The Uttar Pradesh Sheera Niyantran Adhiniyam, 1964

Act 24 of 1964

Keyword(s):
Controller, Distillery, Excise Officer, Molasses, Occupier, Sugar Factory or Factory

Amendments appended: 15 of 1974, 5 of 1986, 10 of 1995, 4 of 1998, 17 of 2000, 33 of 2018, 37 of 2018, 44 of 2018, 13 of 2021, 35 of 2021

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THE UTTAR PRADESH SHEERA NIYANTRAN ADHINIYAM, 1964

(U. P. ACT NO. XXIV OF 1964)

[*Authoritative English Text* of the Uttar Pradesh Sheera Niyantran Adhiniyam*, 1964.]

AN
ACT

to provide for the control of storage, supply, gradation and price of molasses produced by sugar factories in Uttar Pradesh.

WHEREAS it is expedient to provide for the control of storage, supply, gradation and price of molasses produced by sugar factories in Uttar Pradesh with a view to ensuring in the interest of industrial development of the country, its preservation and equitable distribution at fair prices to distilleries and other persons requiring it for purposes of industrial development :

IT IS hereby enacted in the Fifteenth Year of the Republic of India as follows :—

CHAPTER I
Preliminary

Short title and extent.

1. (1) This Act may be called the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964.

(2) It extends to the whole of Uttar Pradesh.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*a*) "Controller" means the Controller of Molasses appointed under section 4 ;

U. P. Act no. IV of 1910.

(*b*) "distillery" means the premises licensed under the provisions of the United Provinces Excise Act, 1910 for the manufacture of power, potable or industrial alcohol ;

U. P. Act no. IV of 1910.

(*c*) "excise officer" shall have the meaning assigned to it in the United Provinces Excise Act, 1910 ;

(*d*) "molasses" means the heavy, dark coloured viscous liquid produced in the final stage of manufacture of sugar by vacuum pan, from sugarcane or *gur*, when the liquid as such or in any form or admixture contains sugar ;

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*For Statement of Objects and Reasons, please *see Uttar Pradesh Gazette Extraordinary*, dated February 4, 1964.

Passed in Hindi by the Uttar Pradesh Legislative Council on February 12, 1964 and by the Uttar Pradesh Legislative Assembly on August 4, 1964.

Received the Assent of the President on October 17, 1964 under Article 201, of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated November 9, 1964.

(*e*) "occupier" in relation to a sugar factory means the person who has ultimate control over the affairs of the factory and includes a managing agent of the factory ;

(*f*) "prescribed" means prescribed by rules made under this Act ;

(*g*) "State" means the State of Uttar Pradesh ; and

(*h*) "sugar factory" or "factory" means any premises including the precincts thereof, whereon twenty or more workers are working or were working on any day of the preceding twelve months and in any part of which a manufacturing process connected with the production of sugar by means of vacuum pans is being carried on or is ordinarily carried on with the aid of power.

CHAPTER II

Advisory and Administrative Machinery

Constitution of Advisory Committee.

3. (1) The State Government may, by notification in the *Gazette*, constitute an Advisory Committee to advise on matters relating to the control or storage, supply, gradation and prices of molasses.

(2) The committee shall consist of such number of persons and shall be constituted on such terms and conditions as may be prescribed.

Appointment of Controller of Molasses.

4. The State Government may, by notification in the *Gazette*, appoint a person to be the Controller of Molasses for the purposes of exercising the powers and performing the duties of Controller of Molasses under this Act or the rules made thereunder.

CHAPTER III

Preservation, Distribution and Prices

Preservation of molasses.

5. Every occupier of a sugar factory shall provide---

(*a*) covered accommodation within the premises of the factory for the safe preservation of molasses produced in the factory ;

(*b*) adequate safeguards against leakage, seepage, overflow or any other accident likely to damage the quality of molasses stored in the factory ;

(*c*) adequate arrangements to prevent the mixing up of water with molasses or of old deteriorated molasses with fresh molasses ; and

(*d*) adequate facilities for handling of molasses, including taking out of samples and pumping and loading of molasses into tank wagons, tank lorries and other containers.

Preservation against adulteration.

6. (1) No occupier of a sugar factory shall adulterate or allow to be adulterated any molasses produced or held in stock by him.

(2) The presence of any molasses having less than forty per cent sugar contents (expressed as total reducing sugar, determined by the Lane and Egnon's volumetric method), in any storage tank of a sugar factory shall be sufficient to raise a presumption that the occupier of the factory has adulterated the molasses or allowed it to be adulterated.

Removal of adulterated molasses.

7. (1) The Controller may, with a view to ensuring proper storage and preservation of unadulterated molasses, require the occupier of a sugar factory to remove any adulterated molasses from the premises of the factory within a reasonable period to be specified by him and the occupier shall with the time allowed comply with the requirement.

(2) For the purposes of this section the molasses referred to in sub-section (2) of section 6 shall be deemed to be adulterated.

Sale and supply of molasses.

8. (1) The Controller may by order require the occupier of any sugar factory to sell and supply in the prescribed manner such quantity of molasses to such person, as may be specified in the order, and the occupier shall, notwithstanding any contract, comply with the order.

(2) The order under sub-section (1)—

(*a*) shall require supply to be made only to a person who requires it for his distillery or for any purpose of industrial development ;

(*b*) may be for the entire quantity of molasses in stock or to be produced during the year or for any portion thereof ; but the proportion of molasses to be supplied from each sugar factory to its estimated total produce of molasses during the year shall be same throughout the State, save where, in the opinion of the Controller, a variation it necessitated by any of the following factors :—

(i) the requirements of distilleries within the area in which molasses may be transported from the sugar factory at a reasonable cost ;

(ii) the requirements for other purposes of industrial development within such area; and

(iii) the availability of transport facilities in the area.

(3) The Controller may make such modifications in the order under sub-section (1) as may be necessary to correct any error or omission or to meet a subsequent change in any of the factors mentioned in clause (*b*) of sub-section (2).

Appeal.

9. (1) Any person aggrieved by an order under sub-section (1) or sub-section (3) of section 8 may, within thirty days of the date on which the order is communicated to him, appeal to the State Government in the prescribed manner and the State Government may pass thereon such order as it deems fit.

(2) An order of the State Government under sub-section (1) shall be final.

Maximum prices of molasses.

10. (1) The occupier of a sugar factory shall sell molasses in respect of which an order under section 8 has been made at a price not exceeding that prescribed in the schedule.

(2) The State Government may, by notification in the *Gazette*, amend the schedule if such amendment is necessitated by reason of any variation in the cost of storage of molasses or loading or shunting charges of molasses in tank wagons or in order to bring the prices of molasses in conformity with the prices, if any, fixed by the Government of India.

Explanation---Prices shall include all costs incidental to the loading of molasses into railway tank wagons, tank lorries or other containers and shunting charges of railway tank wagons.

CHAPTER IV

Offences and Penalties

Contravention of provisions.

11. (1) Whoever contravenes any provision of this Act or the rules or orders made or the directions issued thereunder or wilfully makes any false statement or submits any false return regarding any matter in respect of which he is required under this Act or the said rules, orders or directions to give information shall, on conviction, be punishable with imprisonment of either description which may extend to one year or with fine which may extend to two thousand rupees or with both and, in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which the contravention continues after conviction for the first such contravention.

(2) Any court trying an offence punishable under sub-section (1) may direct that any molasses in respect of which the court is satisfied that such offence has been committed shall be forfeited to the State Government.

Offence by companies.

12. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence 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 that the commission of the offence is attributable to any neglect on the part of, any director, manager, managing agent, secretary or any other officer of the company, such director, manager, managing agent, secretary 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 is a partner in the firm.

Cognizance of offences.

13. (1) No court shall take cognizance of an offence punishable under this Act except on a report in writing of the facts constituting such offence made by an excise officer of or above the rank of Excise Inspector.

(2) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

(3) An offence punishable under this Act shall be cognizable and bailable within the meaning of the Code of Criminal Procedure, 1898.

