



**THE MIZORAM LIQUOR TOTAL
PROHIBITION ACT, 1995
(WITH AMENDMENTS)**

**THE MIZORAM LIQUOR TOTAL
PROHIBITION RULES, 1996**

**THE MIZORAM EXCISE & NARCOTICS
(WINE) RULES, 2008**



*Published by—
Mizoram Excise & Narcotics Department.*



Commissioner of Excise & Narcotics
Govt. of Mizoram.

FOREWORD

The Assam Excise Act, 1910 was not extended to erst-while Mizo District of Assam State since it was not adapted by the then Mizo District Council.

As the Mizo District became a Union Territory of Mizoram on 21st January, 1972 its first Legislative Assembly passed the Mizoram Excise Bill in 1973. After 10 years of this enactment, the Mizoram Excise Rules, 1983 came into existence. Both the Mizoram Excise Act, 1973 and the Mizoram Excise Rules, 1983 came into force on 10th October, 1984.

Mizoram attained Statehood on 20th February, 1987. Government felt necessary to take stringent measures to fight against alcoholism. The Mizoram Liquor Total Prohibition Act, 1995, therefore, came into existence.

As the Government was committed to impose Prohibition Law, the Mizoram Liquor Total Prohibition Act, 1995 and the Mizoram Liquor Total Prohibition Rules, 1996 are enforced with effect from 20th February, 1997.

Considering entry no 51 of List II of Seventh Schedule to

the Constitution of India and with a view to the nature of works of Mizoram Excise (MRE), the Government of Mizoram renamed the Department as Excise & Narcotics (MEN) with effect from 16th October, 2006.

Grapes have been cultivated successfully in the eastern part of Mizoram. Since the grapes of this variety is not normally used as table fruit the farmers have no option other than converting their produce to wine which has a better market. It is however, a fact that the wine making procedure adopted by them is extremely primitive. Under this circumstance, Government felt it necessary to regulate manufacture, export, sale, possession and consumption of wine in Mizoram. The Mizoram Excise & Narcotics (Wine) Rules, 2008 was, therefore, made under section 70 of the Mizoram Liquor Total Prohibition Act, 1995. These Rules came into force with effect from 9th April, 2008.

I gratefully acknowledge the service rendered by all ranks in bringing out this book. I shall consider myself rewarded if this small book proves useful to law enforcers, law courts as well as to the general public.

Any error, omission or discrepancy noted may kindly be brought to our notice which shall be taken care of in the next edition.

A handwritten signature in black ink, consisting of a stylized 'L' followed by a series of horizontal strokes and a crossbar, resembling a signature.

Dated Aizawl,
The 08 Oct., 2008

(LALBIAKMAWIA KHIANGTE)

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THE MIZORAM LIQUOR TOTAL PROHIBITION ACT, 1995

AN ACT

to provide for total prohibition of import, transport, manufacture, possession, sale and consumption of liquor in the state of Mizoram.

Be it enacted by the Legislative Assembly of Mizoram in the Forty-sixth Year of the Republic of India as follows:-

Received the assent of the Governor on 31st Jan, 1996 and published in the Mizoram Extra Ordinary Gazette vide Notification No. H. 12018/67/96-LJD, dated 9th February, 1996

CHAPTER – I *PRELIMINARY*

1. Short title, extent and commencement:

(1) This Act may be called the Mizoram Liquor Total Prohibition Act, 1995.

(2) It shall extend to the whole of the State of Mizoram except the three autonomous District Council of Chakma, Lai and Mara as constituted under the Sixth Schedule to the Constitution of India.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint in this behalf.

2. Definitions:

(1) In this Act, unless the context otherwise requires,-

(a) “*advertisement*” includes any printed, cyclostyled, Typewritten, Hand-written or painted matter or a design or pictorial representation and also the distribution or display of such matter, design or representation on any wall, building or hoarding in a public place or an announcement by means of producing or transmitting light or sound, whether by cinematographic exhibition, neon signs or otherwise.

(b) “*Armed Forces*” means person under the control of the Army Act, 1950, the Air Force Act, 1950 and the Naval Act, 1957, and includes persons belonging to Assam rifles, Border Security Forces, Central Reserve Police Forces and General Reserved Engineering Forces;

(c) “*Buy*” with all its grammatical variations, means any receipt for price paid in cash or in kind, and includes any receipt by gift, loan or otherwise;

(d) “*Collector*” means a collector of Excise appointed under the Excise Act in force and includes an Officer appointed as such under sub-section (3) of section 3 of this Act;

(e) “*Commissioner*” means the Commissioner of Prohibition or any other person duly empowered by the Government to exercise some or all of the powers of the Commissioner of Prohibition under this Act;

(f) “*Denatured Spirit*” means spirit so mixed with another substance in order to render the mixture unfit for human consump-

tion, whether as a beverage, or internally as a medicine;

* (f a)# “*Excise Station*” means any post or place declared generally or specially by the Government to be an Excise Station and it shall include any local area specified by the Government on this behalf;

[* *Ins. by The MLTP (Amendment) Act, 1999 S. 2(1)]*

[# *Re-lettered by The MLTP (Amendment) Act, 2007 S. 2(4)*]

(g) “*Government*” means the State Government of Mizoram;

* [(g a) ‘grape’ means fruit of *Vitis vinifera* / *vitis lubrusca*;

(g b) ‘guava’ means fruit of *Psidium gujava*;]

[* *Ins. by The MLTP (Amendment) Act, 2007 S. 2(1)]*

(h) “*Intoxicant*” means any liquor or intoxicating drugs but does not include a drug as defined in the Drugs and Cosmetic, Act, 1940 or a toilet preparations under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955;

(i) “*intoxication*” means a state of mind and behaviour which a person is incapable of knowing the nature of his action or judging the consequences thereof;

(j) “*Liquor*” means any intoxicating Liquor and includes Zu, Rakzu, Tinzu, Zupui and all liquid consisting of or containing alcohol and any substance which the Government may, by notifi-

cation, declare to be liquor for the purpose of this Act;

* [Provided that it shall not include wine made from grapes and guavas under a licence from the Government, which shall not contain more than such percentage of alcohol as may be prescribed by the Government.]

[* *Ins. by The MLTP (Amendment) Act, 2007 S. 2(2)]*

(k) “*Manufacture*” includes every process, whether natural or artificial, by which any liquor is produced or prepared, also redistillation and every process for the rectification, flavouring, blending, or colouring of liquor.

* [(k a)# “*Officer-in-charge of an Excise Station*” means an Excise Officer who is in-charge of an Excise Station and includes an Excise Officer posted at the Station who is next in rank to such officer and is above the rank of Constable or when the Government no directs, any other Excise Officer so-present.]

[* *Added by The MLTP (Amendment) Act, 1999 S. 2(2)]*
[# *Re-lettered by The MLTP (Amendment) Act, 2007 S. 2(4)]*

(l) “*Prescribed*” means prescribed by rules under this Act;

(m) “*Prohibition Council*” or *Prohibition Committee*” means such body of officials and non-officials residing in Mizoram as may be constituted by the Government by notification to be published in the official gazette;

(n) “*Prohibition Officer*” means a person appointed under section 3 of this Act;

(o) “*Registered Medical Practitioner*” means a person registered under the Indian Medical Council Act, 1956;

(p) “*Sell*” with all its grammatical variations, means any transfer, transfer including transfer by gift or loan or otherwise;

(q) “*Spirit*” means any liquor containing alcohol obtained by distillation, whether it is denatured or not and includes ‘RAKZU;

* [(r) ‘wine’ means fermented juice of grape or guava.]

[* *Added by The MLTP (Amendment) Act, 2007 S. 2(3)]*

(2) Words and expressions used but not defined in this Act, shall have the same meaning and definition as have been respectively assigned to them in the Excise Act in force and the rules made there under.

CHAPTER – II

ESTABLISHMENT AND CONTROL

3. Appointment of Prohibition Commissioner, etc:

(1) The State Government may, by notification, appoint an officer to be called the Commissioner, of Prohibition or Prohibition Commissioner, who subject to the control of the State Government, shall Exercise such powers and shall perform such duties and such functions as are conferred upon by or under the provisions of this Act and shall Superintend and have the control over all matters connected with the administration of this Act,

(2) To assist the Prohibition Commissioner in carrying out the provisions of this Act, the State Government may appoint by

notification, such other officer or officers with such designations and assign to them to such powers, duties and functions, under this Act, rules or orders made thereunder, as may be deemed necessary.

(3) Notwithstanding anything contained in sub-sections (1) and (2), on and from the date of commencement of this Act, all officer and staff appointed under the Excise Act in force, shall be deemed to be the officers and staff appointed also under sub-sections (1) and (2) of this section for the purpose of giving effect to this Act, and in particular the Commissioner of Excise, Deputy Commissioner of Excise, Assistant Commissioner of Excise, Superintendent of Excise, Excise officer, Inspector of Excise and Sub-Inspector of Excise shall also stand designated respectively as Commissioner of Prohibition, Deputy Commissioner of Prohibition, Assistant Commissioner of Prohibition, Superintendent of Prohibition, Prohibition Officer Inspector of Prohibition and Sub-Inspector of Prohibition, for the purposes of this Act, rules or orders made there under.

4. Functions of the Collector:

(1) The administration of prohibition within a district shall ordinarily be under the charge of the Collector who shall be responsible for carrying out the provisions of this Act within the limits of his jurisdiction.

(2) For the purposes of this Act, all Collectors shall be subordinate to the Commissioner.

(3) The State Government may, by notification appoint any person other than the Collector to Exercise in any district of place all or any of the powers and to perform all or any of the duties and functions as are conferred and imposed by or under this Act, on a

Collector subject to such control as the State Government may from time to time direct.

(4) The State Government may appoint such other Officers of the Excise Department, who shall be subordinate to the Collector, of such classes and with such designations, powers and duties as the State Government may think fit.

5. Delegation of Powers:

(1) The State Government may delegate any of its powers exercisable under this Act to the Commissioner or such other Officer as may deemed fit.

(2) Subject to the control and directions of the State Government, the powers conferred on the Commissioner may be delegated by him to any of his subordinates.

6. Control by Commissioner:

In exercise of their powers and in discharge of their duties and functions under the provisions of this Act or rules, or orders made there under, all Prohibition Officers, and * [all officers of other departments excluding the officers of the Police Department] 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.

[Subs. by the MLTP (Amendment) Act, 1999 S. 3]*

CHAPTER – III

PROHIBITION AND PENALTIES

7. Prohibition of manufacture, traffic in, and consumption etc. of liquors:

No person shall –

- (a)(i) Transport, import, export, or posses liquor;
- (ii) sell or buy liquor;
- (iii) manufacture liquor;
- (iv) use or keep for use any material, utensil, implement or apparatus whatsoever for manufacture of liquor;
and
- (v) construct any distillery or brewery;

(b) consume liquor except on a prescription of a registered medical practitioner, or on a permit granted under the provisions of this Act or the rules made there under, as the case may be

8. Punishment for contravention of section 7:

(1) Whoever contravenes the provisions of clause (a) of section 7 of this Act shall, on conviction, be punished with imprisonment for a term which may extend to five years but not less than three months and also with fine which may extend to ten thousand rupees but not less than one thousand rupees;

Provided that a person, who is under 21 years of age and against whom no previous conviction is proved, may be awarded a sentence of less than three months and a fine less than one thou-

sand rupees for reasons to be recorded in the adjustment that in consideration of the age, character and antecedents of the person concerned, a lesser sentence is justified.

(2) Whoever in contravention of the provision of the provisions of clause (b) of section 7 of this Act, consumes liquor shall, on conviction, be punished with imprisonment for a term which may extend to one month but not less than 24 hours or with fine which may extend to one thousand rupees but not less than 5(five) hundred rupees or with both.

(3) Whoever in any street or thorough fare or public place to which the public have or are permitted to have access is drunk, and in a State of intoxication for being drunk, or behaves in a disorderly manner under the influence of liquor shall, on conviction, be punished with imprisonment for a term which may extend to three months but not less than 7(seven) days and with fine which may extend to one thousand rupees but not less than 500(five hundred) rupees.

(4) In prosecution for an offence under sub-section (3), it shall be presumed, until 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.

(5) Any registered medical practitioner shall be competent to examine and prove that a person has consumed liquor or has been in a state of intoxication.

9. Prohibition of publication of advertisement of liquor:

No person shall publish or cause to be published any advertisement which solicits the use of or offers for sale any liquor or any preparation fit for use as liquor in any newspaper or magazine

published in the State of Mizoram or in any other form or manner as specified in clause (a) of sub-section (1) of section 2 of this Act.

10. Punishment for publication of advertisement of liquor etc.:

Whoever contravenes the provisions of section 9 this Act shall be liable to be punished with imprisonment for a term which may extend to six months or with fine which may extend to 1000/- (one thousand rupees) or with both.

11. Prohibition of alteration of denatured spirit:

No person shall –

(a) alter or attempt to alter any denatured spirit by dilution with water or by any method whatsoever, with the intention that such spirit may be used for human consumption, whether as beverage or internally as a medicine or in any other way whatsoever; or

(b) have in his possession any denatured spirit in respect of which he knows or has reason to believe that such alteration or attempt has been made.

