

# Meghalaya Excise (Amendment) Act, 1974

MEGHALAYA

India

## Meghalaya Excise (Amendment) Act, 1974

### Act 2 of 1974

- Published on 1 August 1974
- Commenced on 1 August 1974
- [This is the version of this document from 1 August 1974.]
- [Note: The original publication document is not available and this content could not be verified.]

Meghalaya Excise (Amendment) Act, 1974Meghalaya Act 2 of 1974Last Updated 19th February, 2020(As passed by the Assembly)Published in the Gazette of Meghalaya, Extraordinary, dated the 1st August, 1974.[Received the assent of the Governor on the 30th July, 1974].An Act further to amend the Meghalaya Excise Act (The Assam Excise Act 1 of 1910 as adapted by Meghalaya).Be it enacted by the Legislature of Meghalaya in the Twenty-fifth year of the Republic of India as follows :

#### 1. Short title, extent and commencement.

(1)This Act may be called the Meghalaya Excise (Amendment) Act, 1974.(2)It shall have the like extent as the principal Act.(3)It shall come into force at once.

#### 2. Amendment of Clauses (12a), (14) and (16) of Section 3 of the principal Act.

- In Section 3 of the Meghalaya Excise Act (Assam Act 1 as adapted by Meghalaya), hereinafter referred to as the Act-(i)in Clause (12a) the full stop "(.)" occurring at the end of the clause shall be deleted, thereafter the words "other than tari and pachwai" shall be added followed by a full stop "(.)";(ii)in Clause (14) for the word "also" occurring in the clause the words "other than" shall be substituted ;(iii)in Clause (16) between the word and punctuation "undiluted" and "but" the words "and includes Lad-Uin, Kiad lyndem and Bitchi" shall be inserted followed by a comma "(.)".

#### 3. Amendment of Section 9 of the principal Act.

- In Section 9 of the principal Act-(i)in sub-section (1), between the words "by" and "the" the words and punctuation "the State Government", shall be inserted ;(ii)in sub-section (2), for the word "officers" the word "authorities" shall be substituted.

#### **4. Amendment of Section 15 of the principal Act.**

- In Section 15 of the principal Act-(i)for sub-section (1) the following sub-section shall be substituted, namely:"15. (1) Except under the authority and in accordance with the terms and conditions of a licence granted in that behalf by the State Government-(a)no intoxicants shall be manufactured ;(b)no hemp plant (*Cannabis Sativa* L) shall be cultivated or collected ;(c)no liquor shall be bottled for sale ;(d)no distillery or brewery shall be constructed or worked ; and(e)no person shall use, keep or have in his possession any materials, stills, utensil, implement or apparatus whatsoever for the purpose of manufacturing any intoxicant:Provided that the State Government may authorise any officer or any person, by order issued in this behalf, to issue such licences subject to such restrictions, terms and conditions as may be specified by order."(ii)sub-sections (2) and (3) shall be omitted.

#### **5. Amendment of Section 18 of the principal Act.**

- In Section 18 of the principal Act for sub-section (1) the following sub- section shall be substituted, namely:"18. (1) No intoxicant shall be sold except under the authority and in accordance with the terms and conditions of a licence granted by the State Government in that behalf:Provided that the State Government may authorise any officer or any person, by order issued, in this behalf, to issue such licences subject to such restrictions, terms and conditions as may be specified by order :Provided further that-(a)a person licensed to cultivate or collect plant from which an intoxicating drug is produced, may sell without a licence those portions of the plant from which the intoxicating drug is manufactured or produced, to any person licensed under this Act to deal in the same, or to any officer whom the Excise Commissioner may prescribe;(b)nothing in this section applies to the sale of any foreign liquor lawfully procured by any person for his private use and sold by him or on his behalf or on behalf of his representative in interest upon his quitting a station or after his decease."

#### **6. Amendment of Section 38 of the principal Act.**

- In Section 38 of the principal Act, in Clause (3) before the word "any" occurring in the clause the words "any officer or" shall be inserted.

#### **7. Amendment of Section 41 of the principal Act.**

- In Section 41 of the principal Act-(i)between the words and punctuation "officer", and "not" the words "or any other officer" shall be inserted followed by a comma "(,)" ; and(ii)between the words and punctuation "prescribes" and "having" the words "or any other person as the State Government may, by order, empowered in this behalf" shall be inserted followed by a comma "(,)" .

## **8. Amendment of Section 42 of the principal Act.**

- In Section 42 of the principal Act, in sub-section (2) between the words "Excise Officer" and "when" the words "or any other officer or person", shall be inserted.

## **9. Amendment of Section 44 of the principal Act.**

- In Section 44 of the principal Act, in Clause (b) of sub-section (2), and in sub-section (3) between the words "Excise Officer" and "empowered" occurring in the said clause and sub-section, the words "or any other officer or any person" shall be inserted and between the words "other Officer" and "empowered" occurring in sub-section (3) the words "or person" shall be inserted.

## **10. Amendment of Section 49 of the principal Act.**

- In Section 49 of the principal Act-(i)in sub-section (3) between the words and punctuation "prescribes" and "shall" the words "and any other officer or person as the State Government may, by order, specified in this behalf" shall be inserted followed by a comma "(,)" ;(ii)in Clause (a) of sub-section (4) between the words "office" and "empowered" the words "or any other officer or any person" shall be inserted.

## **11. Amendment of Section 53 of the principal Act.**

- In Section 53 of the principal Act-(i)in Clauses (a), (d) and (e) of sub-section (1) the words "other than tari and pachwai" occurring in these said clauses shall be omitted ;(ii)sub-section (2) of the section shall be omitted.

## **12. Amendment of Section 61 of the principal Act.**

- In Section 61 of the principal Act, for the hyphen "(-)" occurring after the word "officer" a comma "(,)" shall be substituted and the words "or, being an officer or a person, empowered and authorised to make search, seizure, detention or arrest under this Act" shall be added followed by a hyphen

## **13. Amendment of Section 64 of the principal Act.**

- In Section 64 of the principal Act, the colon occurring at the end shall be omitted and thereafter the following shall be added followed by colon at the end, namely:"but in no case the punishment with imprisonment shall be less than seven days and that with fine be less than two hundred rupees.

## **14. Amendment of Sections 76 and 77 of the principal Act.**

- In Sections 76 and 77 of the principal Act, between the words "Excise Officer" and "in" occurring in both the sections the words "or against any other officer or person exercising powers and functions under this Act" shall be inserted.