

# **The M.P. Excise (Amendment and Validation) Act, 1964**

MADHYA PRADESH

India

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## **Act 19 of 1964**

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The M.P. Excise (Amendment and Validation) Act, 1964 M.P. Act No. 19 of 1964 Received the assent of the Governor on the 22nd September, 1964; assent first published in the "Madhya Pradesh Gazette" Extraordinary on the 26th September, 1964. An Act further to amend the Madhya Pradesh Excise Act, 1915 and to validate certain sections thereunder :- Be it enacted by the Madhya Pradesh Legislature in the Fifteenth Year of the Republic of India as follows:

### **1. Short title.**

- This Act may be called the Madhya Pradesh Excise (Amendment and Validation) Act, 1964.

### **2. to 4.**

Amendments incorporated in the principal Act, hence not reproduced.

### **5. Amendment of certain rules, etc., made or purported to have been made under the principal Act.**

(1) For the preamble to the Government of Madhya Pradesh, Separate Revenue Department Notification No. 54-A-V-SR, dated the 4th July 1959 the following preamble shall be substituted, namely; "In exercise of the powers conferred by Sections 2, 4, 5, 7, 9, 10, 13, 16, 22, 23, 25, 36, 52 and clause (h) of sub-section (2) of Section 62 and Section 66 of the Madhya Pradesh Excise Act, 1915 (II of 1915) and in supersession of all the previous notification in this behalf, the State Government hereby makes the following orders or, as the case may be, rules, namely." (2) In the Madhya Pradesh Excise, Rules, 1960 published under the Government of Madhya Pradesh, Separate Revenue Department Notification No. 14-V-SR, dated the 7th January, 1960, -(A) under the sub-heading (h) Foreign Liquor Rules, in Rule II, in clauses (iii), (a) for the words, letters and figures beginning with

"The fees payable on licences" and ending with "according to the following scale", the following words, letters and figures shall be substituted, namely: "Subject to the rule made under Section 62 (2) (h) and published under the Government of Madhya Pradesh Separate Revenue Department Notification No. 54-A-V-SR, dated the 4th July, 1959, the licences in Forms F.L. 1 and F.L. 2 shall be disposed of by the State Government by auction or under the 'fee per bottle system' or in such other manner as the State Government may, from time to time, by general or special order, direct. The licence fees under the auction system shall be the amount of the bid accepted by the Competent Authority at the auctions. The scale of fees under 'fee per bottle system' shall be such as may be determined by the State Government from time to time. The fees payable on licences in Form F.L. 3 shall be based on the quantity of foreign liquor brought on the licensed premises and shall be paid in advance by the licensees according to the following scale." (b) in the Scale of Fees entries relating to F.L. 1 and F.L. 2 shall be and shall always be deemed to have been omitted with effect from the 1st day of April, 1964. (B) under the sub-heading (p) Repeal and Saving, the existing rule shall be renumbered as Rule 1; and (i) in Rule 1 as so renumbered for the words "All rules", the words "Subject to the provision of Rule 2, all rules," shall be substituted; and (ii) after Rule 1, the following rule shall be inserted, namely: "2. These rules shall be in addition to, and not in derogation of the rules and orders published under the Government of Madhya Pradesh, Separate Revenue Department Notification No. 54-A-V-SR, dated the 4th July 1959." (3) (a) Amendment made by sub-section (1) shall be deemed to have formed part of the Government of Madhya Pradesh, Separate Revenue Department Notification No. 54-A-V-SR, dated the 4th July, 1959 from the commencement thereof. (b) Amendments made by sub-section (2) except by sub-clause (b) of clause (a) thereof shall be deemed to have formed part of the rules published under the Government of Madhya Pradesh, Separate Revenue Department Notification No. 14-V-SR, dated the 7th January, 1960 from the commencement thereof.

## **6. Validation of rules etc. and action taken thereunder.**

- Notwithstanding anything contained in the principal Act, the rules published under the Government of Madhya Pradesh Separate Revenue Department Notification No. 54-A-V-SR, dated the 4th July, 1959 (hereinafter referred to as the said Notification) and made or purported to have been made in exercise of the powers conferred by the principal Act and which were published as orders under the said Notification shall be and shall always be deemed to have been validly made in accordance with Section 62 of the principal Act and accordingly it is hereby declared that the said rules as well as all things done, proceedings and actions taken and orders passed thereunder by any authority shall be and shall always be deemed to have been as valid as if the said rules as published under the said Notification as amended by sub-section (1) of Section 5 were in force at all material times when such things were done, proceedings or actions were taken or orders were passed.

## **7. Removal of doubts.**

- For removal of doubts it is hereby declared that anything done, proceeding and action taken and orders passed or purported to have been done taken or passed, as the case may be, by any authority under the rules published under Government of Madhya Pradesh Separate Revenue Department Notification No. 14-V-SR, dated the 7th January, 1960 shall be and shall always be deemed to have

been as valid as if the said rules as amended by sub-section (2) of Section 5 were in force at all material times when such thing was done, proceeding or action was taken or order was passed.

## **8. Repeal and saving.**

- (i) The Madhya Pradesh Excise (Amendment and Validation) Ordinance, 1964 (No. 4 of 1964) is hereby repealed;(ii)Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act were in force on the date on which such thing was done or action was taken.