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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No.	167	Press.
B.P. No.		Mis.
Dated	2-2-1878	197

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

2nd February 1878, No. 167.

Read the following paper:—

Read again Proceedings of the Board of Revenue, dated 11th December 1877,
No. 5,212, recorded in G.O., 22nd January 1878, No. 113.

No. 22. ORDER THEREON, 2nd February 1878, No. 167.

Separate Revenue, No. 2.

Abkari.

*G.O., dated 26th July 1875, No. 1,110.
" 27th " " " 1,127.

In paragraphs 5 and 12 of these Proceedings the Board notice certain matters relating to Abkari as requiring early Legislative action.

2. The papers* regarding the amendment of the Abkari Act III of 1864 were referred to the Legislative Department in July 1875, but no action has yet been taken upon them. In these papers it was proposed—

That the possession of stills or implements of distillation without license for the purpose of distilling anything coming within the Abkari Act should be prohibited;

That the power of the Police to search any premises for the detection of such prohibited articles should be extended;

That fines levied under the Abkari Act should be applicable for rewards to informers;

That power should be reserved to the Board to prohibit sub-renting where it may be, in their opinion, necessary;

and that sub-renters should be empowered to proceed under Act VIII of 1865 for the recovery of sums due to them by licensed shop-keepers.

3. His Grace the Governor in Council considers it advisable that the Board of Revenue should frame a Bill on the subject, arranging not only for the matters alluded to above, but providing that the machinery for the suppression of illicit distillation and unlicensed traffic in ardent spirits may be as complete as possible throughout the country, reasonable checks against abuse being carefully kept in view. To this end the Government consider—

i.—That (1) the possession and use of stills or implements for distillation without license; and,

(2) the possession and sale of contraband spirits must be prohibited and declared offences against the Abkari Law.

ii.—That *mutatis mutandis* the principle of Sections 13 and 14 of Regulation I of 1805 (Salt) should be extended to contraband proceedings under the Abkari Act, with such modifications as may suggest themselves to the Board;

- iii—That the responsibilities, duties, and powers of village establishments under Regulation XI of 1816 in respect to crime within their respective jurisdictions, and of intercommunication and co-operation, might, with benefit and safety, be applied to this class of offences against the law;
 - iv—That the powers of the Police in respect to summary search for implements of distillery and contraband liquor must be somewhat extended under reasonable safe-guards;
 - v—That power must be given to act on information laid by the servants of Abkari farmers duly authorised in that behalf by the renter and Collector; and,
 - vi—That severe penalties must be provided in case of dereliction of duty, malicious information, and the like.
4. The Government think that the more stringent provisions of the law should not apply to fermented liquors.
5. With these general indications of their views, the Government refer the matter to the Board, and desire an early report with a draft of a Bill for consideration by the Legislative Council during this Session.

(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

To the Board of Revenue.

Ed. F. R. Bantleman.

Read Proc. of B. of Ok
 11th Dec 1877 No 5,212
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It is I think
 absolutely necessary
 in the interest of the
 Revenue as well as of
 the morale of the people
 to use every possible
 means and machinery
 to suppress illicit
 distillation of and
 unlicensed traffic in
 ardent spirits - providing
 withal reasonable checks
 against abuse.

I should enact that

- I. (1) the possession and use
 of stills or implements
 for distillation without
 license - and
- (2) the possession & sale

Act of (1878) 52nd
 REVENUE.

10-10-77 C. D. D. D.

10-10-77 C. D. D. D.

10-10-77 C. D. D. D.

I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

7/26/78

of contraband spirits
are hereby prohibited
and declared to be
offending against the
Abkarri Act.

II. It shall be the duty
of all officers of the Revenue
and Police Departments
in the service of Govt.
and of all Village Officers
to prevent and assist
in the suppression of
illicit distillation of
and unlicensed traffic
in distilled liquor -
within the limits of their
respective jurisdictions.

III. It shall be the duty
of every Head of a Village
to report to the nearest
Officer in charge of a
Police Station and to
the Magistrate of the
District.

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Taking any case in which
he has reason to believe
that illicit distillation
of, or unlicensed traffic in
distilled liquor is being
carried on within the
limits of his jurisdiction
and to take such means
as may be necessary
to prevent it. Heads of
Villages shall reciprocally
communicate any
information they may
receive of Officers under
the Abkarri Act and
generally cooperate for
their prevention & suppression.

