The Uttar Pradesh Excise (Second Amendment) Act, 1970

Act 23 of 1970

Keyword(s):
Manufacturer, Excisable Goods, Liquor

THE UTTAR PRADESH EXCISE (SECOND AMENDMENT) ACT, 1970
(U. P. Act No. 23 or 1970)

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

AN ACT

_further to amend the U. P. Excise Act, 1910, for the purposes hereinafter appearing_

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

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

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

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

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

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

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

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

   (a) imports, exports, transports or possesses any intoxicant; or
   (b) manufactures any intoxicant; or
   (c) cultivates any hemp plant (cannabis sativa); or
   (d) collects or sells any portion of the hemp plant (cannabis sativa) from which any intoxicating drug can be manufactured; or
   (e) constructs or works any distillery or brewery; or

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

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

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

Price 05 Paise.
(f) uses, keeps or has in his possession any materials, stills, utensils, implements or apparatus whatsoever for the purpose of manufacturing any intoxicant other than tari; or

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

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

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

(j) taps, or draws tari, from any tari-producing tree in areas notified under section 42, shall be punished with imprisonment which may extend to tv 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."

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

“61. If any licensed vendor, or any person in his employ or acting on his behalf, with unlawful intent,

Penalty for unlawful acting on his behalf—

(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 any person under the age of eighteen years or any woman;

he shall be punished with fine which may extend to one thousand rupees.”

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

“62. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in India or denatured spirit fit for human consumption, shall be punished with imprisonment which may extend to one year or with fine which may extend to two thousand rupees, or with both.”

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

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

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:

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

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

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

"68. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any rule or order made under this Act and not otherwise provided for, 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:

"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 be mentioned in the judgment of the court, be passed:

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

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

"69-A. (1) Whenever any person is convicted of an offence punishable under the provisions of clause (b), clause (c), clause (e), clause (f) or clause (h) of section 60, or section 62, the court convicting such person may, at the time of passing the sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, to 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."

PSUP—A. P. 134 Genl. (Leg.)—1970. 1,823 (M.)
उत्तर प्रदेश एक्साइज (सूर्योदय संचालन) आर्थिक नियम, 1970
(उत्तर प्रदेश आर्थिक नियम संलय 4, 1971)

(उत्तर प्रदेश विधान सभा से दिनांक 21 दिसंबर, 1970 ईं तथा उत्तर प्रदेश विधान
परिषदः से दिनांक 23 दिसंबर, 1970 ईं की बैठक में स्वीकृत किया ।)

(“भारत का संविधान” के प्रावृत्ति 200 के अंतर्गत राज्यपाल ने दिनांक 4 जनवरी, 1971
ईं को स्वीकृति प्रदान की तथा उत्तर प्रदेश सरकारी भ्रष्टाचार ग्राहक में दिनांक 6 जनवरी, 1971
ईं को स्वीकृति हुआ ।)

शंभविन्दु के अनुसार, 47 में उल्लिखित राज्य की गौरव द्वारा नियमक है। नियमक है
के प्रावृत्ति तथा नियमक को सुधार बनाने के उद्देश्य से यूँ पी.एम.एस.एस.एस.एट्ट, 1910 का प्रावृत्ति व्यवस्था
करने और उसके स्वामित्व लिखितों की व्यवस्था करने के लिये

आर्थिक नियम

भारत गणराज्य के इतिहास के बर्ष में एकाक्षर निम्नलिखित विधिनियम बनाया जाता है जो:

1—यह भारतीय उत्तर प्रदेश एक्साइज (सूर्योदय संचालन) विधिनियम, 1970
कहलायेगा।

2—एक्साइज एस्ट्रेस, 1910, जिसे भारतीय नियमन नियमक कहा गया है, को गारा 20 के
पश्चात विनिमयबंधित ग्राहक बढ़ा दी जाती है, प्रदर्शण—

“20—ए—गारा 14 के समान किसी माध्यम वतुन के ग्राहक, नियमत या
परिषदः को प्रभावित करने के राज्य सरकार
माध्यम नियम का क्रमिक युग
की स्थिति का गारा 20 की उपाधिका (4) के
क्षेत्र में सभी क्रमिक माध्यम की बढ़ा
प्रधान करने की बढ़ा का, प्रयोग
राज्य में माध्यमी नियम का क्रमिक प्रसार
dी है नियमक नियम की माध्यम में रखने
एए प्रदर्शण समय के विभाजित ग्राहक का दर्शन
tथा विभिन्न वक्ता का माध्यम कहा जा सकता है:

(क) स्वामित्व, विनिमय केंद्र या विश्वविद्यालय के रूप में उस क्षेत्र की
विधिनियमता;

(ख) तीर्थ स्थान, विध्या केंद्र या विभिन्न क्षेत्र के रूप में उस क्षेत्र की
विधिनियमता;

(ग) स्थानीय नियमनों की ग्राऩ्स विधिनियम स्थिति जिसके ग्राफलाई
उनका पागड़ा पुरीष्टा गारा जीवन एंड स्वतंत्रता भी है;

(घ) स्थानीय जन-मत; गारा

(घ) कोई वर्ष संगठन तथ्य, जो राज्य सरकार के राज्य में, लोक-सेवा में
सार्वजनिक हो

(उद्देश्य और कारणों के विवरण के लिए क्रमांक 30 दिसंबर, 1970 ईं का सरकारी
भ्रष्टाचार ग्राहक देखिए।)
प्रतिवेदन यह है कि इस उपयोगार की किसी बात से यह अपेक्षित नहीं समझा जाएगा कि राज्य सरकार ग्रामीण आदि में उन तथ्यों को, जिनके बारे में किसी विषय से लेकर भाषा-विनियोग के प्रशंसक के लिए, किसी समय पता निर्देश नहीं करता, उल्लेख करे।

20- (1) यदि संशोधन राज्य या उसके भाषा के संबंध में नया-विनियोग के संबंध में उपलब्ध नीति के अनुसार धारा 20 की उपरामारा अपनाने, तद्विर (४) के प्रधान कोई अंग्रेजी वाक्य का जाय तो मनव-विनियोग के संबंध में धारा 14 के प्रधान धारणा का या तो प्रतिवेदन का अन्य तत्त्व या अंग्रेज़ी वाक्य के भाषाको हटाने के लिए निन्दित किया जाय, जारी की जा सकती है।

(2) किसी भी नया-विनियोग के संबंध में राज्य सरकार या तो निकाय द्वारा, अथवा सामान्य निर्देश पारंपरिक धारा 14 के प्रधान या धारा 20 की उपरामारा (४) के प्रधान धारणा में उल्लेखित माध्यम वस्तुओं, या ऐसी माध्यम वस्तुओं में से किसी निर्देशित अधिनियम या उनके प्रतिवेदन के लिए करने में रहें, या उनका धारणा-निन्दित या पराभुत करने के संबंध में कोई छूट दे सकती या निन्दित करने का संबंध है।

