



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

मंगळवार, जुलै ४, २००६/आषाढ १३, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Prohibition (Amendment) Bill, 2006 (L. A. Bill No. LXVII of 2006), introduced in the Legislative Assembly on the 3rd July 2006, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. LXVII OF 2006.

A BILL

further to amend the Bombay Prohibition Act, 1949.

Bom. XXV of 1949. WHEREAS it is expedient further to amend the Bombay Prohibition Act, 1949, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Prohibition (Amendment) Act, 2006.

Short title and commencement.

(४०६)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section
2 of Bom.
XXV of
1949.

2. In section 2 of the Bombay Prohibition Act, 1949, for clause (28), the following clause shall be substituted, namely:—

Bom
XXV
of
1949.

“(28) “ molasses ” means the heavy, dark coloured viscous liquid produced during the manufacture of *gur* or sugar containing in solution or suspension, sugars which can be fermented, and includes the solid form of such liquid and also any product formed by the addition to such liquid or solid of any ingredient which does not substantially alter the character of such liquid or solid; and shall also include substances containing sugars obtained from sugarcane known as black coloured *gur* and residual substances obtained from *khandsari* known as third sugar or raskat or sayar and irrespective of its colour rotten *gur* or rotten rab which conform to the following analytical standards on dry weight basis,—

(i) total sugars (expressed as invert sugar) less than 85 per cent. and sucrose less than 57 per cent.; or

(ii) extraneous matter insoluble in water more than 2 per cent.; or

(iii) total ash more than 6 per cent.; or

(iv) ash insoluble in Hydrochloric acid (HCL) more than 0.5 per cent.; or

(v) more than 10 per cent. of moisture;

but does not include any article which the State Government may, by notification in the *Official Gazette*, declare not to be molasses, for the purposes of this Act;”.

STATEMENT OF OBJECTS AND REASONS.

The definition of the term "molasses" contained in clause (28) of section 2 of the Bombay Prohibition Act, 1949 was modified by Maharashtra Amendment Act XXXV of 2000 in order to control the use of black *gur* for illicit distillation. As a result of this, the traders dealing in black *gur* are required to obtain licenses from the Excise Department for stocking, transporting and selling the said commodity. However, many jaggery producer farmers and the traders had represented their grievances to the State Government and requested to modify the definition of "molasses" so as to exclude farmer and trader dealing in jaggery as food item, considering the definition of edible jaggery contained in the Prevention of Food Adulteration Rules, 1955 and definition of non-edible jaggery contained in the *Gur* (Regulation of Use) Order, 1968 issued under the Essential Commodities Act, 1955. Accordingly, the State Government had constituted an Expert Committee to examine the definitions of the jaggery as defined in various laws and also to consider the grievances of the jaggery producer farmers and the traders. The Committee has suggested certain modifications in the definition of the term "molasses" contained in the Bombay Prohibition Act, 1949, so as to avoid criminal implication of *bona fide* jaggery producer farmers and traders of edible jaggery under the said State Act. The Committee has also ensured that while redefining the "black jaggery" as molasses which is used mainly for illicit distillation does not get exemption under the said Act.

2. The Government has considered the report of the Committee and decided to modify the said definition of "molasses" as recommended by the Committee.

3. The Bill is intended to achieve the above objectives.

Mumbai,
Dated the 27th June 2006.

GANESH NAIK,
Minister for State Excise.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative powers, namely :—

Clause 1(2).—Under this clause, power is taken to the State Government to bring this Act into force by notification in the *Official Gazette* on such date as the State Government may appoint.

Clause 2.—Under this clause which seeks to substitute clause (28) of section 2 of the Bombay Prohibition Act, 1949, the power is taken to the State Government to declare, by notification in the *Official Gazette*, any article, not be molasses for the purposes of the said Act.

2. The above proposals for delegation of legislative powers are of a normal character.