

*The*  
**MIZORAM EXCISE  
& NARCOTICS**



**MANUAL**  
**2005**

***THE MIZORAM EXCISE  
AND NARCOTICS  
MANUAL, 2005***



Commissioner of Excise & Narcotics  
Govt. of Mizoram

Aizawl,  
30 April, 2007.

## FOREWORD

The Assam Excise Act, 1910 was not extended to erstwhile 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 21<sup>st</sup> January, 1972 its first Legislative Assembly passed the Mizoram Excise Bill in 1973. This Bill was assented to by the President of India on 17<sup>th</sup> April, 1974. 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 have come into force on 10<sup>th</sup> October, 1984.

Mizoram attained statehood on 20<sup>th</sup> February, 1987. Government felt necessary to take stringent measures to deal with the situation by enacting new Excise Law which may repeal the Mizoram Excise Act, 1973. The Mizoram Legislative Assembly, therefore, passed the Mizoram Excise Bill, 1992 which received the assent of Governor of Mizoram on 18<sup>th</sup> November, 1992.

There was a crying need to fight against alcoholism. In spite of heavy financial loss to be sustained, Government was committed to impose Prohibition Law. Therefore, instead of enforcing the Mizoram Excise Act, 1992 a new enactment, 'The Mizoram Liquor Total Prohibition Act, 1995 came into existence.

To wean away people from the evil habits of alcoholic beverages and to have a clean and healthy society the Mizoram Liquor Total Prohibition Act, 1995 and the Mizoram Liquor Total Prohibition Rules 1996 are enforced with effect from 20<sup>th</sup> February, 1997.

Govt. of Mizoram declared Excise department as a Nodal department for the purpose and administration of Narcotic Drugs and Psychotropic Substances Act, 1985 vide Notification no. C. 31017/1/88-HMP dated

22<sup>nd</sup> June 1992. As a Nodal department, the Mizoram Excise have made all out efforts by having vigil over the city, towns and interior places even along the Indo-Myanmar border to prevent entry of narcotics from across the border.

To regulate possession, transport, purchase, sale, etc of manufactured drugs including morphine the Govt. of Mizoram made the Mizoram Narcotic Drugs and Psychotropic Substances Rules, 2004 which have been enforced with effect from 1<sup>st</sup> February, 2006.

The Mizoram Excise is a uniformed cadre which performed duty for 24 hours a day in combatting drug menace and crimes connected thereto and offenders of Excise laws. Therefore, since long time back it had been felt necessary to have a Manual of its own for the efficient administration and proper functioning of the department. Accordingly, the draft Mizoram Excise Manual, 2005 was submitted to the Council of Ministers in its meeting held on 11<sup>th</sup> August 2006 and the same having been approved by the cabinet, the long time dreams of the department have come to reality. The Manual has come into force with effect from 13<sup>th</sup> Sept, 2006 vide Govt. Notification No. J. 23014/1/2004- Exc dated 14<sup>th</sup> Sept, 2006.

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, the Government of Mizoram renamed the department as Excise and Narcotics Department with effect from 16<sup>th</sup> October, 2006 vide Notification No. A. 46011/1/2004 - GAD/Pt dated 16.10.2006.

This Mizoram Excise and Narcotics Manual, 2005 is a comprehensive handbook of all the Excise Laws, Rules framed there-under and the Rules framed under the Narcotic Drugs and Psychotropic Substances Act, 1985. In fact, the inclusion of these has enhanced the utility of the book.

I gratefully acknowledge the service rendered by officers and all ranks in bringing out the book. I shall consider myself amply rewarded if this 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, appearing to be 'Lalbiakmawia Kiangte', with a date '30 04 07' written below it.

(LALBIAKMAWIA KHIANGTE)

**THE MIZORAM EXCISE AND NARCOTICS MANUAL, 2005**

# Contents

	<u>Page No</u>
NOTIFICATION .....	1

**PART - I  
ORGANISATION  
(Recruitment, Duties and Responsibilities)**

<b>1. (a) Commissioner of Excise and Narcotics .....</b>	<b>1</b>
General power and duties .....	2
<i>Inspection</i> .....	2
<i>Supervision of District Officers</i> .....	2
<i>Annual Confidential Report</i> .....	2
<i>Budget Controlling Officer</i> .....	2
<i>Rewards</i> .....	2
<i>Delegation of powers</i> .....	2
<i>Procurement of uniform items</i> .....	2
<i>Access to other department and agency</i> .....	3
<i>Transfer</i> .....	3
<b>(b) Deputy Commissioner of Excise and Narcotics .....</b>	<b>3</b>
<i>Inspection</i> .....	3
<i>Annual Confidential Report</i> .....	3
<b>(c) Assistant Commissioner of Excise and Narcotics .....</b>	<b>3</b>
<i>Inspection</i> .....	4
<i>Annual Confidential Report</i> .....	4
<b>(d) Superintendent of Excise and Narcotics .....</b>	<b>4</b>
<i>Powers and duties of Superintendent of Excise and Narcotics in the     Commissionerate</i> .....	4
<i>Superintendent of Excise and Narcotics (Prosecution)</i> .....	4
<i>General duties and responsibility</i> .....	4
<i>Annual Confidential Report</i> .....	4
<i>Superintendent of Excise and Narcotics in the District</i> .....	5
<i>Annual Confidential Report</i> .....	5
<i>Drawing and Disbursing Officer</i> .....	5
<i>Leave</i> .....	5
<i>Reports</i> .....	5
<i>Inspection</i> .....	5
<i>Reward</i> .....	5

(ii)