IV. When the Head of a
Village has credible
information that illicit
distillation is being
carried on in any
place within his
jurisdiction & has
reason

Reason to apprehend
that stills or implements
used in such processes
will be made away
with unless prompt
measures be taken
to secure them, he may
cause search to be made
and the property, if found,
to be secured & forwarded
with the offender to the
nearest Officer in charge
of a Police Station. If the
place of concealment
be a dwelling-house, the
search shall be made
only between sunrise and
sunset.

Provided that the Head
of Village may in like
manner cause search
to be made on information
and requisition preferred
in

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in writing by any person
duly authorized, with
the previous sanction
of the Collector, in that
behalf, by any farmer
of the Exclusive right
to distill spirits within
his jurisdiction.

V. Every Head of Village
shall forthwith report
to the nearest Officer in
charge of a Police Station
and to the Magistrate
of the Taluk all cases
in which he shall have
exercised the powers
of search granted to him
by the preceding Section
together with full
particulars list of
all property taken charge
of.

VI. Any Police Officer
 in charge of a Police
 Station may exercise
 all the powers granted
 to Heads of Villages
 under the preceding
 section and shall
 forthwith report to the
 Magistrate of the District
 all cases in which
 he shall have exercised
 the power of leave
 granted to him by
 the preceding section
 together with full
 particulars that if
 any property taken
 or all property taken
 is changed.
 VII. Any Police Officer,
 Head of a Village or

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other person who shall
 knowingly & maliciously
 or without probable
 cause, exercise or exceed
 any of the powers granted
 by the above sections or
 who shall prefer any
 false accusations or provide
 charge or information
 against any person,
 shall be liable on
 conviction before a
 Magistrate to the penalty
 provided in Section
 44 of Act XXIV of 185

As to application
 of power vide sec
 24 Act of 1871

The provision shall
 apply to Subd - 1st

I do add the
 Mr. Provost
 suggested the
 Board M
 1871

Memo for orders

Submitting recom-
mendations for
regulation of the
New Albany Leases

Honble members
having agreed in
notes on Board's
Proceedings of
11 Dec last no 57 1/2

that the matters
noticed in paras
5 & ¹²~~11~~ as requiring
legislative action
should be taken
up & legislation
expedited the
accompanying
draft Memo to
the Legislature
Sept 22 sent
for approval to
the member in
charge of the New
Sept

I do not object to
Sir H. P. proposals &
think the best plan would
be to draft a Res. to
settle for the provision
appended in 5. & then
proceed. Assuming
that no steps have
been taken to prepare

It has been returned
however not ap-
proved as Mr W.
Robinson consid-
ers that the legi-
lation proposed
in the Orders of 26 & 27 July 1875
does not
embrace all
the points wh^{ch}
ought to be con-
sidered.

Orders are there-
fore requested
with reference
whether the ac-
companying
note by Mr W. Ro-
binson, or an
order based
thereon, should
be communi-
cated to the
Legislative Dept

a measure of law
forgiving two offen-
sives to the H.
I sketch a draft

26 & 27 July 1875
nos 1110 & 1127

Bills for the purpose
I should think it
advisable for the
H. & the H. to
have Draft Bills
rather than refer
them to the H. & the
Adv. Gen.

10/1

11/10
24/1

for guidance in the
preparation of
the draft Bill

C. M.

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Rev. Dept.

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Off. Memo.

The undersigned
is directed to request
that the preparation of
the draft Bill alluded to
in L.Os. 26" + 27" July 1875
Nos 1110 + 1127 P.D. may be
expedited and that oppor-
tunity may be also taken
to provide for the change
in the law described in
Board's Proceedings dated
11 December 1877 No 5212
paragraph 5. (copy sent
herewith).

See note 27/10/83/M

2. The matter is
urgent

urgent vide para: 12 of the
Boards' Proceedings last
quoted.

QUL

To the Legislative Department

Edw. H. P.

16.1.78

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Dear Mr. Williams

Legislation for Abomi-
nations purposes is alluded
to in paragraphs 5 and
12 of Bd. Pro: 11. Dec 77
No 5212.

I understand that
no action has been taken
in the Legislative Dept.
on the orders of July 75
directing preparation
of draft Bill.

Nor has any reply
been received from
the Advocate General.

10/12
to the enquiry whether
the revised Abkarny Bill
should be amalgama-
ted with the Ganja Bill.
The Govt Solicitor on being
asked about it ~~in~~ in
November 1876 said
that the Advocate Gen-
eral had promised
to speak to the Secretary
to Govt (who was in charge
of the Ganja Bill) 16/11

I now enclose a
draft memo to the
Legislative Dept for
consideration

Yours very
obedient

Qm.

