

The Assam Liquor Prohibition Rules, 1953

ASSAM

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1. Preliminary.

- These rules may be called the Assam Liquor Prohibition Rules, 1953.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(1)"Act" means the Assam Liquor Prohibition Act, 1952.(2)"Foreign Liquor" has the same meaning as is assigned to it under the Eastern Bengal and Assam Excise Act, 1910 (Eastern Bengal and Assam Act No. 1 of 1910), excluding rectified and denatured spirits and absolute alcohol.(3)"Section" means a section of the Act.

3. Prohibition Committee.

- The duties to be performed by a Prohibition Committee constituted under Section 17 (1) of the Act shall, amongst others, be to-(i)mobilise public opinion amongst liquor addiction,(ii)make a survey of liquor addicts and then wean them away from the pernicious habit, and(iii)keep information about, and watch the movements of traffickers in illicit liquor and consumers thereof and to pass on, from time to time such information to any officer referred to in Section 10 of the Act for necessary action.

4.

A Prohibition Committee shall exercise jurisdiction over the area for which it is constituted. Where there are more than one Committees, the Committee or Committees constituted for any part of an area shall be subordinate to the one constituted for the area as a whole and all such Committees

shall co-operate with one another in the discharge of their duties.

5.

The Prohibition Committee shall be under the superintendence, direction and control of the Commissioner and they shall comply with any direction and order issued by the Commissioner.

6.

The permits under Section 20 of the Act shall be issued in the manner prescribed in Rule 7 below.

7.

(1)Health Permit. - (a) Any person desiring to possess, use and consume foreign liquor for the preservation or maintenance of his/her health make an application in the prescribed form to the Deputy Commissioner/Sub-divisional Officer concerned.(b)All applications submitted under Clause (a) shall be considered by a Board, which shall be set up by the Government in each District/Sub-division, and which shall consist of-(i)Civil Surgeon/Sub-divisional Medical Officer;(ii)A prominent non-official member of the Medical profession; and(iii)Superintendent of Excise.The applicant shall appear before the Board for the examination as the Board may consider necessary.(c)The Board, set up under Clause (b), shall satisfy itself that the applicant is not a minor and that consumption of foreign liquor is necessary for the preservation or maintenance of the applicant's health before recommending the grant of a permit. The recommendation shall specifically mention the period for which permit is recommended and the quantity and types of liquor which may be allowed.(d)The Superintendent of Excise shall be the convenor member of the Board and he shall convene meetings of the Board as often as necessary, and in any case at least once every three months.(e)The Deputy Commissioner/Sub-divisional Officer may grant a permit only if a recommendation to this effect has been made by the Board under Clause(e)A permit shall in no case be issued for more than one year. The permit shall also specify the quantities, and the types of liquor which the permit holder shall be entitled to consume.(f)The permit holder desiring to renew the permit after the expiry of the period for which it was granted shall make a fresh application and shall be required to appear before the Board afresh.(g)The permit holder shall obtain his requirement of liquor from only a vendor licensed in this behalf.(2)Permit under Section 20(c).-(a) Any person as mentioned in Section 20(c) of the Assam Liquor Prohibition Act, 1952 visiting or staying in the Liquor Prohibition areas of the State of Assam and desiring to possess, use and consume foreign liquor shall apply to the Deputy Commissioner/Sub-divisional Officer concerned or any other officer authorised in that behalf by the Deputy Commissioner/Sub-Divisional Officer, in the prescribed form.(b)The application form may be obtained from the office of the Deputy Commissioner/Sub-divisional Officer or any other officer authorised by the Deputy Commissioner/Sub-divisional Officer.(c)On receipt of the application, the Deputy Commissioner/Sub-divisional Officer or the officer authorised in that behalf satisfy himself that the applicant is a visitor or resident of the category as mentioned above and he may grant him a permit in the prescribed form for possession, use and consumption of foreign liquor.(d)The permit shall be granted for the period for which the visitor/resident is required to stay in the prohibition

areas of the State.(e)The permit holder shall not possess at any one time any quantity of foreign liquor in excess of the quantity specified in his permit.(f)The foreign liquor granted under this permit shall be obtained from a vendor licensed in that behalf.(g)The permit holder shall get the details entered in his permit of all foreign liquor obtained by him from time to time by the vendor.(h)The permit holder shall abide by the conditions of the permit, and the provisions of the Assam Liquor Prohibition Act and the Rules thereunder.(3)Permit for Military Personnel.-(a) In cases covered by Clause (d) of Section 20, applications for permits shall be made by the local Commandant in charge of the Armed Force to which the person or persons requiring foreign liquor belongs/belong.(b)All such applications shall be made to the Deputy Commissioner/Sub-divisional Officer concerned or any other officer authorised in that behalf by the Deputy Commissioner/Sub-divisional Officer and shall specify the period and quantity of foreign liquor required for use or consumption.(c)The Deputy Commissioner/Sub-divisional Officer concerned or the Officer authorised in that behalf shall issue such permits through the Commandant of the force or unit.

8.

Any permit issued for the use and consumption of foreign liquor shall not only contain the name and address of the holder but also such details as to the quota allowed, the period of validity and the shop from which the liquor is to be obtained.

9.

In no case the quota allowed under a permit shall exceed the limit of private possession fixed under Eastern Bengal and Assam Excise Act, 1910 (Act No. 1 of 1910) and purchases under the permit shall also be subject to the limit of retail sales under this Act.

10.

The authorised vendor shall enter the details of such purchases at the back of the permit.

11. Licences.

- Licences for the purposes enumerated in Section 21, shall be granted by the Deputy Commissioner/Sub- divisional Officer or any other Officer authorised by him.The issue of those licences shall be subject to all the conditions imposed by the Assam Excise Act, 1910 (Eastern Bengal and Assam, Excise Act No. 1 of 1910), and the Rules thereunder in respect of issue of similar kind of licences.

12. Penalties.

- Whoever contravenes any of the terms and conditions of any permit or licence granted under these rules, shall, in addition to the incurring of cancellation of the permit or licence, be liable to pay a fine

not exceeding Rupees. 500 for each contravention.