<b>2. Subordinate Officers .....</b>	<b>6</b>
<b>(1) Inspector of Excise and Narcotics .....</b>	<b>6</b>
<i>Power .....</i>	<i>6</i>
<i>Duties .....</i>	<i>6</i>
<i>Supervision of investigation .....</i>	<i>6</i>
<i>Responsibility .....</i>	<i>6</i>
<b>(2) Sub-Inspector of Excise and Narcotics/Asst. Sub-Inspector of Excise and Narcotics .....</b>	<b>6</b>
<i>Duties and responsibilities .....</i>	<i>6</i>
<b>(3) Wireless Operator .....</b>	<b>7</b>
<i>Duties and responsibilities .....</i>	<i>7</i>
<b>(4) Head Excise and Narcotics Constable .....</b>	<b>7</b>
<i>Duties and responsibilities .....</i>	<i>7</i>
<b>(5) Excise and Narcotics Constable .....</b>	<b>8</b>
<i>Duties and responsibilities .....</i>	<i>8</i>
<b>(6) Driver .....</b>	<b>8</b>
<i>Duties and responsibilities .....</i>	<i>8</i>
<b>3. Ministerial establishment .....</b>	<b>9</b>
<i>Office staff.....</i>	<i>9</i>
<i>Duties of Office Superintendent .....</i>	<i>9</i>

## **PART - II**

### **OFFICE OF THE SUPERINTENDENT OF EXCISE AND NARCOTICS**

<i>Ministerial Establishment .....</i>	<i>9</i>
<i>Leave of Ministerial Staff.....</i>	<i>9</i>
<i>Duties of Head Assistants on taking charge.....</i>	<i>10</i>
<i>Duties of Head Assistant .....</i>	<i>10</i>
<i>Service Books .....</i>	<i>10</i>
<i>Entries of punishments in Service Books .....</i>	<i>10</i>
<i>Officer-in-Charge of forms .....</i>	<i>10</i>
<i>Stock taking .....</i>	<i>11</i>
<i>Tour diary of Superintendent of Excise and Narcotics etc. ....</i>	<i>11</i>
<i>General Register of Excise and Narcotics Rewards to be kept .....</i>	<i>11</i>

**PART - III  
COURT OFFICE**

<i>Prosecution staff</i> .....	11
<i>Court Officers</i> .....	12
Duties of Court Officers - .....	12
<i>Court Excise and Narcotics Constables</i> .....	12
<i>Duty of Superintendent of Excise and Narcotics in the Prosecution of cases</i> .....	13
<i>Appeals and withdrawal of cases</i> .....	13
<i>Production of diaries</i> .....	13
<i>Expenses of complainant and witnesses attending court</i> .....	14
<i>Custody of Case diaries and other Excise and Narcotics papers</i> .....	14
<i>Court Offices connection with records</i> .....	14
<i>Court Officer to apply at once for warrant</i> .....	15
<i>Issue of warrants and action to be taken on them by the Excise and Narcotics</i> .....	15
<i>Court officer to send intimation to Excise and Narcotics Station of surrender of Absconder and of cancellation of warrant</i> .....	16
<i>Witness arrested on warrant</i> .....	16
<i>Search of prisoners</i> .....	16
<i>Interview with under-trial prisoners while in court</i> .....	16
<i>Court officer to inform Jail if prisoner is of dangerous character</i> .....	16
<i>Custody of property in the court office</i> .....	17
<i>Summons to Excise and Narcotics officers</i> .....	17

**PART - IV  
EXCISE AND NARCOTICS STATION**

<i>Definitions</i> .....	17
<i>General duties of Officer-in-Charge of Excise and Narcotics Station</i> .....	18
<i>Command Certificate</i> .....	18
<i>Instruction to subordinates at Excise and Narcotics Station</i> .....	18
<i>Copies of Excise and Narcotics papers not to be given</i> .....	18
<i>General Diary</i> .....	19
<i>Excise and Narcotics Station premises to be kept neat and clean</i> .....	19
<i>Keys of the Malkhana and Lock-up</i> .....	20
<i>Notice and Signboards</i> .....	20
<i>Register of papers received and despatched</i> .....	20
<i>Case Diary and its contents</i> .....	21
<i>Detention of accused in Excise and Narcotics Custody</i> .....	21

**PART - V  
GENERAL**

<i>Training</i> .....	22
<i>Age and physical standard of Recruits</i> .....	22
<i>Medical examination and Police verification</i> .....	22
<i>Service Book/Service sheet how to keep</i> .....	23
<i>Fatigue duty</i> .....	23
<i>General instructions as to punishments</i> .....	24
<i>Proceedings based on conviction</i> .....	24
<i>Department proceedings &amp; other punishments</i> .....	25
<i>General instruction as to transfer of non-gazetted officers</i> .....	25
<i>Maximum period of service without transfer</i> .....	25
<i>Limit of absentees</i> .....	26
<i>Grant of leave to officers transferred</i> .....	26
<i>Leave of officers of and below the rank of Sub-Inspector</i> .....	26
<i>Inspections</i> .....	26
<i>Guidelines for parade Inspection of Excise and Narcotics personnel</i> .....	27
A. Indoor .....	27
B. Outdoor .....	28
C. Uniform clothing inspection .....	28
<i>Salutes</i> .....	28
<i>Procedure for making arrest</i> .....	29
<i>Use of handcuffs or fetters in securing prisoners</i> .....	31
<i>Loss of property of Prisoners escorted</i> .....	32
<i>Payment of conveyance and other incidental charges of under-trial prisoners</i> .....	32
<i>The Government Servants Conduct Rules</i> .....	32
<b>ARMS &amp; AMMUNITION</b> .....	<b>28</b>
<i>Procurement</i> .....	32
<i>Custody of arms etc.</i> .....	33
<i>Loss or theft of arms or ammunition etc.</i> .....	33
<i>Training of armourers</i> .....	33
<i>Proper care and maintenance of arms and ammunition</i> .....	33
<b>RADIO COMMUNICATION</b> .....	<b>32</b>
<i>Officer-in-charge of equipments</i> .....	37
<i>Record</i> .....	37
<i>Officer-in-Charge in a District</i> .....	37
<i>Custody</i> .....	38
<i>Register</i> .....	38