12. Punishment for alteration of denatured spirit etc.:

Whoever contravenes the provisions of section 11 of this Act shall be liable to be punished with imprisonment for a term which may extend to 3(three) years and with fine which may extend to 5000/- (five thousand rupees).

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the Judgement of the Court, such imprisonment shall not be less than two months and fine shall not be less than 500/- (five hundred rupees).

Provided further that in prosecution for an offence under this section, it shall be presumed, until the contrary is proved. That the alteration or attempt to alter any denatured spirit was done with the intention that such spirit may be used for human consumption as an intoxicant.

13. Prohibition of 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 method whatsoever, with the intention that such preparation may be used for human consumption as liquor, or

(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 has been made, or

* [(c) alter or attempt to alter wine or have in his possession wine with more than the prescribed content of alcohol.]

[* Added by The MLTP (Amendment) Act, 2007 S. 3]

14. Punishment for alteration of denatured spirituous preparation:

Whoever contravenes the provisions of section 13 of this Act shall be liable to be punished with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees.

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the Judgement of the Court,

such imprisonment shall not be less than two months and fine shall not be less than five hundred rupees.

Provided further that in prosecution for an offence 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 as an intoxicant.

15. Prohibition of issuing prescription for liquor accept by a Registered Medical practitioner:

(1) No person other than a Registered Medical Practitioner shall issue any prescription for any liquor.

(2) No Registered Medical Practitioner shall prescribe 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 absolutely necessary for improvement or restoration of his health or will afford relief to him from some ailment.

(3) A Registered Medical Practitioner shall state, in every prescription for liquor issued by him, the full name and address of the person to whom issued, the date of issue, directions and durations for use including the nature of ailment, and the amount and frequency of dose, and shall preserve a copy of the prescription for one year from the date of issue.

16. Punishment for issuing false prescription etc.:

If a registered medical practitioner issues a prescription with the intention that such prescription shall be used by the person to whom it is issued for the sole purpose of consuming liquor in contravention of the provisions of this Act or rules made there un-

der or any permit granted under this Act shall be liable to punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

17. 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 Government on its behalf, any quantity of denatured spirituous preparation in excess of such quantity as the 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 purpose and different limits may be fixed for:

(a) different local area

(b) different classes of persons, and

(c) different occasions,

18. Punishment for possession of denatured spirituous preparation in excess of the prescribed limit:

Whoever contravenes the provisions of sub-section (1) of section 17 of this Act shall be liable to be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees:

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

19. Prohibition of sale etc. of denatured spirit etc.:

(1) No person shall –

(a) sell or bottle for sale any denatured spirit or its preparation, except under the Authority and in accordance with the term and conditions of a license;

(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 17 except under the authority and in accordance with the terms and conditions of a permit;

(c) drink any denature spirit or its preparation.

(2) A permit required under clause (a) of sub-section (1) shall be granted only by an Officer empowered by the Government under the Mizoram Excise rules in force.

20. Punishment for sale etc. of denatured spirit etc. in contravention of this Act:

Whoever contravenes the provisions of sub-section (1) of section 19 of this Act shall be liable to be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees;

Provided that in the absence of any special and adequate reasons to the contrary, to be recorded 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.

21. Regulations consumption of liquor by certain permit holders:

(1) No holder of a permit under any of the provisions of this Act shall drink liquor in a public place or institution to which the public may have access or in contravention of any conditions of such permit.

(2) 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 out authorized to use or consume liquor under this Act.

22. Punishment for contravening the provisions of section 21

(1) Whoever contravenes the provisions of sub-sections (1) and (2) of section 21 of this Act shall be liable to be punished with imprisonment for a term which may extend to six months but not less than seven days or with fine which may extend to five hundred rupees but not less than two hundred rupees or with both.

(2) Any holder of a permit for consumption of liquor, purchases liquor from an illegal source in Act shall be liable to be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

23. This chapter not apply to certain articles:

(1) Nothing in this chapter shall apply to –

(a) any toilet preparation containing alcohol which is unfit for use as liquor;

(b) any medicinal preparation containing alcohol which is unfit

for use as liquor;

(c) any antiseptic preparation or solution containing alcohol which is unfit for use as liquor;

(d) any flavouring extract, essence or syrup containing alcohol which is unfit for use as liquor.

(2) That the import, purchase, possession or use of any liquor or alcohol for the manufacture of any such article shall not be made or had except under a permit granted under section 32 of this Act.

(3) The Commissioner or any other Officer duly authorized by him may, grant permit for the purchase, possession, or use of any liquor or denatured spirit manufacture of any articles mentioned in sub-section (1) above on such conditions as may be prescribed.

Explanation:- Nothing in this section shall be construed to mean that any person may drink any toilet preparation, or antiseptic preparation solution, containing alcohol; and it is hereby provided that no person shall drink any such preparation.

(4) Whoever contravenes the provisions of sub-sections (2) of this sections shall be liable to be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

24. Punishment for allowing premises to be used for the commission of an offence:

Whoever being the owner or occupier or having the use of any house, room enclosure, space, vessel, compound, place or

vehicle, knowingly permits it to be use for the commission, by any other person, of an offence punishable under this Act or the rules made there under shall be liable to be punished with imprisonment for a term which may extend to three years but not less than two months and with fine which extend to five thousand rupees but not less than one thousand rupees;

Provided that a person who is under 21 years of age and against whom no previous conviction is proved, may be awarded a sentence of less than two months and fine less than one thousand rupees for reason to be recorded in the judgement that in consideration of the age, character and antecedents of the person concerned, a lesser sentence is justified.

25. Penalty for misconduct by permit holder:

Whoever, being the holder of a permit granted under this Act, or a person in the employ of such holder of acting which his express or implied permission on his behalf –

(a) fails to produce permit, Pass or authorization on demand by the Excise Officer of the rank of Sub-Inspector and above, or any other Officer duly authorized by the commissioner if such permit is in his possession or control, or

(b) willfully does or omits to do anything in contravention of any rule, or order made under this Act shall be liable to be punished for each such offence with imprisonment for a term which may extend to 6(six) months or with fine which may extend to one thousand or with both.

CHAPTER – IV

GRANT OF LICENSES AND PERMITS

26. General conditions:

All licenses and permit granted under this Act shall be in such form and subject to such conditions as may be prescribed and shall be granted on payment of the prescribed fee; provided that every license or permit shall be granted only condition that the person applying undertakes, and in the opinion of the Officer authorized to grant the license or permit is likely to abide by the conditions of the license or permit and the provisions of this Act.

***[26-A. Licence for manufacture etc. of wine:**

Subject to general conditions of section 26 and with prior approval of the Government, the Commissioner or any other officer duly authorised by him may grant licence and permit for –

(i) manufacture of wine;

(ii) wholesale and retail vending of wine;

(iii) transport and export of wine within and outside the state.]

[* *Ins. by The MLTP (Amendment) Act, 2007 S. 4]*

*** [26-B. Provisions for manufacture, possession, sale, consumption, etc. of wine:**

Notwithstanding anything contained in section 7, for the purposes of manufacture, possession, sale, consumption, import, transport, export of wine and all other matters connected thereto, the provisions of Mizoram Excise Act, 1973 (Mizoram Act No. 7 of 1974)

as amended from time to time shall apply with effect from the appointed day.]

[* *Ins. by The MLTP (Amendment) Act, 2007 S. 5]*

27. Health prescriptions:

Notwithstanding anything herein before contained, the Government may prescribe the conditions under which permits may be issued by the authority for possession or consumption of liquor on health ground on the basis of the prescription made by Registered Medical Practitioner.

28 Holder of a permit authorized to buy liquor from Departmental store only:

The holder of a permit for consumption of liquor on health ground shall directly purchase the liquor only from the Departmental Store established by the Government on the basis of the permit or authorization obtained by him from the permit issuing authority on payment of duty and fee as may be prescribed by the Government under section 30 of this Act.

29. Special permit to foreign dignitaries etc.:

The [Commissioner]* may grant special permit on such conditions and for such period as may be specified for the use and consumption of liquor to any person who is –

- (a) a sovereign or head of a foreign country;
- (b) an ambassador, diplomatic envoy or Consul, Honorary Consul, Trade, Commerce or other representatives of a foreign country;
- (c) a member of the staff appointed by or serving under

any person specified in clause (a) or (b) provided that such member is a national of a foreign country;

- (d) a tourist from foreign or other parts of the country, and
- (e) the consort of any person specified in clauses (a) and (b), or (c) or any relation of such person dependent upon him, and
- (f) any foreign national employed by or otherwise engaged in any firm or any other concern in Mizoram.

[Subs. by the MLTP (Amendment) Act, 1999 S. 4]*

30. Permission for import of liquor by armed forces for consumption in their Messes and Canteens on payment of duty:

The Commissioner, or any other Officer duly authorized by him may grant a license and or a permit to the Armed Forces posted in Mizoram for the purchase of liquor from Canteen Store of Depot (India) and import the same into Mizoram for sale and consumption in their messes and canteens on payment of Excise duty and fee as may be prescribed by the Government from time to time by issuing Notification in the Official Gazette.

31. Conditions for grant of permit:

Notwithstanding anything herein before contained, the Government may prescribe the conditions under which permits may be issued for the use or consumption of liquor to persons on the following amongst other conditions –

- (a) that such person is not below 21 years;

- (b) that such person actually requires for improvement or restoration of his health or to relieve him from some ailment; or
- (c) that such person belongs to any of the armed forces.

32. Permit issuing authority:

The Commissioner or any other officer duly authorized by him may grant permit to –

- (a) any person having prescription from Registered Medical Practitioner for purchase and consumption of liquor on health ground;
- (b) any Hospital, Dispensary or Institution for the import of different kinds of spirit for a bona-fide medicinal, scientific or industrial purpose :

Provided that no permit shall be necessary for the possession of denatured spirit upto 2 (two) litres.

33. Power to cancel or suspend License or Permit:

(1) The authority granting any license or permit under this Act may cancel or suspend the same if –

- (a) any duty or fee payable by the holder thereof has not been paid;
- (b) there is breach of any of the terms and conditions of the license or permit by the holder thereof by his agent, or by any one acting on his behalf with his express or implied permission;

- (c) the holder thereof is convicted for an offence punishable under this Act, the Mizoram Excise Act in force or the Narcotic Drugs and Psychotropic Substances Act, 1985;
- (d) the license or permit has been obtained through willful misrepresentation or fraud provided that the conditions of license, or permit provided for such cancellation.

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

(3) Any holder of license or permit for denatured spirit or liquor granted and covered under this Act may surrender his license or permit, as the case may be, on expirations of one month's notice given by him to the officer granting it of his intention to surrender the same and on payment of the fee payable for the license or permit for the whole period for which it would have subsisted but for such surrender.

(4) No person to whom a license or permit has been granted under this Act shall have any claim for the renewal of such license or permit or any claim to compensation on the termination thereof.

34 Right, title or interest under license or permit not liable to be sold or attached in execution:

Notwithstanding anything contained in any law for the time being in force, no right, title or interest in any license, permit or authorization granted under this Act, shall be liable to be sold, transferred or attached to execution of any process of any process of

any civil or any other Court.

35. Commissioner Authorized to require permit holder to dispose stocks:

(1) Notwithstanding the fact that the period during which any licence or permit is to be in force has not expired, and the holder of the licence or permit, breaches any of the term and conditions of the license or Permit, the Commissioner may require the holder thereof to dispose of his stock of liquor, denatured spirit or its preparation, before such date as may be specified in the order.

(2) The Commissioner may also require the owner of the stock of any liquor, denatured spirit or its preparation, who does not renew his licence or permit as required by the rules made under this act for such stock to dispose of the said stock before such date as may be specified in the order and owner shall comply with the order.

(3) Any stock of liquor, denatured spirit or its preparation left undisposed after the date so fixed under sub-section (2) shall, together with receptacles or packages in which it is contained, be liable to forfeiture to the Commissioner. On the cancellation or the expiry of the period of any licence of permit, the Commissioner may also direct that any stock of any liquor, denatured spirit or its preparation remaining with the holder of the licence or permit together with receptacles or packages thereof be forfeited to the Government.

(4) No direction or order under sub-section (1), (2) or (3) shall be made unless the person likely to be adversely affected by such direction or order is given reasonable opportunity of being heard, and the reasons are recorded in writing by the Commissioner.

36. Breach of licence or permit to be an offence:

(1) In the event of any breach by the holder of any licence, permit or authorisation granted under this Act or by his servant or by any person acting with his express or implied permission on his behalf of any of the terms or conditions of such licence permit or authorisation such holder shall, in addition to the cancellation of suspension of the licence, permit or authorisation granted to him, be punishable with imprisonment for a term which may extend to three months or with 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 a breach.

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

37. Penalty for maliciously giving false information:

Any person who maliciously and falsely gives information to any person exercising powers under this Act leading to a search, seizure, detention or arrest shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

38. Punishment for offence for which no punishment is provided:

Whoever contravenes any provision of this Act or any rule or order made, or any condition of any licence, permit or authorisation issued there under for which no punishment is separately provided in this Act, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

39. No suspension, remission or commutation in any sentence awarded under this Act:

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force, no sentence awarded under this Act shall be suspended or remitted or commuted.