Act V of 1898.

Power to enter, search and seize.

14. (1) A police officer not below the rank of Sub-Inspector or an excise officer of or above the rank of Sub-Inspector (Excise) may---

(*a*) enter and search at any time any premises in which he has reason to believe that any molasses in respect of which an offence punishable under this Act has been or is about to be committed is kept or concealed ;

(*b*) seize such molasses or any box, packet, receptacle, package or coverage containing such molasses and any books, accounts, documents or statements relating to transactions in such molasses ; and

(*c*) detain, search and arrest any person whom he has reason to believe to be guilty of any offence punishable under this Act.

Act V of 1898.

(2) All searches made under this section shall be in accordance with the provisions of the Code of Criminal Procedure, 1898.

(3) A police officer not below the rank of Sub-Inspector or an excise officer of or above the rank of Excise Inspector may investigate any offence punishable under this Act and committed within the limits of the area in which such officer exercises jurisdiction.

(4) Any such officer may exercise the same powers in respect of such investigation as an officer in charge of a police station may exercise in relation to a cognizable offence under the provisions of Chapter XIV of the Code of Criminal Procedure, 1898.

Act V of 1898.

Report about seizure.

15. (1) A report about any molasses or articles seized under section 14 shall, as soon as may be after such seizure, be submitted to the Magistrate having jurisdiction, who may after making such inquiry, if any, as he considers necessary, give such directions for their custody as he thinks fit.

(2) Where no prosecution is instituted within six months of such seizure, the Magistrate may order the release of such molasses or articles in favour of the persons from whom they were seized.

Power to compound offences.

16. The Controller may accept, from any person who is reasonably suspected of having committed an offence punishable under this Act, a sum of money not exceeding five thousand rupees by way of *composition* for the offence which may have been committed and in all the cases in which any property has been seized as liable to forfeiture under this Act, may release the same on payment of value thereof as estimated by him. On payment of such sum of money or value or both, as the case may be, to the Controller, the accused, if in custody, shall be discharged and the property seized shall be released and no further proceeding shall be taken against such person or property.

CHAPTER V

Miscellaneous

Maintenance of accounts and furnishing of returns, etc.

17. Every occupier of a sugar factory and every person to whom molasses is supplied by such occupier shall be bound—

(*a*) to maintain such registers, records, accounts, instruments and reagents as may be prescribed;

(*b*) to furnish all such information and returns relating to the production and disposal of molasses in such manner, to such persons and by such dates as may, by order, be prescribed by the Controller ;

(*c*) to produce, on demand by an excise officer not below the rank of a Sub-Inspector (Excise), registers, records, documents, instruments and chemical reagents which he is required to maintain under the provisions of this Act or the rules or orders made thereunder.

Accommodation to inspectors posted to factories.

18. Every occupier of a sugar factory shall be bound to provide within the precincts of the sugar factory residential accommodation, on payment of such rent and on such terms as may be prescribed, to an excise officer posted to the sugar factory by the Controller to ensure the compliance of the provisions of this Act, and the rules and orders made and the direction issued thereunder.

Delegation of powers.

19. The Controller may, by notification in the *Gazette*, direct that any power exercisable by him under this Act, except section 8 thereof, or the rules made thereunder shall in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer subordinate to him.

Protection of action taken in good faith.

20. No suit or other legal proceeding shall lie against the State Government or any officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Service orders.

21. (1) An order made under the provisions of this Act shall---

(*a*) in the case of an order of general nature or affecting a class of persons be notified in the *Gazette* ; and

(*b*) in the case of an order directed to a specified individual be served on such individual---

(i) by post under postal certificate or by delivering or tendering it to that individual ; or

(ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives and by preparing a return thereof witnessed by two persons living in that locality.

Power to make rules.

22. (1) The State Government may, after previous publication in the *Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for---

(*a*) the composition of the Advisory Committee, the manner in which its members shall be chosen, the term of office of its members, the allowances, if any, payable to them, the manner in which the Advisory Committee shall tender its advice and the procedure for the conduct of its business ;

(*b*) the procedure relating to the removal of members of the Advisory Committee ;

(*c*) conditions relating to preservation and storage of molasses by sugar factories ;

(*d*) specification and test in respect of grading and sampling of molasses including verification of its quantity and quality ;

(*e*) manner of sale and supply of molasses ;

(*f*) the form and manner of appeal to the State Government and the procedure to be followed in its disposal ;

(*g*) the procedure for compounding of offences ;

(*h*) registers, records, accounts, instruments and reagents to be maintained by the occupiers of sugar factories ;

(*i*) the rent and the terms on which residential accommodation within the precincts of a sugar factory shall be provided to the excise officer ;

(*j*) collection of information or statistics in respect of production, distribution and use of molasses ;

(*k*) disposal of molasses and articles forfeited under this Act ; and

(*l*) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session, for a total period of not less than fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the

Legislature may agree to make ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Repeal of U. P. Act no. XXIII of 1947.

23. The United Provinces Molasses (Control) Act, 1947 is hereby repealed.

SCHEDULE

(*See* section 10)

Grade	Percentage of total sugar contents of molasses (expressed as reducing sugar)	Maximum price per quintal of molasses, including loading and shunting charges
1	2	3
I	50% and above	67 P.
II	47% to 49.99%	59 P.
III	44% to 46.99%	51 P.
IV	40% to 43.99%	43 P.

PSUP—A.P. 92 Genl. (Leg.)—1964. 1,798. (M)

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विधान पुस्तकालय
(राजकीय प्रकाशन),
उत्तर प्रदेश, लखनऊ

THE UTTAR PRADESH SHEERA NIYANTRAN (SANSHODHAN) ACT, 1974

(U. P. Act No. 15 of 1974)

[*Authoritative English Text of the Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 1974]

An
Act

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964,

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

Short title.

1. This Act may be called the Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 1974.

Amendment of long title of U.P. Act XXIV of 1964.

2. *For* the long title of the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 (hereinafter referred to as the principal Act), the following shall be *substituted* namely:—

"An
Act

to provide in public interest for the control of storage, gradation and price of molasses produced by sugar factories in Uttar Pradesh and the regulation of supply and distribution thereof."

Omission of preamble.

3. The preamble to the principal Act shall be *omitted.*

Amendment of section 3.

4. In section 3 of the principal Act, *for* sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) The State Government may, by notification in the *Gazette* constitute an Advisory Committee to advise on matters relating to the control of storage, preservation, gradation, price, supply and disposal of molasses."

Amendment of section 7.

5. In section 7 of the principal Act, *for* sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) The Controller may, with a view to ensuring proper storage, preservation, gradation, supply or disposal of unadulterated molasses, require the occupier of a sugar factory to remove any adulterated molasses from the premises of the factory within a reasonable period to be specified by him and the occupier shall within the time allowed comply with the requirement."

Insertion of new section 7-A.

6. *After* section 7 of the principal Act, the following section shall be *inserted*, namely :—

Application for molasses.

"7-A. (1) Any person, who requires molasses for his distillery or for any purpose of industrial development may apply in the prescribed manner to the Controller specifying the purpose for which it is required.

(2) On receipt of an application under sub-section (1) and after making such inquiries in the matter as he may think fit, the Controller may make an order under section 8.

(3) In disposing of an application under sub-section (1), the Controller shall consider—

(*a*) the general availability of molasses;

(*b*) various requirements of molasses;

(*c*) the better utilization to which molasses may be put in the public interest ;

[*For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*, dated June 12, 1974.]

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on June 12, 1974 and by the Uttar Pradesh Legislative Council on June 19, 1974.]

[Received the assent of the Governor on June 29, 1974 under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette (Extraordinary)*, dated July 3, 1974.]

(*d*) the extent to which the requirements of the applicant are genuine ;

(*e*) reasonable likelihood or otherwise of the molasses that may be obtained by the applicant being diverted to purposes other than those specified in the application;

and where the application is rejected in whole or in part, he shall record reasons therefor."