<i>Maintenance</i> .....	38
<i>Inspection</i> .....	38
<i>Defect</i> .....	38
<i>Loss or theft of Wireless equipment</i> .....	39
<i>Issue Register</i> .....	39
<i>Checking of Register</i> .....	39
<i>Maintenance of Battery:- Acid, distilled water, battery post</i> .....	40
<i>Training of Wireless Operators</i> .....	40
<i>Proper care and handling of Handsets</i> .....	40
<i>Use of Priorities</i> .....	41

**MOTOR VEHICLE ..... 37**

<i>Motor vehicle</i> .....	44
----------------------------	----

**UNIFORMS ..... 38**

<i>Supply of uniform to certain classes of officers</i> .....	45
<i>Departmental Badges and Buttons</i> .....	46
<i>Description of uniforms</i> .....	46
<i>When uniform are to be worn</i> .....	49
<i>Blazer</i> .....	49
<i>Departmental Flag</i> .....	49
<i>Uniform of officer while officiating in superior appointment</i> .....	50
<i>Mourning Band</i> .....	50
<i>Period of life of kit</i> .....	50
<i>Issuing of clothing</i> .....	50
<i>Liability to bear cost of replacement</i> .....	51
<i>Committee on receipt of clothing</i> .....	51
<i>Clothing handbook</i> .....	51
<i>Quarterly checking of stock</i> .....	51

**Annexure Index ..... 53**

**ANNEXURES**

A. Organisation chart of Mizoram Excise and Narcotics Department .....	55
B. Recruitment Rules .....	56 – 91
C. Proformas .....	92 – 140

**PART - VI**

The Mizoram Excise Act, 1973 .....	141 – 187
The Mizoram Excise Rules, 1983 .....	188 – 289
Instructions relating to the Mizoram Excise Act, 1983 .....	290 – 375

**PART VII**

The Mizoram Excise Act, 1992 .....	376 – 426
------------------------------------	-----------

**PART - VIII**

The Mizoram Liquor Total Prohibition Act, 1995 .....	427 – 460
The Mizoram Liquor Total Prohibition Rules, 1996 .....	461 – 488
The Mizoram Excise & Narcotics (Wine)Rules, 2007 .....	489 – 507
The Mizoram Liquor Total Prohibition(Amendment) Act, 1999 .....	508 – 511
The Mizoram Liquor Total Prohibition(Amendment) Act, 2007 .....	512 – 514

**APPENDIX**

The Mizoram Narcotics Drugs and Psychotropic Substances Rules, 2004 .....	516 – 549
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# THE MIZORAM EXCISE AND NARCOTICS MANUAL, 2005

## *NOTIFICATION*

Dated Aizawl, the 14<sup>th</sup> September, 2006

No. J. 23014/1/2004 – EXC: The Governor of Mizoram is pleased to notify the Mizoram Excise and Narcotics Manual, 2005 (Part I – V) which will come into force with effect from 13<sup>th</sup> September, 2006

### **PART - I**

#### **ORGANISATION**

##### *(Recruitment, Duties and Responsibilities)*

The Mizoram State Excise and Narcotics Department has been created for administration and enforcement of all matters relating to Excise and Narcotic laws and to collect revenue therefrom. The Department is headed by Commissioner of Excise and Narcotics and assisted by one Deputy Commissioner of Excise and Narcotics and two Assistant Commissioners of Excise and Narcotics. The Organisation Chart of the Department is appended in Annexure – A. The organisation set up of the department with different responsibilities are as follows:-

##### **1. (a) Commissioner of Excise and Narcotics :**

The post of Commissioner of Excise and Narcotics is created by the Governor of Mizoram under the provision of Article 309 of the Constitution of India. The post is filled up by promotion from Deputy Commissioner of Excise and Narcotics who had a qualifying service as required by Recruitment Rule appended as Annexure – B1. He is appointed by the Governor of Mizoram. He shall occupy the position of Adviser to the State Government in all matters relating to Excise and Narcotics policy and the department. He is the head of Excise and Narcotics department and responsible for every branch of the Excise and Narcotics administration and exercises general control over

the department. He is the appointing and disciplinary authority for all non-gazetted officers and other ranks in the department.

**General power and duties :**

- Inspection* (1) The Commissioner shall inspect all Excise and Narcotics establishments once in every alternate year to give him clear first hand knowledge of such establishment to enable him to give advice, instruction and remedies on all matter of administration. He should ensure uniformity of procedure, practice, efficiency and discipline in all Excise and Narcotics establishments.
- Supervision of District Officers* (2) The Commissioner shall control, instruct and advise Superintendents of Excise and Narcotics in the districts while being careful not to supersede and overbear in their proper functions or relations with their subordinates.
- Annual Confidential Report* (3) The Commissioner shall be the reporting officer for all Deputy Commissioner and Assistant Commissioner, reviewing officer for Superintendent of Excise and Narcotics and accepting officer for subordinate officers of the department in their Annual Confidential Reports subject to the orders of the Government from time to time.
- Budget Controlling Officer* (4) The Commissioner is the Budget Controlling Officer for the Excise and Narcotics department. He exercises such financial power as delegated to him by the Government in accordance with the Delegation of Financial Powers Rules, 1978 as amended from time to time.
- Rewards* (5) He is the granting authority on rewards permissible under Excise and Drug Laws and rules and to those who render exceptional good service to the state under Excise and Narcotics Department by standing orders.
- Delegation of powers* (6) He shall delegate his administrative powers whenever necessary for the smooth administration of the department.
- Procurement of uniform items* (7) The Commissioner is responsible for the procurement of all uniform items. He shall ensure that only good quality items are supplied to the department.