*** [39-A Bar of application of section 360 of the Code of Criminal Procedure, 1973 and of the Probation of Offenders Act, 1958:**

Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) or in the Probation of Offenders Act, 1958 (20 of 1958), shall apply to a person convicted of an offence under this Act, unless such person is an infirm, old aged or under eighteen years of age.]

[Ins. by the MLTP (Amendment) Act, 1999 S. 5]*

40. Presumption of culpable mental state:

(1) In any prosecution for an offence under this Act which requires a culpable mental state of the accused, the Court shall presume the existence of such mental state but it shall be the responsibility of the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation:- In this section, ‘*Culpable mental state*’ includes intention, motive, knowledge of a fact and belief in or reason to believe, a fact.

(2) For the purpose of this section, a fact is said to be proved only when the Court believes it to exist beyond a reasonable doubt and not merely when its existence is established by a

preponderance or probability.

41. Presumption to the commission of an offence:

(1) In trial under any of the provisions of this Act, it shall be presumed without further evidence, until the contrary is proved, that the accused person has committed an offence under this Act in respect of liquor, or any still, barrel, pot, tin, utensil, implement or apparatus, whatsoever for the manufacturer of liquor or any materials which have undergone any process towards the manufacture of any liquor has been manufactured, for the possession of which he is unable to account satisfactorily.

(2) Where in any trial for an offence of manufacture of liquor and using a still, barrel, tin or pot for such purpose in contravention of the provisions of this Act, it is proved that the accused person was present by the side or within the vicinity of the still, barrel, pot or tin while it was working or that he was the owner or occupier having the care, wherein such still, barrel, pot or tin was used then the burden of proving that the accused person had not used, or had not abetted in using the still, barrel, pot or tin for manufacturing liquor shall be on the accused person and the Court shall, in the absence of such proof presume to the contrary.

42. Offences by companies:

(1) Wherein 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, or 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 under this Act if

he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to, any negligence on the part of any director, manager, secretary or other officer of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- for the purpose of this section –

(a) “Company” means any corporate body and includes a firm or other association of individuals; and

(b) “Director” in relation to a firm, means a partner in the firm.

43. Enhanced punishment after previous conviction:

If any person, after having been previously convicted of an offence punishable under any of the provisions of this Act subsequently commits and is convicted of an offence punishable under any of these sections, He shall be awarded punishment to twice the punishment which might be imposed on a first conviction under this Act, for the third and subsequent offences, the punishment shall not be less than one year imprisonment with a fine of rupees two thousand.

44. Attempt to commit offence under this Act:

Whoever attempts to commit any offence punishable under this Act shall be liable to the punishment provided for such offence.

45. Abetments:

Whoever abets an offence punishable under this Act shall, whether such offence be or be not committed, in consequence of such abetment, be punished with the punishment provided for the offence.

46. Liability to confiscation:

Whenever an offence punishable under this Act has been committed, the following things shall be liable to confiscation, namely –

(a) the liquor, still, utensils, implement, apparatus or materials in respect of or by means of which such offence has been committed.

(b) any newspaper, news-sheet, book, leaflet, booklet, magazine or any other single or periodical publication containing any advertisement of liquor or of any preparation fit for use as liquor published in the State of Mizoram;

(c) the receptacles, packages, and coverings in which anything liable to confiscation under clauses (a) and (b) is found and the other contents, if any, of such receptacles and packages; and

(d) the animals carts, vessels, rafts, vehicles or other conveyances used in carrying anything referred to in the foregoing clauses:

Provided that no animal, cart, vessels, rafts, vehicles or other conveyances as specified in clause (d) shall be liable to confiscation in case the owner thereof is able to prove that he has not been implicated in the commission of the offence;

Provided further that in exceptional circumstances and for reasons to be recorded in writing, the Court may order the owner of such animal, cart, vessel, rafts vehicle or other conveyance to pay a fine as it deems fit in lieu of confiscation of such animal, cart, vessels, rafts, vehicles or other conveyance or as the case may be.

Explanation: For the purposes of this section “Owner” includes, in relation to any animal, Cart, vessel, rafts or other conveyance,—

(a) which is in the possession of a minor, the guardian of such minor,

(b) which the subject of the hire purchase agreement, the person in possession thereof under the agreement.

47. Confiscation by court in trial cases:

When in any case tried by a Court, the Court decides that anything is liable to confiscation under section 46 of this Act, it shall order such thing to be confiscated and placed at the disposal of the Commissioner.

48. Confiscation by Commissioner, Collector and other Excise Officers when no prosecution is launched:

When an offence under this Act has been committed and the offender is not known or cannot be found when anything liable to confiscation under this Act is found or seized the Commissioner, or the Collector or any other Excise Officer duly authorized by the commissioner in this behalf may make an inquiry and if, after such inquiry, he is satisfied that an offence has been committed, may order such 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 evidence, if any, which he produces in support of his claim.

49. Demand for security for abstaining from commission of certain offences:

(1) Whenever any person is convicted of an offence punishable under this Act, the Court convicting such person may, at the time of passing the sentence of such person, order him to execute bond for a sum proportionate to his means with or without sureties to abstain from the commission of offences punishable under the provisions of this Act during such period not exceeding three years as it may direct.

(2) The bond shall be in such form as may be provided under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and the provision of the said Code shall, in so far as they are applicable, apply to all matter connected with such bonds as if it were a bond to keep the peace ordered to be executed under section 106 of the said Code.

(3) If the conviction is set aside on appeal the bond so executed shall become void.

CHAPTER – V
PREVENTION, DETECTION, INVESTIGATION, PROSECUTION AND TRIAL OF OFFENCES.

50. Power of entry search, seizure and arrest:

(1) Any Excise or Police Officer * [not below such rank as may be prescribed by the Government] who has reason to believe, from personal knowledge or from information received from any person that any liquor, material, utensil, implement or apparatus in respect of which an offence punishable under this Act or the rules made there under is kept or concealed in any building, vessel, or enclosed place, may at any time by day or night.

(a) enter into any such building, vessel or place and conduct search; and in case of resistance, break open any door and remove any other obstacle to such entry;

(b) seized 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;

(c) detain, search and arrest any person whom he as reason to believe to have committed an offence against this Act relating to 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 facilitate the escape of an offender, he may after recording the grounds of his belief, enter and search such buildings, Bessel or place at any time by day or night.

(2) When an officer received any information under sub-section (1) or when the officer records the ground of his belief under the proviso thereto, he shall forthwith send a copy of thereof to his immediate official superior.

[Subs. by The MLTP (Amendment) Act, 1999 S. 6]*

51. Power of seizure and arrest in public places:

Any Officer of Excise and Police Departments referred to in sub-section (1) of section 50 of this Act may, without warrant –

(a) Seize, in any public place or in transit any liquor, material, utensil, implement or apparatus in respect of which he has reasons to believe that an offence punishable under this Act or the rules made there under, has been committed, and along with it, 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 an offence under this Act.

52. Magistrate to try offences under the Act:

Any Magistrate having the power of the Judicial Magistrate of the first class shall try any offence punishable under this Act.

53. Power to issue warrant of arrest:

(1) Any magistrate of the first class * [...] may issue warrant of arrest of any person whom he has reason to believe to have committed an offence punishable under this Act or the rules made there under or for the search, whether by day or by night, of any buildings, vessels or places in which he has reason to believe that any liquor, material, utensil, implement or apparatus, in respect of

which an offence punishable under this Act has been committed, is kept or concealed.

(2) The Officer to whom a search warrant under sub-section (1) is addressed shall have all the powers of an Officer under section 51.

[Deleted by The MLTP (Amendment) Act, 1999 S. 7]*

54. Power investigation and prosecution, procedure for investigation and trial:

(1) The State Government may invest any Officer of the Excise Department * [not below such rank as may be prescribed by the Government,] the powers of an Officer-in-charge of a Police Station for the purposes of investigation and prosecution of offences under this Act.

(2) The State Government may invest any Officer of the Police Department with such powers, impose upon him such duties and direct him to perform such functions under this Act, rules or order made there under, as may be deemed necessary, and such officer shall, thereupon, exercise the said powers, discharge the said duties and perform the said functions in addition to the powers, duties and functions in substantive capacity.

(3) Save as otherwise as expressly provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the investigation and trial of offences against this Act and the rules made there under.

[Subs. by The MLTP (Amendment) Act, 1999 S. 8]*

55. Officers of Government, Members of Village Council and Village Defense Party are bound to give information:

Every Officer of the Government, every member of a Village Council, and Village Defense Party shall be bound to give immediate information to the nearest Excise or Police Station of the commission of any offence and of the intention or preparation to commit any offence under this Act which may come to his knowledge.

*** [55-A. Arrest by private person and procedure on such arrest:**

Any private person or persons may arrest or cause to be arrested any person who in his/their presence commits a non-bailable and cognizable offence under this Act, and, without unnecessary delay, shall make over or cause to be made over any person so arrested to the Excise or Police Officer, or, in the absence of the Excise or Police Officer, take such person or cause him to be taken in custody to the nearest Excise Station or Police Station.]

[Ins. by The MLTP (Amendment) Act, 1999 S. 9]*

56. Landlords and other to give information:

Every person who owns or occupies any land or building, or who is a landlord of an estate and the agent of such owner, occupier or landlord of the land, building or estate, as the case may be, in which there has been any unlawful manufacture of any liquor or any owner of a vessels or vehicle in which liquor is manufactured or carried shall in the absence of reasonable excuse, be bound to give notice of the same to the Excise or Police officer immediately after the same have come to his knowledge.

57. Report of arrest and seizure:

Any officer making an arrest or seizure under this Act shall, within twenty-four hours of such seizure and arrest make a full report of all the particulars of such arrest or seizure to his immediate official superior, and produce the arrested person before a magistrate. The time taken for the journey from the place of seizure or arrest to the Court shall not, however, be counted.

58. Cognizance of offence:

No Court shall take cognizance of an offence under this Act unless a complaint in this regard is made by the * [officer-in-charge of an Excise station or Police station] or any other officer duly authorized by him in this behalf.

[Subs. by The MLTP (Amendment) Act, 1999 S. 10]*

*** [58-A Offences cognizable and non-bailable:**

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) –

- (a) every offence punishable under this Act shall be cognizable;
- (b) no person accused of an offence punishable for a term of imprisonment of three years or more under this Act shall be released on bail or on his own bond unless –
 - (i) the prosecutor has been given an opportunity to oppose the application for such release, and
 - (ii) where the Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and

that he is not likely to commit any offence while on bail.]

[* Ins. by *The MLTP (Amendment) Act, 1999 S. 11*]

CHAPTER – VI

MISCELLANEOUS

59. Prohibition Council and Committee:

(1) The Government may, by notification in the Official Gazette, constitute for the whole of Mizoram and such period as it may deem fit, a State Prohibition Council consisting of Official and non-official residents of the State of Mizoram as may be prescribed by the Government may also, by like notification dissolve or re-constitute any such Council.

(2) The Government may, by notification in the Official Gazette, constitute * [for every District, Sub-Division, Block, Village or area, and for such period as it may deem fit, Prohibition Committees consisting of such officials and non-official posted or residing in such District, Sub-Division, Block, Village or area, as may be prescribed by the Government.] The Government may also, by like notification, dissolve or reconstitute such Prohibition Committees.

(3) The compositions, powers and functions of the council and the committee and their relation etc. shall be such as may be prescribed.

[* Subs. by *The MLTP (Amendment) Act, 1999 S. 12*]

60. Punishment for vexatious search, seizure or arrest:

Any officer or person exercising powers under this Act, who –

(a) maliciously enters or searched or causes to be entered or search any building or house or similar dwelling place, or

(b) vexatiously and unnecessarily seizes the property of any person in the pretence of seizing or searching for anything liable to confiscation under this Act, or

(c) vexatiously, unnecessarily detained, searches or arrests any person; or

(d) in any other way maliciously exceeds or abuses his lawful powers,

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

61. Departmental Store:

The Commissioner may, with the previous sanction of the Government, –

(a) establish a Departmental Store for stock of confiscated foreign liquor or beer for supply to permit holders under this Act or the rules made there under;

(b) discontinue any such departmental stores so established.

62. Payment of reward:

Reward may be given to any person instrumental for the

arrest of seizures under the provisions of this Act as may be prescribe in the rules.

63. Appeals:

(1) All orders passed by any 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 Government at any time within sixty days from the date of the order complained of.

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

(3) Subject to the foregoing provisions, the rules which the Government may make in this behalf shall apply to appeals under this section.

64. Revision:

The State Government may call for and examine the record of any proceeding before any Prohibition Officer including that relating to the grant or a refusal of a permit or authorisation under this Act, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed and as to the regularity of any such proceeding and may when calling for such record, direct that the order be not given effect to pending the examination of the record. On examining record, it may either annul, reverse, modify or confirm such order, or pass such other order as it may deem fit.

65. Officers and persons acting under this Act to be public servant:

All officers and persons empowered to exercise any power or to perform any function under this Act shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

66. Bar of suit and prosecution:

(1) No Civil Court shall try any suit against the Government in respect of anything done, or alleged to have been done, in pursuance of this Act and except with the previous sanction of the Government, no magistrate shall take cognizance of any charge made against any Excise or Police Officer under this Act, or any charge made against any other person under this Act, unless the suit or prosecution is instituted within one month after the date of the act complained of.

