

PUNJAB VIDHAN SABHA

BILL NO. 11-PLA- 2021

THE PUNJAB EXCISE (AMENDMENT) BILL, 2021

A

BILL

further to amend the Punjab Excise Act, 1914.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Excise (Amendment) Act, 2021. Short title and commencement.
(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Punjab Excise Act, 1914 (hereinafter referred to as the principal Act), in section 61, in sub-section (1),- Amendment in section 61 of Punjab Act 1 of 1914.
 - (i) after clause (c) and before the proviso, for the words "three years", the words "five years" shall be substituted; and
 - (ii) in the proviso, in item (v), for the words and sign "ten cases i.e. Ninety", the words and sign "twenty-seven" shall be substituted.
3. In the principal Act, after section 61, the following section shall be inserted, Insertion of new section 61-A in Punjab Act 1 of 1914.
namely:-
"61-A (1). Whoever mixes or permits to be mixed with any liquor sold or manufactured or possessed by him any noxious drug or any foreign ingredient likely to cause disability or grievous hurt or death to human beings, shall be punishable –
Penalty for mixing or permitting to mix with liquor any noxious drug.
(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 twenty lakh rupees;
(b) if as a result of such an act, disability or grievous hurt is caused, with imprisonment for a term which shall not be less than six years but which may extend to imprisonment for life and with fine which may extend to ten lakh rupees;

- (c) if as a result of such an act, any other consequential injury is caused to any person, with imprisonment for a term which may extend to one year and with fine which may extend to five lakh rupees; and
- (d) if as a result of such an act, no injury is caused, with imprisonment which may extend to six months and with fine which may extend to two lakh and fifty thousand rupees.

Explanation.- For the purpose of this section, the expression "grievous hurt" shall have the same meaning as in section 320 of the Indian Penal Code, 1860.

- (2) (i) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the court, when passing an order under this Act, if it is satisfied that death or injury has been caused to any person due to consumption of liquor sold in any place, order the manufacturer and seller, whether or not he is convicted of an offence, to pay, by way of compensation, an amount not less than five lakh rupees to the legal representatives of each deceased or three lakh rupees to the person to whom grievous hurt has been caused, or fifty thousand rupees to the person for any other consequential injury:

Provided that where the liquor is sold in a licensed shop, the liability to pay the compensation under this section shall be on the licensee;

- (ii) Any person aggrieved by an order under clause (i) may, prefer an appeal to the High Court within a period of ninety days from the date of receipt of certified copy of order:

Provided that no appeal can be filed by the accused unless the amount ordered to be paid under clause (i) is deposited by him in the court:

Provided further that the High Court may entertain appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time."

Amendment
in section
63 of Punjab
Act 1 of 1914.

- 4. In the principal Act, in section 63, for the words "one year" and "one thousand", the words "three years" and "ten thousand" shall respectively be substituted.

STATEMENT OF OBJECTS AND REASONS

To check and eradicate the menace of illicit distillation and liquor, there is a need to provide for deterrent punishment under the existing Excise Act. In order to achieve that, a new section 61-A is required to be added and the existing Section 61 and 63 of the Punjab Excise Act, 1914 are required to be amended. This amendment Bill is aimed to achieve this objective.

AMARINDER SINGH,

Chief Minister, Punjab,

CHANDIGARH
THE 8TH MARCH, 2021

SHASHI LAKHANPAL MISHRA
SECRETARY.

N.B. - The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 8th March, 2021 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).