जानिए कि राज्य सरकार प्रपन आदेश में उन तथ्यों को, जिनके ब्राह्मण पर किसी विशिष्ट क्षेत्र का, मत-निवेदन के प्रतीत किये, किसी समय पहले किया जाय, उल्लेख करें।

20—यह संस्थान राज्य या उसके किसी भाग के संबंध में मत-निवेदन के संबंध में उपलब्ध नैतिक संस्थान द्वारा 20 की उपाधि अपनाया।

(1) किसी भी प्रतिक्रिया के संबंध में राज्य सरकार या उसके नियमों द्वारा, अर्थात सामाजिक या धिरा प्रदर्शन द्वारा, धारा 14 के अधीन या धारा 20 की उपाधि अपनाया।

(2) किसी भी प्रतिक्रिया के संबंध में राज्य सरकार या उसके नियमों द्वारा, अर्थात सामाजिक या धिरा प्रदर्शन द्वारा, धारा 14 के अधीन या धारा 20 की उपाधि अपनाया।

(3) किसी भी व्यक्ति को इस प्रकार दिव्यता के संबंध में जो उपाधि (2) द्वारा दी जाय, राज्य सरकार, या जो नियमों द्वारा प्रतीत सामाजिक या धिरा प्रदर्शन द्वारा, ऐसे प्रतिक्रिया द्वारा, सिस्टम दिनना किया जाय, कोई पाल या परामर्श दिये जाने की व्यवस्था कर सकती है।

(4) उपाधि (1) में प्रतिक्रिया को सत्यता के बारे कर दिये जाने पर, इस प्रतिक्रिया के बाद लाइसेंस देने वाला प्रशासन दित्ती को, यहाँ तक कि तहत या नियम तुरंत रुप कर सकता है, और वह राज्य सरकार लाइसेंस का सत्यता के संबंध में देख बूझ के धर्म व्यवस्था के बाद देखने की गई धर्म की देखने, और उसके संबंध में लाइसेंसार्जन द्वारा प्रत्यक्ष सरकार द्वारा दित्ती का पाल या परामर्श दिये जाने की व्यवस्था कर सकती है।

(5) यदि उपाधि (4) में प्रतिक्रिया को लाइसेंस देने की जाने पर, राज्य सरकार द्वारा या धर्माल जनावर द्वारा धारा 25 की उपाधि अपनाया।

(6) यदि उपाधि (4) में प्रतिक्रिया को लाइसेंस देने की जाने पर, राज्य सरकार द्वारा या धारा 25 की उपाधि अपनाया।

बांवीकरण

उपरोक्त संस्थान, संस्था 11, 1970
का निर्देश

पी० एस० यू० पी०—ए० पी० 327 अनुपाल (में) — 1971—1,834 + 50 S.S. (में)
उत्तर प्रदेश एकसाइज (संशोधन) अधिनियम, 1972
(उत्तर प्रदेश अधिनियम संख्या 6, 1972)

[उत्तर प्रदेश विधान सभा ने विनाक्र 6 जनवरी 1972 ई० तथा उत्तर प्रदेश विधान परिषदद्वारे विनाक्र 10 जनवरी 1972 ई० को बैठक में स्वीकृत किया।]

[‘भारत का संविधान’ के अनुसार 200 के अन्तर्गत राज्यपाल ने विनाक्र 19 जनवरी, 1972 ई० को स्वीकृति प्रदान की तथा उत्तर प्रदेश सरकारी अतिथियारण गजट में विनाक्र 22 जनवरी, 1972 ई० को प्रकाशित किया।]

संविधान के अनुसार, 47 में उल्लिखित राज्य की नीति के निर्देशक कार्यों के अनुसार में खालील में प्रस्तावित राज्य का सरकारी अतिथियारण गजट में विनाक्र 22 जनवरी, 1972 ई० को प्रकाशित हुआ।

अधिनियम
भारत गणराज्य के बाहिर वां निर्मिती अधिनियम बनाया जाता हैः

1—यह अधिनियम उत्तर प्रदेश एकसाइज (संशोधन) अधिनियम, 1972 वहूँलये।

2—यूनाइटेड प्राइवेट एकसाइज एक्सटेंड, 1910, जिससे उज्ज़ल अधिनियम कहा गया है,

3—मूल अधिनियम को धारा 20 में, उपधारा (4) निकाल दी जाय।

4—मूल अधिनियम की धारा 20-ए और 20-बी का निकाल दी जाय।

5—मूल अधिनियम के प्रशासन 6 के पवित्र निर्मिती अधिनियम बदल दिया जाय, प्रवर्तनः—

“प्रशासन 6-क—मान्यता के सम्बन्ध में विशेष उपयोग

37-क(1)—राज्य सरकार अधिकृत द्वारा—

धारा 20 के उपरायों पर प्रतिकूल प्रभाव द्वारा विनाक्र (क) उत्तर प्रदेश या उसके किसी माह में प्रभाव बढ़ा ही निक्षेप से किसी माफ के प्रभाव के प्रभाव या निर्माण से निक्षेप कर सकता है, या 

(ब) किसी माफ के प्रभाव के परिवहन को निक्षेप कर सकता है।

(2) धारा 20 के उपरायों पर प्रतिकूल प्रभाव द्वारा विनाक्र, राज्य सरकार, अधिकृत द्वारा उत्तर प्रदेश या उसके किसी निर्देश के संज्ञा में प्रभाव बढ़ा सिद्ध द्वारा या, उसे प्रभाव, यदि निर्माता ही, जो, अधिकृत निर्माण में निर्माता की जांच, के प्रभाव रहते हैं, तभी व्यक्तियों द्वारा किसी माफ के प्रभाव की हो तो प्रतिकूल रूप में या ऐसे माह के प्रभाव रहते हंगे, 

