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PART III—Act of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1137-L.— 2nd August, 2012.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XVI of 2012

**THE BENGAL EXCISE (AMENDMENT)
ACT, 2012.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 2nd August, 2012.]

An Act to amend the Bengal Excise Act, 1909.

WHEREAS it is expedient to amend the Bengal Excise Act, 1909, for the purposes and in the manner hereinafter appearing;

Ben. Act
V of 1909.

It is hereby enacted in the Sixty-third Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the Bengal Excise (Amendment) Act, 2012.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify.

*The Bengal Excise (Amendment)
Act, 2012.*

(Sections 2-12.)

Amendment of section 15 of Ben. Act V of 1909.

2. After clause (d) of sub-section (1) of section 15 of the Bengal Excise Act, 1909 (hereinafter referred to as the principal Act), the following clause shall be inserted:—

“(e) regulate the manufacture, supply or storage of any intoxicant in the distillery, breweries or warehouses, as the case may be, on payment of such fee in cash equivalent to cost of officers and establishment, and in such manner, as may be prescribed.”.

Amendment of section 46.

3. In clause (e) of section 46 of the principal Act,—

- (1) for the words “one year”, the words “three years” shall be substituted;
- (2) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

Amendment of section 46A.

4. In section 46A of the principal Act, in clause (i), for the words “two years”, the words “three years” shall be substituted.

Insertion of new section after section 46A.

5. After section 46A of the principal Act, the following section shall be inserted:—

“Penalty for occurrence of death due to consumption of liquor.

46AA. Whosoever mixes or permits to mix with liquor or any intoxicating drug any substance which is likely to cause disability or death to human beings, shall be punishable with imprisonment for life, or imprisonment of either of description for a term which may extend to ten years and fine.”.

Amendment of section 47.

6. In section 47 of the principal Act, for the word, figures and letter “section 46A”, the words, figures and letters “sections 46A and 46AA” shall be substituted.

Amendment of section 48.

7. In section 48 of the principal Act, for the words “two years and to fine”, the words “five years and fine” shall be substituted.

Amendment of section 50.

8. In section 50 of the principal Act,—

- (1) for the words “one years”, the words “two years” shall be substituted;
- (2) for the words “two thousand”, the words “three thousand” shall be substituted.

Amendment of section 51.

9. In sub-section (1) of section 51 of the principal Act,—

- (1) for the words “six months”, the words “two years” shall be substituted;
- (2) for the words “two thousand rupees”, the words “ten thousand rupees” shall be substituted.

Amendment of section 52.

10. In section 52 of the principal Act, for the words “two years and to fine”, the words “three years and fine” shall be substituted.

Amendment of section 53.

11. In sub-section (1) of section 53 of the principal Act, for the words “three thousand”, the words “ten thousand” shall be substituted.

Amendment of section 54.

12. In section 54 of the principal Act, for the words “five thousand”, the words “twenty thousand” shall be substituted.

*The Bengal Excise (Amendment)
Act, 2012.*

(Sections 13-23.)

Amendment of
section 54A.

13. In section 54A of the principal Act,—

- (1) in clause (a), for the word, figures and letter “and 46A”, the word, figures and letters “ , 46A and 46AA” shall be substituted;
- (2) for the words “five thousand”, the words “ten thousand” shall be substituted.

Amendment of
section 56.

14. In section 56 of the principal Act, for the word, figures and letter “section 46A”, the words, figures and letters “section 46A, section 46AA” shall be substituted.

Amendment of
section 59.

15. In section 59 of the principal Act, for the words “liable to fine which may extend to five thousand rupees”, the words “liable to imprisonment which may extend to three years, or fine which may extend to ten thousand rupees, or both” shall be substituted.

Amendment of
section 65.

16. In clause (a) of sub-section (1) of section 65 of the principal Act,—

- (1) for the words, figures, letter and brackets “clause (ii) of section 46A”, the words, figures and letters “section 46A, section 46AA” shall be substituted;
- (2) for the words “fifty thousand”, the words “three lakh” shall be substituted.

Amendment of
section 67.

17. In section 67 of the principal Act, in clause (I) for the word, figures and letter “section 46A”, the words, figures and letters “section 46A, section 46AA” shall be substituted.

Amendment of
section 68.

18. In section 68 of the principal Act, for the word, figures and letter “section 46A”, the words, figures and letters “section 46A, section 46AA” shall be substituted.

Amendment of
section 69.

19. In section 69 of the principal Act, for the word, figures and letter “section 46A”, the words, figures and letters “section 46A, section 46AA” shall be substituted.

Amendment of
section 70.

20. In section 70 of the principal Act, for the word, figures and letter “section 46A”, the words, figures and letters “section 46A, section 46AA” shall be substituted.

Amendment of
section 74.

21. In section 74 of the principal Act, in clause (b) of sub-section (i), for the word, figures and letter “section 46A”, the words, figures and letters “section 46A, section 46AA” shall be substituted.

Amendment of
section 75.

22. In section 75 of the principal Act,—

- (1) in sub-section (1), for the words, figures, letter and brackets “clause (ii) of section 46A”, the words, figures and letters “section 46A, section 46AA” shall be substituted;
- (2) in sub-section (5), for the words, figures, letter and brackets “clause (ii) of section 46A”, the word, figures and letter “section 46A” shall be substituted.

Amendment of
section 83.

23. In section 83 of the principal Act, for the word, figures and letter “section 46A”, the words, figures and letters “section 46A, section 46AA” shall be substituted.

*The Bengal Excise (Amendment)
Act, 2012.*

(Section 24.)

Amendment of
section 86.

24. After clause (14) of section 86 of the principal Act, the following clause shall be inserted:—

“(15) for making provisions in respect of the fixation and the manner of payment of fee for regulating the manufacture, supply or storage as mentioned in clause (e) of section 15 of this Act.”.

By order of the Governor,

MALAY MARUT BANERJEE,
*Secy. to the Govt. of West Bengal,
Law Department.*