Amendment of section 8.

7. In section 8 of the principal Act, *after* clause (*a*) of sub-section (2), the following clause shall be *inserted*, namely :—

"(*aa*) may require the person referred to in clause (*a*) to utilise the molasses supplied to him under an order made under this section for the purpose specified in the application made by him under sub-section (1) of section 7-A and to observe all such restrictions and conditions as may be prescribed."

Insertion of new section 10-A.

8. *After* section 10 of the principal Act, the following section shall be *inserted* namely :—

"10-A. Every occupier of a sugar factory shall from the price prescribed in the Schedule referred to in sub-section (1) of section 10 for different grades of molasses, place in a separate fund the amount mentioned below or such other amount as the State Government may notify in that behalf for being utilised for provision and maintenance of adequate storage facilities in accordance with general or special orders issued from time to time by the Controller :

Funds for regulation of adequate storage facilities.

Grade I molasses	..	Re.0.33 per 100 kilograms.
Grade II molasses	..	Re.0.27 per 100 kilograms.
Grade III molasses	..	Re.0.20 for every 40 kilograms of reducing sugar content therein."

Amendment of section 15.

9. In section 15 of the principal Act, *for* sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) A report about any molasses or articles seized under section 14 shall as soon as may be after such seizure, be submitted to the Magistrate having jurisdiction, who may after making such inquiry, if any, as he considers necessary and after taking samples of the molasses give such directions for its disposal in accordance with the orders of the Controller as he may think fit."

Amendment of the Schedule.

10. *For* the Schedule of the principal Act, the following Schedule shall be *substituted*, namely :—

"SCHEDULE

(*See* SECTION 10)

Grade	Percentage of total sugar contents of molasses (expressed as reducing sugar)	Maximum price per quintal of molasses, including loading and shunting charges
1	2	3
		Rs. P.
I	500 per cent and above	1.00
II	44 per cent to 49.99 per cent	0.80
III	40 per cent to 43.99 per cent	0.60

NOTE—For quality of molasses below Grade III, the price will be Re.0.60 for every 40 kilograms reducing sugar content therein."

Repeal and saving.

11. (1) The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhyadesh, 1974, is hereby repealed. **U. P. Ordinance no. 10 of 1974.**

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.

PSUP.—A.P. 163 Sa. (Vidhayika)—1375—1974 1848 (M.)

No. 617 (2) /XVII-VI-1—1 (KA) -3-1986

Dated Lucknow, March 15, 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 Sheera Niyantran (Sanshodhan) Adhiniyam, 1986 (Uttar Pradesh Adhiniyam Sankhya 5 of 1986) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 14, 1986 :

THE UTTAR PRADESH SHEERA NIYANTRAN (SANSHODHAN) ADHINIYAM, 1986

(U. P. ACT NO. 5 OF 1986)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964

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

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 1986.

(2) It shall be deemed to have come into force on November 30, 1985.

Amendment of section 8 of U. P. Act no. XXIV of 1964

2. In section 8 of the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964, hereinafter referred to as the principal Act,—

(*a*) in sub-section (1), *for* the words "sell and supply", the words "sell or supply" shall be *substituted* ;

(*b*) *after* sub-section (3), the following sub-sections shall be *inserted*, namely :—

"(4) The occupier of a sugar factory shall be liable to pay to the State Government, in the manner prescribed, administrative charges at such rate, not exceeding five rupees per quintal as the State Government may from time to time notify, on the molasses sold or supplied by him.

(5) The occupier shall be entitled to recover from the person to whom the molasses is sold or supplied an amount equivalent to the amount of such administrative charges, in addition to the price of molasses."

Amendment of section 22

3. In section 22 of the principal Act, in sub-section (2), *after* clause (*e*), the following clause shall be *inserted*, namely :—

"(*ee*) the manner in which the administrative charges payable under sub-section (4) of section 8 shall be realised;".

U. P. Ordinance no. 17 of 1985

Repeal and saving

4. (1) The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhyadesh, 1985, is hereby repealed.

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(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.

पी०एस०यू०पी०—ए०पी० 297 सा० (विधा०)—( )—1986—850 (मेक०)।

No. 621 (2)/XVII-V-1—1(KA) 16—1995

Dated Lucknow, March 14, 1995

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 Sheera Niyantran (Sanshodhan) Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 10 of 1995) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 14, 1995.

THE UTTAR PRADESH SHEERA NIYANTRAN (SANSHODHAN) ADHINIYAM, 1995

(U. P. ACT No. 10 of 1995)

[*As passed by both Houses of the Uttar Pradesh Legislature*] *under Article* 198 *of the Constitution of India*]

AN ACT

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964.

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

Short title and Commencement

1. (1) This Act may be called the Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 1995.

(2) It shall be deemed to have come into force on January 13, 1995.

Amendment of section 8 of U. P. Act no. 24 of 1964 -

2. In section 8 of the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964, hereinafter referred to as the principal Act, in sub-section (4) for the words "five rupees" the words "fifteen rupees" shall be *substituted.*

Repeal and savings

3. (1) The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhyadesh, 1995 is hereby repealed. U.P. Ordinance no. 4 of 1995

(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 mateiral times.

By order,

N. K. NARANG,

Pramukh Sachiv.

पी०एस०यू०पी०--ए० पी० 313 ता० विधा०- -(4099)--1995--850 (मेक०)।

No. 293 (2)/XVII-V-1--1 (KA) 3-1998

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 Sheera Niyantran (Sanshodhan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 4 of 1998) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 6, 1998.

THE UTTAR PRADESH SHEERA NIYANTRAN (SANSHODHAN) ADHINIYAM, 1998

[U.P. ACT No. 4 OF 1998]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964

IT IS HEREBY enacted in the forty-ninth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 1998.

(2) It shall be deemed to have come into force on January 8, 1998.

Amendment of section 2 of U. P. Act No. 24 of 1964

2. In section 2 of the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964, hereinafter referred to as the principal Act, *after* clause (*d*), the following clause shall be *inserted*, namely :—

"(*dd*) 'molasses year' means the period beginning on the first day of November and ending on the thirty first day of October in the year next following ;"

Amendment of Section 8

3. In section 8 of the principal Act,—

(*a*) in sub-section (1) *for* the words "may by order require", the words "may, with the prior approval of the State Government, by order require" shall be *substituted* ;

(*b*) *after* sub-section (1), following sub-section shall be *inserted*, namely :—

"(1-*a*) Notwithstanding anything contained in sub-section (1) the occupier of a sugar factory shall sell or supply forty per cent of the molasses produced in each quarter of a molasses year in the sugar factory to such chemical industries which are actual users of molasses and are granted licence under the United Provinces Excise Act, 1910 :

Provided that such quantum of molasses as is not required by the said chemical industries may be sold or supplied by the occupier of the sugar factory to any other unit which is actual users of molasses with the prior approval of the Controller."

Amendment of section 10

4. In section 10 of the principal Act,—

(*i*) in sub-section (1), the words "at a price not exceeding that prescribed in the schedule" shall be *omitted*;

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

"Provided that the distilleries of potable alcohal which have been granted licence for wholesale contract supply of country liquor shall continue to be supplied molasses in respect of which an order under section 8 has been made at a price not exceeding that for the time being prescribed in the Schedule till March 31, 1998.";

(*iii*) sub-section (2) and explanation shall be *omitted*.

Substitution of section 10-A

5. *For* section 10-A of the principal Act, the following section shall be *substituted*, namely :—

Funds for regulation of adequate storage facilities

"10-A Every occupier of a sugar factory shall from the sale price for different grades of molasses specified below, place in a separate fund the amount as the State Government may notify in that behalf for being utilised for provision and maintenance of adequate storage facilities in accordance with general or special order issued from time to time by the Controller.

Grade of molasses	percentage of total sugar contents of molasses (expressed as reducing sugar)
I	50 per cent and above
II	44 per cent to 49.99 per cent
III	40 per cent to 43.99 per cent

Omission of the Schedule

6. The Schedule to the principal Act shall be *omitted* with effect from March 31, 1998.

Repeal and savings

7. (1) The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhyadesh, 1998 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.

