



The Tamil Nadu Prohibition Act, 1937

Act 10 of 1937

Keyword(s):

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THE TAMIL NADU PROHIBITION ACT, 1937.

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SCHEDULE II.

¹ (TAMIL NADU) ACT No. X OF 1937².[THE ¹(TAMIL NADU) PROHIBITION ACT, 1937.]

(Received the assent of the Governor on the 1st October 1937; first published in the Fort St. George Gazette of the 1st October 1937.)

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see Part IV of the *Fort St. George Gazette* (Extraordinary), dated the 17th September 1937, pages 24-25; for proceedings in Assembly, see *Madras Legislative Assembly Debates*, dated the 25th September 1937, No. 11 of Volume III, pages 849-865; for Report of the Select Committee, see *ibid*, dated the 27th September 1937, No. 12 of Volume III, pages 934-959 and for proceedings in Assembly, see *ibid*, pages 910-925; for proceedings in Council, see *Madras Legislative Council Debates*, dated the 28th September 1937, No. 8 of Volume II, pages 310-328 and 336-357 and *ibid*, dated the 29th September 1937, No. 9 of Volume II, pages 368-428.

This Act was extended to the merged State of Pudukkottai with modifications by section 10 of the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957) repealing the corresponding law in force in that territory.

By virtue of the Tamil Nadu Prohibition (Supplementary) Act, 1941 (Tamil Nadu Act XI of 1941), the provisions of the Tamil Nadu Prohibition Act, 1937, in regard to intoxicating drugs shall apply to every intoxicating drug as therein defined although such drug may be a dangerous drug.

So much of this Act as was in force on the date of the commencement of the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964) in the State of Madras except in the added territories was extended to the added territories by section 3 of, and the First Schedule to, that Act.

The operation of this Act was deemed to have been suspended on the 30th August 1971, in so far as it related to matters in respect of which the State Legislature had exclusive power to make laws under Article 246 (3) of the Constitution by section 2 of the Tamil Nadu Prohibition (Suspension of Operation) Act, 1971 (Tamil Nadu Act 33 of 1971). The provisions of Tamil Nadu Act X of 1937 [except sections 4 (1) (j), in so far as it related to consumption of toddy, and 4-A] were, in so far as they related to toddy, revived with effect on and from the 1st September 1973 by section 3 of the Tamil Nadu Prohibition (Suspension of Operation) Amendment Act, 1973 (Tamil Nadu Act 37 of 1973). Again, with effect on and from the 1st September 1974 the whole of the Prohibition Act, to the extent to which the operation of the said Act was suspended by Tamil Nadu Act 33 of 1971, was revived by section 3 of the Tamil Nadu Prohibition (Revival of Operation and Amendment) Act, 1974 (Tamil Nadu Act 34 of 1974) without prejudice to the revival of the provisions of Tamil Nadu Act X of 1937 in respect of toddy by Tamil Nadu Act 37 of 1973.

An Act to introduce and extend the prohibition of the manufacture, sale and consumption of intoxicating liquors and drugs in the ¹[State of Tamil Nadu].

WHEREAS it is expedient as early as possible to bring about the prohibition, except for medicinal, scientific, industrial or such like purposes, of the production, manufacture, possession, export, import, transport, purchase, sale and consumption of intoxicating liquors and drugs in the ¹[State of Tamil Nadu];

AND WHEREAS it is desirable to give effect to the abovementioned policy by introducing it in certain selected areas in the ²[said State] and utilizing the experience gained therein for extending it to the other areas thereof ;

It is hereby enacted as follows :—

CHAPTER I

Preliminary.

1. (1) This Act may be called the ³[Tamil Nadu] Prohibition Act, 1937. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the ⁴[State of Tamil Nadu].

(3) (a) This section and sections 3 and 6 shall come into force in the whole of the ⁴[State of Tamil Nadu] at once.

¹ This expression was substituted for the expression "Province of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

² These words were substituted for the words "said Province" by paragraph 4 of, and the Schedule to, *ibid.*

³ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁴ This expression was substituted for the expression "State of Madras" by *ibid.*

(b) The rest of this Act shall come into force—

(i) in the district of Salem, at once ; and

(ii) in any other local area in the ¹[State of Tamil Nadu] on such date as the ²[State] Government may, by notification, appoint.

Repeals.

2. From the date on which the provisions of this Act other than sections 1, 3 and 6 come into force in any local area, the enactments mentioned in ³[Schedule I] shall cease to be in force in such area to the extent specified in the fourth column thereof :

Provided that the ⁴[State] Government may, by notification, declare that the provisions of this Act other than sections 1, 3 and 6 shall cease to be in force in any local area on such dates as may be specified in the notification and thereupon the enactments mentioned in ⁵[Schedule I] with any subsequent statutory modifications thereof shall revive and come into force in such area with effect on and from such date.

⁶[Explanation.—For the removal of doubts, it is hereby declared that if a notification is issued in pursuance of the foregoing proviso, in respect of any area which formerly formed part of the State of Pudukkottai, ⁷[] the enactments mentioned in ⁸[Schedule I] with any subsequent statutory modifications thereof shall come into force in such area with effect on and from such date as may be specified in the notification.]

¹ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ This word and figure were substituted for the words "the Schedule" by the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958), section 2.

⁴ This Explanation was added by section 10 (3) of the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949), which came into force on the 1st January 1950.

⁵ The words "Bangalore or Sandur" were omitted by the Madras Adaptation of Laws Order, 1954.

3. In this Act, unless there is something repugnant in the subject or context—

(1) "bottle" means to transfer liquor from a cask or other vessel to a bottle, jar, flask or pot or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling ;

(2) "buy" or "buying" includes any receipt including gift ;

(3) "Collector" means a Collector of revenue or any person appointed under clause (b) of section 25 to exercise all or any of the powers or to perform all or any of the duties of a Collector under this Act ;

(4) "Commissioner" means the officer appointed under clause (a) of section 25 ;

(5) "cultivation" includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed ;

(6) "export" means—

(a) to take out of any local area to which this Act applies to any other local area in the [State of Tamil Nadu] to which this Act has not been extended, or

(b) to take out of the [State of Tamil Nadu] otherwise than across a customs frontier as defined by the Central Government ;

(7) "import" means—

(a) to bring into any local area to which this Act applies from any other local area in the [State of Tamil Nadu] to which this Act has not been extended, or

(b) to bring into the [State of Tamil Nadu], otherwise than across a customs frontier as defined by the Central Government ;

¹ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

"intoxicating drug".

(8) "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 *bhanga*, *siddhi* or *ganja* ;

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

(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug, or any drink prepared therefrom ; and

(iv) any other intoxicating or narcotic substance which the ¹[State] Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930. Central Act II of 1930.

(9) "liquor" includes toddy, ²[arrack], spirits of wine, ³[denatured spirits], spirits, wine, beer and all liquid consisting of or containing alcohol ;

[⁴Explanation.—"Denatured" means subjected to a process prescribed by the State Government by notification for the purpose of rendering unfit for human consumption.]

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² This word was inserted by section 3 (a) (i) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

³ These words were substituted for the words "metholated spirit" by section 3 (a) (ii) *ibid.*

⁴ This explanation was added by section 3 (a) (iii) *ibid.*

(10) "local body" means the Corporation of "local body."
 Madras, any municipality constituted under the
¹[Tamil Nadu] District Municipalities Act, 1920, or
 any local board * constituted under the ¹[Tamil Nadu]
 Local Boards Act, 1920†;

(11) "manufacture" includes every process, "manufac-
 whether natural or artificial, by which any fermented, ture".
 spirituous, or intoxicating liquor or intoxicating drug
 is produced, prepared or blended, and also re-distillation
 and every process for the rectification of liquor ;

¹[(11-A) 'molasses' means the heavy dark
 coloured residual syrup drained away in the final
 stage of the manufacture of gur or sugar containing,
 in solution or suspension, sugars which can be fermented
 and includes any product formed by the addition
 to such syrup of any ingredient which does not sub-
 stantially alter the character of such syrup ; but
 does not include any article which the State Govern-
 ment may, by notification, declare not to be molasses,
 for the purposes of this Act ;

(11-B) 'neera or padani' means juice drawn
 from a coconut, palmyra, date or any other kind of
 palm tree into receptacles treated so as to prevent
 any fermentation and not fermented ;]

(12) "place" includes also a house, shed, en-
 closure, building, shop, tent and vessel ; "place".

¹ These words were substituted for the word "Madras" by the
 Tamil Nadu Adaptation of Laws Order, 1969, as amended by the
 Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² These clauses were inserted by section 3(b) of the Tamil Nadu
 Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

* Now the district board, panchayat union council and panchayat.

† Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu
 Act XIV of 1920), the Tamil Nadu Village Panchayats Act, 1950
 (Tamil Nadu Act X of 1950) and the Tamil Nadu Panchayats Act,
 1958 (Tamil Nadu Act XXXV of 1958).

"police station"

(13) "police station" includes any place which the ¹[State] Government may, by notification, declare to be a police station for the purposes of this Act ;

"Prohibition Officer"

(14) "Prohibition Officer" means the Commissioner, a Collector, or any officer or other person lawfully appointed or invested with powers under section 25 ;

"rectification"

(15) "rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith ;

"sale" or "selling"

(16) "sale" or "selling" includes any transfer including gift ;

"spirits"

²[(17) "spirits" means any alcohol and includes any liquor containing alcohol and obtained by distillation, whether such liquor is denatured or not ;

Explanation. — "Denatured" means subjected to a process prescribed by the State Government by notification for the purpose of rendering unfit for human consumption.]

³[]

"toddy"

(19) "toddy" means the fermented or unfermented juice drawn from a coconut, palmyra, date, or any other kind of palm tree ; ⁴[]

"transport"

(20) "transport" means to move from one place to another within any local area to which this Act applies ⁵[] ; and

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² This clause was substituted for the original clause (17) by section 3(c) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

³ Clause (18) was omitted by section 3(d), *ibid.*

⁴ The word "and" was omitted by section 2(i) of the Madras Prohibition (Second Amendment) Act, 1938 (Madras Act XVII of 1938).

⁵ This was added by section 2(ii), *ibid.*

(21) any references to a permit generally or to a permit granted under section 18, 19 or 20 shall be construed as including a reference to an ' Authority ' issued under section 16-A].

CHAPTER II

Prohibitions and Penalties.

[4. (1) Whoever—

(a) imports, exports, transports or possesses liquor or any intoxicating drug; or

(b) manufactures liquor or any intoxicating drug; or

(c) except in accordance with the rules made by the State Government in that behalf, cultivates the hemp plant (*Cannabis sativa*); or collects any portion of such plant from which an intoxicating drug can be manufactured; or

(d) taps any toddy-producing tree or permits or suffers to be tapped any toddy-producing tree belonging to him or in his possession; or

(e) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession; or

(f) constructs or works any distillery or brewery; or

(g) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or keeps or has in his possession any materials which have undergone any process towards the manufacture of liquor or any intoxicating drug or from which any liquor or intoxicating drug has been manufactured; or

(h) bottles any liquor for purposes of sale; or

Prohibition of the manufacture of, traffic in, and consumption of, liquor and intoxicating drugs.

¹ This section was substituted for the original section 4 by section 4 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

(i) sells liquor or any intoxicating drug ; or

(j) consumes or buys liquor or any intoxicating drug ; or

(k) allows any of the acts aforesaid upon premises in his immediate possession, shall be punished—

(i) in the case of an offence falling under clause (b), clause (f), clause (g), clause (h) or clause (i), or an offence falling under clause (k) in so far as it relates to an act specified in any of the clauses aforesaid, with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees, in the case of an offence falling under clause (b), clause (f), clause (h) or clause (i) or an offence falling under clause (k) in so far as it relates to an act specified in any of the clauses aforesaid;

(ii) in any other case with imprisonment for a term which may extend to one year and with fine which may extend to two thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees, in the case of the offence of import, export or transport of liquor or any intoxicating drug falling under clause (a) :

Provided that nothing contained in this subsection shall apply—

(i) to any act done under, and in accordance with, the provisions of this Act or the terms of any rule, notification, order, licence or permit issued thereunder ; or

(ii) to the possession, sale, purchase, use or consumption of duty-paid medicinal or toilet preparations for their *bona fide* medicinal or toilet purposes.

(2) It shall be presumed until the contrary is shown—

(a) that a person accused of any offence under clauses (a) to (j) of sub-section (1) has committed such offence in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug or any materials which have undergone any process towards the manufacture of liquor or any intoxicating drug or from which any liquor or intoxicating drug has been manufactured, for the possession of which he is unable to account satisfactorily, and

(b) that a person accused of any offence under clause (k) of sub-section (1) has committed such offence if an offence is proved to have been committed in premises in his immediate possession in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug or any materials which have undergone any process towards the manufacture of liquor or any intoxicating drug or from which any liquor or intoxicating drug has been manufactured.]

¹[4-A. Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.]

Punishment
for being
found in
a state of
intoxication.

¹ This section was inserted by section 2 of the Madras Prohibition (Amendment) Act, 1947 (Madras Act XXI of 1947).

Punishment for rendering or attempting to render denatured spirits fit for human consumption.

5. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in ¹[. . .] India or not, which has been denatured ²[or any preparation containing such spirit] or has, in his possession, any spirit ³[or preparation containing spirit] in respect of which he knows or has reason to believe that any such attempt has been made shall be punished ⁴[with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court—

(i) such imprisonment shall not be less than six months and such fine shall not be less than seven hundred and fifty rupees for a first offence ;

(ii) such imprisonment shall not be less than nine months and such fine shall not be less than one thousand rupees for a second offence ; and

(iii) such imprisonment shall not be less than one year and such fine shall not be less than one thousand five hundred rupees for a third and subsequent offences.]

For the purpose of this section it shall be presumed, until the contrary is proved, that any spirit ³[or preparation containing spirit] which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is, or contains or has been, derived from, denatured spirit.

¹ The word " British " was omitted by the Adaptation (Amendment) Order of 1950.

² These words were inserted by section 2 (i) of the Madras Prohibition (Amendment) Act, 1950 (Madras Act XXXI of 1950).

³ These words were inserted by section 2 (ii), *ibid.*

⁴ The portion within square brackets was substituted for the words " with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both " by section 5 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

6. Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter ^{Prohibition of advertisement.} 1[. . .], soliciting the use of, or offering any liquor or intoxicating drug other than liquor or drugs exempted under section 16, 2[. . .] shall be punished 3[with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both] :

Provided that this section shall not apply—

(a) to plain catalogues and price lists which may be generally or specially approved by the Commissioner ; or

4[(b) to advertisements in medical journals, or to notices and literature circulated exclusively to members of the medical profession, if such advertisements, notices or literature relate to any liquor or intoxicating drug which has been specially approved as of medicinal value—

(i) by the Medical Council established by the 5[Tamil Nadu] Medical Registration Act, 1914 ; or

6[Tamil Nadu] Act IV of 1914.

¹ The word "commending" was omitted by section 6 (a) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

² The words and figures "or specially approved as of medicinal value by the Medical Council established by the Madras Medical Registration Act, 1914" were omitted by section 2 (i) of the Madras Prohibition (Amendment) Act, 1938 (Madras Act X of 1938).

³ These words were substituted for the words "with fine which may extend to one thousand rupees" by section 6 (b) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

⁴ Clauses (b) and (c) were relettered as clauses (c) and (d) respectively, and clause (b) was inserted by section 2 (ii) of the Madras Prohibition (Amendment) Act, 1938 (Madras Act X of 1938).

⁵ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(ii) by any other Medical Council which has been established under any law for the time being in force ¹[in any other State], or which has been recognized by the Government of such ²[. . . .] State ; or

(iii) by such authority in respect of Indian Medicine as may be notified by the ³[State] Government ; or]

⁴[(c)] to the normal circulation within the ⁵[State] of newspapers, periodicals and books printed and published in accordance with law outside the ⁶[State] ; or

⁷[(d)] to any advertisement contained in a newspaper printed and published in the ⁸[State] before the first day of January 1938.

⁷[6-A. (1) Except as otherwise provided in subsections (2) and (3) no person shall import, export, transport, sell or have in his possession any quantity of molasses.

(2) The State Government may, by general or special order, authorise any officer to grant licences for the import, export, sale or possession of molasses.

(3) The State Government may also authorise any officer to grant permits for the transport of molasses.]

¹ These words were substituted for the words "in any other Province in British India or in any Indian State" by the Adaptation (Amendment) Order of 1950.

² The words "Province or" were omitted by *ibid.*

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ Clauses (b) and (c) were relettered as clauses (c) and (d) respectively and clause (d) was inserted by section 2 (ii) of the Madras Prohibition (Amendment) Act, 1938 (Madras Act X of 1938).

⁵ This word was substituted for the word "Province" by *ibid.*

⁶ This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

⁷ This section was inserted by section 7 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

7. When two or more persons agree—

Punishment
for conspiracy

(a) to commit or cause to be committed any offence under sub-section (1) of section 4 or under section 5, or

(b) to evade or nullify the provisions of this Act in any area where it is in force,

each of such persons shall, notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof or that the agreement was made or the operations thereunder took place in an area to which this Act has not been extended, be punished with imprisonment which may extend to three years or with fine which may extend to five thousand rupees or with both.

8. Any officer or person exercising powers under this Act, who—

Punishment
for vexatious
search or arrest

(a) without reasonable ground of suspicion, enters or searches or causes to be searched, any closed place ; or

(b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act ; or

(c) vexatiously and unnecessarily detains, searches or arrests any person ; or

(d) maliciously and falsely lays information leading to a search, seizure, detention or arrest ; or

(e) in any other way maliciously exceeds his lawful powers,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

9. Any officer or person exercising powers under this Act, who vexatiously and unnecessarily delays forwarding to a Prohibition Officer or to the officer in charge of the nearest police station as required

Punishment for
vexatious delay

by section 38, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

10. Any officer or person exercising powers under this Act who—

(a) unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, or

(b) acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, and any other officer of the ¹(State) Government or of a local body who abets the commission of any offence against this Act,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

11. Whoever is guilty of any wilful act or intentional omission in contravention of any of the provisions of this Act or of any rule, notification or order made thereunder and not otherwise provided for in this Act, shall be punished ²[with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both].

12. Where any offence against this Act is committed in any area to which it has been extended, whoever commits, or attempts to commit, or abets the commission of, any of the acts making up the offence shall be liable to be punished therefor, whether such commission, attempt or abetment takes place within or outside such area.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "with fine which may extend to two hundred rupees" by section 8 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

13. In any case in which an offence has been committed against this Act, the liquor, drug, material, still, utensil, implement, or apparatus in respect or by means of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same. Things liable to
confiscation.

14. (1) When the offender is convicted or when the person charged with an offence against this Act is acquitted, but the Court decides that anything is liable to confiscation, such confiscation may be ordered by the Court. Confiscation
how ordered.

¹[(2) Where during the trial of a case for an offence against this Act, the Court decides that anything is liable to confiscation under sub-section (1), the Court may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order the confiscation :

Provided that no animal, vessel, cart or other vehicle shall be confiscated, if the owner thereof satisfies the Court that he had exercised due care in preventing the commission of the offence.]

²[(3)] When an offence against this Act has been committed but the offender is not known, or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Collector or other Prohibition Officer in charge of the district

¹ The original sub-section (2) of section 14 was renumbered as sub-section (3) of that section and this sub-section (2) was inserted by section 9 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

or by any other officer authorized by the ¹(State) Government in that behalf, who may order such confiscation :

Provided that no such order shall be made until the expiration of fifteen days from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any, which they produce in support of their claims.

Offences under Act to be cognizable.

15. All offences under this Act shall be cognizable and the provisions of the Code of Criminal Procedure, 1898², with respect to cognizable offences shall apply to them. Central Act V of 1898.

