

Tamil Nadu Prohibition Act, 1937

TAMILNADU

India

Tamil Nadu Prohibition Act, 1937

Act 10 of 1937

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1. [Amended by Tamil Nadu Prohibition (Amendment) Act, 2022 (Act 48 of 2022) on 28 December 2022]

Tamil Nadu Prohibition Act, 1937(Tamil Nadu Act No. 10 of 1937)Last Updated 23rd June, 2019An Act to introduce and extend the prohibition of the manufacture, sale and consumption of intoxicating liquors and drugs in the [State of Tamil Nadu] [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.].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 [State of Tamil Nadu] [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.];And Whereas it is desirable to give effect to the above mentioned policy by introducing it in certain selected areas in the [said State] [These words were substituted for the words 'said Province' by paragraph 4 of, and the Schedule to, 14th January 1969.] and utilizing the experience gained therein for extending it to the other areas thereof ;It is hereby enacted as follows : -

Chapter I Preliminary.

1. Short title, extent and commencement.

(1)This Act may be called the [Tamil Nadu] [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.] Prohibition Act, 1937.(2)It extends to the whole of the [State of Tamil Nadu] [This expression was substituted for the expression 'State of Madras' by 14th January

1969.].(3)(a)This section and sections 3 and 6 shall come into force in the whole of the [State of Tamil Nadu] [This expression was substituted for the expression 'State of Madras' by 14th January 1969.] at once.(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 [State of Tamil Nadu] [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.] on such date as the [State] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may, by notification, appoint.

2. Repeals.

- 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 [Schedule I] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] shall cease to be in force in such area to the extent specified in the fourth column thereof :Provided that the [State] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] 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 [Schedule I] [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.] with any subsequent statutory modifications thereof shall revive and come into force in such area with effect on and from such date.[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, [***] [This Explanation was added by section 10 (3) of the Tamil Nadu merged States (Laws)Act, 1949 (Tamil Nadu Act XXXV of 1949,) which come into force on the1st January 1950.] the enactments mentioned in [Schedule I] [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.] 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.]

3. Definitions.

- In this Act, unless there is something repugnant in the subject or context -(1)["blending unit" means a unit where Indian-made foreign spirits are manufactured;] [Substituted by Tamil Nadu Act No. 14 of 1937.][(1-A)] [Renumbered '(1)' by Tamil Nadu Act No. 23 of 1981.] "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 re-bottling;(2)"buy" or "buying" includes any receipt including gift;(3)"Collector" means a Collector of land 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 ;[Explanation. - 'Collector of land revenue' includes Additional Collector and District Revenue Officer;] [Added by Tamil Nadu Act No. 68 of 1986.](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;[(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;] [Inserted by Tamil Nadu Act No. 23 of 1981.](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] [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.] to which this Act has not been extended, or(b)to take out of the [State of Tamil Nadu] [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.] otherwise than across a customs frontier as defined by the Central Government;[(6-A) 'foreign liquor' [***] [Inserted by Tamil Nadu Act No. 23 of 1981.] includes every liquor imported into India, other than Indian-made foreign spirits, plain rectified spirits and denatured and methylated spirits ;](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] [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.] to which this Act has not been extended, or(b)to bring into the [State of Tamil Nadu] [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.], [including the bringing] [Substituted 'otherwise than' by Tamil Nadu Act No. 22 of 2007.] across a customs frontier as defined by the Central Government;[(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;] [Inserted by Tamil Nadu Act No. 23 of 1981.](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 bhang, 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 [State] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] 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 Central Act, 1930 (Central Act II of 1930).(9)"liquor" includes toddy, [arrack] [This word was inserted by section 3 (a) (o) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).], spirits of wine, [denatured spirits] [Those words were substituted for the words 'metholated spirit' by section 3 (a) (ii) 1958.], spirits, wine, beer and all liquid consisting of or containing alcohol;[Explanation. - "Denatured" means subjected to a process prescribed by the State Government by notification for the purpose of rendering unfit for human consumption.] [This explanation was added by section 3 (a) (iii) 1958.](10)"local body" means the Corporation of Madras, any municipality constituted under the [Tamil Nadu] [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.] District Municipalities Act, 1920, or any local [board] [Now the district board, panchayat union council and panchayat.] constituted under the [Tamil Nadu] [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.] [Local Boards Act, 1920] [Now t lit 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).];(11)"manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced, prepared or blended, and also re-distillation and every process for the rectification of liquor;[(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 substantially alter the character of such syrup ; but does not include any article which the State Government may, by notification, declare not to be molasses, for the purposes of this Act ; [These clauses were inserted by section 3(b) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).](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, enclosure, building, shop, tent and vessel ;(13)"police station" includes any place which the [State] [This word was substituted for the word 'Provincial' by the Adaptation Order or 1950.] Government may, by notification, declare to be a police station for the purposes of this Act;(14)"Prohibition Officer" means the Commissioner, a Collector, or any officer or other person lawfully appointed or invested with powers under section 25 ;[***] [Omitted 'clause (14-A)' by Tamil Nadu Act No. 2 of 1989.](15)"rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith;(16)"sale" or "selling" includes any transfer including gift ;(17)["spirits" means any alcohol and includes any liquor containing alcohol and obtained by distillation, whether such liquor is denatured or not ; [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).]Explanation. - "Denatured" means subjected to a process prescribed by the State Government by notification for the purpose of rendering unfit for human consumption.][***] [Clause (18) was omitted by section 3(d), 1958.](19)"toddy" means the fermented or unfermented juice drawn from a coconut, palmyra, date, or any other kind of palm tree ; [***] [The word 'and' was omitted by section 2(i) of the Madras Prohibition (Second Amendment) Act, 1938 (Madras Act XVII of 1938).][(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;] [Inserted by Tamil Nadu Act No. 2 of 1983.](20)" transport " means to move from one place to another within any local area to which this Act applies [; and [This was added by section 2(11), of the Madras Prohibition (Second Amendment) Act, 1938 (Madras Act XVII of 1938).](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. [Prohibition of the manufacture of, traffic in , and consumption of, liquor and intoxicating drugs. [This section was substituted for the original section 4 by section of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act, VIII of 1958).]