पी०एस० यू० पी०—ए० पी० 226 सा० विधा०—(2374)—1998—850 (प्रेक्ष०)।

No. 1227(2)/XVII-V-1—1(KA) 6-2000

Dated Lucknow, May 5, 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 Sheera Niyantran (Sanshodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 17 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on May 5, 2000.

THE UTTAR PRADESH SHEERA NIYANTRAN (SANSHODHAN) ADHINIYAM, 2000

[U. P. ACT No. 17 OF 2000]

(*As passed by the Uttar Pradesh Legislature*)

AN

ACT

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964.

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

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2000.

(2) It shall be deemed to have come into force on January 25, 2000.

Amendment of section 8 of U. P. Act no. 24 of 1964

2. In section 8 of the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 hereinafter referred to as the principal Act, sub-section (1-*a*) shall be *omitted*.

Omission of section 10

3. Section 10 of the principal Act shall be *omitted*.

Repeal and Saving

4. (1) The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhyadesh, 2000 is hereby repealed. U. P. Ordinance no. 2 of 2000

(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,

Y. R. TRIPATHI,

Pramukh Sachiv.

पी० एस० यू० पी०—ए० पी० 47 सा० विधा०—(471)—2000—850 (मेक०)।

क्रम-संख्या–203

रजिस्ट्रेशन नम्बर–एस०एस०पी०/एल०–डब्लू०/एन०पी०–91/2014–16

लाइसेन्स टू पोस्ट ऐट कन्सेशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग–1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 10 सितम्बर, 2018

भाद्रपद 19, 1940 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग–1

संख्या 1904/79-वि-1–18-1(क)-11-18

लखनऊ, 10 सितम्बर, 2018

अधिसूचना

विविध

"भारत का संविधान" के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश शीरा नियंत्रण (संशोधन) विधेयक, 2018 पर दिनांक 7 सितम्बर, 2018 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 33 सन् 2018 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश शीरा नियंत्रण (संशोधन) अधिनियम, 2018

(उत्तर प्रदेश अधिनियम संख्या 33 सन् 2018)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 का अग्रतर संशोधन करने के लिये

अधिनियम

भारत गणराज्य के उनहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

संक्षिप्त नाम, विस्तार एवं प्रारम्भ

1-(1) यह अधिनियम उत्तर प्रदेश शीरा नियंत्रण (संशोधन) अधिनियम, 2018 कहा जायेगा।

(2) इसका विस्तार सम्पूर्ण उत्तर प्रदेश में है।

(3) यह 30 मई, 2018 को प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964 की धारा 11 का संशोधन

2-उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964, जिसे आगे मूल अधिनियम कहा गया है, की धारा 11 में;

(क) उपधारा (1) में शब्द "दो हजार रुपये" के स्थान पर शब्द "एक लाख रुपये" तथा शब्द "एक सौ रुपये" के स्थान पर शब्द "पाँच हजार रुपये" रख दिये जायेंगे।

(ख) उपधारा (2) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

"(2) उपधारा (1) के अधीन दण्डनीय किसी अपराध पर विचार करने वाला कोई न्यायालय, यह निदेश दे सकता है कि कोई ऐसा शीरा और ऐसे पात्र या पैकेज जिसमें उक्त शीरा रखा गया हो, को ले जाने में प्रयुक्त पशु, गाड़ी, जलयान, कन्टेनर या वाहन, जिसके सम्बन्ध में न्यायालय का यह समाधान हो जाय कि ऐसा अपराध किया गया है, राज्य सरकार के पक्ष में समपहृत कर लिये जायेंगे।"

धारा 16 का संशोधन

3-मूल अधिनियम की धारा 16 में शब्द "पाँच हजार रुपये" के स्थान पर शब्द "दो लाख पचास हजार रुपये" रख दिये जायेंगे।

निरसन और अपवाद

4-(1) उत्तर प्रदेश शीरा नियंत्रण (संशोधन) अध्यादेश, 2018 एतद्द्वारा निरसित किया जाता है। उत्तर प्रदेश अध्यादेश संख्या 7 सन् 2018

(2) ऐसे निरसन के होते हुये भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथासंशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही, इस अधिनियम द्वारा यथासंशोधित मूल अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान समय पर प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश में चीनी कारखानों द्वारा उत्पादित शीरा के नियंत्रण, भण्डारण, श्रेणीकरण तथा कीमत और उसकी आपूर्ति एवं वितरण का उपबन्ध करने के लिये उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 (उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964) अधिनियमित किया गया है। शीरा नियंत्रक सह आबकारी आयुक्त द्वारा राज्य सरकार के संज्ञान में यह लाया गया था कि पूर्वोक्त अधिनियम के उपबन्धों का व्यतिक्रमण करने पर अधिरोपणीय आर्थिक शास्ति की धनराशि, बार-बार अपराध किये जाने की दशा में अधिरोपणीय अतिरिक्त आर्थिक शास्ति की धनराशि, और साथ ही साथ अपराध शमन की अधिकतम धनराशि में वर्तमान समय के अनुरूप कम हो गई है। इसके अतिरिक्त उक्त अधिनियम के उपबन्धों के विरुद्ध शीरा ले जाये जाने में प्रयुक्त वाहन/उपस्कर का अधिहरण किये जाने के उपबन्ध के अभाव में आबकारी विभाग को अभियोग संचालित करते समय विषम स्थिति का सामना करना पड़ता है, जब अभिरक्षा में निरुद्ध वाहन/अन्य वस्तुएं विचारण न्यायालय द्वारा तत्काल निर्मुक्त कर दी जाती है। शीरे के अवैध विक्रय तथा मदिरा के अवैध आसवन पर प्रभावी नियंत्रण को दृष्टिगत रखते हुये यह विनिश्चय किया गया है कि उक्त अधिनियम के अधीन मुख्यतः आर्थिक दण्ड की धनराशि तथा अपराध शमन शुल्क में वृद्धि करने और ऐसा शीरा तथा ऐसे पात्र या पैकेज, जिसमें उक्त शीरा रखा गया हो, को ले जाने में प्रयुक्त कोई पशु, गाड़ी, जलयान, कन्टेनर या वाहन को समपहृत करने के लिये सरकार को निदेश देने हेतु न्यायालय को सशक्त करने का उपबन्ध करने के लिये उक्त अधिनियम में संशोधन किया जाए।

चूँकि राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को लागू करने के लिये तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 30 मई, 2018 को उत्तर प्रदेश शीरा नियंत्रण (संशोधन) अध्यादेश, 2018 (उत्तर प्रदेश अध्यादेश संख्या 7 सन् 2018) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिये पुरःस्थापित किया जाता है।

आज्ञा से,
वीरेन्द्र कुमार श्रीवास्तव,
प्रमुख सचिव।

No. 1904 (2)/LXXIX-V-1-18-1(ka)-11-18

Dated Lucknow, September 10, 2018

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2018 (Uttar Pradesh Adhiniyam Sankhya 33 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 7, 2018.

THE UTTAR PRADESH SHEERA NIYANTRAN (SANSHODHAN) ADHINIYAM, 2018

(U.P. ACT no. 33 OF 2018)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964.

IT IS HEREBY enacted in the Sixty ninth Year of the Republic of India as follows :–

Short title, extent and commencement

1. (1) This Act may be called the Uttar Pradesh Sheera Niyantran (Sanshodhan) Act, 2018.

(2) It extends to the whole of Uttar Pradesh.

(3) It should be deemed to have come into effect on May 30, 2018.

Amendment of section 11 of U.P. Act no. 24 of 1964

2. In section 11 of the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 *hereinafter* referred to as the principal Act,–

(a) in sub-section (1), *for* the words "two thousand rupees" the words "one lakh rupees" and *for* the words "one hundred rupees" the words "five thousand rupees" shall be *substituted.*

(b) *for* sub-section (2), the following sub-section shall be *substituted,* namely:–

"(2) Any Court trying an offence punishable under sub-section (1) may direct that any molasses and every animal, cart, vessel, container or conveyance used in carrying such receptacle or package containing such molasses in respect of which the court is satisfied that such offence has been committed shall be forfeited to the State Government."

