The Manipur Liquor Prohibition Act, 1991

Act No. 04 of 1991

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GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION
Imphal, the 1st April, 1991


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Deputy Secretary (Law) to the Government of Manipur

An Act

applies except for medicinal, scientific, industrial or such purposes as the production, manufacture, possession, import, export, transport, purchase, sale and consumption of liquor in the State of Manipur.

Be it enacted by the Legislative Assembly of the State of Manipur in the forty-second year of the Republic of India.

CHAPTER-I

1. Short Title, Extent and Commencement.—(1) This Act may be called the “Manipur Liquor Prohibition Act, 1991”.

(2) It extends to the whole of the State of Manipur.

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

2. Definitions:— In this Act unless there is anything repugnant in the subject or context:

"Commissions" means Prohibition Commissioner, Section 24 of this Act.

(4) "Liquor" means any intoxicating liquor and includes any substance which, when, any liquor is produced or prepared, also re-distilled, process for the rectification, flavouring, blending, or coloring.

(5) "Manufacture" includes every process, whether natural or by art, and includes any substance which any liquor is produced or prepared, and any substance which in the process for the rectification, flavouring, blending, or coloring.

(6) "Para-military Forces" means persons under Assam Rifles (No. 5, 6, 1941), Border Security Forces Act, 1968 (No. 63) and members of any other force under the operational command.

(7) "Prescribed" means prescribed by rules under this Act.

(8) "Prohibition officer" includes Commissioner and any person appointed under Section 25 of this Act.

(9) "Public place" means a place as defined in the Public Gambling Act, 1867 (Act 11 of 1867).

(10) "Registered medical practitioner" means a person registered under the Indian Medical Council Act, 1956 (No. 102 of 1956).

(11) "Sell" with all its grammatical variations, means any transfer including sale for a gift or loan or otherwise.

(12) "State Armed Police" shall include members of Manipur Rifles and Armed Constabulary of any other State or of the Centre stationed in Manipur.

(13) Words and expressions used but not defined in this Act, shall have the same meaning as are respectively assigned to them in the Eastern Bengal and Assam Excise Act, 1910 (No. 1 of 1910) as extended to Manipur.
(a) any medical preparation containing alcohol which is unfit for use as liquor;
(b) any antiseptic preparation or solution containing alcohol which is unfit for use as liquor;
(c) any distilled extract, essence or syrup containing alcohol which is unfit for use as liquor;
(d) any manufactured article containing alcohol which is unfit for use as liquor;
(e) any preparation of "Industrial" or "Purified" alcohol from industrial by-products by a person who is not authorized by law to use such alcohol in the manufacture of articles other than intoxicants or liquors or where such alcohol is for sale outside the State of Manipur.

Provided that such article corresponds with the description and limitations mentioned in section 15.

Provided further that the purchase, possession, or use of any liquor or alcohol for use in any medical preparation or antiseptic preparation or solution shall be permitted except under a permit granted under section 15.

1. Explanation—Nothing in this section shall be construed to mean that any person may drink any medical preparation, antiseptic preparation, solution or preparation as a medicine or drink any such preparation by way of any other method of administration, or otherwise or by any advertisement of any manner or in connection with any medical prescription, selling, offering, or dispensing any liquor in the State.

6. Alteration of denatured spirit.—No person shall—
(a) alter or attempt to alter any denatured spirit by dilution with water or by any method whatever, with the intention that such spirit may be used for human consumption, whether as a beverage or internally as a medicine or otherwise;
(b) have in his possession any denatured spirit, in respect of which he knows or has reason to believe that such alteration or attempt to alter has been made.

7. Alteration of denatured spirituous preparation.—No person shall—
(a) alter or attempt to alter any denatured spirituous preparation by dilution with water or by any other method whatever, with the intention that such preparation may be used for human consumption as a medicine or otherwise;
(b) have in his possession any denatured spirituous preparation in respect of which he knows or has reason to believe that such alteration or attempt to alter has been made.

8. Prohibition of issuing prescriptions for liquor except by Registered Medical Practitioners.—(1) no person other than a Registered Medical Practitioner shall issue any prescription for consumption of any liquor.

(2) No person other than a Registered Medical Practitioner shall prescribe any such liquor unless he believes in good faith after careful medical examination of the person for whose use such prescription is made, that the use of such liquor by such person is necessary to alleviate some physical or mental ailment.
(3) A registered medical practitioner shall state, in every prescription issued by him, the name and address of the person to whom issued, the effect of issue, directions, for use, and the amount and frequency of the dose, and he shall preserve a copy of the prescription for one year from the date of issue. On the copy so preserved he shall state the ailment for which the liquor is prescribed.

9. Prohibition of soliciting use or reflection calculated to incite or encourage any class of public to commit offence—No person shall—
   (a) solicit the use of, or offer, any liquor or,
   (b) do any act which is calculated to incite or encourage any class of individuals or the public generally to commit any offence under this Act or to commit a breach of any rules, regulation or order made or the conditions of any permit, pass or authorisation granted thereunder.

10. Prohibition of consumption of medicinal preparation containing alcohol in excess of normal dose—No person shall for the purpose of producing an artificial state of intoxication or any other medicinal preparation containing alcohol in any quantity exceeding the normal dose.

Explanation—The expression “normal dose”, in relation to any medicinal preparation, means the quantity prescribed by a Registered Medical Practitioner to be taken at a time and in a case in which no such prescription has been obtained the quantity indicated to be taken at a time in the directions given by the manufacturer of the medicinal preparation.