(1)Whoever-(a)imports, exports, transports or possesses liquor or any intoxicating drug; or(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](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 has 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, stilt, utensil, implement or apparitions 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 low 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(i)sells liquor or any intoxicating drug ; or(j)consumes or buys liquor or any intoxicating drug ; or(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);] [Inserted by Tamil Nadu Act No. 9 of 1979.](k)allows any of the acts aforesaid upon premises in his immediate possession, [shall be punished - [Substituted by Tamil Nadu Act No. 9 of 1979.](i)in the case of an offence falling under clause (a), clause (b), clause (f), clause (g), clause (h), clause (i) or clause (jj) 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 servantand 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 servantand 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 one year in the case of a public servantand 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 servantand such fine shall not be less than three 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;][1-A) Where in the case of an offence falling under clause (a), [clause (aa), clause (aaa),] [Inserted by Tamil Nadu Act No. 9 of 1979.], 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 : [***] [Omitted 'Proviso' by Tamil Nadu Act No. 2 of 1989.]] (2) It shall be presumed until the contrary is shown - (a) that a person accused of any offence under [clauses (a) to (jj)] [Substituted 'clauses (a) to (j)' by Tamil Nadu Act No. 9 of 1979.] 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 toward the manufacture of liquor or any intoxicating drug or from which any liquor or intoxicating drug has been manufactured.]

4A. [Punishment for being found in a state of intoxication. [Substituted by Tamil Nadu Act No. 9 of 1979.]

- 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 for a term which may extend to three months or with fine which may extend to one 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.]

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

- Whoever renders or attempts to render fit for human consumption any spirit whether, manufactured in [***] [The word 'British' was omitted by the Adaptation (Amendment) Order of 1950.] India or not, which has been denatured [or any preparation containing such spirit] [These words were inserted by section 2 (i) of the Madras Prohibition (Amendment) Act. 1950 (Madras Act

XXXI of 1950).] or has, in his possession, any spirit '[or preparation containing spirit] [These words were inserted by section 2 (ii), of the Madras Prohibition (Amendment) Act, 1950 (Madras Act XXXI of 1950).] in respect of which he knows or has reason to believe that any such attempt has been made [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.] [Substituted 'shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees' by Tamil Nadu Act No. 57 of 1998.];[***] [Omitted 'Proviso' by Tamil Nadu Act No. 2 of 1989.]For the purpose of this section it shall be presumed, until the contrary is proved, that any spirit 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.

6. Prohibition of advertisement.

- Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise or distributes any advertisement or other matter [*] **[The word commending was omitted by section 6 (a) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).] soliciting the use of, or offering any liquor or intoxicating drug other than liquor or drugs exempted under section 16** [*] [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 (1) of the Madras Prohibition (Amendment) Act, 1938 (Madras Act X of 1938).] shall be punished [[with ***] [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).] imprisonment] which may extent 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(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 - [Clauses (b) and (c) were lettered 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).](i)by the Medical Council established by the [Tamil Nadu] Medical Registration Act, 1914, (Tamil Nadu Act IV of 1914.) ; or(ii)by any other Medical Council which has been established under any law for the time being in force [in any other State] [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.], or which has been recognized by the Government of such ***] [The words 'Province or' were omitted by Order of 1950.] State ; or(iii)by such authority in respect of Indian Medicine as may be notified by the [State] [This word was substituted for the word ' Provincial ' by the Adaptation Order of 1950.] Government ; or](c)[[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).] to the normal circulation within the [State] [This word was substituted for the word ' Provincial ' by the Adaptation Order of 1950.] of newspapers, periodicals and books printed and published in accordance with law outside the [State] [This word was substituted for the word ']

Provincial ' by the Adaptation Order of 1950.] ; or(d)[[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).] to any advertisement contained in a newspaper printed and published in the [State] [This word was substituted for the word 'Province' by Act, 1938 (Madras Act X of 1938).] before the first day of January 1938.