Summary trial of certain offences.

³[15-A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898² (Central Act V of 1898), the State Government may confer on—

(i) any Magistrate of the first class⁴, or

(ii) any Magistrate of the second class⁴ who has exercised the powers of such Magistrate for not less than one year, or

(iii) any Special Magistrate appointed under ⁵section 14 of the said Code, upon whom the powers conferred by ⁶section 32 of the said Code on a Magistrate of the first class⁴ have been conferred, or

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

³ Sections 15-A to 15-C were inserted by section 10 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

⁴ According to clauses (a) and (b) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), when it came into force on the 1st April 1974, any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Magistrate of the second class shall be construed as a reference to a Judicial Magistrate of the second class.

⁵ Now section 13 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

⁶ Now section 29 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(iv) any Special Magistrate appointed under ¹section 14 of the said Code upon whom the powers conferred by ²section 32 of the said Code on a Magistrate of the second class³ have been conferred and who has exercised those powers for not less than one year,

power to try summarily in accordance with the provisions contained in ⁴sections 262 to 265 of the said Code, all or any of the offences which are punishable under this Act with imprisonment for a period not exceeding six months, or with fine, or with both, but as a result of such trial no sentence except a sentence of fine shall be imposed.

⁵ 15-B. Notwithstanding anything contained in ²section 32 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), it shall be lawful for the Magistrates specified in column (1) of the Table below to exercise the powers specified in the corresponding entry in column (2) thereof, in respect of offences punishable under this Act. Enhanced jurisdiction of Magistrates and Special Magistrates.

¹ Now section 13 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

² Now section 29 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

³ According to clause (b) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a Magistrate of the second class shall be construed as a reference to a Judicial Magistrate of the second class.

⁴ Now sections 262 to 265 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

⁵ Sections 15-A to 15-C were inserted by section 10 of the Tamil Nadu Prohibition (Amendment) Act, 1968 (Tamil Nadu Act VIII of 1968).

TABLE.

(1)	(2)
Magistrates of the first class ² or Special Magistrates appointed under ³ section 14 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), upon whom the powers conferred by ³ section 32 of the said Code on a Magistrate of the first class ¹ have been conferred.	Fine exceeding two thousand rupees but not exceeding five thousand rupees.
Magistrates of the second class ¹ or Special Magistrates appointed under ³ section 14 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), upon whom the powers conferred by ³ section 32 of the said Code on a Magistrate of the second class ¹ have been conferred.	Imprisonment for a term not exceeding one year. Fine not exceeding one thousand rupees.

Certain offences to be non-bailable.

⁴15-C. The offences specified in sub-section (2) shall be non-bailable and the provisions of the Code of Criminal Procedure, 1898* (Central Act V of 1898), with respect to non-bailable offences shall apply to those offences.

¹ According to clauses (a) and (b) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Magistrate of the second class shall be construed as a reference to a Judicial Magistrate of the second class.

² Now section 13 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

³ Now section 29 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

⁴ Sections 15-A to 15-C were inserted by section 10 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

* See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) The offences referred to in sub-section (1) are —

(a) offences of import, export or transport of liquor or any intoxicating drug under clause (a) of section 4 (1) and offences under clauses (b), (f), (h) and (i) of section 4 (1) and under clause (k) of that section in so far as it relates to an Act specified in any of those clauses; and

(b) offences under section 5.

(3) Nothing contained in sections 27, 28, 29, 32, 38 and 39 shall be construed as enabling a person to be admitted to bail if the offence alleged to have been committed by such person is one referred to in sub-section (2).

CHAPTER III.

Exemptions and Licences.

16. (1) The ¹(State) Government may, by notification and subject to such conditions as they think fit, exempt any specified liquor or intoxicating drug or article containing such liquor or drug from the observance of all or any of the provisions of this Act on the ground that such liquor, drug or article is required for a medicinal, scientific, industrial or such like purpose.

Power to
notify
exemptions.

(2) When issuing a notification under sub-section (1), the ¹(State) Government shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

Authorities
of bona fide
religious
purposes.

¹[16-A. The ²(State) Government shall make suitable provision for issuing 'Authorities' to persons and institutions for the possession and use of such liquor as may be required by them for any *bona fide* religious purpose in accordance with ancient custom, under such terms and conditions, and penalties for infringement, as may be prescribed.]

Exemption
of bona fide
travellers
and lawful
consign-
ments.

17. Until the ²(State) Government by notification otherwise direct, the provisions of this Act shall not be deemed to apply—

(a) to liquor in the possession of *bona fide* travellers for their own personal use while passing through any local area in which this Act is in force ; or

(b) to lawful consignments of liquor or intoxicating drugs carried ³(. . .) through or into any such local area.

Exemption
of members
of armed
forces, etc.

⁴[17-A. (1) The ²(State) Government may, by notification and subject to such conditions as they think fit, exempt members of the armed forces of the 'Union) or of any other armed forces raised or maintained by the 'Union) or attached to or operating with any of its armed forces, and the members of the medical or other staff attached to any of the armed forces aforesaid, from all or any of the provisions of this Act.

¹ This section was inserted by section 3 of the Madras Prohibition (Second Amendment) Act, 1938 (Madras Act XVII of 1938).

² This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

³ The words " by a railway administration " were omitted by section 2 of the Madras Prohibition (Amendment) Act, 1948 (Madras Act XII of 1948). This amendment should be deemed to have come into force on the 2nd day of August 1947.

⁴ This section was inserted by section 2 (1) of the Madras Prohibition (Amendment) Act, 1949 (Madras Act XXVI of 1949); and the original section 17-A inserted earlier by the Madras Prohibition (Amendment) Act, 1948 (Madras Act XII of 1948) was omitted by section 2 (2) of the former Act.

⁵ This word was substituted for the words " Dominion of India " by the Adaptation (Amendment) Order of 1950.

⁶ This word was substituted for the word " Dominion " by *ibid.*

(2) When issuing a notification under sub-section (1), the ¹(State) Government shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.]

²[17-B. The State Government or subject to their control, the Collector may issue licence to any person or any institution whether under the management of Government or not, for the manufacture of liquor for human consumption for purposes of export, for the export of such liquor and for the purposes permitted under this Act.]

18. The ¹(State) Government or subject to the control of the ¹(State) Government, the Collector, may issue licences to any person or in respect of any institution whether under the management of Government or not, for the manufacture, export, import, transport, sale or possession of any liquor, intoxicating drug or article containing such liquor or drug, on the ground that such liquor, drug or article is required by such person or in respect of such institution for a *bona fide* medicinal, scientific, industrial or such like purpose.

³[18-A. (1) An excise duty or countervailing duty of such amount as the ¹(State) Government may, by notification in the *Fort St. George Gazette*, specify from time to time shall, if they so direct, be levied on all liquors and intoxicating drugs permitted to be imported, exported, transported, manufactured, issued from any manufactory or institution or sold, under the provisions of this Act or any rule, notification, licence or permit issued thereunder.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² This section was inserted by section 2 of the Tamil Nadu Prohibition (Amendment) Act, 1970 (Tamil Nadu Act 33 of 1970).

³ This section was inserted by section 2 of the Madras Prohibition (Second Amendment) Act, 1948 (Madras Act XIX of 1948).

(2) Such duty may be levied in any one or more of the ways prescribed in the rules made under this Act.

(3) Nothing in this section shall authorize the levy of any duty which, as between goods manufactured or produced in the ¹(State) and similar goods not so manufactured or produced, discriminates in favour of the former or which, in the case of goods manufactured or produced outside the ¹(State), discriminates between goods manufactured or produced in one locality, and similar goods manufactured or produced in another locality.]

Licences for tapping for sweet toddy, etc.

19. Subject to the control of the ¹(State) Government, the Collector or any officer empowered by him may issue—

(a) licences for the tapping of any trees for ²[neera or padani] for consumption thereof without fermentation or for the manufacture of jaggery therefrom, or

(b) permits for the possession, transport or sale of such ³[neera or padani].

Permits and licences.

20. The ¹(State) Government or any officer empowered by them in this behalf may issue—

(a) permits authorizing any person to consume and possess for personal consumption any liquor or intoxicating drug ;

¹ This word was substituted for the word "Province" by the Adaptation Order of 1950.

This word was substituted for the word "Provincial" by *ibid.*

² These words were substituted for the words "sweet toddy" by section 11 (i) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

³ These words were substituted for the word "toddy" by section 11 (ii), *ibid.*

¹[(b)] licences to any institution to possess liquor and issue it to such of its members as hold permits under clause (a); ²[]

¹[(c)] licences to any person in charge of a restaurant car attached to a railway train to possess liquor and serve it to *bona fide* passengers travelling by the train;

³[(d)] licences to any person to possess liquor and issue it to persons or institutions who hold permits or licences under this Act or who have been exempted under this Act from so much of the provisions of section 4, sub-section (1), clause (a) or (j), as relates to the possession, consumption or buying of liquor.]

⁴ 20-A. Subject to the provisions of section 20-B, in considering an application for the grant of a licence or permit under this Act, the authority competent to grant such licence or permit, as the case may be, shall have regard to the following matters, namely :—

Matters to be taken into consideration by the licensing authority.

(a) the suitability of the applicant for the grant of licence or permit, as the case may be ;

(b) whether the applicant is a person who will abide by the provisions of this Act and the rules made thereunder ; and

(c) such other matters as may be prescribed.

¹ Clause (b) was omitted, and clauses (c) and (d) were relettered as clauses (b) and (c) respectively by section 4 of the Madras Prohibition (Second Amendment) Act, 1938 (Madras Act XVII of 1938).

² The word "and" was omitted by section 4 (i) of the Madras Prohibition (Amendment) Act, 1948 (Madras Act XII of 1948).

³ This clause was substituted by section 2 of the Madras Prohibition (Third Amendment) Act, 1949 (Madras Act XLVI of 1949), for clause (d) which was earlier added by section 4 (ii) of the Madras Prohibition (Amendment) Act, 1948 (Madras Act XII of 1948).

⁴ Sections 20-A and 20-B were inserted by section 2 of the Tamil Nadu Prohibition (Amendment) Act, 1974 (Tamil Nadu Act 1 of 1975) and were deemed to have come into force on the 16th October 1974.

Co-operative societies to be given preference.

20-B. Where any co-operative society registered or deemed to have been registered under any law in force for the time being, makes an application for the grant of a licence under clause (d) of section 20, the authority competent to grant such licence shall, in granting such licence, give preference to such co-operative society over every other applicant.

Form and conditions of licences and permits.

21. Every licence or permit granted under [sections 6-A, 17-B, 18, 19 or 20] shall—

(1) be granted on payment of such fees, if any, for such period, and subject to such restrictions and limitations and on such conditions, and

(2) be in such form and contain such particulars as the (State) Government may direct either generally or in any particular case.

Levy of sales tax on sales of foreign liquor to permit-holders.

[21-A. Every person or institution (not being an institution holding a permit under section 20, clause (b)) which sells foreign liquor—

(a) to any person holding a permit for the consumption of liquor under section 20, clause (a), or

(b) to any institution holding a permit for the supply of liquor to its members under section 20, clause (b),

shall collect from the purchaser and pay over to the Government at such intervals and in such manner as may be prescribed, ^aa sales tax calculated at

^a Sections 20-A and 20-B were inserted by section 2 of the Tamil Nadu Prohibition (Amendment) Act, 1974 (Tamil Nadu Act 1 of 1975) and were deemed to have come into force on the 16th October 1974.

^b These words, figures and letters were substituted for the words, figures and letter "sections 6-A, 18, 19 or 20" by section 3 of the Tamil Nadu Prohibition (Amendment) Act, 1970 (Tamil Nadu Act 33 of 1970), the word, figures and letter "sections 6-A, 18" having been earlier substituted for the word and figures "section 18" by section 12 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

^c This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

^d Section 21-A was inserted by section 2 of the Madras Prohibition (Amendment) Act, 1952 (Madras Act VI of 1952).

^e These words were substituted for the words "a sales tax calculated at the rate of fifty naye paise in the rupee" by section 2 of the Tamil Nadu Prohibition (Amendment) Act, 1967 (Tamil Nadu Act 4 of 1967).

the rate of seventy-five paise in the rupee], or at such other rate as may be notified by the Government from time to time, on the price of the liquor so sold.

Explanation.—In this section, 'foreign liquor' means wines, spirits and beer imported into India from foreign countries and dealt with under the Indian Tariff Act, 1934 (Central Act XXXII of 1934), or under any other law for the time being in force relating to the duties of customs on goods imported into India.]

22. Every person taking out any licence or permit under ¹[section 6-A, 17-B, 18, 19 or 20] may be required to execute a counterpart agreement in conformity with the tenor of his licence or permit, and to give such security for the performance of his agreement as the Collector may require.

Counterpart agreement to be executed by licensees.

23. (1) The Collector may cancel or suspend any such licence or permit—

Power to cancel or suspend licences and permits.

(a) if any fee payable by the holder thereof be not duly paid ; or

(b) in the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit ; or

(c) if the holder thereof is convicted of any offence against this Act, or of any cognizable and non-bailable offence ; or

¹ These words, figures and letters were substituted for the words, figures and letter "section 6-A, 18, 19 or 20" by section 4 of the Tamil Nadu Prohibition (Amendment) Act, 1970 (Tamil Nadu Act 33 of 1970), the word, figures and letter "section 6-A, 18" having been earlier substituted for the word and figures "section 18" by section 12 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

(d) if the conditions of such licence or permit provide for its cancellation or suspension at will; or

(e) if the purpose for which the licence or permit is granted ceases to exist.

¹ [(2) The State Government may cancel or suspend any such licence or permit for any of the aforesaid reasons.

(3) Before any licence or permit is cancelled or suspended under sub-section (1) or sub-section (2) the holder of the licence or permit shall be given an opportunity to state his objections within a reasonable time, not ordinarily exceeding fourteen days, and any representation made by him in this behalf shall be duly taken into consideration before final orders are passed.]

24. In the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit, such holder shall, in addition to the cancellation or suspension of the licence or permit granted to him, be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or both, unless he shall establish that all due and reasonable precautions were exercised by him to prevent any such breach.

Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence or permit, be liable to the same punishment.

¹ These sub-sections were substituted for the original sub-section (2) by section 13 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

Penalty for breach of the conditions of licences and permits.

[24-A. * * *]

¹ The following section 24-A which was added by section 4 of the Tamil Nadu Prohibition (Revival of Operation and Amendment) Act, 1974 (Tamil Nadu Act 34 of 1974) was omitted with effect on and from the 16th October 1974 by section 3 of the Tamil Nadu Prohibition (Amendment) Act, 1974 (Tamil Nadu Act 1 of 1975) :—

“24-A. *Privilege of selling by retail to be auctioned.*—(1) Notwithstanding anything contained in this Act, the State Government may, grant to any person or persons on such conditions and for such period as may be prescribed the exclusive or other privilege of selling by retail any liquor or article containing such liquor—

(a) to any person or institution to whom licences have been granted under section 18 on the ground that such liquor or article is required by such person or institution for *bona fide* medicinal, scientific, industrial or such like purposes ; or

(b) to persons to whom permits have been granted for possession and consumption of liquor on the ground that the health of such persons will be seriously and permanently affected if they are not permitted to consume liquor ;

(c) to any other person or institution who has been licensed or permitted for the possession and use of such liquor or other article ; or

(d) to persons who are exempted from the provisions of this Act ; or

(e) which is exempted from the provisions of this Act.

(2) Instead of, or in addition to, any duty leviable under this Act, the State Government may accept payment of a sum, in consideration of grant of any privilege under sub-section (1).

(3) The sum payable under sub-section (2) shall be determined as follows :—

(a) by auction or otherwise as the State Government may by general or special order, direct ; and

(b) by such authority and subject to such control as may be specified in such order.

(4) No grantee of any privilege under sub-section (1) shall exercise the same unless or until he has received a licence in that behalf from the District Collector or any other officer specially empowered by the State Government in this behalf.

(5) The provisions of this Chapter relating to licences shall, so far as may be, apply to any licence granted under sub-section (4)”.
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CHAPTER IV.

Establishment and Control.

Appoint-
ment of
officers and
withdrawal
of powers.

25. The ¹[State] Government may, from time to time, by notification—

(a) appoint an officer to exercise all the powers of a Collector under this Act in all local areas in which it is in force and to have the control of the administration of the provisions of this Act in such areas ;

(b) appoint any person other than the Collector of land revenue to exercise within a district all or any of the powers and to perform all or any of the duties of a Collector under this Act, either concurrently with or in exclusion of the Collector of land revenue, subject to such control as the ¹[State] Government may from time to time direct ;

(c) withdraw from the Commissioner or the Collector of land revenue any or all of the powers conferred on him by this Act ;

(d) appoint paid or honorary officers with such designations, powers and duties as the ¹[State] Government may think fit ;

(e) order that all or any of the powers and duties assigned to any person under clause (d) shall be exercised and performed by any existing Government official or any other person ; and

(f) delegate to any Prohibition Officer all or any of their powers under this Act.

Prohibition
Committees.

² [26. (1) The State Government may, for the whole of the ³[State of Tamil Nadu] and the Collector

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² This section was substituted for the original section 26 by section 14 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

of a district may, for such area in the district as the State Government may, by general or special order, determine in this behalf, constitute prohibition committees to assist them or him in carrying out the objects of this Act.

(2) Every member of a prohibition committee shall observe the working of this Act and report thereon and on every matter connected therewith at the prescribed intervals and at any other time he thinks fit, to the State Government in case he is a member of the prohibition committee constituted by the State Government, and to the Collector in case he is a member of the prohibition committee constituted by the Collector.

(3) Every member of a prohibition committee shall be entitled to give information at any police station regarding the commission or suspected commission of any offence against this Act in the area of the committee concerned, and the officer in charge of such station shall take action on such information and investigate the case in the manner laid down in the Code of Criminal Procedure, 1898* (Central Act V of 1898).]

27. The ¹[State] Government may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 32 throughout the ¹[State] or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the offence for which such person has been arrested, and may cancel or vary such notification.

Power of State Government to authorize officers to admit persons arrested to bail.

¹ This word was substituted for the word "Province" by the Adaptation Order of 1950.

* See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

CHAPTER V.

Powers, Duties and Procedure of Officers, etc.

28. If any Collector, Prohibition Officer or Magistrate upon information obtained and after such inquiry as he thinks necessary, has reason to believe that an offence under sub-section (1) of section 4 has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed. Any person who has been entrusted with the execution of such a warrant may obtain and search, and if he thinks proper, arrest any person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act :

Provided that every person arrested under this section shall be admitted to bail by the person arresting, if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer, as the case may be.

Before issuing such warrant, the Collector, Prohibition Officer or Magistrate shall examine the informant on oath and the examination shall be reduced into writing in a summary manner and be signed by the informant, and also by the Collector, Prohibition Officer or Magistrate.

29. Whenever a Collector, any Prohibition Officer not below such rank as the ¹[State] Government may determine, any Police Officer not below the rank of sub-inspector, any officer in charge of a police station, or any other paid or honorary officer authorized by the ¹[State] Government in this behalf has reason to believe that an offence under sub-section (1) of section 4 has been committed and that the delay occasioned by obtaining a search warrant under section 28 will prevent the execution thereof, he may,

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

Issue of
search
warrants.

owers of
try and
rch
hout
rrent.

after recording his reasons and the grounds of his belief, at any-time by day or night enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act:

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer, as the case may be.

¹[30. The Collector, any Prohibition Officer not below such rank as the State Government may determine, or any Police or other paid or honorary officer authorized by the State Government in this behalf, may enter and inspect, at any time by day or by night, any place in which it is reasonably suspected— Powers of entry and inspection.