11. Prohibition of possession of denatured spirituous preparation in excess of prescribed limit—(1) No person shall have in his possession, except under a permit granted by an officer empowered by the State Government in that behalf, an amount of denatured spirituous preparation in excess of such quantity as the State Government may by notification in the official Gazette, specify.

(2) In specifying quantity for possession of denatured spirituous preparation under sub-section (1) regard shall be had to the necessity for the free possession of such preparation for legitimate, domestic, and other purposes and different limits be fixed for
   (a) different local areas,
   (b) different classes of persons, and
   (c) different occasions.

12. Regulation of manufacture, etc. of denatured spirituous preparation—Person shall—
   (a) manufacture, sell or hire for sale any denatured spirit or its preparation except under the authority and in accordance with the terms and conditions of a permit,
   (b) import, export or transport any denatured spirit or its preparation in excess of the limit of possession specified under sub-section (1) of Section 11 except under the authority and in accordance with the terms and conditions of a permit,
   (c) drink any denatured spirit or its preparation.
(2) a permit required under sub-section (1) shall be granted by an officer
empowered by the State Government.

13. General conditions regarding permits etc.—All permits, passes, or
authorization granted under this Act shall be of such form and shall be
paid for in the manner may be prescribed, and shall be granted on
payment of the prescribed fee, provided that every permit, pass or authorization
shall be granted subject to the conditions that the person applying therefor or
authorisation is not subject to the conditions of the permit, pass or
authorisation and shall be made in accordance with the Act.

14. Health permit. — All persons applying for a permit to
enter the State of Government may. Persons applying for a permit, under which
permits may be issued for possession, use or consumption of liquors on health grounds to any
person on prescription by a registered medical practitioners.

15. Permits for educational, scientific and industrial purposes.—The State
Government may, on application under which permits may be granted on
payment of such fee, if any, to a person for a bonâ partis medical scientific
or educational purposes and for such periods and for such periods and for
such purposes as may be prescribed the use and consumption of liquors by any person who

(a) a sovereign or Head of a foreign country or
(b) an Ambassador, Diplomatic envoy or Consul, Hereditary Counsel or
trade, commerce or other representatives of a foreign country
(c) a diplomatic mission or foreign service
(d) a diplomatic mission or foreign service
(e) a diplomatic mission or foreign service
(f) a diplomatic mission or foreign service

16. Permits for the Consumption of Liquors in Mess and Canteens of
personnel forces engaged in the Government service, subject to such conditions as may be
specified by a general or special order respectively.

(a) the sale of liquor
(b) the purchase, use or consumption of such liquor in the State by the
members of Armed Forces, paramilitary forces and State Armed Police
in their mess and canteens

17. Regulation of use of Consumption of Liquor by Permit Holders.

(i) No holder of a permit granted under this Act shall allow the use or
consumption of any part of the liquor held by him to any other person
not so authorised to use or consume liquor under this Act.
19. Permit for Bonafide Medical and Other Purposes — The State Government may, by rules, or by an order in writing, authorise an officer to grant permit to any person, or institution, for the purchase, possession, or use of any liquor or denatured spirit for the manufacture of any article mentioned in section 4 on such conditions as may be prescribed:

Provided that no permit shall be necessary for the possession of denatured spirit less than the quantity as may be prescribed.

20. Power to cancel or suspend permits etc. — (1) Subject to such conditions as the State Government may prescribe, the authority granting any permit under this Act may cancel or suspend the same on any of the following grounds:

(a) Where any duty or fee payable by the holder thereof has not been paid;
(b) Where there is breach of any of the terms and conditions by the holder thereof or by his agent, or by any one acting on his behalf with his express or implied permission;
(c) Where the holder thereof has been convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue;
(d) Where the holder thereof is guilty of any cognizable or non-bailable offence;
(e) Where the holder thereof is guilty of any offence punishable under the Excise Act, 1922, the Narcotic Drugs and Psychotropic Substances Act, 1985, Medicinal and Toilet Preparations (Excise Duties) Act, 1955;
(f) Where the holder thereof is guilty of any offence punishable under Sections 112 and 114 of the Customs Act, 1962;
(g) Where the holder thereof is guilty of any offence punishable under Sections 482 to 489 of the Indian Penal Code;
(h) Where the conditions of the permit provided for such cancellation or suspension;
(i) Where the permit, pass or authorisation has been obtained through misrepresentation or fraud.

(2) No person to whom a permit has been granted under this Act shall have any claim for compensation for the cancellation of suspension of his permit under this Act or to the refund of any fee paid or deposited relating thereto;

(3) Any holder of a permit for denatured spirit or liquor granted as covered under this Act may surrender this permit on expiration of one month notice given by him to the Commissioner of his intention to surrender the same and on payment of the fee payable for the permit for the whole period for which it would have subsisted but for such surrender;

(4) No person to whom a permit has been granted under this Act shall have any claim to renewal of such permit.

21. Right, Title or Interest under Permit not liable to be sold or attach in Execution — Notwithstanding anything contained in any law for the time being in force no right, title or interest in any permit, pass or authorisation granted under this Act shall be liable to be sold, transferred or attached in execution of any process of any civil or any other Court.
22. Supervision over manufacture of denatured spirit and preparation of—The state Government may, by special order direct that the manufacture, preparation, and sale of denatured spirits, under the provisions of such Prohibition, be done or shall be done, and that the cost of such staff, including the transport and sale of denatured spirits, shall be paid to the State Government by the person manufacturing, importing, exporting, transporting, storing, selling, or denaturing of such denatured spirits, as may be prescribed.