जो प्रशासन में निर्माण के जांच, कालक में रखने के निर्माण कर सकती है।

Price 05 Paisa.
(3) उपाधारा (1) के शर्तों के अनुसार कोई मानक बन्दू के प्रायोगिक, निर्माण या परिवर्तन को निर्धारित नहीं कर कोई राज्य सरकार की सहत की और उपाधारा (2) के निर्धारण किसी मानक बन्दू को बन्दू में राज्य की निर्धारित कर कोई उसकी सहत का प्रयोग रूप में मानकिस्मत का उसका बनान कर कोई रीति प्रयोग नहीं करा रखा है, और निर्माणकारिता को मानक में रखा है जन-समय पर विचित्र बनान का तर्क बनान का शक्ति है।

(५) विषय (५) कोई मानक संगत तथा कोई राज्य सरकार को राज्य में लोक संघ में सरकार है।

प्रतिवर्तन यह यह है कि इस उपाधारा की किसी जाना का इस वर्तमान में सम्भव नहीं होगा जिससे राज्य सरकार की प्रथम उद्देश्य में है उसके निर्माण या परिवर्तन को मानक विचित्र को राज्य के निर्माण को मानक विचित्र पर निर्माण करने के लिए किसी समय फंदा नाम, उल्लिखित करना प्रभावित है।

(4) यदि मानक उद्देश्य को या उसके निर्माण बनाने (जिन वस्तुओं इस उद्देश्य में मानक विचित्र को कहा गया है) के समय के अनुसार निर्माण या प्रयोग (2) के प्रयोग कोई विचित्र को या ऐसे मानक बनाने में से किसी को निर्माणकारिता या उसके प्रकारों के लिए कहा गया, उसका प्रयोग, निर्माण या परिवर्तन करने के समय में कोई शर्त बनाने का अवश्यक है या शिफ्तिस्करण कर सकता है।

(६) किसी ऐसी एक इकाई या इकाई संयुक्त के समय में को उपाधारा (5) के प्रयोग के बयो, राज्य सरकार को या तो निर्माण या प्रयोग समय में विचित्र उद्देश्य को, कोई उसके निर्माण या परिवर्तन का देने या निर्माण करने में विचित्र या प्रयोग का देने के प्रयोग का देने का अवश्यक है।

(७) उपाधारा (५) के प्रयोग कोई विचित्र या शिफ्तिस्करण के समय में को उपाधारा (5) के प्रयोग के बयो, राज्य सरकार को या तो निर्माण या प्रयोग समय में विचित्र उद्देश्य को, कोई उसके निर्माण या परिवर्तन का देने या निर्माण करने में विचित्र या प्रयोग का देने के प्रयोग का देने का अवश्यक है।

(८) उपाधारा (7) के प्रयोग कोई लाइसेंस निर्माण किमा का तो लाइसेंसस्वारी झड़प जड़न को मानक बनाने का निर्माण करने वाला राज्य सरकार या विचित्र उद्देश्य का लाइसेंस (एज्वक विभाग) सामग्री या विचित्र उद्देश्य का लाइसेंस दे।

उत्तर प्रदेश
प्रवर्तन संख्या
21, 1971 का
निर्माण

6—उत्तर प्रदेश एस्टेट (संगठन) प्रवन्ध, 1971 एवत्रान्न निर्देश किया जाता है।
उत्तर प्रदेश एक्सएसए (संशोधन) अधिनियम, 1972
(उत्तर प्रदेश अधिनियम संख्या 30, 1972)
[उत्तर प्रदेश विधान सभा ने विनिमय 27 जुलाई, 1972 को तथा उत्तर प्रदेश विधान परिषद्
ने विनिमय 2 अगस्त, 1972 को बैठक में स्वीकृत किया।]
['भारत का संविधान' के अनुसार 200 के अन्तर्गत राज्यपाल ने विनिमय 11 अगस्त, 1972 को स्वीकृति प्रदान की तथा उत्तर प्रदेश विधान सभा ने 16 अगस्त, 1972 को प्रकाशित किया।]
युनाइटेड प्रविंसियल्स एक्सएसए ऐक्ट, 1910 का अन्तर्गत संशोधन करने के लिए
प्रदेश
भारत गणराज्य के तहत इसमें निम्नलिखित प्रदेश अधिनियम बनाया जाता है—

1—यह प्रदेश अधिनियम उत्तर प्रदेश एक्सएसए (संशोधन) प्रदेश अधिनियम, 1972 कहलायेगा।

2—युनाइटेड प्रविंसियल्स एक्सएसए ऐक्ट, 1910, जिसे भागे मुद्रा "अधिनियम हेतु कहा गया है, को
धाराओं के 21 में, उसका प्रतिवन्धक महत्ता का अंश 3) स्वीकार विविध श्रेणियों के।

3—यू० पी० ऐक्ट, संख्या 4, 1910 की धारा 21 का संशोधन
मई धारा 24 का बदलाव जाना?

4—यू० पी० ऐक्ट
संख्या 4, 1910 की धारा 21 का संशोधन

dh

Price 05 Paise

पी० ऐस० पी०—ए० ऐप० 168 जनर (लेख) (हिं) 1972—1834 50 S.S. (में)।
THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1973
[ U. P. ACT NO. 13 of 1973 ]

[*Authoritative English Text of the Uttar Pradesh Excise (Sanskodhan) Adhiniyam, 1973]

An ACT

Further to amend the United Provinces Excise Act, 1910

It is hereby enacted in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1973. Short title.

2. In section 62 of the United Provinces Excise Act, 1910, hereinafter referred to as the principal Act, for the words “imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both”, the following shall be substituted, namely:

“imprisonment for a term which may extend to two years and in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, shall not be less than six months, and shall also be punishable with fine which may extend to two thousand rupees.”