*Access to other department and agency*

(8) The Commissioner shall have free access to information from other departments and agencies.

*Transfer*

(9) The Commissioner may transfer any subordinate officer or other ranks in the interest of public service and make proposal to Government for transfer of Gazetted officers.

**(b) Deputy Commissioner of Excise and Narcotics :**

The post of Deputy Commissioner of Excise and Narcotics is created by the Governor of Mizoram under the provision of Article 309 of the Constitution of India. The post is filled up from Assistant Commissioner who had a qualifying service as required in Recruitment Rule appended as Annexure – B2. He shall assist the Commissioner and exercises powers and functions as delegated by the Commissioner from time to time. He shall take charge of the Commissioner when Commissioner is on leave or out of station unless otherwise decided by the Government unless otherwise decided by the Government.

*Inspection*

(1) The Deputy Commissioner shall inspect District and other establishments every alternate year and submit his report thereof to the Commissioner. The report should be all encompassing and true assessment of such establishment, which is essential for future administration and guidance.

*Annual Confidential Report*

(2) As for the Annual Confidential Report the Deputy Commissioner is the reporting officer for Superintendent of Excise and Narcotics, reviewing officer for subordinate officers and accepting authority for other ranks subject to the orders of Government.

**(c) Assistant Commissioner of Excise and Narcotics:**

The post of Assistant Commissioner is created by the Governor of Mizoram under provision of Article 309 of the Constitution of India. The post is filled up by promotion from Superintendent of Excise and Narcotics who had a qualifying service as per Recruitment Rule as appended as Annexure – B2 . He will exercise the powers and func-

tions as delegated by the Commissioner of Excise and Narcotics.

*Inspection*

(1) He should inspect District and other establishments every alternate year and submit his report thereof to the Commissioner of Excise and Narcotics. The report should be all encompassing and true assessment of such establishment which shall be important for future administration and guidance.

*Annual Confidential Report*

(2) As for the Annual Confidential Report he is the reporting and reviewing authority in respect of subordinate officers and other ranks respectively.

**(d) Superintendent of Excise and Narcotics :**

The post of Superintendent of Excise and Narcotics is filled up by promotion from Inspector of Excise and Narcotics who had a qualifying service as required in the Recruitment Rules as per appended in Annexure – B3.

*Powers and duties of Superintendent of Excise and Narcotics in the Commissionerate*

(1) The main duty of the Superintendent of Excise and Narcotics in the Commissionerate/Headquarters is to maintain discipline and control of subordinate officers and other ranks. He shall acquainted himself with all Acts and Rules relating to the Department. He should spend a considerable portion of his time for guiding his subordinates and for supervision of their day to day works.

*Superintendent of Excise and Narcotics (Prosecution)*

(2) Superintendent of Excise and Narcotics (Prosecution) is responsible for Excise and Narcotics Prosecution Branch. He must be knowledgeable of all laws and rules concerning the department. He must have a good knowledge of court procedures and keep himself up to date of relevant court rulings of higher courts. He must be able to guide his subordinates and co-ordinate well with Public Prosecutors. He must closely monitor all important cases and give advice when necessary to his subordinates. He must also give advice to his superiors when appeals are to be preferred.

*General duties and responsibility*

*Annual Confidential Report*

As for the Annual Confidential Report he is the reporting and reviewing officer for subordinates and other ranks respectively.

<i>Superintendent of Excise and Narcotics in the District</i>	(3) Superintendent of Excise and Narcotics posted in the District is the Head of Excise and Narcotics Administration in a district. He is responsible for every branch of the District Excise and Narcotics administration. He must be efficient and well-conversant with office procedure and practice, laws and rules concerning the department. He is responsible for the discipline of his subordinates. He should be able to guide his subordinates in all matters relating to detection, investigation and prosecution of Excise and Narcotics offenders. He should have a thorough knowledge of his jurisdiction, of his district and vulnerable areas and routes of smuggling of drugs or illicit liquor. He must keep himself informed of what is going on in his district.
<i>Annual Confidential Report</i>	As for the Annual Confidential Report the Superintendent of Excise and Narcotics in the District is the reporting and reviewing officer in respect of subordinate officers and other ranks respectively.
<i>Drawing and Disbursing Officer</i>	He is the Drawing and Disbursing Officer for the District Excise and Narcotics and enjoys financial power as may be delegated to him by the Government.
<i>Leave</i>	He has the power to grant leave of his subordinates which may not exceed the upper limit prescribed by the Commissioner from time to time.
<i>Reports</i>	He should submit periodical reports and any incident which might be worthy of the knowledge to the Commissioner. Proformas for periodical reports are as appended in Annexure C1 to C8.
<i>Inspection</i>	He should inspect his subordinate and establishment every three months and submit his report to the Commissioner.
<i>Reward</i>	The Superintendent of Excise and Narcotics shall make reward proposals to the Commissioner in the event of significant success in detection of crimes/criminals, prosecution of cases, or other valuable contribution to the department citing justifications on the same.

## **2. Subordinate Officers :**

### **(1) Inspector of Excise and Narcotics :**

#### *Power*

(a) The power and duties of Inspector of Excise and Narcotics as empowered by the Government in respect of Excise and Narcotics laws are defined in relevant chapter of such laws. An officer should have thorough knowledge of his powers and duties and abide by them. Recruitment Rules of Inspector of Excise and Narcotics is appended in Annexure – B4.