Provided that the State Government may exempt any class of persons or any part of the cost of such staff.

23. Commissioner. The Commissioner, by order in writing, may order the person to dispose of stocks, by authorities, by broad authority, in such a manner as may be prescribed, and it shall be the duty of the person to dispose of the stock in such time as shall be specified in such order, and the person shall comply with such order.

24. The Commissioner may also require the person to dispose of the stock of any person not in accordance with such order as may be specified in such order, and the person shall comply with such order.

25. No direction under Sub-section (1) and (2) shall be made unless reasonable opportunity of being heard and the reasons are recorded in writing.

CHAPTER II

24. Prohibition Commissioner. The State Government may, by notification in the official Gazette, appoint an officer to be called the Prohibition Commissioner, who shall, subject to the control of the State Government, be subject, subject to such general or special orders as the State Government may from time to time make, to perform such duties and shall perform such duties as are conferred upon him by or under the provisions of this Act and shall superintend the administration and carry out generally the provisions of this Act.

25. Prohibition Officers. To aid the Commissioner in carrying out the provisions of this Act, the State Government may appoint such prohibition officers with such designation, and assign to them such powers, duties, and functions under the Act, rules or regulations or orders made thereunder as may be deemed necessary.

26. Prohibition Council and Committee. (1) The State Government may, by notification in the official Gazette, constitute for the state and for such period as it may deem fit, a State Prohibition Council consisting of two or more officials and such officials as it may be prescribed by the State Government. The State Government may also, by like notification, dissolve or reconstitute any such Council.

(2) The State Government may, by notification in the official Gazette, constitute for a district, or part thereof, and for such period as it may deem fit, Prohibition committees consisting of two or more officials and such officials as it may be prescribed by the State Government. The Government may also, by like notification, dissolve or reconstitute such Prohibition Committees.

(3) For the purpose of the Act, the State Government may, by notification in the official Gazette, appoint any member of a Prohibition Committee by virtue of office or otherwise to be a Prohibition Officer and the salutation of the officer so appointed to the State Prohibition Council shall be such as may be prescribed.
(4) The duties to be performed by the State Prohibition Council and Prohibition Committee and the relation between the Council and the Committee shall be as may be prescribed.

27. Control of Commissioner, etc. Prohibition Officers and other officers:—In exercise of their powers and in discharge of their duties and functions under the provisions of this Act or orders made thereunder, all Prohibition Officers and all officers including the officers of the Police and other departments shall, subject to the general or special orders of the State Government be subordinate to and under the control of the Commissioner and shall be bound to follow such orders as the Commissioner may, from time to time make.

28. Delegation:—(1) The State Government may delegate any of the powers exercisable by it under this Act to the Commissioner or such other officer as it seems fit.

(2) Subject to the central and direction of the State Government the powers conferred on the Commissioner, or any other officer, appointed or invested with powers under this Act may be delegated by him to any of his subordinates.

29. Duty of officers of Government and local authorities to assist:—Every officer of the Government and every officer or servant of a local authority, shall be legally bound to assist any prohibition officer or police officer or person authorised in this behalf in carrying out the provisions of this Act.

30. Right of Officers and authorized officers and other persons to give information:—Every one who is the owner or keeper or having the use of any still, or a person responsible or agent of any person by whom or for whom or on whose behalf, any article is being used for manufacture, or any person, legally shall be bound to give to the police of the fact to a magistrate or prohibition officer or police officer, immediately on discovery.

31. Investigation of offences in charge of Police station:—(1) The State Government may invest any officer of the Excise Department not below the rank of Inspector or of an Officer-in-Charge of a Police Station for the investigation of offences under this Act. This shall however not be construed as limiting the power of police personnel to carry out such investigation.

(2) The State Government may, by notification in the official gazette, specify the police powers, duties and responsibilities laid down in this Act, between police and Excise Departments.

32. Control of manufacture of articles mentioned in section 4:—(1) No manufacturer of any of the articles mentioned in section 4 shall sell, use or dispose of any beer, gin, brandy, or possessed for the purposes of manufacture under the provisions of this Act, otherwise than as an ingredient of the articles authorised to be manufactured therefrom. No more alcohol shall be used in the manufacture of any of the articles mentioned in section 4 than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the articles.

Provided, that this shall not apply in case of manufacture of any industrial or edible alcohol from industrial by-product mentioned in clause (e) of section 4.

(2) No person shall—

(a) knowingly sell any article mentioned in section 4 for being used as an intoxicating drink; or

(b) sell any such article, where he has reason to believe that the purchaser may likely use them as intoxicant.
33. Analysis of articles mentioned in section 4.—(1) Wherever the Commissioner, on his own motion, or in accordance with the directions of the Board of the Central Government, or on the report of the Sub-Inspector of Police, and on his or the order of any Court of competent jurisdiction, is satisfied that any of the articles specified in sub-section (1) of section 31 have been or are being dealt with, or that any of the buildings, vessels or places mentioned in sub-section (2) of that section have been or are being used for the manufacture, preparation, or sale of any of the articles mentioned in that section, he may, after giving an opportunity of being heard to the person or persons and any other persons who are likely to be affected thereby, make an order in the prescribed manner, punishable under the Act, with or without fine, for the carrying out of such order of the Commissioner as the person so charged shall be bound to execute.