6A. [Control and regulation of molasses. [This word was inserted by section 7 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).]

(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.]

6B. [Regulation of transit of liquor. [Inserted by Tamil Nadu Act No. 2 of 1983.]

(1)Except as otherwise provided in sub-section (2), no person shall transit any liquor.(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.]

7. [Punishment for conspiracy. [Substituted by Tamil Nadu Act No. 2 of 1989.]

- 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 thereof 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.][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.]

8. Punishment for vexatious search or areas.

- Any officer or person exercising powers under this Act, who -(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 [***] [Substituted 'with imprisonment' by Tamil Nadu Act No. 9 of 1979.] imprisonment] which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

9. Punishment for vexatious delay.

- 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 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. Punishment for abetment of escape of persons arrested, etc.

- 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 [State] [This word was substituted for the word 'Provincial' by the Adaption Order of 1950.] Government or of a local body who abets the commission of any offence against this Act,shall be punished [with [***] [Substituted 'with imprisonment' by Tamil Nadu Act No. 9 of 1979.] imprisonment] which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

11. Punishment for offences not otherwise provided for.

- Whoever is guilty of any wilful act or intentional omission in contravention of any of the order made thereunder and not otherwise provided for in this Act, shall be punished [[with [***] [These words were substituted for the words 'with fine which extend to two hundred rupees, by the section 8 of Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act, VIII of 1958).] imprisonment] which may extend to six months or with fine which may extend to five hundred rupees or with both].

12. Punishment for abetment of offence against Act in area to which Act is not extended.

- 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.

13. [Drug, etc., liable to confiscation] [Substituted 'Things liable to confiscation' by Tamil Nadu Act No. 68 of 1986.].

- In any case in which an offence has been committed [against this Act or the rules made thereunder] [Substituted 'against this Act' by Tamil Nadu Act No. 2 of 1983.], [in relation to drug, the drug] [Substituted 'the liquor, drug' by Tamil Nadu Act No. 68 of 1986.], 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.

13A. [Liquor, etc., liable to confiscation. [Inserted by Tamil Nadu Act No. 68 of 1986.]]

- 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.]

14. Confiscation how ordered.

(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 [shall be ordered by the Court] [Substituted 'may be ordered by the Court' by Tamil Nadu Act No. 9 of 1979.].(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.] [Substituted by Tamil Nadu Act No. 9 of 1979.](3)[[This section (2) was inserted by section 9 of the Tamil Nadu Prohibition (Amendment), Act, 1958 (Tamil Nadu Act, VIII of 1958).] When an offence against Ibis 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 or by any other officer authorized by the [State] [This word was substituted for the word 'Provincial by the Adaptation Order of 1950.] Government in that behalf, who [shall order such confiscation] [Substituted 'may order such confiscation' by Tamil Nadu Act No. 9 of 1979.] :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.(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.] [Added by Tamil Nadu Act No. 9 of 1979.]

14A. [Owner of animal, vessel, cart or other vehicle deemed to be guilty in certain cases. [Inserted by Tamil Nadu Act No. 9 of 1979.]

- 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 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.]

15. Offences under Act to be cognizable.

- All offences under this Act shall be cognizable and the provisions of the [Code of Criminal Procedure, 1973 (Central Act 2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.], with respect to cognizable offences shall apply to them.

15A. [Summary trial of certain offences. [Substituted by Tamil Nadu Act No. 9 of 1979.]

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the stated 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 [***] 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.]

15B. [***] [Omitted by Tamil Nadu Act No. 2 of 1989.]

15B. 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: -{

(1)

Judicial Magistrates of the first class or Metropolitan Magistrates.

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).

(2)

Rigorous imprisonment for a term not exceeding five years; fine not exceeding seven thousand rupees.

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. }

15C. 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).]

Chapter Exemptions and Licences.

16. Power to notify exemptions.

(1)The [State] [This word was substituted, for the word 'Provincial' by the Adaption Order of 1950.] 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,(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 imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees] [Substituted by Tamil Nadu Act No. 9 of 1979.] :[***] [Omitted 'Proviso' by Tamil Nadu Act No. 2 of 1989.]

16A. [Authorities for bona fide religious purposes. [This section was inserted by section 3 of the Madras Prohibition (Second Amendment) Act, 1938 (Madras Act XVII of 1938).]