3. In section 69, of the principal Act, in the first proviso thereto—

(i) the words and figures “section 62” shall be omitted;

(ii) for the words, figures, letters and brackets “clause (b) of section 60”, the words, figures, letters and brackets “clause (b) of section 60 or section 62” shall be substituted; and

(iii) for the words “six months” the words “one year” shall be substituted.

(iv) the words “or without”, wherever occurring, shall be omitted.

(Passed in Hindi by the Uttar Pradesh Legislative Council on January 19, 1973 and by the Uttar Pradesh Legislative Assembly on March 13, 1973).
(Received the Assent of the Governor on April 15, 1973 under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary dated April 18, 1973).
THE UTTAR PRADESH EXCISE (AMENDMENT) (RE-ENACTMENT AND VALIDATION) ACT, 1976

(U. P. ACT NO. 5 OF 1976)

*[Authoritative English Text of the Uttar Pradesh Abkari (Sanskodhan) (Punch Adhiniyam Aur Vaidhikaran) Adhiniyam, 1976]*

AN ACT

to re-enact and validate the United Provinces Excise (Amendment) Act, 1972

WHEREAS it is expedient in the public interest to provide for the adoption of the system of grant of licences prevailing in respect of country liquor with necessary modifications for the grant of licences in respect of foreign liquor;

AND WHEREAS the Uttar Pradesh Excise (Amendment) Ordinance, 1972 (U. P. Ordinance no. 13 of 1972), which was replaced by the Uttar Pradesh Excise (Amendment) Act, 1972 (U. P. Act no. 30 of 1972), was adjudicated by the High Court of Judicature at Allahabad in its judgment in Sheo Pat Rai and Others versus State of Uttar Pradesh and Others, reported in 1972 Allahabad Law Journal Reports, 1000, to be beyond the competency of the State Legislature;

AND WHEREAS subsequently, in the case of Nashirwar and Others versus State of Madhya Pradesh and Others, reported in All India Reporter, 1975 Supreme Court, 360, the Supreme Court has upheld the power of the State Legislature to make provision for holding of public auction for the grant of right or privilege to possess and sell foreign liquor;

AND WHEREAS it has become necessary to repeal and re-enact the Uttar Pradesh Excise (Amendment) Act, 1972 (U. P. Act no. 30 of 1972);

NOW, THEREFORE, it is hereby enacted in the Twenty-seventh Year of the Republic of India, as follows:

1. This Act may be called the Uttar Pradesh Excise (Amendment) (Re-enactment and Validation) Act, 1976.

*(For statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary) dated April 2, 1976.)*

*(Passed in Hindi by the Uttar Pradesh Legislative Assembly on April 5, 1976 and by the Uttar Pradesh Legislative Council on April 7, 1976.)*

*(Received the assent of the Governor on April 6, 1976, under Article 203 of the Constitution of India, and was published in the Uttar Pradesh Gazette (Extraordinary) dated April 16, 1976.)*
2. The Uttar Pradesh Excise (Amendment) Act, 1972 is hereby, with effect from August 16, 1972, repealed and re-enacted with the following modifications:

(i) Section 1 shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted:

“(2) It shall be deemed to have been in force ever since the commencement of the United Provinces Excise Act, 1910, and accordingly, all references to the State Government in the amendments made in that Act by this Act shall, in relation to the period before January 26, 1950, be construed as references to the Provincial Government.”;

(ii) for section 3, the following section shall be substituted:

“3. After section 24 of the principal Act, the following sections shall be inserted, namely:

“24-A. (1) Subject to the provisions of section 31, the Grant of exclusive or other privilege in respect of foreign liquor,

(a) of manufacturing or of supply by wholesale, or of both; or

(b) of manufacturing or of supplying by wholesale, or of both and selling by retail; or

(c) of selling by wholesale (to wholesale or retail vendors); or

(d) of selling by retail at shops (for consumption ‘off’ the premises only);

any foreign liquor in any locality.

(2) The grant of licence or licences under clause (d) of sub-section (1) in relation to any locality shall be without prejudice to the grant of licences for the retail sale of foreign liquor in the same locality in hotels and restaurants for consumption in their premises.

(3) Where more licences than one are proposed to be granted under clause (d) of sub-section (1) in relation to any locality for the same period, advance intimation of the proposal shall be given to the prospective applicants for every such licence.

(4) The provisions of section 25, and proviso to section 39 shall apply in relation to grant of a licence for an exclusive or other privilege under this section as they apply in respect of the grant of a licence for an exclusive privilege under section 24.”

“24-B. For the removal of doubts, it is hereby declared—

Removal of doubts.

(a) that the State Government has an exclusive right or privilege of manufacture and sale of country liquor and foreign liquor;

(b) that the amount described as licence fee in clause (c) of section 41 is in its essence the rental or consideration for the grant of such right or privilege by the State Government;

(c) that the Excise Commissioner as the head of the Excise Department of the State shall be deemed, while determining or realising such fee, to act for and on behalf of the State Government.”

(iii) after section 3, the following section shall be inserted:

“3-A. For section 30 of the principal Act, the following section shall be substituted and be deemed always to have been substituted, namely:

“30. (1) Instead of or in addition to any duty leviable under the Chapter, the State Government or on its behalf the Excise Commissioner may accept payment of a sum in consideration of the grant of licence for any exclusive or other privilege under section 24 or section 24-A.”
(2) The sum payable under sub-section (1) may be determined either by auction or by calling tenders or otherwise."

(iv) after section 4, the following section shall be inserted:

"4-A. In section 41 of the principal Act, for clause (c), the Amendment of following clause shall be substituted and be deemed always to have been substituted, namely:

‘(c) prescribing the scale of fees or manner of fixing the fees payable for any licence, permit or pass including any consideration for the grant of any exclusive or other privilege granted under section 24 or section 24-A or for storing of any intoxicant.