Amendment of section 16

3. In section 16 of the principal Act, *for* the words "five thousand rupees" the words "two lakh fifty thousand rupees" shall be *substituted.*

Repeal and saving

U.P. Ordinance no. 7 of 2018

4. (1) The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhyadesh, 2018 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.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 (Uttar Pradesh Act no. 24 of 1964) has been *enacted* to provide for the control, storage, gradation and price of molasses produced by sugar factories in Uttar Pradesh and the regulation of supply and distribution thereof. It was brought to the notice of the State Government by the Molasses Controller *cum* Excise Commissioner that the amount of imposable economic penalty on the infraction of provisions of the aforesaid Act and the amount of imposable additional economic penalty in the case of repeated offence as well as maximum amount of

composition of offence have been abated corresponding to the present time. Besides this, in absence of the provision of confiscating vehicle/equipment being used in carrying molasses against the provisions of the said Act the Excise Department has to face, the odd situation at the time of conduct of prosecution, when vehicle/other things detained in the custody are immediately released by the trial Court. With a view to effective controlling of illicit sale of molasses and illicit distillation of liquor, it has been decided to amend the said Act mainly to provide for increasing the amount of pecuniary punishment and fee for compounding the offences under the said Act and empowering the Court to direct the Government to forfeit any molasses and any animal cart, vessel, container or conveyance used in carrying such receptacle or package containing such Molasses.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhyadesh, 2018 (U.P. Ordinance no. 7 of 2018) was promulgated by the Governor on May 30, 2018.

This Bill is introduced to replace the aforesaid ordinance accordingly.

By order,
VIRENDRA KUMAR SRIVASTAVA,
Pramukh Sachiv.

पी0एस0यू0पी0–ए0पी0 246 राजपत्र–(हिन्दी)–2018–(669)–599 प्रतियां–(कम्प्यूटर / टी / आफसेट)।
पी0एस0यू0पी0–ए0पी0 83 सा0 विधायी–2018–(670)–300 प्रतियां–(कम्प्यूटर / टी / आफसेट)।

क्रम-संख्या–200

रजिस्ट्रेशन नम्बर–एस०एस०पी०/एल०–डब्लू०/एन०पी०–91/2014–16

लाइसेन्स टू पोस्ट ऐट कन्सेशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग–1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 10 सितम्बर, 2018

भाद्रपद 19, 1940 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग–1

संख्या 1901/79-वि-1–18-1(क)-21-18

लखनऊ, 10 सितम्बर, 2018

अधिसूचना

विविध

"भारत का संविधान" के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश शीरा नियंत्रण (द्वितीय संशोधन) विधेयक, 2018 पर दिनांक 7 सितम्बर, 2018 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 37 सन् 2018 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है:–

उत्तर प्रदेश शीरा नियंत्रण (द्वितीय संशोधन) अधिनियम, 2018

(उत्तर प्रदेश अधिनियम संख्या 37 सन् 2018)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 का अग्रतर संशोधन करने के लिये

अधिनियम

भारत गणराज्य के उनहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:–

संक्षिप्त नाम एवं विस्तार

1–(1) यह अधिनियम उत्तर प्रदेश शीरा नियंत्रण (द्वितीय संशोधन) अधिनियम, 2018 कहा जायेगा।

(2) इसका विस्तार सम्पूर्ण उत्तर प्रदेश में है।

उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964 की धारा 2 का संशोधन

2–उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 की धारा 2 में, खण्ड (घ) के स्थान पर निम्नलिखित खण्ड रख दिया जाएगा, अर्थात्:–

"(घ) "शीरा" का तात्पर्य गन्ना या गुड़ से शक्कर बनाने के दौरान उप उत्पाद के रूप में निकलने वाले गाढ़े, गहरे रंग के लसदार तरल द्रव्य, से है, जब उस तरल या उसके किसी रूप अथवा मिश्रण में शक्कर हो, जिसमें बी–हैवी मोलासेस सम्मिलित है।"

उद्देश्य और कारण

उत्तर प्रदेश में चीनी कारखानों द्वारा उत्पादित शीरा के नियंत्रण, भण्डारण, श्रेणीकरण तथा कीमत और उसकी आपूर्ति एवं वितरण के विनियमन का उपबन्ध करने के लिये उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 (उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964) अधिनियमित किया गया है। राज्यों में शीरे की पर्याप्त उपलब्धता के कारण, पेट्रोलियम आयातों को कम करने तथा विदेशी मुद्रा की बचत करने के उद्देश्य से भारत सरकार ने अपनी महत्वाकांक्षी एथनॉल सम्मिश्रण कार्यक्रम (ई0बी0पी0) हेतु शीरे से एथनाल (डिनेचर्ड एनहाइड्रस अल्कोहल) का उत्पादन करने के लिए योजना बनायी है और पेट्रोल में 10 प्रतिशत एथनाल मिश्रित किये जाने का लक्ष्य रखा गया है। इस कार्यक्रम को प्रोत्साहित करने के लिए भारत सरकार, राज्य सरकारों से पर्याप्त एथनॉल का उत्पादन करने की प्रत्याशा कर रही है। बी–हैवी मोलासेस ऐसा मोलासेस है जिसमें अपेक्षाकृत अधिक शर्करायुक्त अंश होते हैं। ऐसे समस्त संघटक, जो उक्त अधिनियम की धारा 2 के खण्ड–(घ) में शीरे की परिभाषा में सम्मिलित हैं, बी–हैवी मोलासेस में भी प्रयुक्त होते हैं। भविष्य में बी–हैवी मोलासेस से एथनॉल के उत्पादन को प्रोत्साहित करने के उद्देश्य से यह विनिश्चय किया गया है कि शीरे की परिभाषा में बी–हैवी मोलासेस को सम्मिलित करने के लिये उक्त अधिनियम में संशोधन किया जाए।

तद्नुसार उत्तर प्रदेश शीरा नियंत्रण (द्वितीय संशोधन) विधेयक, 2018 पुरःस्थापित किया जाता है।

आज्ञा से,
वीरेन्द्र कुमार श्रीवास्तव,
प्रमुख सचिव।

No. 1901 (2)/LXXIX-V-1–18-1(ka)-21-18

Dated Lucknow, September 10, 2018

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam, 2018 (Uttar Pradesh Adhiniyam Sankhya 37 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 7, 2018.

THE UTTAR PRADESH SHEERA NIYANTRAN (DWITIYA SANSHODHAN) ADHINIYAM, 2018

(U.P. Act No. 37 of 2018)

[*As passed by the Uttar Pradesh Legislature*]

AN

ACT

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964.

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

Short title and extent

1. (1) This Act may be called the Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam,2018.

(2) It extends to the whole of Uttar Pradesh.

Amendment of section 2 of U.P. Act no. 24 of 1964

2. In section 2 of the Uttar Pradesh Sheera Niyantran Adhiniyam,1964 for clause(d), the following clause shall be *substituted*, namely:-

"(d) "molasses" means the heavy, dark coloured viscous liquid produced as by-product during the manufacture of sugar from sugarcane or gur, when the liquid as such or in any form of admixture contains sugar including B-Heavy molasses."

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 (Uttar Pradesh Act No. 24 of 1964) has been enacted to provide for the control, storage, gradation and price of molasses produced by sugar factories in Uttar Pradesh and the regulation of supply and distribution thereof. Due to the ample availability of the molasses in the States, with a view to decreasing the petroleum imports and for saving foreign exchange, the Government of India has planned for the production of ethanol (Denatured Anhydrous Alcohol) from molasses for its ambitious Ethanol Blending Programme (E.B.P.) and a target of mixing 10 percent of ethanol in petrol has been set. To encourage this programme the Government of India is expecting from the State Governments to produce sufficient ethanol. B-Heavy Molasses is the molasses having more sugar contents. All the ingredients which are included in the definition of molasses in clause (d) of section 2 of the said Act, are also applied in B-Heavy molasses. With a view to encouraging production of ethanol from B-Heavy molasses in future, it has been decided to amend the said Act to include B-Heavy molasses in the definition of molasses.