- [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.]

17. Exemption of bona fide travellers and lawful consignments.

- Until the The [State] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] 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 [***] [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.] through or into any such local area.

17A. [Exemption of members of armed forces, etc. [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 (Madrs Act XII of 1948) was omitted by section 2 (2) of the former Act.]

(1)The [State] Government may, by notification and subject to such conditions as they think fit, exempt members of the armed forces of the [Union] [This word was substituted for the words 'Dominion of India' by the Adaption (Amendment) Order of 1950.] or of any other armed forces raised or maintained by the [Union] [This word was substituted for the words 'Dominion of India'

by the Adaption (Amendment) Order of 1950.] 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.](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 imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees]: [Substituted by Tamil Nadu Act No. 9 of 1979.][***] [Omitted 'Proviso' by Tamil Nadu Act No. 2 of 1989.]]

17B. [Licence for manufacture, etc., of portable liquor. [Substituted by Tamil Nadu Act No. 23 of 1981.]

- 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, -(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.

17C. 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 [any liquor other than foreign liquor, or] [Substituted 'or' by Tamil Nadu Act No. 29 of 1985.] supplying by wholesale,(b)of selling by retail, [[Indian-made foreign spirits and foreign liquor] [Substituted 'or' by Tamil Nadu Act No. 29 of 1985.] [toddy or arrack] [Substituted 'or toddy but not arrack' by Tamil Nadu Act No. 33 of 1986.], or](c)of manufacturing or supplying by wholesale and selling by retail,[within any local area] [Substituted 'any liquor other than foreign liquor within any local area' by Tamil Nadu Act No. 29 of 1985.] [toddy] [Added by Tamil Nadu Act No. 29 of 1985.].(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. [Added by Tamil Nadu Act No. 29 of 1985.](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.]

17D. [Payment of a sum in consideration of the grant of any exclusive or other privilege or fee on licences for manufacture or sale. [Inserted by Tamil Nadu Act No. 51 of 1981.]

- 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.

17E. 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 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.]

18. Licences for bona fide medicinal or other purposes.

- The [State] [This word was substituted for the word ' Provincial' by the Adaptation Order of 1950.] Government or subject to the control of the [State] [This word was substituted for the word ' Provincial' by the Adaptation Order of 1950.] 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.

18A. [Excise duty or countervailing duty on liquors and intoxicating drugs. [This section was inserted by section 2 of the Madras Prohibition (Second Amendment) Act, 1948 (Madras Act XIX of 1948).]

(1)An excise duty or countervailing duty of such amount as the [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.(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 [State] [This word was substituted for the word ' Province ' by the Adaptation Order of 1950.] 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 [State] [This word was substituted for the word 'Province' by the Adaptation Order of 1950.], discriminates between goods manufactured or produced in one locality, and similar goods manufactured or produced in another locality.]

18B. [Excise duty or countervailing duty on excisable articles. [Inserted by Tamil Nadu Act No. 23 of 1981.]

(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.](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.(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.] [Added by Tamil Nadu Act No. 51 of 1981.]

18BB. [Special fee on import of excisable articles. [Inserted by Tamil Nadu Act No. 23 of 2008.]

- A special fee at such rate not exceeding rupees one thousand 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.]

18C. 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 ;[***] [Omitted 'clause (b) and (c)' by Tamil Nadu Act No. 51 of 1981.][***]
[Omitted '(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' by Tamil Nadu Act No. 33 of 1986.](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.]

18D. [*] [Omitted by Tamil Nadu Act No. 33 of 1986.]**

18D. 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 18C, 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 occupeir, 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.

18E. [*] [Omitted by Tamil Nadu Act No. 33 of 1986.]**

18E. Duties may be farmed.- All or any of the duties leviable under this Act in any local area may, with the section 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.

18F. [*] [Omitted by Tamil Nadu Act No. 33 of 1986.]**

18F. 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.

18G. [*] [Omitted by Tamil Nadu Act No. 33 of 1986.]**

18G. 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 tie prescribed authority for a licence to be given to such lessee or assignee, and such lessee or assignee shall have received the same.

18H. [Exemption from payment of excise duty, countervailing duty or fee. [Inserted by Tamil Nadu Act No. 51 of 1981.]

- The State Government may, by notification and subject to such conditions, if any, as the State Government may specify in such notification, -(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.]

19. Licences for tapping for sweet toddy, etc.

- Subject to the control of the [State] [This word was substituted for the word ' Province ' by the Adaptation Order of 1950.] Government, the Collector or any officer empowered by him may issue -(a)licences for the tapping of any trees for [neera or padani] [This word was substituted for the word ' Provincial ' by 1950.] for consumption thereof without fermentation or for the manufacture of jaggery therefrom, or(b)permits for the possession, transport or sale of such [neera or padani] [These words were substituted for the word ' toddy ' by section 11 (ii), of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).].