(a) that any toddy is drawn, or the manufacture of any other liquor, or of any intoxicating drug is carried on, or

(b) that any liquor or intoxicating drug is kept for sale or stored, or

(c) that an offence under ²[. . .] section 5 has been, or is being, committed;

and may examine, test, measure or weigh any material, still, utensil, implement, apparatus, liquor or intoxicating drug found in such place.]

31. If any officer empowered to make an entry under section 28, 29 or 30 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place. Power to use force in case of resistance to entry.

¹ This section was substituted for original section 30 by section 2 (1) of the Madras Prohibition (Amendment) Act, 1951 (Madras Act XXXI of 1951).

² The words, figure and letter "section 4-A of" were omitted by section 15 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

Arrest of offenders and seizure of contra-band liquor and articles without warrant.

32. Any Prohibition Officer, any officer of the Police or Land Revenue departments, and any other person authorized in that behalf—

(a) may arrest without warrant any person found committing an offence punishable ¹[under section 4, sub-section (1), ²() or section 5];

(b) may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Act; and

(c) may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom or in or upon which, he may have reasonable cause to suspect any such liquor, drug or other article to be, or to be concealed:

Provided that if the officer or person making the arrest under this section be not empowered under section 27 to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered, if such an officer is known to be within a distance of five miles from the place where such arrest took place. And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the case.

³[Provided further that where any toddy or wash or any sonti soru is seized under this section by any officer or person, such officer or person may destroy or cause to be destroyed on the spot, the toddy, wash or sonti soru and send the pots or other receptacles in which the toddy, wash or sonti soru was kept to the Police or Prohibition Officer or Magistrate having

¹ This expression was substituted for the words, brackets and figures "under sub-section (1) of section 4" by section 2 (ii) of the Madras Prohibition (Amendment) Act, 1951 (Madras Act XXXI of 1951).

² The word, figure and letter "section 4-A" were omitted by section 16 (i) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

³ This proviso and Explanation were added by section 16 (ii), *ibid.*

jurisdiction to inquire into the case, [with a report attested by two or more witnesses specifying the quantity of toddy, wash or sonti soru seized and destroyed and the number of the pots and other receptacles sent.]

*omitted by
T. N. Act
9/1973*

Explanation.—For the purposes of this section,—

“sonti soru” means a liquid prepared from rice or starch which is in the process of vinous or alcoholic fermentation or in which such fermentation has ceased; and

“wash” means a mixture of water and saccharine materials which is in the process of vinous or alcoholic fermentation or in which such fermentation has ceased.]

33. Any person, who may be accused or reasonably suspected of committing an offence against this Act, and who on demand made by any Prohibition Officer or any officer of the Police or Land Revenue departments or by any other person authorized in that behalf refuses to give his name and residence or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

Arrest of persons refusing to give name or giving false name.

Central Act V of 1898. **34.** All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898*.

Searches how to be made.

35. Officials of all departments of the (State) Government and of all local bodies shall be legally bound to assist any Prohibition or Police Officer in carrying out the provisions of this Act.

Duty of officials of all departments and local bodies to assist.

36. Every official employed by the (State) Government or by any local body, other than a Police or

Offences to be reported, etc.

* This word was substituted for the word “Provincial” by the Adaptation Order of 1950.

*See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Prohibition Officer, shall be bound to give immediate information at the nearest police station or to a Prohibition Officer, of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officials shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Landholders and others to give information.

37. All zamindars, proprietors, tenants, under-tenants and cultivators who own or hold land or house-property on or in which there shall be any tapping for toddy or manufacture of liquor or intoxicating drugs shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to a Prohibition Officer or to an officer of the Police or Land Revenue departments immediately the same shall have come to their knowledge.

Persons arrested how to be dealt with.

38. (1) When any person is arrested under the provisions of section 28, 29, 32 or 33, the person arresting him shall, unless bail shall have been accepted under the provisions of section 28, 29 or 32, forthwith forward him to the nearest police station or to a Prohibition Officer, with a report of the circumstances under which such arrest was made.

Procedure of Police station officer.

(2) On any such person being brought to a police station as aforesaid, the officer in charge thereof shall either admit him to bail to appear when summoned, before himself, or before the Prohibition Officer, if any, or any Police Officer within the limits of the jurisdiction of which Prohibition or Police Officer, the offence with which he is charged is suspected to have been committed, or in default of bail, shall forward him in custody to such officer.

Procedure of Police or Prohibition officer empowered to inquire.

(3) On any such person being brought in custody before a Prohibition or Police Officer as aforesaid or appearing before such officer on bail or when such officer as aforesaid has himself made the arrest such officer shall hold such inquiry as he may

think necessary and shall either release such person, or forward him in custody to, or admit him to bail to appear before, the Magistrate having jurisdiction to inquire into or try the case;

Provided that if such inquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such officer, he shall if sufficient bail be tendered for the appearance of the person arrested, admit such person to bail to appear on any subsequent day before himself or any other officer having jurisdiction to inquire into the case.

39. It shall be the duty of any officer arresting any person under the powers conferred by section 28 or 29 and of any officer in charge of a police station or any Police or Prohibition Officer before whom a person arrested is brought or appears under the provisions of section 38 to release such person on bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or before a Magistrate, as the case may be.

Persons
arrested to
be admitted
to bail.

40. (1) Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Police or Prohibition Officer before whom he was bailed to attend, or by the Magistrate, as the case may be;

Bond of
accused and
sureties

Provided that the officer admitting any such person to bail may, in his discretion, dispense with the requirement of a surety or sureties to the bond executed by such person.

(2) The ¹(State) Government shall from time to time determine the form of the bond to be used in any local area,

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

Procedure in case of default of person admitted to bail to appear before Prohibition Officer.

41. When by reason of default of appearance of a person bailed to appear before a Police or Prohibition Officer, such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to inquire into or try the offence of which the person bailed was accused, and the Magistrate shall proceed to enforce the payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure, 1898*, for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Central Act V of 1898.

Obtaining of medical certificates in the case of persons found in a state of intoxication.

¹ [41-A. (1) Any officer authorized to arrest a person for an offence punishable under section 4 (1) (j) in so far as it relates to consumption of liquor or any intoxicating drug who has reason to believe that any person has consumed liquor or any intoxicating drug, may produce such person for examination, before any medical officer authorized by the State Government and request the medical officer to furnish a certificate on his finding whether such person has consumed any liquor or intoxicating drug or is in a state of intoxication or not.

(2) Any medical officer before whom such person is produced shall be bound to examine such person and furnish to the officer by whom such person has been produced a certificate as to the state of such person, and if any form has been prescribed for the purpose, in such form.

(3) If the person produced is a woman, the examination shall be carried out by a woman medical officer authorized by the State Government.

¹ This section was inserted by section 17 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

*See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(4) Any person who has been produced before a medical officer in pursuance of this section shall allow himself to be examined by the medical officer.

(5) If any person who under this section is required to undergo medical examination resists or refuses to allow himself to be produced before or to be examined by the medical officer, it shall be lawful to use all means necessary to secure the production and examination of such person.

(6) Resistance to production or refusal to allow examination under this section shall be deemed to be an offence under section 186 of the Indian Penal Code (Central Act XLV of 1860).

(7) In trials under this Act, it may be presumed unless and until the contrary is proved, that the accused has committed an offence under section 4 (1) (j) if he having been produced before a medical officer under this section had resisted or had refused to allow himself to be examined by such medical officer.

(8) Any document purporting to be a certificate signed by a medical officer authorized by the State Government may be used as evidence of the facts stated therein in any proceeding under this Act or under sections 272 to 276 of the Indian Penal Code (Central Act XLV of 1860), [but the court may at the instance of the accused order the attendance for cross-examination of the medical officer who issued the certificate.]

42. Any Police or Prohibition Officer holding an inquiry in the manner provided in section 38 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control :

Power of Police
or Prohibition
Officer to
summon
witnesses

Provided that no such officer shall so summon any person to appear before him if the journey to be made for complying with such summons exceeds ten miles

by road or fifty miles by rail or such other limits as the ¹[State] Government may fix.

Terms of summons.

43. Every summons issued under section 42 shall state whether the person summoned is required to give evidence or to produce a document, or both and shall require him to appear before the said officer at a stated time and place.

Examination of witnesses.

44. Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced to writing and shall be signed by such officer.

When attendance of witnesses to be dispensed with, and procedure in such cases.

45. It shall be lawful for a Police or a Prohibition Officer, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom by reason of rank or sex, it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such inquiry; and such person shall be bound so to answer accordingly, and the provisions of section 44 shall apply to such answers.

Power of Police or Prohibition Officer to summon suspected persons.

46. Any Police or Prohibition Officer may after recording his reason in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Act. On such person appearing before such officer, the procedure prescribed by sections 38 to 45 shall become applicable.

The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 42 to 45 before summoning the person suspected.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

47. The law for the time being in force as to summonses and compelling the attendance of persons summoned in criminal courts shall, so far as the same may be applicable, apply to any summons issued by a Police or Prohibition Officer and to any person summoned by him to appear under the provisions of this Act.

Law relating to criminal courts as to summoning of witnesses to apply.

48. When a Police or Prohibition Officer forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the Code of Criminal Procedure, 1898*.

Report of Police or Prohibition Officer to give jurisdiction to competent Magistrate.

Central Act V of 1898.

49. When a Police or Prohibition Officer forwards in custody any person accused of an offence against this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code of Criminal Procedure, 1898*, on an officer in charge of a police station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

Powers of Police and Prohibition Officers to cause attendance of witnesses before Magistrate.

Central Act V of 1898.

* See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

[50. Any person arrested for an offence under this Act shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate ; and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.]

Police to take charge of articles seized.

51. All officers in charge of police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of a Prohibition Officer, all articles seized under this Act which may be delivered to them ; and shall allow any Prohibition Officer who may accompany such articles to the police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police station.

Power of District Magistrate to transfer cases.

52. The District Magistrate shall have power to transfer any case under this Act pending inquiry or trial before any Magistrate or Officer in the district to any other Magistrate or Officer therein.

Security for abstaining from commission of certain offences.

52-A. (1) Whenever any person is convicted of an offence punishable under clause (b) or clause (d) or clause (e) or clause (i) of section 4 (1) and the court convicting him is of opinion that such person habitually commits or attempts to commit, or abets the commission of any such offence and that it is necessary to require such person to execute a bond for abstaining from the commission of any such offence, the Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate

¹ This section was substituted for original section 50 by the Adaptation (Amendment) Order of 1950.

² Sections 52-A to 52-D were inserted by section 18 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

to his means, with or without sureties, for abstaining from the commission of such offence during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond shall be in the form contained in Schedule II, and the provisions of the *Code of Criminal Procedure, 1898 (Central Act V of 1898); shall in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106† of that Code.

(3) If the conviction is set aside on appeal or otherwise, the bond so-executed shall become void.

(4) An order under this section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.

52-B. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898* (Central Act V of 1898), or the †[Tamil Nadu] Probation of Offenders Act‡, 1936, (‡[Tamil Nadu] Act III of 1937) when any person is found guilty of—

Power to release certain offenders on probation of good conduct.

(a) any offence punishable under section 4-A, 6, 11 or 24, or

(b) the commission, attempt to commit, or abetment of the commission of, any of the acts making up any such offence as is referred to in clause (a), when such commission, attempt or abetment is punishable under section 12, or

¹ Sections 52-A to 52-D were inserted by section 18 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

² These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

† See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), section 106.

‡ Consequent on the coming into force of the Probation of Offenders Act, 1958 (Central Act 20 of 1958) in this State, the Tamil Nadu Probation of Offenders Act, 1937 (Tamil Nadu Act III of 1937) remains inoperative.

(c) Any breach of any of the conditions subject to which the exemption under section 16 or 17-A is notified and no previous conviction for any offence under this Act is proved against him, the Court by which he is found guilty may, instead of sentencing him at once to any punishment release him on his entering into a bond, with at least one surety to appear and receive sentence when called upon at any time during such period not exceeding five years the Court may direct and in the meantime to abstain from committing any offence under this Act :

Provided that the Court shall not direct the release of an offender under this section, unless it is satisfied that the offender or his surety or one of his sureties has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

(2) Where the offender referred to in sub-section (1) is under twenty-four years of age, the Court may make a supervision order directing that such offender shall be under the supervision of such probation officer appointed under the '[Tamil Nadu] Probation of Offenders Act, 1936*' '([Tamil Nadu] Act III of 1937), as may be named in the order during the period specified therein and imposing such other conditions for securing such supervision as may be specified in the order:

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the Court, the offender will attain the age of twenty-five years.

(3) A Court making a supervision order under sub-section (2) shall require the offender, before he is released to enter into a bond, with at least one surety, to observe the conditions specified in such

¹ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

*Consequent on the coming into force of the Probation of Offenders Act, 1958 (Central Act 20 of 1958) in this State, the Tamil Nadu Probation of Offenders Act, 1937 (Tamil Nadu Act III of 1937) remains inoperative.

order and such additional conditions with respect to residence, abstention from intoxicants and any other matters as the Court may, having regard to the particular circumstances of the case, consider fit to impose for preventing a commission of any offence under this Act by the offender.

(4) A Court making a supervision order shall furnish to the offender and the surety or sureties a notice in writing stating in simple terms the conditions of the bond.

(5) An order under this section may be made by any Appellate Court or by the High Court when exercising its powers of revision.

¹52-C. (1) If the Court before which the offender is bound by his bond under section 52-B to appear for sentence when called upon, or any Court which could have dealt with the offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of the bond executed by him, it may issue a warrant for his apprehension, or may, if it thinks fit, issue a summons to the offender and his surety or sureties requiring him or them to attend before it at such time as may be specified in the summons.

Procedure in case of offender failing to observe conditions of bond.

(2) The Court before which the offender is so brought or appears may either remand him to custody until the case is concluded, or admit him to bail with at least one surety, to appear on the date of hearing.

(3) If the Court after hearing the case is satisfied that the offender has failed to observe any of the conditions of the bond executed by him, it may forthwith sentence him for the original offence.

(4) An order under this section may be made by any Appellate Court or by the High Court when exercising its powers of revision.

¹ Sections 52-A to 52-D were inserted by section 18 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

Provision
as to
bonds.

152-D. The provisions of sections 122, 126, 126-A, 406-A(b) and (c), 514, 514-A, 514-B and 515 of the Code of Criminal Procedure, 1898* (Central Act V of 1898) shall so far as may be, apply in the case of sureties given under this Act.

Operation of
the Code of
Criminal
Procedure,
1898.

53. ²[Save as expressly provided in this Act, nothing contained therein] shall affect the operation of the Code of Criminal Procedure, 1898†.

Central
Act V of
1898.

Prohibition
Officer
deemed to
be a Police
Officer for
certain pur-
poses.

³[53-A. A Prohibition Officer shall be deemed to be a Police Officer within the meaning and for the purposes of section 125 of the Indian Evidence Act, 1872.]

Central
Act I of
1872.

CHAPTER VI.

Rules and Notifications.

Power to
make
rules.

54. (1) The ⁴(State) Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the ⁴[State] Government may make rules—

(a) for the issue of licences and permits and the enforcement of the conditions thereof ;

¹ Sections 52-A to 52-D were inserted by section 18 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

² These words were substituted for the words "Nothing contained in this Act" by section 19, *ibid.*

³ This section was inserted by section 2 of the Madras Prohibition (Second Amendment) Act, 1949 (Madras Act XLV of 1949).

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

* See now sections 121, 123, 124, 373, 446, 447, 448 and 449 respectively of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

† See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(b) prescribing the powers to be exercised and the duties to be performed by paid and honorary Prohibition Officers in furtherance of the objects of the Act.

¹[(bb) prescribing the ways in which the duty under section 18-A may be levied ;]

(c) determining the local jurisdiction of Police and Prohibition Officers in regard to inquiries and the exercise of preventive and investigating powers ;

(d) authorizing any officer or person to exercise any power or perform any duty under this Act ;

(e) prescribing the powers and duties of prohibition committees and the members thereof and the intervals at which the members of such committees shall make their reports;

(f) regulating the delegation by the Commissioner or by Collectors or other district officers of any powers conferred on them by or under this Act ;

(g) regulating the cultivation of the hemp plant, the collection of those portions of such plant from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom ;

(h) declaring how denatured spirit shall be manufactured ;

(i) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Act or under any rule made thereunder, or by what authorities such orders may be revised, and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith ;

(j) for the grant of batta to witnesses, and of compensation for loss of time to persons released under sub-section (3) of section 38 on the ground that

¹ This clause was inserted by section 3 of the Madras Prohibition (Second Amendment) Act, 1948 (Madras Act XIX of 1948).

they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted ;

(k) regulating the power of Police and Prohibition Officers to summon witnesses from a distance under section 42; []

(l) for the disposal of articles confiscated and of the proceeds thereof.

[(m) for the prevention of the use of medicinal or toilet preparations for any purpose other than medicinal or toilet purposes and for the regulation of the use of any liquor or drug exempted from all or any of the provisions of this Act ;

(n) for the proper collection of duty on all kinds of liquor or drugs ;

[(m) for exemption from, or suspension of, the operation of any rule made under this Act ;]

(o) for all matters expressly required or allowed by this Act to be prescribed.]

[(2-A) A rule or notification under this Act may be made or issued so as to have retrospective effect on and from a date not earlier than,—

(i) the 1st September 1973, in so far as it relates to toddy ; and

(ii) the 1st September 1974, in so far as it relates to any liquor other than toddy.]

¹ The word "and" was omitted by section 20 (a) (i) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

² Clauses (m), (n) and (o) were added by section 20 (a) (ii), *ibid.*

³ This clause was inserted by section 4(i) of the Tamil Nadu Prohibition (Amendment) Act, 1974 (Tamil Nadu Act 1 of 1975) and was deemed to have come into force on the 1st September 1974.

⁴ This sub-section was inserted by section 4 (ii), *ibid.*

[(3) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.]

55. All rules made and notifications issued under this Act shall be published in the Official Gazette and upon such publication, shall have effect as if enacted in this Act. publication of rules and notifications.

CHAPTER VII.

Legal Proceedings.

56. No action shall lie against the ¹[Government] or against any Prohibition, Police or other officer for the Government, damages in any civil court for any act *bona fide* done or ordered to be done in pursuance of this Act. Actions against the Government, etc.

57. All courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Act. Courts to take judicial notice of appointments.

¹ This sub-section was added by section 20 (b) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

² This word was substituted for the word "Crown" by the Adaptation Order of 1950.

[SCHEDULE I]¹

(See section 2.)

<i>Year.</i>	<i>Number.</i>	<i>Short title or subject.</i>	<i>Extent of repeal.</i>
(1)	(2)	(3)	(4)
² [<i>Tamil Nadu Acts</i>].			
1886	I	The ³ [<i>Tamil Nadu</i>] Abkari Act, 1886.	The whole.
1905	I	The Madras Abkari (Amendment) Act, 1905.	Do.
1913	I	The Madras Abkari (Amendment) Act, 1913.	Do.
1915	I	The Madras Abkari (Amendment) Act, 1915.	Do.

¹ The original Schedule was numbered as Schedule I by section 21 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

² This expression was substituted for the expression "*Acts of the Governor of Fort St. George in Council*" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

³ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Year.	Num- ber.	Short title or subject.	Extent of repeal.
(1)	(2)	(3)	(4)
		¹ [Tamil Nadu Acts].	
1929	XVIII	The Madras Abkari (Amendment) Act, 1929.	The whole.
1930	II	The Dangerous Drugs Act, 1930.	So much of Schedule II as relates to the ² [Tamil Nadu] Abkari Act, 1886.

³[SCHEDULE II.

