



## The Uttar Pradesh Excise (Second Amendment) Act, 1970

Act 23 of 1970

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**THE UTTAR PRADESH EXCISE (SECOND AMENDMENT) ACT, 1970**

**(U. P. Act No. 23 OF 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.

Short title.

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:

Amendment of section 3 of the U. P. Act IV of 1910.

“(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:—

Substitution of new section for section 57.

“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:—

Substitution of new section for section 60.

“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—  
Penalty for unlawful import, export, transport, manufacture, possession, sale etc.

- (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.)*

(f) uses, keeps or has in his possession any materials, stills, uten implements or apparatus whatsoever for the purpose of manufacturing any intoxicant other than *tari*; or

(g) removes any intoxicant from any distillery, brewery or wa house 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 two years or with fine or with both :

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

Substitution of new section for section 61.

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 acting on his behalf—  
Penalty for unlawful selling to persons under eighteen, or employing persons under eighteen or women.

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

Substitution of new section for section 62.

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 not which has been denatured, or has in his possession any denatured spirit which has been rendered fit for human consumption or in respect of which any attempt has been made to render it so 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."

Substitution of new section for section 64.

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—  
Penalty for certain acts by licensee or his servant.

(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:—

Substitution of new section for section 65.

“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:—

Substitution of new section for section 68.

“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 in this Act, 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:—

Amendment of section 69.

“Provided that in the case of conviction for a second or subsequent offence under clause (a) or any of the clauses (c) to (j) 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 to 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:—

Insertion of new sections 69-A, 69-B and 69-C.

“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 abstain 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.”

Provisions regarding pardon etc. to apply to offences punishable under the Act.

## उत्तर प्रदेश एक्साइज (तृतीय संशोधन) अधिनियम, 1970

( उत्तर प्रदेश अधिनियम संख्या 4, 1971 )

(उत्तर प्रदेश विधान सभा ने दिनांक 21 दिसम्बर, 1970 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 23 दिसम्बर, 1970 ई० की बैठक में स्वीकृत किया।)

(“भारत का संविधान” के अनुच्छेद 200 के अन्तर्गत राज्यपाल ने दिनांक 4 जनवरी, 1971 ई० को स्वीकृति प्रदान की तथा उत्तर प्रदेशीय सरकारी असाधारण गजट में दिनांक 6 जनवरी, 1971 ई० को प्रकाशित हुआ।)

संविधान के अनुच्छेद 47 में उल्लिखित राज्य की नीति के निदेशक तत्वों के अनुसरण में मद्य-निषेध के प्रसार तथा प्रवर्तन को सुलभ बनाने के उद्देश्य से यू० पी० एक्साइज ऐक्ट, 1910 का अप्रैतर संशोधन करने और उससे सम्बन्धित विषयों की व्यवस्था करने के लिये

### अधिनियम

भारत गणराज्य के इकतीसवें वर्ष में एतद्वारा निम्नलिखित अधिनियम बनाया जाता है :—

1—यह अधिनियम उत्तर प्रदेश एक्साइज (तृतीय संशोधन) अधिनियम, 1970 कहलायेगा।

2—एक्साइज ऐक्ट, 1910, जिसे आगे मूल अधिनियम कहा गया है, की धारा 20 के पश्चात् निम्नलिखित धारारों बढ़ा दी जायें, अर्थात् :—

“20—ए—धारा 14 के अधीन किसी मादक वस्तु के आयात, निर्यात या परिवहन को प्रतिषिद्ध करने के राज्य सरकार की शक्ति का और धारा 20 की उपधारा (4) के अधीन किसी मादक वस्तु को कब्जे में रखने को प्रतिषिद्ध करने की शक्ति का, प्रयोग राज्य में मद्य-निषेध का क्रमिक प्रसार करने की नीति के अनुसरण में किया जा सकता है और निम्नलिखित बातों को ध्यान में रखते हुए समय-समय पर विभिन्न क्षेत्रों का तदर्थ चयन किया जा सकता है :

(क) तीर्थ स्थान, विद्या केन्द्र या औद्योगिक क्षेत्र के रूप में उस क्षेत्र की विशेषता ;

(ख) स्थानीय निवासियों की सामान्य आर्थिक स्थिति जिसके अन्तर्गत उनका आहार पुष्टि-तल और जीवन-स्तर भी है ;

(ग) स्थानीय जन-मत ; और

(घ) कोई अन्य संगत तथ्य, जो राज्य सरकार की राय में, लोक-हित में सारवान हो :

(उद्देश्य और कारणों के विवरण के लिये कृपया दिनांक 30 दिसम्बर, 1970 ई० का सरकारी असाधारण गजट देखिए।)

संक्षिप्त नाम

नयी धारा 20—ए  
और  
20—बी का बढ़ावा  
जाना

Price 05 Paise.

प्रतिबन्ध यह कि इस उपधारा की किसी बात से यह अपेक्षित नहीं समझा जायेगा कि राज्य सरकार अपने आदेश में उन तथ्यों को, जिनके आधार पर किसी विशिष्ट क्षेत्र का, मद्य-निषेध के प्रवर्तन के लिये, किसी समय चयन किया जाय, उल्लेख करे।

20-वीं (1) यदि संपूर्ण राज्य या उसके किसी भाग के संबंध में मद्य-निषेध के संबंध में (जिसे आगे इस धारा में मद्य-निषेध क्षेत्र कहा गया है) अपवाद, आदि उक्त नीति के अनुसरण में धारा 20 की उपधारा (4) के अधीन कोई अधिसूचना जारी की जाय तो मद्य-निषेध क्षेत्र के संबंध में धारा 14 के अधीन अधिसूचना या तो अप्रतिबद्ध रूप में अथवा ऐसे अपवादों या शर्तों के अधीन रहते हुए, जो अधिसूचना में निर्दिष्ट किया जाय, जारी की जा सकती है।

(2) किसी मद्य-निषेध क्षेत्र के संबंध में राज्य सरकार या तो नियमों द्वारा, अथवा सामान्य या विशेष आदेश द्वारा, धारा 14 के अधीन या धारा 20 की उपधारा (4) के अधीन अधिसूचना में उल्लिखित मादक वस्तुओं, या ऐसी मादक वस्तुओं में से किसी को निम्नलिखित द्वारा या उनके प्रयोजनों के लिये कब्जे में रखने, या उनका आयात-निर्यात या परिवहन करने के सम्बन्ध में कोई छूट दे सकती या शिथिलीकरण कर सकती है:—

- (क) प्रतिरक्षा सेवाओं के सदस्य ;
- (ख) मद्य-निषेध क्षेत्र में आने वाले या निवास करने वाले विदेशी ;
- (ग) मद्य-निषेध क्षेत्र से गुजरने वाले यात्री ;
- (घ) व्यसनी (केवल गांजा की दशा में) तथा वे व्यक्ति जिन्हें स्वास्थ्य के लिये मादक वस्तु की आवश्यकता हो ;
- (ङ) वे व्यक्ति जिनके पास धारा 17, 18, 21 और 24 के अधीन लाइसेंस हो ;
- (च) रेल, सड़क या वायुयान द्वारा मद्य-निषेध क्षेत्र से, को, या वहां से होकर जाने वाले परेषण ;
- (छ) औद्योगिक, वैज्ञानिक, शैक्षिक, औषधीय या धार्मिक प्रयोजन।

(3) किसी ऐसी छूट या शिथिलीकरण के संबंध में जो उपधारा (2) के अधीन दी जाय, राज्य सरकार, या तो नियमों द्वारा अथवा सामान्य या विशेष आदेश द्वारा, ऐसे प्राधिकारी द्वारा, जो निर्दिष्ट किया जाय, कोई पास या परमिट दिये जाने की व्यवस्था कर सकती है।

(4) उपधारा (1) में अभिदिष्ट अधिसूचना के जारी कर दिये जाने पर, इस अधिनियम के अधीन लाइसेंस देने वाला प्राधिकारी, लाइसेंस को, जहां तक वह मद्य-निषेध क्षेत्र पर लागू है, बिना नोटिस तुरन्त रद्द कर सकता है, और वह तदुपरान्त लाइसेंस की असमाप्त अवधि के संबंध में देय शुल्क की धनराशि के बराबर धनराशि की छूट देगा, और उसके संबंध में लाइसेंसधारी द्वारा अग्रिम रूप से दिये गये किसी शुल्क या जमा की गयी धनराशि को, उसमें से राज्य सरकार को देय धनराशि को (यदि कोई हो) घटाकर, लौटा देगा, किन्तु लाइसेंसधारी को लाइसेंस के इस प्रकार रद्द किये जाने के संबंध में धारा 35 में दी गयी किसी बात के होते हुए भी, कोई प्रतिकर देय न होगा।

(5) यदि उपधारा (4) के अधीन कोई लाइसेंस रद्द कर दिया जाये तो लाइसेंसधारी अपने पास की मादक वस्तुओं का निस्तारण उस प्रकार करेगा जैसा राज्य सरकार या आवकारी आयुक्त सामान्य या विशेष आदेश द्वारा निर्देश दें।”

वधीकरण

3—इस अधिनियम के प्रारम्भ के पूर्व मूल अधिनियम की धारा 14 या धारा 20 की उपधारा (4) के अधीन जारी की गयी प्रत्येक अधिसूचना, और समय-समय पर यथासंशोधित यू० पी० इन्टोक्सिकेंट प्राहीबिशन रूल्स, 1947 के नाम से बनाये गए नियम उसी प्रकार वैध समझे जायेंगे और सदैव से वैध होंगे मानों इस अधिनियम के उपबन्ध ऐसी अधिसूचना जारी किए जाने या उक्त नियम बनाने अथवा उसमें संशोधन करने के समय प्रवृत्त थे, और तब तक प्रवृत्त रहेंगे जब तक कि वे राज्य सरकार द्वारा संशोधित या विखंडित न कर दिए जायें।

उ० प्र० अध्यादेश  
संख्या 11, 1970  
का निरसन

4—उत्तर प्रदेश एम्साइज (संशोधन तथा वधीकरण) अध्यादेश, 1970 एतद्द्वारा निरस्त किया जाता है।

उत्तर प्रदेश एक्साइज (संशोधन) अधिनियम, 1972

(उत्तर प्रदेश अधिनियम संख्या 6, 1972)