(2) Wherever the Commissioner, on his own motion, or in accordance with the directions of the Board of the Central Government, or on the report of the Sub-Inspector of Police, and on his or the order of any Court of competent jurisdiction, is satisfied that any of the articles specified in sub-section (2) of section 31 have been or are being dealt with, or that any of the buildings, vessels or places mentioned in sub-section (2) of that section have been or are being used for the manufacture, preparation, or sale of any of the articles mentioned in that section, he may, after giving an opportunity of being heard to the person or persons and any other persons who are likely to be affected thereby, make an order in the prescribed manner, punishable under the Act, with or without fine, for the carrying out of such order of the Commissioner as the person so charged shall be bound to execute.

(3) If the person fails to carry out the order of the Commissioner, or any other person, as aforesaid, the Commissioner or any person appointed by him may, in order to carry out the order of the Commissioner, do all such acts or things as he, in his discretion, thinks fit, and shall be entitled to execute the same by such person or persons as he may think fit, and in such manner as he may direct, and shall be entitled to recover from such person or persons the whole or any part of the expenses incurred by him in carrying out the order of the Commissioner.

(4) The provisions of sections 9 and 32 of the Act relating to liquor shall apply to that article.
(c) seize such liquor, material, utensil, implement or apparatus, and any document or apparatus, or other articles which may furnish evidence of the commission of the offence.

(d) detain, search and arrest any person whom he has reason to believe to have committed an offence against this Act relating to such liquor, material, utensil, implement or apparatus,

Provided that if such officer has reason to believe that a search warrant cannot be obtained without affording opportunity for the concealment of evidence or escape of an offender, he may, after recording the grounds of his belief, enter and search such buildings, vessel or enclosed place at any time between sunset and sunrise.

(2) Where an officer receive any information under sub-section (1), or records grounds for his belief under the proviso thereto he shall forthwith send a copy thereof to his immediate superior officer.

45. Power of seizure and arrest of public places.—Any officer of the Department referred to in section 33 may—

(a) seize in any public place or vessel any liquor, material, utensil, implement or apparatus in respect of which he has reason to believe that an offence under this Act or the rules made thereunder has been committed and by entering in any document or other article which may furnish evidence of the commission of the offence, and

(b) detain, search and arrest any person whom he has reason to believe to have committed any offence against this Act.

37. Mode of executing warrant. — The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, be applicable to the execution of warrants and making of searches and seizures under this Act.

38. Report of arrest and seizure. — An officer making an arrest or seizing anything under this Act shall, within twenty-four hours, send to the magistrate a report in writing of such arrest or seizure and every article seized under the provisions of this Act shall be produced to the magistrate for the purpose of examining and disposing of the same.

40. Confiscation of articles. — Where in the opinion of the Court an offence has been committed under this Act, the Court shall pass an order in respect of, or by reason of which the offence has been committed, the confiscation of, or sale of all or any part of which the court has discretion, whether or not the person, has been put to trial or convicted, along with all proceeds, packages, or other things attached or used in connection with the same, unless for sufficient reasons to be recorded in writing the court directs otherwise.

Provided that any person having a right, relating to any such confiscated article, utensil, or other things referred to in this section, before the Court shall be entitled to give a claim respect thereof within thirty days of such order of confiscation and if a
claim is made out to the satisfaction of the court, the order of confiscation shall be cancelled and the liquor or other things shall be returned to such claimant.

41. Offence to be reported—Every officer of the State Government, and every officer or servant of a local authority, and the Pradhan or Chief Headman/Kautilaka of a village shall be bound—

(a) to give immediate information to the nearest Police Station or to any officer or person authorized in this behalf of the commission of any offence under this Act which may come to his knowledge;

(b) to take all reasonable measures in their power to prevent the commission of any such offence or to which they may know or have reason to believe is about to be committed,

2. Cognizance of offence.—No Court shall take cognizance of an offence under this Act unless a complaint in writing is made by the Commissioner or any other authorized officer.

24. Penalty for illegal import, etc., of liquor.—Whoever, in contravention of the provision of this Act or of any rule, regulation or order made in pursuance thereof, imports or exports any liquor;

(a) manufactures any liquor;

(b) constructs or works any distillery or brewery;

(c) sells or deals in any liquor;

(d) uses, keeps, or has in his possession any materials, utensils, implements or apparatus for the purpose of manufacturing any liquor;

shall be convicted, be punished for each such offence, with imprisonment for a term which may extend to three years, with fine or with both.

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court—

(i) for the first offence, such imprisonment shall not be less than six months, and fine shall not be less than five hundred rupees;

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

(iii) for a third or subsequent offence, such imprisonment shall not be less than one year and fine shall not be less than two thousand rupees.

44. Penalty for alteration or attempting to alter denatured spirit.—(1) Whoever, in contravention of section 6 alters or attempts to alter any denatured spirit or has in his possession any spirit in respect of which he knows or has reason to believe that such alteration or attempt has been made shall, on conviction, be punished with imprisonment for a term which may extend to one year and fine which may extend to one thousand rupees;
Provided that in the absence of special and adequate reasons to the contrary, it shall be presumed, until the contrary is proved, that the alteration or attempt to alter any denatured spirituous preparation was done with the intention that such spirituous preparation may be used for human consumption as spirituous liquor.