19A. [*] [Omitted by Tamil Nadu Act No. 33 of 1986.]**

19A. [Licence for tapping or drawing of any toddy, etc., [Inserted by Tamil Nadu Act No. 23 of 1981.]- Subject to the control of the State Government and subject to such conditions as may be prescribed, the prescribed authority may, -(i) issue licences to any person, -(a) for tapping any toddy-producing tree or permitting or suffering toddy to be tapped form 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 form any tree belonging to him or in his possession; or(ii) issue permits for the possession or transport of such toddy.]

20. Permits and licences.

- The [State] [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).] 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 ;(b)[] [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).] licences to any institution to possess liquor and issue it to such of its members as hold permits under clause (a) ;[***] [The word ' and ' was omitted by section 4 (i) of the Madras Prohibition (Amendment) Act, 1948 (Madras Act XII of 1948).](c)[] [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).] 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 ;(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), (aa) (aaa) or (j)] [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).], as relates to the possession, consumption or buying of liquor.]

**20A. [Matters to be taken into consideration by the licensing authority.
[Sections 204 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 11 October 1974.]**

- Subject to the provisions of section 20-B, ITte7nto 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 :-(a)the suitability of the applicant for the grant of licence or permit, as the case may be ;[***](c)such other matters as may be prescribed.[Explanation. [Added by Tamil Nadu Act No. 42 of 1982.] - 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)whetter 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;(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.]

20B. Co-Operative societies to be given preference.

- 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.]

**20C. [Licence for possession and use of denatured spirit in the manufacture
of specified commodities, etc. [Inserted by Tamil Nadu Act No. 32 of 1978.]**

- 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 ;(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.]

21. Form and conditions of licences and permits.

- Every licence or permit granted under [sections 6-A, [17-B, 17-C, 18, 19, [***] [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 Via of 1958).] 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 terms and conditions including - [Substituted 'on such conditions, and' by Tamil Nadu Act No. 68 of 1986.](a)the condition for deposit of such sum as may be prescribed as security for the observance of the term 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](2)be in such form and contain such particulars as the [State] [This word was substituted for the word ' Provincial ' by the Adaptation Order of 1950.] Government may direct either generally or in any particular case.

21A. [Power to prescribe limit of wastage or shortage of spirits. [Inserted by Tamil Nadu Act No. 68 of 1986.]

- 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.]

22. [Counterpart agreement to be executed by licensees. [Substituted by Tamil Nadu Act No. 23 of 1981.]

- Every person taking out any licence or permit under section 6-A, 17-B, 17-C, 18, 19, [***] 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.]

22A. [Cancellation of licence granted under Madras Distillery Rules, 1960. [Inserted by Tamil Nadu Act No. 51 of 1981.]

(a)Every distillery licence granted in form II under the Madras Distillery Rules, 1960 or deemed to have been granted under the Tamil Nadu Distillery Rules, 1981, for the manufacture of rectified spirit and denatured spirit, shall be 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.]

22C. [*] [Omitted by Tamil Nadu Act No. 33 of 1986.]**

22C. [Retail sale of arrack. [Inserted by Tamil Nadu Act No. 29 of 1985.]- (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 November 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 November 1985] [Substituted '15th day of October 1985' by Tamil Nadu Act No. 16 of 1986.]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 November 1985] [Substituted '16th day of October 1985' by Tamil Nadu Act No. 16 of 1986.]: 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). [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.] [Added by Tamil Nadu Act No. 16 of 1986.] (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: (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].

22CC. [Repeal of rules. [Inserted by Tamil Nadu Act No. 2 of 2004.]

(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 at, 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.]

22D. [Licence granted for selling, by retail, Indian-made foreign spirits to cease to be valid. [Inserted by Tamil Nadu Act No. 31 of 2003.]

(a)Notwithstanding anything contained in this Act or in any judgment, decree or order of any Court, [every licence granted or renewed [which is deemed to be a grant of licence under sub-section 22-CC]] 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 [which is deemed to be a grant of licence under sub-sections (2) and (4) of section 22-CC]] [Substituted 'any licence renewed' by Tamil Nadu Act No. 2 of 2004.] 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 an 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.]

23. Power to cancel or suspend licences and permits.

(1)[The State Government or the Collector or the prescribed authority, as the case may be] [Substituted 'The Collector' by Tamil Nadu Act No. 23 of 1981.] may cancel or suspend any such licence or permit-(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 [issued by the Collector or the prescribed authority] [Inserted by Tamil Nadu Act No. 23 of 1981.] 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(cc)[if the holder thereof has furnished false or incorrect information in connection with the obtaining or renewal of such licence or permit; or] [Inserted by Tamil Nadu Act No. 68 of 1986.](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.(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.] [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).](4)[Notwithstanding anything contained in subsection (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.] [Added by Tamil Nadu Act No. 51 of 1981.]

