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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

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MADRAS.

Act No. *L* of 1886.

An Act to consolidate and amend the Abkari Law of the Presidency of Madras.

WHEREAS it is expedient to consolidate and amend the law relating to the import, export, transport, manufacture, sale, and possession of intoxicating liquor and of intoxicating drugs in the Presidency of Madras; It is enacted as follows:—

I.—PRELIMINARY AND DEFINITIONS.

1. This Act may be cited as "The Madras Abkari Act, 1886."

It extends to the whole of the Presidency of Madras; And it shall come into force in any local area within the said Presidency to such extent and from such date as the Governor in Council by Notification shall direct.

2. From the date on which this Act comes into force in any local area, the enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column of the said schedule:

Provided that all licenses granted under any of the said enactments in force on the date on which this Act comes into force in any local area shall continue in force for the periods for which the same have been respectively granted, subject to the provisions of the enactments under which such licenses were granted:

Provided further that the said repeal shall not affect any act done, or any offence committed, or any proceedings commenced, or any claim which has arisen, or any penalty which has been incurred, before this Act comes into force.

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

(1) "Abkari Revenue" means revenue derived or derivable from any duty, fee, tax, inc or confiscation imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to liquor or intoxicating drugs.

(2) "Abkari officer" means the Commissioner, a Collector, or any officer or other person lawfully appointed or invested with powers under sections 4 or 5 and includes the Board of Revenue when exercising any of its functions or powers in respect of Abkari Revenue.

(3) "Commissioner" means the officer appointed by Government under section 4, clause (a).

(4) "Collector" means a Collector of Land Revenue, or any person appointed under section 4, clause (b) to exercise all the powers or to perform all the duties of a Collector under this Act.

(5) "Abkari Inspector" means an officer appointed under section 4, clause (d).

(6) "Imprisonment" means imprisonment of either description as defined in the Indian Penal Code.

(7) "Toddy" means fermented or unfermented juice drawn from a cocoanut, palmyra, date, or any other kind of palm tree.

(8) "Spirits" means any liquor containing alcohol and obtained by distillation.

(9) "Liquor" includes spirits of wine, methylated spirits, spirits, wine, toddy, beer and all liquid consisting of or containing alcohol.

(10) "Beer" includes ale, stout, porter and all other fermented liquors usually made from malt.

Short title.

Extent.

Commencement.

Repeal of enactments.

Interpretation.

"Abkari Revenue."

time being in force relating to liquor or intoxicating drugs.

"Abkari officer."

when exercising any of its functions or powers in respect of Abkari Revenue.

"Commissioner."

"Collector."

"Abkari Inspector."

"Imprisonment."

"Toddy."

"Spirits."

"Liquor."

"Beer."

"Country liquor." (11) "Country liquor" means liquor manufactured in British India on which duty of excise has not been levied or is not leviable under this Act at the full rates of duty chargeable on liquor imported into British India from foreign countries by sea.

"Foreign liquor." (12) "Foreign liquor" includes all liquor other than country liquor.

Provided that in any case in which doubt may arise the Governor in Council may declare by Notification what for the purposes of this Act shall be deemed to be "country liquor" and what "foreign liquor."

"Intoxicating drug." (13) "Intoxicating drug" includes ganja, bhang and every preparation and admixture of the same, and every intoxicating drink or substance prepared from any part of the hemp plant (*Cannabis Sativa* or *Indica*), from grain or from other material and not included in the term "liquor," but does not include opium or anything included within the meaning of that word as defined in the Indian Opium Act, 1878.

"Sale" or "selling." (14) "Sale" or "selling" includes any transfer otherwise than by way of gift.

"Import." (15) "Import" means to bring into the Madras Presidency from sea, or from foreign territory or from any other part of British India.

"Export." (16) "Export" means to take out of the Madras Presidency to sea, or to foreign territory or to any other part of British India.

"Transport." (17) "Transport" means to move from one place to another within the Madras Presidency.

"Manufacture." (18) "Manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced or prepared, and also redistillation and every process for the rectification of liquor.

"Rectification." (19) "Rectification" includes every process whereby spirits are purified or are colored or flavored by mixing any material therewith.

"Place." (20) "Place" includes also a house, building, shop, tent and vessel.

II.—ESTABLISHMENT AND CONTROL.