(४) विश्वास देवबाबा के सरकार;
(५) नया-विनियोग के माध्यम से बदले वाले या निवास करने वाले विदेशी;
(६) नया-विनियोग के माध्यम से गुजरने वाले या गानी;
(७) कबीर (संस्कृत गानी के धारा में) तथा में व्यक्ति जिन्हें स्वास्थ्य के लिए माध्यम वस्तु की व्यवस्था करते हैं;
(८) वे व्यक्ति जिन्हें पास धारा 17, 18, 21 और 24 के प्रधान लाइजन हैं;
(९) रेस, सड़क या वायुधारा द्वारा नया-विनियोग के भाषाको से, को, या वहाँ से होने के जाने वाले परेशान;
(१०) धीरजाल, बैनियाल, शैलिक, धौपणाय तथा धार्मिक प्रदर्शन।

(३) किसी ऐसी तरह का निन्दित करने के संबंध में को उपरामारा (२) के प्रधान दो बात, राज्य सरकार, या तो निकाय द्वारा प्रधाना सामान्य या निवास अधिनियम द्वारा, ऐसे सामान्य अधिनियम, जो निन्दित किया जाय, कोई खाली या पराभुत दिये जाने की व्यवस्था कर सकती है।

(४) उपरामारा (१) में निन्दित प्रधान धारणा के जारी कर दिये जाने पर, इस प्रधान धारणा प्रधान देवबाबा द्वारा डिस्पोनिकर, डिस्पोनिकर को, जहाँ यह नया-विनियोग के माध्यम से लाइजन है, इस निदेश सिद्धान्त रखा कर सकता है, बाकी वस्तु पर अधिनियम के प्रधान वस्तु के संबंध में तत्त्व मूल को धारणा-वस्तु के बाद धारणा को छूट देना, और उसके संबंध में लाइजन अधिनियम द्वारा प्रधान रूप से दिये गये किसी और जमा की अधिनियम को, उसमें से राज्य सरकार को वह अधिनियम को (यदि योग हो) बड़कर, लौट देना। किन्तु लाइजन अधिनियम के इस प्रधान का रख दिये जाने के संबंध में धारा 25 में दी गयी दोहरी बात के होने के बावजूद भी, कोई क्रिया कर देना न होगा।

(५) यदि उपरामारा (४) के प्रधान कोई लाइजन रख कर दीया जाय तो नाइट्रोजन वाले ग्रामीण अंग्रेज़ के माध्यम वस्तुओं के निर्देश उस प्रकार करता कैसे राज्य सरकार या नाइट्रोजन अधिनियम या निकाय अधिनियम द्वारा निन्दित है।

बोली रसों संभ 11, 1970 का निर्देश

उप्रंद एसद दापुर, 1970, एप्रैल अनुसार खोजिया जाता है।
उत्तर प्रदेश एक्साइज़ (संशोधन) विधिनियम, 1972
(उत्तर प्रदेश विधिनियम संख्या 6, 1972)

[उत्तर प्रदेश विधायन सभा ने दिनांक 6 जानवरी 1972 ई० तथा उत्तर प्रदेश विधायन परिषद्
ने दिनांक 10 जानवरी 1972 ई० को बैठक में स्वीकृत किया।]

[‘इस विधि’ के अनुसार 200 के अंतरांत राज्यपाल ने दिनांक 19 जानवरी,
1972 ई० को स्वीकृति दिनांक करता उत्तर प्रदेश राज्यपाल अतिधारण गजट में दिनांक 22 जानवरी,
1972 ई० को प्रकाशित हुआ।]

लीसियन (राजस्थान) एवं तमिलनाडु में उपलक्षित राज्य को नीति की निर्देशक पत्रों को अनुसरण में
विधिनियम के प्रसार तथा प्रबंधन को संभालने के उद्देश्य से युनाइटेड प्राइवेट एक्साइज़ एंड,
1910 का अध्याय 6 के अधीन संशोधन करने, तथा उसके संबंधित नियमों की व्यवस्था करने के लिए

विधिनियम

भारत गणराज्य के बारे में निम्नलिखित विधिनियम बनाया जाता है—

1.—यह विधिनियम उत्तर प्रदेश एक्साइज़ (संशोधन) विधिनियम, 1972 को लागू है।

2.—युनाइटेड प्राइवेट एक्साइज़ एंड, 1910, जिन्होंने प्रायः मूल विधिनियम कहा गया है,
की धारा 14 निकाल दी जाय।

3.—मूल विधिनियम की धारा 20 में, उपधारा (४) निकाल दी जाय।

4.—मूल विधिनियम की धारा 20-ए और 20-बी निकाल दी जाय।

5.—मूल विधिनियम के धाराओं 6 के परस्पर निम्नलिखित व्यवस्था बढ़ा दिया जाय, प्रवहस्त—

“धाराओ 6-क—मालिकों के संबंध में विशेष उपबन्ध

37—क(१)—राज्य सरकार विधित्वानुसार—

आईबी का (क) उत्तर प्रदेश या उसके किसी भाग में धाराएँ वहाँ से विभिन्न मालिक
वाले के धाराओं या नियमों का निर्देश देने वाले के नियमों
में रहने का निवेदन दिनांक 20 के उपरीत निर्देश देने का निर्देश कर सकते है।

(२) धारा 20 के उपरीत निर्देश देने का निवेदन दिनांक 20 के उपरीत निर्देश देने का
राज्य सरकार विधित्वानुसार—

उत्तर प्रदेश या उसके किसी भाग में धाराओं व नियमों के अनुसार या निर्देश देने का
प्रस्ताव उत्तर प्रदेश या उसके किसी भाग में दिनांक 20 के उपरीत निर्देश देने का
प्रस्ताव। जो, विधित्वानुसार निर्देश किये जाने वाले, के प्रभाव पड़ने हुए, तभी
धाराओं द्वारा विभिन्न मालिकों के निर्देश देने का निर्देश देने का
घर उत्तर प्रदेश में दिनांक 20 के उपरीत निर्देश देने का
चेहरे में रहने का निवेदन कर सकते है।

Price 05 Paisa.
(3) उपाधारा (1) के प्रधान कोई मात्रक वस्तु के प्रायत्न, निर्यत या परिवहन को नियित करने की राजत सरकार की सदस्य का और उपाधारा (2) के प्रधान कोई मात्रक वस्तु को कईने में रखने की निर्देशन करने के उसकी सदस्य का प्रायत्न राष्ट्र में माध्यमिक का क्रमिक प्रसार करने की नीति के प्रमुख रूप में किया जा सकता है, और नियमों इत्यादि को ध्यान में रखते हुए समय-समय पर निर्देशक तथा की तरह वदन किया जा सकता है।

(4) यदि समय-समय उत्तर प्रदेश या उसके प्रधान मान (जिन्हें शहर इस भारत में माध्यमिक लेख कहा गया है) के समन्वय में उत्तर नीति के प्रमुख रूप में उपाधारा (2) के प्रधान कोई प्रधान उपाधारा के समन्वय में उपाधारा (1) के प्रधान प्रधान और तो प्रधान युद्ध में शोभा ऐतिहासिक प्रदर्शनों या संवर्तित करने के निर्देश की आ सकती है।