[उत्तर प्रदेश विधान सभाने दिनांक 6 जनवरी 1972 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 10 जनवरी 1972 ई० की बैठक में स्वीकृत किया।]

['भारत का संविधान' के अनुच्छेद 200 के अन्तर्गत राज्यपाल ने दिनांक 19 जनवरी, 1972 ई० को स्वीकृति प्रदान की तथा उत्तर प्रदेशीय सरकारी असाधारण गजट में दिनांक 22 जनवरी, 1972 ई० को प्रकाशित हुआ।]

संविधान के अनुच्छेद 47 में उल्लिखित राज्य की नीति के निदेशक तत्वों के अनुसरण में मद्यनिषेध के प्रसार तथा प्रवर्तन को सुकर बनाने के उद्देश्य से यूनाइटेड प्राविसेज एक्साइज ऐक्ट, 1910 का अप्रेतर संशोधन करने, तथा उससे सम्बद्ध विषयों की व्यवस्था करने के लिए

अधिनियम

भारत गणराज्य के बाईसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:—

- 1—यह अधिनियम उत्तर प्रदेश एक्साइज (संशोधन) अधिनियम, 1972 कहलायेगा।
- 2—यूनाइटेड प्राविसेज एक्साइज ऐक्ट, 1910, जिसे आगे मूल अधिनियम कहा गया है, की धारा 14 निकाल दी जाय।
- 3—मूल अधिनियम की धारा 20 में, उपधारा (4) निकाल दी जाय।
- 4—मूल अधिनियम की धारा 20-ए और 20-बी निकाल दी जाय।
- 5—मूल अधिनियम के अध्याय 6 के पश्चात् निम्नलिखित अध्याय बढ़ा दिया जाय, अर्थात्:—

“अध्याय 6-क—मद्यनिषेध के सम्बन्ध में विशेष उपबन्ध

संक्षिप्त नाम  
धारा 14 का  
निकाला जाना  
धारा 20 का  
संशोधन  
धारा 20-ए  
और 20-बी का  
निकाला जाना  
नये अध्याय 6-क  
का बढ़ाया जाना

37-क(1)—राज्य सरकार अधिसूचना द्वारा—

- मादक वस्तुओं का आयात, निर्यात, परिवहन करने या कब्जे में रखने का निषेध
- (क) उत्तर प्रदेश या उसके किसी भाग में अथवा वहां से किसी मादक वस्तु के आयात या निर्यात को निषिद्ध कर सकती है, या
  - (ख) किसी मादक वस्तु के परिवहन को निषिद्ध कर सकती है।

(2) धारा 20 के उपबन्धों पर प्रतिकूल प्रभाव डाले बिना, राज्य सरकार, अधिसूचना द्वारा उत्तर प्रदेश या उसके किसी निर्दिष्ट क्षेत्र या क्षेत्रों में किसी व्यक्ति अथवा वर्ग विशेष द्वारा या, ऐसे अपवादों, यदि कोई हों, जो, अधिसूचना में निर्दिष्ट किये जायें, के अधीन रहते हुए, सभी व्यक्तियों द्वारा किसी मादक वस्तु को या तो अप्रतिबद्ध रूप में या ऐसी शर्तों के अधीन रहते हुए, जो अधिसूचना में निर्दिष्ट की जायें, कब्जे में रखने का निषेध कर सकती है।

Price 05 Paise.



(3) उपधारा (1) के अधीन किसी मादक वस्तु के आयात, निर्यात या परिवहन को निषिद्ध करने की राज्य सरकार की शक्ति का और उपधारा (2) के अधीन किसी मादक वस्तु को कब्जे में रखने को निषिद्ध करने की उसकी शक्ति का प्रयोग राज्य में मद्यनिषेध का क्रमिक प्रसार करने की नीति के अनुसरण में किया जा सकता है, और निम्नलिखित को ध्यान में रखते हुए समय-समय पर विभिन्न क्षेत्रों का तदर्थ चयन किया जा सकता है :—

- (क) तीर्थ स्थान, विद्या केन्द्र या औद्योगिक क्षेत्र के रूप में किसी क्षेत्र की विशेषता,
- (ख) स्थानीय निवासियों की सामान्य आर्थिक स्थिति, जिसके अन्तर्गत उनके आहार पुष्टि-तल और जीवन स्तर भी हैं,
- (ग) स्थानीय जन-मत, और
- (घ) कोई अन्य संगत तथ्य जो राज्य सरकार की राय में लोक हित में सारवान हो:

प्रतिबन्ध यह है कि इस उपधारा की किसी बात का यह अर्थ नहीं लगाया जायगा जिससे राज्य सरकार को अपने आदेश में उन तथ्यों को जिनके आधार पर कोई विशिष्ट क्षेत्र मद्य निषेध लागू करने के लिए किसी समय चुना जाय, उल्लिखित करना अपेक्षित हो।

(4) यदि सम्पूर्ण उत्तर प्रदेश या उसके किसी भाग (जिसे आगे इस धारा में मद्यनिषेध क्षेत्र कहा गया है) के सम्बन्ध में उक्त नीति के अनुसरण में उपधारा (2) के अधीन कोई अधिसूचना जारी की जाय तो मद्यनिषेध क्षेत्र के सम्बन्ध में उपधारा (1) के अधीन अधिसूचना या तो अप्रतिबद्ध रूप में अथवा ऐसे अपवादों या शर्तों के अधीन रहते हुए जो अधिसूचना में निर्दिष्ट की जाय, जारी की जा सकती है।

(5) किसी मद्य निषेध क्षेत्र के सम्बन्ध में राज्य सरकार, या तो नियमों द्वारा अथवा सामान्य या विशेष आदेश द्वारा उपधारा (1) के अधीन या उपधारा (2) के अधीन अधिसूचना में उल्लिखित मादक वस्तुओं को या ऐसी मादक वस्तुओं में से किसी को निम्नलिखित द्वारा या उनके प्रयोजनों के लिए कब्जे में रखने, उनका आयात, निर्यात या परिवहन करने के सम्बन्ध में कोई छूट दे सकती है या शिथिलीकरण कर सकती है :—

- (क) प्रतिरक्षा सेवाओं के सदस्य,
- (ख) मद्य निषेध क्षेत्र में आने वाले या निवास करने वाले विदेशी,
- (ग) मद्य निषेध क्षेत्र से गुजरने वाले यात्री,
- (घ) व्यसनी (केवल गांजा की दशा में) और अन्य व्यक्ति जिन्हें स्वास्थ्य के आधार पर कोई मादक वस्तु अपेक्षित हो,
- (ङ) धारा 17, 18, 21 और 24 के अधीन लाइसेंस ग्रहण करने वाले व्यक्ति,
- (च) रेल, सड़क या वायुयान द्वारा मद्यनिषेध क्षेत्र से, को या होकर गुजरने वाले परेषण,
- (छ) औद्योगिक, वैज्ञानिक, शैक्षिक, औषधीय या धार्मिक प्रयोजन।

(6) किसी ऐसी छूट या शिथिलीकरण के सम्बन्ध में जो उपधारा (5) के अधीन दी जाय, राज्य सरकार या तो नियमों अथवा सामान्य या विशेष आदेश द्वारा, ऐसे प्राधिकारी द्वारा, जो निर्दिष्ट किया जाय, पास या परमिट दिये जाने की व्यवस्था कर सकती है।

(7) उपधारा (4) में अभिदिष्ट अधिसूचना जारी कर दिये जाने पर, इस अधिनियम के अधीन लाइसेंस देने वाला प्राधिकारी, लाइसेंस को, जहां तक उसका सम्बन्ध मद्य-निषेध क्षेत्र से है, बिना नोटिस तुरन्त निरस्त कर सकता है, और वह तदुपरान्त लाइसेंस की असमाप्त अवधि के सम्बन्ध में देय शुल्क की धनराशि के बराबर धनराशि की छूट देगा, और उसके सम्बन्ध में लाइसेंसधारी द्वारा अप्रिम रूप से दिये गये किसी शुल्क या जमा की गई धनराशि को, उसमें से राज्य सरकार को देय धनराशि को, यदि कोई हो, घटा कर लौटा देगा, किन्तु लाइसेंसधारी को ऐसे निरसन के सम्बन्ध में धारा 35 में दी गई किसी बात के होते हुए भी कोई प्रतिकर देय न होगा।

(8) जब उपधारा (7) के अधीन कोई लाइसेंस निरस्त किया जाय तो लाइसेंसधारी अपने कब्जे की मादक वस्तुओं का निस्तारण उस प्रकार करेगा जैसा राज्य सरकार या आबकारी आयुक्त (एक्साइज कमिश्नर) सामान्य या विशेष आदेश द्वारा निदेश दे।”

6—उत्तर प्रदेश एक्साइज (संशोधन) अध्यादेश, 1971 एतद्वारा निरस्त किया जाता है।

उत्तर प्रदेश  
अध्यादेश संख्या  
21, 1971 का  
निरसन

ep. 3

135062

## उत्तर प्रदेश एक्साइज (संशोधन) अधिनियम, 1972

(उत्तर प्रदेश अधिनियम संख्या 30, 1972)

[उत्तर प्रदेश विधान सभा ने दिनांक 27 जुलाई, 1972 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 2 अगस्त, 1972 ई० की बैठक में स्वीकृत किया ।]

['भारत का संविधान' के अनुच्छेद 200 के अन्तर्गत राज्यपाल ने दिनांक 11 अगस्त, 1972 ई० को स्वीकृति प्रदान की तथा उत्तर प्रदेशीय सरकारी असाधारण गजट में दिनांक 16 अगस्त, 1972 ई० को प्रकाशित हुआ ।]

यूनाइटेड प्राविन्सेज एक्साइज ऐक्ट, 1910 का अपेक्षित संशोधन करने के लिए

### अधिनियम

भारत गणराज्य के तेईसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:—

- 1—यह अधिनियम उत्तर प्रदेश एक्साइज (संशोधन) अधिनियम, 1972 कहलायेगा ।
- 2—यूनाइटेड प्राविन्सेज एक्साइज ऐक्ट, 1910, जिसे आगे मूल अधिनियम कहा गया है, की धारा 21 में, उसके प्रतिबन्धात्मक खण्ड का खण्ड (3) निकाल दिया जाय ।