4. Notwithstanding anything contained in Regulations I and II of 1803, the Governor in Council may, from time to time, by Notification applicable to any district or local area in which this Act is in force,

(a) appoint an officer, who shall exercise all the powers of a Collector in respect of the Abkari Revenue and who shall, either as a member of the Board of Revenue or subject to the orders of the Board of Revenue or independently of the Board of Revenue, as the Governor in Council may direct, have the control of the administration of the Abkari Department or of the collection of the Abkari Revenue or of both; and may direct that the control exercised by the Board of Revenue over Collectors in respect of the Abkari Revenue shall be exercised by such officer;

(b) appoint any person other than the Collector of Land Revenue to exercise all or any of the powers and to perform all or any of the duties of a Collector in respect of the Abkari Revenue, either concurrently with or in exclusion of the Collector of Land Revenue, subject to such control as the Governor in Council may from time to time direct;

(c) withdraw from the Board of Revenue or the Collector of Land Revenue any or all of their or his powers in respect of the Abkari Revenue;

(d) appoint officers to perform the acts and duties mentioned in sections 40 to 53 inclusive of this Act;

The Governor in Council may appoint an officer to control the administration of the Abkari department;

may appoint special Collectors of Abkari Revenue;

may withdraw Abkari powers from Board of Revenue or Collectors of Land Revenue;

may appoint officers to take action under sections 40 to 53;

and subordinate officers;

may appoint any Government officer or other person to act as above;

and may delegate any of his powers to an Abkari officer.

Rules for the guidance of Abkari officers.

(e) appoint subordinate officers of such classes and with such designations, powers, and duties under this Act as the Governor in Council may think fit;

(f) order that all or any of the powers and duties assigned to any officers under clauses (d) and (e) of this section shall be exercised and performed by any Government officer or any person;

(g) delegate to any Abkari officer all or any of his powers under this Act.

5. The Governor in Council may from time to time make rules—

(1) prescribing the powers and duties under this Act to be exercised and performed by Abkari officers of the several classes; and

(2) regulating the delegation by the Board of Revenue, by the Commissioner, or by Collectors of any powers conferred by this Act or exercised in respect of Abkari Revenue under any Act for the time being in force.

III.—IMPORT, EXPORT, AND TRANSPORT.

6. No liquor or intoxicating drug shall be imported unless, being liable to the payment of duty under the Indian Tariff Act, 1882, or any other law for the time being in force relating to the duties of customs on goods imported into British India, it has been dealt with according to such law.

Provided that subject to the orders of the Governor in Council the Collector may, from time to time, permit the import of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, other than liquor or intoxicating drugs liable to the payment of duty under such law as aforesaid, on payment of the duty, if any, to which the same is liable under this Act and on such other terms as he thinks fit, and may cancel such permission.

7. No liquor or intoxicating drug shall be exported unless it has been lawfully imported by sea into any port in the said Presidency, and its export is permitted by competent authority on payment of the fee or duty, if any, to which it is liable under any law for the time being in force on its transshipment or re-exportation.

Provided that subject to the orders of the Governor in Council the Collector may, from time to time, permit the export of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, on payment of the duty, if any, to which the same is liable under this Act and on such other terms as he thinks fit, and may cancel such permission.

8. Nothing in the last two preceding sections shall be deemed to affect any law for the time being in force which empowers the Governor-General in Council to prohibit or restrict the importation of liquor or of intoxicating drugs or which empowers the Governor-General in Council to exempt any liquor or intoxicating drug from the whole or any part of the duties of customs to which it is liable under any law for the time being in force.

9. The Governor in Council may, from time to time by Notification, prohibit the transport of liquor or of intoxicating drugs, or of any kind of liquor or intoxicating drugs, from any local area into any other local area.

10. No liquor or intoxicating drug exceeding such quantity as the Governor in Council may from time to time prescribe by Notification, either generally for the whole Presidency or for any local area, shall be transported except under a permit issued under the provisions of the next following section.

Provided that in the case of foreign liquor transported for *bona fide* private consumption or for sale at any place at which the sale of such liquor is duly licensed or permitted under the provisions of this Act such permits shall be dispensed with

Sections 6 and 7 not to affect certain laws and powers of Governor-General in Council.

Prohibition of the transport of liquor.

Transport of liquor or intoxicating drug.

Unless the Governor in Council shall by Notification otherwise direct with respect to any local area.

Permits for transport.

11. Permits for the transport of liquor or intoxicating drugs may be issued by the Collector or by any person duly empowered in that behalf.

Such permits shall be either general for definite periods and kinds of liquor or intoxicating drugs or special for specified occasions and particular consignments only.

Every permit shall specify—

- the name of the person authorized to transport liquor or intoxicating drugs;
- the period for which the permit is to be in force;
- the quantity and description of liquor or intoxicating drugs for which it is granted;
- any other particulars which the Governor in Council may prescribe.

General permits shall be granted only to persons licensed under this Act and shall cover any quantity of liquor transported at any one time within the quantity specified in the permit.

Permits shall extend to and include servants and other persons employed by the grantees and acting on their behalf.

IV.—MANUFACTURE, POSSESSION, AND SALE.

12. No liquor or intoxicating drug shall be manufactured;
no hemp plant (*Cannabis Sativa* or *Indica*) shall be cultivated;
no toddy-producing tree shall be tapped;
no toddy shall be drawn from any tree;
no distillery or brewery shall be constructed or worked; and

no person shall use, keep, or have in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any liquor other than toddy or any intoxicating drug,

except under the authority and subject to the terms and conditions of a license granted by the Collector in that behalf, or under the provisions of section 21.