Rev. Dept.

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Proceedings of the Madras Government
Under date the

Read the following
Proceedings of the Board of
Revenue, dated 11th December
1877 No. 5212, submitting re-
commendations for the regu-
lation of the New Abhari
leaves.

First as recommended
11/12/77

M. 26/11
A. P. as submitted by
the Revenue
Commission.

In paragraphs 5 and
12 of these Proceedings, the
Board notice certain matters
relating to Abhari as re-
quiring early Legislative
action.

* G.O. of 26th July 1875 No. 1110.
G.O. of 27th July 1875 No. 1127.

2 The papers regarding
the amendment of the Abhari
Act III of 1864, were referred to
the

the Legislative Department in July 1876, but no action has yet been taken upon them. In the

3. His Grace the Governor in Council considers it advisable that the Board of Revenue should frame a Bill on the subject arranging not only for the matters alluded to in the above quoted, but providing the machinery for the suppression of illicit distillation and unlicensed traffic in ardent spirits may be as complete as possible, reasonable checks against abuse being also carefully kept in view.

I To this end the Govt. considers that

(1) The possession and use of stills or implements for distillation without license, and

(2) The possession and sale of contraband spirits to be prohibited and declared offences against the Abkari Law.

II It shall be the duty of all Officers of the Revenue and Police Departments in the service of Govt. and of all village officers to prevent and assist in the suppression of illicit

III That: Mutatis mutandis the principle of Sects 13 & 14 of Act I of 1805 (Salt) ought to be extended & contraband doings under the Abkari Act - or such mode of

themselves to the Board
III That the responsibilities duties & powers of those establishments under Regt. of 1876 in respect to crime when the jurisdiction, & further communication & cooperation be applied to this class of offences against the law
IV That the powers of the Police in respect to search for illicit distillation & contraband liquor must be somewhat extended under reasonable safeguards so
V That power must be given to act on the information laid by the servants of Abkari farmers & all others in that behalf & collect and
VI That severe penalties be provided in case of wilful dereliction of duty or malicious information & to like.
The Govt. think that the more stringent provisions of the law should apply to fermented liquors
distillation of, and unlicensed traffic in distilled liquor within the limits of their respective jurisdictions.
III It shall be the duty of every head of a village to report to the nearest Officer in charge of a Police Station and to the Magistrate of the Taluk any case in which he has reason to believe that illicit distillation of or unlicensed traffic in distilled liquor is being carried on within the limits of his jurisdiction and to take such means as may be necessary to prevent it. Heads of villages shall reciprocally communicate any information they may receive of offences under the Abkari Act and generally cooperate for their prevention and suppression.
IV When the Head of a village has credible information that illicit distillation is being carried on

in any place within his jurisdiction and has reason to

suspect that stills or implements used in such processes will be made away with unless prompt measures be taken to secure them, he may cause search to be made, and the property, if found, to be secured and forwarded with the offender to the nearest Officer in charge of a Police Station. If the place of concealment be a dwelling-house, the search shall be made only between sunrise and sunset.

Provided that the Head of a village may in like manner cause search to be made on an information and requisition preferred in writing by any person duly authorized, with the previous sanction of the Collector, in that behalf by any farmer of the exclusive right to distil spirits within his jurisdiction.

And the General Regulations of the new of the Govt. they resolve to leave the matter in the hands of the Board & desire an Encl^d not on draft of a Bill for Criminal Code.

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V. Every Head of Village shall forthwith report to the nearest Officer in charge of a Police Station, and to the Magistrate of the Taluk, all cases in which he shall have exercised the powers of search granted to him by the preceding Section together with full particulars and list of all property taken charge of.

VI. Any Police Officer in charge of a Police Station may exercise all the powers granted to Heads of Villages under the preceding Section and shall forthwith report to the Magistrate of the Taluk all cases in which he shall have exercised the powers of search granted to him by the preceding sections together with full particulars and list of all property taken charge of.

VII. Any Police Officer, Head of a village or other person who shall knowingly and maliciously

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or without probable cause,
exercise or exceed any of the
powers granted by the above
sections or who shall prefer
any false and vexatious or
frivolous charge or information
against any person, shall be
liable on conviction before
a Magistrate to the penalty
provided in Section 44 of Act

XXIV of 1857

VIII The above provisions should
not apply to today.