(5) निर्देशक लेख नियोक्ताओं के सबके समन्वय में राजत सरकार, या तो नियमों द्वारा अथवा सामान्य या निर्देशक द्वारा उपाधारा (1) के प्रधान या उपाधारा (2) के प्रधान प्रधान में उल्लिखित मात्रक वस्तुओं को या ऐसे मात्रक वस्तुओं में ते कोई को नियित किया या उसके प्रधानों के लिए कई रूप में रखने, उसका प्रायत्न, निर्यत या परिवहन करने के समन्वय में कोई छूट देते सकती है या शिखरीकरण कर सकती है।

(6) कोई ऐसी छूट या मात्रक वस्तु के सबके समन्वय में को उपाधारा (5) के प्रधान की जाए, राजत सरकार या तो नियमों प्रधान अथवा निर्देशक प्रदेश द्वारा, ऐसे प्रधानों द्वारा, जो नियोक्त किया जाए, पास या परिभाषित द्वारा जाने को सामना कर सकती है।

(7) उपाधारा (4) में प्रधान अथवा प्रधान के आदेश के लिए निर्देश द्वारा, लेख या प्रधान द्वारा, जो नियोक्त किया जाए, पास या परिभाषित द्वारा जानें को सामना कर सकती है।

उपर्युक्त प्रवृत्ति द्वारा राजवर्ति या राजवर्ति द्वारा सरकारी संगठन द्वारा सरकारी संगठन द्वारा, जो निर्देशक नियोक्त किया जाए, या पास या परिभाषित द्वारा जानें को सामना कर सकती है।

उपर्युक्त प्रवृत्ति प्रवृत्ति (संगठन) प्रवृत्ति, 1971 द्वारा निर्देश किया जाता है।

उल्लर प्रवृत्ति
प्रवृत्ति संख्या
21, 1971 का निर्देश
उत्तर प्रदेश एसआईजी (संस्थान) 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 अनुसार 200 के अन्तर्गत राज्यपाल ने दिनांक 11 अगस्त, 1972 ई०
को स्वीकृति प्रदान की तथा उत्तर प्रदेश सरकारी असाधारण गठन में दिनांक 16 अगस्त, 1972
ई० को प्रकाशित किया।]

यूनाइटेड प्रविंसियल एसआईजी ऐज्ड, 1910 का अनेकता संस्थापन करने के लिए

अधिनियम

भारत गणराज्य के तेलंगाना वर्ग में नियमनिविष्ट अधिनियम बनाया जाता है—

1—यह अधिनियम उत्तर प्रदेश एसआईजी (संस्थान) अधिनियम, 1972 कहलायेगा।

2—यूनाइटेड प्रविंसियल एसआईजी ऐज्ड, 1910, जिसे भारतीय अभिनिर्माण कहा गया है, को
द्वारा 21 में, उसके प्रतिवन्द्यालय सहित का लाभ (3) निकाल लिया।

3—पूरा अधिनियम की धारा 24 के पश्चात् सम्बन्धित धारा बड़ा ही जाय, अथवा—

"24—(1) धारा 31 के उपरांतों के अधीन रहते हुए, अवसर में अपमान कियी
विवेकी शराब के संबंध में विक्रेता करने के
एकाधिक सिलीसिया-विक्रेता देना

(2) विक्रेता के संबंध में उपरांत (1) के अधीन कोई लाइसेंस या लाइसेंसों के
स्वीकृती विक्री जाने से उसी हेतु में, होताते ही संबंध में उत्तर प्रदेश
के सिलीसिया शराब को पुराव विक्री के निर्देश लाइसेंस के स्वीकृत निकाल जाने पर प्रतिकृत
प्रभाव नहीं होगा।

(3) अब हर उद्योग के लिए विवेकी के संबंध में उपरांत (1) के अधीन एक से
अधिक लाइसेंस स्वीकृत करने का प्रस्ताव होते ही तो प्रकाश एसआईजी के लिए भारी प्रबंधियों
का प्रस्ताव का अधिक सहमत होता ही जायेंगे।

(4) इस धारा के अधीन एकाधिक सिलीसिया के निर्देश लाइसेंस स्वीकृत किये
जाने के संबंध में धारा 25 और 30 तथा धारा 39 के प्रतिववास्तक बड़ी के उपरांत
इस प्रकार लागू होने वाले प्रकाश द्वारा 24 के अधीन एकाधिक सिलीसिया के
निर्देश कोई लाइसेंस स्वीकृत किये जाने के संबंध में लागू होते हों।"

4—पूरा अधिनियम की धारा 40 की उपरांत (3) निकाल नहीं होगी।

5—उत्तर प्रदेश एसआईजी (संस्थान) अध्यक्ष, 1972, इतने पर निरस्त किया
जाता है।

(उद्देश्य और कारणों के विवरण के लिए कृपया ध्यान दें)—1972 ई० का राजस्व
असाधारण गन्ध देखिये।]

Price 05 Paisa

पी० पी० पी० पी० 168 जनरल (लेफ़्टू) (हिओ) — 1972—1,834-50 S.S. (मेओ)।
THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1973
[ U. P. ACT NO. 13 OF 1973 ]
[*Authoritative English Text of the Uttar Pradesh Excise (Sanskshodhan) Adhiniyam, 1973*]

AN

ACT

further to amend the United Provinces Excise Act, 1910

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

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

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

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

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

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

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

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

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

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

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

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

AN ACT

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

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

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

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

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

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

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

*(For statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary) dated April 3, 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 16, 1976, under Article 213 of the Constitution of India, and was published in the Uttar Pradesh Gazette (Extraordinary) dated April 16, 1976.)*

PRICE 10 PAI
2. The Uttar Pradesh Excise (Amendment) Act, 1972 is hereby, with effect from August 16, 1972, repealed and re-enacted with the following modifications:

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

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

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

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

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

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

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

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

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

any foreign liquor in any locality.

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

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

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

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

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

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

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

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

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

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

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

"4-A. In section 41 of the 'principal Act, for clause (c), the Amendment of following clause shall be substituted and be deemed 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, 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.

U. P. Ordinance no. 15 of 1976.

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

(2) Notwithstanding such repeal, anything done or any action taken under the aforesaid Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on February 28, 1976.
THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1979
(U. P. Act No. 13 of 1979)

[Authoritative English text of the Uttar Pradesh Aakhari (Sanskodhan) Adhiniyam, 1979 (Uttar Pradesh Adhiniyam Sankhya 13 of 1979)

AN ACT

further to amend the United Provinces Excise Act, 1910

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) auction,

(ii) invitation of tenders,

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

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

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

[Received the assent of the Governor on April 18, 1979 under Article 200, of the Constitution of India and was published in Part I(a) of the Legislative Supplement of the Uttar Pradesh Gazette Extraordinary, dated April 18, 1979].

PRICE 35 PAGES
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."

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 in charge of the animal, cart, vessel or other conveyance and that each of them had taken all reasonable and necessary precautions against such use.

(6) Where on an application in that behalf being made to the Collector within one month from any order of confiscation made under 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:—

"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:—

“(I-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:—

"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 exercise of the powers under sections 28 and 29 and the amendments made by the aforesaid notifications shall have effect and be deemed always to have effect on and from April 1, 1978.”