Explanation (1) — Fees may be prescribed under this sub-clause at different rates for different classes of licences, permits, passes or storage, and for different areas.

(2) The manner of fixing fee or consideration shall include auction or invitation of tenders or both.
"

3. In section 40 of the principal Act—

(a) in sub-section (1), the following proviso thereto shall be inserted, namely:

"Provided that the Uttar Pradesh Licensing under the Surcharge Fee System Rules, 1968 made by the Excise Commissioner, Uttar Pradesh, with the previous sanction of the State Government, as amended by the Excise Commissioner, Uttar Pradesh, from time to time, before the commencement of this Act, shall, until altered or repealed by the State Government by rules made under this section, be deemed to be and always to have been as valid and effective as if the said rules were duly made by the State Government under this section."

(b) in sub-section (2), for clause (c), the following clause shall be substituted, namely:

“(c) prescribing the manner in which appeals or revisions shall be presented and the procedure for dealing with such appeals and revisions;”.

4. Notwithstanding any judgment, decree or order of any court to the contrary, anything done or purporting to be done and any action taken or purporting to have been taken under any provision of the Uttar Pradesh Excise (Amendment) Act, 1972, before the commencement of this Act, shall be deemed to be and always to have been as valid as if the provisions of this Act were in force at all material times.

5. (1) The Uttar Pradesh Excise (Amendment) (Re-enactment and Validation) Ordinance, 1976 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the aforesaid Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on February 28, 1976.
THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1979

(U. P. Act No. 13 of 1979)
[Authoritative English text of the Uttar Pradesh Aabkari (Sansnodhan) Adhiniyam, 1979 (Uttar Pradesh Adhiniyam Sankhya 13 of 1979)]

AN ACT

further to amend the United Provinces Excise Act, 1910

It is hereby enacted in the Thirtieth Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1979.

(2) Sections 3 and 5 shall be deemed to have come into force on August 16, 1972, sections 2, 4, 6, 9 and 10 shall be deemed to have come into force on November 30, 1978 and the remaining sections shall come into force at once.

2. In section 28 of the U. P. Excise Act, 1910 (hereinafter referred to as the principal Act) in sub-section (3), in clause (a), for the figure and words "2 per litre" occurring against item 2 (a) in the table, the figure and words "4 per litre" shall be substituted.

3. In section 30 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) The sum payable under sub-section (1) may either be fixed by auction or inviting tenders or otherwise or be assessed on the basis of the sales made or quota lifted under the licence or partly fixed and partly assessed in the aforesaid manner."

4. In section 40 of the principal Act, in sub-section (2), after clause (1) the following clause shall be inserted, namely:

"(m) for the grant of rewards to officials, officers or informers by the Collector out of and up to fifty per cent of composition fee and by the Magistrate trying the case, out of and up to fifty per cent of fine recovered under the Act."

5. In section 41 of the principal Act, in clause (c) —

(i) before Explanation (1), the following proviso shall be inserted namely:

"Provided that nothing contained in this clause shall be construed to prevent the State Government from levying by notification made from time to time, any fee, including vend as part of consideration for the granting of any such privilege."

(ii) for Explanation (2), the following Explanation shall be substituted, namely:

"(2) The manner of fixing such fee or consideration includes any one or more of the following manners, namely—

(i) auction,

(ii) invitation of tenders,

(iii) assessment on the basis of sales made or quota lifted under the licence, permit or pass"

For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated December 27, 1978.

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 27, 1979 and by the Uttar Pradesh Legislative Council on April 16, 1979).

[Received the assent of the Governor on April 18, 1979 under Article 200, of the Constitution of India and was published in Part I(a) of the Legislative Supplement of the Uttar Pradesh Gazette Extraordinary, dated April 18, 1979].
6. In section 60 of the principal Act, after subsection (2), the following subsection shall be inserted, namely:—

"(3) Whoever, in contravention of this Act or any rule or order made thereunder, consumes any intoxicant, shall be punished with fine which shall not be less than five hundred rupees and which may extend to one thousand rupees."

7. In section 72 of the principal Act, for subsection (2), the following subsections shall be substituted, namely:—

"(2) Where anything or animal is seized under any provision of this Act and the Collector is satisfied for reasons to be recorded that an offence has been committed due to which such thing or animal as become liable to confiscation under subsection (1), he may order confiscation of such thing or animal whether or not a prosecution for such offence has been instituted:

Provided that in the case of anything (except an intoxicant) or animal referred to in subsection (1), the owner thereof shall be given an option to pay in lieu of its confiscation such fine as the Collector thinks adequate not exceeding its market value on the date of its seizure.

(3) Where the Collector on receiving report of seizure or on inspection of the seized thing, including any animal, cart, vessel or other conveyance, is of the opinion that any such thing or animal is subject to speedy wear and tear or natural decay or it is otherwise expedient in the public interest so to do, he may order such thing (except and intoxicant) or animal to be sold at the market price by auction or otherwise.

(4) Where any such thing or animals is sold as aforesaid, and—

(a) no order of confiscation is ultimately passed or maintained by the Collector under subsection (2) or on review under subsection (6); or

(b) an order passed on appeal under subsection (7) so requires; or

(c) in the case of a prosecution being instituted for the offence in respect of which the thing or the animal is seized, the order of the Court so requires;

the sale proceeds after deducting the expenses of the sale shall be paid to the person found entitled thereto.

(5) (a) No order of confiscation under this section shall be made unless the owner thereof or the person from whom it is seized is given—

(i) a notice in writing informing him of the grounds on which such confiscation is proposed;

(ii) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice; and

(iii) a reasonable opportunity of being heard in the matter.