VJ

qul

Go. No. 167

Amendment of
Mkani Act

Enacted
1878

C. 23^d Jan'y 1878 R. 25th Jan'y 1878

No. 167

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No. 167

Proceedings of the Madras Government
Under date the 2^d February 1878.

Read the following
Proceedings of the Board of
Revenue, dated 11th December
1877 No. 5212, submitting re-
commendations for the regu-
lation of the New Abkari laws.

In paragraphs 5 and
12 of these Proceedings, the
Board inter alia certain matters
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ing early legislative action.

The papers regarding
the amendment of the Abkari
Act III of 1864, were referred
to

* G.O. of 26th July 1875 No. 1112.
G.O. of 27th " " " " No. 1127.

to the Legislative Department
in July 1875, but no action has
yet been taken upon them. In
these papers it was proposed
that the possession of stills or
implements of Distillation
without license should be
prohibited, that the power
of the Police to search any
premises for the detection
of such articles
of such should be extended,
that fines levied under the
Alkali Act should be ap-
plicable for rewards to in-
formers, that power should
be ^{assigned} returned to the Board to
prohibit

making
I do not think it
distillation of spirits
is

prohibit

prohibit Distilling where
it may be, in their opinion,
necessary and that Distillers
should be empowered to sue and
under Act VIII of 1865 for the
recovery of sums due to them
by licensed shopkeepers.

His Grace the Governor
in Council considers it advis-
able that the Board of Revenue
should frame a Bill on the
subject arranging not only for
the matters alluded to above
but providing the Machinery
for the suppression of illicit
distillation and unlicensed
traffic in ardent spirits may
be as complete as possible;
throughout

throughout the country, reason-
able checks against abuse
being carefully kept in view.

To this end the Government
consider that

I (1) The possession and
use of stills or implements
for distillation without licence
and

(2) The possession and sale
of contraband spirits must
be prohibited and declared
offences against the Abkari
Law.

II That mutatis mutan-
dis the principle of sections
13 and 14 of Regulation I of
1805 (Salt) might be ex-
tended to contraband
proceedings

[Faint handwritten notes in the left margin, possibly a correction or additional point.]

proceedings under the Ab-
kari Act with such modi-
fications as may suggest
themselves to the Board.

III That the responsibili-
ties, duties and powers of
village establishments un-
der Regulation XI of 1816 in
respect to crime within
their respective jurisdictions
and of intercommunica-
tion and co-operation might
with benefit and safety be
applied to this class of of-
fences against the law.

IV That the powers of
the Police in respect to same
may search for implements

[Faint handwritten notes in the right margin, possibly a signature or date.]

throughout the country, reason-
able checks against abuse
being carefully kept in view.

To this end the Government
considers that

I (1) The possession and
use of stills or implements
for distillation without licence
and

(2) The possession and sale
of contraband spirits must
be prohibited and declared
offences against the Abkari
Law.

II That mutatio mutan-
dis the principle of sections
13 and 14 of Regulation I of
1805 (Salt) might be ex-
tended to contraband
proceedings

I have seen the
the Abkari Law
and the Salt Law
and I have seen
the principle of
mutatio mutan-
dis in the Salt
Law but I have
not seen it in the
Abkari Law.

proceedings under the Ab-
kari Act with such modi-
fications as may suggest
themselves to the Board.

III That the responsibili-
ties, duties and powers of
village establishments un-
der Regulation XI of 1816 in
respect to crime within
their respective jurisdiction
and of intercommuni-
cation and co-operation might
with benefit and safety be
applied to this class of of-
fences against the law.

IV That the powers of
the Police in respect to sum-
mary search for implements

The Government
has decided in
reference to the
proposed extension
of the powers of
the Police in
reference to the
summary search
for implements
of

of distillery and cutitband
liquor must be somewhat
extended under reasonable
safe guards.

V. That power must be
given to act on information
laid by the servants of Ab-
hari farmers duly authorized
in that behalf by the masters
and Collector and

VI. That severe penalties
must be provided in case
of dereliction of duty, mali-
cious information & the like.

4. The Government think
that the more stringent
provisions of the law
should not apply to
fermented

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20

fermented liquors.

5. With these general
indications of the views
of the Government they
^{refer} resolve to leave the mat-
ter in the hands of the
Board and desire an
early report with a draft
of a Bill for consideration.

of the

I of the Legislative
Committee during
this session

to be
in the
1878

In S. C. Board of Dec 2-2-78
14 Board of Dec 11 78

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2

of the

Albani Act

Rev. Dr. Dr. Dr.

2-1

Albani Act

Albani Act

Albani Act