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

- 3—मूल अधिनियम की धारा 24 के पश्चात् निम्नलिखित धारा बढ़ा दी जाय, अर्थात्—

नई धारा 24-क  
का बढ़ाया जाना

"24-क—(1) धारा 31 के उपबन्धों के अधीन रहते हुए, आबकारी आयुक्त किसी व्यक्ति को किसी क्षेत्र में (लाइसेन्स प्राप्त भू-गृहादि में और उसके बाहर उपभोग के लिये, अथवा केवल लाइसेन्स प्राप्त भू-गृहादि के बाहर उपयोग के लिए) दुकानों पर फुटकर बिक्री द्वारा कोई विदेशी शराब बेचने के एकान्तिक विशेषाधिकार के लिये लाइसेन्स अथवा लाइसेन्सों को स्वीकृत कर सकता है ।

(2) किसी क्षेत्र के संबंध में उपधारा (1) के अधीन कोई लाइसेन्स या लाइसेन्सों के स्वीकृत किये जाने से उसी क्षेत्र में, होटलों और रेस्ट्रॉ में उनके ही भू-गृहादि में उपभोग के लिये विदेशी शराब की फुटकर बिक्री के निमित्त लाइसेन्स के स्वीकृत किये जाने पर प्रतिकूल प्रभाव नहीं पड़ेगा ।

(3) जहां उसी अवधि के लिए किसी क्षेत्र के संबंध में उपधारा (1) के अधीन एक से अधिक लाइसेन्स स्वीकृत करने का प्रस्ताव हो तो प्रत्येक ऐसे लाइसेन्स के लिए भावी प्रार्थियों को प्रस्ताव की अधिम सूचना दी जायेगी ।

(4) इस धारा के अधीन एकान्तिक विशेषाधिकार के निमित्त लाइसेन्स स्वीकृत किये जाने के संबंध में धारा 25 और 30 तथा धारा 39 के प्रतिबन्धात्मक खण्ड के उपबन्ध उसी प्रकार लागू होंगे जिस प्रकार वे धारा 24 के अधीन एकान्तिक विशेषाधिकार के निमित्त कोई लाइसेन्स स्वीकृत किये जाने के संबंध में लागू होते हैं ।"

- 4—मूल अधिनियम की धारा 40 की उपधारा (3) निकाल दी जाय ।

धारा 40 का  
संशोधन

- 5—उत्तर प्रदेश एक्साइज (संशोधन) अध्यादेश, 1972, एतद्वारा निरस्त किया जाता है ।

उत्तर प्रदेश  
अध्यादेश संख्या  
13, 1972 का  
निरसन

(उद्देश्य और कारणों के विवरण के लिये कृपया दिनांक 27 जुलाई, 1972 ई० का सरकारी असाधारण गजट देखिये ।)

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THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1973

[ U. P. ACT NO. 13 OF 1973 ]

[\*Authoritative English Text of the Uttar Pradesh Excise (Sanshodhan) 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 :—

Amendment of section 62 of U. P. Act IV of 1910.

"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,—

Amendment of section 69.

(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.

\*For Statement of Objects and Reasons please see Uttar Pradesh Gazette (Extraordinary), dated January 22, 1973.

(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).

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विधान पुस्तकालय  
(राजकीय प्रकाशन)  
इतर प्रकाश, लखनऊ

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 (Sanshodhan) (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.

Short title.

\*(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 200 of the Constitution of India, and was published in the Uttar Pradesh Gazette (Extraordinary) dated April 16, 1976).

PRICE 10 PAI

Re-enactment of U. P. Act no. 30 of 1972.

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 Excise Commissioner may grant to any person a licence or licences for the exclusive or other privilege,—

(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.

Insertion of new sections 24-A and 24-B.

Substitution of new section for section 30.

(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 section 41. 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*, Amendment of section 40. 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.

Validation.

U. P. Ordinance no. 15 of 1976.

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

Repeal and savings.

(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 (Sanshodhan) 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.

Short title and commencement.

(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.

Amendment of section 28 of U.P. Act no. 4 of 1910.

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

Amendment of section 30.

"(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 :—

Amendment of section 40.

"(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) —

Amendment of section 41.

(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].



Amendment of section 60.

6. In section 60 of the principal Act, *after* sub-section (2), the following sub-section 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.”

Amendment of section 72.

7. In section 72 of the principal Act, *for* sub-section (2), the following sub-sections 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 sub-section (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 sub-section (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 sub-section (2) or on review under sub-section (6) ; or

(b) an order passed on appeal under sub-section (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 incharge 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 sub-section (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 annulling 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 the Collector 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 :— Insertion of new section 73-A.

"73-A. Where any intoxicant is confiscated under section 72 or section 73 the Collector may subject to any order passed in that behalf by any court if in his opinion it is expedient 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 sub-section shall be inserted, namely :— Amendment of section 74.

"(1-A) Any officer specially empowered by the State Government in that behalf may subject to any general or special order of the State Government 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 :— Amendment of section 77.

"Provided that notwithstanding anything to the contrary contained in this section or in any judgment, decree or order, the notification nos. 3514-E/XIII-331-78 and 1227-E/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. Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance specified 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 corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

J. P. Ordinance no. 4 of 1979.

J. P. Ordinance no. 28 of 1978.

Dated Lucknow, September 23, 1983

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, 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

furtherto amend the United Provinces Excise Act, 1910

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

Short title and commencement.

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.

Amendment of section 28 of U.P. Act no. IV of 1910.

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.

Repeal and saving.

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.

पी० ए० यू० पी०—ए० पी० 237 सा० (विधा०)—(2311)—1983-700 (मेक०)।

No. 2044(2)/XVII-V—I—1-(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.

U.P. Ordinance  
no. 12  
1984.

पी० ए० य० पी०—ए० पी० 164 सा० वि०—(2212)—1984—750 (मे०) ।

Short title commencement. and

Amendment of section 77 of U.P. Act no. IV of 1910.

Repeal and saving.

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

furth<sup>r</sup> to amend the U. P. Excise Act, 1910.

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

Short title.

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

Insertion of new section 38-A in U. P. Act no. 4 of 1910.

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 on arrears of excise revenue. 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.

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(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.

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 (Sanshodhan) 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 :

Short title and commencement

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 26, 1986.

Amendment of section 28 of U. P. Act no. 4 of 1910

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.

Repeal and savings

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.

U. P.  
no. 5  
1986

By order,

S. N. SAHAY,

Sachiv.

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 (Sanshodhan) 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 :

Short title and commencement

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.

Amendment of section 28 of U. P. Act no. 4 of 1980

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.

Repeal and Saving

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

U. P.  
Ordinance  
No. 15 of  
1988

(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.



Dated Lucknow, January 20, 1990

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 (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 :—

Short title and commencement

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.

Amendment of section 28 of U.P. Act no. IV of 1910

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 (e) 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.”

U. P.  
Ordinance  
No. 21 of  
1989

3. [(1) The Uttar Pradesh Excise (Amendment) Ordinance, 1989 is hereby repealed. Repeal and Savings

(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.

*Dated Lucknow : August 16, 1997*

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 :—

Short title

Amendment of  
section 3 of  
U.P. Act no. 4  
of 1910

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.”

थान

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. Amendment of section 17

पर

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

वनी

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

भी

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. Amendment of section 29

पर

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

शब्द

दिये

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. Amendment of section 60

By order,

R. D. MATHUR,

*Pramukh Sachiv.*

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पी० एस० यू० पी०-ए० पी०-140 सा० विधा०-16-8-97-(992)-850-(कम्प्यू०/आफसेट)।

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 Aabkari (Sanshodhan) Adhihiyam, 1998 (Uttar Pradesh Adhihiyam 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 :—

Short title and commencement

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.

Amendment of section 30 of U.P. Act no. IV of 1910

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 paise sixty per reputed quart bottle of bear, stout and other fermented liquors by the wholesale vendors of foreign liquor.

Validation and consequential provision

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.

Repeal and savings

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:—

Short title and commencement

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

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

Amendment of section 28 of U. P. Act no. 4 of 1910.

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.

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 Sankhya 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 :-

Short title and commencement

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

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

Amendment of section 28 of U. P. Act no. 4 of 1910

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.

Repeal and Savings

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.



No. 980 (2)/XVII-V-1—1 (KA)-13-2001

Dated Lucknow, April 30, 2001

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, 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 thereto :—

**THE UTTAR PRADESH EXCISE (AMENDMENT)**

**ACT, 2001**

( U.P. Act no. 16 of 2001 )

[As Passed by the Uttar Pradesh Legislature]

AN

ACT

furth<sup>r</sup> 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)

Short title and commencement

Amendment of section 12 of U.P. Act no. IV of 1910

Amendment of section 28

Item no.	Description of excisable articles	Maximum rate of duty
1	Country liquor (excepting tari)	Rs. 90.00 per bulk litre
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*

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

*(c) Excise or countervailing duty on excisable articles transported*

Item no.	Description of excisable articles	Maximum rate of duty
1	Country liquor (excepting tari)	Rs. 90.00 per bulk litre
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*

Item no.	Description of excisable articles	Maximum rate of duty
1	Country liquor (excepting tari)	Rs. 90.00 per bulk litre
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

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

Item no.	Description of excisable articles	Maximum rate of duty
1	Country liquor (excepting tari and fermented alcoholic beverages)	Rs. 90.00 per bulk litre
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

Repeal and  
Savings

4. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 2001 is hereby repealed.

U.P. Ordinance no.  
10 of 2001

(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,  
Pranukh 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.



# सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

## असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शनिवार, 6 जनवरी, 2018

पौष 16, 1939 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 2731/79-वि-1-17-1(क)-20-17

लखनऊ, 6 जनवरी, 2018

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश आबकारी (संशोधन) विधेयक, 2017 पर दिनांक 5 जनवरी, 2018 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 4 सन् 2018 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश आबकारी (संशोधन) अधिनियम, 2017

(उत्तर प्रदेश अधिनियम संख्या 4 सन् 2018)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

संयुक्त प्रान्त आबकारी अधिनियम, 1910 का अग्रतर संशोधन करने के लिये

अधिनियम

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

1-(1) यह अधिनियम उत्तर प्रदेश आबकारी (संशोधन) अधिनियम, 2017 कहा जायेगा। संक्षिप्त नाम और प्रारम्भ

(2) यह 27 सितम्बर, 2017 को प्रवृत्त हुआ समझा जायेगा।

संयुक्त प्रान्त  
अधिनियम  
संख्या 4 सन्  
1910 की धारा  
3 का संशोधन

2-संयुक्त प्रान्त आबकारी अधिनियम, 1910, जिसे आगे मूल अधिनियम कहा गया है, की धारा 3 के खण्ड (12) में,-

(क) उपखण्ड (1) में, शब्द "सिद्धि या गांजा" के स्थान पर शब्द "या सिद्धि" रख दिये जायेंगे;

(ख) उपखण्ड (2) निकाल दिया जायेगा;

(ग) खण्ड (4) के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा, अर्थात्:-

"(4) कोई अन्य मादक पदार्थ जिसे राज्य सरकार अधिसूचना द्वारा मादक औषधि घोषित करे।"

धारा 28 का  
संशोधन

3-मूल अधिनियम की धारा 28 में उपधाराएं (3) एवं (4) दिनांक 1 अप्रैल, 2016 से निकाली गयी समझी जायेंगी।

धारा 30 का  
संशोधन

4-मूल अधिनियम की धारा 30 में उपधारा (1) के अन्त में निम्नलिखित परन्तुक बढ़ा दिया जायेगा, अर्थात् :-

"प्रतिबन्ध यह है कि दिनांक 1 अप्रैल, 2016 से, उत्तर प्रदेश आबकारी (संशोधन) अध्यादेश, 2017 के प्रारम्भ होने के दिनांक तक उदग्रहीत प्रतिफल शुल्क, धारा 28 के अधीन उत्पाद शुल्क समझा जायेगा।"

धारा 50 का  
संशोधन

5-मूल अधिनियम की धारा 50 में,-

(क) शब्द "अपराध करता हुआ" के स्थान पर शब्द "अपराध करता हुआ या उसके लिये दुष्प्रेरित करता हुआ" रख दिये जायेंगे;

(ख) शब्द तथा अंक "धारा 60" के स्थान पर शब्द तथा अंक "धारा 60, धारा 60क" रख दिये जायेंगे।

धारा 51 का  
संशोधन

6-मूल अधिनियम की धारा 51 में शब्द "कोई अपराध किया है" के स्थान पर शब्द "कोई अपराध किया है अथवा उसके लिये दुष्प्रेरित किया है" तथा शब्द एवं अंक "धारा 60" के स्थान पर शब्द एवं अंक "धारा 60, धारा 60क" रख दिये जायेंगे।

धारा 52 का  
संशोधन

7-मूल अधिनियम की धारा 52 में, शब्द एवं अंक "धारा 60" के स्थान पर शब्द एवं अंक "धारा 60, धारा 60क" रख दिये जायेंगे।

धारा 53 का  
संशोधन

8-मूल अधिनियम की धारा 53 में, शब्द एवं अंक "धारा 60" के स्थान पर शब्द एवं अंक "धारा 60, धारा 60क" रख दिये जायेंगे।

धारा 54 का  
संशोधन

9-मूल अधिनियम की धारा 54 में प्रतिबंधात्मक खण्ड के स्थान पर निम्नलिखित प्रतिबंधात्मक खण्ड रख दिया जायेगा, अर्थात्:-

"प्रतिबन्ध यह है कि धारा 60, धारा 60क, धारा 61, धारा 62, धारा 63, धारा 64क, धारा 65, धारा 68 के अधीन दण्डनीय किसी अपराध अथवा उक्त धाराओं के अधीन किसी अपराध के दुष्प्रेरण के लिये दण्डनीय किसी अपराध का अन्वेषण, बिना किसी मजिस्ट्रेट के आदेश से किया जा सकता है और यह कि धारा 51 अथवा धारा 52 के अधीन कलेक्टर द्वारा जारी किये गये किसी वारंट का निष्पादन, किसी ऐसे अधिकारी द्वारा किया जा सकता है जिसे कलेक्टर द्वारा उक्त प्रयोजन के लिये प्राधिकृत किया जाय।"

धारा 55 का  
संशोधन

10-मूल अधिनियम की धारा 55 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात्:-

"55 धारा 60 की उपधारा (2), धारा 60क, धारा 62, धारा 63, धारा 64क और उक्त धाराओं के अधीन किसी अपराध के दुष्प्रेरण के लिये दण्डनीय कोई अपराध, दण्ड प्रक्रिया संहिता, 1973 के अर्थान्तर्गत अजमानतीय होगा।"

धारा 60 का  
संशोधन

11-मूल अधिनियम की धारा 60 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात्:-

"60 (1) जो कोई व्यक्ति इस अधिनियम या तदधीन बनाये गये किसी नियम या आदेश अथवा तदधीन प्राप्त किसी लाइसेंस, परमिट या पास का उल्लंघन करके,-

(क) किसी मादक वस्तु का निर्यात करता है; अथवा

(ख) इस अधिनियम की धारा 63 के अधीन अनाच्छादित किसी मादक वस्तु का परिवहन करता है या उसे कब्जे में रखता है; अथवा

(ग) स्वापक औषधि और मनः प्रभावी पदार्थ अधिनियम, 1985 के अधीन आच्छादित चरस, गांजा या किसी अन्य मादक औषधि से भिन्न प्राकृतिक एवं स्वतः उपज वाले जंगली भारतीय भाग (केनेबिस सेटाइवा) के पौधे की पत्तियाँ और छोटे डण्डल (जिनमें फूलों या फलों के अग्रभाग सम्मिलित नहीं हैं) का संग्रह या विक्रय करता है; अथवा

(घ) कोई आसवनी "यवासवनी, विनिर्माणशाला" या द्राक्षासवनी निर्मित करता है या चलाता है; या

(ङ) किसी प्रकार का कोई सामान, भभका, बर्तन, औजार या उपकरण, ताड़ी से भिन्न किसी मादक वस्तु के विनिर्माण के प्रयोजन के लिये प्रयुक्त करता है या अपने पास या अपने कब्जे में रखता है; अथवा

(च) इस अधिनियम के अधीन लाइसेंस प्राप्त, स्थापित या चालू किसी आसवनी, "यवासवनी, विनिर्माणशाला", द्राक्षासवनी या भाण्डागार से कोई मादक वस्तु हटाता है; अथवा

(छ) विक्रय के प्रयोजन के लिये किसी शराब को बोटल में बन्द करता है; अथवा

(ज) धारा 61 द्वारा उपबंधित दशा के सिवाय किसी मादक वस्तु का विक्रय करता है; अथवा

(झ) धारा 42 के अधीन अधिसूचित क्षेत्रों में ताड़ी पैदा करने वाले किन्हीं वृक्षों से ताड़ी चुआता है, या निकालता है;

तो उसे कारावास से दण्डित किया जायेगा जो उपखण्ड (झ) के अधीन किसी अपराध की स्थिति में दो वर्ष तक हो सकता है और जुर्माने से दण्डित किया जायेगा जो एक हजार रुपये तक हो सकता है और किसी अन्य स्थिति में कारावास से दण्डित किया जायेगा जो तीन वर्ष तक हो सकता है और ऐसे जुर्माने से दण्डित किया जायेगा जो प्रतिफल शुल्क की धनराशि या शुल्क जो, यदि ऐसी मादक वस्तु के संबंध में इस अधिनियम और तदधीन बनाये गये नियमों और दिये गये आदेशों के अनुसार या तदधीन प्राप्त किसी लाइसेंस, परमिट या पास के अनुसार कार्यवाही की गई होती तो उदग्रहणीय होती, के दस गुने या दो हजार रुपये जो भी अधिक हो, से कम न होगी।

(2) जो कोई इस अधिनियम या तदधीन बनाये गये किसी नियम या दिये गये आदेश या इस अधिनियम के अधीन प्राप्त किसी लाइसेंस, परमिट या पास का उल्लंघन करके, किसी मादक वस्तु का निर्माण करता है, उसे कारावास जो छः मास से कम नहीं होगा और जो तीन वर्ष तक हो सकता है, का दण्ड दिया जायेगा और उसे जुर्माने का भी दण्ड दिया जायेगा जो पाँच हजार रुपये से कम नहीं होगा और जो दस हजार रुपये तक हो सकता है।

(3) जो कोई इस अधिनियम या तदधीन बनाये गये किसी नियम या किये गये आदेश का उल्लंघन करके किसी मादक वस्तु का उपभोग करता है, उसे जुर्माने का दण्ड दिया जायेगा जो एक हजार रुपये से कम नहीं होगा और जो दो हजार रुपये तक हो सकता है।"

12-मूल अधिनियम की धारा 60 के पश्चात् निम्नलिखित धारा बढ़ा दी जायेगी, अर्थात्:-

"60क-जो कोई किसी मादक पदार्थ को किसी अन्य पदार्थ या विजातीय अपायकर द्रव्य से उसे अपायकर करने हेतु मिश्रित करता है या मिश्रित पदार्थ को करने देता है या ऐसे अपायकर मादक वस्तु या किसी अन्य मादक वस्तु में अपायकर पदार्थ का किसी मादक वस्तु की ओट में उपभोग हेतु मिश्रित करने के लिये तथा विक्रय करता है, उसे प्रदान करता है या विक्रय करवाता है या अपायकर पदार्थ को करने देता है या उपलब्ध करवाता है, जिससे मानव को अपायकर पदार्थ को विकलांगता या उपहति या घोर उपहति या मृत्यु या कोई अन्य मादक वस्तु की ओट में विक्री करने के लिये परिणामी क्षति होना सम्भावित हो, को दण्डित किया जायेगा,-

शास्ति

नई धारा 60क का बढ़ाया जाना

(क) यदि ऐसे किसी कृत्य के फलस्वरूप मृत्यु होती है, तो उसे मृत्यु या आजीवन कारावास और जुर्माने, जो दस लाख रुपये तक हो सकता है, किन्तु जो पाँच लाख रुपये से कम न होगा, के लिये भी दायी होगा;

(ख) यदि ऐसे किसी कृत्य के फलस्वरूप विकलांगता या घोर उपहति होती है, तो आजीवन कारावास अथवा कठोर कारावास से जो दस वर्ष तक हो सकता है किन्तु छः वर्ष से कम न होगा, और जुर्माना से, जो पाँच लाख रुपये तक हो सकता है, किन्तु तीन लाख रुपये से कम न होगा;

(ग) यदि ऐसे कृत्य के फलस्वरूप किसी व्यक्ति को कोई उपहति या कोई अन्य परिणामी क्षति पहुँचती है, तो ऐसी अवधि के कारावास से जो दो वर्ष तक हो सकता है, किन्तु एक वर्ष से कम न होगा और जुर्माना से, जो दो लाख पचास हजार रुपये तक हो सकता है किन्तु एक लाख पच्चीस हजार रुपये से कम न होगा।