Provided that the Governor in Council may by Notification direct that in any local area it shall not be necessary to take out a license for the manufacture of liquor for *bona fide* home consumption.

13. No person not being a licensed manufacturer or vendor of liquor or intoxicating drugs shall have in his possession any quantity of liquor or intoxicating drugs in excess of such quantities as the Governor in Council may from time to time prescribe by Notification, either generally for the whole Presidency or for any local area, in respect of any specified description or kind of liquor or intoxicating drug, unless under a license granted by the Collector in that behalf.

Provided that—

No fee to be charged for license for possession for private consumption.

(1) No fee shall be charged for any such license granted for the possession of such liquor or intoxicating drugs for *bona fide* private consumption or use.

Proviso as regards foreign liquor.

(2) Nothing in this section extends to any foreign liquor in the possession of any warehouseman as such, or purchased by any person for his *bona fide* private consumption and not for sale.

Establishment of public distilleries and of warehouses.

14. The Commissioner may with the previous sanction of the Governor in Council—

- establish a public distillery in which liquor or any kind of liquor may be manufactured under a license granted under section 12 on such conditions as the Governor in Council deems fit to impose;
- discontinue any public distillery so established;
- license at or in connection with any licensed distillery or elsewhere a private warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty;

(d) establish a public warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty; and
(e) discontinue any public warehouse so established.

Public warehouses shall be for the general accommodation of persons desiring to warehouse liquor or intoxicating drugs subject to duty pending removal for local consumption or for export.

15. No liquor or intoxicating drug shall be sold without a license from the Collector, provided that a person having the right to the toddy drawn from any tree may sell the same without a license to a person licensed to manufacture or sell toddy under this Act, and a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a license those portions of the plant from which the intoxicating drug is manufactured or produced to any person licensed under this Act to sell, manufacture or export intoxicating drugs.

Sale of liquor or intoxicating drug without license prohibited. Power to exempt toddy.

Provided also that the Governor in Council may, from time to time by Notification, suspend in any local area any or all of the provisions relating to toddy contained in this Act.

Provided further that the Governor in Council may in like manner declare that any or all of the provisions of this Act shall not apply in any local area to trees tapped, or to toddy drawn in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggery.

16. It shall be lawful for the Governor in Council to grant to any person or persons on such conditions and for such period as may seem fit the exclusive or other privilege

Exclusive privileges of manufacture, &c., may be granted.

- of manufacturing or supplying by wholesale, or
- of selling by retail, or
- of manufacturing or supplying by wholesale and selling by retail

any country liquor or intoxicating drugs within any local area. No grantee of any privilege under this section shall exercise the same until he has received a license in that behalf from the Collector. In such cases, if the Governor in Council shall by Notification so direct, the provisions of section 12 relating to toddy and toddy-producing trees shall not apply.

V.—DUTIES.

Duty on liquor or intoxicating drugs.

17. A duty shall, if the Governor in Council so direct, be levied on all liquor and intoxicating drugs—

- permitted to be imported under the proviso to section 6; or
- permitted to be exported under the proviso to section 7; or
- manufactured under any license granted under section 12; or
- manufactured at any distillery established under section 14; or
- permitted under section 11 to be transported; or
- sold in any part of the said Presidency,

of such amount as the Governor in Council may from time to time prescribe.

Provided that it shall be lawful for the Governor in Council to exempt any liquor or intoxicating drug from any duty to which the same may be liable under any of the provisions of this Act.

18. Such duty may be levied in one or more of the following ways—

- by duty of excise to be charged in the case of spirits or beer either on the quantity produced in or passed out of the distillery or brewery, as the case may be; 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 the Governor in Council may prescribe;
- in the case of intoxicating drugs by a duty to be rateably charged on the quantity produced or manufactured;

- (c) 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 country liquor or intoxicating drug in any local area and for any specified period of time;
- (d) by fees on licenses for manufacture or sale;
- (e) in the case of toddy, or spirits manufactured from toddy, by a tax on each tree from which toddy is drawn, to be paid in such instalments and for such period as the Governor in Council may direct; or
- (f) by transport duties assessed in such manner as the Governor in Council may direct.

19. When duty is levied by way of tax on toddy trees under section 13, the Governor in Council may by Notification direct that the license required under section 12 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 license 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.

When, in like case, trees are tapped without license, the tax due shall be recoverable primarily from the tapper 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 without his consent.

20. All or any of the duties leviable under this Act in any local area may, with the sanction of the Governor in Council, be farmed, subject to such payment and on such other conditions as the Governor in Council shall prescribe. Farmers of duties under this section shall take out licenses as such from the Collector.

21. When the exclusive privilege of manufacturing toddy has been granted under section 16, the Governor in Council may declare that the written permission of the grantee to draw toddy shall have, within the area to which the privilege extends, the same force and effect as a license from the Collector for that purpose under section 12.