45. Penalty for alteration or attempting to alter denatured spirituous preparations.—(1) Whoever in contravention of section 7 alters or attempts to alter any denatured spirituous preparation or has in his possession any such alteration or attempt to alter, shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.

Provided that in the absence of special and adequate reasons to the contrary, it shall be presumed, in the judgement of the Court, such imprisonment shall not be less than three months and fine shall not be less than five hundred rupees.

(2) In prosecutions under this Section it shall be presumed, until the contrary is proved, that the alteration or attempt to alter any denatured spirituous preparation was done with the intention that it may be used for human consumption at spirit.
(d) knowingly sells any such article so being used as liquor or sells any such article under circumstances from which it might reasonably deduce the intention of the purchaser, to use them for such purpose, shall, on conviction, be punished with imprisonment for a term which may extend to one year or fine not with imprisonment for a term which may extend to one year or fine or with both.

(2) No person who has been convicted for any offence under this Act or any such article shall, for the period of one year after the date of conviction for such in section 5 for a period of one year after the date of conviction for such or possession, be punished with imprisonment for such an article in possession or for the production or possession of any such article under section 13.

48. Any person who fails to comply with any regulation made by the regulations issued under section 32 or any regulations in the execution of the purposes, use or possession of any article as a result of any regulation under section 32 shall, on conviction, be punished for a term which may extend to one year or fine not with imprisonment for a term which may extend to one year or fine or with both.

49. Penalty for possessing etc. demerit spirit or its preparation in contravention of provision of section 11—(1) Whoever in contravention of the provisions of section 11, possesses without permits any demerit spirit or its preparation in excess of the quantity prescribed under that section, or

(2) in contravention of the provisions of section 12 manufactures, sells, bottles for sale or imports, exports or transports without permits any demerit spirit or its preparation, or for sale, or imports, exports or transports, or demerit spirit or its preparation, shall, on conviction, be punished:

(i) for the first offence, with imprisonment which may extend to six months and with fine which may extend to one thousand rupees;

(ii) for a second offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees;

(iii) for a third or subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.

Provided that, in the absence of special and adequate reasons to the contrary, the amount shall not be less than the hundred rupees;

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50. Penalty for opening etc. of common drinking house—Whenever, being the owner or occupier or having the use of any house, room, premises or place, knowingly permits it to be used for the commission, by any
other person, of an offence punishable under this Act or the rules made thereunder, shall be punished with imprisonment for a term which may extend to six years but not less than one year or fine which may extend to five hundred rupees but not less than fifty rupees or with both.

51. Penalty for printing or publishing advertisement in contravention of provisions of act, etc.—Whoever, in contravention of the provisions of this Act or of any rules, regulation or order made thereunder, prints or publishes in any newspaper, new-sheet, book, leaflet, booklet, or any single or periodical publication or otherwise distributes any advertisement or other matter—

(a) which solicits the use of or offers any liquor, or

(b) which is calculated to encourage, or incite any individual or class of individuals or the public generally, to commit an offence under this Act, or to commit a breach of, or to evade, the provisions of, any rule, regulation or order made thereunder, or of the conditions of a permit, pass or authorisation granted thereunder,

shall, on conviction, he punished with imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees or with both.

52. Penalty for inciting or encouraging certain offence etc.—Whoever, in contravention of the provisions of this Act or any rule, regulation or order made thereunder,

(a) solicits the use of or offers any liquor, or

(b) does anything which is calculated to encourage, or incite any individual or class of individuals or the public generally, to commit an offence under this Act, or to commit a breach of, or to evade, the provisions of, any rule, regulation or order made thereunder, or of the conditions of a permit, pass or authorisation granted thereunder,

shall, on conviction, be punished with imprisonment for a term which may extend to six months or fine which may extend to one thousand rupees or with both.

53. Penalty for contravention of provisions of section 18.—Whoever, in contravention of provisions of section 18,

(a) drinks in a public place or an institution to which the public may have access,

(b) allows the use or consumption of any quantity of liquor possessed by him to any other person,

shall, on conviction, be punished for every such offence with imprisonment which may extend to six months or fine which may extend to two thousand rupees, or with both.

54. Penalty for neglect to keep measures etc.—Whoever, in contravention of any provision of this Act, rule or regulation or order or condition of any permit issued under this Act, and neglects to apply himself with measures and weights for measuring any liquor or with instruments for testing the strength of any liquor in good condition, or
(b) refuses to measure, weigh or test any liquor in his possession or to have it weighed, measured or tested,
shall, on conviction, be punished, for each offence with fine which may extend to five hundred rupees.

55. Penalty for misconduct by permit holder:—Whenever, being the holder of a permit, pass or authorisation granted under this Act for a person in the employ of such holder or being with his express or implied permission on his behalf,
(a) fails to produce, permit, pass or authorisation on demand by a prohibition officer or any other officer duly empowered if such permit, pass or authorisation is in his possession or control, or
(b) willfully does or omits to do anything in contravention of any rule, regulation or order made under this Act,
shall, on conviction, be punished for each such offence with imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees or with both.

56. Liability for acts of servants:—The holder of a permit, pass or authorisation granted under this Act shall be responsible, as well as the actual offender, for any breach committed by any person in his employ or acting with his express or implied permission on his behalf under the provisions of this Act as if he himself had committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

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

57. Penalty for attempt or abetment:—Whenever, attempts to commit or abets the commission of an offence under this Act shall, on conviction, be punished for such attempt or abetment, with the same punishment as is provided for the principal offence.