**स्पष्टीकरण:**—इस धारा के प्रयोजनार्थ पद “उपहति” या “घोर उपहति” के अर्थ वही होंगे जो भारतीय दण्ड संहिता, 1860 (अधिनियम संख्या 45 सन् 1860) की क्रमशः धारा 319 एवं 320 में हैं।”

धारा 62 का संशोधन

13—मूल अधिनियम की धारा 62 में शब्द “जुर्माना से भी जो पाँच हजार रुपये तक हो सकता है, दण्डनीय होगा” के स्थान पर शब्द “जुर्माना से जो पाँच हजार रुपये से कम नहीं होगा और जो दस हजार रुपये तक हो सकता है, दण्डनीय होगा” रख दिये जाएंगे।

धारा 63 का संशोधन

14—मूल अधिनियम की धारा 63 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात् :-

“63—जो कोई व्यक्ति इस अधिनियम या तदधीन बनाये गये किसी नियम या मादक वस्तु के किये गये किसी आदेश का उल्लंघन करके अवैध रूप से अवैध आयात आयातित किसी मात्रा में मादक वस्तु का परिवहन करेगा या के लिये अपने कब्जे में रखेगा, उसे ऐसे कारावास से, जो छः मास से कम शास्ति नहीं होगा और जो पाँच वर्ष तक हो सकता है, और जुर्माना से जो

धारा 30 के अधीन उत्पाद शुल्क या प्रतिफल शुल्क की धनराशि जो, यदि किसी मादक वस्तु के संबंध में इस अधिनियम और तदधीन बनाये गये नियमों और दिये गये आदेशों के अनुसार या तदधीन प्राप्त लाइसेंस, परमिट या पास के अनुसार कार्यवाही की गयी होती तो उदग्रहणीय होती, के दस गुने या पाँच हजार रुपये, जो भी अधिक हो, से कम नहीं होगा, दण्डित किया जायेगा।”

धारा 64 का संशोधन

15—मूल अधिनियम की धारा 64 में खण्ड (ग) के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा, अर्थात् :-

“(ग) ऐसे मामले, जिसके लिये धारा 60 में उपबन्ध है, से भिन्न किसी मामले में धारा 40 एवं 41 के अधीन बनाये गये किसी नियम का जानबूझ कर उल्लंघन करता है, उसे प्रत्येक ऐसे अपराध के लिये जुर्माना, जो एक हजार रुपये से कम नहीं होगा और जो पाँच हजार रुपये तक हो सकता है, से दण्डित किया जायेगा।”

धारा 64क का संशोधन

16—मूल अधिनियम की धारा 64क में,—

(क) उपधारा (1) निकाल दी जायेगी;

(ख) उपधारा (2) में शब्द “दो हजार रुपये” के स्थान पर शब्द “पाँच हजार रुपये” रख दिये जायेंगे;

(ग) उपधारा (2) के परन्तुक में शब्द “दो सौ रुपये” के स्थान पर शब्द “दो हजार रुपये” तथा शब्द “पाँच सौ रुपये” के स्थान पर शब्द “तीन हजार रुपये” रख दिये जायेंगे।

धारा 65 का संशोधन

17—मूल अधिनियम की धारा 65 में,—

(क) उपधारा (1) में शब्द “छः माह” के स्थान पर शब्द “एक वर्ष” तथा शब्द “दो हजार रुपये” के स्थान पर शब्द “पाँच हजार रुपये” रख दिये जायेंगे;

(ख) उपधारा (2) में शब्द “पाँच सौ रुपये” के स्थान पर शब्द “पाँच हजार रुपये” रख दिये जायेंगे।

धारा 66 का संशोधन

18—मूल अधिनियम की धारा 66 में शब्द “तीन माह” के स्थान पर शब्द “एक वर्ष” तथा शब्द “पाँच सौ रुपये” के स्थान पर शब्द “पाँच हजार रुपये” रख दिये जायेंगे।



19—मूल अधिनियम की धारा 67 में शब्द "तीन माह" के स्थान पर शब्द "एक वर्ष" तथा शब्द "पाँच सौ रुपये" के स्थान पर शब्द "पाँच हजार रुपये" रख दिये जायेंगे। धारा 67 का संशोधन

20—मूल अधिनियम की धारा 68 में शब्द "पाँच सौ रुपये" के स्थान पर शब्द "पाँच हजार रुपये" रख दिये जायेंगे। धारा 68 का संशोधन

21—मूल अधिनियम की धारा 69 में, प्रथम प्रतिबंधात्मक खण्ड में, शब्द "तीन माह" के स्थान पर शब्द "एक वर्ष" तथा शब्द "एक वर्ष" के स्थान पर शब्द "दो वर्ष" रख दिये जायेंगे। धारा 69 का संशोधन

22—मूल अधिनियम की धारा 69 क में शब्द अक्षर और अंक "धारा 60 की उपधारा (1) या उपधारा (2) के खण्ड (ख), खण्ड (घ), खण्ड (ङ) या खण्ड (छ) या धारा 62 के" के स्थान पर शब्द और अंक "धारा 60, धारा 60 क, धारा 62, धारा 63 या धारा 65" रख दिये जायेंगे। धारा 69क का संशोधन

23—मूल अधिनियम की धारा 70 में,—

धारा 70 का संशोधन

(क) उपधारा (1) में, खण्ड (क) के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा, अर्थात् :—

"(क) उसकी अपनी जानकारी या सन्देह न हो अथवा किसी आबकारी अधिकारी द्वारा परिवाद या रिपोर्ट न किया जाय, धारा 60, धारा 60 क, धारा 62, धारा 63, धारा 64 क, धारा 65 या धारा 69 ख के अधीन दण्डनीय किसी अपराध का; या"

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

"(2) राज्य सरकार की विशेष स्वीकृति के बिना कोई मजिस्ट्रेट, धारा 60 क की उपधारा (क) तथा (ख) एवं धारा 67 के अधीन किये गये अथवा उसके लिये दुष्प्रेरित किसी अपराध से भिन्न इस अधिनियम के अधीन दण्डनीय किसी अपराध का संज्ञान तब तक नहीं लेगा जब तक कि अभियोजन, उस दिनांक, जिस दिनांक को अपराध किया जाना अभिकथित हो, के पश्चात् एक वर्ष के भीतर न संस्थित किया जाय।"

24—मूल अधिनियम की धारा 71 में,—

धारा 71 का संशोधन

(क) शब्द और अंक "धारा 60" के स्थान पर शब्द और अंक "धारा 60, धारा 60क" रख दिये जायेंगे;

(ख) प्रतिबंधात्मक खण्ड के स्थान पर निम्नलिखित प्रतिबंधात्मक खण्ड रख दिया जायेगा, अर्थात् :—

"प्रतिबन्ध यह है कि धारा 60क तथा धारा 69ख में किसी बात के प्रतिकूल होते हुये भी वास्तविक अपराधी से भिन्न किसी व्यक्ति को जुर्माना देने में व्यक्तिगत सिवाय कारावास का दण्ड नहीं दिया जायेगा।"

25—मूल अधिनियम की धारा 72 में उपधारा (2) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात्:—

धारा 72 का संशोधन

"(2) जहाँ इस अधिनियम के किसी उपबन्ध के अधीन किसी वस्तु या पशु का अभिग्रहण किया जाय वहाँ ऐसी सम्पत्ति को अभिग्रहीत एवं निरुद्ध करने वाला अधिकारी, ऐसे अधिग्रहण एवं निरुद्धता के दिनांक से तीन कार्य दिवस के भीतर, ऐसी अभिग्रहीत सम्पत्ति, अभिग्रहण ज्ञापन और अन्य सुसंगत दस्तावेजों सहित अधिहरण हेतु विस्तृत रिपोर्ट कलेक्टर के समक्ष प्रस्तुत करेगा। कलेक्टर अधिग्रहण ज्ञापन और अभिग्रहीत सम्पत्ति सहित उक्त रिपोर्ट प्राप्त करने पर तत्काल माल की सुरक्षित अभिरक्षा और भण्डारण हेतु आदेश देगा, जैसा कि वह उचित समझे। यदि अभिलिखित किये जाने वाले कारणों से कलेक्टर को यह समाधान हो जाय कि कोई अपराध किया गया है जिसके कारण ऐसी वस्तु या पशु उपधारा (1) के अधीन अधिहरण किये जाने का दायी हो गया है, तो वह ऐसी वस्तु या पशु का अधिहरण करने का आदेश दे सकता है चाहे ऐसे अपराध के लिये अभियोजन संस्थित किया गया हो या न किया गया हो :

प्रतिबन्ध यह है कि उपधारा (1) में निर्दिष्ट किसी वस्तु (मादक वस्तु को छोड़कर) या पशु की स्थिति में उसके स्वामी को यह विकल्प दिया जायेगा कि वह उसके अधिहरण के बदले में उसका अभिग्रहण किये जाने के दिनांक को उसके बाजार मूल्य से अनधिक जुर्माना का भुगतान करे, जिसे कलेक्टर पर्याप्त समझे।"

धारा 73 क का  
संशोधन

अर्थात:-

26—मूल अधिनियम की धारा 73 क के स्थान पर निम्नलिखित धारा रख दी जायेगी,

“73क—जहाँ धारा 72 या धारा 73 के अधीन कोई मादक वस्तु का अधिहरण किया जाय, वहाँ किसी न्यायालय द्वारा उस निमित्त दिये गये किसी आदेश के अध्यक्षीन, यदि कलेक्टर की राय में अधिहरण की गयी मादक वस्तु मानव उपभोग योग्य नहीं है अथवा यदि अधिहरण की गयी मादक वस्तु को भण्डारित अथवा परिरक्षित नहीं किया जा सकता है, तो वह इस अधिनियम में अन्तर्विष्ट किसी बात के प्रतिकूल होते हुये भी उक्त मादक वस्तु को नष्ट किये जाने का आदेश दे सकता है :