BOND TO ABSTAIN FROM THE COMMISSION OF OFFENCES UNDER THE ²[TAMIL NADU] PROHIBITION ACT, 1937.

(See section 52-A.)

Whereas I, _____ (name),
inhabitant of _____ (place), have
been called upon to enter into a bond to abstain from
the commission of any offence under sections 4 (1) (b),
4 (1) (d), 4 (1) (e) and 4 (1) (i) of the ³[Tamil Nadu]
Prohibition Act, 1937, for the term of _____

¹ This expression was substituted for the expression "Acts of the Madras Legislature" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

² These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

³ This Schedule was added by section 21 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).

I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to the ¹[State of Tamil Nadu], the sum of rupees

Dated this _____ day of _____ 19 .

(Signature.)

Where a bond with sureties is to be executed, add—

We do hereby declare ourselves sureties for the abovenamed _____ that he will abstain from the commission of any offence under sections 4 (1) (b), 4 (1) (d), 4 (1) (e), 4 (1) (i) of the ²[Tamil Nadu] Prohibition Act, 1937, during the said term, and in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to the ¹[State of Tamil Nadu], the sum of rupees

Dated this _____ day of _____ 19 .

(Signature.)

¹ This expression was substituted for the expression " State of Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² These words were substituted for the word "Madras" by *ibid.*

¹[TAMIL NADU] ACT No. VIII OF 1958².

[THE ¹[TAMIL NADU] PROHIBITION (AMENDMENT) ACT, 1958].

[Received the assent of the Governor on the 17th April 1958; first published in the Fort St. George Gazette on the 30th April 1958 (Vaisakha 10, 1880.)]

An Act further to amend the ¹[Tamil Nadu] Prohibition Act, 1937.

WHEREAS it is expedient further to amend the ¹[Tamil Nadu] Prohibition Act, 1937 (¹[Tamil Nadu] Act X of 1937), for the purposes hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. This Act may be called the ¹[Tamil Nadu] Prohibition (Amendment) Act, 1958. Short title and commencement

(2) It shall come into force in any local area in the ³[State of Tamil Nadu] on such⁴ date as the State Government may, by notification, appoint.

2 to 21. [Incorporated in the Principal Act, Viz., Tamil Nadu Act X of 1937].

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 13th February 1958, Part IV-A, page 33.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁴ Came into force on the 4th day of June 1958 throughout the State.

TAMIL NADU ACT NO. 32 OF 1978. *

**THE TAMIL NADU PROHIBITION
(AMENDMENT) ACT, 1978.**

[Received the assent of the Governor on the 26th September 1978, first published in the Tamil Nadu Government Gazette Extraordinary on the 27th September 1978 (Purattasi 11, Kalayukti (2009—Tiruvalluvar Andu)).]

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1978. Short title and commencement.

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

2. After section 20-B of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), the following section shall be inserted, namely :— Insertion of a new section 20-C in Tamil Nadu Act X of 1937.

“ 20-C. *Licence for possession and use of denatured spirit in the manufacture of specified commodities, etc.*— Notwithstanding anything contained in this Act, no licence under this Act shall be issued—

(i) for the possession and use of denatured spirit in the manufacture of Varnish (French Polish), Picture Varnish, Insulating Varnish, Paint Remover, Gasket Shellac, Printing ink or such other commodities as may be specified by the State Government from time to time except to the units of any department of the State Government or of any Government company within the meaning of the Companies Act, 1956 (Central Act 1 of 1956) or any Corporation owned or controlled by the Central Government or the State Government and to manufacturers of spirit based products who are registered with the Director-General of Technical Development, Government of India or the Director of Industries and Commerce, Madras ;

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 11th September 1978, Part IV—Section 1, Page 458.

(ii) for the possession and sale, whether wholesale or retail, of denatured spirit or of Varnish (French Polish) except to the units of any department of the State Government or of any Government company within the meaning of the Companies Act, 1956 (Central Act 1 of 1956) or any Corporation owned or controlled by the Central Government or the State Government or a co-operative society registered or deemed to have been registered under any law in force for the time being.”.

TAMIL NADU ACT NO. 9 OF 1979.*

**THE TAMIL NADU PROHIBITION (AMENDMENT)
ACT, 1979.**

[Received the assent of the President on the 21st March 1979, first published in the Tamil Nadu Government Gazette Extraordinary on the 22nd March 1979 (Panguni 8, Kalayukti (2010—Tiruvalluvar Andu)).]

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1979. Short title.

(2) This Act, except section 4, shall be deemed to have come into force on the 3rd October 1978 and section 4 of this Act shall come into force on the date of the publication of this Act in the *Tamil Nadu Government Gazette*.

2. In section 3 of the Tamil Nadu Prohibition Act, Amendment of 1937 (Tamil Nadu Act X of 1937) (hereinafter referred to as the principal Act), after clause (14), the following clause shall be inserted, namely :— section 3,
Tamil Nadu
Act X of 1937.

“(14-A) ‘public servant’ means—

- (i) any Police Officer; or
- (ii) any Prohibition Officer ; or
- (iii) any other officer of the State Government authorised by or under this Act to exercise all or any of the powers or perform all or any of the duties under this Act;”.

3. In section 4 of the principal Act,—

(1) in sub-section (1),—

(a) after clause (j), the following clause shall be inserted, namely :—

“(jj) knowingly expends or applies any money in direct furtherance or support of the commission of any of the acts specified in clauses (a) to (j);”;

**Amendment of
section 4, Tamil
Nadu Act X
of 1937.**

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 23rd February 1979, Part IV—Section 1, Page 56.

(b) for the portion beginning with the words "shall be punished" and ending with the words, brackets and letter "or any intoxicating drug falling under clause (a)", the following shall be substituted, namely :—

"shall be punished—

(i) in the case of an offence falling under clause (a), clause (b), clause (f), clause (g), clause (h), clause (i) or clause (j) or an offence falling under clause (k) in so far as it relates to an act specified in any of the clauses aforesaid, with rigorous imprisonment for a term which may extend to five years and with fine which may extend to seven thousand rupees :

Provided that—

(a) for a first offence, such rigorous imprisonment shall not be—

(A) less than six months in the case of any person other than a public servant; or

(B) less than one year in the case of a public servant
and such fine shall not be less than two thousand rupees;

(b) for a second or subsequent offence, such rigorous imprisonment shall not be—

(A) less than one year in the case of any person other than a public servant; or

(B) less than two years in the case of a public servant
and such fine shall not be less than three thousand rupees;

(ii-a) in the case of an offence falling under clause (j), with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees :

Provided that—

(a) for a first offence, such rigorous imprisonment shall not be—

(A) less than three months in the case of any person other than a public servant; or

(B) less than six months in the case of a public servant

and such fine shall not be less than one thousand rupees;

(b) for a second or subsequent offence, such rigorous imprisonment shall not be—

(A) less than six months in the case of any person other than a public servant ; or

(B) less than one year in the case of a public servant

and such fine shall not be less than two thousand rupees ;

(ii-b) in any other case with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees;”;

(2) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1-A) Where in the case of an offence falling under clause (a), clause (b), clause (h), or clause (i) of sub-section (1), the liquor or any intoxicating drug involved contains any ingredient which is likely to cause death or grievous hurt to the consumer, then the offender, on conviction, shall be punished—

(i) if death has ensued due to its consumption, with rigorous imprisonment for life and with fine which shall not be less than five thousand rupees; and

(ii) in any other case, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to seven thousand rupees :

Provided that such rigorous imprisonment under clause (ii) shall not be—

(A) less than five years in the case of any person other than a public servant; or

(B) less than seven years in the case of a public servant

and such fine shall not be less than five thousand rupees.”;

(3) in clause (a) of sub-section (2), for the expression “clauses (a) to (j)”, the expression “clauses (a) to (jj)” shall be substituted.

Substitution
of new section
for section
4-A, Tamil
Nadu Act X
of 1937.

4. For section 4-A of the principal Act, the following section shall be substituted, namely:—

“4-A. *Punishment for being found in a state of intoxication.*—Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees

Provided that—

(a) for a first offence, such rigorous imprisonment shall not be—

(A) less than three months in the case of any person other than a public servant; or

(B) less than six months in the case of a public servant and such fine shall not be less than one thousand rupees;

(b) for a second or subsequent offence, such a rigorous imprisonment shall not be—

(A) less than six months in the case of any person other than a public servant; or

(B) less than one year in the case of a public servant and such fine shall not be less than two thousand rupees.”

Amendment
of section 5,
Tamil Nadu
Act X of
1937.

5. In section 5 of the principal Act, for the portion beginning with the words “shall be punished” and ending with the words “for a third and subsequent offences”, the following shall be substituted, namely:—

“shall be punished with rigorous imprisonment for a term which may extend to five years and with fine which may extend to seven thousand rupees:

Provided that—

(a) for a first offence, such rigorous imprisonment shall not be—

(A) less than one year in the case of any person other than a public servant; or

(B) less than two years in the case of a public servant and such fine shall not be less than two thousand rupees;

(b) for a second or subsequent offence, such rigorous imprisonment shall not be—

(A) less than two years in the case of any person other than a public servant; or

(B) less than three years in the case of a public servant and such fine shall not be less than three thousand rupees.”

6. In sections 6, 8, 10 and 11 of the principal Act, for the expression “with imprisonment”, the expression “with rigorous imprisonment” shall be substituted.

Amendment of sections 6, 8, 10 and 11, Tamil Nadu Act X of 1937.

7. For section 7 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 7, Tamil Nadu Act X of 1937.

“7. *Punishment for conspiracy.*—When two or more persons agree—

(i) to commit or cause to be committed any offence falling under clause (a), clause (b), clause (f), clause (g), clause (h), clause (i) or clause (jj) of sub-section (1) of section 4, or an offence falling under clause (k) of the said sub-section in so far as it relates to an act specified in any of the clauses aforesaid; or

(ii) to commit or cause to be committed any offence falling under section 5; or

(iii) to commit or cause to be committed any other offence falling under any other clause of sub-section (1) of section 4, or to evade or nullify the provisions of this Act, each of such persons shall, notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof, be punished—

(a) in the case of an offence referred to in clause (i), with rigorous imprisonment for a term which may extend to five years and with fine which may extend to seven thousand rupees:

Provided that—

(a) for a first offence, such rigorous imprisonment shall not be—

(A) less than six months in the case of any person other than a public servant; or

(B) less than one year in the case of a public servant

and such fine shall not be less than two thousand rupees;

(b) for a second or subsequent offence, such rigorous imprisonment shall not be—

(A) less than one year in the case of any person other than a public servant; or

(B) less than two years in the case of a public servant

and such fine shall not be less than three thousand rupees;

(b) in the case of an offence referred to in clause (ii), with rigorous imprisonment for a term which may extend to five years and with fine which may extend to seven thousand rupees:

Provided that—

(a) for a first offence, such rigorous imprisonment shall not be—

(A) less than one year in the case of any person other than a public servant; or

(B) less than two years in the case of a public servant

and such fine shall not be less than two thousand rupees;

(b) for a second or subsequent offence, such rigorous imprisonment shall not be—

(A) less than two years in the case of any person other than a public servant; or

(B) less than three years in the case of a public servant

and such fine shall not be less than three thousand rupees;

(c) in the case of an offence referred to in clause (ii), with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees.”

8. In section 14 of the principal Act,—

(1) in sub-section (1), for the words “may be ordered by the court”, the words “shall be ordered by the court” shall be substituted;

Amendment
of section 14,
Tamil Nadu
Act X of
1937.

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where, during the trial of a case for an offence against this Act, the court decides that anything is liable to confiscation, the court shall order the confiscation:

Provided that no animal, vessel, cart or other vehicle shall be confiscated under sub-section (1), or sub-section (2), if the court after hearing the owner of such animal, vessel, cart or other vehicle and any person claiming any right thereto, is satisfied that the owner and such person had exercised due care in the prevention of the commission of such an offence.”;

(3) in sub-section (3), for the words “may order such confiscation”, the words “shall order such confiscation” shall be substituted;

(4) after sub-section (3), the following sub-section shall be added, namely:—

“(4) Notwithstanding anything contained in sub-sections (1) to (3), the Collector or other Prohibition Officer in-charge of the district or any other officer authorised by the State Government in that behalf, shall detain the animal, vessel, cart or other vehicle used in the commission of an offence against this Act till the case is disposed of by the court and notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), no interim order regarding the disposal of such property shall be passed by the court till the case is disposed of.”.

9. After section 14 of the principal Act, the following section shall be inserted, namely:—

“14-A. *Owner of animal, vessel, cart or other vehicle deemed to be guilty in certain cases.*—Where any animal, vessel, cart or other vehicle is used in the commission of any offence under this Act and is liable to confiscation, the owner thereof shall be deemed to be guilty of such offence

Insertion of
new section
14-A in Tamil
Nadu Act X of
1937.

and such owner shall be liable to be proceeded against and punished accordingly unless he satisfies the court that he had exercised due care in the prevention of the commission of such an offence.”.

Substitution of new sections for sections 15-A, 15-B and 15-C, Tamil Nadu Act X of 1937.

10. For sections 15-A, 15-B and 15-C of the principal Act, the following sections shall be substituted, namely :—

“ 15-A. *Summary trial of certain offences.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the State Government may confer on—

(i) any Judicial Magistrate of the first class, or

(ii) any Judicial Magistrate of the second class, or

(iii) any Special Judicial Magistrate appointed under section 13 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),

power to try summarily in accordance with the provisions contained in sections 262 to 265 of the said Code, all or any of the offences which are punishable under this Act with rigorous imprisonment for a term not exceeding six months, or with fine, or with both, but as a result of such trial no sentence except a sentence of fine shall be imposed.

15-B. *Enhanced jurisdiction of Judicial Magistrates, Metropolitan Magistrates and Special Judicial Magistrates.*—

(1) Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), it shall be lawful for the Magistrates specified in column (1) of the Table below to exercise the powers specified in the corresponding entry in column (2) thereof, in respect of offences punishable under this Act :—

TABLE.

(1)	(2)
Judicial Magistrates of the first class or Metropolitan Magistrates.	Rigorous imprisonment for a term not exceeding five years ; fine not exceeding seven thousand rupees.

Judicial Magistrates of the second class or Special Judicial Magistrates appointed under section 13 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). Rigorous imprisonment for a term not exceeding three years; fine not exceeding three thousand rupees.

(2) Notwithstanding anything contained in section 26 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),—

(a) any offence punishable with rigorous imprisonment for a term not exceeding three years may be tried by a Judicial Magistrate of the second class or a Special Judicial Magistrate appointed under section 13 of the said Code ;

(b) any offence punishable with rigorous imprisonment for a term not exceeding five years may be tried by a Judicial Magistrate of the first class or a Metropolitan Magistrate; and

(c) any offence under section 4 (1-A) may be tried by a Court of Session.

15-C. *Certain offences to be non-bailable.*—(1) The offences punishable under this Act with rigorous imprisonment for a term which may extend to three years and upwards shall be non-bailable and the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), with respect to non-bailable offences, shall apply to those offences.

(2) Nothing contained in sections 27, 28, 29, 32, 38 and 39 shall be construed as enabling a person to be admitted to bail if the offence alleged to have been committed by such person is one referred to in sub-section (1).”

11. For sub-section (2) of section 16 of the principal Act, the following sub-section shall be substituted, namely:— Amendment of section 16, Tamil Nadu Act X of 1937.

“ (2) Whoever commits a breach of any of the conditions subject to which the exemption is notified under sub-section (1), shall be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees;

Provided that—

(a) for a first offence, such rigorous imprisonment shall not be—

(A) less than six months in the case of any person other than a public servant; or

(B) less than one year in the case of a public servant and such fine shall not be less than one thousand rupees ;

(b) for a second or subsequent offence, such rigorous imprisonment shall not be—

(A) less than one year in the case of any person other than a public servant ; or

(B) less than two years in the case of a public servant and such fine shall not be less than two thousand rupees.”.

Amendment of section 17-A, Tamil Nadu Act X of 1937.

12. For sub-section (2) of section 17-A of the principal Act, the following sub-section shall be substituted, namely:—

“(2) Whoever commits a breach of any of the conditions subject to which the exemption is notified under sub-section (1), shall be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees :

Provided that—

(a) for a first offence, such rigorous imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees ;

(b) for a second or subsequent offence, such rigorous imprisonment shall not be less than one year and such fine shall not be less than two thousand rupees.”.

Amendment of section 24, Tamil Nadu Act X of 1937.

13. In section 24 of the principal Act, for the words “be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or both”, the following shall be substituted, namely:—

“be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees ;

Provided that—

(a) for a first offence, such rigorous imprisonment shall not be—

(A) less than six months in the case of any person other than a public servant ; or

(B) less than one year in the case of a public servant and such fine shall not be less than one thousand rupees;

(b) for a second or subsequent offence, such rigorous imprisonment shall not be—

(A) less than one year in the case of any person other than a public servant ; or

(B) less than two years in the case of a public servant and such fine shall not be less than two thousand rupees.”

14. In section 32 of the principal Act,—

(i) in clause (a), the expression “ or section 7 of section 24 or any offence punishable with rigorous imprisonment for three years and upwards ” shall be added at the end ;

(ii) in the second proviso, the words “ with a report attested by two or more witnesses specifying the quantity of toddy, wash or *sonti soru* seized and destroyed and the number of the pots and other receptacles sent ” occurring at the end shall be omitted.

15. After section 41-A of the principal Act, the following section shall be inserted, namely:—

“ 41-B. *Presumption that the liquor consumed is an illicit variety.*—Where in any trial of an offence punishable under section 4 (1) (j), it is proved that a person has consumed liquor or any intoxicating drug, it shall be presumed, until the contrary is proved, that such liquor or intoxicating drug is an illicit variety.”

16. In section 52-A of the principal Act, in sub-section (1), for the expression “ clause (b) or clause (d) or clause (e) or clause (f) of section 4 (1) ”, the expression “ clause (a),

Amendment
of section 32,
Tamil Nadu
Act X of
1937.

Insertion of
new section
41-B in Tamil
Nadu Act X
of 1937.

Amendment
of section
52-A, Tamil
Nadu Act X
of 1937.

clause (b), clause (d), clause (e), clause (f), clause (g), clause (h), clause (i) or clause (jj) of section 4 (1) ” shall be substituted.

Amendment
of section
52-B, Tamil
Nadu Act X
of 1937.

17. In section 52-B of the principal Act,—

(1) in sub-section (1),—

(i) for the expression “ or the Madras Probation of Offenders Act, 1936 (Madras Act III of 1937) ”, the expression “ or the Probation of Offenders Act, 1958 (Central Act 20 of 1958) ” shall be substituted ;

(ii) in clause (a), for the expression “ sections 4-A, 6, 11 or 24 ”, the expression “ section 6 ” shall be substituted;

(iii) in clause (b), the word “ or ” occurring at the end shall be omitted ;

(iv) in clause (c), the expression “ (c) any breach of any of the conditions subject to which the exemption under section 16 or 17-A is notified ” shall be omitted ;

(2) in sub-section (2), for the expression “ Madras Probation of Offenders Act, 1936 (Madras Act III of 1937)”, the expression “ Probation of Offenders Act, 1958 (Central Act 20 of 1958) ” shall be substituted.

Insertion of
new section
52-BB in
Tamil Nadu
Act X of
1937.

18. After section 52-B of the principal Act, the following section shall be inserted, namely :—

“52-BB. *Persons not to be released on probation.*—
Except as provided in section 52-B, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and the Probation of Offenders Act, 1958 (Central Act 20 of 1958), no person convicted under this Act shall be released on probation or with admonition.”

Amendment
of section
52-D, Tamil
Nadu Act X
of 1937.