(b) Without prejudice to the provisions of clause (a) no order confiscating any animal, cart, vessel, or other conveyance shall be made if the owner thereof proves to the satisfaction of the Collector that it was used in carrying the contraband goods without the knowledge or connivance of the owner, his agent, if any, and the person in charge of the animal, cart, vessel or other conveyance and that each of them had taken all reasonable and necessary precautions against such use.

(6) Where on an application in that behalf being made to the Collector within one month from any order of confiscation made under subsection (2), or as the case may be after issuing notice on his own motion within one month from the order under the sub-section refusing confiscation to the owner of the thing or animal seized or to the person from whose possession it was seized, to show cause why the order should not be reviewed, and after giving him a reasonable opportunity of being heard, the Collector is satisfied that the order suffers from a mistake apparent on the face of the record including any mistake of law, he may pass such order on review as he thinks fit.
(7) Any person aggrieved by an order of the confiscation under sub-
section (2) or sub-section (6) may, within one month from the date of
the communication to him of such order, appeal to such judicial authority
as the State Government may appoint in this behalf and the judicial
authority shall, after giving an opportunity to the appellant to be heard,
pass such order as it may think fit, confirming modifying or annuling
order appealed against.

(8) Where a prosecution is instituted for the offence in relation to
which such confiscation was ordered the thing or animal shall subject to
the provisions of sub-section (4) be disposed of in accordance the order
of the Court.

(9) No order of confiscation made by theCollector under this section
shall prevent the infliction of any punishment to which the person affected
thereby may be liable under this Act.”

8. After section 73 of the principal Act, the following section shall be
inserted, namely :-

“73-A. Where any intoxicant is confiscated under section 72 or sec-
tion 73 the Collector may subject to any order passed
in that behalf by any court if in his opinion it is expe-
dient to do so, order the intoxicant to be destroyed any
thing to the contrary in this Act, notwithstanding :

Provided that the intoxicant shall not be destroyed except after expiration
of three months from the date of confiscation or where an application for
review or an appeal against the order of confiscation is pending except
in accordance with the order passed in such review or appeal in this regard :

Provided further that adequate sample of the intoxicant shall be preserved
to meet the evidentiary requirements.”

9. In section 74 of the principal Act after sub-section (1) the following
subsection shall be inserted, namely :-

“(I-A) Any officer specially empowered by the State Government in
that behalf may subject to any general or special order of the State Govern-
ment compound, whether before or after the institution of the prosecution
any offence punishable under clause (a) of sub-section (1) of section 60
section 63, where the quantity of the intoxicant involved does not exceed
the quantity notified by the State Government in that behalf, or any
offence punishable under sub-section (3) of section 60, on payment of
such sum of money as composition fee as he thinks fit, which shall not be
less than fifty rupees and which may extend to three hundred rupees
where any such offence is committed by a person for the first time.”

10. In section 77 of the principal Act, the following proviso shall be
inserted at the end, namely :-

“Provided that notwithstanding anything to the contrary contained
in this section or in any judgment, decree or order, the notification nos.
351-F/XIII-381-78 and 1227-F/XIII-332-78, both dated April 17, 1978,
made by the State Government in excise of the powers under sections 28
and 29 and the amendments made by the aforesaid notifications shall
have effect and be deemed always to have effect on and from April 1,
1978.”

11. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1979 is
hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken
under the provisions of the principal Act as amended by the Ordinance speci-
fied in sub-section (1) or by the Uttar Pradesh Excise (Fourth Amendment)
Ordinance, 1978 shall be deemed to have been done or taken under the corre-
ponding provisions of the principal Act as amended by this Act as if this Act
were in force at all material times.
In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Abakari (Sanskodhan) Adhiniyam, 1983 (Uttar Pradesh Adhiniyam Sankhya 23 of 1983) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 20, 1983:

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1983
[U. P. Act No. 23 of 1983]
(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the United Provinces Excise Act, 1910

IT IS HEREBY enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on May 9, 1983.

2. In section 28 of the U. P. Excise Act, 1910, hereinafter referred to as the principal Act, in sub-section (3), in clause (b), for the figures and words "2 per litre of alcohol" occurring against items 1 and 2 in the table, the figure and words "5 per litre of alcohol" shall be substituted.

3. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

G. B. SINGH,
Sachiv.
No. 2044(2)/XVII-V—I—I-(KA)14-1984  
Dated Lucknow, October 5, 1984

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Abkari (Sanshodhan) Adhiniyam, 1984 (Uttar Pradesh Adhiniyam Sankhya 23 of 1984), as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 1, 1984:

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1984  
[U.P. Act No. 23 of 1984]  
(As passed by the Uttar Pradesh Legislature)

AN ACT

further to amend the United Provinces Excise Act, 1910

IT IS HEREBY enacted in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1984.  
   (2) It shall be deemed to have come into force on April 1, 1983.

2. In section 77 of the United Provinces Excise Act, 1910, hereinafter referred to as the principal Act, after the proviso thereto, the following proviso shall be added, namely:

   "Provided further that notwithstanding anything to the contrary contained in this section, or in any contract, judgement, decree or order, the notification no. 3842-E/XIII—512-83, dated May 25, 1983, made by the State Government in exercise of the powers under section 30 shall have effect and be deemed always to have effect on and from April 1, 1983."

3. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1984, is hereby repealed.  
   (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

B. L. LOOMBA,
Sachiv.
No. 529(2)/XVII-V—1-I(KA)-16-1985
Dated Lucknow, March 29, 1985

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Abkari (Sanshodhan) Adhiniyam, 1985 (Uttar Pradesh Adhiniyam Sankhya 7 of 1985) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 28, 1985.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1985

[U. P. Act No. 7 of 1985]
(As passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the U. P. Excise Act, 1910.