प्रतिबन्ध यह है कि उक्त मादक वस्तु को अधिहरण किये जाने के दिनांक से दो मास की समाप्ति के पश्चात् के सिवाय या जहाँ अधिहरण के आदेश के विरुद्ध पुनर्विलोकन या किसी अपील हेतु आवेदन-पत्र, इस सम्बन्ध में ऐसे पुनर्विलोकन या अपील में पारित आदेश के अनुसार के सिवाय लम्बित हो, नष्ट नहीं किया जायेगा :

अग्रतर प्रतिबन्ध यह है कि इस धारा के अधीन मादक वस्तु नष्ट किये जाने हेतु कोई आदेश, उस व्यक्ति, जिसकी अभिरक्षा से मादक वस्तु बरामद किया गया हो, को 7 दिन की नोटिस के पश्चात् सुनवाई का अवसर प्रदान किये बिना पारित नहीं किया जायेगा:

प्रतिबन्ध यह भी है कि मादक वस्तु का पर्याप्त नमूना साक्षिक अपेक्षाओं की पूर्ति के लिये परिरक्षित किया जायेगा।”

धारा 74 का  
संशोधन

27—मूल अधिनियम की धारा 74 में,—

(क) उपधारा (1) में शब्द “पाँच हजार रुपये” के स्थान पर शब्द “पचास हजार रुपये” रख दिये जायेंगे;

(ख) उपधारा (1-क) में,—

शब्द एवं अक्षर “खण्ड (क) के अधीन” के स्थान पर शब्द एवं अक्षर “खण्ड (क) तथा (ख) के अधीन” रख दिये जायेंगे;

शब्द “पचास रुपये जो तीन सौ रुपये तक हो सकती है” के स्थान पर शब्द “एक हजार रुपये जो पाँच हजार रुपये तक हो सकती है” रख दिये जायेंगे।

धारा 74क का  
संशोधन

28—मूल अधिनियम की धारा 74क में, उपधारा (1) में शब्द “पाँच हजार रुपये” के स्थान पर शब्द “एक लाख रुपये” रख दिये जायेंगे।

निरसन और  
व्यावृत्ति

29—(1) उत्तर प्रदेश आबकारी (संशोधन) अध्यादेश, 2017 एतद्द्वारा उत्तर प्रदेश अध्यादेश संख्या 1 सन् 2017

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या की गयी कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्थी उपबंधों के अधीन कृत या की गयी समझी जायेगी मानों इस अधिनियम के उपबंध सभी सारवान समयों में प्रवृत्त थे।

### उद्देश्य और कारण

राज्य में वाणिज्य कर विभाग के पश्चात् आबकारी विभाग दूसरा सबसे बड़ा विभाग है। वर्ष 2016-17 में आबकारी विभाग द्वारा मात्र 14,272 करोड़ रुपये उपाजित किये गये थे। गतवर्षों में निर्धारित लक्ष्य के सापेक्ष कम राजस्व प्राप्ति हुई थी। उक्त कमी का मुख्य कारण पड़ोसी राज्यों, विशेषकर हरियाणा से अवैध मदिरा की तस्करी थी। उसी प्रकार से राज्य में अवैध मदिरा के निष्कर्षण से न केवल राज्य के राजस्व में क्षति हुई थी वरन् ऐसी अवैध तथा जहरीली मदिरा के उपभोग के कारण जन-जीवन की क्षति की घटनाएँ भी होती थीं। आबकारी मामलों से सम्बन्धित ऐसी घटनाओं और अन्य समस्याओं का निवारण करने के उद्देश्य से यह विनिश्चय किया गया है कि संयुक्त प्रान्त आबकारी अधिनियम, 1910 में संशोधन करके मुख्यतः निम्नलिखित उपबन्ध किये जायं:-

(1) उक्त अधिनियम के दाण्डिक उपबंधों को अपेक्षाकृत अधिक कड़ा किया जाना;

- (2) प्रतिफल फीस को उत्पाद शुल्क के रूप में वसूल करने का उपबन्ध किया जाना;  
 (3) उत्पाद शुल्क की अधिकतम सीमा से सम्बन्धित उपबन्धों को दिनांक 1 अप्रैल, 2016 से समाप्त किया जाना;  
 (4) स्वापक औषधि और मनःप्रभावी पदार्थ अधिनियम, 1985 में सम्मिलित किये जाने के कारण संयुक्त प्रान्त आबकारी अधिनियम, 1910 से चरस एवं गांजा से सम्बन्धित उपबन्धों का निकाला जाना;  
 (5) दण्डिक अपराधों में उत्प्रेरण को सम्मिलित किया जाना।

चूंकि 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 27 सितम्बर, 2017 को उत्तर प्रदेश आबकारी (संशोधन) अध्यादेश, 2017 (उत्तर प्रदेश अध्यादेश संख्या 1 सन् 2017) प्रख्यापित किया गया। यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिये पुरःस्थापित किया जाता है।

आज्ञा से,  
 वीरेन्द्र कुमार श्रीवास्तव,  
 प्रमुख सचिव।

No. 2731(2)/LXXIX-V-1-17-1(ka)-20-17

*Dated Lucknow, January 6, 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 Aabkari (Sanshodhan) Adhiniyam, 2017 (Uttar Pradesh Adhiniyam Sankhya 4 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 5, 2018.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 2017

(U.P. ACT NO. 4 OF 2018)

*[As passed by the Uttar Pradesh Legislature]*

AN

ACT

*further to amend the United Provinces Excise Act, 1910.*

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

- |  |  |
|--|--|
| 1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 2017.  | Short title and Commencement                     |
| (2) It shall be deemed to have come into force on September 27, 2017.  |  |
| 2. In section 3 of the United Provinces Excise Act, 1910 hereinafter referred to as the principal Act, in clause (12),-  | Amendment of section 3 of U.P. Act no. 4 of 1910 |
| (a) in sub-clause (i) for the words "Sidhi or Ganja" the words "or sidhi" shall be substituted;  |  |
| (b) sub-clause (ii) shall be omitted;  |  |
| (c) for clause (iv) the following clause shall be substituted, namely:-  |  |
| "(iv) any other intoxicating substance which the State Government may by notification declare to be an intoxicating drug;"   |  |
| 3. In section 28 of the principal Act, sub-sections (3) and (4) shall be deemed to have been omitted from April 1, 2016.   | Amendment of section 28                          |
| 4. In section 30 of the principal Act, in sub-section (1) the following proviso shall be inserted at the end, namely:-   | Amendment of section 30                          |
| "Provided that consideration fee levied from 01 April, 2016 upto the date of commencement of the Uttar Pradesh Excise (Amendment) Ordinance, 2017 shall be deemed to be Excise Duty under section 28". |  |

Amendment of section 50	<p>5. In section 50 of the principal Act, -</p> <p>(a) for the words "committing an offence" the words "committing or abetting an offence" shall be <i>substituted</i> ;</p> <p>(b) for the word and figures "section 60" the words and figures "section 60, section 60A" shall be <i>substituted</i>.</p>
Amendment of section 51	<p>6. In section 51 of the principal Act for the words "committed any offence" the words "committed or abetted any offence" and for the word and figures "section 60" the words and figures "section 60, section 60A" shall be <i>substituted</i>.</p>
Amendment of section 52	<p>7. In section 52 of the principal Act for the words and figures "section 60" the words and figures "section 60, section 60A" shall be <i>substituted</i>.</p>
Amendment of section 53	<p>8. In section 53 of the principal Act for the words and figures "section 60" the words and figures "section 60, section 60A" shall be <i>substituted</i>.</p>
Amendment of section 54	<p>9. In section 54 of the principal Act for the proviso the following proviso shall be <i>substituted</i>, namely:-</p> <p>"Provided that an offence punishable under section 60, section 60A, section 61, section 62, section 63, section 64-A, section 65, section 68 or an offence punishable for abetment of any offence under the said sections may be investigated into without the order of a Magistrate, and that any warrant issued by the Collector under section 51 or section 52 may be executed by any officer authorised by the Collector for the said purpose."</p>
Amendment of section 55	<p>10. For section 55 of the principal Act the following section shall be <i>substituted</i>, namely:-</p> <p>"55. All offences punishable under sub-section (2) of section 60, section 60A, section 62, section 63, section 64-A and any offence punishable for abetment of any offence under the said sections, shall be non-bailable within the meaning of the Code of Criminal Procedure, 1973."</p>
Amendment of section 60	<p>11. For section 60 of the principal Act the following section shall be <i>substituted</i>, namely:-</p> <p>"60. (1) Whoever, in Contravention of this Act or of any rule or order made thereunder, or of any licence, permit or pass obtained thereunder:-</p> <p>(a) exports any intoxicant; or</p> <p>(b) transports or possesses any intoxicant which is not covered under section 63 of this Act; or</p> <p>(c) collects or sells the leaves and small stalks (not accompanied by flowering or fruiting tops) of natural and spontaneous growth of wild Indian Hemp plant (<i>Cannabis Sativa</i>) other than charas, ganja or any other intoxicating drug covered under the Narcotic Drugs and Psychotropic Substances Act, 1985; or</p> <p>(d) constructs or works any distillery, brewery, manufactory or vintnery; or</p> <p>(e) uses, keeps or has in his possession any material, still, utensil, implement or apparatus, whatsoever, for the purpose of manufacturing any intoxicant other than tari; or</p> <p>(f) removes any intoxicant from any distillery, brewery, manufactory, vintnery or warehouse licenced, established or continued under this Act; or</p> <p>(g) bottles any liquor for the purposes of sale; or</p> <p>(h) sells any intoxicant, save in the case provided for by section 61; or</p> <p>(i) taps, or draws tari from any tari-producing tree in the areas notified under section 42 ;</p> <p>shall be punished with imprisonment which may extend to two years and with fine which may extent to one thousand rupees in the case of an offence under sub clause (i) and in any other case, with imprisonment which may extend to three years and with fine which shall, not be less than ten times of the amount of consideration fee or duty which would have been leviable if such intoxicant had been dealt with in accordance with this Act and the rules and orders made</p>

thereunder or in accordance with any licence, permit or pass obtained thereunder, or two thousand rupees whichever is greater.

(2) Whoever in contravention of this Act or any rule or order made thereunder or of any licence, permit or pass, obtained under this Act, manufactures any intoxicant shall be punished with imprisonment which shall not be less than six months and which may extend to three years and also with fine which shall not be less than five thousand rupees and which may extend to ten thousand rupees.

(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 one thousand rupees and which may extend to two thousand rupees."