19. In section 52-D of the principal Act, for the expression “122, 126, 126-A, 406-A (b) and (c), 514, 514-A, 514-B and 515 of the Code of Criminal Procedure, 1898 (Central Act V of 1898)”, the expression “121, 123, 124, 373, 446, 447, 448 and 449 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) ” shall be substituted.

20. After section 52-D of the principal Act, the following section shall be inserted, namely :—

Insertion of
new section
52-E in Tamil
Nadu Act X
of 1937.

“52-E. *Removal of persons convicted of certain offences.*—(1) When any person having been previously convicted thrice or more—

(i) of an offence falling under clause (a), clause (b), clause (f), clause (g), clause (h), clause (i) or clause (j) of sub-section (1) of section 4, or an offence falling under clause (k) of the said sub-section in so far as it relates to an act specified in any of the clauses aforesaid; or

(ii) of an offence falling under section 5 or section 7,

is again convicted of the same offence the court may, if it thinks fit, at the time of passing the sentence of rigorous imprisonment on such person, also by order direct such person to remove himself after the expiry of such sentence outside the City of Madras or any district in mofussil or other area specified in such order.

(2) The order under sub-section (1) shall specify the period not exceeding two years during which such order shall remain in force and shall also specify such conditions and restrictions as may be specified in the rules by the State Government.

(3) The court may, at any time, for reasons to be recorded in writing, cancel or modify the order passed under sub-section (1).

(4) If such conviction is set aside on appeal or otherwise, such order shall become void.

(5) An order under this section may also be made by an appellate court or by the High Court when exercising its powers of revision.

(6) If a person to whom a direction is issued under sub-section (1) to remove himself from any area—

(i) fails to remove himself as directed, or

(ii) having so removed himself, except with the permission in writing of the court mentioned in sub-section (1) enters the area within the period specified in the order,

the court may cause him to be arrested and removed in police custody to such place outside the area as the court may, in each case, specify.

(7) Any person who is guilty of the breach of any order passed under sub-section (1) or of any of the conditions or restrictions specified in such order shall be punished with rigorous imprisonment which may extend to three years or with fine, or with both."

Amendment of sections 15, 26, 34, 41, 48, 49, 52-A, 52-B and 53, Tamil Nadu Act X of 1937. 21. (1) In sections 15, 26, 34, 41, 48, 49, 52-A, 52-B and 53 of the principal Act, for the expression "Code of Criminal Procedure, 1898", the expression "Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted and the marginal expression "Central Act V of 1898" shall be omitted.

(2) In section 53 of the principal Act, for the expression "Code of Criminal Procedure, 1898" occurring in the margin, the expression "Code of Criminal Procedure, 1973" shall be substituted.

Amendment of Schedule II, Tamil Nadu Act X of 1937. 22. In Schedule II to the principal Act, for the expression "under sections 4 (1) (b), 4 (1) (d), 4 (1) (e) and 4 (1) (i)" in the two places where they occur, the expression "under sections 4 (1) (a), 4 (1) (b), 4 (1) (d), 4 (1) (e), 4 (1) (f), 4 (1) (g), 4 (1) (h), 4 (1) (i) and 4 (1) (j)" shall be substituted.

Amendment of Central Ordinance XXXVIII of 1944. 23. In the Criminal Law Amendment Ordinance, 1944 (Central Ordinance XXXVIII of 1944), in the Schedule, after item 5, the following item shall be added, namely:—

"6. (i) An offence punishable under clause (a), clause (b), clause (f), clause (g), clause (h), clause (i) or clause (j) of sub-section (1) of section 4 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), or an offence falling under clause (k) of the said sub-section in so far as it relates to an act specified in any of the clauses aforesaid; or

(ii) an offence falling under section 5 or section 7 of the said Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), in respect of which a person who has been previously convicted thrice for the same offence is subsequently prosecuted."

Repeat and saving.

24. (1) The Tamil Nadu Prohibition (Second Amendment) Ordinance, 1978 (Tamil Nadu Ordinance 13 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any penalty, forfeiture or punishment incurred) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act :

Provided that in respect of offences under section 4-A of the principal Act committed before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, the punishment shall be as provided in section 4-A of the principal Act as in force immediately before the date of the publication of this Act in the *Tamil Nadu Government Gazette*.

TAMIL NADU ACT NO. 23 OF 1981.*

THE TAMIL NADU PROHIBITION (AMENDMENT)
ACT, 1981.

[Received the assent of the Governor on the 22nd April, 1981, first published in the Tamil Nadu Government Gazette Extraordinary on the 22nd April 1981 (Chithirai 10, Thunmathi—2012—Thiruvalluvar Aandu).]

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1981.

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

Amendment
of section 3,
Tamil Nadu
Act X of
1937.

2. In section 3 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) (hereinafter referred to as the principal Act),—

(i) clause (1) may be re-numbered as clause (1-A) and before clause (1-A) as so re-numbered, the following clause shall be inserted, namely :—

“(1) ‘blending unit’ means a unit where arrack or Indian-made foreign spirits are manufactured;”;

(ii) after clause (5), the following clause shall be inserted, namely :—

“(5-A) ‘excisable article’ means any alcoholic liquor for human consumption but does not include medicinal and toilet preparations mentioned in entry 84 of List I in the Seventh Schedule to the Constitution;”;

*For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 6th April 1981, Part IV—Section 1, page 507.

(iii) after clause (6), the following clause shall be inserted, namely :—

“(6-A) ‘foreign liquor’ (except for purposes of section 21-A) includes every liquor imported into India, other than Indian-made foreign spirits, plain rectified spirits and denatured and methylated spirits ;”;

(iv) after clause (7), the following clause shall be inserted, namely :—

“(7-A) ‘Indian-made foreign spirits’ means spirits manufactured and compounded in India and made in colour and flavour to resemble gin, brandy, whisky or rum imported into India and includes “milk punch” and other liquors consisting of or containing spirits ;”.

3. For section 17-B of the principal Act, the following sections shall be substituted, namely :—

“17-B. *Licence for manufacture, etc., of potable liquor.*—The State Government, or subject to their control, the Collector may, subject to such conditions as may be prescribed, issue licence to any person or any institution whether under the management of Government or not,—

Substitution
of new sec-
tions for
section 17-B,
Tamil Nadu
Act X of
1937.

(a) for the manufacture of liquor for human consumption—

(i) for the purpose of sale to persons and institutions who hold permits or licences for sale of such liquor ;

(ii) for other purposes permitted under this Act; or

(b) for the import, export or transport of liquor for human consumption.

17-C. *Exclusive privileges of manufacture, etc., may be granted.*—(1) It shall be lawful for the State Government to grant to any person or persons on such conditions and for such period as they may deem fit the exclusive or other privilege—

(a) of manufacturing or supplying by wholesale,
or

(b) of selling by retail, or

(c) of manufacturing or supplying by wholesale and selling by retail,

any liquor other than foreign liquor within any local area.

(2) No grantee of any privilege under this section shall exercise the same until he has received a licence in that behalf from the prescribed authority.”

Insertion of
new sections
18-B to 18-G
in Tamil Nadu
Act X of 1937.

4. After section 18-A of the principal Act, the following sections shall be inserted, namely :—

“ 18-B. *Excise duty or countervailing duty on excisable articles.*—(1) Notwithstanding anything contained in section 18-A, with effect on and from the date of the commencement of the Tamil Nadu Prohibition (Amendment) Act, 1981, an excise duty or countervailing duty at such rate not exceeding rupees thirty per proof litre as the State Government may, from time to time, by notification specify, shall be levied on all excisable articles—

- (a) permitted to be imported under this Act ;
- (b) permitted to be exported under this Act ;
- (c) permitted to be transported under this Act ;
- (d) manufactured under any licence granted under this Act ;
- (e) manufactured at any distillery, blending unit or brewery licensed or established under this Act ;
- (f) issued from a distillery, blending unit, brewery or warehouse licensed or established under this Act ; or
- (g) sold in any part of this State.

(2) Nothing in this section shall authorise the levy of any duty which as between excisable articles manufactured or produced in the State and similar excisable articles not so manufactured or produced, discriminates in favour of the former or which in the case of excisable articles manufactured or produced outside the State discriminates between excisable articles manufactured or produced in one locality and similar excisable articles, manufactured or produced in another locality.

18-C. *How duty may be imposed.*—The excise duty or the countervailing duty under section 18-B may be levied in one or more of the following ways :—

(a) by duty of excise to be charged in the case of spirits or beer either on the quantity produced in, or passed out of a distillery, blending unit, brewery or warehouse licensed or established under this Act, or in accordance with such scale of equivalents, calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as the case may be, as may be prescribed ;

(b) by payment of a sum in consideration of the grant of any exclusive or other privilege—

(1) of manufacturing or supplying by wholesale,

or

(2) of selling by retail, or

(3) of manufacturing or supplying by wholesale and selling by retail,

any liquor other than foreign liquor in any local area and for any specified period of time ;

(c) by fees on licences for manufacture or sale ;

(d) in the case of toddy, or spirits manufactured from toddy, by a tax on each tree from which toddy is tapped or drawn, to be paid in such instalments and for such period as the State Government may direct ; or

(e) by import, export or transport duties assessed in such manner as the State Government may direct ;

Provided that where there is a difference of duty as between two licence periods, such difference may be collected in respect of all stocks of liquor other than foreign liquor held by licensees at the close of the former period.

18-D. *Tax for tapping of, or drawing from, unlicensed trees from whom leviable.*—(1) When duty is levied by way of tax on toddy trees under section 18-C, the State Government may, by notification, direct that

the licence required under this Act, shall be granted only on the production, by the person applying for it, of the written consent of the owner, or person in possession, of such trees to the licence being granted to such person so applying for it ; and when such notification has been issued such tax shall, in default of payment by the licensee, be recoverable from the owner or other person in possession who has so consented.

(2) When, in like case, trees are tapped or toddy is drawn without licence, the tax due shall be recoverable primarily from the tapper or drawer or in default by him from the occupier, if any, of the land, or if the trees do not belong to the occupier of the land, or if the land is not occupied, from the person, if any, who owns or is in possession of the trees unless he proves that the trees were tapped or toddy was drawn without his consent.

18-E. *Duties may be farmed.*—All or any of the duties leviable under this Act in any local area may, with the sanction of the State Government, be farmed, subject to such payment and on such other conditions as the State Government shall specify. Farmers of duties under this section shall take out licences as such from such authority as may be prescribed.

18-F. *Toddy farmer may grant licence.*—When the exclusive or other privilege of manufacturing toddy has been granted under section 17-C, the State Government may declare that the written permission of the grantee to tap or draw toddy shall have, within the area to which the privilege extends, the same force and effect as a licence from such authority as may be prescribed for that purpose under this Act.

18-G. *Farmer may let or assign.*—In the absence of any contract or condition to the contrary, any grantee of any exclusive or other privilege may let or assign the whole or any portion of his privilege or farm. But no such lessee or assignee shall exercise any rights as such unless and until the grantee or farmer, as the case may be, shall have applied to the prescribed authority for a licence to be given to such lessee or assignee, and such lessee or assignee shall have received the same.”

5. After section 19 of the principal Act, the following section shall be inserted, namely :—

“19-A. Licence for tapping or drawing of any toddy, etc.—Subject to the control of the State Government and subject to such conditions as may be prescribed, the prescribed authority may,—

Insertion of
new section
19-A in Tamil
Nadu Act X
of 1937.

(i) issue licences to any person,—

(a) for tapping any toddy-producing tree or permitting or suffering toddy to be tapped from any tree belonging to him or in his possession ; or

(b) for drawing toddy from any tree or permitting or suffering toddy to be drawn from any tree belonging to him or in his possession ; or

(ii) issue permits for the possession or transport of such toddy.”

6. In section 21 of the principal Act, for the figures, letter and word “17-B, 18, 19 or 20”, the figures, letters and word “17-B, 17-C, 18, 19, 19-A or 20” shall be substituted.

Amendment of
section 21,
Tamil Nadu
Act X of 1937.

7. For section 22 of the principal Act, the following section shall be substituted, namely :—

“22. Counterpart agreement to be executed by licensees.—Every person taking out any licence or permit under section 6-A, 17-B, 17-C, 18, 19, 19-A or 20 shall, if so required, execute a counterpart agreement in conformity with the tenor of his licence or permit and give such security for the performance of the agreement as the State Government, or the Collector or the prescribed authority, as the case may be, may require.”

Substitution
of new section
for section 22,
Tamil Nadu
Act X of 1937.

8. In section 23 of the principal Act,—

(a) in sub-section (1), for the words “The Collector”, the words “The State Government or the Collector or the prescribed authority, as the case may be ” shall be substituted :

Amendment
of section 23,
Tamil Nadu
Act X of
1937.

(b) in sub-section (2), after the words “licence or permit”, the words “issued by the Collector or the prescribed authority” shall be inserted.

Insertion of new sections 24-A and 24-B in Tamil Nadu Act X of 1937.

9. After section 24 of the principal Act, the following sections shall be inserted, namely :—

24-A. *Punishment for adulteration, etc., by licensed vendor or manufacturer.*—Whoever, being the holder of licence or permit for the sale or manufacture of liquor under this Act,—

(a) mixes or permits to be mixed with the liquor sold or manufactured by him,—

(i) any noxious drugs or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, when such admixture shall not amount to the offence of adulteration under section 272 of the Indian Penal Code (Central Act XLV of 1860) ; or

(ii) any illicit liquor ; or

(b) mixes or permits to be mixed with the arrack sold or manufactured by him any colour and flavour to resemble any Indian-made foreign spirit with the intention of causing it to be believed that such arrack is Indian made foreign spirit ; or

(c) sells or keeps or exposes for sale,—

(i) as foreign liquor, liquor which he knows or has reason to believe to be liquor other than foreign liquor ; or

(ii) as licit liquor, liquor which he knows or has reason to believe to be illicit liquor ; or

(d) dilutes or permits to be diluted any liquor sold or manufactured by him with any matter whatsoever ; or

(e) marks the cork of any bottle or any bottle, case, package or other receptacle containing liquor other than foreign liquor or uses any bottle, case, package or other receptacle containing liquor other than foreign liquor with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor when such act shall not amount to the offence of using a false trade mark with intent to deceive or injure any person under section 482 of the Indian Penal Code (Central Act XLV of 1860) ; or

(f) sells or keeps or exposes for sale any liquor other than foreign liquor in a bottle, case, package or other receptacle with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of selling goods marked with a counterfeit trade mark under section 486 of the Indian Penal Code (Central Act XLV of 1860),

shall be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees :

Provided that,—

(a) for a first offence, such rigorous imprisonment shall not be less than three months and such fine shall not be less than one thousand rupees ,

(b) for a second or subsequent offence, such rigorous imprisonment shall not be less than six months and such fine shall not be less than two thousand rupees.

24-B. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) ‘company’ means any body corporate and includes a firm or other association of individuals, and

(b) ‘director’ in relation to a firm means a partner in the firm.”.

Insertion of
new section
25-A in Tamil
Nadu Act X of
1937.

10. After section 25 of the principal Act, the following section shall be inserted, namely :—

“25-A. *Delegation of powers of State Government.*—

(1) The State Government may, by notification, authorise the Commissioner or any other officer subordinate to them to exercise any of the powers vested in them under this Act except the power to make rules and to issue notification.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by the State Government.”.

TAMIL NADU ACT NO. 51 OF 1981.*

THE TAMIL NADU PROHIBITION (SECOND
AMENDMENT) ACT, 1981.

[Received the assent of the Governor on the 9th September 1981, first published in the Tamil Nadu Government Gazette Extraordinary on the 10th September 1981 (Avani 25, Thunmathi-2012-Thiruvalluvar Aandu).]

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Prohibition (Second Amendment) Act, 1981.

(2) (a) This Act except sections 6, 7, 8 and 9 shall be deemed to have come into force on the 1st May 1981.

(b) Sections 6 and 8 shall be deemed to have come into force on the 23rd May 1981.

(c) Sections 7 and 9 shall come into force at once.

Insertion of new sections 17-D and 17-E in Tamil Nadu Act X of 1937.

2. After section 17-C of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) hereinafter referred to as the principal Act), the following sections shall be inserted, namely :—

“17-D. *Payment of a sum in consideration of the grant of any exclusive or other privilege or fee on licences for manufacture or sale.*—The State Government may, by rules, levy a sum or fee or both in consideration of the grant of any exclusive or other privilege under section 17-C and also a fee on licences granted under section 17-C.

17-E. *Licence for export, import, etc.*—(1) The State Government or subject to the control of the State Government, the Collector, may issue licences to any person or in respect of any institution whether under the management

*For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 26th August 1981, Part IV-Section 1, Page 714.

of the Government or not, for the export, import, transport or possession of any liquor or article containing such liquor on the ground that such liquor or article is required by such person or in respect of such institution for a *bona-fide* purpose.

(2) Section 18 shall, in so far as it relates to any liquor or article containing such liquor, cease to be in force with effect on and from the 1st May 1981."

3. In section 18-B of the principal Act,—

(a) in sub-section (1), after the expression "shall be levied", the expression "only under this section" shall be inserted ;

Amendment of
section 18-B,
Tamil Nadu
Act X of 1937.

(b) after sub-section (2), the following sub-section shall be added, namely :—

"(3) Section 18-A shall, in so far as it relates to matters specified in this section, cease to be in force with effect on and from the 1st May 1981."

4. In section 18-C of the principal Act, clauses (b) and (c) shall be omitted.

Amendment of
section 18-C,
Tamil Nadu
Act X of 1937.

5. After section 18-G of the principal Act, the following section shall be inserted, namely :—

"18-H. *Exemption from payment of excise duty, countervailing duty or fee.*—The State Government may, by notification and subject to such conditions, if any, as the State Government may specify in such notification,—

Insertion of
new section
18-H in Tamil
Nadu Act X of
1937.

(1) make an exemption, reduction in rate or other modification in regard to the excise duty, countervailing duty or any fee payable by or under this Act by any person or class of persons ; and

(2) cancel or vary such exemption, reduction or other modification."

6. After section 22 of the principal Act, the following section shall be inserted, namely :—

"22-A. *Cancellation of licence granted under Madras Distillery Rules, 1960.*—(a) Every distillery licence granted in Form II under the Madras Distillery Rules, 1960 or

Insertion of
new section
22-A in Tamil
Nadu Act X of
1937.

deemed to have been granted under the Tamil Nadu Distillery Rules, 1981, for the manufacture of rectified spirit and denatured spirit, shall stand cancelled on the expiry of fifteen days from the 23rd May 1981.

(b) Every person who held the licence which stands cancelled under clause (a), shall, on application made within a period of fifteen days from the 23rd May 1981 or such further period as the State Government may specify from time to time, be entitled to the grant of licence under section 17-B and for the grant of privilege of manufacturing rectified spirit under sub-section (1) of section 17-C and a licence under sub-section (2) of said section 17-C for the manufacture of rectified spirit and denatured spirit under the Tamil Nadu Distillery Rules, 1981, subject to the provisions of the said rules.

(c) Any application made for the grant or renewal of licence for the manufacture of rectified spirit and denatured spirit in a distillery and pending before the State Government or any other authority on the 23rd May 1981 shall abate and the fee, if any, already paid shall be refunded. Any person who has made such application may apply afresh under the Tamil Nadu Distillery Rules, 1981, for the grant of privilege of manufacturing rectified spirit and denatured spirit and for a licence under the said rules, and such application shall be disposed of in accordance with the said rules."

Amendment
of section
23, Tamil
Nadu Act X of
1937.

7. In section 23 of the principal Act, after sub-section (3), the following sub-section shall be added, namely :—

"(4) Notwithstanding anything contained in sub-section (3), in so far as it relates to suspension of any such licence or permit, where a *prima facie* case has been made out, the State Government or the Collector or the prescribed authority, as the case may be, may, at any time and for reasons to be recorded in writing, suspend any such licence or permit and in such case, it shall not be necessary to give an opportunity to the holder of the licence or permit to state his objections."