(2) Notwithstanding any thing to the contrary contained in this Act, or in any other law in force for the time being, when any Excise or Police Officer of any rank is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence, except with the previous sanction of the Government under section 197 of the Code of Criminal Procedure, 1973 as applicable in the State of Mizoram.

67. Bar of proceedings:

No suit or proceedings shall lie in any Civil Court against the Government or against any person empowered to exercise powers or to perform functions under this Act, for anything done in good faith or purported to be done under this Act

68. Power to remove difficulties:

If any difficulty or doubt arises in giving effect to the provisions of this Act, the Government may by order published in the Official Gazette, make such provisions, not inconsistent with the purpose of this Act as appears to it to be necessary or expedient for the removal of the difficulty or doubt, and the order of the Government in such cases shall be final.

69. Power of suspension:

The Government shall have the power to suspend all or any of the provisions of this Act, at any time, as a result of change of prohibition policy of the Government.

70. Power to make rules:

(1) The Government may make rules for the purpose of carrying out the provisions, of this Act,

(2) In particular and without prejudice to the generality of the foregoing provisions, such rule may provide—

- (a) for regulating the powers and duties of the Commissioner and any other officers subordinate to him;
- (b) for regulating the delegations of powers by the Commissioner or by any other Excise and Prohibition Officer;
- (c) for regulating the consumption of liquor by holder of a permit or authorization;

* [(cc) for regulating manufacture, possession, sale, transportation and consumption of wine, and grant, cancellation and renewal of licence for the purpose, and

for prescribing procedure and conditions for the purpose;]

[* *Ins. by The MLTP (Amendment) Act, 2007 S. 6]*

- (d) for prescribing the conditions for issuing permit or authorization;
- (e) for prescribing the procedure for payment of duty and free by permit-holder;
- (f) for prescribing the composition, powers and functions of the Prohibition Council and the Committee;
- (g) for prescribing the procedure for disposal of confiscated articles;
- (h) for regulating the procedure for payment of rewards;
- (i) for the establishment of Departmental Store for the stock of India made foreign liquor and beer and for issue of liquor from the Departmental Store;
- (j) for prescribing the authority to whom an appeal shall lie;
- (k) any other matter as may, or require to be prescribed.

(3) Every rule made under this section shall be laid as soon as may be, after it is made, before the Mizoram Legislative Assembly while it is in session for a total period of seven days, which may be comprised in one session or in two or more successive session, and if, before the expiry of the session of which it is so laid

or the sessions immediately following, the Legislative Assembly decide to make any modification in the rule or the Legislative Assembly agrees 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 annulment shall be without prejudice to the validity of anything previously done under that rule.

71. Repeal and saving:

(1) On and from the commencement of this Act, the provisions of the Mizoram Excise Act, 1973 shall, in so far as they are consistence with the provisions of this Act, stand repealed.

(2) Notwithstanding anything contained in sub-section (1), any act or anything done or purported to be done under the provision of the portion of the said Act so repealed shall be taken into account as any action done or purported to be done under this Act.

.....o0o.....

CERTIFICATE

This Bill was passed by the Mizoram Legislative Assembly on the 14th December, 1995. This Bill is a Money Bill.

Dated Aizawl
The 30.1.1996

VAIVENGA
Speaker,
Mizoram Legislative Assembly.

.....

I assent to this bill

Dated Aizawl
The 31.1.1996

P.R.KYNDIAH
Governor, Mizoram.

THE MIZORAM LIQUOR TOTAL PROHIBITION RULES, 1996

No.C.31016/4/95-EXC, the 11th October, 1996. In exercise of the powers conferred by section 70 of the Mizoram Liquor Total Prohibition Act, 1995; (act No. 10 of 1995), the Governor of Mizoram hereby makes the following rules, namely:-

PART – I ***PRELIMINARY***

1. Short title, extend and commencement:

(1) These rules may be called the Mizoram Liquor Prohibition Rules, 1996.

(2) They shall have the like extend as the principal Act.

(3) They shall come into force on such date as the Government may, by notification in the official Gazette appoint in this behalf.

2. Definitions:

In these rules unless the context otherwise requires:—

(1) “*Act*” means the Mizoram Liquor Total Prohibition Act, 1995;

(2) “*Departmental Store*” means any room or building established by the Excise Department of the Government of Mizoram under section 61 of the Act for stock of confiscated In-

dia made Foreign Liquor and Beer for supply to permit holders under the Act.

Sub-rule (3) of Rule 1 as amended vide notification No.C.31061/4/95 – EXC dated 15th August, 1997.

PART – II

POWERS AND DUTIES OF THE OFFICERS

3. Inspection of departmental Store and Offices:

(1) The Commissioner shall inspect the District and Sub-divisional prohibition and Excise Offices at least once in a year and, as frequently as possible, the departmental Store also. He shall submit his reports of such inspections to the Government in Form I appended to these rules.

(2) A deputy Commissioner of Prohibition and an Assistant Commissioner of Prohibition shall, at regular intervals, inspect the District and Sub-Divisional Prohibition and Excise offices including the departmental Store and submit their inspection reports to the Commissioner in Form-II as appended to these rules.

(3) The Superintendent of Excise shall function as Superintendent of Prohibition, and shall be primarily responsible for Administration of the provision of the Act in his district, while all other officers of the district office shall work under the direct control and supervision of the Superintendent of Prohibition subject to such orders as may issued from time to time by the Commissioner.

(4) The Commissioner may designate, with prior approval

of the Government, any one of the Inspectors of Prohibition as the officer in-charge of the Departmental Store, who for all administrative purposes, be directly subordinate to the Assistant Commissioner of Prohibition. He shall be responsible for proper maintenance of all records of receipt, stock, issue and destruction of liquor in the Departmental Store, and shall submit monthly returns in Form-III to the Assistant Commissioner who shall in turn furnish the same to the Deputy Commissioner and the Commissioner in the Forms-IV – V.

(5) An Inspector or Sub-Inspector of Prohibition, as the case may be, shall, immediately upon detection of a case, submit a report to the Superintendent of Prohibition for further action.

4. Delegation of Powers:

(1) Subject to the general control of the Government, the Commission may delegate any of his powers conferred under the Act to any of his subordinate officers for prompt disposal of cases and other important matters.

(2) The Deputy Commissioner and Assistant Commissioner may, subject to the general control of the Commissioner, delegate any of their powers conferred under the Act to any of their subordinate officers for due discharge of their duties.

(3) The Superintendent of Prohibition may, subject to the general control of the Deputy Commissioner, delegate any of his powers conferred under the Act to any of his subordinate officers not below the rank of Inspector.

PART – III

CONDITIONS OF LICENCE AND PERMIT

5. Conditions of Permit:

(1) A holder of permit on health grounds, shall not drink liquor at public place, institution, or hotel, in which a public at large may have access.

(2) A holder of a permit on health grounds shall not drink liquor at a time in excess of the quantity as prescribed by a registered Medical Practitioner.

(3) A holder of special permit under section 29 of the Act shall drink the liquor only within the premises of the hotel to which he or she is lodged.

6. Conditions for grant of licence to armed forces:

Licenses in Form No. X shall be granted to the person covered by the provisions of section 30 of the Act on payment of a license fee of Rs.500/-. Such licenses may be granted for a period of one year from the 1st April to the 31st March. If the license is granted during the course of the year, it shall be granted only up to the 31st March next following.

7. Prescription made by a registered Medical Practitioner is required to be countersigned:

(1) A prescription for drinking liquor issued by a registered Medical Practitioner should be countersigned by Officers of the Health and Family Welfare department of the rank of District Chief Medical and Health Officer and above. Permit for the possession, use and consumption of India Made Foreign Liquor shall then be issued on payment – of a permit fee of Rs. 100/- only in a prescribed form as set forth in Form No. VI.

(2) Permit on health ground under the Act shall be granted for not more than one year at a time by the Pass Issuing Authority and as per the prescription card issued by a registered medical practitioner and countersigned by a Medical Officer as state in sub-rules (1).

(3) No permit shall be granted person who is convicted for an offence under section 21 of the Act.

8. Grand of special permit to foreign dignitaries:

Whenever any head of a foreign country, Ambassador or Diplomatic personnel visits Mizoram in course of his Official duties, he may be granted a special permit for consumption of foreign liquor without recoveries of any fee under the Act, provided that he hold a legal passport. In the case of such officers, the Pass Issuing Authority may determine the possession limit of India Made Foreign Liquor according to the circumstance of each case.

9. Grand of special permit to foreign tourists and domestic tourist:

(1) Foreign tourist permit may be granted to a tourist as stated in clause (d) of section 29 of the Act holding foreign tourist introduction card or tourist visa along with valid restricted area permit. The application shall be made in Form VIII (a) prescribe by the Permit Issuing Authority without recovery of any fee for the period the applicant intended to stay in Mizoram but not exceeding 15 days in any case. The permit holder shall be allowed to possess foreign liquor for a quantity not exceeding two bottles of 750 millilitres each at a time. The foreign tourist who wishes to bring liquor with him shall be allowed to carry with-out recovery of any fees, upto a maximum of two bottles (750 millilitres each) of liquor, six bottles each of wine and beer and the quantity so al-

lowed shall be required to be endorsed on his permit.

(2) A tourist from other parts of the country having tourist introduction card from either the Director of Tourism, or any other department of the State Government may be granted permit for possession and consumption of foreign liquor on payment of permit fees as prescribed in sub-rule (1) of rules 7 of this rules. The permit may be granted for a period not exceeding 15 days in any case. The domestic tourist who wishes to bring foreign liquor with him into Mizoram shall be allowed to carry the same without recovery of any fees, upto a maximum limit of two bottles (750 millilitres each) and beer upto six bottles. The quantity so allowed shall be required to be endorsed on his permit.

10. Grand of permit to ex-service personnel:

(1) An ex-service personnel requiring liquor on health ground may obtain a prescription slip from a Registered Medical Practitioner duly countersigned by officer of the health and Family Welfare Department of the rank of District Chief Medical and Health Officer and above. A permit for consumption of liquor shall then be issued by the permit Issuing Authority on production of the prescription made by a Registered Medical Practitioner and on payment of permit fee as prescribed in sub-rule (1) of rules (7) of this rules.

(2) An ex-service personnel having permit under sub-rule (1), may draw the liquor the liquor from the Army Canteen exactly of the quantity as authorized to him in the permit.

11. Renewal of permit:

(1) On expiry of the license/permit the holders thereof, may apply to the license/ permit Issuing Authority for renewal of the same by producing fresh medical prescription as required under sub-rule (1) of rule 7 of these rules. The permit Issuing Author-

ity may then grant renewal of the license or permit subject to the satisfactory performance of the license or permit holder. When renewal of the license or permit is to be granted, the holder thereof shall pay fresh license fee or permit fee as the case may be as required by these rules.

(2) Whenever a permit granted is to be renewed for a period subsequent to the period for which the permit was granted the renewal endorsement – “This permit is renewed upto” shall be made on the permit itself and not by affixing small slip to the original permit. In case where there is no space on the permit to the effect, renewal endorsement shall be granted in fresh form.

12. Issued of duplicate copy of permit:

When the loss, destruction damage etc. of permit granted under this rules is reported by the concerned holder of the permit and request for a duplicate copy of such permit is received, a duplicate copy of original permit shall be issued on payment of a penalty of Rs. 20/- (Rupees twenty) only and that too on confirmation of the loss/ destruction, etc. to the satisfaction of permit issuing Authority.

13. Permit holder on health ground to purchase liquor from Departmental Store:

A holder of permit for the possession and consumption of liquor on health ground shall purchase the India – Made Foreign Liquor, As is authorized to him in his permit, only from the Departmental Store established by the Government on payment of duty and fee.

14. Payment of duty and fee by armed forces and issue of permit:

(1) A license holder under section 30 of the Act shall apply

in Form No. VIII to the Pass Issuing Authority for issue of permit for import of India – Made Foreign Liquor and pay Excise duty and or fees as may be prescribed by the Government from time to time at the time of taking permit from the permit issuing authority and the payment should be made into local Treasury approve by the Commissioner of the Superintendent of Prohibition in-charge of the District in which such liquor is to be sold or consumed by direct payment through Treasury Challans to be countersigned by the Superintendent of Prohibition or any other officer duly authorize by him on his behalf. The original copy of the challan should be kept in the Prohibition and Excise Office for record.

(2) On payment of duty and or fees as stated in sub-rule (1), the Superintendent of Prohibition shall issue permit in form No. IX in Quadruplicate to the licensee for import of foreign liquor. One copy of the permit should be retained by the Superintendent of Prohibition for record.

(3) On receipt of a consignment, the licensee shall at once notify its arrival to the permit Issuing Authority and shall not open the consignment until it has been examined by an officer of the Prohibition and Excise Department or unless the Superintendent of Prohibition has for reason to be recorded in writing, intimate that it shall not be examined.

15. Payment of Excise duty and fee by persons permitted to purchase liquor on health ground:

Any holder of a permit under section 27 of the Act, shall made payment of Excise duty and fee in the same manner as provided under sub-rule (1) of rule 14 when purchasing liquor from the Departmental Store established by the Government.

PART – IV

PROHIBITION COUNCIL AND COMMITTEES

16. Constitution of Prohibition Council and Committee:

(1) A State Prohibition Council at the State Level and a District Prohibition Committee for a District or part thereof, may be constituted by the State Government by issuing notification in the official Gazette. The Prohibition Council and the Committee as the case may be, shall exercise jurisdiction over the area for which it is constituted and the Council and all the Committees shall co-operate with one another in the discharge of their duties.