The Uttar Pradesh Sheera Niyantran (Dwitiya Sansodhan) Vidheyak, 2018 is introduced accordingly.

By order,
VIRENDRA KUMAR SRIVASTAVA,
Pramukh Sachiv.

पी0एस0यू0पी0–ए0पी0 250 राजपत्र–(हिन्दी)–2018–(677)–599 प्रतियां–(कम्प्यूटर / टी / आफसेट)।
पी0एस0यू0पी0–ए0पी0 87 सा0 विधायी–2018–(678)–300 प्रतियां–(कम्प्यूटर / टी / आफसेट)।

क्रम संख्या–263

रजिस्ट्रेशन नम्बर–एस०एस०पी०/एल०
डब्लू०/एन०पी०–91/2014–16
लाइसेन्स टू पोस्ट ऐट कन्सेशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग–1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 24 दिसम्बर, 2018

पौष 3, 1940 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग–1

संख्या 2573/79-वि-1–18-1(क)-26-18
लखनऊ, 24 दिसम्बर, 2018

अधिसूचना

विविध

"भारत का संविधान" के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश शीरा नियंत्रण (तृतीय संशोधन) विधेयक, 2018 पर दिनांक 24 दिसम्बर, 2018 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 44 सन् 2018 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश शीरा नियंत्रण (तृतीय संशोधन) अधिनियम, 2018

(उत्तर प्रदेश अधिनियम संख्या 44 सन् 2018)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 का अग्रतर संशोधन करने के लिये

अधिनियम

भारत गणराज्य के उनहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

संक्षिप्त नाम एवं विस्तार

1-(1) यह अधिनियम उत्तर प्रदेश शीरा नियंत्रण (तृतीय संशोधन) अधिनियम, 2018 कहा जायेगा।

(2) इसका विस्तार सम्पूर्ण उत्तर प्रदेश में है।

उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964 की धारा 7क का संशोधन

2-उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964, जिसे आगे मूल अधिनियम कहा गया है, की धारा 7क में, उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

"(1) कोई व्यक्ति, जिसे अपनी आसवनी के लिए अथवा औद्योगिक विकास के किसी अन्य प्रयोजन के लिए या किसी अन्य देश को निर्यात के लिए शीरे की आवश्यकता हो, उस प्रयोजन, जिसके लिए यह अपेक्षित है, को विनिर्दिष्ट करते हुए नियंत्रक को विहित रीति से आवेदन कर सकता है।"

धारा 8 का संशोधन

3-मूल अधिनियम की धारा 8 में, उपधारा (2) में खण्ड (क) के स्थान पर निम्नलिखित खण्ड रख दिया जाएगा, अर्थात् :-

"(क) ऐसे ही व्यक्ति को शीरा सम्भरित करने की अपेक्षा करेगी जिसे उसकी अपेक्षा, अपनी आसवनी के लिए या औद्योगिक विकास के किसी प्रयोजन के लिए अथवा किसी अन्य देश को निर्यात के लिए, हो।"

उद्देश्य और कारण

उत्तर प्रदेश में चीनी कारखानों द्वारा उत्पादित शीरा के भण्डारण, संरक्षण एवं श्रेणीकरण पर नियंत्रण रखने और उसकी आपूर्ति एवं वितरण के विनियमन का उपबन्ध करने के लिये, उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 (उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964) अधिनियमित किया गया है। राज्य में गन्ना के अत्यधिक उत्पादन के मामले में शीरा के अपव्यय को रोकने, और चीनी मिलों में शीरा की सीमित भण्डारण क्षमता की दृष्टि से यह विनिश्चय किया गया है कि अन्य देशों को प्रशासनिक प्रभारों के आधार पर अतिशेष शीरा के निर्यात हेतु अनुज्ञात करने के लिये उक्त अधिनियम में संशोधन किया जाए।

तदनुसार उत्तर प्रदेश शीरा नियंत्रण (तृतीय संशोधन) विधेयक, 2018 पुरःस्थापित किया जाता है।

आज्ञा से,
संजय खरे,
प्रमुख सचिव।

No. 2573(2)/LXXIX-V-1-18-1(Ka)26-18
Dated Lucknow, December 24, 2018

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sheera Niyantran (Tritiya Sanshodhan) Adhiniyam, 2018 (Uttar Pradesh Adhiniyam Sankhya 44 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 24, 2018.

THE UTTAR PRADESH SHEERA NIYANTRAN
(TRITIYA SANSHODHAN) ADHINIYAM, 2018
(U.P. ACT NO. 44 OF 2018)
[*As passed by the Uttar Pradesh Legislature*]

AN
ACT

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964.

IT IS HEREBY enacted in the Sixty-ninth Year of the Republic of India as follows :-

Short title and extent

1. (1) This Act may be called the Uttar Pradesh Sheera Niyantran (Tritiya Sanshodhan) Adhiniyam, 2018.

(2) It extends to the whole of Uttar Pradesh.

2. In section 7A of the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 hereinafter referred to as the principal Act *for* sub-section (1), the following sub-section shall be *substituted,* namely :– Amendment of section 7A of U.P. Act no. 24 of 1964

''(1) Any person, who requires molasses for his distillery or for any other purpose of industrial development or for export to any other country, may apply in the prescribed manner to the Controller specifying the purpose for which it is required.''

3. In section 8 of the principal Act, in sub-section (2) *for* clause (a), the following clause shall be *substituted,* namely :– Amendment of section 8

''*(a)* shall require supply to be made only to a person who requires it for his distillery or for any purpose of industrial development or for export to any other country.''

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 (Uttar Pradesh Act no. 24 of 1964) has been enacted to provide for the control of storage, preservation and gradation of molasses produced by sugar factories in Uttar Pradesh and the regulation of supply and distribution thereof. With a view to avoiding wastage of molasses in case of excess production of sugarcane and limited storage capacity of the molasses in the sugar mills of the State, it has been decided to amend the said Act to allow for export of the surplus molasses to other countries on payment of administrative charges.

The Uttar Pradesh Sheera Niyantran (Tritiya Sanshodhan) Vidheyak, 2018 is introduced accordingly.

By order,
SANJAI KHARE,
Pramukh Sachiv.

पी0एस0यू0पी0–ए0पी0 434 राजपत्र–(हिन्दी)–2018–(1122)–599 प्रतियां–(कम्प्यूटर / टी / आफसेट)।
पी0एस0यू0पी0–ए0पी0 119 सा0 विधायी–2018–(1123)–300 प्रतियां–(कम्प्यूटर / टी / आफसेट)।

क्रम-संख्या–50

रजिस्ट्रेशन नम्बर–एस०एस०पी०/एल०
डब्लू०/एन०पी०–91/2014–16
लाइसेन्स टू पोस्ट ऐट कन्सेशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग–1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, बुधवार, 10 मार्च, 2021

फाल्गुन 19, 1942 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग–1

संख्या 452/79-वि-1–21-1-क-14-21
लखनऊ, 10 मार्च, 2021

अधिसूचना

विविध

"भारत का संविधान" के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश शीरा नियन्त्रण (संशोधन) विधेयक, 2021 जिससे आबकारी अनुभाग–2 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 10 मार्च, 2021 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 13 सन् 2021 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश शीरा नियंत्रण (संशोधन) अधिनियम, 2021

(उत्तर प्रदेश अधिनियम संख्या 13 सन् 2021)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के बहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :–

