

PART – I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 31st March, 2020

No. Leg. 4/2020.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 17th March, 2020 and is hereby published for general information:-

HARYANA ACT NO. 4 OF 2020**THE PUNJAB EXCISE (HARYANA AMENDMENT) ACT, 2020****AN****ACT**

further to amend the Punjab Excise Act, 1914, in its application to the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Seventy-first Year of the Republic of India as follows:-

1. This Act may be called the Punjab Excise (Haryana Amendment) Act, 2020. Short title.
2. After clause (15) of section 3 of the Punjab Excise Act, 1914 (hereinafter called the principal Act), the following clause shall be inserted, namely:- Amendment of section 3 of Punjab Act 1 of 1914.

“(15A) “major and minor offences”

 - (a) major offences mean-
 - (i) adulteration;
 - (ii) possession, transport and sale of non-duty paid liquor, (NDPL);
 - (iii) illicit manufacture, unlawful possession, transport, transit and sale of liquor;
 - (iv) rendering denatured spirit fit for human consumption;
 - (v) mixing noxious substance with liquor;
 - (vi) tampering with sealed bottles;
 - (vii) sale to minor;
 - (b) all offences other than those mentioned in sub-clause (a) above under this Act shall be minor offences;”.
3. For section 61 of the principal Act, the following section shall be substituted, namely:- Substitution of section 61 of Punjab Act 1 of 1914.

“61. Penalty for unlawful import, export, transport, manufacture and possession etc.- (1) Whoever, in contravention of any section of this Act or any rule, notification issued thereunder or any order passed or of any license, permit or pass granted under this Act,-

 - (a) imports, exports, transports, manufactures, collects or possesses any intoxicant; or
 - (b) constructs or works any distillery or brewery; or
 - (c) uses, keeps or has in his possession any material, still, utensil, implement or apparatus, whatsoever, for the purpose of manufacturing any intoxicant;

shall be punished for every such offence with imprisonment for a term which may extend to three years and with fine which may extend to ten lakh rupees:

Provided that in the case of an offence relating to the possession of,-

- (i) a working still for the manufacture of any intoxicant, such imprisonment which shall not be less than two years and such fine which shall not be less than two lakh rupees. In case the fine is not paid, he shall have to undergo further imprisonment;
- (ii) lahan, such imprisonment which shall not be less than one year and such fine which shall not be less than one lakh rupees. In case the fine is not paid, he shall have to undergo further imprisonment;
- (iii) country liquor manufactured otherwise than in a licensed distillery in Haryana, in a quantity not exceeding twelve bottles, each bottle containing 750 millilitres, such imprisonment which shall not be less than six months and such fine which shall not be less than fifty thousand rupees and in a quantity exceeding twelve bottles of the aforesaid capacity, such imprisonment which shall not be less than two years and such fine which shall not be less than two lakh rupees. In case the fine is not paid, he shall have to undergo further imprisonment;
- (iv) foreign liquor other than-
 - (a) manufactured in a licensed distillery or brewery or bottling plant in India; or
 - (b) imported into India on which custom duty is leviable under the Indian Tariff Act, 1934 (Central Act 32 of 1934), or the Customs Act, 1962 (Central Act 52 of 1962);
 such imprisonment shall not be less than two years and such fine shall not be less than two lakh rupees. In case the fine is not paid, he shall have to undergo further imprisonment;
- (v) foreign liquor manufactured in a distillery or brewery or bottling plant in India or imported into India on which custom duty is leviable under the Indian Tariff Act, 1934 (Central Act 32 of 1934) or the Customs Act, 1962 (Central Act 52 of 1962), in a quantity exceeding ten cases i.e. ninety bulk litres, on which the excise duty or any other levy payable under this Act, has not been paid, such imprisonment which shall not be less than two years and such fine which shall not be less than two lakh rupees. In case the fine is not paid, he shall have to undergo further imprisonment;
- (vi) country liquor manufactured in a licensed distillery in Haryana, beyond the prescribed limit for private possession, such imprisonment shall not be less than six months and such fine shall not be less than fifty thousand rupees. In case the fine is not paid, he shall have to undergo further imprisonment;
- (vii) foreign liquor manufactured in a licensed distillery or brewery or bottling plant in India or imported into India on which custom duty is leviable under the Indian Tariff Act, 1934 (Central Act 32 of 1934) or the Customs Act, 1962 (Central Act 52 of 1962), on which excise duty and all other levies payable under this Act, has been paid beyond the prescribed limit for private possession, such imprisonment which shall not be less than six months and such fine which shall not be less than one lakh rupees. In case the fine is not paid, he shall have to undergo further imprisonment; and
- (viii) foreign liquor manufactured in a licensed distillery or brewery or bottling plant in India or imported into India on which custom duty is leviable under the Indian Tariff Act, 1934 (Central Act 32 of 1934) or the Customs Act, 1962 (Central Act 52 of 1962) in a quantity not exceeding ten cases i.e. 90 bulk litres on which excise duty or any other levy payable under this Act, has not been paid, such imprisonment which shall not be less than one year and such fine which shall not be less than one lakh rupees. In case the fine is not paid, he shall have to undergo further imprisonment.

- (2) Whoever, in contravention of any section other than sections 29 and 30 of this Act or of any rule, notification issued thereunder or order made or of any license, permit or pass granted under this Act-
- sells any intoxicant; or
 - cultivates the hemp plant; or
 - removes any intoxicant from any distillery, brewery or warehouse established or licensed under this Act; or
 - bottles any liquor for the purposes of sale; or
 - taps or draws tari from any tari-producing tree,

shall be punishable with imprisonment not less than one year which may extend to two years and such fine shall not be less than two lakh rupees. In case the fine is not paid, he shall have to undergo further imprisonment.