23A. [Licence for possession and sale or issue of bottled liquor to cease. [Inserted by Tamil Nadu Act No. 51 of 1981.]

(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).]

23B. [Licences, granted for selling Indian-made foreign spirits to cease to be valid. [Inserted by Tamil Nadu Act No. 47 of 1992.]

(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.]

24. Penalty for breach of the conditions of licences and permits.

- 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 [***] [Substituted 'be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or both' by Tamil Nadu Act No. 9 of 1979.] imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees;][***] [Omitted by 'Proviso' Tamil Nadu Act No. 2 of 1989.]

24A. [Punishment for adulteration, etc., by licensed vendor or manufacturer. [Inserted by Tamil Nadu Act No. 23 of 1981.]

- Whoever, being the holder of licence or permit for the sale or manufacture of liquor under this Act, [or whoever being an employee of the Tamil Nadu State Marketing Corporation Limited, [***]]
 -(a)mixes or permits to be mixed with the liquor sold or manufacturer 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[***] [Omitted '(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 ; or' by Tamil Nadu Act No. 33 of 1986.](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[(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] [Inserted by Tamil Nadu Act No. 33 of 1986.](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 imprisonment] [Substituted 'shall be punished with rigorous imprisonment' by Tamil Nadu Act No. 2 of 1989.] for a term which may extend to three years and with fine which may extend to three thousand rupees :[***] [Omitted 'proviso' by Tamil Nadu Act No. 2 of 1989.]

24B. 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.]

24C. [Penalty for furnishing false or incorrect information. [Inserted by Tamil Nadu Act No. 68 of 1986.]

- 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.]

24D. [Power to compound offences. [Inserted by Tamil Nadu Act No. 2 of 1989.]

(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 [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] by way of composition of such offence a sum of money not exceeding [ten thousand rupees but not less than one thousand rupees] [Substituted 'two thousand rupees but not

less than five hundred rupees' by Tamil Nadu Act No. 57 of 1998.].(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.]

Chapter IV

. Establishment and Control.

25. Appointment of officers and withdrawal of powers.

- The [State] [This word was substituted for the word Provincial ' by the Adaptation Order of 1950.] 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 fence 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 [State] [This word was substituted for the word Provincial ' by the Adaptation Order of 1950.] 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[State] [This word was substituted for the word Provincial ' by the Adaptation Order of 1950.] 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.

25A. [Delegation of powers of State Government. [Inserted by Tamil Nadu Act No. 23 of 1981.]

(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.]

26. [Prohibition Committees. [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).]

(1)The State Government may, for the whole of the [State of Tamil Nadu] and the Collector 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 cat tying 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, 1973 (Central Act 2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.]]

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

- The [State] [This word was substituted for the word 'Province' by the Adaptation Order of 1950.] 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 [State] [This word was substituted for the word 'Province ' by the Adaptation Order of 1950.] or in any local area, to admit a person arrested under arrested to 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.

Chapter V

. Powers Duties and Procedure of Officers, etc.

28. Issue of search warrants.

- 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 information 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. Powers of entry and search without warrant.

- Whenever a Collector, any Prohibition Officer not below, such rank as the [State] [This word was substituted for the word 'Provincial the Adaptation Order of 1950.] 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 [State] [This word was substituted for the word 'Provincial the Adaptation Order of 1950.] Government in this behalf has reason to believe that an offence under sub-section (1) a section 4 has been committed and that the delay occasioned by obtaining a search warrant under section 28 wilt 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 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.

30. [Powers of entry and inspection. [This section was substituted for original section 30 by section 2 (1) of, the Madras Prohibition (Amendment) Act, 1951 (Madras Act XXXI of 1951).]

- The Collector; any Prohibition Officer not Powers of 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 -(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 [***] 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. Power to use force in case of resistance to entry.

- 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.

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

- 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 [under section 4, sub-section (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).] or section 5 [or section 7 or section 24 or any offence punishable with rigorous imprisonment for three years and upwards] [Added by Tamil Nadu Act No. 9 of 1979.]];(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 21 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.[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 jurisdiction to inquire into the case, [***] [This proviso and Explanation were added, by section 16 (ii), Act, 1958 (Tamil Nadu Act VIII of 1958).].[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, toe 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.] [Inserted by Tamil Nadu Act No. 51 of 1981.]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.]

32A. [Establishment of checkpoint or barrier and inspection of liquor while in transit, etc. [Inserted by Tamil Nadu Act No. 2 of 1983.]

(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 vehicles 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 noncompliance, 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.]

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

- 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.

34. Searches how to be made.

- All searches under the provisions of this Act shall be made in accordance with the provisions of the [Code of Criminal Procedure, 1973 (Central Act 2 of 1974)] [Substituted 'Code of Criminal

Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.].