58. Breach of condition of permit, etc., to be an offence:—(1) In the event of any breach by the holder of any permit, pass or authorisation granted under this Act by his servants or by any person acting with his express or implied permission on his behalf of any of the terms or conditions of such permit, pass or authorisation such holder shall, in addition to the cancellation or suspension of the permit, pass or authorisation granted to him, be punished on conviction with imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees or with both unless it is proved that all due and reasonable precautions were exercised by him to prevent such breach.

(2) Any person who commits any breach shall, whether he acts with or without the permission of the holder of the permit, pass or authorisation be liable to the same punishment.

59. Penalty for conspiracy:—When two or more persons agree—
(a) to commit or cause or be committed any offence under this Act, or
(b) to commit a breach of a condition of a permit, pass or authorisation, each of such persons,
60. Penalty for being drunk and for disorderly behaviour—(1) Whoever a

any street or thoroughfare or public place in any place to which the public has

erase permission to have access is drunk or incapable of taking care of himself

or behave in disorderly manner under the influence of drink, shall on conviction

be punished with imprisonment for a period which may extend to one year, or fine which may extend to one thousand rupees or both.

(2) for the first offence be punished with imprisonment for a term which may extend to one month or fine which may extend to two hundred rupees or both:

Provided,... the absence of special and adequate reasons to the contrary to be

mentioned at the judgement of the Court, such imprisonment shall not be less than

seven days and the fine not less than twenty five rupees.

61. Penalty for essence for an offence under sub-section (1), it shall be presumed

that the contrary is proved that the person accused of the said offence has drunk

liquor for the purpose of being intoxicated, and not for medicinal purpose.

62. Penalty for chemist, druggist of apothecary for allowing his premises t

be used for purpose of consumption of liquor—A chemist, druggist, apothecary or

keeper of a dispensary who allows any liquor, which has not been bona fide medi

cated for medicinal purpose decaying in the possession of a registered medical

practitioner or any prescribing drug, to be consumed in his business premises by

any person, shall on conviction be punished with imprisonment for a term which may

extend to six months, or fine which may extend to one thousand rupees, or with both.

63. Penalty for giving false prescription—If a registered medical practitioner

issues a prescription with the intention that such prescription shall be used by the

person for whom it is issued, for the purpose of consuming liquor, in contravention

of the provisions of this Act, he shall on conviction, be punished with imprisonment for a term which may extend to six months or fine which may extend to one thousand rupees or with both.

64. Penalty or maliciously giving false information—Any person who maliciously

and falsely gives information to any person exercising powers under this Act leading
to search, seizure, detention or arrest, shall, on conviction, be punished with

imprisonment for a term which may extend to six months or fine which may extend to

five hundred rupees or with both.

65. Penalty for unlawful search, seizure or arrest.—Any officer or person

exercising powers under this Act, who—

(i) maliciously enters or searches of premises to be searched, any

building or house or similar dwelling place, or
66. Things liable to confiscation:—(1) Whenever any offence punishable under this Act has been committed:

(a) any liquor, wine or spirit, or apparatus or implement, in respect of which the offence has been committed, or

(b) where, in the course of an attempt to import, export or transport, the offender has attempted to import, export or transport any liquor or beverage, or in the course of any proceeding under this Act, rule, regulation, or in respect of a sentence or a permit, pass or authorisation, the whole quantity of such imported or exported spirit which he has imported, transported, exported or supplied,

shall be confiscated by the order of the Court.

(2) Any receptacle, package or covering in which and of the articles liable to confiscation under sub-section (1) is found and the other contents of such receptacle, package or covering and the animals, birds, vegetables, fruits or other commodities used in carrying any such article shall likewise be liable to confiscation by the order of the Court.

67. Return of things liable to confiscation to legitimate owners:—If during the trial of a case for an offence under this Act, the Court decides that anything liable to confiscation under the foregoing section, the Court may, after hearing the person or his agent, claim any right thereto, and the evidence if any, which he produces in support of his claim, order confiscation or in the case of any article other than liquor give the owner an option to pay fine as the court deems fit, in lieu of confiscation;

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

68. Proceeding to confiscation:—Whenever an offence under this Act has been committed, and the offender is not known or cannot be found, or when anything liable to confiscation under this Act is found ordered, the Commissioner or District Magistrate or any other officer authorized by the State Government in this behalf may, make any inquiry and if after such inquiry he is satisfied that an offence has been committed, may order the thing found to be confiscated:

Provided that no such order shall be made before the expiry of one month from the date of seizure, or without hearing the person if any, who claim any right thereto and the evidence, if any, which he produces in support of his claim.
Section 33. - In case of commission of an order, sale or destruction of article liable to confiscation: If the thing in question is liable to speedy and natural decay, or if the Commissioner, Court, or the officer authorized by the State Government in that behalf, is satisfied that the sale would be for the benefit of the owner, the Commissioner, Court or the officer may, at any time, direct it to be sold and the provisions of Section 33 shall apply so far as may be to the net proceeds of the sale.

Provided that where anything is liable to speedy and natural decay, or is of such a nature that the owner, suggested may under such thing to be destroyed, it may be preserved, as expedient in the circumstances.