(2) Composition of the Council and the Committee:

The Council and the Committee shall consist of a Chairman; a Vice Chairman and a Secretary with any number of members not ordinarily exceeding ten. As a general procedure, the Secretary, Excise Department shall be a Member Secretary of the Council and the Commissioner of Prohibition as one of the members.

(3) In a district, the Superintendent of Prohibition in-charge of a district shall be one of the members of the Prohibition Committee.

(4) The term of the council and the Committee shall be two years at the first instance which may be extended for any longer period as deemed necessary by the State Government.

17. Functions and duties of the Council and the Committee:

(1) The Prohibition Council and the Prohibition Committee shall function as an Advisory Body to the Government in re-

gard to the implementation of the Total Prohibition Act in Mizoram.

(2) The Prohibition Council and the Committee and shall have an in-depth study on the progress or otherwise of the introduction of total prohibition within their respective areas. They shall also have an in-depth study of the repercussion of the introduction of total prohibition and give reports and suggestions to the State Government for the effective implementation of the Act.

(3) Both the Prohibition Council and the Prohibition Committees shall hold a meeting at least once in three months to make assessment of the situation and the problems of unauthorized manufacture, possession, sale and consumption of liquor including bootlegging and drunkenness. The Prohibition Committee shall submit its reports to the Prohibition Council and the Council shall, after examining the reports of the Prohibition Committees, submit the reports to the Government for further action as it deemed fit and proper.

(4) The prohibition Committee shall function in subordination to the Prohibition Council and the Council shall have the powers to direct the Committee and assign any duties aforesaid as it may consider necessary.

18. Allowances of member of the Council/Committee:

The allowances or fees to be paid to the non-official members of the Prohibition Council/Committees shall be as prescribed by the Government From time to time.

19. Allowances or fees to be paid for the day(s) of sitting only:

Such non-official members shall be entitled sitting allowances or fees only for the day or days for which they held a meet-

ing. In any case, the Prohibition Council or the Prohibition Committee should not hold a meeting for more than two consecutive days at a time.

PART - V

DISPOSAL OF SEIZED AND CONFISCATED ARTICLES

20. Confiscated things to be made over to Commissioner/ Superintendent of Prohibition:

When in any case a Magistrate orders the confiscation of anything under section 46 of the Act, such things shall be handed over either to the Commissioner or the Superintendent of Prohibition in-charge of a district for disposal.

21. Mode of disposal of confiscated articles:

The disposal of confiscated articles by orders of a Magistrate shall be deferred till the period of appeal against such orders has expired, or if an appeal be made against such orders, till the appeal is disposed off;

Provided that –

(1) the sale of any animal or other thing ordered to be confiscated shall not be deferred unless the owner or his agent deposits with the Superintendent of Prohibition in-charge of a district such sum as that officer may consider to be required and to be sufficient for the keep or safe custody of such animal or other thing, pending the result of appeal, and

(2) if the thing be of a perishable natured it may be sold immediately.

22. Disposal of things confiscated if and when order is reversed:

(1) If any order of confiscation of anything be reverse on appeal, such thing, or the sale-proceeds thereof and the amount, if any deposited for the keep or safe custody of such thing shall at once be returned to the owner thereof, or his agent as per order that may be issued by the court.

(2) If no one appears within two months from the order on appeal to claim ownership of the thing confiscated, the sale-proceeds or the amount, if any, deposited, such thing, or sale-proceeds or amount shall be forfeited to the Government.

23. Disposal of confiscated foreign liquor:

(1) Confiscated foreign liquor which are known to have been of licit origin and not tempered with shall be deposited into the departmental Store established by the Government for supply to the permit holder for consumption.

(2) Other confiscated foreign liquor which are not of licit origin and tempered with shall be destroyed.

24. Confiscated country liquor to be destroyed:

Confiscated country spirit, distilled or fermented liquor shall be destroyed.

25. Disposal of confiscated spirit:

Confiscated denatured spirit, rectified spirit, absolute alcohol and any other kinds of spirit shall be deposited into the Departmental Store established by the Government for supply to hospitals dispensaries and other institutions run by the Government at free of cost.

26. Confiscated foreign liquor to be sold only to a permit holder:

All the confiscated foreign liquor referred to in rule 23 shall be sold only to holder of a permit for consumption of liquor at the price fixed by the Commissioner or the Superintendent of Prohibition in-charge of a district. Different prices may be fixed for different brands according to the quality of the liquor.

27. Disposal of things confiscated other than liquor:

When the article confiscated under section 46 is not liquor or spirit, it shall be disposed off as follows:-

(1) When such article, in the opinion of the Superintendent of Prohibition does not exceed Rs.5000/- in value, it may be sold by the Superintendent of Prohibition to the highest bidder or in his discretion released on payment to such sum as he may think fit, or, with the sanction of the Commissioner, retained for the use of the Excise Department.

(2) When such article, in the opinion of the Superintendent of Prohibition exceed Rs.5000/- in value, it shall be disposed off at the direction of the Commissioner, who may in special cases refer the matter to the Government for orders.

28. Deposition of sale-proceeds of confiscated articles:

The sale-proceeds of all confiscated articles should be deposited into the revenue account of the Excise Department through Treasury Challan to be countersigned by the Superintendent of Prohibition or any other Officer duly authorized by him in this behalf.

29. Payment of reward subject to budget provision:

The payment of all rewards in prohibition cases is subject to availability of fund in the budget provision and the Commissioner shall accord sanction for such payment.

30. Grant of reward to informer when no prosecution is launched:

A reward of any amount not exceeding Rs. 15000/- per head may be granted when no proceedings have been instituted against the offender to any person who may give information leading to the detection or prevention of offences under this Act.

31. Payment of reward to informer when no prosecution takes place:

In case of prosecution for offences against this Act, whether ended in conviction or not, reward of any amount not exceeding Rs. 5000/- may be granted to person instrumental in the detection of the offence.

32. Principle to observed in granting rewards:

(1) The informer should ordinarily get the largest share; the next largest should go to the head of the force making the detection, except where lengthy and intricate detective enquiries have to be undertaken, in which case the responsible officer may get the largest share. The Superintendent of Prohibition, while recommending rewards, should carefully scrutinize the part played by each officer or outsider. Consolidated reward shall be granted where more than one case are detected as a result of one on the same raid. In all proposals for distribution of rewards, the claims by the police on account service rendered by them should be recognized as fully as those of subordinate of the Prohibition and Excise Department.

(2) It should be borne in mind that reward is purely an ex-gratia grant and shall be granted at the discretion of the authority competent to grant rewards and cannot be claimed by anyone as a matter of right.

33. Rewards not to be granted in petty cases:

Rewards shall be granted liberally, but only after careful examination of each case. In granting rewards, discretion should be exercised in each case, and sanction shall be given or applied for, not as a matter of form, but entirely in important cases in which it is necessary to encourage and reward the persons instrumental in detection. In case of petty offence, e.g. manufacture, possession or sale of small quantities of liquor, rewards shall not be granted. It shall depend entirely on the direction of the sanctioning authority to decide in what cases reward shall or shall not be granted.

34. Officer not eligible for rewards:

Police and Excise Officers above the rank of Inspector shall not be eligible for payment of reward in prohibition cases.

35. Payment of rewards to Police:

Payment of rewards to police be made either by money order through the Superintendent of police. In the later case, the amount shall be sent in cash with the necessary receipt forms to the Superintendent of Police with a request for disbursement. The Superintendent of Police shall sign at the receipt form. Any amount not disbursed by him within 30 days, shall be returned to the Excise Office with the brief reason for non-distribution.

36. Importance of prompt payment:

Promptness in the disbursement of reward is of the greatest importance. The Superintendent of Prohibition shall, therefore, arrange for rewards in Excise cases to be paid as soon as they

have been sanctioned by the competent authority. All bills for rewards shall be drawn in regular contingent bill forms and disbursed as early as possible. The Superintendent of Prohibition shall be held responsible that payment are duly accounted for in respect of the staff working under him.

PART - VI

DEPARTMENTAL STORE

37. Establishment of Departmental Store:

There shall be a Departmental Store for the stock of India made foreign liquor under the direct control and supervision of the Prohibition and Excise Department for issue to the permit holders in Mizoram. All the confiscated foreign liquors which are known to have been of licit origin and not tempered with shall be kept separately in the Departmental Store established by the Government.

38. Issue of confiscated foreign liquor from Departmental store:

The confiscated foreign liquor kept in the Departmental Store shall be issued by the Officer in charge of the store only to permit holders at a reserved price to be fixed by the Commissioner from time to time according to the brand and quality to the liquor. The quantity of liquor to be issued to a permit holder at a time shall be as specified in the permit itself.

39. Proper maintenance of accounts by Officer-in-Charge of Departmental Stores:

(1) The officer-in-charge of Departmental Store shall maintain proper records of all the confiscated foreign liquor received in and issued from the Departmental Store in a register as may be

prescribed by the Commissioner. The quantity of foreign liquor received on each occasion indicating the date, case number, from whom received, name of the brand and such other particulars as may be considered necessary by the Commissioner should be recorded in the register.

(2) The officer-in-charge of the store shall also record the quantity of foreign liquor issued to permit holders indicating name of the brand, date of issue, to whom issued with permit number hold and the amount of duty, fee and cost of the liquor paid by the permit holder indicating the Treasury Challan number through which amount has been deposited.

(3) The Commissioner or any other Officer duly authorized by him should check the stock of foreign liquor in the Store and inspect the accounts once in a month or as may be directed by the Commissioner from time to time.

PART - VII

APPEALS

40. Appeals to Commissioner:

An appeal shall lie to the Commissioner from any order of the Deputy Commissioner of Prohibition or any other Officer subordinate to him and discharging functions under the Act or under any rule, or order made under the Act.

41. Appeal to Government:

An appeal shall lie to the Government from any order made by the Commissioner discharging function under the Act or under any rule, or order made under the Act.

42. Limitation:

Every memorandum of appeal must be presented within sixty days from the date of the order appealed against, provided that the time required for obtaining a copy of the order shall be excluded from the calculation of the period of sixty days.

43. Interim order:

The Government, while entertaining the appeal may stay execution of the order appealed against and pass such interim order as it may consider expedient.

44. Calling for record:

In hearing appeal, the Government may call for the concerned proceedings held by any of the Officers or authorities as mentioned in rules 40 and 41 and pass such orders thereon as it thinks fit.

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FORM - I
(See Rule 3 (1))

PART - I

1. Name of Office inspected :
2. Name of Head of Office inspected upon :
3. Date of Inspection :
4. Staff position :
5. Position of the Vehicle :

PART - II

1. Average number of person arrested and booked under the Prohibition Act in a month :
2. The average amount of money realized through fines and confiscation in a month. :
3. The Quantum of liquor (IMFL and country liquor seized in a month indicating the quantity confiscated and destroyed. :
4. Number of permit holders. :
5. Quantity of liquor issued in a month :
6. Stock balance of liquor available in the Departmental Store. :

PART - III

1. The progress and repercussions of the imposition of total prohibition with suggestions for the effective implementation or otherwise of the Total Prohibition Act.

.....

.....

Date Commissioner of Prohibition & Excise,
Place Mizoram : Aizawl.

FORM - II
(See Rule 3 (2))

PART - I

- | | | |
|---|---------------------------------------|---|
| 1 | Name of office inspected | : |
| 2 | Name of Head of Office Inspected upon | : |
| 3 | Date of Inspection | : |
| 4 | Staff position | : |
| 5 | Position of the Vehicle | : |

PART - II

- | | | |
|---|---|---|
| 1 | Average number of persons arrested and booked under the Prohibition act in the Month | : |
| 2 | The average amount of money realized through fines and confiscation in a month | : |
| 3 | The quantum of liquor (IMFL and country Liquor) seized in a month indicating the quantity confiscated and destroyed | : |
| 4 | Number of Permit holders | : |
| 5 | Quantity of liquor issued in a month | : |
| 6 | Stock balance of liquor available in the Departmental store | : |

PART - III

- 1 The problem faced by the District Sub-Divisional Offices in regard to implementation of Prohibition Act with suggestion for the remedy.

.....

Date

Asst./Dy. Commissioner of

Place

Prohibition & Excise

Mizoram : Aizawl

FORM - III

(See Rule 3(4))

1	2	3	4	5	6	7	8	9	10
Date	Opening balance of liquor in brand-wise.	Quantity of confiscated liquor received from Court	Case No.	Date of receipt	Quantity of liquor issued from the Store	Date of issue	To whom issued	Number of permit hold	Closing balance

Date

Place

Signature of the
 Officer in-charge of the
 Departmental Store

FORM - IV
(See Rule 3 (4))

1	2	3	4	5	6	7	8	9	10
Date	Opening balance of liquor in brand-wise.	Quantity of confiscated liquor received from Court	Case No.	Date of receipt	Quantity of liquor issued from the Store	Date of issue	To whom issued	Number of permit hold	Closing balance

Date

Signature of Asst. Commissioner
of Prohibition & Excise.