Insertion of
new section
23-A in Tamil
Nadu Act X of
1937.

8. After section 23 of the principal Act, the following section shall be inserted, namely :—

"23-A. *Licence for possession and sale or issue of bottled liquor to cease.*—(1) Every licence for possession and sale or issue of bottled liquor under the Madras Liquor

(Licence and Permit) Rules, 1960 shall cease to be in force on the expiry of the 30th day of September 1981 :

Provided that such cesser shall not affect the previous operation of—

(i) the said licence ; and

(ii) anything done or any action taken in pursuance of the said licence ; and

(iii) every proceeding by way of investigation or otherwise made or taken by the State Government or other authority in respect of the said licence and any such proceeding shall be continued or enforced as if this sub-section had not been enacted.

(2) Every person who held the licence which has ceased to be in force under sub-section (1) may apply for the grant of privilege and licence under the Tamil Nadu Indian-Made Foreign Spirits (Supply by Wholesale) Rules, 1981 or the Tamil Nadu Liquor (Licence and Permit) Rules, 1981.

(3) The State Government may make rules for the refund of the proportionate fee and for the disposal of the unsold stock of liquor in the possession of any holder of a licence which has ceased to be in force under sub-section (1).”

9. In section 32 of the principal Act, after the second proviso and before the Explanation, the following proviso shall be inserted, namely :—

Amendment
of section
32, Tamil
Nadu Act X
of 1937.

“ Provided also that where any illicit arrack is seized under this section by any officer or person, such officer or person may, in the presence of a Prohibition Officer or any Police Officer not below the rank of Inspector,—

(i) take two samples of the illicit arrack of such quantity and in such manner as may be prescribed, and

(ii) destroy or cause to be destroyed the illicit arrack; and send the pots or other receptacles in which the illicit arrack was kept together with the samples taken and a certificate from the Officer in whose presence the samples were taken and the illicit arrack was destroyed, as to the total quantity of illicit arrack seized, the total quantity taken as sample and the total quantity destroyed, to the Magistrate having jurisdiction to inquire into the case.

The Magistrate shall, upon the receipt of the samples, retain one in his court and send the other to such Officer as may be prescribed for chemical analysis.”.

Amendment of
section 54,
Tamil Nadu
Act X of 1937.

10. In section 54 of the principal Act, in sub-section (2-A), after item (ii), the following item shall be added, namely :—

“(iii) the 1st May 1981, in so far as it relates to the matters dealt with in sections 17-B, 17-C, 17-D, 17-E, 18-B and 18-C.”.

Repeals
and savings.

11. (1) The Tamil Nadu Prohibition (Second Amendment) Ordinance, 1981 (Tamil Nadu Ordinance 3 of 1981) and the Tamil Nadu Prohibition (Third Amendment) Ordinance, 1981 (Tamil Nadu Ordinance 9 of 1981) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinances shall be deemed to have been done or taken under the principal Act as amended by this Act.

TAMIL NADU ACT NO. 42 OF 1982*.

THE TAMIL NADU PROHIBITION (AMENDMENT) ACT, 1982.

[Received the assent of the Governor on the 11th September 1982, first published in the Tamil Nadu Government Gazette Extraordinary on the 11th September 1982 (Aavani 26, Thunthubi, Thiruvalluvar Aandu-2013).]

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1982.

(2) It shall come into force at once.

2. In section 20-A of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937),—

(i) clause (b) shall be omitted ;

(ii) the following *Explanation* shall be added at the end, namely :—

“ *Explanation.*—It is hereby declared that, in judging the suitability of the applicant for the grant of licence or permit, as the case may be, the authority competent to grant such licence or permit shall have regard to the following factors, namely :—

(a) solvency of the applicant ;

(b) whether the applicant has contravened any of the provisions of this Act or of any rule, notification or order made thereunder or has committed the breach of any of the terms and conditions of any licence or permit granted under the provisions of this Act or of any rule made thereunder ;

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 8th September 1982, Part IV-Section 1, pages 439-440.

Short title
and com-
encement.

Amendment
section
20-A, Tamil
Nadu Act
of 1937.

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(c) whether the applicant has been convicted of any offence punishable under this Act or of any cognisable and non-bailable offence or of any offence under the Dangerous Drugs Act, 1930 (Central Act II of 1930) or under the Trade and Merchandise Marks Act, 1958 (Central Act 43 of 1958) or under sections 482 to 489 of the Indian Penal Code (Central Act XLV of 1860) ;

(d) whether the applicant carries on any other business which is likely to prevent him from giving his due attention to the purpose for which the licence or permit under this Act is sought for ;

(e) whether the applicant was a defaulter in payment of any amount due to the State Government under this Act or the rules made thereunder or of any taxes or other amounts due to the State Government ;

(f) any other matter relevant to the purpose for which the licence or permit under this Act is sought for.”.

TAMIL NADU ACT NO. 2 OF 1983. *

THE TAMIL NADU PROHIBITION (AMENDMENT)
ACT, 1983.

[Received the assent of the Governor on the 23rd February 1983, just published in the Tamil Nadu Government Gazette Extraordinary on the 26th February 1983 (Masi 14, Thunthubi, Thiruvalluvar Aandu-2014).].

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fourth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1983.

(2) This Act, except clause (i) of section 2 and section 5, shall be deemed to have come into force on the 2nd December 1982.

Amendment of section 3, Tamil Nadu Act X of 1937. 2. In section 3 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) (hereinafter referred to as the principal Act),—

(i) in clause (6-A), the expression “(except for purposes of section 21-A)” shall be omitted ;

(ii) after clause (19), the following clause shall be inserted, namely :—

“(19-A) ‘transit’ means to move through the territory of the State of Tamil Nadu from any place in India outside the State of Tamil Nadu to any other place in India outside the State of Tamil Nadu;”.

Insertion of section in Tamil Nadu Act X of 1937. 3. After section 6-A of the principal Act, the following section shall be inserted, namely :—

“6-B. Regulation of transit of liquor.—(1) Except as otherwise provided in sub-section (2), no person shall transit any liquor.

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 31st January 1983, part IV—Section 1, pages 19—20.

(2) Subject to the control of the State Government, the Collector or any officer not below the rank of a Deputy Collector empowered by him in this behalf may issue permit for the transit of any liquor in such form and subject to such conditions as may be prescribed. Every application for transit permit shall be made within such time as may be prescribed and shall be accompanied by copies of the export and import permits issued by the concerned States from which, and to which, the liquor is in transit.

(3) The following shall be conditions of every permit issued under sub-section (2) :—

(a) that the transit of liquor shall be made along the route or routes specified in the permit ; and

(b) that the transit shall be under police escort at such scale as may be prescribed provided by the prescribed authority at the cost of the person who transits liquor.”

4. In section 13 of the principal Act, for the words “against this Act”, the words “against this Act or the rules made thereunder” shall be substituted.

Amendment
of section
13, Tamil
Nadu Act
X of 1937.

5. Section 21-A of the principal Act shall be omitted.

Omission
of section
21-A, Tamil
Nadu Act X
of 1937.

6. After section 32 of the principal Act, the following section shall be inserted, namely :—

Insertion of
new section
32-A in
Tamil
Nadu Act
X of 1937.

“32-A. *Establishment of checkpoint or barrier and inspection of liquor while in transit, etc.*—(1) If the State Government consider that with a view to prevent or check the import, export, transport or transit of liquor without obtaining a licence or permit as required under the provisions of this Act, it is necessary so to do, they may, by notification, direct the setting up of checkpoint or the erection of barrier or both, at such place or places as may be notified.

(2) At every checkpoint or barrier mentioned in sub-section (1) or at any other place when so required by the Prohibition Officer or the officer-in-charge of the checkpoint or barrier or any other officer empowered by the State Government in this behalf, the driver or any other person in-charge of any animal, vessel, cart or other vehicle, shall stop the animal, vessel, cart or other vehicle, as the case may be, and keep it stationary so long as may reasonably

be necessary and allow the Prohibition Officer or officer in-charge of the checkpoint or barrier or the officer empowered as aforesaid to inspect the licence or permit obtained under the provisions of this Act.

(3) Any Prohibition Officer or any other officer specially empowered in this behalf may at any place require the driver or any other person in-charge of any animal, vessel, cart or other vehicle who imports, exports, transports or transits the liquor to stop the animal, vessel, cart or other vehicle or keep it stationary so long as may reasonably be necessary for the purpose of satisfying himself that a licence or permit has been duly obtained in respect of such import, export, transport or transit of liquor and the conditions of such licence or permit and the provisions of this Act and the rules made thereunder have been duly complied with in respect of such import, export, transport or transit of liquor.

(4) If, on such examination and inspection under sub-section (2) or sub-section (3) it appears—

(a) that the licence or permit as required under the provisions of this Act in respect of the liquor carried has been obtained and the provisions of this Act and the rules made thereunder or the notification or order issued thereunder are complied with, the said officer shall release the animal, vessel, cart or other vehicle with the liquor carried, or

(b) that the licence or permit as required under the provisions of this Act has not been obtained or any of the provisions of this Act or any of the terms of any rule, notification, order, licence or permit issued thereunder has not been complied with in respect of the liquor carried, the said officer, after making such inquiry as he deems fit and satisfying himself as to such non-obtainment or non-compliance, as the case may be, shall seize and confiscate such liquor.

(5) The driver or any other person in-charge of the animal, vessel, cart or other vehicle shall, if so required, give his name and address and the name and address of the owner of the animal, vessel, cart or other vehicle as well as those of the consignor and consignee, if any, of the liquor carried on such animal or in such vessel, cart or vehicle, as the case may be.

(6) The driver of the vessel, cart or other vehicle, shall, on demand by the said officer, produce for inspection his driving licence.

(7) If it appears to the said officer that the driver or the person in-charge of the animal, vessel, cart or other vehicle is not giving the correct name and address of the owner of the animal, vessel, cart or other vehicle or of the consignor or of the consignee, if any, of the liquor carried on such animal or in such vessel, cart or other vehicle and if the said officer is satisfied after making such inquiry as he deems fit that with a view to prevent the evasion of the provisions of this Act or the rules made thereunder it is necessary to confiscate such liquor, he may take steps for the seizure and confiscation of such liquor, in accordance with the provisions of this Act.”

7. After section 56 of the principal Act, the following section shall be inserted, namely :—

“56-A. *Injunctions not be granted in respect of sums payable in consideration of the grant of any privilege or fee on licences for manufacture, etc.*—Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act V of 1908) or in any other law for the time being in force, no Court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken for, -

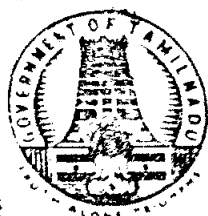
Insertion of
new section
56-A in Tamil
Nadu Act X
of 1937.

(i) the recovery of any sum or fee or both levied in consideration of the grant of any exclusive or other privilege under this Act or the rules made thereunder or any fee including vend fee or any duty levied by or under this Act or the rules made thereunder ;

(ii) the grant of any privilege under section 17-C or licence under section 17-B.”

8. (1) The Tamil Nadu Prohibition (Second Amend- Repeal and ment) Ordinance, 1982 (Tamil Nadu Ordinance 13 of 1982) saving. is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.



TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 223]

MADRAS, FRIDAY, JUNE 14, 1985

VAIKASI 32, KUROTHANA, THIRUVALLUVAR AANDU—2016

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 14th June 1985 and is hereby published for general information:—

ACT No. 29 OF 1985.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

WHEREAS the existing system of public auction-cum-tender for grant of privilege and licence for sale, by retail, of arrack has in several cases enabled the bidders to collude with each other at the time of auction, thus resulting in underbidding and loss of revenue;

AND WHEREAS under the said system, in some cases, the bid amounts were lower than the upset price and consequently the shops had to be re-auctioned a number of times resulting in delay in the opening of the shops and consequent loss of revenue;

AND WHEREAS it has been brought to the notice of the State Government that the experience gained in the working of the said system has disclosed that the said system has suffered from the above defects and other defects;

AND WHEREAS the Tamil Nadu State Marketing Corporation Limited which is a Corporation wholly owned and controlled by the State Government has already been granted the exclusive privilege of supplying, by wholesale, arrack and Indian-made foreign spirits for the whole of the State of Tamil Nadu;

AND WHEREAS the State Government have, after careful consideration, taken a policy decision to grant, in public interest, to the said Corporation, also the exclusive privilege of selling, by retail, arrack for the whole of the State of Tamil Nadu ;

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-sixth year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1985.

(2) It shall come into force at once.

2. *Amendment of section 17-C, Tamil Nadu Act X of 1937.*—In section 17-C of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) (hereinafter referred to as the principal Act),—

(a) in sub-section (1),—

(i) in clause (a), for the word “or”, the words “any liquor other than foreign liquor, or” shall be substituted ;

(ii) in clause (b), for the word “or”, the words “Indian-made foreign spirits or toddy but not arrack, or” shall be substituted ;

(iii) in clause (c), the word “toddly” shall be added at the end ;

(iv) for the words “any liquor other than foreign liquor within any local area”, the words “within any local area” shall be substituted ;

(b) in sub-section (1-A),—

(i) for clause (a), the following clause shall be substituted, namely :—

“(a) Notwithstanding anything contained in this Act, the Tamil Nadu State Marketing Corporation Limited, which is a Corporation wholly owned and controlled by the State Government, shall have—

(i) the exclusive privilege of supplying, by wholesale, arrack and Indian-made foreign spirits for the whole of the State of Tamil Nadu and no other person shall be entitled to any privilege of supplying, by wholesale, arrack or Indian-made foreign spirits for the whole or any part of the State ; and

(ii) the exclusive privilege of selling, by retail, arrack for the whole of the State of Tamil Nadu and no other person shall be entitled to any privilege of selling, by retail, arrack for the whole or any part of the State.” ;

(ii) in clause (b), for the expression “licence by the Commissioner for the exercise of the exclusive privilege referred to in clause (a) and such licence”, the expression “licences by the Commissioner for the exercise of the exclusive privilege referred to in items (i) and (ii) of clause (a) and such licences” shall be substituted ;

(iii) in clause (c), after the expression "under clause (b)", the expression "for the exercise of the exclusive privilege referred to in item (i) of clause (a)" shall be inserted ;

(iv) after clause (c) and the proviso thereunder, the following clause shall be added, namely :—

"(d) (i) The Tamil Nadu State Marketing Corporation Limited shall, as soon as may be, after the grant of the licence under clause (b) for the exercise of the exclusive privilege referred to in item (ii) of clause (a), fix, locate and open as many shops as may be necessary to effectively carry on the business of sale, by retail, of arrack in the State and the said Corporation in so fixing the shops, shall take into account the population of the locality, the needs of the locality and other relevant factors.

(ii) The Tamil Nadu State Marketing Corporation Limited shall carry on the business of selling, by retail, arrack—

(A) either directly through the employees of the said Corporation;
or

(B) through the agents appointed by the said Corporation on its behalf and on such terms and conditions as the said Corporation may specify ; or

(C) by both the methods specified in sub-items (A) and (B) of this item.

(iii) Any dispute between the said Corporation and the agent in respect of any matter shall be referred to the Commissioner or an officer not below the rank of District Revenue Officer specially empowered by the State Government in this behalf, whose decision thereon shall be final and such decision shall not be called in question in any court.

Explanation.—For the purposes of this Act, an agent appointed by the Tamil Nadu State Marketing Corporation Limited for selling on its behalf, by retail, arrack shall not be deemed to be exercising any privilege of selling, by retail, arrack and accordingly the provisions of this Act relating to the grant of such privilege and licence for selling by retail, arrack shall not apply to such agent."

3. *Insertion of new section 22-C in Tamil Nadu Act X of 1937.*—After section 22-B of the principal Act, the following section shall be inserted, namely :—

"22-C. *Retail sale of arrack.*—(1) The licence to the Tamil Nadu State Marketing Corporation Limited for the exercise of the exclusive privilege referred to in item (ii) of clause (a) of sub-section (1-A) of section 17-C shall be granted with effect on and from the 16th day of July 1985 :

Provided that—

(a) every licence for selling, by retail, arrack which is valid on the 15th day of July 1985 shall continue to be valid up to and inclusive of the 15th day of October 1985, subject to the same terms and conditions on which the licence was granted, if the licensee concerned intimates in writing on or before the 1st day of July 1985 the licensing authority his willingness to continue to sell, by retail, arrack, subject to the same terms and conditions;

(b) the Tamil Nadu Toddy and Arrack Shops (Disposal in Auction) Rules, 1981, and the Tamil Nadu Arrack (Retail Shops) Rules, 1981, shall, notwithstanding anything contained in sub-section (2), continue to apply to any licence referred to in clause (a), only upto the 15th day of October 1985 and the said rules shall cease to apply after the said date provided that the cesser of the said rules shall not affect any offence committed or any fine or penalty or forfeiture or liability incurred before the 16th day of October 1985;

Provided further that where the licence for selling, by retail, arrack is valid on the 15th day of July 1985, and the licensee concerned is not willing to continue to sell, by retail, arrack beyond the 15th day of July 1985, the Tamil Nadu State Marketing Corporation Limited shall, arrange for the sale, by retail, of arrack—

(A) either directly through the employees of the said Corporation ;
or

(B) through the agents appointed by the said Corporation on its behalf and on such terms and conditions as the said Corporation may specify ; or

(C) by both the methods specified in items (A) and (B).

(2) Without prejudice to the provisions contained in clause (b) of the first proviso to sub-section (1), the Tamil Nadu Toddy and Arrack Shops (Disposal in Auction) Rules, 1981, in so far as it relates to arrack, and the Tamil Nadu Arrack (Retail Shops) Rules, 1981, are hereby repealed with effect on and from the 16th day of July 1985 :

~~Provided that such repeal shall not affect any offence committed or any fine or penalty or forfeiture or liability incurred before the 16th day of July 1985.~~

(3) Without prejudice to the provisions contained in section 54, the State Government may make rules for the purposes of carrying into effect the provisions of sub-section (1-A) of section 17-C and this section”.

4. *Amendment of section 24-A, Tamil Nadu Act X of 1937.*—In section 24-A of the principal Act, in the opening sentence, after the words “ manufacture of liquor under this Act ”, the words “ or whoever being an employee of the Tamil Nadu State Marketing Corporation Limited, or whoever being an agent appointed by the said Corporation for selling on its behalf, by retail, arrack ” shall be inserted.

5. *Insertion of new section 56-B in Tamil Nadu Act X of 1937.*—After section 56-A of the principal Act, the following section shall be inserted, namely :—

“ 56-B. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction in respect of any matter which the Commissioner or other officer or the Tamil Nadu State Marketing Corporation Limited or other authority empowered by or under this Act has to determine and no injunction shall be granted by any court in respect of any action taken or to be taken by such Commissioner, officer, Corporation or other authority in pursuance of any power conferred by or under this Act.”.

(By order of the Governor)

S. VADIVELU,
*Commissioner and Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 17th February 1986 and is hereby published for general information :—

ACT No. 16 OF 1986

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 8th day of October 1985.