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

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance 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. 39 of 1978.
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

further to amend the United Provinces Excise Act, 1910

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

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

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

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

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

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

By order,

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

Dated Lucknow, October 5, 1984

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

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1984

[U.P. ACT NO. 23 OF 1984]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the United Provinces Excise Act, 1910

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

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1984.

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

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

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

3. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1984, is hereby repealed.

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

By order,

B. L. LOOMBA,

Sachiv.

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

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1985

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

AN

ACT

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

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

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

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

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

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

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

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

By order,

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

Dated Lucknow, September 19, 1986

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

THE UTTAR PRADHES EXCISE (AMENDMENT) ACT, 1986
(U. P. ACT No. 19 OF 1986)
(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

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

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

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

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

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

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

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

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

By order,

S. N. SAHAY,
Sachiv.

री0 एसोग0पी0—ए0पी0 88 सा 0 (विघा 0)——(1602)—1986—850 (नेंदे 0)।
No. 490(2)/XVII-V-1-1(KA)1-1989
Dated Lucknow, March 16, 1989

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Akkari (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:

1. (1) This Act may be called the Uttar Pradesh Excise (Amendment) Act, 1989.
   (2) It shall be deemed to have come into force on October 27, 1988.

2. In section 28 of the United Provinces Excise Act, 1910, hereinafter referred to as the principal Act, in sub-section (3),—
   (i) in clause (a), for the figure and words “4 per litre”, occurring against item 2 (a) in the table, the figure and words “5 per litre” shall be substituted;
   (ii) in each of the clauses (c), (d) and (e), for the figure and words “2 per litre” occurring against item 2 (a) in the table, the figure and words “5 per litre” shall be substituted.

3. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1988, is hereby repealed.
   (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

NARAYAN DAS,
Sachiv.
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:—

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

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

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

"(4) Notwithstanding anything contained in sub-section (3), the maximum rate of duty on Ale, beer, porter, cider and other fermented liquors occurring against item 2(a) in the table, in clause (c) of sub-section (3) shall be deemed to be rupees 5 per litre with effect from June 4, 1975 and any notification issued on or after June 4, 1975 which is in conformity with the provisions of this sub-section shall be deemed to be, and always to have been, valid and lawful as if the provisions of this sub-section were in force at all material times."
3. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 1990 is hereby repealed.

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

By order,

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

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT 1997

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

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the United Provinces Excise Act, 1910

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

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

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

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

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

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

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

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

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

By order,

R. D. MATHUR,

Pranukh Sachiv.
No. 292 (2)/XVII-V-1—I(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 (Sanskodhan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 7 of 1998) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 6, 1998.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1998
(U. P. ACT NO. 7 OF 1998)
(As passed by the Uttar Pradesh Legislature)

AN ACT

further to amend the United Provinces Excise Act, 1910

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By order,

G. S. PANDEY.
Vishesh Sachiv.

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(2378)---1998---850 (लंबा) 1
In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Abakary (Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 22 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 9, 1999.

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 1999
(U.P. ACT No. 22 of 1999)
[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the United Provinces Excise Act, 1910.

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

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

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

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

By order,

Y. R. TRIPATHI

Pramukh Sachiv.
No. 917 (2)/XVII-V-1—L(KA) 11-2000

Dated Lucknow, April 10, 2000

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

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 2000

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

(As passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the United Provinces Excise Act, 1910.

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

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

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

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

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

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

By order,

Y. R. TRIPATHI,

Pramukh Sachiv.
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 Akbari (Sanskoshodhan) Adhiniyam, 2001, (Utar 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 therefor:—

THE UTTAR PRADESH EXCISE (AMENDMENT) ACT, 2001

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

[As Passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the United Provinces Excise Act, 1910.

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

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

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

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

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

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

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

<table>
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<tr>
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<tr>
<td>2</td>
<td>Liquor manufactured in India and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India (excepting beer)</td>
<td>Rs. 600.00 per bulk litre</td>
</tr>
<tr>
<td>3</td>
<td>Beer brewed in India</td>
<td>Rs. 60.00 per bulk litre</td>
</tr>
<tr>
<td>4</td>
<td>Bhang</td>
<td>Rs. 75.00 per Kilogram</td>
</tr>
</tbody>
</table>

(c) Excise or countervailing duty on excisable articles transported

<table>
<thead>
<tr>
<th>Item no.</th>
<th>Description of excisable articles</th>
<th>Maximum rate of duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Country liquor (excepting tari)</td>
<td>Rs. 90.00 per bulk litre</td>
</tr>
</tbody>
</table>
| 2       | Liquor manufactured in India and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India; and rectified spirit—  
  (a) Ale, beer, porter, cider and other fermented liquors | Rs. 60.00 per bulk litre    |
|         | (b) Perfumed spirit (other than medicinal and toilet preparations) | Rs. 600.00 per bulk litre  |
|         | (c) Wines                        | Rs. 600.00 per bulk litre  |
|         | (d) Liquors, cordials, mixtures and other preparations containing spirit not otherwise specified (other than drugs and medicines) | Rs. 600.00 per bulk litre  |
|         | (e) Brandy, gin, whisky, rums, rectified spirit and other sorts of spirit not otherwise specified | Rs. 600.00 per bulk litre  |
| 3       | Bhang                            | Rs. 75.00 per Kilogram      |
(d) Excise duty on excisable articles manufactured, cultivated or collected under any licence granted under section 17

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

<table>
<thead>
<tr>
<th>Item no.</th>
<th>Description of excisable articles</th>
<th>Maximum rate of duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Country liquor (excepting tari and fermented alcoholic beverages)</td>
<td>Rs. 90.00 per bulk litre</td>
</tr>
</tbody>
</table>
| 2       | Liquor manufactured in India and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India; and rectified spirit—  
(a) Ale, beer, porter, cider and other fermented liquors.  
(b) Perfumed spirit (other than medicinal and toilet preparations)  
(c) Wines  
(d) Liquors, cordials, mixtures and other preparations containing spirit not otherwise specified (other than drugs and medicines)  
(e) Brandy, gin, whisky, rums, rectified spirit and other sorts of spirit not otherwise specified | Rs. 60.00 per bulk litre  
Rs. 600.00 per bulk litre  
Rs. 600.00 per bulk litre  
Rs. 600.00 per bulk litre  
Rs. 600.00 per bulk litre |
4. (1) The Uttar Pradesh Excise (Amendment) Ordinance, 2001 is hereby repealed.