संक्षिप्त नाम और प्रारम्भ

1–(1) यह अधिनियम उत्तर प्रदेश शीरा नियंत्रण (संशोधन) अधिनियम, 2021 कहा जायेगा।

(2) इस अधिनियम की धारा 3 का उपबन्ध, गजट में प्रकाशित किये जाने के दिनांक से प्रवृत्त होगा और शेष उपबन्ध, दिनांक 01 नवम्बर, 2020 से प्रवृत्त हुए समझे जायेंगे।

उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964 की धारा 8 का संशोधन

2–उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964, जिसे आगे मूल अधिनियम कहा गया है, की धारा 8 में, उपधारा (4) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :–

किसी चीनी कारखाना का अध्यासी, अपने द्वारा अंतरित किये गये, विक्रय किये गये या आपूर्ति किये गये शीरे पर ऐसी दर, जैसा कि राज्य सरकार समय–समय पर अवधारित करे, पर प्रशासनिक प्रभार का विहित रीति से राज्य सरकार को भुगतान करने के लिये दायी होगा।

धारा 16 का संशोधन

3–मूल अधिनियम की धारा 16 में, शब्द "नियंत्रक" के स्थान पर शब्द "नियंत्रक या अन्य कोई अधिकारी, जो विनिर्दिष्ट अपराधों के लिए राज्य सरकार द्वारा प्राधिकृत हो," रख दिये जायेंगे।

उद्देश्य और कारण

उत्तर प्रदेश में चीनी कारखानों द्वारा उत्पादित शीरा के नियंत्रण, भण्डारण, श्रेणीकरण तथा कीमत, और उसकी आपूर्ति एवं वितरण के विनियमन का उपबंध करने के लिये उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 (उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964) (जिसे आगे उक्त अधिनियम कहा गया है) अधिनियम किया गया है।

उक्त अधिनियम की धारा 8 की उपधारा (4) में यह उपबंधित है कि किसी चीनी कारखाना का अध्यासी, अपने द्वारा अंतरित किये गये, विक्रय किये गये या आपूर्ति किये गये शीरे पर, अनधिक पन्द्रह रुपये प्रति कुन्तल की ऐसी दर, जैसा कि राज्य सरकार समय–समय पर अधिसूचित करे, पर प्रशासनिक प्रभारों का विहित रीति से राज्य सरकार को भुगतान करने के लिये दायी होगा। उक्त अधिनियम की धारा 16 के अधीन अपराध प्रशमित करने की शक्ति नियंत्रक में निहित होती है।

राज्य के आबकारी राजस्व के हित में तथा प्रक्रियागत सुगमता के प्रयोजन से चीनी कारखाने के अध्यासी द्वारा अंतरित किये गये, विक्रय किये गये या आपूर्ति किये गये शीरे पर ऐसी दर, जैसा कि राज्य सरकार समय–समय पर अवधारित करे, पर प्रशासनिक प्रभार अवधारित करने की शक्ति राज्य सरकार को प्रदत्त करने, और नियंत्रक तथा साथ ही साथ राज्य सरकार द्वारा विनिर्दिष्ट अपराधों हेतु यथा प्राधिकृत किसी अन्य अधिकारी को अपराध प्रशमित करने की शक्ति प्रतिनिधानित करने का उपबंध करने के लिए उक्त अधिनियम की पूर्वोक्त धाराओं में संशोधन किये जाने का विनिश्चय किया गया है।

तद्नुसार उत्तर प्रदेश शीरा नियंत्रण (संशोधन) विधेयक, 2021 पुरःस्थापित किया जाता है।

आज्ञा से,
अतुल श्रीवास्तव,
प्रमुख सचिव।

No. 452(2)/LXXIX-V-1–21-1-ka-14-21

Dated Lucknow, March 10, 2021

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 Sheera Niyantran (Sanshodhan) Adhiniyam, 2021 (Uttar Pradesh Adhiniyam Sankhya 13 of 2021) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 10, 2021. The Aabkaari Anubhag-2 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH SHEERA NIYANTRAN (SANSHODHAN)

ADHINIYAM, 2021

(U.P. Act no. 13 of 2021)

(*As passed by the Uttar Pradesh Legislature*)

AN

ACT

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964.

IT IS HEREBY enacted in the Seventy-second Year of the Republic of India as follows :–

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2021.

(2) The provision of section 3 of this Act shall come into force with effect from the date of its publication in the *Gazette* and the remaining provisions shall be deemed to have come into force with effect from Novermber 01, 2020.

Amendment of Section 8 of U.P. Act no. 24 of 1964

2. In section 8 of the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 hereinafter referred to as the principal Act, for sub-section (4) the following sub-section shall be *substituted*, namely :-

"The occupier of a sugar factory shall be liable to pay to State Government, in the manner prescribed, administrative charges at such rate, as the State Government may from time to time determine, on the molasses transferred, sold or supplied by him"

Amendment of section 16

3. In section 16 of the principal Act, for the word "Controller", the words "Controller or any other officer authorized for specific offences by the State Government" shall be *substituted.*

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 (Uttar Pradesh Act no. 24 of 1964) (hereinafter referred to as the said Act) has been enacted to provide for the control, storage, gradation and price of molasses produced by sugar factories in Uttar Pradesh and the regulation of supply and distribution thereof.

Sub-section (4) of section 8 of the said act, provides that the occupier of a sugar factory shall be liable to pay to the State Government, in the manner prescribed, administrative charges at such rate, not exceeding fifteen rupees per quintal as the State Government may from time to time notify, on the molasses transferred, sold or supplied by him. Under section 16 of the said Act, power to compound offences lies with the Controller.

In the interest of the State excise revenue and for the purpose of procedural ease, it has been decided to amend the aforesaid sections of the said Act to confer the State Government with the power of determining the administrative charges at such rate as it may from time to time determine on the molasses transferred, sold or supplied by the occupier of the sugar factory; and to provide for delegation of the power of compounding offences to the Controller as well as any other the officer as authorized for specific offences by the State Government.

The Uttar Pradesh Sheera Niyantran (Sanshodhan) Vidheyak, 2021 is introduced accordingly.

By order,
ATUL SRIVASTAVA,
Pramukh Sachiv.

पी0एस0यू0पी0–ए0पी0 789 राजपत्र–2021–(1676)–599 प्रतियां–(कम्प्यूटर / टी0 / ऑफसेट)।
पी0एस0यू0पी0–ए0पी0 268 सा0 विधायी–2021–(1677)–300 प्रतियां–(कम्प्यूटर / टी0 / ऑफसेट)।

789 RPH 4e Adhiniyam folder vidhai 2021

क्रम-संख्या–269

रजिस्ट्रेशन नम्बर–एस०एस०पी०/एल०
डब्लू०/एन०पी०–91/2014–16
लाइसेन्स टू पोस्ट ऐट कन्सेशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग–1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 24 दिसम्बर, 2021

पौष 3, 1943 शक सम्वत्

उत्तर प्रदेश शासन
विधायी अनुभाग–1

संख्या 1093/79-वि-1–21-1-क-38-21
लखनऊ, 24 दिसम्बर, 2021

अधिसूचना

विविध

''भारत का संविधान'' के अनुच्छेद 200 के अधीन श्री राज्यपाल ने उत्तर प्रदेश शीरा नियन्त्रण (द्वितीय संशोधन) विधेयक, 2021 जिससे आबकारी अनुभाग–2 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 24 दिसम्बर, 2021 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 35 सन् 2021 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश शीरा नियंत्रण (द्वितीय संशोधन) अधिनियम, 2021

(उत्तर प्रदेश अधिनियम संख्या 35 सन् 2021)

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

उत्तर प्रदेश शीरा नियंत्रण, 1964 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के बहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :–

1–यह अधिनियम उत्तर प्रदेश शीरा नियंत्रण (द्वितीय संशोधन) अधिनियम, 2021 संक्षिप्त नाम कहा जायेगा।

उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964 की धारा 2 का संशोधन

2—उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 (जिसे आगे "मूल अधिनियम" कहा गया है) की धारा 2 में खण्ड (घ) के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा, अर्थात्:—

