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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 328]

भोपाल, गुरुवार, दिनांक 12 अगस्त 2021—श्रावण 21, शक 1943

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 12 अगस्त 2021

क्र. 10070-239-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश आबकारी (संशोधन) विधेयक, 2021 (क्रमांक 26 सन् 2021) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL
NO. 26 OF 2021
THE MADHYA PRADESH EXCISE (AMENDMENT) BILL, 2021

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MADHYA PRADESH BILL

No. 26 OF 2021

THE MADHYA PRADESH EXCISE (AMENDMENT) BILL, 2021

A Bill further to amend the Madhya Pradesh Excise Act, 1915.

Be it enacted by the Madhya Pradesh Legislature in the seventy-second year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Madhya Pradesh Excise (Amendment) Act, 2021.

(2) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.

Substitution of Section 4.

2. For Section 4 of the Madhya Pradesh Excise Act, 1915 (No. 2 of 1915) (hereinafter referred to as the Principal Act), the following Section shall be substituted, namely:—

“4. Power to declare “country liquor”, “foreign liquor” and “heritage liquor”.- For the purposes of this Act, or any part thereof, the State Government may, by notification, declare what, shall be deemed to be “country liquor”, “foreign liquor” and “heritage liquor”.

Amendment of Section 34.

3. In Section 34 of the Principal Act, in “sub-section (4), for the words, bracket and figure sub-section (2)”, the words, bracket and figure “sub-section (3)” shall be substituted.

Deletion of Section 35.

4. Section 35 of the Principal Act shall be deleted.

Amendment of Section 37.

5. In Section 37 of the Principal Act, for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

Amendment of Section 38-A.

6. In Section 38-A of the Principal Act, for the words “three hundred rupees” and “two thousand rupees” the words “thirty thousand rupees” and “two lakh rupees” shall be substituted respectively.

Amendment of Section 40-A.

7. In Section 40-A of the Principal Act, for the words “two years” and “two thousand rupees”, the words “three years” and “three thousand rupees” shall be substituted respectively.

Amendment of Section 49-A

8. In Section 49-A of the Principal Act,—

(i) in sub-section (1), for clause (i), (ii) and (iii), the following clauses shall be substituted, namely:—

“(i) if found unfit for human consumption- with imprisonment which shall not be less than six months, but which may extend to six years and also with fine which shall not be less than one lakh rupees;

(ii) causes injury to human being- with imprisonment which shall not be less than two years but which may extend to eight years and also with fine which shall not be less than two lakh rupees;

(iii) causes death of a human being- with imprisonment which shall not be less than ten years but which may extend to imprisonment for life and also with fine which shall not be less than five lakh rupees.”;

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

“(2) When any person is convicted under this Section for a second or subsequent offence, he shall be punished in relation to circumstances,—

- (a) under clause (i) of sub-section (1) with imprisonment which shall not be less than six years but which may extend to ten years and also with fine which shall not be less than five lakh rupees;
- (b) under clause (ii) of sub-section (1) with imprisonment which shall not be less than ten years but which may extend to fourteen years and also with fine which shall not be less than ten lakh rupees;
- (c) under clause (iii) of sub-section (1) with death or imprisonment for life and also with fine which shall not be less than twenty lakh rupees.”.
- (iii) after sub section (2), the following explanation shall be added, namely:—

“**Explanation**—In this section “denatured spirituous preparation” means any preparation made with denatured spirit and includes liquors, french polish, varnish and thinners prepared out of such spirituous preparation.”.

9. In Section 54-A of the Principal Act, proviso shall be deleted.

Amendment of Section 54-A.

10. In Section 61 of the Principal Act, in sub-section (1), for clause

Amendment of Section 61.

(a), the following clause shall be substituted, namely:

- “(a) under Section 34 for the contravention of any condition of license, permit or pass granted under this Act, Section 37, Section 38, Section 38-A, Section 39 and Section 44, except on a written complaint or report of the Collector or an Excise Officer not below the rank of District Excise Officer as may be authorised by the Collector in this behalf;”.

STATEMENT OF OBJECTS AND REASONS

Certain practical difficulties have been experienced in the implementation of the Madhya Pradesh Excise Act, 1915 (No. 2 of 1915), in order to obviate the difficulties suitable amendments have been proposed. The salient feature of the Bill are as follows:-

- (1) Currently the Excise Act provides for the notification of the definition of “Country Liquor” and “Foreign Liquor” only. In order to promote the indigenous liquors produced in the State and bring additional revenue to the State, a separate category of liquor, designated “Heritage Liquor” is proposed to be included in Section 4 of the Principal Act.
- (2) The limits of penalties laid down in the Chapter VII related to Offences and Penalties need to be revised due to the gravity of excise offences which needs to be dealt stringently. Therefore, suitable amendments are proposed in Sections 37 and 38-A of the Principal Act.
- (3) Cases of deaths and blindness due to illicit and spurious liquor have come to light in the State. Currently Section 49-A deals with the penal provisions related to spurious liquor. The penal provisions are proposed to be enhanced to deter people from indulging in this illegal activity.

2. Hence this Bill.

Bhopal :
Dated the 5th August, 2021

JAGDISH DEVRA
Member-in-Charge.