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

By order,
Y.R. TRIPATHI,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

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

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

This Bill is introduced to replace the aforesaid Ordinance.
सरकारी गजट, उत्तर प्रदेश
उत्तर प्रदेशीय सरकार द्वारा प्रकाशित
असाधारण
विधायी परिषिक्षा
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)
लखनऊ, शाहिदार, 6 जानवरी, 2018
पीच 16, 1939 शाह संवत
उत्तर प्रदेश शासन
विधायी अनुभाग-1
संख्या 2731/79-वि-1-17-1(क)-20-17
लखनऊ, 6 जानवरी, 2018
अधिसूचना
विधेयक
"भारत का संविधान" के अनुसार 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश आवकारी (संशोधन) विधेयक, 2017 दिनांक 5 जानवरी, 2018 को अनुमोदन वाली ओर उत्तर प्रदेश अधिनियम संख्या 4 सन 2018 के रूप में संविधान का संस्करण इस अधिनियम द्वारा प्रकाशित किया जाता है।
उत्तर प्रदेश आवकारी (संशोधन) अधिनियम, 2017
(उत्तर प्रदेश अधिनियम संख्या 4 सन 2018)
[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]
संयुक्त प्रान्त आवकारी अधिनियम, 1910 का अनुसार संशोधन करने के लिए
अधिनियम
भारत गणराज्य के अधिसूचना वर्ष में निम्नलिखित अधिनियम बनाया जाता है:-
1(1) यह अधिनियम उत्तर प्रदेश आवकारी (संशोधन) अधिनियम, 2017 के श्रेणी नाम और
शर्तों
796 ресторан 1_2018 Data 6 Vidińska Folder
2—संयुक्त प्रावधान आबादी, 1910, जिसे आगे मूल अधिनियम कहा गया है,
की धारा 3 के खंड (12) में—
(क) उपखंड (1) में, शब्द "सिद्धि या गांज़ा" के स्थान पर शब्द "या सिद्धि" रख दिये जायेंगे;
(ख) उपखंड (2) निकाल दिया जायेगा;
(ग) खंड (4) के स्थान पर निम्नलिखित खंड रख दिया जायेगा, अर्थात—
"(4) कोई अन्य माध्यम पद्धति जिसे राज्य संस्कार अभियुक्तना द्वारा माध्यम अभियोग धोइये करे।"

धारा 28 का संशोधन

3—मूल अधिनियम की धारा 28 में उपधारा (3) एवं (4) दिनांक 1 अप्रैल 2016 से निकाली गयी समझायी जायेगी।

धारा 30 का संशोधन

4—मूल अधिनियम की धारा 30 में उपधारा (1) के अन्त में निम्नलिखित परिन्तुक बड़ा दिया जायेगा, अर्थात—
"
प्रतिबंध यह है कि दिनांक 1 अप्रैल, 2016 से, उत्तर प्रदेश आबादी (संशोधन) अध्येता, 2017 के प्रारम्भ होने के दिनांक तक उपर्युक्त प्रतिफल रखेगा, धारा 28 के अधीन उत्तर शुद्ध समझाया जायेगा।"

धारा 50 का संशोधन

5—मूल अधिनियम की धारा 50 में—
(क) शब्द "अपराध कर्ता हुआ" के स्थान पर शब्द "अपराध करता हुआ" रख दिये जायेगे;
(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" रख दिये जायेंगे, 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।

�ारा 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 खंड रख दिया जायेगा, अर्थात—
"
प्रतिबंध यह है कि "धारा 60, धारा 60क, धारा 61, धारा 62, धारा 63, धारा 64क, धारा 65, धारा 68 के अधीन दंडनीय किसी अपराध अपराध उक्त धाराओं के अधीन किसी अपराध के दंडनीय किसी अपराध का अवरोध, विना किसी मजिस्ट्रेट के आदेश से किया जा सकता है और यह है कि धारा 51 अधीन धारा 52 के अधीन केलेटर द्वारा जारी किये गये किसी वर्ग का नियम, किसी ऐसे अधिकारी द्वारा किया जा सकता है जिसे केलेटर द्वारा उत्तर प्रदेश के लिए प्रभावित किया जाय।"

धारा 55 का संशोधन

10—मूल अधिनियम की धारा 55 में रख दिया जायेगी, अर्थात—
"
55 धारा 60 की उपधारा (2), धारा 60क, धारा 62, धारा 63, धारा 64क और उक्त धाराओं के अधीन किसी अपराध के दंडनीय किसी अपराध का अवरोध, दंडनीय किसी अपराध का अवरोध, 1973 के अधिकारियों अधिनियमित होगा।"

धारा 60 का संशोधन

11—मूल अधिनियम की धारा 60 में रख दिया जायेगी, अर्थात—
"
60 (1) जो कोई व्यक्ति इस अधिनियम या तद्धीन बनाये गये किसी नियम या आदेश अवरोध तद्धीन प्राप्त किसी लाइसेंस, परमिट या पास का उद्धोध रखे, अर्थात—
(क) किसी माध्यम वस्तु का नियाल करता है: अवरोध

796_RPH_adhiniyam 4_2018_Data 6 Vidhaiska Febler
(3) इस अधिनियम की धारा 83 के अंतर्गत निराधारित किसी माधक वस्तु का परिहार करता है या उसे कोई ने रखा है, अथवा

(4) स्वामक अधिकार और मन्त्री परम्परागत अधिनियम, 1985 के अंतर्गत आयामित चार, गांव या किसी अन्य माधक अधिकार ने भारतीय गांव (केन्द्रीय सेटेलाइट) के पास की पतियां और छोटे पतरण (जिन्हें पूर्वोत्तर या पूर्व में अंतराल समिलता नहीं है) का संरक्षण या विकास करता है, अथवा

(5) कोई अस्तित्वीय "विपश्चिमणा", विनिमयणा या द्राक्षादाता निर्मित करता है या चलाता है, अथवा

(6) किसी प्रकार का कोई सामान, भमका, बर्तन, अौजार या उपकरण, ताकि यह निर्मित किसी माधक वस्तु के विनिमय के अंतर्गत का प्रयोजन नहीं है या अपने पास या अपने को किसी ने उठाया है, अथवा

(7) इस अधिनियम के अंतर्गत लाइसेंस प्राप्त, स्वयंदिर्घात या चालू किसी आसारी, "विपश्चिमणा, विनिमयणा", द्राक्षादाता या भारतगार से कोई माधक वस्तु हटाता है, अथवा

(8) विक्रय के प्रयोजन के लिये किसी शासन को बेहतर में बन्द करता है, अथवा

(9) धारा 51 द्वारा उपकारीय दशा के सिवाय किसी माधक वस्तु का विक्रय करता है, अथवा

(10) धारा 42 के अंतर्गत अपूर्विक्षणीय वृत्तियों में ताकि पैदा करने या हानि दिखाई देने को किसी युवा से ताकि चुकाया है, या निकाला है,

तो उस क्रांतार द्वारा द्राक्षित किया जाता जो उपर्कार (3) के अंतर्गत किसी अपारि की स्थिति में दो बार तक हो सकता है और जुर्मने से द्राक्षित किया जाता जो एक हजार रुपये तक हो सकता है और यह किसी अन्य फिल्म में कारावास से द्राक्षित किया जाता जो तीन वर्ष तक का हो सकता है और ऐसे जुर्मने से द्राक्षित किया जाता जो प्रतिफल शुल्क की धनार्थीय या आपूर्विक्षणीय जो तीन वर्ष तक पास के अमुकारी कार्यवाही की गई होती ती उपस्थिति में होती, के दल गुने या दूसरा हजार रुपये जो भी अवधिक हो, से कम न होगा।

(2) जो कोई इस अधिनियम या तदविषयक कानून या विदेश या उस अधिनियम के अंतर्गत किसी लाइसेंस, परियोजना या पास का उपयुक्त करके, किसी माधक वस्तु का निर्माण करता है, उसे कारावास देता है वर्ष तक के कम न होगा और जो तीन वर्ष तक हो सकता है, या द्राक्षित दिया जाता और उसे जुर्मने के भी दशा दिया जाता जो पाँच हजार रुपये से कम न होगा और जो दस हजार रुपये तक हो सकता है।