22. 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 Collector for a license to be given to such lessee or assignee, and such lessee or assignee shall have received the same.

23. It shall be lawful for any such grantee, farmer, lessee or assignee as aforesaid to proceed against any person holding under him for the recovery of any money due to him as if it were an arrear of rent recoverable under the law for the time being in force with regard to land-holder and tenant.

Provided that nothing contained in this section shall affect the right of any such grantee, farmer, lessee or assignee, to recover by civil suit any such amount due to him from any such person as aforesaid.

VI.—LICENSES, &c.

Form and conditions of licenses, &c.

24. Every license or permit granted under this Act shall be granted—

- (a) on payment of such fees, if any;
- (b) for such period;
- (c) subject to such restrictions and on such conditions; and
- (d) shall be in such form and contain such particulars

as the Governor in Council may direct either generally, or in any particular instance in this behalf.

25. Every person taking out a license under this Act may be required to execute a counterpart agreement in conformity with the tenor of his license, and to give such security for the performance of his agreement as the Collector may require.

26. The Collector may cancel or suspend any license or permit granted under this Act,

- (a) if any fee or duty payable by the holder thereof be not duly paid; or
- (b) in the event of any breach by the holder of such license 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 license or permit; or
- (c) if the holder thereof is convicted of any offence against this Act or any other law for the time being in force relating to Abkari revenue, or of any cognizable and non-bailable offence; or
- (d) where a license or permit has been granted on the application of the holder of an exclusive or other privilege or of a farmer of duties under this Act, on the requisition in writing of such person; or
- (e) if the conditions of the license or permit provide for such cancellation or suspension at will.

VII.—GENERAL PROVISIONS.

Certain licensees required to keep instruments for testing, &c.

27. Every person who manufactures liquor or sells country liquor under a license granted under this Act shall be bound—
- (a) to supply himself with such of the prescribed measures for the sale of country liquor and with such of the prescribed instruments for testing the strength of such liquor as the Collector may direct, and to keep the same in good condition; and
 - (b) on the requisition of any Abkari officer duly empowered in that behalf at any time to measure out or to test the strength of any such liquor in his possession in such manner as the said Abkari officer may require.

28. All duties, taxes, fines and fees payable to Government direct under any of the foregoing provisions of this Act or of any license or permit issued under it, and all amounts due to Government by any grantee of a privilege or by any farmer under this Act or by any person on account of any contract relating to the Abkari revenue may be recovered from the person primarily liable to pay the same, or from his surety (if any), as if they were arrears of Land Revenue, and in case of default made by a grantee of a privilege or by a farmer, the Collector may take the grant or farm under management at the risk of the defaulter or may declare the grant or farm forfeited and resell it at the risk and loss of the defaulter. When a grant or farm is under management under this section, the Collector may recover any monies due to the defaulter by any lessee or assignee as if they were arrears of Land Revenue.

Power to frame Rules.

Rules—

- (a) regulating the mode in which toddy may be supplied to licensed vendors of the same, or to persons who distil spirits from it, or who use it in the manufacture of bread;
- (b) for determining the number of licenses of each description to be granted in any district or place;
- (c) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;
- (d) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;
- (e) prescribing the measures to be used for the sale of country liquor;
- (f) fixing for any local area the minimum price below which any country liquor shall not be sold;

- (g) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;
- (h) for the inspection and supervision of stills, distilleries, private warehouses and breweries;
- (i) for the management of any public distillery or public warehouse established under section 14;
- (j) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Act;
- (k) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug;
- (l) for the grant of batta to witnesses, and of compensation for loss of time to persons released by any Abkari officer under section 40 (3) of this Act on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted;
- (m) regulating the power of Abkari officers to summon witnesses from a distance under section 44;
- (n) for the disposal of articles confiscated and of the proceeds thereof;
- (o) generally, to carry out the provisions of this Act or of any other law for the time being in force and relating to the Abkari revenue.

VIII.—POWERS AND DUTIES OF OFFICERS, &c.

30. If any Magistrate upon information given by any Abkari or Police officer or any other person, and after such inquiry as he thinks necessary, has reason to believe that an offence under section 55 or section 57 or section 58 of this Act has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, utensil, implement or apparatus in respect of which the alleged offence has been committed.

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

31. Whenever the Commissioner, or a Collector, or any Abkari or Police officer not below the rank of Sub-Inspector or a Police Station officer, has reason to believe that an offence under section 55 or section 57 or section 58 of this Act has been committed and that the delay occasioned by obtaining a search warrant under the preceding section will prevent the execution thereof, he may, 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 think 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 an Abkari Inspector as the case may be.