2. *Amendment of section 22-C, Tamil Nadu Act X of 1937.*—
In section 22-C of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) (hereinafter referred to as the principal Act), in sub-section (1),—

(1) in the first proviso,—

(i) in clause (a), for the expression “15th day of October 1985”, the expression “15th day of November 1985” shall be substituted;

(ii) in clause (b),—

(a) for the expression “15th day of October 1985”, the expression “15th day of November 1985” shall be substituted;

(b) for the expression “16th day of October 1985”, the expression “16th day of November 1985” shall be substituted;

(2) the following proviso shall be added at the end, namely :—

“Provided also that where the licence for selling, by retail, arrack is valid on the 15th day of October 1985, and the licensee concerned is not willing to continue to sell, by retail, arrack beyond the 15th day of October 1985, it shall be open to the licensee to surrender his licence to the licensing authority, and thereupon the Tamil Nadu State Marketing Corporation Limited shall arrange for the sale, by retail, of arrack by any of the methods specified in item (A), (B) or (C) of the immediately preceding proviso.”

3. *Repeal and saving.*—(1) The Tamil Nadu Prohibition (Second Amendment) Ordinance, 1985 (Tamil Nadu Ordinance 7 of 1985) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(By order of the Governor.)

S. VADIVELU,
*Commissioner and Secretary to Government,
Law Department.*

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TAMIL NADU.
GOVERNMENT GAZETTE
EXTRAORDINARY PUBLISHED BY AUTHORITY

[No. 288]

MADRAS, WEDNESDAY, JUNE 4, 1986

VAIKASI 21, ATCHAYA, THIRUVALLUVAR AANDU—2017

Part IV—Section, 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 3rd June 1986 and is hereby published for general information :—

ACT No. 33 OF 1986.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Tamil Nadu Prohibition (Second Amendment) Act, 1986.

2. *Amendment of section 3, Tamil Nadu Act X of 1937.*—In section 3 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) (hereinafter referred to as the principal Act), in clause (1), with effect on and from the 1st day of January 1987, the words “arrack or” shall be omitted.

3. *Amendment of section 17-C, Tamil Nadu Act X of 1937.*—In section 17-C of the principal Act,—

(1) during the period commencing on the 16th day of July 1986 and ending with the 31st day of December 1986,—

(a) in sub-section (1), in clause (b), for the words “or toddy but not arrack”, the words “toddy or arrack” shall be substituted;

(b) in sub-section (1 A),—

(i) in clause (a),—

(A) in item (i), the word “and” occurring at the end shall be omitted;

(B) item (ii) shall be omitted;

(ii) in clause (b), for the expression “licences by the Commissioner for the exercise of the exclusive privilege referred to in items (i) and (ii) of clause (a) and such licences”, the expression “licence by the Commissioner for the exercise of the exclusive privilege referred to in item (i) of clause (a) and such licence” shall be substituted;

(iii) clause (d) shall be omitted;

(2) with effect on and from the 1st day of January 1987, for sub-sections (1) and (1-A), the following sub-sections shall be substituted, namely:—

“(1) It shall be lawful for the State Government to grant to any person or persons on such conditions and for such period as they may deem fit the exclusive or other privilege—

(a) of manufacturing Indian-made foreign spirits, or

(b) of selling by retail Indian-made foreign spirits, within any local area.

(1-A) (a) Notwithstanding anything contained in this Act, the Tamil Nadu State Marketing Corporation Limited, which is a Corporation wholly owned and controlled by the State Government, shall have the exclusive privilege of supplying, by wholesale, Indian-made foreign spirits, for the whole of the State of Tamil Nadu and no other person shall be entitled to any privilege of supplying, by wholesale, Indian-made foreign spirits for the whole or any part of the State.

(b) Notwithstanding anything contained in this Act, Tamil Nadu State Marketing Corporation Limited shall be granted the licence by the Commissioner for the exercise of the exclusive privilege referred to in clause (a) and such licence shall be subject to the rules made by the State Government in this behalf and to such conditions and restrictions as the Commissioner may, from time to time, specify.

(c) The Tamil Nadu State Marketing Corporation Limited shall, as soon as may be, after the grant of the licence under clause (b) for the exercise of the exclusive privilege referred to in clause (a), open its branches in the State in such places and subject to such conditions as the Commissioner may specify:

Provided that the said Corporation shall open not less than one branch in each district."

4. *Amendment of section 18-C, Tamil Nadu Act X of 1937.*—With effect on and from the 1st day of January 1987, in section 18-C of the principal Act, clause (d) shall be omitted.

5. *Omission of sections 18-D, 18-E, 18-F, 18-G and 19-A, Tamil Nadu Act X of 1937.*—With effect on and from the 1st day of January 1987, sections 18-D, 18-E, 18-F, 18-G and 19-A of the principal Act shall be omitted.

6. *Amendment of section 21, Tamil Nadu Act X of 1937.*—With effect on and from the 1st day of January 1987, in section 21 of the principal Act, the figures and letter "19-A" shall be omitted.

7. *Amendment of section 22, Tamil Nadu Act X of 1937.*—With effect on and from the 1st day of January 1987, in section 22 of the principal Act, the figures and letter "19-A" shall be omitted.

8. *Omission of section 22-C, Tamil Nadu Act X of 1937.*—(1) With effect on and from the 16th day of July 1986, section 22-C of the principal Act shall be omitted.

(2) The Tamil Nadu Arrack (Retail Shops) Rules, 1985, are hereby repealed with effect on and from the 16th day of July 1986:

Provided that such repeal shall not affect any offence committed or any fine, penalty, forfeiture or other liability incurred before the 16th day of July 1986.

9. Insertion of new section 23-B in Tamil Nadu Act X of 1937.—
After section 23-A of the principal Act, the following section shall be inserted, namely:—

“23-B. Licences, etc., granted for manufacturing, supplying or selling arrack and toddy to cease to be valid.—(1) Notwithstanding anything contained in this Act or in any judgment, decree or order of any court,—

(a) every licence granted in respect of any privilege,—

- (i) of manufacturing arrack ;
- (ii) of supplying by wholesale, arrack ;
- (iii) of selling, by retail, arrack ; and
- (iv) of manufacturing and selling by retail, toddy

shall cease to be valid on the expiry of the 31st day of December 1986:

Provided that nothing contained in this sub-section shall affect any liability in respect of such privilege incurred before the 1st day of January 1987.

(2) Notwithstanding anything contained in this Act or in any judgment, decree or order of any court, every application made for the grant or renewal of any licence referred to in sub-section (1) and pending before the Commissioner or before the State Government or any other authority on the 31st day of December 1986 and every action taken, or enquiry made, in respect of any such application, shall abate and all fees in connection with such application (including the application fee and the licence fee, if any), already paid shall be refunded.

(3) All rules made under this Act for the grant of any licence in respect of any privilege—

- (a) of manufacturing arrack ;
- (b) of supplying, by wholesale, arrack ;
- (c) of selling, by retail, arrack ; and
- (d) of manufacturing and selling, by retail, toddy

are hereby repealed with effect on and from the 1st day of January 1987:

Provided that such repeal shall not affect any offence committed, or any fine, penalty or any forfeiture incurred before the 1st day of January 1987.

(4) Every licence for selling, by retail, toddy which is valid on the 30th day of September 1986 shall continue to be valid upto and inclusive of the 31st day of December 1986, subject to the same terms and conditions on which the licence was granted, if the licensee concerned intimates in writing on or before the 1st day of August 1986 to the licensing authority his willingness to continue to sell, by retail, toddy, subject to the same terms and conditions;

Provided that where the licence for selling, by retail, toddy is valid on the 30th day of September 1986, and the licensee concerned is not willing to continue to sell, by retail, toddy beyond the 30th day of September 1986, it shall be open to the licensee to surrender his licence to the licensing authority and thereupon the State Government shall, arrange for the sale, by retail, of toddy in accordance with the Tamil Nadu Toddy and Arrack Shops (Disposal in Auction) Rules, 1981."

10. *Amendment of section 24-A, Tamil Nadu Act X of 1937.*—
In section 24-A of the principal Act,—

(1) with effect on and from the 16th day of July 1986, in the opening sentence, the words "or whoever being an agent appointed by the said Corporation for selling on its behalf, by retail, arrack" shall be omitted;

(2) with effect on and from the 1st day of January 1987,—

(i) clause (b) shall be omitted;

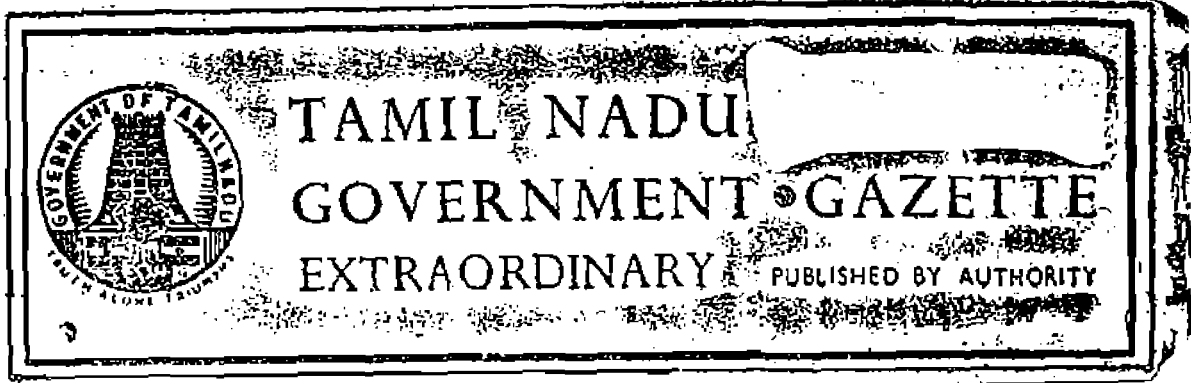
(ii) in clause (c), after item (i), the following item shall be inserted, namely:—

"(i-a) as Indian-made foreign spirits, liquor which he knows or has reason to believe to be liquor other than Indian-made foreign spirits; or"

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

GOVERNMENT OF TAMIL NADU
1986

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(Registered No. M. 1)
(Price : 15 Paise)



No. 726] MADRAS, TUESDAY, DECEMBER 9, 1986
KARTHIGAI 24, ATCHAYA, THIRUVALLUVAR AANDU—2017

Part IV—Section 2
Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 8th December 1986 and is hereby published for general information:—

ACT No. 68 OF 1986.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Prohibition (Third Amendment) Act, 1986.

(2) Sections 5, 6, 7, 8 and sub-section (1) of section 9 shall come into force on such date as the State Government may, by notification, appoint and the other sections shall come into force at once.

2. *Amendment of section 3, Tamil Nadu Act X of 1937.*—In section 3 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) (hereinafter referred to as the principal Act), to clause (3), the following *Explanation* shall be added, namely:—

“*Explanation.*—‘Collector of land revenue’ includes Additional Collector and District Revenue Officer;”.

3. *Amendment of section 13, Tamil Nadu Act X of 1937.*—In section 13 of the principal Act,—

(1) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Drug, etc., liable to confiscation”;

(2) for the words “the liquor, drug”, the words “in relation to drug, the drug” shall be substituted.

4. *Insertion of new section 13-A in Tamil Nadu Act X of 1937.*—After section 13 of the principal Act, the following section shall be inserted, namely:—

“13-A. *Liquor, etc., liable to confiscation.*—Whenever an offence in relation to liquor has been committed, which is punishable under this Act or the rules made thereunder, the following things shall be liable to confiscation, namely:—

(1) any liquor, material, still, utensil, implement, apparatus in respect or by means, of which such offence has been committed;

(2) any liquor lawfully imported, exported, transported, manufactured, held in possession or sold along with, or in addition to, any liquor liable to confiscation under this section;

(3) any receptacle, package or covering in which anything liable to confiscation under clause (1) or clause (2), is found, and the other contents, if any, of such receptacle or package or covering and any animal, cart, vessel or other conveyance used for carrying the same:

Provided that, if anything specified in clause (3) is not the property of the offender, it shall not be confiscated if the owner thereof had no reason to believe that such offence was being or was likely to be committed.”.

5. *Amendment of section 21, Tamil Nadu Act X of 1937.*—In section 21 of the principal Act, in clause (1), for the expression “on such conditions and”, the following shall be substituted, namely:—

“on such terms and conditions including—

(a) the condition for deposit of such sum as may be prescribed as security for the observance of the terms and conditions of any such licence or permit;

(b) the condition for forfeiture of the whole or part of the sum so deposited for contravention of any term or condition on which the licence or permit has been granted;

(c) the condition for the replenishment of the sum so forfeited within such time as may be prescribed; and”.

6. *Insertion of new section 21-A in Tamil Nadu Act X of 1937.*—After section 21 of the principal Act, the following section shall be inserted, namely:—

“21-A. *Power to prescribe limit of wastage or shortage of spirits.*—The State Government may, with a view to prevent or check the misuse of spirits, prescribe the limit of—

(a) wastage of spirits in the distillery, blending unit, brewery or ware-house licenced or established under this Act; or

(b) shortage of spirits in transport:

Provided that different limits may be prescribed for different varieties of spirits.”.

7. *Amendment of section 23, Tamil Nadu Act X of 1937.*—In sub-section (1) of section 23 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

“(cc) if the holder thereof has furnished false or incorrect information in connection with the obtaining or renewal of such licence or permit; or”.

8. *Insertion of new section 24-C in Tamil Nadu Act X of 1937.*—After section 24-B of the principal Act, the following section shall be inserted, namely:—

“24-C. *Penalty for furnishing false or incorrect information.*—Whoever, being the holder of any licence or permit in respect of liquor under this Act, furnishes any information in connection with the obtaining or renewal of licence or permit under this Act, which is either false or which he knows or has reason to believe to be incorrect,

shall, in addition to the cancellation or suspension of the licence or permit granted to him in respect of such liquor, be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to two thousand rupees.”.

9. *Amendment of section 54, Tamil Nadu Act X of 1937.*—In section 54 of the principal Act,—

(1) in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

“(aa) prescribing the penalty for wastage or shortage of spirits in excess of the prescribed limits at such rate not exceeding twice the normal rate of excise duty or fee that would be payable on the quantity of the spirits lost in excess of the prescribed limits.”;

(2) to sub-section (2-A), the following provisos shall be added, namely:—

“Provided that a notification issued under sub-section (1) of section 16 may have retrospective effect from a date not earlier than 1st November 1972:

Provided further that the retrospective operation of any rule made or notification issued under this Act shall not render any person guilty of any offence in regard to the contravention of such rule or the breach of any of the conditions subject to which the exemption is notified in such notification when such contravention or breach occurred before the date on which the rule or notification is published, as the case may be.”.

(By order of the Governor)

S. VADIVELU,
*Commissioner and Secretary to Government,
Law Department.*

22

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th February 1989 and is hereby published for general information :—

ACT No. 1 OF 1989.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1989.

(2) It shall come into force at once.

Amendment of section 18-B.

2. In section 18-B of the Tamil Nadu Prohibition Act, 1937, in sub-section (1), for the expression "not exceeding rupees thirty", the expression "not exceeding rupees sixty" shall be substituted. Tamil Nadu Act X of 1937.

(By order of the Governor)

P. JEYASINGH PETER,
Secretary to Government, Law Department.

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th February 1989 and is hereby published for general information :—

ACT No. 2 OF 1989.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Prohibition (Second Amendment) Act, 1989. Short title and commencement

(2) It shall come into force at once.

Tamil Nadu Act X
of 1937.

2. In section 3 of the Tamil Nadu Prohibition Act, 1937 (hereinafter referred to as the principal Act), clause (14-A) shall be omitted. Amendment of section 3.

3. In section 4 of the principal Act,—

(1) in sub-section (1), for the portion beginning with the words “ shall be punished ” and ending with the words “ in any other case with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees ”, the following shall be substituted, namely :—

Amendment of section 4.

“ shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees ” ;

(2) in sub-section (1-A), the proviso shall be omitted.

4. In section 4-A of the principal Act,—

Amendment of section 4-A.

(1) for the expression “ shall be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees ”, the expression “ shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees ” shall be substituted ;

(2) the proviso shall be omitted.

5. In section 5 of the principal Act, in the opening paragraph,—

Amendment of section 5.

(1) for the expression “ shall be punished with rigorous imprisonment for a term which may extend to five years and with fine which may extend to seven thousand rupees ”, the expression “ shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees ” shall be substituted .

(2) the proviso thereunder shall be omitted.

6. In sections 6, 8, 10, 11, 15-A, 24-C and 52-E of the principal Act, the word “ rigorous ” wherever it occurs, shall be omitted. Amendment of sections 6, 8, 10, 11, 15-A, 24-C and 52-E.

7. For section 7 of the principal Act, the following section shall be substituted, namely :— Substitution of section 7.

“ 7. *Punishment for conspiracy.*—When two or more persons agree—

(i) to commit or cause to be committed any offence under sub-section (1) of section 4 or under section 5 ; or

(ii) to evade or nullify the provisions of this Act,

each of such persons shall, notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees.”

omission of section 15-B.
amendment of section 16

8. Section 15-B of the principal Act shall be omitted.

9. In section 16 of the principal Act, in sub-section (2),—

(1) for the expression "shall be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees", the expression "shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees" shall be substituted;

(2) the proviso shall be omitted.

amendment of section 17-A.

10. In section 17-A of the principal Act, in sub-section (2),—

(1) for the expression "shall be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees", the expression "shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees" shall be substituted;

(2) the proviso shall be omitted.

amendment of section 24.

11. In section 24 of the principal Act, in the opening paragraph,—

(1) the word "rigorous" shall be omitted;

(2) the proviso thereunder shall be omitted.

amendment of section 24-A.

12. In section 24-A of the principal Act,—

(1) for the expression "shall be punished with rigorous imprisonment", the expression "shall be punished with imprisonment" shall be substituted;

(2) the proviso shall be omitted.

insertion of new section 24-D.

13. After section 24-C of the principal Act, the following section shall be inserted, namely :—

"24-D. *Power to compound offences.*—(1) Any Prohibition Officer specially empowered by the State Government in this behalf may accept, from any person who has committed or is reasonably suspected of having committed an offence under this Act or the rules made thereunder other than an offence under section 6 or section 52-E by way of composition of such offence a sum of money not exceeding two thousand rupees but not less than five hundred rupees.

(2) On payment of such sum of money to such officer, the accused person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

Disposal of pending proceedings.

14. Every proceeding including an appeal pending before any court on the date of the commencement of this Act shall be decided in accordance with the provisions of the principal Act, as amended by this Act.

(By order of the Governor)

P. JEYASINGH PETER,
Secretary to Government, Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 22nd October 1991 and is hereby published for general information :—

ACT No. 37 OF 1991.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1991.

Short title
and commence-
ment.

(2) It shall be deemed to have come into force on the 5th day of September 1991.

Tamil Nadu Act
of 1937.

2. In section 18-B of the Tamil Nadu Prohibition Act, 1937 (hereinafter referred to as the principal Act), in sub-section (1), for the expression "not exceeding rupees sixty", the expression "not exceeding rupees seventy" shall be substituted.

Amendment of
section 18-B

3. Notwithstanding anything contained in the principal Act or in any judgment, decree or order of a court, anything done or any action taken or any duty levied and collected under section 18-B of the principal Act, as amended by section 2 of this Act, at any time on or after the 5th day of September 1991 and before the date of publication of this Act in the *Tamil Nadu Government Gazette*, shall be deemed to have been validly done or taken or levied and collected under the principal Act, as amended by this Act.

Validation.

(By order of the Governor)

P. JEYASINGH PETER,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th October 1992 and is hereby published for general information:—

ACT No. 47 OF 1992.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-third Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 12th day of May 1992.

Amendment
of section
18-B.

2. In section 18-B of the Tamil Nadu Prohibition Act, 1937 (herein after referred to as the principal Act), in sub-section (1), for the expression "not exceeding rupees seventy", the expression "not exceeding rupees eighty five" shall be substituted.

Tamil Nadu
Act X of
1937.

Tamil Nadu
Act 68
1986.

Insertion of
new section
23-B.