70. Power of prosecution: in certain cases. Where any newspaper, magazine, book, letter, bonnet, or other article, not a police warrant, is found in a place, or under the circumstances, is found to be any copy of a newspaper, magazine, book, letter, bonnet, or other publication to be the same place or place in the State, any Magistrate may, by warrant authorize the same in the manner specified in any copy of such issue of any such newspaper, magazine, book, letter, or other publication to be. Every warrant issued under this section shall be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1872.

71. The destruction of the State Government under this Section shall be dealt with as may be questioned in any Court.

72. Compounding of offences. - (1) All offences under this Act may be compounded on account of a sum not exceeding one thousand only on the orders of the prohibition officer with such conditions and restrictions as may be prescribed.

(2) No offence shall be compounded by reason of previous conviction in the case of a person to whom punishment, or to punishment of different kind for such
CHAPTER IV

73. Appeals:—(1) All orders passed by a prohibition officer other than the Commissioner under this Act shall be appealable to the Commissioner at any time within sixty days from the date of the order complained of.

(2) All orders passed by the Commissioner shall be appealable to the State Government at any time within thirty days from the date of the order complained of.

Provided that no appeal shall lie against any order passed by the Commissioner on appeal.

75. Subject to the foregoing provisions of this Act, the State Government may make in this behalf such rules and regulations as it may think fit.

76. Penalties:—The State Government may, if it thinks fit, impose the record of any proceeding before any prohibition officer, consisting of or relating to the grant of any licence or other authority under this Act, and regulations respecting the regularity of such proceeding as may be the subject of such record, and order an examination of the record. Provided that such records may be produced and examined as aforesaid by any person, or may be produced and examined in the presence of such person: Provided further that such records may be produced and examined in the presence of such person, or may be produced and examined in the presence of such person, or may be produced and examined in the presence of such person.

CHAPTER V

77. Powers of the State Government to make rules:—(1) The State Government may make rules for the purposes of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the State Government may make rules:

(a) regulating the disposal of any stocks by the Commissioner, or by any other prohibition officer;

(b) regulating the import, export, transport, collection, sale, purchase, handing, consumption, use or possession of liquor or denatured spirit or its preparation;

(c) regulating the manufacture of denatured spirits or its preparation;

(d) regulating the grant, suspension or cancellation of permits, passes or authorisations for the import, export, transport, collection, sale or purchase, possession, manufacture, bottling, consumption, use, or collection, sale or purchase, possession, manufacture, bottling, consumption, use, or possession of any of the above mentioned articles;

(e) regulating the periods and localities for which the permit may be granted for the wholesale or retail trade of any of the above articles mentioned;

(f) prescribing the conditions under which and the conditions on which any permit, pass or authorisation may be granted including the prohibition of the admission of any liquor or any substance deemed to be noxious or objectionable;
(b) the prohibition of sale of denatured spirit denatured spirituous preparation, except for cash;

c) the prescription of the days and hours during which any premises may or may not be kept open and provisions for the closure of such premises;

d) the prescription of the accounts to be maintained and the returns to be submitted by permit holders;

e) the regulation or prohibition of the transfer of permit.

(vii) (a) declaring the necessity by which spirits shall be denatured;

(b) causing such spirits to be denatured through the agency of the Government Officers and for the purpose of charges for such supervision;

(c) ensuring whether such spirits have been denatured,

(viii) providing and regulating the employment by the permit holder of officers to assist him in his business in any capacity whatsoever;

(ix) prescribing the persons or classes of persons to whom any liquor or denatured spirituous preparation may or may not he sold or who may not purchase or use any of these articles;

(x) prescribing the amount of security to be deposited by the holder of any permit, pass or authorization for the due performance of the condition for the same;

(xi) providing for the maintenance by the holders of permits, services or authorization of the register of sales, purchase, possession, consumption or use and the particulars to be entered in the register;

(xii) regulating the fees of rewards or expenses to officers, or persons giving information or assistance in the detection or investigation of offences under this Act and of compensation to persons charged with offences punishable under this Act and acquitted;

(xiii) prescribing the constitution of Committees, Boards and the procedure regulating their work;

(xiv) prescribing the powers, functions and duties of Prohibition officers, Boards and Committees: The fees and allowances payable to the members of the Boards and committees;

(xv) prescribing the fees payable in respect of any privilege, permit pass, or authorization granted or issued under this Act.

3. Every rule made under this section shall be laid, as soon as may be, after it is made, before the Manipur Legislative Assembly while it is in session for a total period of seven days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, the Manipur Legislative Assembly decide to make any modification in the rule, the Manipur Legislative Assembly shall agree that the rule should not be made, the rule shall thereafter have effect only in such modified form, or be of no effect as the case may be; so however that any such modification or amendment shall be without prejudice to the validity of anything previously done under this rule.
77. Officers and persons acting under this Act to be public servants:— All officers and persons empowered to exercise any power or to perform any functions under this Act shall be deemed to be public servants within the meaning of section 20 of the Indian Penal Code.

78. Bar of proceedings:— No suit or proceedings shall lie against the Government or against any person empowered to exercise powers or to perform functions under this Act, for anything in good faith done or purporting to be done under this Act.

