

Chapter I

PRELIMINARY AND DEFFINITIONS

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1. Short title and extent- (i) This Act may be called the United Provinces Excise Act, 1910, and

(2) It extends¹ to the whole of [Uttar Pradesh]²

2. Repeal of enactments- The enactments mentioned in the Schedule are repealed to the extent specified in the fourth column thereof.

3. Interpretation- In this act unless there is something repugnant in the subject or context-

(1) "*Excise revenue*"- "Excise revenue" means revenue derived or derivable from any duty, fee, tax, fine (other than a fine imposed by a court of law), or confiscation imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to liquor or intoxicating drugs;

(2) "Excise officer"- "Excise officer" means a collector or any officer or person appointed or invested with powers under section 10;

(3) "Excise Commissioner"- "Excise Commissioner" means the officer appointed by the [State Government]³ under section 10, sub-sector (2), clause (a);

1. This act has been extended to the areas mentioned in column 1 of this table under the act or order mentioned in column 3 with effect from the date mentioned in column 4 against each such area:

Areas	Act or Order under which extended	Notification, if any, under which enforced	Date from which enforced
1	2	3	4
1. Rampur District	U.P. Act XII of 1950, S.3.	Dec. 30, 1949
2. Banaras District	Banaras (Application of Laws) Order, 1949 Tehri-Garhwal (Application of Laws) Order, 1949	No. 3262 (1)/XVII, dated Nov. 30, 1949.	Nov. 30, 1949
3. Tehri-Garhwal District	Tehri-Garhwal (Application of Laws) Order, 1949.	No. 3262(2)/XVII, dated Nov. 30, 1949.	Ditto.

¹[(3-a) " Excise duty" and "countervailing duty"- "Excise duty" and "countervailing duty" mean any such excise duty or countervailing duty, as the case may be, as is mentioned in [Entry 51]² of List 11 in the Seventh Schedule to the Constitution]²;

(4) [* * *]³

(5) [* * *]⁴ (Omitted)

(6) "Tari"- "Tari" means fermented or unfermented juice drawn from a coconut, palmyra, data or any other kind of palm tree;

(7) "Pachwai"- "Pachwai" means fermented rice, millet or other grain, whether mixed with any liquid or not and any liquid obtained therefrom, whether diluted or undiluted;

(8) "Spirit"- "Spirit" means any liquor containing alcohol obtained by distillation, whether it is denatured or not;

[(9) "Denatured"- " Denatured" means rendered unfit for human consumption in such manner as may be prescribed by the [State Government]⁵ by notification in this behalf. When it is proved that any spirit contains any quantity of any substance prescribed by the [State Government]⁵ by notification in this behalf. When it is proved that any spirit contains any

(10) "Beer" - "Beer" includes ale, stout porter and all other fermented liquor made from malt ;

(11) "Liquor" - "Liquor" means intoxicating liquor and includes spirits of wine , Tari Pachwai beer and all liquid consisting of or containing alcohol; also any substance which the [State Government]⁵ may by notification declare to be liquor for purposes of this Act;

(12) "Intoxicating drug" - "Intoxicating drug" means --

(i) the leaves small stalks and flowering or fruiting tops of the Indian hemp plant (cannabis sativa L) including all forms known as bhang sidhi or ganja;

(ii) charas, that is, the resin obtained form the Indian hemp plant, which has not been submitted to any mainipulations other than those necessary for packing and transport ;

(iii) any mixyure, with or without netural materials, of any of the above forms of intoxecating drug or any drink perpared thereform ; and

(iv) any other intoxicating or narcotic substance which the [State Government]¹ may, by notification, declare to be anintodexing drug, such substance not being opium, cocaleafe, or a manufactureddrug, as defined in section 2 of the Dangerous Drug Act, 1930.

(13) "Introxicant"- ["Introexicant"]² means any liquer or introxicating drug as defined by this Act ;

(14) [* * *]³

(15) [* * *]³

(16) "Sale" - Sale," with its grammatical variations includes any transfer otherwise than by way of gift ;

(17) "Import" - ["Import"(except in the frase "import into * * *⁴ India") means to bring into (Uttar Pradesh)⁵ otherwise than across a customs frontier as defined by the Central Government.]⁶

(18) "Export" - "Export" means to move from one place to another within (Uttar Pradesh)⁷

(19) "Manufacture" - "Manufacture" includes every process weather natural of artificial, by which any [intoxicant]² is procuded or perpared, and also redistillation and every process for the rectification, flavouring, blending or colouring of liqior;

[20-a) "Cultivation" - "Cultivation" with its grammatical variations means the raising of a plant from seed and includes the tending or protecting of a plant during its growth;]⁸

(21) "To bottle" - "To bottle" means to transfer form a cask or other vessel to a bottle or other process of rectification be employed or not; and bottling includes rebottling;

(22) "Place" - "Place" includes a house, building, shop, [room]¹ booth, tent and vessel;

[(22-a) "Exiciable article" - "Exiciable article" means -

(a) any alcoholic liquor for human consumption ; or

(b) any intoxicating drug;]²

(23) [* * *]³

4. Power of State Government to declare what is to be deemed "liquor"-

(1) The [State Government]⁴ may by notification declared any substance to be "liquor" for the purposes of this Act or any portion thereof.

(2) "Country liquor' and "foreign liquor"- The [State Government]⁴ may [* * *]⁵ in like manner and for the like purposes declare what shall be deemed to be "country liquor" and foreign liquor" respectively [* * *]⁶.

Proviso [* * *]³ (a)

(5) [* * *]³.

6. Power of State Government to declare limit of sale by retail - (1) The [State Government]⁴ may by notification declare, with respect either to the whole of [Uttar Pradesh]⁷ or to any local area comprised therein and as regards purchaders, generally or any specified class of purchasers, and generally or for any specified occasion, what quantity of any [intoxicant]⁸ shall, for the purposes of this Act, be the limit of sale by retail.

(2) "Sale by wholesale" - The sale of any [inoxicant]⁸ in any quantity in excess of such quantity as the [State Government]⁴ has under sub-section (1) declare to be the limit of sale by retail shall be deemed to be sale by wholesale.

7. Possession of intoxicant by wife, clerk or servant - When any [intoxicant]⁸ is in the possession of a person's wife, clerk or servant on account of that person, it shall, for the purpose of this Act, be deemed to be in the possession of that person.

Explanation - A person employed temporarily or on particular occasion in the capacity of a clerk or servant is a clerk or servant within the meaning of this section.

8. Saving of enactment - Save as provided by the schedule nothing contained in this Act shall affect the provisions of the Sea Customs Act, 1878, the [Cantonments Act, 1889]¹ or the [Indian Tariff Act, 1894]² or any rule of order made thereunder.