It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows:

1. This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1985.

2. After section 38 of the U. P. Excise Act, 1910, the following section shall be inserted, namely:

38-A. (1) Where any excise revenue has not been paid within three months from the date on which it becomes payable, interest at such rate not exceeding twenty-four per cent per annum, as may be prescribed, shall be payable from the date such excise revenue becomes payable till the date of actual payment:

Provided that until a higher rate is prescribed, the rate of interest will be eighteen per cent per annum:
Provided further that in respect of an excise revenue which became payable before the commencement of the Uttar Pradesh Excise (Amendment) Act, 1985 interest at the said rate shall be payable from the date of such commencement if the excise revenue is not paid within 3 months of the said date.

Explanation: Nothing in this sub-section shall be construed to affect the payment of interest under an agreement, the terms of an auction or a decree of the court, passed before the date of commencement of the Uttar Pradesh Excise (Amendment) Act, 1985 or which may be passed after the date of such commencement, in suits or proceedings filed before the said date.

(2) Provisions of section 39 shall mutatis mutandis apply to realisation of such interest as they apply to realisation of excise revenue.

By order,
B. L. LOOMBA,
Sachiv.
No. 1659 (2) / XVII-V-1-1 (KA) 26-1986

Dated Lucknow, September 19, 1986

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Abkari (Sanskodhan) Adhiniyam, 1986 (Uttar Pradesh Adhiniyam Sankhya 19 of 1986) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 18, 1986.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1986
(U. P. ACT No. 19 of 1986)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the U. P. Excise Act, 1910

IT IS HEREBY enacted in the Thirty-seventh Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1986.

   (2) It shall be deemed to have come into force on April 26th, 1986.

2. In section 28 of the U. P. Excise Act, 1910 hereinafter referred to as the principal Act, in sub-section (3),—

   (i) in clause (b), for the figure and words, “5.00 per litre of alcohol”, occurring against items 1 and 2 in the table appended to the said clause, the figure and words “20.00 per litre of alcohol” shall be substituted;

   (ii) in clause (d), for the figure and words, “14 per kg.”, occurring against item 4. in the table appended to the said clause, the figure and words, “25 per kg.”, shall be substituted.

3. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1986, is hereby repealed.

   (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

S. N. SAHAY,
Sachiv.

शोधियन एक्सेस 88 अधिनीयम 1986—850 (केवळ 0)
No. 490(2)/XVII-V-1-1(KA)1-1989

Dated Lucknow, March 16, 1989

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Abkari (Sanskodhan) Adhiniyam, 1989 (Uttar Pradesh Adhiniyam Sankhya 5 of 1989) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 16, 1989.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1989
(U.P. Act No. 5 of 1989),
[As passed by the U. P. Legislature]

AN

ACT

further to amend the United Provinces Excise Act, 1910.

It is hereby enacted in the Fortieth Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1989.

(2) It shall be deemed to have come into force on October 27, 1988.

2. In section 28 of the United Provinces Excise Act, 1910, hereinafter referred to as the principal Act, in sub-section (3),

(i) in clause (a), for the figure and words “4 per litre”, occurring against item 2(a) in the table, the figure and words “5 per litre” shall be substituted;

(ii) in each of the clauses (c), (d) and (e), for the figure and words “2 per litre” occurring against item 2(a) in the table, the figure and words “5 per litre” shall be substituted.

3. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1988, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

NARAYAN DAS,
Sachiv.

U. P. Ordinance No. 15 of 1988

नन्दनसारसोन—गणनी 212 मादा (निशा)—(3869)—1989-850—(उत्तर)
No. 270 (2) /XVII-V-1-1 (KA) 44-1989

Dated Lucknow, January 20, 1990

In pursuance of the provisions of clause (5) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Akbari (San- shodhan) Adhiniyam, 1990 (Uttar Pradesh Adhiniyam sankhya 1 of 1990), as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 20, 1990.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1990

(U.P. Act NO. 1 of 1990)

(As passed by the U. P. Legislature)

AN

ACT

further to amend the U. P. Excise Act, 1910.

It is hereby enacted in the Fortieth Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1990.

   (2) It shall be deemed to have come into force on December 23, 1989.

2. In section 28 of the U. P. Excise Act, 1910, hereinafter referred to as the principal Act, after sub-section (3), the following sub-section shall be inserted, namely—

   "(4) Notwithstanding anything contained in sub-section (3), the maximum rate of duty on Ale, beer, porter, cider and other fermented liquors occurring against item 2(a) in the table, in clause (c) of sub-section (3) shall be deemed to be rupees 5 per litre with effect from June 4, 1975 and any notification issued on or after June 4, 1975 which is in conformity with the provisions of this sub-section shall be deemed to be, and always to have been, valid and lawful as if the provisions of this sub-section were in force at all material times."
3. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1989 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

NARAYAN DAS,

Sachiv.
IN pursuance of the provisions of clause (3) of article 348 of the Constitution, of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Aabkari (Sanshodhan) Adhiniyam, 1997 (Uttar Pradesh Adhiniyam Sankhya 16 of 1997) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 16, 1997.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT 1997

(U.P. Act No. 16 of 1997)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the United Provinces Excise Act, 1910

IT IS HEREBY enacted in the Forty-eighth Year of the Republic of India as follows:

1. This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1997.

2. In section 3 of the United Provinces Excise Act, 1910, hereinafter referred to as the principal Act, after clause (3-a) the following clause shall be inserted, namely:

"(4) ‘manufactory’ means a unit other than a distillery, where Indian made foreign liquor is manufactured and bottled.”
3. In section 17 of the principal Act, in sub-section (2), for the words “or brewery” the words “brewery or manufactory” shall be substituted.

4. In section 18 of the principal Act, in clause (c) for the words “or brewery” the words “brewery, manufactory” shall be substituted.

5. In section 19 of the principal Act, for the word “brewery” the words “brewery, manufactory” shall be substituted.

6. In section 29 of the principal Act, in clause (e) for the words “or brewery” wherever occurring the words “brewery or manufactory” shall be substituted.