79. Limitation of prosecutions or suits against officers:— (1) All prosecutions of any Prohibition, Police or other officers, or of any person empowered to exercise powers or to perform functions under this Act, and all actions which may be lawfully brought against the Government or any of the aforesaid officers or persons, in respect of anything done or alleged to have been done in pursuance of this Act, shall be instituted within four months from the date of the act complained of and not afterwards, and any such action shall be dismissed:

(a) if the plaintiff does not prove that, previously to bringing such action, he has presented all such appeals allowed by this Act, or by any other law for the time being in force, as within the aforesaid period of four months it was possible to present, or

(b) in the case of an action for damages, if tender of sufficient amends shall have been made before the action was brought, or if after the institution of the action a sufficient sum of money is paid into Court with costs, by or on behalf of the defendant.

(2) Subject to the provisions of section 122 of the Code of Criminal Procedure, 1973, no Court shall take cognizance of an offence committed or alleged to have been committed by any Prohibition, Police or other officer or any person empowered to exercise powers or to perform functions under this Act, in regard to anything done under this Act in accordance with any provision of section 197 of the Code of Criminal Procedure, 1973.

(3) No suit shall lie against any prohibition, Police or other officers for damages unless the same is instituted within four months from the time the cause of action arose.

80. Exemption from operation of the Act:— Nothing in this Act shall apply—

(1) in respect of any liquor, denatured spirit and their preparations which are the property and in the possession of the Government and

(2) in respect of liquor manufactured and used by the Scheduled Castes and Scheduled Tribes of Manipur excluding indi-made foreign liquor and foreign liquor provided it is used for customary and traditional purposes subject to such conditions and restrictions as may be specified by notification in the official gazette.

81. Power to remove difficulties:— (1) If any difficulty or doubt arises in giving effect to provisions of this Act, the State Government may by order published in the Gazette, make such provisions, not inconsistent with the purpose of this Act, as appear to it to be necessary or expedient for the removal of the difficulty or doubt; and the order of the State Government in such cases shall be final.
NO. 2/4/2021-Leg/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on February 25, 2021 is hereby published in the Official Gazette:

THE MANIPUR LIQUOR PROHIBITION (THIRD AMENDMENT) ACT, 2021
(MANIPUR ACT NO. 11 OF 2021)

AN ACT
further to amend the Manipur Liquor Prohibition Act, 1991 (Manipur Act No. 4 of 1991)

Be it enacted by the Legislature of Manipur in the Seventy Second Year of the Republic of India as follows:-

1. (1) This Act may be called the Manipur Liquor Prohibition (Third Amendment) Act, 2021.

(2) It shall come into force with effect from the date of its publication in the Official Gazette.

2. In the proviso to section 43 of the Manipur Liquor Prohibition Act, 1991 (hereafter referred to as the Principal Act), -

(i) for the words “five hundred rupees”, the words “fifteen thousand rupees” shall be substituted;
(ii) for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted; and
(iii) for the words “two thousand rupees”, the words “sixty thousand rupees” shall be substituted.

3. In sub-section (1) of section 44 of the Principal Act, for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted and for the words “five hundred rupees” in the proviso, the words “fifteen thousand rupees” shall be substituted.
4. In sub-section (1) of section 45 of the Principal Act, for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted and for the words “five hundred rupees” in the proviso, the words “fifteen thousand rupees” shall be substituted.

5. In section 46 of the Principal Act, for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted.

6. In section 49 of the Principal Act,
   (i) in sub-clause (i) -
      (a) for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted and for the words “five hundred rupees” in the proviso, the words “fifteen thousand rupees” shall be substituted.
      (b) in the proviso, the words “than three months and fine shall not be less” shall be inserted between the words “less” and “than”.
   (ii) in sub-clause (ii), for the words “two thousand rupees”, the words “sixty thousand rupees” shall be substituted and for the words “one thousand rupees” in the proviso, the words “thirty thousand rupees” shall be substituted.
   (iii) in sub-clause (iii), for the words “two thousand rupees”, the words “sixty thousand rupees” shall be substituted and for the words “one thousand rupees” in the proviso, the words “thirty thousand rupees” shall be substituted.

7. In section 50 of the Principal Act, for the words “five hundred rupees but not less than fifty rupees”, the words “fifteen thousand rupees but not less than one thousand five hundred rupees” shall be substituted.

8. In section 51 of the Principal Act, for the words “five hundred rupees”, the words “fifteen thousand rupees” shall be substituted.

9. In section 52 of the Principal Act, for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted.

10. In section 53 of the Principal Act, for the words “two thousand rupees”, the words “sixty thousand rupees” shall be substituted.

11. In section 54 of the Principal Act, for the words “two hundred rupees”, the words “six thousand rupees” shall be substituted.

12. In section 55 of the Principal Act, for the words “five hundred rupees”, the words “fifteen thousand rupees” shall be substituted.
13. In section 58 of the Principal Act, for the words “five hundred rupees”, the words “fifteen thousand rupees” shall be substituted.

14. In section 59 of the Principal Act, for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted.

15. In sub-section (1) of section 60 of the Principal Act, for the words “two hundred rupees”, the words “six thousand rupees” shall be substituted and for the words “twenty five rupees” in the proviso, the words “seven hundred and fifty rupees” shall be substituted.

16. In section 61 of the Principal Act, for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted.

17. In section 62 of the Principal Act, for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted.

18. In section 63 of the Principal Act, for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted.

19. In section 64 of the Principal Act, for the words “five hundred rupees”, the words “fifteen thousand rupees” shall be substituted.

20. In section 65 of the Principal Act, for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted.

21. In section 72 of the Principal Act, for the words “rupees ten thousand”, the words “three lakh rupees” shall be substituted.