(3) जो कोई इस अधिनियम या तदविषयक कानून या विदेश या उस अधिनियम का उपयोग करके, किसी माधक वस्तु का निर्माण करता है उसे जुर्मने के भी दशा दिया जाता जो एक हजार रुपये से कम न होगा और जो दो हजार रुपये तक हो सकता है।

"मूल अधिनियम की धारा 60 के प्रमाणित निर्माणित धारा बदली जाती है, अथवा:-"

"60A जो कोई किसी माधक पदार्थ का किसी अन्य पदार्थ या विज्ञापन पदार्थ का माधक वस्तु ने विक्रय करने देता है या ऐसे आयामकर या अपारिक पदार्थ का किसी माधक वस्तु के अंतर्गत उपयोग हेतु विक्रय करता है, उन्हें प्राप्त करता है या विक्रय करता है या करते है उपयोग करता है, जिससे माधक का विकलांकित या सार्वजनिक या धर्म उपहार या धारा या कोई अन्य परिस्थिति की क्षति होता है, या द्राक्षित किया जाता है।"
(क) यदि ऐसे किसी क्रूर के फलस्वरूप गुरू यही होता है, तो उसे गुरू या अजीवन कारावास और जुम्ना, जो दस लाख रुपये तक हो सकता है, किन्तु जो पौंच लाख रुपये से कम न होगा, के लिए भी दामी होगा;

(ख) यदि ऐसे किसी क्रूर के फलस्वरूप विकलांकित या घोर उपहार होती हो, तो अजीवन कारावास अथवा कारावास से जो दस वर्ष तक हो सकता है किन्तु २५, वर्ष से कम न होगा, और जुम्ना से, जो पौंच लाख रुपये तक हो सकता है, किन्तु तीन लाख रुपये से कम न होगा;

(ग) यदि ऐसे क्रूर के फलस्वरूप किसी व्यक्ति को कोई उपहार या कोई अन्य परिवार या अन्य अनेकों के कारावास से जो दो वर्ष तक हो सकता है, किन्तु एक वर्ष से कम न होगा और जुम्ना से, जो पौंच लाख रुपये तक हो सकता है, किन्तु एक लाख पच्चीस हजार रुपये से कम न होगा।

**स्पष्टीकरण:**—इस धारा के प्रयोगार्थ पद “उपहार” या “घोर उपहार” के अर्थ वही होगा जो भारतीय ग्राम संस्था 1860 के कप्रिय धारा 319 एवं 320 में है।

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

14—मूल अधिनियम की धारा 63 के रूप में इस्तेमाल की धारा रख दी जायेगी,

अर्थात् —

“63—जो कोई व्यक्ति इस अधिनियम या तदनुसार बनाये गये किसी सूचना या नोटिफिकेशन के द्वारा किसी व्यक्ति का उल्लंघन करके अवैभव्य या अपराध के लिए शासकीय अपराध के लिए आरोपित किया जाय जो मामले में गार्ड करने का प्रतिबंध करेगा या अपने कर्म में रखेगा, उसे ऐसे कारावास से, जो चार वर्ष से कम नहीं होगा और जो पौंच वर्ष तक हो सकता है, और जुम्ना से जो धारा 30 के अनुसार उत्तेजना या विशेष शृंगारी की धाराओं में इस अधिनियम और तदनुसार बनाया गया नोटिफिकेशन, दिनी हुए गये लाइसेंस, रुल, मूल या पास के अनुसार कार्यवाही की गई होती है तो उप्रभुवियों होती है, जो दस वर्ष से या पौंच हजार रुपये, जो भी अधिक हो, से कम नहीं होगा, दर्शित किया जायेगा।”

15—मूल अधिनियम की धारा 64 में रूप में इस्तेमाल की धारा रख दी जायेगा।

अर्थात् —

“(ग) ऐसे मामले, जिसके लिए धारा 60 में उपस्थित है, से भी किसी मामले में धारा 40 एवं 41 के अनुसार बनाये गये किसी नियम का जानकारी कार उत्पन्न करता है, उसे अनुप्लग ऐसे अवधि में लिखे जुम्ना, जो एक हजार रुपये से कम नहीं होगा और जो पौंच हजार रुपये तक हो सकता है, से दर्शित किया जायेगा।”

16—मूल अधिनियम की धारा 64क में—

(क) उपधारा (1) मिश्रण दी जायेगी,

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

(ग) उपधारा (2) के परिन्तुक में शब्द “दो सौ रुपये” के स्थान पर शब्द “पौंच हजार रुपये” तथा शब्द “पौंच सौ रुपये” के स्थान पर शब्द “तीन हजार रुपये” रख दिये जायेगे।

17—मूल अधिनियम की धारा 65 में—

(क) उपधारा (1) में शब्द “ठार” के स्थान पर शब्द “एक वर्ष” तथा शब्द “दो हजार रुपये” के स्थान पर शब्द “पौंच हजार रुपये” रख दिये जायेगे;

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

18—मूल अधिनियम की धारा 66 में शब्द “तीन ठार” के स्थान पर शब्द “एक वर्ष” तथा शब्द “पौंच सौ रुपये” के स्थान पर शब्द “पौंच हजार रुपये” रख दिये जायेगे।
19—मूल अभिलिपिम की धारा 67 में शब्द "तीन माह" के स्थान पर शब्द "एक वर्ष" तथा शब्द "पांच सी रूपये" के स्थान पर शब्द "पांच हजार रूपये" स्थान दिये जायेंगे।

20—मूल अभिलिपिम की धारा 68 में शब्द "पांच सी रूपये" के स्थान पर शब्द "पांच हजार रूपये" स्थान दिये जायेंगे।

21—मूल अभिलिपिम की धारा 69 में प्रथम प्रतिलिपिक खण्ड में शब्द "तीन माह" के स्थान पर शब्द "एक वर्ष" तथा शब्द "एक वर्ष" के स्थान पर शब्द "दो वर्ष" रख दिये जायेंगे।

22—मूल अभिलिपिम की धारा 69 क में शब्द अधिक और अंक "धारा 60 की उपधारा (1) या उपधारा (2) के खण्ड (基地) खण्ड (基地) या खण्ड (基地) 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।

23—मूल अभिलिपिम की धारा 70 में—

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

"(क) उसकी अपनी जानकारी या सन्देह न हो अथवा किसी आवश्यकीय जानकारी द्वारा परिवर्तित या रिपोर्ट प्रकाशित किया जाय, धारा 60, धारा 60 क, धारा 62, धारा 63, धारा 64 क, धारा 65 या धारा 69 रूपये के अंतिम दण्डनीय किसी अपराध का, या—