32. The Commissioner, or a Collector, or any Abkari officer not below the rank of Sub-Inspector, or any Police officer duly empowered in that behalf, may enter and inspect, at any time by day or by night, any place in which any licensed manufacturer carries on the manufacture of any liquor or intoxicating drug, or draws toddy, or stores any liquor or intoxicating drug or toddy; and may enter and inspect, at any time during which the same may be open, any place in which any liquor or intoxicating drug is kept for sale by any licensed person; and may examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, liquor, or intoxicating drugs found in such place,

Magistrate may issue a search warrant on application.

Power to certain Abkari and Police officers to search houses, &c., without warrant.

Power to enter and inspect places of manufacture and sale.

33. If any officer empowered to make an entry under the provisions of the last two preceding sections 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 obstacle to his entry into any such place.

In case of resistance, entry may be made by force, &c.

34. Any officer of the Abkari, Salt, Police, Land Revenue or Customs Departments, and any other person duly empowered may arrest without warrant in any public thoroughfare or open place other than a dwelling house any person found committing an offence punishable under section 55 or section 57 or section 58 of this Act; and in any such thoroughfare or place may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Act or any other such law; and 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 such article to be, or to be concealed.

Offenders may be arrested, and contraband liquor and articles seized, without warrant.

35. Any person, who may be accused or reasonably suspected of committing an offence under this Act, and who on demand of any officer of the Abkari, Salt, Police, Land Revenue or Customs Departments or of any other person duly empowered, 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.

36. All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure.

Searches how to be made.

37. All officers of the Departments of Police, Customs, Salt and Land Revenue shall be legally bound to assist any Abkari officer in carrying out the provisions of this Act.

Officers of certain departments bound to assist.

38. Every officer employed by Government, other than an Abkari officer, shall be bound to give immediate information to an Abkari officer,

Offences to be reported, &c.

and every Abkari officer shall be bound to give immediate information either to his immediate official superior or to an Abkari Inspector, of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officers 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.

39. All Zemindars, proprietors, tenants, under-tenants and cultivators who own or hold land on which there shall be any manufacture of liquor or intoxicating drugs not licensed under this Act shall in the absence of reasonable excuse be bound to give notice of the same to a Magistrate or to an officer of the Abkari, Salt, Police, Customs or Land Revenue Departments immediately the same shall have come to their knowledge.

Landholders and others to give information.

40. (1) When any person is arrested under the provisions of section 31 or section 34 or section 35 of this Act, the person arresting him shall, unless bail shall have been accepted under the provisions of section 31, forthwith forward him to an Abkari Inspector, or, if there be no such officer within a distance of ten miles from the place at which such arrest took place, to the nearest Police station, with a report of the circumstances under which such arrest was made.

Persons arrested, how to be dealt with.

(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 the Abkari officer as aforesaid within the limits of whose jurisdiction 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 by Police Station officer.

(3) Of any such person being brought in custody before such Abkari officer as aforesaid or appearing before him on bail, 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 try the case.

41. It shall be the duty of any officer arresting any person under the powers given by section 31 of this Act, and of any Police Station officer or Abkari officer before whom a person arrested is brought or appears under the provisions of section 40 to release such person on bail if sufficient bail be tendered for his appearance before an Abkari Inspector or before a Magistrate as the case may be.

42. 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 Abkari Inspector before whom he was bailed to attend, or by the Magistrate, as the case may be.

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

The Governor in Council shall from time to time determine the form of the bond to be used in any local area.

43. When by reason of default of appearance of a person bailed to appear before an Abkari Inspector 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 try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

44. Any Abkari officer holding an inquiry in the manner provided in section 40 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.

Provided that no such Abkari officer shall summon any person to appear at a greater distance from the usual place of residence of such person than the Governor in Council may from time to time by rule direct.

45. Every summons issued under the last preceding section 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.

46. 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 into writing and shall be signed by such officer.

47. It shall be lawful for an Abkari Inspector, 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 46 shall apply to such answers.

48. Any Abkari Inspector may, after recording his reasons 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 40 to 47 inclusive of the Act shall become applicable.

49. 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 an Abkari Inspector and to any person summoned by him to appear under the provisions of this Act.

50. When an Abkari Inspector forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to 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.

51. When an Abkari Inspector forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to 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 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.

52. No person accused or suspected of having committed an offence under this Act shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where an Abkari Inspector may be, and from thence to the Court having jurisdiction to try the case.

53. All officers in charge of Police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of an Abkari Inspector all articles seized under this Act which may be delivered to them; and shall allow any Abkari 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.

54. It shall be lawful for the Magistrate of the District or, in the town of Madras, for the Commissioner of Police by notice in writing to the licensee to require that any shop in which liquor or any intoxicating drug is sold shall be closed at such times or for such period as he may think necessary for the preservation of the public peace. If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, it shall be lawful for any Magistrate, or for any Police officer who is present, to require such shop to be kept closed for such period as may be necessary.

IX.—PENALTIES.

55. Whoever, in contravention of this Act, or of any Rule or order made under this Act, or of any license or permit obtained under this Act,

For illegal import, &c.