Note:- Fine under section 61 shall not be less than ten times the amount of excise duty or consideration fee 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 the amount of fine mentioned in any of the sub-sections whichever is greater.”.

- In section 62 of the principal Act, for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted. Amendment of section 62 of Punjab Act 1 of 1914.
- In section 63 of the principal Act, for the words “and more than three years and with a minimum fine of five thousand rupees and a maximum fine upto ten thousand rupees”, the words “which may extend to five years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees” shall be substituted. Amendment of section 63 of Punjab Act 1 of 1914.
- For section 63-A of the principal Act, the following section shall be substituted, namely:-
 “63-A. Penalty for possession of unused and printed labels corks, etc., in contravention section 24-A.- Whoever in contravention of the provision of section 24-A has in his possession any unused and printed label, cork, capsule or seal, or an imitation thereof, shall be punishable with imprisonment which shall not be less than six months but which may extend to two years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees. Substitution of section 63-A of Punjab Act 1 of 1914.
- In section 64 of the principal Act, for the words “he shall be punishable with imprisonment for a term which may extend to three months, and with fine which may extend to five thousand rupees”, the words “he shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees” shall be substituted. Amendment of section 64 of Punjab Act 1 of 1914.
- After clause (c) of section 65 of the principal Act, the following clauses shall be added, namely:-
 “(d) allows disorderly conduct or gaming on the licenced premises; or
 (e) reduces the strength of any liquor below the prescribed limit;
 shall be punishable with imprisonment which may extend upto six months and with fine which shall not be less than ten thousand rupees and not more than fifty thousand rupees.”. Amendment of section 65 of Punjab Act 1 of 1914.
- For section 72 of the principal Act, the following section shall be substituted, namely:-
 “72. Certain offences to be non-bailable.- All offences punishable under this Act with imprisonment with two years or more, shall be non-bailable and cognizable and the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) with respect to non-bailable and cognizable offences, shall apply to those offences. Substitution of section 72 of Punjab Act 1 of 1914.

Insertion of section 72A, 72C, 72D, 72E and 72F in Punjab Act 1 of 1914.

10. After section 72 of the principal Act, the following sections shall be inserted, namely:-

“72A. Penalty for mixing noxious substance with liquor.- 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, if as a result of such an act,-

- (a) death is caused, with death or imprisonment for life and shall also be liable to fine which may extend to ten lakh rupees;
- (b) 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 five lakh rupees;
- (c) any other consequential injury is caused to any person, with imprisonment for a term which may extend to one year and fine which may extend to two lakh fifty thousand rupees;
- (d) no injury is caused, with imprisonment which may extend to six months and fine which may extend to one lakh rupees.

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

72B. Order to pay compensation.- (1) The court, when passing an order under this Act may, 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 three lakh rupees to the legal representatives of each deceased or two lakh rupees to the person to whom grievous hurt has been caused, or twenty 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.

- (2) Any person aggrieved by an order under sub-section (1) may, within thirty days from the date of the order, prefer an appeal to the High Court:

Provided that no appeal shall be filed by the accused unless the amount ordered to be paid under sub-section (1) is deposited by him in the court:

Provided further that if the High Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of thirty days it may entertain the application within a further period of ninety days, but not thereafter.

72C. Penalty for consumption of liquor in public place.- Whoever, in contravention of this Act or the rules, notification or order made thereunder-

- (a) consumes liquor in a public place;
- (b) consumes liquor in public place and creates nuisance;
- (c) permits drunkenness or allows assembly of unsocial elements on the premises of liquor establishment, shall be punishable,-
 - (1) in case of an offence falling under clause (a), with fine which may extend to five thousand rupees;
 - (2) in case of an offence falling under clause (b), with imprisonment for a term which may extend to three months and fine which may extend to ten thousand rupees;
 - (3) in case of an offence falling under clause (c), with imprisonment for a term which may extend to six months and fine up to fifty thousand rupees.

72D. Penalty for unlawful advertisement.- Whoever, prints, publishes or gives an advertisement directly or indirectly in any media soliciting the use of any liquor, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two lakh rupees, or with both:

Provided that this section shall not apply to catalogue and price list and advertisement generally or specially approved by the Excise Commissioner for display at the points of sale for consumer information and education.

72E. Compounding of certain offences.- (1) Minor offences shall be compoundable under this Act.

- (2) Any person who is reasonably suspected of having committed a minor offence under this Act, may apply to the Collector for compounding of the offence, before he is convicted.
- (3) On receipt of such application, the Collector, having regard to the circumstances of the case, may in his discretion order for compounding of the offence on payment of a sum of money by way of compounding fee or compensation for the offence on such terms and conditions, as he deems fit.
- (4) On payment by the person of such sum of money, such person, if in custody, shall be set at liberty and no proceeding shall be instituted or continued against such person in any criminal court:

Provided that the sum of money fixed as compounding fee or compensation by the Collector under this section shall not be less than five times and not be more than ten times the duty, involved or value of intoxicant, apparatus, vehicle and other material, whichever is higher:

Provided further that where intoxicant, apparatus or other material is seized, the same shall not be released but shall be disposed of in such manner, as may be prescribed.

72F. Certain things liable to be seized.- Where intoxicant, apparatus, vehicle or other material is seized, involved in any major offence under this Act, the same shall not be released but shall be disposed of in such manner, as may be prescribed.

BIMLESH TANWAR,
Secretary to Government Haryana,
Law and Legislative Department.