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

- Officials of all departments of the [State] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] 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.

36. Offences to be reported etc.

- Every official employed by the [State] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government or by any local body, other than a Police or 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.

37. Landholders and others to give information.

- 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.

38. Persons arrested how to be dealt with.

(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.(2)Procedure of police station officer. - 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.(3)Procedure of police or prohibition officer empowered to inquire. - 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 on bail or when such officer as aforesaid has himself made the areas 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. Persons arrested to be admitted to bail.

- 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.

40. Bond of accused and sureties.

(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: 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 [State] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government shall from time to time determine the form of the bond to be used in any local area,

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

- 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, 1973 (Central Act 2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.], for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

41A. [Obtaining of medical certificates in the case of persons found in a state of intoxication. [This section was inserted by section 17 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).]

(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.(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 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.]

41B. [Presumption that the liquor consumed is an illicit variety. [Inserted by Tamil Nadu Act No. 9 of 1979.]

- 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.]

42. Power of Police or Prohibition officer to summon witnesses.

- 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 :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 [State] [This word was substituted for the word 'Provincial' by ,the Adaptation Order of 1950.] Government may fix.

43. Terms of summons.

- 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.

44. Examination witnesses.

- 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.

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

- 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.

46. Power of Police or Prohibition Officer to summon suspected persons.

- 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.

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

- 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.

48. Report of Police or prohibition Officer to give jurisdiction to competent Magistrate.

- 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, 1973 (Central Act 2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.], [***] [Omitted '(Central Act V of 1898)' by Tamil Nadu Act No. 9 of 1979.].

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

- 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, 1973 (Central Act 2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.], 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.

50. [Procedure after arrest. [This section was substituted for original section 50 by the Adaptation (Amendment) Order of 1950.]

- 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.]

51. Police to take charge of articles seized.

- 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.

52. Power of District Magistrate to transfer cases.

- 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.

52A. [Security for abstaining from commission of certain offences. [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)]

(1)Whenever any person is convicted of an offence punishable under [clause (a), [clause (aa), clause (aaa),] clause (b), clause (d), clause (e), clause (f), clause (g), clause (h), clause (i) or clause (jj) 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 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 If, and the provisions of the [Code of Criminal Procedure, 1973 (Central Act 2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.] [***] [Omitted '(Central Act V of 1898)' by Tamil Nadu Act No. 9 of 1979.] ; 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 See [section 106] [now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), 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.

52B. Power to release certain offenders on probation of good conduct.

(1)Notwithstanding anything contained in the [Code of Criminal Procedure, 1973 (Central Act 2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.] [***] [Omitted '(Central Act V of 1898)' by Tamil Nadu Act No. 9 of 1979.], [or the Probation of Offenders Act, 1958 (Central Act 20 of 1958)] [Substituted 'or the Madras Probation of Offenders Act, 1936, (Madras Act III of 1937)' by Tamil Nadu Act No. 9 of 1979.] when any person is found guilty of -(a)any offence punishable under [section 6] [Substituted 'section 4-A, 6, 11 or 24' by Tamil Nadu Act No. 9 of 1979.], or(b)the commission, attempt to commit, [*] **[Omitted 'or' by Tamil Nadu Act No. 9 of 1979.] 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 [*] [Omitted 'or' by Tamil Nadu Act No. 9 of 1979.] abetment is punishable under section 12, [***] [Omitted 'or' by Tamil Nadu Act No. 9 of 1979.](c)[***] [Omitted 'any breach of any of the conditions subject to which the exemption under section 16 or 17-A is notified' by Tamil Nadu Act No. 9 of 1979.] no previous conviction for any offence tinder 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 as 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 subsection (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 [or the Probation of Offenders Act, 1958 (Central Act 20 of 1958)] [Substituted 'or the Madras Probation of Offenders Act, 1936, (Madras Act III of 1937)' by Tamil Nadu Act No. 9 of 1979.], 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 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.

52BB. [Persons not to be released on probation. [Inserted by Tamil Nadu Act No. 9 of 1979.]

- 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.]

52C. Procedure in case of offender failing to observe conditions of bond.

(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. (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.

52D. Provision as to bonds.

- The provisions of sections [121, 123, 124, 373, 446, 447, 448 and 449 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)] [Substituted '122, 126, 126-A, 406-A (b) and (c), 514, 514-A, 514-B and 515 of the Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.] (central

Act V of 1898) shall so far as may be, apply in the case of sureties given under this Act.]

52E. [Removal of persons convicted of certain offences. [Inserted by Tamil Nadu Act No. 9 of 1979.]