3. After section 23-A of the principal Act, the following section shall be inserted, namely:—

"23-B. Licences granted for selling Indian-made foreign spirits to cease to be valid.—(1) Notwithstanding anything contained in this Act or in any rule made thereunder or in any judgment, decree or order of any court or other authority, every licence granted in respect of any privilege of selling, by retail, Indian-made foreign spirits shall cease to be valid on the expiry of the 31st day of May 1992:

Provided that nothing contained in this sub-section shall affect any liability in respect of such privilege incurred before the 1st day of June 1992.

(2) The State Government may make rules for the refund of the proportionate fee and for the disposal of the unsold stock of Indian-made foreign spirits in the possession of any holder of the licence which has ceased to be in force under sub-section (1).

(3) Notwithstanding anything contained in this Act or in any rule made thereunder or in any judgment, decree or order of any court or other authority, every application made for the renewal of any licence for selling, by retail, Indian-made foreign spirits and pending before the State Government or before the Commissioner or any other authority on the 12th day of May 1992 and every action taken or enquiry made in respect of such application, shall abate and all fees in connection with such application (including the application fee and the licence fee, if any) already paid shall be refunded."

Addition of
new
section

Tamil Nadu
Ordinance
6 of 1992.

4. (1) The Tamil Nadu Prohibition (Amendment) Ordinance, 1992 is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(By order of the Governor)

MD. ISMAIL,

Secretary to Government, Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th October 1992 and is hereby published for general information :—

ACT No. 48 OF 1992.

An Act to amend the Tamil Nadu Prohibition (Third Amendment) Act, 1986.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Prohibition (Third Amendment) Amendment Act, 1992.

Short title
and
commencement.

(2) It shall be deemed to have come into force on the 9th day of December 1986.

2. In section 1 of the Tamil Nadu Prohibition (Third Amendment) Act, 1986 (hereinafter referred to as the 1986 Act), for sub-section (2), the following sub-section shall be substituted, namely :—

Amendment
of section 1

“(2) (a) Section 6 and sub-section (1) of section 9 shall be deemed to have come into force on the 12th day of May 1981.

(b) Sections 5, 7 and 8 shall come into force on such date as the State Government may, by notification, appoint.”

3. In section 9 of the 1986 Act, in clause (aa) proposed to be inserted by sub-section (1), for the words “twice the normal rate of excise duty or fee that would be payable on the quantity of the spirits lost in excess of the prescribed limits”, the words “sixteen rupees per proof litre” shall be substituted.

Amendment of
section 9.

4. After section 9 of the 1986 Act, the following section shall be added, namely :—

“10. *Validation.*—Notwithstanding anything contained in any law for the time being in force or in any judgment, decree, or order of any court, tribunal or other authority, any rule made or anything done or any action taken by the State Government or by any officer or authority, in relation to wastage or shortage of spirits in the distillery, blending unit, brewery or warehouse licensed or established under the principal Act or in relation to shortage of spirits in transport, as the case may be, at any time on or after the 12th day of May 1981 and before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, shall be deemed to be, and to have always been, validly made or done or taken under the principal Act, as amended by this Act.”

(By order of the Governor)

MD. ISMAIL,
Secretary to Government, Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 7th May 1993 and is hereby published for general information :—

ACT No. 14 OF 1993.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fourth Year of the Republic of India as follows —

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1993.

Short title and commencement

(2) It shall be deemed to have come into force on the 16th day of July 1991.

Tamil Nadu Act X of 1937.

2. In section 3 of the Tamil Nadu Prohibition Act, 1937 (hereinafter referred to as the principal Act),—

Amendment of section 3.

(1) for clause (1), the following clause shall be substituted, namely:—

“ (1) “blending unit” means a unit where Indian-made foreign spirits are manufactured; ”;

(2) in clause (1-A), the word “sachet” shall be omitted;

(3) clause (4-A) shall be omitted;

(4) in clause (6-A), the expression “country liquor” shall be omitted;

(5) in clause (7-A), the expression “but does not include country liquor” shall be omitted;

(6) in clause (9), for the expression “country liquor”, the expression “arrack” shall be substituted.

3. In section 17-C of the principal Act,—

Amendment of section 17-C.

(1) in sub-section (1),—

(a) in clause (a), the expression “country liquor or” shall be omitted;

(b) in clause (b), the expression “country liquor or” shall be omitted;

(2) in sub-section (1-A), in clause (a), the expression “country liquor or”, occurring in two places, shall be omitted;

(3) sub-section (1-B) shall be omitted.

4. In section 24-A of the principal Act,—

Amendment of section 24-A.

(1) in the opening portion, the expression “or the Tamil Nadu Spirit Corporation Limited” shall be omitted;

(2) clause (aa) shall be omitted.

5. In section 32 of the principal Act, in the third proviso, for the expression “illicit country liquor”, wherever it occurs, the expression “illicit arrack” shall be substituted.

Amendment of section 32.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government, Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 16th June 1998 and is hereby published for general information:—

ACT No. 24 OF 1998.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 1998.
- (2) It shall come into force at once.

Short title and commencement.

2. In section 18-B of the Tamil Nadu Prohibition Act, 1937, in sub-section (1), for the expression "not exceeding rupees eighty-five", the expression "not exceeding rupees one hundred and twenty-five" shall be substituted.

Amendment of section 18-B.

(By order of the Governor)

A.K. RAJAN,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 22nd December 1998 and is hereby published for general information :—

ACT No. 57 OF 1998.

AN ACT FURTHER TO AMEND THE TAMIL NADU PROHIBITION ACT, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Prohibition (Second Amendment) Act, 1998. Short title and commencement.

(2) It shall come into force at once.

2. In section 4 of the Tamil Nadu Prohibition Act, 1937 (hereinafter referred to as the principal Act),— Amendment of section 4.

(1) in sub-section (1),—

(i) after clause (a), the following clauses shall be inserted, namely :—

“(aa) imports, exports, transports or possesses liquor exceeding fifty litres but less than one hundred litres ; or

(aaa) imports, exports, transports or possesses liquor of one hundred litres and above ; or .”

(ii) for the portion beginning with the words “ shall be punished” and ending with the words “ one thousand rupees”, the following shall be substituted, namely:—

“shall be punished ,—

(a) in the case of offences falling under clauses (aaa), (b), (f), and (h), with rigorous imprisonment or a term which may extend to three years and with fine which may extend to ten thousand rupees :

(b) in the case of offence falling under clause (aa), with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees; and

(c) in the case of offences falling under other clauses, with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees .” ;

(2) in sub-section (1—A), after the expression “ clause (a)”, the expression “clause (aa), clause (aaa)” shall be inserted.

3. In section 5 of the principal Act, for the portion beginning with the words “shall be punished” and ending with the words “ one thousand rupees”, the following shall be substituted, namely :— Amendment of section 5.

“shall be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees.”

Amendment of section 7. 4. To section 7 of the principal Act, the following proviso shall be added, namely :—

“Provided that if the agreement relates to an offence under clause (aaa), clause (b), clause (f), or clause (h) of sub-section (1), or punishable under sub-section (1-A), of section 4, each of such persons shall be punished with rigorous imprisonment for a term which may extend to three years and with fine may extend to ten thousand rupees.”;

Amendment of section 20I. 5. In section 20 of the principal Act, in clause (d), for the expression “clause (a) or (j)”, the expression “clause (a), (aa), (aaa), or (j)” shall be substituted.

Amendment of section 24-D. 6. In section 24-D of the principal Act, in sub-section (1),—

(i) for the expression “an offence under section 6 or section 52-E”, the expression “the offences under clauses (aaa), (b), (f) and (h) of sub-section (1), and offence punishable under sub-section (1-A) of section 4 and offences under sections 6 and 52-E” shall be substituted;

Amendment of section 52-A. (ii) for the expression “two thousand rupees but not less than five hundred rupees”, the expression “ten thousand rupees but not less than one thousand rupees” shall be substituted.

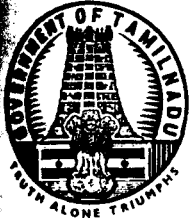
7. In section 52-A of the principal Act, after the expression “clause (a)”, the expression “clause (aa), clause (aaa),” shall be inserted.

Amendment of section 52-E. 8. In section 52-E of the principal Act, in sub-section (1), after the expression “clause (a)”, the expression “clause (aa), clause (aaa)” shall be inserted.

Amendment of Schedule II. 9. In Schedule II to the principal Act, after the expression “4(1) (a)”, occurring at two places, the expression “4 (1) (aa), 4 (1) (aaa)” shall be inserted.

(By order of the Governor)

A. K. RAJAN,
Secretary to Government, Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

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CHENNAI, SATURDAY, NOVEMBER 15, 2003
Aippasi 29, Subhanu, Thiruvalluvar Aandu-2034

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th November 2003 and is hereby published for general information:—

ACT No. 31 OF 2003.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 2003.

Short title and commencement.

(2) It shall be deemed to have come into force on the 26th day of October 2003.

Tamil Nadu Act 1937

2. In section 17-C of the Tamil Nadu Prohibition Act, 1937 (hereinafter referred to as the principal Act), after sub-section (1-A), the following sub-section shall be inserted, namely:—

Amendment of section 17-C.

“(1-B) (v) Notwithstanding anything contained in this Act, the Tamil Nadu State Marketing Corporation Limited, which is a Corporation wholly owned and controlled by the State Government, shall have the exclusive privilege of selling, by retail, Indian-made foreign spirits, for the whole of the State of Tamil Nadu and no other person shall be entitled to any privilege of selling, by retail, Indian-made foreign spirits for the whole or any part of the State.

(b) Notwithstanding anything contained in this Act, Tamil Nadu State Marketing Corporation Limited shall be granted the licence by the Commissioner for the exercise of the exclusive privilege referred to in clause (a) and such licence shall be subject to the rules made by the State Government in this behalf and to such conditions and restrictions as the Commissioner may, from time to time, specify.

(c) (i) The Tamil Nadu State Marketing Corporation Limited shall, as soon as may be, after the grant of the licence under clause (b) for the exercise of the exclusive privilege referred to in clause (a), fix, locate and open as many shops as may be necessary to effectively carry on the business of sale, by retail, of Indian made foreign spirits in the State and the said Corporation in so fixing the shops, shall take into account the population of the locality, the needs of the locality and other relevant factors.

(ii) The Tamil Nadu State Marketing Corporation Limited shall carry on the business of selling, by retail, Indian-made foreign spirits—

(A) either directly by the said Corporation; or

(B) through Co-operative Societies appointed by the said Corporation as agents to act on its behalf and on such terms and conditions as the said Corporation may specify; or

(C) by both the methods specified in sub-items (A) and (B) of this item.

(iii) Any dispute between the said Corporation and the Co-operative Society, appointed as its agent, in respect of any matter shall be referred to the Commissioner or an officer not below the rank of District Revenue Officer specially empowered by the State Government in this behalf, whose decision thereon shall be final and such decision shall not be called in question in any Court.

Explanation.—For the purposes of this Act, a Co-operative Society, appointed as agent by the Tamil Nadu State Marketing Corporation Limited for selling on its behalf, by retail, Indian-made foreign spirits shall not be deemed to be exercising any privilege of selling, by retail, Indian-made foreign spirits and accordingly the provisions of this Act relating to the grant of such privilege and licence for selling, by retail, Indian made foreign spirits shall not apply to such agent.”

Insertion of
new section
22-D.

3. After section 22-C of the principal Act, the following section shall be inserted, namely:—

“22-D. *Licence granted for selling, by retail, Indian-made foreign spirits to cease to be valid.*—(a) Notwithstanding anything contained in this Act or in any judgment, decree or order of any Court, every licence granted or renewed in respect of any privilege of selling, by retail, Indian-made foreign spirits (other than the licence granted or renewed for supply in hotels, clubs and stores and depots run by the Defence Department, Government of India) and which is valid on the 26th day of October 2003 shall cease to be valid on the expiry of the 28th day of November 2003 on which date the validity of the said licence shall, under the existing rules, expire and any licence renewed for any period beyond 28th day of November 2003 shall cease to be valid and in such cases all fees (including the licence fee and the privilege amount) paid for renewal of licence shall be refunded.

(b) Notwithstanding anything contained in this Act or in any judgment, decree or order of any Court, every application made for the grant or renewal of licence for selling, by retail, Indian-made foreign spirits and pending before the Commissioner or before the State Government or any other authority on the 26th day of October 2003 and every action taken, or enquiry made, in respect of such application, shall abate and all fees in connection with such application (including the application fee and the licence fee, if any), already paid shall be refunded.

(c) The Tamil Nadu Liquor (Retail Vending) Rules, 1989 and the Tamil Nadu Liquor (Retail Vending in Bar) Rules, 2002 are hereby repealed with effect from the 29th day of November 2003:

Provided that such repeal shall not affect any offence committed or any fine, penalty or forfeiture incurred before the 29th day of November 2003.

(d) (i) Notwithstanding anything contained in sub-section (1-B) of section 17-C and without prejudice to the provisions contained in section 54, the State Government may make rules for grant of licences to such hotels, clubs and stores and depots run by the Defence Department, Government of India, as may be prescribed and for the purpose of carrying into effect the provisions of this section and sub-section (1-B) of section 17-C.

(ii) Within a period of one month commencing on and from the 29th day of November 2003, the State Government shall, on payment of the price, take over the entire stock of Indian-made foreign spirits, if any, which on the 29th day of November 2003, is in possession of any holder of a licence which shall cease to be valid under clause (a).

Explanation.—For the purposes of item (ii) of this clause, the expression “stock of Indian-made foreign spirits” shall include stocks in movement on the 29th day of November 2003, consequent on the orders placed by such holder with the suppliers in pursuance of permits granted by the Competent Authority under this Act.”

4. (1) The Tamil Nadu Prohibition (Amendment) Ordinance, 2003 is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
*Secretary to Government,
Law Department.*



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 40]

CHENNAI, WEDNESDAY, FEBRUARY 11, 2004
Thai 28, Subhanu, Thiruvalluvar Aandu-2035

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 11th February 2004 and is hereby published for general information:—

ACT No. 2 OF 2004.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 2004.

Short title and commencement.

(2) (a) Section 2,—

Tamil Nadu
Act X of
1937.

(i) in so far as it relates to sub-sections (1) and (2) of new section 22-CC of the Tamil Nadu Prohibition Act, 1937 (hereinafter referred to as the principal Act), shall be deemed to have come into force on the 22nd day of June 2001;

(ii) in so far as it relates to sub-sections (3) and (4) of new section 22-CC of the principal Act, shall be deemed to have come into force on the 23rd day of April 2002.

(b) Other provisions shall be deemed to have come into force on the 26th day of October 2003.

2. After section 22-C of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 22-CC.

"22-CC. Repeal of rules.—(1) Notwithstanding anything contained in any judgment, decree or order of any court, rule 14 of the Tamil Nadu Liquor (Retail Vending) Rules, 1989 is repealed with effect from the 22nd day of June 2001.

(2) Notwithstanding anything contained in this Act or in any judgment, decree or order of any court,—

(i) the licence granted for selling, by retail, Indian Made Foreign Spirit on or after the 22nd day of June 2001, under the Tamil Nadu Liquor (Retail Vending) Rules, 1989, shall be deemed to have been granted without the right of renewal;

(ii) any grant of renewal of licence for selling, by retail, Indian Made Foreign Spirit on or after the 22nd day of June 2001, under the rule repealed under sub-section (1) of this section shall be deemed to be a grant of licence for selling, by retail, Indian Made Foreign Spirit without the right of renewal and shall cease to be valid on the expiry of the 28th day of November 2003.

(3) Notwithstanding anything contained in any judgment, decree or order of any court, rule 5 of the Tamil Nadu Liquor (Retail Vending in Bar) Rules, 2002 is repealed with effect from the 23rd day of April 2002.

(4) Notwithstanding anything contained in this Act or in any judgment, decree or order of any court,—

(i) the licence granted for vending liquor in bar, on or after the 23rd day of April 2002, under the Tamil Nadu Liquor (Retail Vending in Bar) Rules, 2002, shall be deemed to have been granted without the right of renewal;

(ii) any grant of renewal of licence for vending liquor in bar, on or after the 23rd day of April 2002 under the rule repealed under sub-section (3) of this section shall be deemed to be a grant of licence for vending liquor in bar without the right of renewal and shall cease to be valid on the expiry of the 28th day of November 2003.”.

Amendment of
section 22-D.

3. In section 22-D of the principal Act, in clause (a),—

(1) for the expression “every licence granted or renewed”, the expression “every licence granted or renewed [which is deemed to be a grant of licence under sub-sections (2) and (4) of section 22-CC]” shall be substituted;

(2) for the expression “any licence renewed”, the expression “any licence renewed [which is deemed to be a grant of licence under sub-sections (2) and (4) of section 22-CC]” shall be substituted.

Repeal and
saving.

4. (1) The Tamil Nadu Prohibition (Amendment) Ordinance, 2004 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.

Tamil Nadu
Ordinance
1 of 2004.

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 7th June 2007 and is hereby published for general information:—

ACT No. 22 OF 2007.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-eighth Year of the Republic of India as follows: -

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 2007.

Short title and commencement.

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

2. In section 3 of the Tamil Nadu Prohibition Act, 1937 (hereinafter referred to as the principal Act), in clause (7), in sub-clause (b), for the expression "otherwise than", the expression "including the bringing" shall be substituted.

Amendment of section 3.

3. In section 17-C of the principal Act,—

Amendment of section 17-C.

(1) in sub-section (1), in clause (v), for the expression "Indian-made foreign spirits", the expression "Indian-made foreign spirits and foreign liquor" shall be substituted;

(2) in sub-section (1-A), in clause (a), for the expression "Indian-made foreign spirits" occurring in two places, the expression "Indian-made foreign spirits and foreign liquor" shall be substituted.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government-in-charge,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th May 2008 and is hereby published for general information:—

ACT No. 23 OF 2008.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 2008.

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

Insertion of new section 18-BB.

2. After section 18-B of the Tamil Nadu Prohibition Act, 1937, the following section shall be inserted, namely:—

"18-BB. Special fee on import of excisable articles.—A special fee at such rate not exceeding rupees four hundred and fifty per proof litre, as the State Government may, from time to time, by notification specify, shall be levied on all excisable articles permitted to be imported under this Act."

Tamil Nadu Act X of 1937.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

Tamil Nadu Act IV of 1919.

Tamil Nadu Act V of 1920.

Tamil Nadu Act 15 of 1971.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 19th August 2014 and is hereby published for general information:—

ACT No. 8 OF 2014.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows: —

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 2014.

Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu
Act X of 1937.

2. In section 18-B of the Tamil Nadu Prohibition Act, 1937, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 18-B.

“(1) Notwithstanding anything contained in section 18-A, an excise duty or countervailing duty at such rate not exceeding —

- (a) rupees two hundred and fifty per proof litre, for ordinary brands;
- (b) rupees three hundred per proof litre, for medium brands;
- (c) rupees five hundred per proof litre, for premium brands,

as the State Government may, from time to time, by notification specify, shall be levied only under this section on all excisable articles —

- (a) permitted to be imported under this Act;
- (b) permitted to be exported under this Act;
- (c) permitted to be transported under this Act;
- (d) manufactured under any licence granted under this Act;

(e) manufactured at any distillery, blending unit or brewery licensed or established under this Act;

(f) issued from a distillery, blending unit, brewery or warehouse licensed or established under this Act; or

(g) sold in any part of this State.

Explanation.— For the purpose of this sub-section,—

(a) ordinary, medium and premium brands mean the Indian-made foreign spirits brands classified as such by notification by the State Government;

(b) each case of Indian-made foreign spirits containing nine bulk litres or less than nine bulk litres shall be considered as containing 6.75 proof litres and excise duty shall be levied accordingly.”

(By Order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.