#### *Duties*

(b) Duties and functions of an Inspecting officer may vary depending on place of posting and tasks entrusted to them. He is directly responsible to his Controlling Officer. In general, apart from detection, investigation and prosecution of Excise and Narcotics offences, the officer is responsible for maintaining discipline and for the proper performance of duties by his subordinates.

#### *Supervision of investigation*

(c) He will not ordinary conduct investigations, but generally will supervise investigations of his subordinates, taking up cases only for very special reasons, such as mismanagement by investigating officer or the unusual importance or intricacy of the case. He will see that each case is fully and properly investigated and all possible steps are taken for maximum detection.

#### *Responsibility*

(d) As an Inspector is directly responsible to his Controlling Officer/Superintendent he must share information on all matters connected with the working of the department without reserve to him. He must maintain a clean image and gain respect and confidence of his subordinates. He must encourage his subordinates and guide them, especially junior and inexperienced officers. He should correct petty misconducts of his subordinates without bringing them to the notice of his superiors.

### **(2) Sub-Inspector of Excise and Narcotics/Asst. Sub-Inspector of Excise and Narcotics :**

#### *Duties and responsibilities*

The general duty of Sub-Inspector of Excise and Narcotics/Asst. Sub-Inspector of Excise and Narcotics is detection and investigation of Excise and Narcotic offences. His function is of field work. While leading men on raid or



on tour he must maintain strict discipline among them. As a leader of such party he is responsible for any misconduct and breach of rule by his men. He must strictly follow correct procedures and practice while performing duties. He must give full report on his detection, investigation and performance of duties to Officer-in-charge. He has to obey instruction from his superior and give feed back on action so taken. Recruitment Rules of Sub-Inspector of Excise and Narcotics is appended in Annexure – B5 and Asst. Sub-Inspector of Excise and Narcotics is appended in Annexure – B6 & B6(a).

*Duties and responsibilities*

**(3) Wireless Operator:**

Wireless operators are under the general control of Asst. Commissioner of Excise and Narcotics (Enforcement) in headquarters and Superintendent of Excise and Narcotics in districts, they are under the direct control of Officer-in-Charge in Excise and Narcotics Station, whereas in the Headquarters, Excise and Narcotics Radio Officer-in-charge will maintain discipline and supervise the works of Wireless Operators. Wireless Operators are expected to give intimation to their Controlling Officer/Officer-in-Charge on any irregularities for immediate remedy.

The general duty of Wireless Operator is to operate Radio Wireless Communication system.. Wireless operators must maintain ins and outs register of every communication made during their duty and copy of each in-coming and out-going message should be kept in file properly. Recruitment Rules of Wireless Operator is appended in Annexure – B7 & B7(a).

*Duties and responsibilities*

**(4) Head Excise and Narcotics Constable :**

Head Excise and Narcotics Constables are under the general control of Superintendent of Excise and Narcotics and under the direct control of Officer-in-charge of an Excise and Narcotics Station or out post. Head Constables are responsible for every official works of Excise and Narcotics Constables of Excise and Narcotics station. Conducting roll call parade, making detailment of duty and maintaining ins and outs register of Excise and Narcotics Constables are some of the responsibilities of Head Excise and Narcotics Constables. Maintenance of cleanli-

ness of Excise and Narcotics station and its surroundings is one of their responsibilities. The main duty of Head Excise and Narcotics Constables is to maintain/keeping high graded integrity and discipline among their subordinates. Any irregularities noticed by them should be intimated to Officer-in-charge immediately. Recruitment Rules is appended in Annexure – B8 & B8(a).

*Duties and responsibilities*

**(5) Excise and Narcotics Constable :**

They are generally employed for patrolling and raid for prevention and detection of Excise and Narcotic Crimes and in other official duties assigned to them by their superiors. They normally shall act on the order of their superiors. They may be deputed to collect discreet information regarding illegal trafficking of drugs and liquor and illegal breweries etc. Again, Excise and Narcotics Constables are employed in the execution of warrants, as runner, for escort and guard of prisoners. Even if specially not deputed it is the duty of every Excise and Narcotics Constable to report information connected with Excise and Narcotics works. Recruitment Rules is appended in Annexure – B9.

*Duties and responsibilities*

**(6) Driver:**

Drivers who are posted in a District are under the general control of the Superintendent of Excise and Narcotics, and under the Officer-in-Charge of an Excise and Narcotics Station or Outpost as the case may be. In case of those drivers posted in the Excise and Narcotics Headquarters, they shall be place under the control of an officer duly authorised by the Commissioner of Excise and Narcotics. They should wear a prescribed uniform while on duty unless they are permitted not to wear. They shall maintain vehicles assigned to them properly. They shall act on the order of their superiors. They shall maintain Car Diary properly in which necessary entries shall be made in every column. When any vehicle become defective/damage the concerned driver should submit defect report through proper channel to the Controlling Officer. The responsibility on defect/damage of the vehicle due to the carelessness or negligence of the driver cocerned shall lie on him. Driver to whom vehicle is assigned is directly responsible for the proper use and safety of the vehicle.

They should possess valid Driving licence all the time while functioning as Driver. Recruitment Rules is appended in Annexure – B10.

*Office staff*

**3. Ministerial establishment :**

There shall be one Office Superintendent and office Assistants as may be required in the Excise and Narcotics Commissionerate who shall be posted from State Secretarial Service.

*Duties of Office Superintendent*

The office Superintendent is responsible for smooth functioning of office works and maintenance of discipline among staff. He shall be well conversant with Rules and Regulations and be able to supervise his staff and give advice to his superiors.

**PART - II**

**OFFICE OF THE SUPERINTENDENT OF  
EXCISE AND NARCOTICS**

Superintendent of Excise and Narcotics in the District is the Head Administrative Officer of Excise and Narcotics Establishment in that District. He is responsible for the over-all success of administration and for the effective enforcement of Excise and Narcotic Laws. He must be efficient and able to supervise every stage of operation concerning the Department.