- (a) imports, exports, transports or possesses liquor or any intoxicating drug; or
- (b) manufactures liquor or any intoxicating drug; or
- (c) cultivates the hemp plant (*Cannabis Sativa* or *Indica*); or
- (d) taps any toddy-producing tree; or
- (e) draws toddy from any tree; 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 purpose of manufacturing liquor other than toddy or any intoxicating drug; or

(h) sells liquor or any intoxicating drug shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

For misconduct by licensee, &c.

56. Whoever, being the holder of a license or permit granted under this Act,

- (a) fails to produce such license or permit on the demand of any Abkari officer or of any other officer duly empowered to make such demand; or
- (b) does any act in breach of any of the conditions of his license or permit not otherwise provided for in this Act; or
- (c) wilfully contravenes any Rule made under section 29 of this Act; or
- (d) permits drunkenness, riot or gaming in any place in which any liquor or intoxicating drug is sold or manufactured; or
- (e) permits persons of notoriously bad character to meet or remain in any such place,

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to two hundred rupees, or with imprisonment which may extend to three months, or with both.

For adulteration, &c., by licensed vendor or manufacturer.

57. Whoever, being the holder of a license for the sale or manufacture of liquor or of any intoxicating drug under this Act,

- (a) mixes or permits to be mixed with the liquor or intoxicating drug sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under section 29, clause (k), when such admixture shall not amount to the offence of adulteration under section two hundred and seventy-two of the Indian Penal Code; or
- (b) sells or keeps or exposes for sale as foreign liquor, liquor which he knows or has reason to believe to be country liquor; or
- (c) marks the cork of any bottle or any bottle, case, package or other receptacle containing country liquor, or uses any bottle, case, package or other receptacle containing country 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 four hundred and eighty-two of the Indian Penal Code; or

- (d) sells or keeps or exposes for sale any country 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 four hundred and eighty-six of the Indian Penal Code,

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

58. Whoever without lawful authority has in his possession any quantity of liquor or of any intoxicating drug knowing the same to have been unlawfully imported, transported or manufactured, or knowing the prescribed duty not to have been paid therefor, shall, on conviction before a Magistrate, be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

59. Any Abkari officer or other person who, without reasonable ground of suspicion, enters or searches, or causes to be searched, any closed place;

or 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 vexatiously and unnecessarily detains, searches, or arrests any person; or in any other way vexatiously exceeds his lawful powers, shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

60. Any officer or person exercising powers under this Act who vexatiously and unnecessarily delays forwarding to an Abkari Inspector or to the officer in charge of the nearest Police station as required by section 40 of this Act, any person arrested, or any articles seized under this Act, shall, on conviction before a Magistrate, be punished with fine which may extend to two hundred rupees.

61. Any officer or person who unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, or

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, or the Abkari revenue may be defrauded, and any officer of any other department referred to in section 37 who abets the commission of any offence against this Act in any place, shall, on conviction before a Magistrate for every such offence, be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

62. Any Abkari officer who without lawful excuse shall cease or refuse to perform, or shall withdraw himself from, the duties of his office, unless expressly allowed to do so in writing by the Commissioner, or unless he shall have given to his superior officer two months' notice in writing of his intention to do so; or

who shall offer any unwarrantable violence to any person in his custody; or who shall be guilty of cowardice, shall, on conviction before a Magistrate, be punished with fine which may extend to six months' pay, or with imprisonment which may extend to three months, or with both.

63. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any Rule or order made under this Act, and not otherwise provided for in this Act,

shall, on conviction before a Magistrate, be punished for each such wilful act or omission with fine which may extend to two hundred rupees.

64. In prosecutions under section 55 it shall be presumed, until the contrary is proved, that the accused person has committed an offence under that section in respect of any liquor or intoxicating drug, or any still, utensil, implement, or apparatus whatsoever for the manufacture of liquor other than toddy or of any intoxicating drug, or any such materials as are ordinarily used in the manufacture of liquor or of any intoxicating drug, for the possession of which he is unable to account satisfactorily;

and the holder of a license or permit under this Act shall be punishable, as well as the actual offender, for any offence committed by any person in his employ and acting on his behalf under section 55 or section 56 or section 57 or section 58 as if he

had himself committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

Provided that no person other than the actual offender shall be punished with imprisonment except in default of payment of fine.

65. In any case in which an offence has been committed under this Act, the liquor, drug, materials, still, utensil, implement, or apparatus in respect of which an offence has been committed shall be liable to confiscation.

Any liquor or intoxicating drug lawfully imported, exported, transported, manufactured, had in possession or sold or toddy lawfully drawn or tapped along with, or in addition to, any liquor, intoxicating drug or toddy, liable to confiscation under this section, and

the receptacles, packages and coverings in which any such liquor, intoxicating drug, materials, still, utensil, implement, or apparatus as aforesaid is or are found, and the other contents, if any, of the receptacles or packages in which the same is or are found, and the animals, carts, vessels, or other conveyances used in carrying the same, shall likewise be liable to confiscation.