12. *After* section 60 of the principal Act the following section shall be *inserted*, namely:-

Insertion of new section 60A

"60A. Whoever, adulterates or causes to be adulterated any intoxicant by mixing any other substance or foreign ingredient to make such intoxicant noxious or sells, offers or makes or causes to be sold or offered or made available such noxious intoxicant or any other noxious substance for consumption in the garb of an intoxicant, likely to cause disability or hurt or grievous hurt or death or any other consequential injury to humanbeings, shall be punished;

(a) if as a result of such an act, death is caused, with death or imprisonment for life and shall also be liable to fine which may extend to ten lakh rupees but shall not be less than five lakh rupees;

(b) if as a result of such an act, disability or grievous hurt is caused, with imprisonment for life or rigorous imprisonment which may extend to ten years but shall not be less than six years and with fine which may extent to five lakh rupees but shall not be less than three lakh rupees;

(c) if as a result of such an act, any hurt or any other consequential injury is caused to any person, with imprisonment for a term which may extend to two years but shall not be less than one year and fine which may extend to two lakh fifty thousand rupees but shall not be less than one lakh twenty five thousand rupees.

*Explanation:-* For the purpose of this section the expression "hurt and grievous hurt" shall have the same meaning as in section 319 and section 320 respectively of the Indian Penal Code, 1860 (Act no. XLV of 1860)."

13. In section 62 of the principal Act *for* the words "liable to fine which may extend to five thousand rupees" the words "liable to fine which shall not be less than five thousand rupees and which may extend to ten thousand rupees." shall be *substituted*.

Amendment of section 62

14. *For* section 63 of the principal Act the following section shall be *substituted*, namely:-

Amendment of section 63

"63. Whoever, in contravention of this Act, or of any rule or order made thereunder, imports any intoxicant or transports or has in his possession any quantity of any intoxicant unlawfully imported, shall be punished with imprisonment which shall not be less than six months and which may extend to five years and also with fine which shall not be less than ten times the amount of excise duty or consideration fee under section 30 which would have been leviable if such intoxicant had been dealt with in accordance with this Act and the rules and orders made thereunder or in accordance with any license, permit or pass obtained thereunder or five thousand rupees whichever is greater."

Amendment of section 64	<p>15. In section 64 of the principal Act <i>for</i> clause (c) the following clause shall be <i>substituted</i>, namely:-</p> <p style="padding-left: 40px;">"(c) save in a case provided for by section 60, willfully contravenes any rule made under sections 40 and 41 shall, for each such offence, be punished with fine which shall not be less than one thousand rupees and which may extend to five thousand rupees."</p>
Amendment of section 64-A	<p>16. In section 64-A of the principal Act,—</p> <p style="padding-left: 40px;">(a) sub-section (1) shall be <i>omitted</i>;</p> <p style="padding-left: 40px;">(b) in sub-section (2) <i>for</i> the words "two thousand rupees" the words "five thousand rupees" shall be <i>substituted</i>;</p> <p style="padding-left: 40px;">(c) in the proviso to sub-section (2) <i>for</i> the words "two hundred rupees" the words "two thousand rupees" and <i>for</i> the words "five hundred rupees" the words "three thousand rupees" shall be <i>substituted</i>.</p>
Amendment of section 65	<p>17. In section 65 of the principal Act,—</p> <p style="padding-left: 40px;">(a) in sub-section (1) <i>for</i> the words "six months" the words "one year" and <i>for</i> the words "two thousand rupees" the words "five thousand rupees" shall be <i>substituted</i>.</p> <p style="padding-left: 40px;">(b) in sub-section (2) <i>for</i> the words "five hundred rupees" the words "one thousand rupees" shall be <i>substituted</i>.</p>
Amendment of section 66	<p>18. In section 66 of the principal Act <i>for</i> the words "three months" the words "one year" and <i>for</i> the words "five hundred rupees" the words "five thousand rupees" shall be <i>substituted</i>.</p>
Amendment of section 67	<p>19. In section 67 of the principal Act <i>for</i> the words "three months" the words "one year" and <i>for</i> the words "five hundred rupees" the words "five thousand rupees" shall be <i>substituted</i>.</p>
Amendment of section 68	<p>20. In section 68 of the principal Act <i>for</i> the words "five hundred rupees" the word "five thousand rupees" shall be <i>substituted</i>.</p>
Amendment of section 69	<p>21. In section 69 of the principal Act, in the first proviso <i>for</i> the words "three months" the words "one year", and <i>for</i> the words "one year" the words "two years" shall be <i>substituted</i>.</p>
Amendment of section 69-A	<p>22. In section 69-A of the principal Act <i>for</i> the words letters and figures "clause (b), clause (d), clause (e) or clause (g) of sub-section (1) or of sub-section (2) of section 60 or of section 62" the words and figures "section 60, section 60-A, section 62, section 63 or of section 65" shall be <i>substituted</i>.</p>
Amendment of section 70	<p>23. In section 70 of the principal Act,—</p> <p style="padding-left: 40px;">(a) in sub-section (1) <i>for</i> clause (a) the following clause shall be <i>substituted</i>, namely:-</p> <p style="padding-left: 80px;">"(a) of an offence punishable under section 60, section 60-A, section 62, section 63, section 64-A, section 65 or section 69-B, except on his own knowledge or suspicion or on the complaint or report of an Excise Officer; or"</p> <p style="padding-left: 40px;">(b) <i>for</i> sub-section (2) the following sub-section shall be <i>substituted</i>, namely:-</p> <p style="padding-left: 80px;">"(2) Except with the special sanction of the State Government no Magistrate shall take cognizance of any offence punishable under this Act other than an offence committed or abetted under sub-sections (a) and (b) of section 60-A and section 67, unless the prosecution is instituted within a year after the date on which the offence is alleged to have been committed."</p>
Amendment of section 71	<p>24. In section 71 of the principal Act,—</p> <p style="padding-left: 40px;">(a) <i>for</i> the word and figures "section 60" the words and figures "section 60, section 60-A" shall be <i>substituted</i>;</p>

(b) for the proviso the following proviso shall be *substituted*, namely:-

"Provided that, notwithstanding anything to the contrary in sections 60A and 69B, no person other than the actual offender shall be punished with imprisonment except in default of payments of fine."

25. In section 72 of the principal Act for sub-section (2) the following sub-section shall be *substituted*, namely:-

Amendment of  
section 72

"(2) Where anything or animal is seized under any provision of this Act, the officer seizing and detaining such property shall, within three working days from the date of such seizure and detention; produce a detailed report for confiscation alongwith such seized property, seizure memo and other relevant documents before the Collector. The Collector shall, upon receiving the said report alongwith seizure memo and seized property, immediately order for safe custody and storage of goods as he may deem fit. The Collector, if satisfied for reasons to be recorded that an offence has been committed due to which such thing or animal has become liable to confiscation under sub-section (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 sub-section (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."

26. For section 73-A of the principal Act the following section shall be *substituted*, namely:-

Amendment of  
section 73A

"73-A Where any intoxicant is confiscated under section 72 or section 73, the Collector, may, subject to any order passed in that behalf by any court if in his opinion the confiscated intoxicant is not fit for human consumption or if the confiscated intoxicant cannot be stored or preserved, order the intoxicant to be destroyed notwithstanding anything to the contrary contained in this Act:

Provided that the intoxicant shall not be destroyed except after expiration of two 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 any order for destruction of the intoxicant under this section shall not be passed without providing opportunity of hearing after notice of seven days to the person from whose custody the intoxicant is recovered:

Provided also that adequate sample of the intoxicant shall be preserved to meet the evidentiary requirements."

27. In section 74 of the principal Act,-

Amendment of  
section 74

(a) in sub-section (1) for the words "five thousand rupees" the words "fifty thousand rupees" shall be *substituted*;

(b) in sub-section (1-A),-

(i) for the words and letter "under clause (a)" the words and letters "under clauses (a) and (b)" shall be *substituted*;

(ii) for the words "fifty rupees which may extend to three hundred rupees" the words "one thousand rupees which may extend to five thousand rupees" shall be *substituted*.

Amendment of  
section 74-A

28. In section 74-A of the principal Act, in sub-section (1) for the words "five thousand rupees" the words "one lakh rupees" shall be substituted.

Repeal and saving

29. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 2017 is hereby repealed.

U. P.  
Ordinance  
no. 1 of  
2017

(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 Excise Department is the second largest department after Commercial Tax Department in the State. In the year 2016-2017 Rupees 14,272 crore only were earned by the Excise Department. In the previous years the revenue receipt had been reduced relatively to the target fixed. The main reason for the said reduction was the smuggling of illegal liquor from the neighboring States particularly from Haryana. Similarly, the extraction of illegal liquor in the State has caused not only the loss of the revenue of the State but also incidents of the loss of lives of the people due to the consumption of such illegal and poisonous liquor. In order to prevent such incidents and other problems relating to the excise matters it has been decided to amend the United Provinces Excise Act, 1910 mainly to provide for,-

- (1) making the penal provisions of the said Act more stringent;
- (2) making provisions for realising consideration fee as Excise duty;
- (3) abolishing the provisions relating to the maximum limit of Excise duty with effect from April 1, 2016;
- (4) omitting the provisions relating to Charas and Ganja from the United Provinces Excise Act, 1910 because of their inclusion in the Narcotic Drugs and Psychotropic Substances Act, 1985;
- (5) including the abetment in the penal offences.

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, 2017 (U.P. Ordinance no. 1 of 2017) was promulgated by the Governor on September 27, 2017.