*Ministerial Establishment*

**4.** There will be one Head Assistant and one Accountant in each District assisted by subordinate Assistants according to the size of the establishment of each District.

*Leave of Ministerial Staff*

**5.** Superintendent of Excise and Narcotics are empowered to grant leave of absence to Ministerial staff serving under them upto one month, provided the leave is due under the Fundamental Rules. Local arrangements that can not be made other than those with which the Superintendent of Excise and Narcotics are qualified to deal will be

forwarded to the Commissioner of Excise and Narcotics for orders.

*Duties of Head Assistants on taking charge*

**6.** On the occasion of any change of Head Assistant the Superintendent of Excise and Narcotics should, if possible be present and should satisfy himself that the relieving Head Assistant has taken charge of the registers and files with which the Head Assistant deals and has noted all pending matters. The relieving Head Assistant should examine the Stock Book and other books containing particular of Government property and see that they agree with the articles in stock. The work of taking over charge should not be allowed to occupy more than one day.

*Duties of Head Assistant*

**7.** The primary duty of a Head Assistant is the supervision of the work of the office. He must see that work is properly distributed, that the time of the other staff is fully occupied and that they devote their full attention to their works.

*Service Books*

**8.** A Service Book must be maintained for all ministerial and enforcement staff. The Service Books will be kept by Head Assistant in the Superintendent of Excise and Narcotics's offices under lock and key, and he will be held responsible that the books are properly kept up-to-date.

*Entries of punishments in Service Books*

**9.** Punishment, which effect the service of the staff such as - suspension, demotion etc. must be entered in the Service Books. Minor punishments and warning prescribed by the Manual should not be entered in the Service Book unless the Superintendent of Excise and Narcotics considers that such entry is desirable.

*Officer-in-Charge of forms*

**10.** In every District office, Head Assistant will be in charge of forms. A subordinate clerk may also be deputed to keep the accounts of receipts and consumption. All indents should be prepared by the Head Assistant. Each office should be provided with sufficient number of racks or almirahs in which the forms can be neatly arranged and stored and whenever possible, they should be kept in a room which can be kept under lock and key. It is essential that the general office staff should not have ac-

cess to the stock of forms without the knowledge of the Officer-in-Charge.

*Stock taking*

**11.** It shall be the duty of the Head Assistant to count the number of forms in stock once a year. He should compare the number found in stock with the balance shown in the register, and also see that the issues are supported by the requisitions. Any shortage found should be at once brought to the notice of the head of office. The Superintendent of Excise and Narcotics should also occasionally verify some of the balances and must verify whole stock once a year.

*Tour diary of Superintendent of Excise and Narcotics etc.*

**12.** Superintendents of Excise and Narcotics, when absent from Headquarters on inspection duty or otherwise will keep a brief diary showing how their time is employed and what matters of interest from Excise and Narcotics point of view come to their notice.

A few brief notes should be recorded for each day showing what the officers did and what they observed, and to issue any necessary instructions on any suggestion or proposal made to him. The distance travelled each day and the halting places should be noted.

*General Register of Excise and Narcotics Rewards to be kept*

**13.** A register will be kept in the office of the Superintendent of Excise and Narcotics in which all particulars regarding the receipts and payment of rewards will be entered at the time of each transaction

## PART - III

### COURT OFFICE

*Prosecution staff*

**14.** The Prosecuting staff of each District shall consists of Inspector of Excise and Narcotics, Sub-Inspector of Excise and Narcotics and Assistant Sub-Inspector of Excise and Narcotics who shall be termed as Prosecuting officers. These officers shall be assisted by Other ranks according to requirements.

Under the provisions of section 302 of the Criminal Pro-

cedure Code, 1973 Excise and Narcotics Officers not below the rank of Assistant Sub-Inspectors shall conduct prosecutions.

Provided that no Excise and Narcotics Officer should be permitted to conduct the prosecution if he has taken part in the investigation into the offence with respect to which the accused is being prosecuted.

### *Court Officers*

**15.** Court Officers means Prosecuting Officers posted at Excise and Narcotics Prosecution Branch in the court of law.

#### **Duties of Court Officers -**

(a) The court officers of every district will be responsible for the prosecution of all Excise and Narcotics cases before magistrates.

(b) The officer-in-charge of a court office being responsible for the work of his subordinates must arrange to be kept promptly informed of everything that goes on his office, prisoners, all papers and property received in the court office must be shown to him without delay.

(c) Court officers must make themselves thoroughly acquainted with the contents of the case diaries and with all particulars connected with those cases which they have to prosecute. If the case diaries do not contain full details of evidence, the court officers should ascertain from the witnesses the facts they will prove, and prepare themselves for the proper conduct of the case.

### *Court Excise and Narcotics Constables*

**16.** One or more Excise and Narcotics Constables will be placed on duty in courts when Excise and Narcotics cases are being tried, and in all other criminal courts when available. Their duties are -

- (a) to guard prisoners in the Court premises.
- (b) to look after exhibits produced before the Court.
- (c) to keep order in the Court.
- (d) to assist the Court Officer in any way that he may direct.

*Duty of Superintendent of Excise and Narcotics in the Prosecution of cases*

**17.** The Superintendent of Excise and Narcotics should himself take an active and personal interest in the prosecution of cases of all kinds. It will often be useful for him to be present at the trial of important Excise and Narcotics cases whether before the Magistrate or before a Sessions Court. No important case should go to the Sessions Court for trial, which the Superintendent of Excise and Narcotics has not personally mastered and carefully discussed with the Government pleader and Investigating Officer.