66. When the offender is convicted or when the person charged with an offence under this Act is acquitted, but the Magistrate decides that anything is liable to confiscation, such confiscation may be ordered by the Magistrate.

Whenever confiscation is authorized by this Act, the Magistrate ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

When an offence under 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 Commissioner, or by any other officer authorized by the Governor in Council in that behalf, who may order such confiscation.

Provided that no such order shall be made until the expiration of one month 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.

67. Any Abkari officer specially empowered in that behalf may accept from any person whose license or permit is liable to be cancelled or suspended under clauses (a) and (b) of section 26 or who is reasonably suspected of having committed an offence under section 56 or section 63, a sum of money not exceeding two hundred rupees in lieu of such cancellation or suspension or by way of compensation for the offence which may have been committed, as the case may be; and in all cases whatsoever in which any property has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by such officer.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

Provisions of the Criminal Procedure and Indian Penal Codes applicable to offences committed under this Act.

68. The Provisions of the Criminal Procedure Code relating to execution so far as the same are applicable, and sections 67, 68 and 69 of the Indian Penal Code shall apply to all offences committed and to all persons punished under the provisions of this Act.

X.—MISCELLANEOUS.

69. All Rules made and Notifications issued under this Act shall be made and issued by publication in the *Fort St. George Gazette*, provided that all such Rules and Notifications whereby the doing or the not doing of anything is made punishable shall be published in

three successive issues of the *Fort St. George Gazette* and for at least two months in the Official Gazettes of the districts to which, or to parts of or to places in which, it may be determined that they shall apply. All such Rules and Notifications shall thereupon have the force of law and be read as part of this Act and may in like manner be varied, suspended or annulled.

70. All Notifications and orders conferring powers, imposing duties and making appointments under this Act may respectively refer to the persons concerned specially by name or in virtue of their office or to classes of officials generally by their official titles; and all Courts shall take judicial notice thereof.

The conferring of powers and making of appointments.

71. Nothing in the foregoing provisions of this Act applies to the manufacture, possession, sale or supply of any *bona fide* medicated article for medicinal purposes by medical practitioners, chemists, druggists, apothecaries or keepers of dispensaries; but it shall be lawful for the Governor in Council at any time by Notification to prohibit the sale of any such article within any defined local area except under a license from the Collector, which shall be granted on payment of such fees and subject to such conditions as the Governor in Council may deem fit to prescribe.

Exception of medicated articles.

72. No action shall lie against the Secretary of State for India in Council, or against any Abkari officer, for damages in any Civil Court for any act *bona fide* done or ordered to be done in pursuance of this Act, or of any law for the time being in force relating to Abkari Revenue; and all prosecutions of any Abkari officer, and all actions which may be lawfully brought against the Secretary of State for India in Council or against any Abkari officer, in respect of anything done, or alleged to have been done, in pursuance of this Act, shall be instituted within six months from the date of the act complained of and not afterwards.

In such action if for damages, it shall be lawful for the Court, if tender of sufficient amends shall have been made before the action was brought, in awarding the amount so tendered to refuse costs to the plaintiff and direct him to pay the costs of the defendant.

SCHEDULE (SEE SECTION TWO.)

Enactment.	Subject.	Extent of repeal.
Act XIX of 1852	For better securing the Abkari revenue of the town and suburbs of Madras.	The whole, so far as it has not already been repealed.
Act III of 1856 Act III of 1864 (Madras)	An Act to amend Act XIX of 1852 An Act for amending the Abkari laws of the Madras Presidency beyond the limits of the Madras Abkari as prescribed by Act XIX of 1852.	The whole. The whole, so far as it has not already been repealed.
Act V of 1879 (Madras)	The Madras Abkari Laws Amendment Act, 1879.	The whole.

RECEIVED TELEGRAM

Station _____ From _____
To (Person) _____
Minute _____
To (Person) _____ From (Address) _____
Revenue Secretary - Secretary
13-12-1906

It is better to refer to Bliss as
Chief of the Department. But the
notification can be prepared
here if necessary.

7-2-863

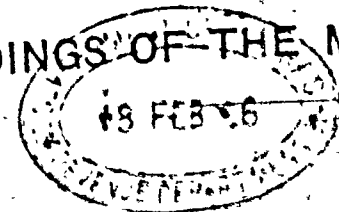
W. J. Langstaff
Mark A. Langstaff

RECEIVED FROM L. N. SENT TO L. N.
Hrs. Mts, By At Hrs. Mts, By

Telegram Number _____

Legislative Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.



Read the following

Telegram from the Government of India
Legislative Department, dated 6th Febua,
1886 -
"Abkari act returned with Viceroy's
assent on third"

Order dated 6th February 1886 - No 27 -
Communicated to the Revenue
Department
(True Extract)

b. Lita
Ag Chief Secretary

The Revenue Department

The address (including name of Sender, or name of addressee)
is to be transmitted free.