Place

FORM - V
(See Rule 3 (4))

1	2	3	4	5	6	7	8	9	10
Date	Opening balance of liquor in brand-wise.	Quantity of confiscated liquor received from Court	Case No.	Date of receipt	Quantity of liquor issued from the Store	Date of issue	To whom issued	Number of permit hold	Closing balance

Date

Signature of Dy. Commissioner of
Prohibition & Excise

Place

FORM - VI**PERMIT FOR PROSESSION AND CON-
SUMPTION OF INDIA-MADE FOREIGN
LIQUOR BY PRIVATE INDIVIDUAL***(See sub-rule (1) of rule 7)*

Passport size
photograph of
permit holder

Sl. No. of permit

- 1 Name, Father's name and address.....
of permit holder
- 2 Age
- 3 Profession
- 4 Name and address of Doctor
- issuing prescription
- 5 Diagnosis
- 6 Dosage prescribed for a day
- 7 Validity if the permit

The holder of this permit is authorized to possess bottles
(..... 750ml./375ml) of India - Made Foreign Liquor at a time
for his/her personal bona fide consumption.

Date of issue
Official Seal

Signature of permit
Issuing Authority,

Sl.no	Date of Issue	Brand-wise liquor issued with quantity	Signature of Salesman	Signature of permit holder	Remarks
1	2	3	4	5	6

(See rule 8 and 9)

Passport size photograph of permit holder

S1. No. of permit.....

- | | |
|---|--|
| 1 | Name, Father's name and address.....
of permit holder |
| 2 | Age |
| 3 | Profession |
| 4 | Country of Origin/Nationality |
| 5 | Purpose of visit to Mizoram |
| 6 | Period of stay in Mizoram |

7 Validity of the permit

The holder of this permit is authorized to possess
bottles (750 ml/375ml) of Foreign Liquor at a time for
his/her personal bona fide consumption.

Date of issue
.....

Signature of Permit
Issuing Authority.

Official Seal

PARTICULARS OF FOREIGN LIQUOR ISSUED FROM DEPARTMENT STORE

Sl.no	Date of Issue	Brand-wise liquor issued with quantity	Signature of Salesman	Signature of permit holder
1	2	3	4	5

FORM - VIII ***APPLICATION*** **(See rule 14 (1))**

***Application for a permit for import of India-made
Foreign Liquor, Rectified or Denatured spirit or Absolute
Alcohol into Mizoram.***

1 Name and address of applicant

2 Name of distillery, brewery or

bonded warehouse from which
liquor is to be obtained

- 3 Address in Mizoram to which liquor
is to be imported
- 4 Route by which liquor is to be imported
- 5 Date before which the consignment of
liquor is to be imported into Mizoram
- 6 Licence No.

Signature of the importer

DESCRIPTION AND QUANTITY OF LIQUOR TO BE IMPORTED

Kind of liquor or spirit	Quantity to be imported			Equivalent in London proof litres
	In bulk litre or bottle			
	Litre	Quarter	Pints	

Gross amount of duty and fee payable

FORM – VIII(a)
APPLICATION FORM
(See rule 9 (1))

***Application form for issue of permit for use and
consumption of liquor by tourist.***

- 1 Name and address of the applicant
- 2 Official Designation
- 3 Country of origin
- 4 Purpose of visit to Mizoram
- 5 Period to be stayed in Mizoram
- 6 Address in Mizoram
- 7 Tourist visa Number
- 8 Tourist introduction card number
- 9 Requirement of liquor -

(1)	Rum		(in bottles)
(2)	Whisky		-do-
(3)	Brandy		-do-
(4)	Gin		-do-
(5)	Wine		-do-
(6)	Beer		-do-

Signature of the applicant
with date

FORM - IX
PERMIT FOR THE IMPORT OF INDIA -
MADE FOREIGN LIQUOR INCLUDING
RECTIFIED OR DENATURED SPIRIT OR
ABSOLUTE ALCHOHOL INTO MIZORAM
(See rule 14 (2))

ORIGINAL

(To be retained by the Excise Collector/Superintendent of Prohibition. The challan is to be pasted on this as authority for issuing the permit.)

Permit for the import into Mizoram of India - made Foreign Liquor, rectified spirits etc. on which full duty/ pass fee has been paid from a distillery/warehouse in

Serial no. of permit

District of issue Place from which
liquor is to be brought

Route by which liquor is to be imported

Date before which consignment is to be
dispatched to Mizoram

Date of issue

Description of liquor (wine etc., as in application)	QUANTITY			Equivalent in London proof litre
	In bulk litre or bottle			
	Litre	Quarter	Pints	

Pass the article described above for import into
 at in the District of (The full duty Pass
 fee amounting to Rs. having been paid
 at the Treasury/Sub-Treasury at by Challan No.
 dt)

Date

Signature and designation
 of the Officer granting it.

* Strike out entries not applicable.

FORM - IX
PERMIT FOR THE IMPORT OF INDIA
MADE FOREIGN LIQUOR INCLUDING REC-
TIFIED OR DENATURED SPIRIT OR ABSO-
LUTE ALCHOHOL INTO MIZORAM.

(See rule 14 (2))

DUPLICATE

(To be send to the Excise Officer of the place of export for
 record.)

Permit for the import into Mizoram of India-made Foreign Liquor, rectified spirit, etc., which full duty/pass fee has been paid from a distillery/warehouse in

Serial no. of permit

District of issue

Place from which liquor is to be brought

Route by which liquor is to be imported

Date before which consignment is to be
despatched to Mizoram

Date of issue

Description of liquor (wine etc., as in application)	QUANTITY			Equivalent in London proof litre
	In bulk litre or bottle			
	Litre	Quarter	Pints	

Pass the article described the above for import intoat
..... in the District of (The full.....
amounting to Rs. having been paid at the Treasury/ Sub-
Treasury atby Challan No.....
Date)

Date

Signature and designation
of the Officer granting it.

* Strike out entries not applicable

	Date of issue		Quantity issue		Strength	
--	---------------	--	----------------	--	----------	--

Officer-in-charge of the Bonded
Warehouse/Distillery

FORM - IX
PERMIT FOR THE IMPORT OF INDIA
MADE FOREIGN LIQUOR INCLUDING REC-
TIFIED OR DENATURED SPIRIT OR ABSO-
LUTE ALCHOHOL INTO MIZORAM.

(See rule 14 (2))

TRIPLICATE

*(To be send to the Excise Officer concerned to the place of
export and returned to the Officer granting the permit).*

Permit for the import into Mizoram of India-made Foreign
Liquor rectified spirit etc., on which full duty/pass fee has been paid
from a distillery/warehouse in
.....

Serial No. of permit

District of issue

Place from which liquor is to be brought

Route by which liquor is to be imported

Date before which consignment is to be
despatched to Mizoram

Date of issue

Description of liquor (wine etc., as in application)	QUANTITY			Equivalent in London proof litre
	In bulk litre or bottle			
	Litre	Quarter	Pints	

Pass the article described above for import into at in the District. (The full amounting to Rs. having been paid at treasury/Sub-treasury atby Challan No. dt.)

Date

Signature and Designation
of the Officer granting it.

*
Strike out entries not applicable.

Entries to be made in the exporting District

Date of Issue	Quantity of issued	Strength
---------------	--------------------	----------

Officer in-charge of the Bonded.
Warehouse/Distillery.

FORM - IX
PERMIT FOR THE IMPORT OF INDIA
MADE FOREIGN LIQUOR INCLUDING REC-
TIFIED OR DENATURED SPIRIT OR ABSO-
LUTE ALCHOHOL INTO MIZORAM.

(See rule 14 (2))

QUADRUPLICATE

*(To be handed over to the person to whom pass in granted to
accompany the consignment.)*

Permit for the import into Mizoram of India-Made Foreign
liquor, rectified spirit etc., on which full duty/pass fee has been paid
from a distillery/ ware-house in

Serial no. of permit

District of issue

Place from which liquor is to be brought

Route by which liquor is to be imported

Date before which consignment is to be
despatched to Mizoram

Date of issue

Description of liquor (wine etc., as in application)	QUANTITY			Equivalent in London proof litre
	In bulk litre or bottle			
	Litre	Quarter	Pints	

Pass the article described above for import into at in
the District of (The full amounting to
Rs.)

having been paid at the treasury/Sub-treasury at
by Challan no. dt.)

Date

Signature and designation
of the Officer granting it.

* Strike out entries not applicable.

-o0o-

The Mizoram Excise & Narcotics (Wine) Rules, 2008

No. J.23011/4/2001-EXC, the 25th March, 2008. In exercise of the powers conferred by section 70 of the Mizoram Liquor Total Prohibition Act, 1995 (Act No. 10 of 1995) the Governor of Mizoram hereby makes the following rules, namely :-

1. Short title, extent and commencement:

(1) These rules may be called the Mizoram Excise & Narcotics (Wine) Rules, 2008.

(2) They shall have like extent as the Act.

(3) They shall come into force on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

2. Definitions:

In these rules unless the context otherwise requires, -

(1) “Act” means the Mizoram Liquor Total Prohibition Act, 1995;

(2) “*Fortified wine*” means wine the alcoholic strength of which has been increased by the addition of sugar or natural spirit or other substances permitted by the Commissioner and which shall have not more than such per cent of alcoholic strength as may be prescribed by the Government from time to time;

(3) “*fortification*” means the process of manufacturing fortified wine;

(4) “*licence*” means a licence granted under the Act or these Rules;

(5) “*must*” means the juice, stems, and skins of crushed grapes or guava;

(6) “*Officer-in-charge*” means an Excise & Narcotics officer appointed for the purpose of supervising the operations in a winery or wineries;

(7) “*permit*” means a permit granted under the Act or these Rules;

(8) “*winery*” means a building or a part of a building specified in the licence for the manufacture and store of wine;

(9) words and expressions used herein but not defined, shall have the same meaning as assigned to them in the Act.

3. Application:

(1) An application for the manufacture, sale, transport and export of wine to other states shall be made to the Commissioner in the Form No. M.E.W.R.-1

(2) Where the applicant for a licence is a firm, the name and other particulars of all the partners shall be mentioned in the application and if a licence is granted to the applicant, the names of all the partners shall be entered in the licence. Additional partners shall not be admitted to the firm unless the Commissioner agrees to it in writing.

(3) Every application shall be in triplicate and shall be accompanied by -

(a) the location and plan of the winery in which wine is proposed to be manufactured;

(b) availability of grape or guava fruit for making wine;

(c) statement showing the quantity of wine proposed to be manufactured during the currency of the licence;

(d) kind of wine proposed to be manufactured;

(e) statement specifying the number, size and description of all the vessels and other apparatus which are proposed to be used in manufacture of wine.

4. Grant of licence:

(1) On receipt of an application under Rule 3, the Commissioner or an officer so authorised, if he is satisfied, may grant a licence to the applicant subject to the provisions of section 26A of the Act.

(2) The Commissioner or the officer so authorised shall retain the original application and its enclosures, forward the duplicate and its enclosures to the Officer-in-charge of the winery and return the triplicate with the enclosures to the licensee after making due initials and stamps on all the applications and enclosures with his seal.

5. Arrangement of winery:

(1) Separate rooms or compartments separated by grills embedded in cement concrete shall be provided for the following purpose in every winery and no such room or compartment shall be used for more than one of the following purposes. –

-
- (a) manufacturing;
 - (b) storage of wine in bulk and bottling operations;
 - (c) storage of wine in sealed bottles, casks, barrels and other receptacles;
 - (d) there shall be separate tanks for fermentation, storage and fortification;
 - (e) each tank used for fermentation, storage or fortification shall be marked with a permanent serial number and the capacity of such tanks accurately gauged by the Officer-in-charge of the winery. A dipping rod shall be provided by the licensee marking the capacity for every centimetre of depth and the dipping point for each tank shall be indicated in permanent point on the tank with the word “DIP”;
 - (f) the licensee shall provide a separate spirit store with double lock arrangements.

(2) Every room or compartment in the winery shall be well ventilated and all the windows thereof shall be securely barred and covered with wiremesh of not more than two centimetres. Every such room or compartment shall bear on the outside, a sign board denoting the purpose for which the compartment or room is used. At the close of each working day, the winery and every room or compartment therein shall be locked by the licensee and the Officer-in-charge with separate locks.

(3) After the licence has been granted no additions to or alterations in any room or compartment or to any of the apparatus

of the winery shall be made without the previous approval in writing of the Commissioner or any other officer so authorised.

(4) No smoking shall be permitted and no bare lights or fires shall be allowed within the premises of the winery.

(5) The licensed premises shall be open to inspection at all reasonable hours by Excise & Narcotics Officers authorised in that behalf by the Commissioner or any other officer so authorised.

(6) All the processes in the manufacture of wine shall be carried out under the supervision of the Officer-in-charge.

(7) An accurate account of all the articles required for the manufacture of wine brought into winery shall be maintained by the licensee and verified by the Officer-in-charge.

(8) The entire process of manufacture including a correct account of materials used and the time taken or allowed for every stage of manufacture, shall be recorded by the licensee and verified by the Officer-in-charge.

(9) A correct account of the kind and quantity of wine manufactured shall be maintained by the licensee and verified by the Officer-in-charge in Form No M.E.W.R.2. Three samples of 650 mililitre bottles of every batch of wine manufactured shall be sent to the Commissioner or any other officer so authorised by the licensee, one sample for being sent to the Chemical Analyst and two samples for being preserved by the Commissioner or any other officer so authorised till such reasonable period as they are required.