7. In section 41 of the principal Act, in clause (b) for the words “or brewery” the words “brewery or manufactory” shall be substituted.

8. In section 60 of the Principal Act, in sub-section (1) in clauses (d) and (f), for the word “brewery” wherever occurring the words “brewery, manufactory” shall be substituted.

By order,

R. D. MATHUR,

Pramukh Sachiv.

By order,

R. D. MATHUR,

Pramukh Sachiv.
No. 292 (2)/XVII-V-1-1(KA)-37-1997
Dated Lucknow, February 7, 1998

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Aabhaki (Samahodhan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 7 of 1998) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 6, 1998.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1998
(U. P. ACT No. 7 of 1998)
(AS passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the United Provinces Excise Act, 1910

WHEREAS the State Government in April, 1983 granted licences valid up to March 31, 1984 for wholesale vend of Indian made foreign liquor in form F. L. 2 on payment of fixed fee;

AND WHEREAS the conditions of licence inter alia provided that the licensee had to pay prescribed assessed fee on the sale of Indian made foreign liquor and beer according to rules;

AND WHEREAS in accordance with the conditions of licence the State Government issued notification dated May 25, 1983 requiring the licensees to pay fee assessed on the basis of sales at the rates specified therein;

AND WHEREAS pursuant to the said notification demands were made upon the licensees which they challenged before the Hon'ble High Court;

AND WHEREAS the Hon'ble High Court accepted the case of the licensees and inter alia held that the notification will have no effect on the privileges granted before May 25, 1983;

AND WHEREAS by the Uttar Pradesh Excise (Amendment) Ordinance, 1984 (U. P. Ordinance no. 12 of 1984) promulgated by the Governor on May 30, 1984 section 77 of the U. P. Excise Act, 1910 was amended by inserting a proviso to the effect that notification dated May 25, 1983 shall have effect and be deemed always to have effect from April 1, 1983;

AND WHEREAS the said Ordinance no. 12 of 1984 was replaced by Uttar Pradesh Excise (Amendment) Act, 1984 (U. P. Act no. 23 of 1984);

AND WHEREAS in view of the amended provisions of section 77 the notification dated May 25, 1983 was made effective with effect from April 1, 1983.

AND WHEREAS the appeals filed by the State Government against the judgement and order of the Hon'ble High Court were dismissed by the Hon'ble Supreme Court on September 17, 1996;
AND WHEREAS a review petition was filed by the State Government before the Hon'ble Supreme Court was dismissed by the Hon'ble Supreme Court on January 28, 1997;

AND WHEREAS substantial sums as assessed fee, had already been realized by the State Government on the basis of the said notification dated May 25, 1983;

AND WHEREAS licensees have made good the said assessed fee by adjusting it in their prices realized from the customers, therefore in public interest the licensees can not be allowed undue enrichment;

AND WHEREAS it is necessary to validate the said realization of assessed fee by the State Government from the licensees;

NOW, THEREFORE, IT IS HEREBY enacted in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1998.

   (2) It shall be deemed to have come into force on April 1, 1983.

2. In section 30 of the United Provinces Excise Act, 1910, hereinafter referred to as the principal Act, after sub-section (2), the following sub-section shall deemed to have been inserted on April 1, 1983, namely:

   "(3) For the financial year commencing on April 1, 1983 apart from the sum fixed for grant of licence under section 24-A, the sum assessed, called as assessed fee, on the basis of sales under the licence shall be payable, at the rate of rupees five per reputed quart bottle of all kinds of spirit, wine, liquor and Cordial and at the rate of rupees sixty per reputed quart bottle of bear, stout and other fermented liquors by the wholesale vendors of foreign liquor.

3. Notwithstanding anything to the contrary contained in any contract, judgement, decree or order of any Court or acceptance of any fixed sum for grant of licence under section 24-A by the State Government or on its behalf by the Excise Commissioner for the financial year commencing on April 1, 1983, the assessed, fee realized, over and above the said fixed sum, from the licensees at the rates mentioned in sub-section (3) of section 30 of the principal Act shall be deemed to have been validly realized under the said sub-section as if the provisions of this Act were in force at all material times and no licensee shall be entitled to refund of such fee and if any licensee has not paid the said assessed fee the same shall be recoverable from him.

4. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1997 is hereby repealed.

   (2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act as if the provisions of this Act were in force at all material times.

By order,

G. S. PANDEY.

Vishesh Sachiv.
Dated Lucknow, April 11, 1999

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Abakary (Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 22 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 9, 1999.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1999
(U.P. ACT No. 22 of 1999)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the United Provinces Excise Act, 1910.

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1999.

   (2) It shall come into force on April 1, 1999.

2. In section 28 of the United Provinces Excise Act, 1910, in subsection (3), in each of the clauses (a), (c), (d) and (e) for the figure and words “Rs. 5 per litre” occurring against item 2 (a) in the table, the figure and words “Rs. 15 per litre” shall be substituted.

By order,

Y. R. TRIPATHI

Pramukh Sachiv.

लोक सभा वि.स.-ए.सी.पी. 4 सप्टेंबर विधान - (58) - 1999 - 850 (मेक)
No. 917 (2)/XVII-V-1—1(KA) 11-2000

Dated Lucknow, April 10, 2000

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Abakari (Sanshodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Samkhya 13 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 7, 2000.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 2000

(U. P. ACT No. 13 of 2000)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the United Provinces Excise Act, 1910.

IT IS HEREBY enacted in the Fifty-first Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 2000.

(2) It shall come into force on April 1, 2000.

2. In section 28 of the United Provinces Excise Act, 1910, hereinafter referred to as the principal Act, in sub-section (3), in each of the clauses (a), (c), (d) and (e) for the figure and words “Rs. 15 per litre” occurring against item 2 (a) in the table, the figure and words “Rs. 30 per litre” shall be substituted.

3. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 2000 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

By order,

Y. R. TRIPATHI,

Pramukh Sachiv.

8.50 रु 02.00—ए. 02.00 22 घ. 0310—(106)—2000—850 (के 1)
In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhiniyam (Sanskodhan) Adhiniyam, 2001, (Uttar Pradesh Adhiniyam Sankhya 16 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 30, 2001 alongwith the Statement of Objects and Reasons thereeto:

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 2001

[As Passed by the Uttar Pradesh Legislature]

AN ACT

further to amend the United Provinces Excise Act, 1910.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 2001.

(2) It shall come into force on April 1, 2001.

2. In section 12 of the United Provinces Excise Act, 1910, hereinafter referred to as the principal Act, sub section (3) shall be omitted.

3. In section 28 of the principal Act, in sub section (3) for clauses (a), (b), (c), (d), and (e), the following clauses shall be substituted, namely:—

(a) Countervailing duty on excisable articles imported in accordance with the provisions of section 12(1)

<table>
<thead>
<tr>
<th>Item no.</th>
<th>Description of excisable articles</th>
<th>Maximum rate of duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Country liquor (excluding tari)</td>
<td>Rs. 90.00 per bulk litre</td>
</tr>
</tbody>
</table>
| 2        | Liquor manufactured in India and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India; and rectified spirit—  
(a) Ale, beer, porter, cider and other fermented liquors | Rs. 60.00 per bulk litre |
|          | (b) Perfumed spirit (other than medicinal and toilet preparations) | Rs. 600.00 per bulk litre |
|          | (c) Wines                       | Rs. 600.00 per bulk litre |
|          | (d) Liquors, cordials, mixtures and other preparations containing spirit not otherwise specified (other than drugs and medicines) | Rs. 600.00 per bulk litre |
|          | (e) Brandy, gin, whisky, rums, rectified spirit and other sorts of spirit not otherwise specified | Rs. 600.00 per bulk litre |
| 3        | Bhang                           | Rs. 75.00 per Kilogram |
(b) Excise or countervailing duty on excisable articles imported in accordance with the provisions of section 13

<table>
<thead>
<tr>
<th>Item no.</th>
<th>Description of excisable articles</th>
<th>Maximum rate of duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Country liquor (excepting tari and other fermented alcoholic beverages)</td>
<td>Rs. 90.00 per bulk litre</td>
</tr>
<tr>
<td>2</td>
<td>Liquor manufactured in India and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India (excepting beer)</td>
<td>Rs. 600.00 per bulk litre</td>
</tr>
<tr>
<td>3</td>
<td>Beer brewed in India</td>
<td>Rs. 60.00 per bulk litre</td>
</tr>
<tr>
<td>4</td>
<td>Bhang</td>
<td>Rs. 75.00 per Kilogram</td>
</tr>
</tbody>
</table>

(c) Excise or countervailing duty on excisable articles transported

<table>
<thead>
<tr>
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<td>Country liquor (excepting tari)</td>
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</tr>
</tbody>
</table>
| 2        | Liquor manufactured in India and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India; and rectified spirit—  

(a) Ale, beer, porter, cider and other fermented liquors | Rs. 60.00 per bulk litre |

(b) Perfumed spirit (other than medicinal and toilet preparations) | Rs. 600.00 per bulk litre |

(c) Wines | Rs. 600.00 per bulk litre |

(d) Liquors, cordials, mixtures and other preparations containing spirit not otherwise specified (other than drugs and medicines) | Rs. 600.00 per bulk litre |

(e) Brandy, gin, whisky, rums, rectified spirit and other sorts of spirit not otherwise specified | Rs. 600.00 per bulk litre |

| 3        | Bhang                                                                                           | Rs. 75.00 per Kilogram      |
(d) Excise duty on excisable articles manufactured, cultivated or collected under any licence granted under section 17

<table>
<thead>
<tr>
<th>Item no.</th>
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<td>Liquor manufactured in India and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India; and rectified spirit—</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Ale, beer, porter, cider and other fermented liquors</td>
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<tr>
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<td>(c) Wines</td>
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<td></td>
<td>(d) Liquors, cordials, mixtures and other preparations containing spirit not otherwise specified (other than drugs and medicines)</td>
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<td>(e) Brandy, gin, whisky, rums, rectified spirit and other sorts of spirit not otherwise specified</td>
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</tr>
<tr>
<td>3</td>
<td>Bhang</td>
<td>Rs. 75.00 per Kilogram</td>
</tr>
</tbody>
</table>

(e) Excise duty on excisable articles manufactured in any distillery established, or any distillery or brewery licensed under section 18

<table>
<thead>
<tr>
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<td></td>
<td>(d) Liquors, cordials, mixtures and other preparations containing spirit not otherwise specified (other than drugs and medicines)</td>
<td>Rs. 600.00 per bulk litre</td>
</tr>
<tr>
<td></td>
<td>(e) Brandy, gin, whisky, rums, rectified spirit and other sorts of spirit not otherwise specified</td>
<td>Rs. 600.00 per bulk litre</td>
</tr>
</tbody>
</table>
4. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 2001 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

By order,

Y.R. TRIPATHI,

Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

It was decided to introduce a new system of settlement of liquor shops on the basis of licence fees and excise duty. To implement the said decision it was necessary to enhance the licence fee and raise the maximum limit of excise duty payable under the Act was, therefore decided to amend the United Provinces Excise Act, 1910 for the purposes aforesaid.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Excise (Amendment) Ordinance, 2001 (U.P. Ordinance no. 10 of 2001) was promulgated by the Governor on March 5, 2001.

This Bill is introduced to replace the aforesaid Ordinance.