(ख) उपधारा (2) के स्थान पर निम्नलिखित उपधारा रख दी जायेंगी, अथवा—

"(ख) राज्य सरकार की विशेष स्वीकृति के बिना कोई मिलिटरी ज्वारिस्ट, धारा 60 क की उपधारा (क) तथा (ख) एवं धारा 67 के अंतिम किसी दिन अथवा उसके दिन रुपीतिका किसी अपराध से मिलने इस अभिलिपिम के अंतिम दण्डनीय किसी अपराध का सज्जनता तब तक नहीं लगा जाय तक तक कि अभियोजन, उस दिनक, जिस दिन जिस दिनक को अपराधिक निष्ठाधिक दो हेतु प्रमाण के रूप में सर्वाधिक एक रूपे के भीतर न सुधारित किया जाय।"

24—मूल अभिलिपिम की धारा 71 में—

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

(ख) अभिलिपिम के खण्ड के स्थान पर निम्नलिखित अभिलिपिम खण्ड रख दिया जायेगा, अथवा—

"अभिलिपिम यह है कि धारा 60 क तथा धारा 60 क में किसी भाव के प्रतिलिपिक होते हैं किसी व्यक्ति को झुकामान देने से अभिलिपिम के रूप अदालत का दण्ड नहीं दिया जायेगा।"

25—मूल अभिलिपिम की धारा 72 में उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेंगी, अथवा—

"(1) जिसी इस अभिलिपिम के किसी उपधारा के अधीन किसी तत्व या पद का अभिलिपिम किया जाय तब ऐसी समस्या को अभिलिपिम एवं निर्देश करने गाला अधिकारी, ऐसे अभिलिपिम एवं निर्देशक के दिनक से तीन कार्य दिनविक से भीतर, ऐसी अभिलिपिम समय, अभिलिपिम आपराधिक और अंतिम सुरक्षित दस्तावेजों सहित अभिलिपिम देने विशेष रिपोर्ट कलेक्टर के समय प्रस्तुत करेगा। कलेक्टर अभिलिपिम आपराधिक और अंतिम समय तक दिनक उपरोक्त रिपोर्ट प्राप्त करने पर तकनीकी मार्ग की दुसरी अभिलिपिम और अभिलिपिम देने हेतु अदालत रूप से एपोल देगा, जैसा कि वह उसके समय। यदि अभिलिपिम किसी जाने चाहने कारणों से कलेक्टर को यह समय दिया जाय तब तब कोई अपराध किया गया जिसके कारण ऐसी तत्व का अभिलिपिम करने का आदेश दे सकता है जिसे ऐसे अपराध के दिने अभियोजन सुधारित किया गया हो या न किया गया हो:

अभिलिपिम यह है कि उपधारा (1) में निर्देश किसी तत्व (भाबक तत्व को छोड़कर) या पद की स्थिति में उसके विकल्प की यह विविध दिशा जानेगा कि वह उसके अभिलिपिम के बदले में उसका अभिलिपिम किया जाने के दिनक को उसको भाजा मूल से अन्धक झुकामा का मुआत करें, जिससे कलेक्टर अपराध समझे।"
उत्तर प्रदेश असाधारण गाजट, 6 जनवरी, 2018

पाठ व 73 के का अर्थ—

राष्ट्रीय अधिनियम की धारा 73 के के स्थान पर निम्नलिखित धारा रख दी जाती है,

"73क—जहाँ धारा 72 या धारा 73 के अधीन कोई मादक वस्तु का अधिहरण किया जाय, वहीं किसी न्यायालय द्वारा उस निमित्त दिये गये किसी आदेश के अधीनकृत, वहीं कोईकार्य की राय ने अधिहरण की गयी मादक वस्तु मानता उपलब्धि धा यहीं है अतः यदि अधिहरण की गयी मादक वस्तु को सहजता अथा परिवहन नहीं किया जा सकता है, तो वह इस अधिनियम में अन्तर्वित किसी अन्य के प्रतिलोक होते हुये भी उक्त मादक वस्तु को नष्ट करने जाने का आदेश दे सकता है:

प्रतिबन्ध यह है कि उक्त मादक वस्तु का अधिहरण किये जाने के दिनांक से दो पास के समय के परिचालन के सिद्धांत या जहाँ अधिहरण के आदेश के निर्देश पुनर्विलयन का किसी अभिलेख हेतु आदेश-पत्र, इस समय में ऐसे पुनर्विलयन का अभिलेख में परिणत आदेश के अनुसार के सिद्धांत तय किया जाया, तो हाक हेतु अभिलेख की रूपरेखा की जाया गयी।

अतः प्रतिबन्ध यह है कि इस धारा के अधीन मादक वस्तु नष्ट करने हेतु जाने देने आदेश, उस अवस्था, जिसकी अभिलेख से मादक वस्तु बराबर किया गया हो, तो 7 दिन की पास्तिमत्ति के परिचालन सुनिश्चित का अवस्था प्रदान के लिए साताहित्य अवस्था की पूर्णता के लिए परिवहन नष्ट किया जायेगा।

प्रतिबन्ध यह भी है कि मादक वस्तु का परिवहन नष्ट की अवस्था की पूर्णता के लिए परिवहन किया जायेगा।"
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 Aakari (Sanskodhan) 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.
   (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),-
   (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.

4. In section 30 of the principal Act, in sub-section (1) the following proviso shall be inserted at the end, namely:-
   "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".
5. In section 50 of the principal Act,-
   (a) for the words "committing an offence" the words "committing or abetting an offence" shall be substituted;
   (b) for the word and figures "section 60" the words and figures "section 60, section 60A" shall be substituted.

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 substituted.

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 substituted.

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 substituted.

9. In section 54 of the principal Act for the proviso the following proviso shall be substituted, namely:-

   "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."

10. For section 55 of the principal Act the following section shall be substituted, namely:-

   "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."

11. For section 60 of the principal Act the following section shall be substituted, namely:-

   "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:-
   (a) exports any intoxicant; or
   (b) transports or possesses any intoxicant which is not covered under section 63 of this Act; or
   (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 (Cannabis Sativa) other than charas, ganja or any other intoxicating drug covered under the Narcotic Drugs and Psychotropic Substances Act, 1985; or
   (d) constructs or works any distillery, brewery, manufactory or vintnery; or
   (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
   (f) removes any intoxicant from any distillery, brewery, manufactory, vintnery or warehouse licenced, established or continued under this Act; or
   (g) bottles any liquor for the purposes of sale; or
   (h) sells any intoxicant, save in the case provided for by section 61; or
   (i) taps, or draws tari from any tari-producing tree in the areas notified under section 42;

   shall be punished with imprisonment which may extend to two years and with fine which may extend 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
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:-

"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 human beings, 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 extend 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. XLI 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.

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

"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."
15. In section 64 of the principal Act for clause (c) the following clause shall be substituted, namely:

"(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."

16. In section 64-A of the principal Act,

(a) sub-section (1) shall be omitted;

(b) in sub-section (2) for the words "two thousand rupees" the words "five thousand rupees" shall be substituted;

(c) in the proviso to sub-section (2) for the words "two hundred rupees" the words "two thousand rupees" and for the words "five hundred rupees" the words "three thousand rupees" shall be substituted.

17. In section 65 of the principal Act,

(a) in sub-section (1) for the words "six months" the words "one year" and for the words "two thousand rupees" the words "five thousand rupees" shall be substituted.

(b) in sub-section (2) for the words "five hundred rupees" the words "one thousand rupees" shall be substituted.