(10) A correct account of the residue and the base shall be

maintained by the licensee. The residue and the base shall be destroyed in the presence of the Officer-in-charge.

(11) Duty at such rates as may be fixed and notified by Government from time to time shall be paid by the licensee before the wine is removed from the winery.

6. Conditions of licence:

(1) Every licence shall be in Form No. M.E.W.R. 3 and shall be subject to the conditions specified therein. It shall be effective from the date specified therein and remain in force for a period of two years from the effective date unless cancelled earlier;

(2) An application for renewal of licence shall be made at least one month before the date of expiry of the licence.

(3) A fee of such amount as may be fixed and notified by the government shall be charged for every licence.

7. Fortification of wine:

(1) The wine manufactured in the licensed premises shall not be fortified except with the permission of the Commissioner.

(2) A licensee desiring to fortify wine shall make an application in Form No. M.E.W.R.4 to the Commissioner or any other officer so authorised one month before the commencement of the operation.

(3) On receipt of the application the Commissioner or any other officer so authorised if satisfied that there is no objection to grant the permission to fortify wine may grant the permission and the Officer-in-charge shall be present at the time of fortification

and the entire operation of fortification shall be under his supervision.

(4) Fortification shall be made after filtration of wine and before bottling.

(5) The tank where filtered wine is stored shall be gauged by the Officer-in-charge in the presence of the licensee or his agent and record the same before the addition of natural spirit or rectified spirit or pure grape or guava.

(6) After the spirits have been added to the wine the content of the tank shall be thoroughly stirred to ensure a complete mixture of wine with the spirit added.

(7) After adding natural spirit or rectified spirit or pure grape or guava the said tank shall again be gauged and recorded by the Officer-in-charge in the presence of the licensee or his agent.

(8) Three samples of 650 ml. bottles from each such tank of wine to which the spirits have been added shall be obtained by the Officer-in-charge, one sample for being sent to the authorised Chemical Analyst and two samples for being preserved by the Commissioner or any other officer so authorised till such period as they are required.

(9) Wine to which spirits have been added shall be accounted for separately in Form No. M.E.W.R.5

(10) Every bottle, jar or cask containing fortified wine shall have on the label affixed the words "Fortified Wine" in a conspicuous manner.

8. Removal of wine from the winery:

(1) Wine manufactured in the licensed premises shall not be removed except—

(i) for transport within the State of Mizoram under the permit issued by the Officer-in-charge; and

(ii) for exports outside the State, under a permit issued by the Commissioner or another officer so authorised.

(2) A licensee desiring to remove wine from the winery shall make an application in Form No. M.E.W.R. 6, with a challan after having credited the excise duty.

(3) On receipt of an application for a permit for transport within the State along with the challan, the Officer so authorised by the Commissioner shall make out transport permit in triplicate in Form No. M.E.W.R. 7 and send one copy of it to the Superintendent of Excise & Narcotics of the place to which the wine is to be transported, give the second copy of the permit to the licensee to accompany the consignment and file the third copy with the challan in his office.

(4) On receipt of an application for an export permit to export outside the State along with the challan, the Commissioner or any other officer so authorised shall make out export permit in triplicate in Form No. M.E.W.R. 8 and send one copy of the permit to the Commissioner of the place to which the wine is to be exported, send the second copy of the permit to the licensee to accompany the consignment and file the third copy with the challan in his office.

9. Submission of monthly return of accounts:

The licensee shall furnish monthly returns of the accounts maintained by him as required by the Commissioner or any other officer so authorised.

10. Chemical Laboratory:

(1) The licensee shall establish a well-equipped Chemical Laboratory to the satisfaction of the Commissioner within the premises of the winery to check the quality of raw materials used and the liquor produced in the winery, which shall be manned by a Chemist holding a degree in Science with Chemistry as one of the subjects, preferably Organic Chemistry or Bio-Chemistry or specialisation in Alcohol Technology, or by an authorised Chemical Analyst.

(2) The wine produced in the winery shall be released for sale only after the person referred to in sub-rule (1) certifies that such wine is fit for human consumption.

11. Penalties:

(1) Breach of any of the provisions of these rules including conditions of the licence shall render the licensee liable to all or any of the following penalties, namely :-

- (i) Suspension or cancellation of the licence;
- (ii) Prosecution of the licensee or any person in his employment under the provisions of the Act, rules and orders made thereunder :

Provided that the prosecution under this clause shall be without prejudice to any action being taken under any other law for the time being in force.

(2) If on such prosecution before the Magistrate, a licensee is convicted, his licence shall be liable to be cancelled under these Rules.

12. Disposal of confiscated wine:

Confiscated wine fit for human consumption shall be deposited into the departmental store for disposal under the Mizoram Liquor Total Prohibition Rules, 1996.

13. Savings:

Notwithstanding anything contained in these rules and the provision of Mizoram Excise Rules, 1983 as amended from time to time shall apply for the purpose of manufacture, sale, possession, consumption, transport and export of wine.

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FORM M.E.W.R.1*[See Rule 3]***APPLICATION FORM FOR ESTABLISHING
WINERY**

To,

The Commissioner of Excise & Narcotics,
Mizoram : Aizawl.

Sir,

I/We desire to establish winery and manufacture wine and pray for issue of licence to me/us. Necessary particulars in support of my/our application are as follows :-

1. Name of applicant (in case of a firm names :
of all partners/ in case of company or society
the name of Managing Director/Chairman)
2. Father's Name :
3. Age of the applicant :
4. Nationality :
5. Occupation :
6. Address :
7. Proposed location for winery (Copy of LSC :
and plan of the winery be enclosed).

-
- | | | |
|-----|---|---|
| 8. | Availability of grape in kgs & variety. | : |
| 9. | Quantity and kind of wine proposed for production. | : |
| 10. | Number size & description of vessels & apparatus | : |
| 11. | Availability of wine expert if so, name & qualification | : |

DECLARATION

I/We declare that the particulars mentioned in the application are correct. I/We hereby undertake to abide by the conditions of the licence and provisions of the Mizoram Liquour Total (Prohibition) Act 1995 and the Mizoram Excise & Narcotics (Wine) Rules, 2008.

Signature of the Applicant.

FORM M.E.W.R.1A

[See Rule 3(1)]

APPLICATION FOR RETAIL VENDING OF WINE

To,

The Commissioner of Excise & Narcotics,
Mizoram : Aizawl.

Sir,

I have the honour to pray for issue of permit for retail vending of wine. Necessary particulars in support of my application are as follows :-

1. Name and address of applicant :
2. Father's Name :
3. Age :
4. Nationality :
5. Proposed location for shop :

DECLARATION

I/We declare that the particulars mentioned in the application are correct. I/We hereby undertake to abide by the conditions of the licence and provisions of the Mizoram Liquor Total (Prohibition) Act 1995 and the Mizoram Excise & Narcotics (Wine) Rules, 2008.

Signature of the Applicant.

FORM M.E.W.R.1B

[See Rule 3(1)]

PERMIT FOR RETAIL VENDING OF WINE

Permission is hereby granted to
..... on payment of fee of Rs to sale wine by retail,
from his/her shop located at under and sub-
ject to the provisions of Mizoram Excise & Narcotics (Wine) Rules,
2008 and the rules and orders made thereunder.

Dated

Seal

Commissioner of Excise & Narcotics,
Mizoram, Aizawl.

	1	Serial Number		
	2	Date on which grapes or guavas are issued for crushing		
	3	Kind of wine		
	4	Batch number		
	5	A	Vat number	Manufacturing Room
		B	Quantity of Fresh Grapes/ Guavas	
		C	Quantity of other materials, if any	
		D	Quantity of Sugar or Natural Spirit	
		E	Quantity of Water	
		F	Total contents of in the Vat in litres	
	6	Total quantity under manufacture in litres		
	7	Date on which wine is issued for filtration		
	8	A	Quantity received from the manufacturing room	Filtration Room
		B	Quantity received after filtration	
		C	Quantity of residue or base	
		D	Date on which the residue or base is destroyed	
	9	Date on which filtration was completed and the wine was put into cask for ageing		
	10	Date on which wine was removed from cask for bottling		

[See Rule 5(9)]

FORM M.E.W.R.2

	11	A	Qty. received	Bottling Room	
		B	Qty. bottled		
		C	Qty. in litres		
			Qty. in ml.		
			Qty. in ml.		
			Qty. in ml.		
			Qty. in ml.		
			Qty. in ml.		
			Qty. in ml.		
			Qty. in ml.		
		D	Quantity transferred to general store room		
	12		Balance in stock in bottling Room	Store Room	
		A	Quantity received		
		B	Quantity issued under bond		
		C	Permit No. and date		
		D	Quantity issued after clearance of duty		
		E	Challan number and date		
		F	Permit number and date		
		G	Balance stock		
	13		Initial of the officer-in-charge		
	14		Remarks		

FORM M.E.W.R. 3

[See Rule 6(1)]

***Licence for the manufacture of wine from
Grapes***

Licence is hereby granted to(hereinafter referred to as “The Licensee”) on payment of a licence fee of rupees authorising to manufacture, store and sell under and subject to the provisions of the Mizoram Excise & Narcotics (Wine) Rules, 2008 (hereinafter referred to as “the said Rules”) and orders made thereunder, wine at his winery situated at(hereinafter referred to as “the winery”) during the period of two years from day of20..... on the following conditions, namely:–

CONDITIONS

(1) The licensee shall not manufacture wine except at the winery and under the supervision of the officer-in-charge of the winery.

(2) The licensee shall use only fresh grapes or guavas which are ripe and shall not use any fermenting agent except with the special permission of the Commissioner or any other officer so authorised. Sugar or Natural Spirit may be added before, during or after fermentation. Whether the grapes or guavas proposed to be used are fresh or not shall be determined by the Officer-in-Charge.

(3) The licensee shall not dilute or adulterate the wine, or store or permit to be stored any wine which he knows to be diluted or adulterated.

Provided that wine may be fortified with alcohol or pure grape or guavas to increase the alcoholic strength of wine, which shall not exceed the alcoholic strength as determined.

(4) All receptacles shall be so placed and fixed as to facilitate the contents thereof being accurately gauged and measured. Each receptacle shall be gauged by the Officer-in-charge and shall bear a distinctive serial number and have its capacity distinctly and indelibly marked on it. A table showing the dimensions and capacities of the receptacles shall be maintained by the licensee for reference. Measuring labels shall be affixed to show contents at one centimetre of depth of each receptacle.

(5) The licensee shall, besides providing suitable office accommodation with sanitary arrangements for the supervisory staff within the premises of the winery, also supply them with such furniture and other articles as the Commissioner or any other officer so authorised may consider necessary.

(6) The licensee shall not permit or allow any smoking and use of bare light or fires within the premises of the winery.

(7) The licensee shall not discontinue the manufacture of wine unless he has given to the Commissioner or any other officer so authorised three months notice of his intention to do so or has deposited the cost of the supervisory staff of three months in lieu of notice.

(8) (a) There shall be only one entrance to the bonded winery and one door to the compartments or rooms mentioned in rule 5(1).

(b) At the end of each working day the licensee shall close and lock the winery and every room or compartment therein.

(9) The licensee shall keep affixed on the outside of each room or compartment of the winery a sign on which should be conspicuously painted in oil colour, the purpose for which the room or compartment is intended to be used and no room or compartment or receptacle intended for a specific purpose shall be used for a different purpose.

(10)(a) The licensee shall maintain accounts showing a correct account of –

(i) the kind and quantity of grapes or guavas and sugar used and also of the quantity of water added to them;

(ii) the period allowed for fermentation;

(iii) the names and quantities of other ingredients, if any, added before, during or after fermentation to the must or wine;

(iv) the period allowed for ageing;

(v) quantity of wine manufactured;

(vi) the quantity of wine issued from the winery with the dates of manufacture, issue, names of the licensees to whom and the places to which the wine has been consigned;

(vii) the balance in stock after each transaction; and

(viii) the quantity of residue and base and the manner of their disposal.

(b) The licensee shall maintain day-to-day accounts showing therein the stock of wine, bases or must in the winery at the end of each day.

(c) The entries in the account books should not be erased or overwritten. Should it be necessary to correct any entry it should be rounded in red ink in such manner as to leave it distinctly visible and the correct entry should be inserted above it. Every such correction should be initialled by the Officer-in-charge.

(d) The licensee shall maintain the accounts of transactions of spirit stores in Form No. M.E.W.R. 3A.

(11) The licensee shall issue authorisations signed by himself and countersigned by the officer-in-charge to all his agents or servants who are allowed to enter the winery. No person who does not hold an authorisation shall be allowed to enter the winery. It will be open to the Officer-in-charge to cancel any authorisation countersigned by him.

(12) Except with the written permission of the Commissioner or any other officer so authorised, the licensee shall not sell, transfer or sub-lease the right of manufacture conferred upon him by this licence, nor shall he, in connection with exercise of the said right, enter into any agreement or arrangement which is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of sub-lease, the decision of the Commissioner or any other officer so authorised shall be final and binding on the licensee.