2. This Bill is introduced to replace the aforesaid Ordinance accordingly.

By order,  
VIRENDRA KUMAR SRIVASTAVA,  
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 796 राजपत्र-(हिन्दी)-2018-(2501)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।  
पी०एस०यू०पी०-ए०पी० 157 सा० विधायी-2018-(2502)-300 प्रतियां-(कम्प्यूटर/टी/आफसेट)।





# सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

## असाधारण

विधायी परिशिष्ट  
भाग-1, खण्ड (क)  
(उत्तर प्रदेश अधिनियम)

लखनऊ, बुधवार, 11 अप्रैल, 2018  
चैत्र 21, 1940 शक सम्वत्

उत्तर प्रदेश शासन  
विधायी अनुभाग-1

संख्या 814/79-वि-1-18-1(क)3-18  
लखनऊ, 11 अप्रैल, 2018

अधिसूचना  
विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश आबकारी (संशोधन) विधेयक, 2018 पर दिनांक 10 अप्रैल, 2018 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 22 सन् 2018 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है :-

उत्तर प्रदेश आबकारी (संशोधन) अधिनियम, 2018  
(उत्तर प्रदेश अधिनियम संख्या 22 सन् 2018)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

संयुक्त प्रान्त आबकारी अधिनियम, 1910 का अग्रतर संशोधन करने के लिये  
अधिनियम

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

1-(1) यह अधिनियम उत्तर प्रदेश आबकारी (संशोधन) अधिनियम, 2018 कहा जायेगा। संक्षिप्त नाम और प्रारम्भ

(2) यह दिनांक 8 सितम्बर, 2003 को प्रवृत्त हुआ समझा जायेगा।

संयुक्त प्रान्त  
अधिनियम  
संख्या 4  
सन् 1910 की  
धारा 24-क  
का संशोधन

2-संयुक्त प्रान्त आबकारी अधिनियम, 1910 जिसे आगे मूल अधिनियम कहा गया है, में, धारा 24-क में, उपधारा (1) में खण्ड (घ) के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा, अर्थात्:-

“(घ) दुकानों पर फुटकर बिक्री के लिये ( भू-गृहादि के ‘अन्दर’ या ‘बाहर’ उपभोग के लिये अथवा भू-गृहादि के ‘अन्दर’ एवं ‘बाहर’ उपभोग के लिये) एकान्तिक या अन्य विशेषाधिकार के लिये लाइसेंस अथवा लाइसेंसों को स्वीकृत कर सकता है।”

नई धारा  
24-कक का  
बढ़ाया जाना

3-मूल अधिनियम की धारा 24-क के पश्चात् निम्नलिखित धारा बढ़ा दी जायेगी, अर्थात्:-

“24-कक उत्तर प्रदेश आबकारी (संशोधन) अधिनियम, 2018 के प्रकाशन के दिनांक के पूर्व किसी न्यायालय के किसी निर्णय, डिक्री या आदेश के प्रतिकूल होते हुये भी इस अधिनियम के किसी उपबन्ध के अधीन की गई या किये जाने के लिये तात्पर्यित कोई बात तथा की गई अथवा किये जाने हेतु तात्पर्यित कोई कार्यवाही विधिमान्य होगी और उसे सदैव विधिमान्य रही समझी जायेगी मानो इस अधिनियम का उपबन्ध, जैसा कि उक्त अधिनियम द्वारा संशोधित है, सभी सारवान समय पर प्रवृत्त था।”

निरसन और  
व्यावृत्ति

4-(1) उत्तर प्रदेश आबकारी (संशोधन) अध्यादेश, 2018 एतद्द्वारा निरस्त किया जाता है।

उत्तर प्रदेश  
अध्यादेश  
संख्या 4  
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 की गई कोई कार्यवाही, इस अधिनियम द्वारा यथासंशोधित मूल अधिनियम की सह प्रत्यर्था उपबन्धों के अधीन कृत या की गई समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान समयों में प्रवृत्त थे।

### उद्देश्य एवं कारण

मादक द्रव्यों और मादक औषधियों का आयात, निर्यात, परिवहन, विनिर्माण, विक्रय तथा आधिपत्य से सम्बन्धित, और उत्तर प्रदेश या उसके किसी विनिर्दिष्ट क्षेत्र या क्षेत्रों में उक्त द्रव्यों और मादक औषधियों के आयात, निर्यात, परिवहन, विनिर्माण, विक्रय और आधिपत्य को प्रतिषिद्ध करने हेतु राज्य सरकार को प्राधिकृत करने से सम्बन्धित विधियों को समेकित करने और उनमें संशोधन करने के लिए संयुक्त प्रान्त आबकारी अधिनियम, 1910 अधिनियमित किया गया है। उक्त अधिनियम की धारा 24-क की उपधारा (1) के खण्ड (घ) में आबकारी आयुक्त को किसी व्यक्ति को दुकानों पर (भू-गृहादि के ‘बाहर’ उपभोगार्थ) फुटकर विक्रय के लिये लाइसेंस स्वीकृति हेतु अधिकार प्रदान किया गया है। आबकारी आयुक्त, उत्तर प्रदेश ने उक्त शक्तियों का प्रयोग करके उत्तर प्रदेश आबकारी (विदेशी मदिरा की माडल शाप के लिये अनुज्ञापनों का व्यवस्थापन) नियमावली, 2003 निर्मित किया है, जो दिनांक 8 सितम्बर, 2003 से प्रभावी है, जिसमें माडल शाप के भू-गृहादि में विदेशी मदिरा का उपभोग करने के लिये उपबन्ध किया गया है। रिट याचिका अखिल भारतीय सर्वजन हिताय सर्वजन सुखाय परिषद बनाम उत्तर प्रदेश राज्य और अन्य में मा0 उच्च न्यायालय, इलाहाबाद ने विनिश्चय किया है कि माडल शाप के भू-गृहादि ‘में’ उपभोग के लिये विदेशी मदिरा के विक्रय हेतु लाइसेंस प्रदान करने की नियमावली का उपबन्ध, उक्त अधिनियम के उपबन्धों के अनुसार पोषणीय नहीं है और ऐसे लाइसेंसों के विरुद्ध कार्यवाही की जानी चाहिए। यदि मा0 उच्च न्यायालय के पूर्वोक्त आदेश के अनुसरण में माडल शापों के लाइसेंस निरस्त कर

दिये जाते, तो राज्य सरकार को माह अक्टूबर, 2017 से मार्च, 2018 तक विदेशी मदिरा के विक्रय पर आबकारी शुल्क से जनित राजस्व से वंचित होना पड़ता और इसके अतिरिक्त लाइसेंस फीस की समानुपातिक धनराशि का प्रतिदाय भी लाइसेंसधारियों को करना पड़ता। अतएव विशेष अनुज्ञा अपील (सिविल) भारत के मा0 उच्चतम न्यायालय में दाखिल की गयी जिसमें मा0 उच्चतम न्यायालय के अपर महाधिवक्ता ने यह परामर्श दिया है कि दिनांक 8 सितम्बर, 2003 से भूतलक्षी प्रभाव से उक्त अधिनियम में संशोधन किया जाना चाहिये। अतएव अपर महाधिवक्ता के परामर्श के आलोक में उक्त अधिनियम में संशोधन किये जाने का विनिश्चय किया गया है।

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 29 जनवरी, 2018 को उत्तर प्रदेश आबकारी (संशोधन) अध्यादेश, 2018 (उत्तर प्रदेश अध्यादेश संख्या 4 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. 814(2)/LXXIX-V-1-18-1(ka) 3-2018

*Dated Lucknow, April 11, 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 Aabkari (Sanshodhan) Adhiniyam, 2018 (Uttar Pradesh Adhiniyam Sankhya 22 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 10, 2018 :-

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 2018

(U. P. ACT NO. 22 OF 2018)

*(As passed by the Uttar Pradesh Legislature)*

AN

ACT

*further to amend the United Provinces Excise Act, 1910.*

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

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 2018.

Short title and commencement

(2) It shall be deemed to have come into force on September 08, 2003.

2. In the United Provinces Excise Act, 1910 hereinafter referred to as the principal Act, in section 24-A, in sub-section (1) for clause (d) the following clause shall be substituted, namely:-

Amendment of section 24-A of U.P. Act no. IV of 1910

“(d) of selling by retail at shops (for consumption ‘on’ or ‘off’ the premises or for consumption ‘on’ and ‘off’ the premises) any foreign liquor in any locality.”

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

Insertion of new section 24-AA

“24-AA Notwithstanding any judgment, decree or order of any court to the contrary, anything done or purporting to have been done,

and any action taken or purporting to have been taken under any provision of this Act, before the date of publication of the Uttar Pradesh Excise (Amendment) Act, 2018 shall be valid and be deemed always to have been valid as if the provision of this Act as amended by the said Act were in force at all material times.”

Repeal and  
saving

4. (1) Uttar Pradesh Excise (Amendment) Ordinance, 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.

U. P.  
Ordinance  
no. 4 of  
2018

#### STATEMENT OF OBJECTS AND REASONS

The United Provinces Excise Act, 1910 has been enacted to consolidate and amend the laws relating to the import, export, transport, manufacture, sale and possession of intoxicating liquors and intoxicating drugs and to authorise the State Government to prohibit the import, export, transport, manufacture, sale and possession of the liquors and intoxicating drugs in Uttar Pradesh or in any specified area or areas thereof. In clause (d) of sub-section (1) of section 24-A of the said Act, the Excise Commissioner is empowered to grant to any person a licence for selling by retail at shops (for consumption 'off' the premises) any foreign liquor. The Excise Commissioner, Uttar Pradesh has in exercise of the said powers framed the Uttar Pradesh Excise (Settlement of Licences for Model Shop of Foreign Liquor) Rules, 2003 which is effective from 08-09-2003, in which provision has been made for the consumption of foreign liquor 'on' the premises of the model shop. In the writ petition Akhil Bhartiya Sarvjan Hitaya Sarvjan Sukhaya Parishad *versus* State of Uttar Pradesh and others, the High Court of Judicature at Allahabad has decided that the provision in the rules for giving licence for the sale of foreign liquor for consumption 'on' the premises of model shop is *prima facie* not maintainable according to the provisions of the said Act and action should be taken against such licences.

Had the licences of Model Shops cancelled in pursuance of the aforesaid order of the Hon'ble High Court, the State Government would have been deprived of the revenue generated from the excise duty on the sale of foreign liquor from October, 2017 to March, 2018 and apart from this the proportional amount of the licence fees would also have been refunded to the licensees. Therefore, Special Leave to Appeal (civil) is filed in Hon'ble Supreme Court of India in which Additional Advocate General of Hon'ble Supreme Court has advised that the said Act should be amended retrospectively with effect from 08-09-2003. It has therefore been decided to amend the said Act in the light of advice of Additional Advocate General.

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, 2018 (U.P. Ordinance 4 of 2018) was promulgated by the Governor on January 29, 2018.

2. This Bill is introduced to replace the aforesaid Ordinance accordingly.

By order,  
VIRENDRA KUMAR SRIVASTAVA,  
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 14 राजपत्र-2018-(35)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

पी०एस०यू०पी०-ए०पी० 4 सा० विधायी-12-4-2018-(36)-300 प्रतियां-(कम्प्यूटर/टी/आफसेट)।