*Appeals and withdrawal of cases*

**18.** (1) *Appeals/Revisions by the state:* The Superintendent of Excise and Narcotics(Prosecution) should bring to the notice of the Public Prosecutor any cases which he considers it desirable that the State should prefer an appeal or file revision petition to the court of Sessions. A complete brief, certified true copy of Judgement and Order, depositions of witnesses, order sheet with necessary comments shall be furnished to the Public Prosecutor for filing an appeal/revision against the impugned order so as to enable the Public Prosecutor to submit appeal/revision petition within the stipulated period of 30 days from the date of receipt of order. In the meantime, the Superintendent of Excise and Narcotics(P) or Public Prosecutor may move the government for obtaining prosecution sanction as required by the relevant provision.

(2) *Withdrawal of cases:* The procedure of withdrawal of pending Excise and Narcotics cases should not be resorted to except in the following cases -

(a) Cases in which during the course of the proceeding in court it has been found that wrong persons have been sent up owing to obvious mistake during investigation.

(b) Cases which are so weak and are bound almost certainly to end in acquittal and which in the first instance should not have been sent to Court.

*Production of diaries*

**19.** Every case diaries and any connected papers must be recorded with date immediately on receipt in the Court Office. The case diaries may be sent for and referred to by any Criminal court, but the accused or his agent is not entitled to call for or to see them.

Care must be taken that case diaries called for by the Court under section 172 Criminal Procedure Code, 1973 but not put in as evidence, are not attached to the record, and that they are returned by the Court as soon as done with.

*Expenses of complainant and witnesses attending court*

**20.** The travelling expenses of complainants and witnesses attending Court in Excise and Narcotics case are payable by the Criminal Courts in accordance with the rules framed by Government under section 312 of Criminal Procedure Code, 1973. When necessary, Court Officers will help them to obtain payment.

When the complainant or a witness is a Government servant and no expenses are paid to him by the Court, the Prosecuting Officer shall see that a certificate of attendance is given to him by the Court so as to enable him to draw his travelling expenses.

*Custody of Case diaries and other Excise and Narcotics papers*

**21.** All cases, diaries and any other papers connected with cases, will invariably be regarded as confidential and kept under lock in a secure box or locked almirah until the case is finally disposed of by the Court. Each Prosecuting Officer will be supplied with a box or almirah with a good lock, and the key should always be kept by him. No outsider will be allowed to see the case diaries unless specially authorised by Superintendent of Excise and Narcotics(P). No copies of such papers may be given without the order of the Superintendent of Excise and Narcotics (P) or Magistrate.

*Court Offices connection with records*

**22.** As soon as the Excise and Narcotics papers of a case are laid on trying Magistrate's table, the responsibility of Court Officers with regard to them ceases. He should, therefore, take care, whenever necessary, to make copies of such papers as are likely to be filed with the judicial proceedings previous to their being put in. He has no concern with the custody of the judicial records of cases or with the record office. He is on no account to retain in his possessions the records of a case under trial unless ordered in writing to do so by the trying Magistrate. If he subsequently required a copy of any portion of



the record, he should make an application to the trying Magistrate and ask to be allowed to take the copy in the presence of a responsible official of the Court.

*Court Officer to apply at once for warrant*

**23.** Whenever the charge-sheet contains the names of absconders, the Court Officer will at once apply formally, in writing for the issue of warrants against all the absconders named therein and, if the trying Magistrate refuses to issue warrant against all or any of these absconders without giving reason for his action, or postpones the issue of warrants or decline to pass orders, the Court Officer will ask the Superintendent of Excise(P) to move the district or Sub-Divisional Magistrate to withdraw the case under section 409 of Code of Criminal Procedure, 1973, to his own file and then to issue warrants for the arrest of the absconding accused.

*Issue of warrants and action to be taken on them by the Excise and Narcotics*

**24.** (a) The Court Officer will ask the Magistrate to fix a date, when issuing a warrant, on which the Excise and Narcotics should return the warrant executed or report that this has not been done. The date should be so fixed as to allow the Excise and Narcotics a reasonable time for proper action in obedience to the warrant.

(b) If the warrant cannot be executed after due efforts a report to the magistrate through the Court Officer must be submitted in time to reach the Court without fail not later than the morning of the date fixed, explaining fully the attempts made to execute the warrant and giving all particulars necessary to satisfy the Magistrate that the offender is really absconding and to justify proceedings being taken under Section 82, 83, 84 and 85, Criminal Procedure Code, 1973. A list of property, moveable or immovable, belonging to the absconder will also be sent along with this report.

(c) Under Section 72 of the Criminal Procedure Code, 1973 when issuing a warrant to an Excise and Narcotics Officer, the Court may address him either by name or by the title of his office. A warrant intended to be executed by the Excise and Narcotics should be addressed not to the Court Officer but to the Officer-in-Charge of an Excise and Narcotics Station. The Superintendent of Excise

and Narcotics(P) is responsible for the despatch of warrants to the Officer-in-Charge of an Excise and Narcotics Station to whom they are addressed and it will be his duty to scrutinize all warrants received by him for despatch.

*Court officer to send intimation to Excise and Narcotics Station of surrender of Absconder and of cancellation of warrant*

**25.** When an absconded offender appears in Court or is arrested by parties other than the Excise and Narcotics of the Station which a warrant was sent in the first instance, or when a warrant is cancelled under section 70, Criminal Procedure Code, 1973, the Court Officer will send intimation to the Excise and Narcotics Station and ask for the return of the warrant.

*Witness arrested on warrant*

**26.** Witnesses brought up under arrest should be dealt with not as criminals but simply as persons arrested on civil process.

*Search of prisoners*

**27.** The Court officer or any subordinate officer who has been placed in charge of the hajat register, will receive all prisoners personally those sent from Excise and Narcotics Stations or from a Jail for production in Court and those brought from the Courts on conviction or on being remanded to custody or to be released on bail. He will have all the prisoners searched and have female by a female and take possession of all properties found on them. A receipt should be given to the prisoner on whom any article is found and which is taken from him.