(1)When any person having been previously convicted thrice or more -(i)of an offence falling under clause (a), [clause (aa), clause (aaa),] 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)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 [***] [Omitted 'rigorous' by Tamil Nadu Act No. 2 of 1989.] 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 [***] [Omitted 'rigorous' by Tamil Nadu Act No. 2 of 1989.] imprisonment which may extend to three years or with fine, or with both.]

53. Operation of the [Code of Criminal Procedure, 1973] [Substituted 'Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.].

- [Save as expressly provided in this Act, nothing contained therein] [These words were substituted for the words 'Nothing contained in this Act' by section 19, Act VIII of 1958.] shall affect the operation of the [Code of Criminal Procedure, 1973] [Substituted 'Code of Criminal Procedure, 1898' by Tamil Nadu Act No. 9 of 1979.], [***] [Substituted '(Central Act V of 1898)' by Tamil Nadu Act No. 9 of 1979.].

53A. [Prohibition Officer deemed to be a Police Officer for certain purposes. [This section was inserted by section 2 of the Madras Prohibition (Second Amendment) Act, 1949 (Madras Act XLV of 1949).]

- 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, Central 1872,(Act I of 1872.)]

Chapter VI

. Rules and Notifications.

54. Power to make rules.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] 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 [State] [This word was substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may make rules -(a)for the issue of licences and permits and the enforcement of the conditions thereof ;(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;] [Inserted by Tamil Nadu Act No. 33 of 1986.](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.(bb)[prescribing the ways in which the duty tender section 18-A may be levied ;] [This clause was inserted by section 3 (If the Madras Prohibition (Second Amendnynnt) Act, 1948 (Madras Act XIX of 1948).](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) or section 38 on the ground that 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; [***] [The word 'and' was omitted by section 20 (a) (i) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).](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 ; [Clauses (m), (n) and (o) were added by section 20 (a) (ii), of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).](n)for the proper collection of duty on all kinds of liquor or drugs ;(nn)[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.](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.] [Added by Tamil Nadu Act No. 51 of 1981.][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.] [Added by Tamil Nadu Act No. 33 of 1986.](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.] [This sub-section was added by section 20 (b) of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).]

55. Publication of rules and notification.

- 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.

Chapter VII

. Legal Proceeding

56. Actions against the Government, etc.

- No action shall lie against the [Government] [This word was substituted for the word ' crown' by the Adaptation Order of 1950.]or against any Prohibition, Police or other officer for damages in any civil court for any act bona fide done or ordered to be done in pursuance of this Act.

56A. [Injunctions not be granted in respect of sums payable in consideration of the grant of any privilege or fee on licences for manufacture, etc. [Inserted by Tamil Nadu Act No. 2 of 1983.]

- 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, -(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.]

56B. [Bar of jurisdiction of civil courts. [Inserted by Tamil Nadu Act No. 29 of 1985.]

- 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.] [This sub-section was Inserted, by section 4 (II), 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.]

57. Courts to take judicial notice of appointments.

- All courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Act.[Schedule I] [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).](See section 2)

Year. (1)	Number. (2)	Short title or Subject. (3)	Extent of repeal. (4)
		[Tamil Nadu Acts] [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 for on the 14th January 1969.]	
1886	I	The T[Tamil Nadu] [hese 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.]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.
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[TamilNadu] [This Schedule was added by section 21 of the Tamil Nadu Prohibition (Amendment) Act, 1958

(Tamil Nadu Act VIII of 1958).]Abkari Act, 1886.

[Schedule II.] [This Schedule was added by section 21 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).]Bond to Abstain from the Commission of offences under the [Tamil Nadu] [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.] 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) (a), [4 (1) (aa), 4 (1) (aaa)] [Substituted 'under sections 4 (1) (b), 4 (1) (d), 4 (1) (e) and 4 (1) (i)' by Tamil Nadu Act No. 9 of 1979.] , 4 (1) (b), 4 (1) (d) , 4 (1) (e), 4 (1) (f), 4(1) (g), 4 (1) (h), 4 (1) (i) and 4 (1) (jj)] of the [Tamil Nadu] [This Schedule was added by section 21 of the Tamil Nadu Prohibition (Amendment) Act, 1958 (Tamil Nadu Act VIII of 1958).] Prohibition Act, 1937, for the term ofI 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 [State of Tamil Nadu] [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.], the sum of rupeesDated thisday of 19.(Signature.)Where a bond with sureties is to be executed, add -We do hereby declare ourselves sureties for the above named that he will abstain from the commission of any offence under sections [4 (1) (aa), 4 (1) (aaa)] [Inserted by Tamil Nadu Act No. 57 of 1998.] 4 (1) (b), 4 (1) (d), 4 (1) (e), 4 (1) (1) of the [Tamil Nadu] [These words were substituted for the word 'Madras' by of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] 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 [State of Tamil Nadu] [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.], the sum of rupeesDated thisday of 19 .(Signature.)]