(घ) "शीरा" का तात्पर्य गन्ना या गुड़ से चीनी विनिर्मित किये जाने के दौरान उप उत्पाद के रूप में उत्पादित गाढ़े, गहरे रंग के लसदार द्रव से है, जब इस रूप में या किसी मिश्रण के रूप में द्रव में चीनी अन्तर्विष्ट हो, जिसमें बी—हैवी शीरा और खाण्डसारी शीरा सम्मिलित है।

धारा 8 का संशोधन

3—मूल अधिनियम की धारा 8 में,—

(i) उप धारा (4) के स्थान पर निम्नलिखित उप धारा रख दी जायेगी, अर्थातः—

"(4) राज्य सरकार, समय—समय पर ऐसी रीति से और ऐसी दरों पर, जैसा विहित किया जाये, किसी चीनी कारखाना से शीरा का किसी प्रकार का विक्रय, अंतरण या आपूर्ति किये जाने पर शीरा के ऐसे संरक्षण, आपूर्ति एवं वितरण पर पर्यवेक्षण और नियंत्रण करने पर उपगत लागत तथा व्ययों को पूरा करने हेतु विनियामक फीस अधिरोपित कर सकती है और ऐसी फीस की वसूली, चीनी कारखाना के अध्यासी से की जा सकती है।''

(ii) उप धारा (5) निकाल दी जायेगी।

उद्देश्य और कारण

उत्तर प्रदेश में चीनी कारखानों द्वारा उत्पादित शीरा मूल्य के नियंत्रण, भण्डारण, श्रेणीकरण तथा उसकी आपूर्ति एवं वितरण के विनियमन का उपबन्ध करने के लिए उत्तर प्रदेश शीरा नियंत्रण अधिनियम, 1964 (उत्तर प्रदेश अधिनियम संख्या 24 सन् 1964) अधिनियमित किया गया है। बिना किसी लेबोरेटरी तकनीकी विशेषज्ञ के चीनी मिलों में उत्पादित शीरे और खाण्डसारी शीरे में अंतर कर पाना अत्यंत दुष्कर है तथा जिसके कारण चीनी मिलों में उत्पादित शीरे की तस्करी, खाण्डसारी शीरे की आड़ में की जाती है। ऐसे तस्करीकृत शीरे का उपयोग विभिन्न अवैध उत्पादों, विशेष रूप से अवैध मदिरा के निर्माण में किया जाता है। मा0 सर्वोच्च न्यायालय ने विशेष अनुज्ञा याचिका सं0—4796/1998 मेसर्स कुराली खाण्डसारी उद्योग बनाम आबकारी आयुक्त एवं शीरा नियंत्रक, उत्तर प्रदेश व अन्य में यह कहा है कि खाण्डसारी शीरा सहित किसी भी शीरा का प्रदेश के बाहर निर्यात, बिना शीरा नियंत्रक की अनुज्ञा के नहीं किया जायेगा। खाण्डसारी शीरा में चीनी का अंश, चीनी मिल में उत्पादित शीरा में चीनी के अंश की अपेक्षा अधिक होता है। ऐसे समस्त संघटक, जो उक्त अधिनियम की धारा 2 के खण्ड (घ) में शीरे की परिभाषा में सम्मिलित हैं, खाण्डसारी शीरे में भी प्रयुक्त होते हैं। खाण्डसारी शीरे की आड़ में चीनी मिल में उत्पादित शीरे की तस्करी को हतोत्साहित करने के उद्देश्य से यह विनिश्चय किया गया है कि शीरे की परिभाषा में खाण्डसारी शीरे को सम्मिलित करने के लिये उक्त अधिनियम में संशोधन किया जाय।

अग्रतर यह कि यह आवश्यकता अनुभव की गयी है कि चीनी मिलों से उन्मोचित शीरे की बिक्री, अतंरण या आपूर्ति पर, ऐसे उन्मोचित शीरे के पर्यवेक्षण और नियंत्रण की लागत तथा व्यय की प्रतिपूर्ति हेतु विनियामक शुल्क अधिरोपित किया जाए। उपर्युक्त के दृष्टिगत पूर्वोक्त अधिनियम की धारा 2 और 8 में संशोधन करने का विनिश्चय किया गया है।

तद्नुसार उत्तर प्रदेश शीरा नियंत्रण (द्वितीय संशोधन) विधेयक, 2021 पुरःस्थापित किया जाता है।

आज्ञा से,
अतुल श्रीवास्तव,
प्रमुख सचिव।

No. 1093(2)/LXXIX-V-1–21-1-ka-38-21

Dated Lucknow, December 24, 2021

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 Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam, 2021 (Uttar Pradesh Adhiniyam Sankhya 35 of 2021) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 24, 2021. The Aabkaari Anubhag-2 is administratively concerned with the said Adhiniyam:

THE UTTAR PRADESH SHEERA NIYANTRAN (DWITIYA SANSHODHAN) (ADHINIYAM), 2021

(U.P. Act no. 35 of 2021)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964.

IT IS HEREBY enacted in the Seventy-second Year of the Republic of India as follows :–

Short title

1. This Act may be called the Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam, 2021 **.**

Amendment of section 2 of U.P. Act no. 24 of 1964

2. In section 2 of the Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 (hereinafter referred to as the "principal Act") *for* clause (d), the following clause shall be *substituted*, namely:-

"(d) 'molasses' means the heavy, dark coloured viscous liquid produced as by-product during the manufacture of sugar from sugarcane or gur, when the liquid as such or in any form of admixture contains sugar including B-Heavy molasses and Khandsari molasses."

Amendment of section 8

3. In section 8 of the principal Act,—

(i) *for* sub-section (4), the following sub-section shall be *substituted*, namely:-

"(4) The State Government may, in such manner and at such rates as may be prescribed from time to time, impose on any sale, transfer or supply of molasses from a sugar factory, regulatory fees to meet the cost and expenses incurred on supervision and control over such preservation, supply and distribution of molasses and such fee shall be recoverable from the occupier of the sugar factory."

(ii) sub-section (5) shall be *omitted*.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Sheera Niyantran Adhiniyam, 1964 (U.P. Act no. 24 of 1964) has been enacted to provide for the control, storage, gradation and price of molasses produced by sugar factories in Uttar Pradesh and the regulation of supply and distribution thereof.

It is very difficult to differentiate between molasses produced by sugar mills and Khandsari molasses without an expert lab technician and because of which the molasses produced by sugar mills is easily smuggled in the garb of Khandsari molasses. Such smuggled molasses is used for production of various illegal products especially illicit liquor . The Hon'ble Supreme Court in Special Leave Petition no. 4796/1998 M/s Kurali Khandsari Udhyog *V/s* Excise Commissioner and Controller Molasses, Uttar Pradesh and others has also directed that no molasses including Khandsari molasses, should be exported outside the State of Uttar Pradesh without the prior approval of the Controller. Sugar content in Khandsari molasses is greater than that in the molasses produced in sugar mill. All the ingredients which are included in the definition of molasses in clause (d) of section 2 of the said Act, are also applied to Khandsari molasses. In order to discourage the smuggling of molasses produced in the sugar mill in the garb of Khandsari molasses, it has been decided to amend the said Act to include Khandsari molasses in the definition of molasses.

Further a need has been felt to impose regulatory fees on the sale, transfer or supply of molasses released from the sugar mill to meet the cost and expenses of supervision, and control over such release of molasses. In view of the above, it has been decided to amend section 2 and 8 of the aforesaid Act.

The Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Vidheyak, 2021 is introduced accordingly.

By order,

ATUL SRIVASTAVA,

Pramukh Sachiv.

पी0एस0यू0पी0–ए0पी0 492 राजपत्र–2021–(1109)–599 प्रतियां–(कम्प्यूटर / टी0 / ऑफसेट)।

पी0एस0यू0पी0–ए0पी0 141 सा0 विधायी–2021–(1110)–300 प्रतियां–(कम्प्यूटर / टी0 / ऑफसेट)।