18. In section 66 of the principal Act for the words "three months" the words "one year" and for the words "five hundred rupees" the words "five thousand rupees" shall be substituted.

19. In section 67 of the principal Act for the words "three months" the words "one year" and for the words "five hundred rupees" the words "five thousand rupees" shall be substituted.

20. In section 68 of the principal Act for the words "five hundred rupees" the word "five thousand rupees" shall be substituted.

21. In section 69 of the principal Act, in the first proviso for the words "three months the words "one year", and for the words "one year" the words "two years" shall be substituted.

22. In section 69-A of the principal Act for 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 substituted.

23. In section 70 of the principal Act,

(a) in sub-section (1) for clause (a) the following clause shall be substituted, namely:

"(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"

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

"(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."

24. In section 71 of the principal Act,

(a) for the word and figures "section 60" the words and figures "section 60, section 60-A" shall be substituted;
(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 payment of fine."

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

"(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 along with such seized property, seizure memo and other relevant documents before the Collector. The Collector shall, upon receiving the said report along with 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:-

"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,-

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

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

(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.
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.

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

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

STATEMENT OF OBJECTS AND REASONS

The 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

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सरकारी गजट, उत्तर प्रदेश
उत्तर प्रदेशीय सरकार द्वारा प्रकाशित
असाधारण

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

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

उत्तर प्रदेश शासन
विधायी अनुभाग-1
संख्या 814/79-वि-1-18-1(क)3-18
लखनऊ, 11 अप्रैल, 2018

अधिसूचना
विभाग

“भारत का संविधान” के अनुसार 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश आब्दारी (संशोधन) विधेयक, 2018 पर विनिमय 10 अप्रैल, 2018 की अनुमानित प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 22 सन् 2018 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है जैसा उत्तर प्रदेश आब्दारी (संशोधन) अधिनियम, 2018 (उत्तर प्रदेश अधिनियम संख्या 22 सन् 2018)

संपूर्ण प्रांत आब्दारी अधिनियम, 1910 का अनुमान संशोधन करने के लिए अधिनियम

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

1-(1) यह अधिनियम उत्तर प्रदेश आब्दारी (संशोधन) अधिनियम, 2018 कहा सवित नाम और ग्रांथर

(2) यह विनिमय 8 सितम्बर, 2003 को प्रकृत हुआ समझा जायेगा।
उत्तर प्रदेश असाधारण गजट, 11 अप्रैल, 2018

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<th>संयुक्त प्रान्त अधिनियम संख्या 4</th>
<th>सत्र 1910 की धारा 24-क का संशोधन</th>
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"(प्रथमांश) प्रति हर बिंदु के लिये (भू-गुहार्द के ‘अन्दर’ या ‘बाहर’ उपयोग के लिये अथवा भू-गुहार्द के ‘अन्दर’ या ‘बाहर’ उपयोग के लिये) एकाधिक या अनेक विशेषधारी के लिये लाइसेंस अथवा लाइसेंस को स्वीकृत कर सकता है।"


3-मूल अधिनियम की धारा 24-क के पश्चात निम्नलिखित धारा बढ़ा दी गयी,

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<th>निरसन एवं व्याख्याति</th>
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"24-क के उत्तर प्रेद्यश आबादीकर (संशोधन) अधिनियम, 2018 के प्रकाशन के दिनांक के पूर्व किसी न्यायालय के किसी निर्णय, दिक्ती या आदेश के प्रतिकूल होते हुये भी इस अधिनियम के किसी उपवचा के अधीन की गई या किये जाने के लिये तालमेल कोई बात तथा की गई अथवा किये जाने हेतु तालमेल कोई कार्यवाही विभागों से और उसे देख विकास संस्था रही समस्त जायगी मानो इस अधिनियम का उपवचा, जैसा कि उक्त अधिनियम द्वारा संशोधित है, सभी सारांश समय पर प्रवृत्त था।"


4-(1) उत्तर प्रेद्यश आबादीकर (संशोधन) अधियोग, 2018 एतुकग्राहा उत्तर प्रेद्यश अधिनियम संख्या 4 सत्र 2018

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<th>निरसन और व्याख्या</th>
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(2) ऐसे निरसन के होते हुये भी उपवचा (1) में निरिक्ष अधियोग द्वारा यथासंस्थित मूल अधिनियम के उपवचा के अधीन कुल कोई कार्य या की गई कोई कार्यवाही, इस अधिनियम द्वारा यथासंस्थित मूल अधिनियम की सह प्राध्याद्य उपवचा के अधीन कुल या तिस गई समस्त जायगी मानो इस अधिनियम के उपवचा सभी सारांश समय पर प्रवृत्त थे।


उद्देश्य एवं कारण

मादक घटनाओं और मादक औषधियों का आयात, निर्यात, परिवहन, विनिर्देश, विक्रय तथा आविष्कार से सम्बन्धित, एवं उत्तर प्रेद्यश या उसके किसी विनिर्देशक क्षेत्र या क्षेत्रों में उक्त इमों और मादक औषधियों के आयात, निर्यात, परिवहन, विनिर्देश, विक्रय तथा आविष्कार की अधियोग करने हेतु राज्य सरकार को प्राधिकृत करने से सम्बन्धित विषयों को समेकित करने और उनमें संशोधन करने के लिए संयुक्त प्रान्त आबादीकर अधिनियम, 1910 अधिनियमित किया गया है। उक्त अधिनियम की धारा 24-क की उपवचा (1) के खण्ड (प्रथमांश) में आबादीकर आयक ने किसी व्यक्ति को दुकानों पर (भू-गुहार्द के ‘बाहर’ उपयोग) पुकार किया जिसे लाइसेंस स्वीकृत हेतु अधिकार द्वारा उपवचा किया गया है। आबादीकर आयक, उत्तर प्रेद्यश ने उक्त शक्तियों का प्रयोग करने उत्तर प्रेद्यश आबादीकर (विवेकी मंडली) का मादक शाखा के लिए अनुसंधान का व्यवस्थापन नियोजित, 2003 निर्मित किया है, जो दिनांक 8 नवम्बर, 2003 से समाप्ती है, जिसमें मादक शाखा के मू-भूगुहार्द में विवेकी मंडली का उपवचा करने के लिए उपवचा किया गया है। रिट याचिका एक भारतीय सरकारी लिस्ट सरमाट सर्क्यूलर परिवर्त बनाम उत्तर प्रेद्यश राज्य और अन्य में माद 12 न्यायालय, इलाहाबाद ने विनिर्देश किया है कि मादक शाखा के मू-भूगुहार्द में उपवचा के लिये विवेकी मंडली के विक्रय हेतु लाइसेंस प्रदान करने की नियमावली का उपयोग, उक्त अधिनियम के उपवचा के अनुसार पीड़ित नहीं है और ऐसे लाइसेंस के विक्रय कार्यवाही की जानी चाहिए। यदि माद 12 न्यायालय के पूर्ववर्ती आदेश के अनुसार में मादक शाखा के लाइसेंस निरस्त कर
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

(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.

(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:–

“(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:–

“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."

4. (1) Uttar Pradesh Excise (Amendment) Ordinance, 2018 is hereby repeated. (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 subsection (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.

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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 Hitiya 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.