(13) The licensee shall, on a requisition from the Officer-in-charge, allow him to take samples of the grapes or guavas used,

the juice of such grapes or guavas at any stage of fermentation and the wine stored in the winery, free of cost, whenever required for the purpose of chemical analysis. The quantity taken for samples shall not exceed 650 ml. in the case of the wine or other liquids, or 1/2 kilo in case of semi-liquids. The Licensee shall pay such fee as may be determined by the Government from time to time for each examination of sample made by the Chemical Analyst.

(14) The licensee shall allow the Officer-in-charge or any other Officer duly authorised by the Commissioner to take stock of wine stored at the winery at least twice in a year. The licensee shall be required to explain the excess or deficiency in the stock if it exceeds or falls short by one per cent. If the explanation is not satisfactory, the licensee may be required to pay such excise duties as the Commissioner may direct.

(15) The licensee shall maintain such measures and weights as may be determined by the Officer-in-charge with the previous approval of the Commissioner.

(16) The licensee shall not sell wine except to licensees holding licences to sell, distribute and export wine. Quantities of less than fifty litres shall not be sold at a time.

(17) The licence may be suspended or cancelled in accordance with the provisions of the Mizoram Excise & Narcotics (Wine) Rules, 2008.

Granted this day of, 200.....

Seal

Commissioner

FORM M.E.W.R.3A*(Condition (10) (d) of Form M.E.W.R. 3)****Register of transactions of Spirit Stores, of the bonded Winery of***

Month and date	In hand					Received		
	Qty.	Strength	Proof	Source of supply	Permit No. and date	Qty.	Strength	Proof
1	2					3		4

Total in hand and received (Columns 2 and 3)				Expanded		Remarks	
Application No and date	Quantity	Strength	Proof	Tank No. to which added	Batch No.		
5				6			7

FORM M.E.W.R. 4*[See Rule 7(2)]****Application for fortification of wine***

Bonded Manufacture of

Indent No

Date

To,

The Commissioner of Excise & Narcotics,
Mizoram, Aizawl.

Sir,

Please issue litre of Neutral Spirit
from the Store for use in the fortification of wine in Tank No.
..... Batch No

.....
Signature of the Licensee

Date and time of issue	Quantity issued			Signatures of Officer-in- Charge	Signature of the licensee for receipt
	Quantity	Strength	Proof litres		
1	2	3	4	5	6

FORM M.E.W.R.5*[See Rule 7(9)]*

Sl No.	Date	Sl No of the tank	Capacity of the tank	Gauged contents of wine in Ltrs.	Batch No.	Strength of wine in proof	Quantity Neutral Spirit/pure grape	Strength of neutral Spirit/ pure grape used	
								Strength	Proof litres
1	2	3	4	5	6	7	8	9	

Gauged contents after adding neutral spirit / pure grape	Strength of wine after fortification in proof	Date on which bottled	Remarks
10	11	12	13

FORM M.E.W.R. 6*[See Rule 8 (1) (i) & (ii)]****Application for Transport/export of Wine***

To,

The

.....

Sir,

I desire to transport/export litres of wine manufactured at my winery. Detail of the quantity, destination, duty paid etc, are furnished below :

1. Quantity of wine to be transported/exported. :
2. Date of manufacture with Batch No. :
3. Amount of duty paid with Challan No. :
(Challan should be enclosed).
4. The name of the licensee to whom the wine :
is to be dispatched.
5. The time required for transport/export. :

Place:

Yours faithfully,

Date:

Licensee

FORM M.E.W.R. 7*[See Rule 8 (3)]****Permit for Transport of Wine***

1. Name and the Licence Number of :
the manufacturer
2. Name and Licence Number of indentor :
3. Quantity of wine covered by the permit :
4. Strength of wine :
5. Amount of duty paid with the :
challan number
6. Number of receptable or vessels used :
for carrying the wine
7. The number and nature of seals on the :
receptacles or vessels used for carrying
the wine.
8. Duration of the permit. :

Dated :

Issuing Authority

FORM M.E.W.R. 8*[See Rule 8 (4)]****Permit for the export of wine***

1. Name and Licence number of the :
manufacturer.
2. Name and Licence number of importer. :
3. Number and date of import permit. :
4. Quantity of wine covered by the permit. :
5. Strength of wine. :
6. Amount of duty, if any, paid and the :
challan number (*Copy to be enclosed*)
7. The number of receptacles or vessels :
used for carrying the wine.
8. The number and nature of seals on :
the receptacles or vessels used for
carrying the wine.
9. Duration of the permit. :

Dated :

Commissioner



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NOTIFICATION

No. H.12018/67/98-LJD, the 23rd April, 1999. The Following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Liquor Total Prohibition (Amendment) Act, 1999
The Mizoram Act No. 3 of 1999.

(Received the assent of the Governor of Mizoram on the 12th April, 1999)

AN ACT

to amend the **Mizoram Liquor Total Prohibition Act, 1995** (herein referred to as the principal Act) and to make the Act more effective in its implementation.

Be it enacted by the legislative Assembly of the State of Mizoram is the Fifth year of the Republic of India as Follows.

1. Short title and commencement:

(1) This Act may be called the **Mizoram Liquor Total Prohibition (Amendment) Act, 1999**

(2) it shall have a like extend as the principal Act.

(3) it shall come into force on such date as the State government may, notification in the official Gazette appoint and different date may be appointed for different areas.

2. (1) In the Principal Act, in sub-section (1) of section 2 after clause (f) the following clause shall be inserted as sub-clause (1) of clause (f) namely—

(i) “*Excise Station*” means any post or place declared generally or specially by the Government, to be an Excise Station, and it shall include any local area specified by the Government in this behalf;

(2) after clause (k), the following clause shall be added as sub-clause (i) of clause (k) namely—

(i) “*Officer in-charge of an Excise Station*” means an Excise Officer who is in-charge of an Excise Station and includes an Excise Officer posted at the station who is next in rank to such officer and is above the rank of constable or, when the Government so directs, any other Excise Officer so present;

3. Amendment of Section 6:

In section 6 of the principal Act, for the words - “..... all officer including the Officer of the Police and other Department” the words :- “... all Officers of other Departments excluding the Officers Of the Police Department” shall be substituted.

4. Amendment of section 29:

In section 29 of the principal Act, for the word, “Government”, the words, “Commissioner”, shall be substituted.

5. Bar of application of section 360 of the Code of Criminal Procedure, 1973 and of the Probation of offenders Act, 1958:

After section 39 of the principal Act, the following section shall be inserted as section 39 - A namely - “39-A. Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) or in the Probation of Offenders Act, 1958 (20 of shall), shall apply to a person convicted of an offence under this Act, unless such person is an infirm, old aged or under eighteen years of age,”

6. Amendment of sub-section (1) of section 50:

In sub-section (1) of section, 50 of the principal Act, for the words - no below the rank of Sub- Inspector’ the words - “not below such rank as may be prescribed by the Government”, shall be substituted.

7. Amendment of sub-section (1) of section 53:

In sub-section (1) of section 53 of the principal Act, the words and expressions ... “or an officer of the Excise Department not below the rank of Superintendent of Excise, as the case may be” occurring in between the words - “first class” and :may issue”

shall be deleted.

8. Amendment of sub-section (1) of section 54:

In sub- section (1) of section 54 of the principal Act, for the words - “not below the rank of Sub-Inspector as may be prescribed by the Government”, shall be substitute.

9. Arrest by private person and procedure on such arrest:

After section 55 of the principal Act, the following session shall be inserted as section 55 A. namely -

“55A. Any private person or persons may arrest or cause to be arrested any person whom his or their presence commits a non bail-able and cognizable offence under this Act. and, without and necessary delay, shall make over of cause to be made over any person so arrested to the Excise or Police Officer, or, in the absence of the Excise or Police Officer, take such person of cause him to be taken in custody to the nearest Excise Station or Police Station”.

10. Amendment of section 58:

In section 58 of the principal Act, for the words - ‘Collector’, the words “Officer in-charge of an Excise Station or Police Station” shall be substituted.

11. Offence cognizable and non bailable:

After section 58 of the principal Act, the following section shall be inserted as section 58-A namely – “58.A. Notwithstanding anything contained in the code of Criminal Procedure, 1973 (2 of 1974) –

- (a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for a term of imprisonment of three years or more under this Act shall be released on bail or on his own bond unless —

(i) the prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence and that he is not likely to commit any offence while on bail”,

12. Amendment of section 59:

In sub-section (2) of section 59 of the principal Act, for the words, — “for a district or part thereof and for such period as it may deem fit, Prohibition Committees consisting of official and non-official residents of the district” the following words shall be substituted, namely —

“for every District, Sub-Division, Block, Village or area, and for such period as it may deem fit, Prohibition Committees consisting of such officials and not-official posted or residing in such District, Sub-Division Block Village or area, as may be prescribed by the Government.”

P. Chakraborty
Secretary to the Government
of Mizoram, Excise Department.



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NOTIFICATION

No. H.12018/67/96-LJD/96, the 20th April, 2007. The Following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Liquor Total Prohibition(Amentment) Act, 2007
(Act No. 4. of 2007)

[Received the assent of the Governor of Mizoram on the 5th April, 2007]

ANACT

to further amend the **Mizoram Liquor Total Prohibition Act, 1995(Act no. 10 of 1995)** (hereinafter referred to as the principal Act) and to regulate manufacture, sale, possession and consumption of wine in Mizoram in relaxation of the provisions of the Principal Act, and for matters connected thereto.

It is enacted by the Legislative Assembly of the State of Mizoram in the Fifty-eighth year of the Republic of India as follows :-

1. Short title and extent and commencement:

(1) This Bill may be called the **Mizoram Liquor Total Prohibition (Amendment) Act, 2007.**

(2) It shall have the like extent as the Principal Act.

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

2. Amendment of sub-section (1) of section 2.

(1) In the principal Act, in sub-section (1) of section 2 after clause (g), the following clauses shall be inserted, namely—

“(g a) ‘grape’ means fruit of *Vitis vinifera* / *vitis lubrusca*;

(g b) ‘guava’ means fruit of *Psidium gujava*;”

(2) In the principal Act, in sub-section (1) of section 2 after clause (j) the following proviso shall be inserted, namely—

“Provided that it shall not include wine made from grapes and guavas under a licence from the Government, which shall not contain more than such percentage of alcohol as may be prescribed by the Government.”

(3) In the principal Act, in sub-section (1) of section 2 after clause (q), the following clause shall be added, namely—

“(r) ‘wine’ means fermented juice of grape or guava.”

- (4) In the Principal Act, in sub-section (1) of section 2, the clauses namely, (fi) and (ki) shall be re-lettered as (fa) and (ka) respectively.

3. Amendment of Section 13:

In section 13 of the principal Act the following shall be added, namely –

“*or*, (c) alter or attempt to alter wine or have in his possession wine with more than the prescribed content of alcohol.”

4. Insertion of Sec 26-A:

After section 26 of the principal Act the following section shall be inserted, namely–

26-A. “Licence for manufacture etc. of wine: Subject to general conditions of section 26 and with prior approval of the Government, the Commissioner or any other officer duly authorised by him may grant licence and permit for –

- (i) manufacture of wine;
- (ii) wholesale and retail vending of wine;
- (iii) transport and export of wine within and outside the state.”

5. Insertion of new section 26-B:

After section 26A in the Principal Act, a new section shall

26-B. “Provisions for manufacture, possession, sale, consumption, etc. of wine: Notwithstanding anything contained in section 7, for the purposes of manufacture, possession, sale, consumption, import, transport, export of wine and all other matters connected thereto, the provisions of Mizoram Excise Act, 1973 (Mizoram Act No. 7 of 1974) as amended from time to time shall apply with effect from the appointed day.”

6. Amendment of section 70:

In sub-section (2) of section 70 of the Principal Act, after clause (c), a new clause shall be inserted as follows, namely—

“(cc) for regulating manufacture, possession, sale, transportation and consumption of wine, and grant, cancellation and renewal of licence for the purpose, and for prescribing procedure and conditions for the purpose;”



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NOTIFICATION

No. J.23011/4/2001-EXC, the 7th September, 2007.

In exercise of the power conferred by section 1(3) of Mizoram Liquor Total Prohibition(Amendment) Act, 2007 the Governor of Mizoram is pleased to order that the Mizoram Liquor Total Prohibition (Amendment) Act, 2007 which received the assent of the Governor on 5th April, 2007 published vide Notification No. H.12018/67/96-LJD/96 Dt. 20th April, 2007 and notified in the Mizoram Gazetted Extra-ordinary Vol. XXXVI Issue No. 122 Dt. 23.4.2007 shall come into force with immediate effect.

Sd/- R.K. Gupta,
Secretary to the Govt. of Mizoram,
Excise & Narcotics Department



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NOTIFICATION

No. J.23011/4/2001-EXC, the 9th April, 2008. In exercise of the power conferred by section 70 of the Mizoram Liquor Total Prohibition Act, 1995 (Act No. 10 of 1995), the Governor of Mizoram is pleased to order that the Mizoram Excise & Narcotics (Wine) Rules, 2008 which was published vide Notification No. J.23011/4/2001-EXC Dt. 25th March, 2008 and notified in the Mizoram Gazetted Extra-ordinary Vol. XXXVII Issue No. 74 Dt. 25.3.2008 shall come into force with immediate effect.

Sd/- Vanengmawia,
Secretary to the Govt. of Mizoram,
Excise & Narcotics Department

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