First 8 words	Each additional word	
Ordinary	1 Anna	A group of 3, or less figures, is reckoned as one
Extraordinary	2 Annas	
Extraordinary	1 Rupee	

No charge for delivery within a distance of 6 miles.
as will be seen from the enclosed is the
entire sum of Rs. 1000/- which is the
amount of the sum of Rs. 1000/- which is the
amount of the sum of Rs. 1000/- which is the

1000/-
1000/-

{ 1000/- }

1000/-

(1886.)
REVENUE DEPARTMENT.

No.

1081

From the Legislative Dept.

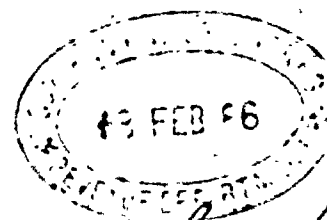
Dated 6th February 1886
Received 8th
Enclosures

No. 27.

SUBJECT.

Copy: Telegram from
the S. J. I. stating that
the Abkari Act has
received the sanction of
the Viceroy.

23
Legislative Department.
PROCEEDINGS OF THE MADRAS GOVERNMENT.



Read the following letter.

From the Government of India, Legislative
Dept., dated the 3rd February 1886, No 246.

I am directed to return herewith
with the assent of His Excellency the Viceroy
and Governor General signified thereon, the
authentic copy of the Bill noted on the

In Apt. to consoli- margin which was received with your
= date and amend
the Abkari Act
of the Presidency
of Madras. letter No 7 dated the 14th January 1886,
to the address of the Secretary to the Govt.
of India in the Finance & Commerce Dept.
Order thereon 8th February 1886, No 28.

Ordered that a copy of the
"Madras Abkari Act, 1886" assented to
by His Excellency the Governor General,
be published in the Fort St. George Gazette.

2. The necessary steps will be
taken in the Revenue Department for
bringing the Act into operation.

3. The

3. The agent of the Governor
General to the Act will be communicated
to the Council for making Laws and
Regulations as prescribed by rule 39
of the Council Rules.

(True Extract)

By Command
Ag. Mr. Levy to Govt.
Legislative Dept.

To,

The Revenue Dept.

with copy of the Act.

20th Feb 1886

5/

Revenue 886 Dept. No. 1082

Progs. Legislative Dept
To,

Read also, No. 1081

G.O. No. 106 of 9.2.86.

The Revenue Department

Communicated to
the Board of Revenue,
who will, in communica-
tion with the Commission
of Salt and Abkari Act,
submit the rules and
notifications contemplated
in sections 4, 5 and 29
of the Act.

Dated 8th February 1886.
Read on

No. 28.

sent.

Madras Abkari Act - Passing the
necess any orders in consequence
of the — having been
apointed to by H.E. the Governor.

To the Board of Revenue.
1 copy to the salt & abkari commr. 9/2

BC 10-20.2.86.

to

9TH FEBRUARY 1886, No. 106, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following G.O., dated 6th February 1886, No. 27, Legislative :—
Read—the following telegram from the Secretary to the Government of India, Legis-
lative Department, to the Chief Secretary to Government, dated 6th February
1886 :—

"Abkari Act returned with Viceroy's assent on third."

Order—dated 6th February 1886, No. 27, Legislative.
Communicated to the Revenue Department.

(True Extract.)

(Signed) W. WILSON,
Acting Chief Secretary.

To the Revenue Department.

READ—the following G.O., dated 8th February 1886, No. 23, Legislative :—
Read—the following letter from the Secretary to the Government of India, Legislative
Department, to the Chief Secretary to Government, dated 3rd February
1886, No. 246 :—

I am directed to return herewith, with the assent of His Excellency the Viceroy
and Governor-General signified thereon,
an authentic copy of the Bill noted on the
margin, which was received with your
letter No. 7, dated the 14th January 1886,
to the address of the Secretary to the Government of India in the Finance and
Commerce Department.

Order—dated 8th February 1886, No. 23, Legislative.
Ordered that a copy of the "Madras Abkari Act, 1886," assented to by His
Excellency the Governor-General, be published in the Fort St. George Gazette.

2. The necessary steps will be taken in the Revenue Department for bringing
the Act into operation.
3. The assent of the Governor-General to the Act will be communicated to the
Council for making Laws and Regulations as prescribed by rule 39 of the Council
Rules.

(True Extract.)

(Signed) A. G. CARDEW,
Ag. Asst. Secy. to Government,
Legislative Department.

To the Revenue Department, with copy of the Act.

P. 20

ORDER—dated 9th February 1886, No. 106, Revenue.

Separate Revenue, No. 30.

Alkari.

Communicated to the Board of Revenue, who will, in communication with the Commissioner of Salt and Alkari Revenue, submit the rules and notifications contemplated in sections 4, 5 and 29 of the Act.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Board of Revenue.

Exd. W. H. French.

60 Copies.