*Interview with under-trial prisoners while in court*

**28.** Without the written permission of the Court, no one will be allowed to have access to him whilst in the precincts of a Court awaiting trial. Facilities will however be given to a legal practitioner who has obtained the aforesaid permission to see a prisoner for whose defence he is engaged for the purpose of consultation or to get the Vakalatnama signed by the prisoners. On no account should a prisoner be left unguarded. Touts should never be allowed to approach an accused under trial.

*Court officer to inform Jail if prisoner is of dangerous character*

**29.** It is the duty of the Court officer to inform the Jailor when any prisoner whether under trial or convict sent to Jail is a desperate character, or is accused of a very heinous offence or has ever suffered from lunacy. This in-

formation will always be given in writing the word “Dangerous” in red ink in the hajat register.

*Custody of property  
in the court office*

**30.** A secure room known as Malkhana will be provided for the safe custody of property for which the Court personnel are responsible. The keys of Malkhana should be kept by the Superintendent of Excise and Narcotics(P) who is responsible for the safe custody of its contents. He is also responsible that no one tampers with the exhibits of cases sent to court. No private property belonging to a court officer or anybody also should be kept in a Malkhana.

All properties received in a Malkhana should be entered in the book called the Malkhana Register. When property is sent to court, full information concerning it should be furnished so as to enable the Court officer to fill in the register.

*Summons to Excise  
and Narcotics  
officers*

**31.** Whenever a summon to appear as a witness in a particular case is issued against an Excise and Narcotics Officer it should be served upon such officer through the Superintendent of Excise and Narcotics of a district or through the officer-in-charge of Excise and Narcotics station concerned. Prosecuting Officers should always see that Excise and Narcotics witnesses are not unnecessarily detained.

## PART - IV

### EXCISE AND NARCOTICS STATION

*Definitions*

**32.** (a) “Excise and Narcotics Station” means any post or place declared generally or specially by the State Government, to be an Excise and Narcotics Station, and includes any local area specified by the State Government in this behalf;

(b) “Officer-in-Charge of Excise and Narcotics Station” means an Excise and Narcotics Officer who is in-charge of an Excise and Narcotics Station and includes an Excise and Narcotics Officer posted at the station who is next in rank to such officer and is above the rank of Excise

and Narcotics Constable or, when the Government so directs, any other Excise and Narcotics officer so present.

*General duties of Officer-in-Charge of Excise and Narcotics Station*

**33.** Within the limits of his jurisdiction, an officer-in-charge of Excise and Narcotics Station is responsible for the effective working and management of the Excise and Narcotics personnel subordinate to him, for the prevention and detection of excise and narcotic crimes

The Officer-in-Charge of an Excise and Narcotics Station is the Reporting officer in respect of the Annual Confidential Report of Head Excise and Narcotics Constables, Wireless Operators and Excise and Narcotics Constables.

*Command Certificate*

**34.** When Officer-in-Charge of an Excise and Narcotics Station made detailment for tour, he shall issue 'Command Certificate' clearly stating names of officers, purpose, destination and time of return. Before making Command Certificate, the Officer-in-Charge shall take approval first from his Controlling Officer. The Command Certificate shall be sufficient for making Travelling Allowance bill. Command Certificate is appended in Annexure – C9

*Instruction to subordinates at Excise and Narcotics Station*

**35.** Officer-in-Charge of Excise and Narcotics Stations are responsible that the Sub-Inspectors, Assistant Sub-Inspectors, Head Excise and Narcotics Constables and Excise and Narcotics Constables under them are acquainted with the powers and duties under the laws and orders in force. They must repeatedly read out and explain to these men until thoroughly understood, every change or addition to the law which directly concerns them and every circular or order issued by the Commissioner of Excise and Narcotics which is likely to be useful to them.

*Copies of Excise and Narcotics papers not to be given*

**36.** Excise and Narcotics officers of all ranks are forbidden to give copies of case diaries and other Excise and Narcotics records, or furnish any unauthorized information to the public, or to allow any person other than an Excise and Narcotics officer to write, copy, have access to or give or take extract from Excise and Narcotics reports, registers or returns save and except so directed by

competent authority.

*General Diary*

**37.** (a) The general or Station Diary should be kept at all Excise and Narcotics Stations. The officer-in-charge is responsible that it is punctually and correctly written. He must himself make all but the routine entries.

(b) Every occurrence which may be brought to the knowledge of the Excise and Narcotics Officers should be entered in the general diary at the time at which it is communicated to the stations, and if no incident is communicated during the day, this fact should be noted in the diary before it is closed and despatched.

(c) In the general diary it will be recorded, as concisely as is compatible with clearness, all informations lodged and the names of all persons arrested, the offences charged against them, the property of which the Excise and Narcotics have taken from their possession and the names of the witnesses who have been examined. In case of a person arrested, his name, the dates of arrest and receipt in the Excise and Narcotics Station lock-up, the date and hour when forwarded to the law Court should be noted.

(d) In the general diary, information of arrest communicated to accused's relative or friend should be reflected.

(e) The officer-in-charge of the Excise and Narcotics Station will be responsible for making himself aware of what has taken place in his jurisdiction during his absence on duty from the Excise and Narcotics Station. On his return to the station, he will carefully peruse the general diary for the period of his absence and then certify by an entry in the general diary that he has read all the entries made in the diary during his absence and also note further that he is satisfied that all actions relating to those entries have been taken or that any action that has not been taken by his subordinates will be taken by him.

*Excise and Narcotics Station premises to be kept neat and clean*

**38.** (a) An Excise and Narcotics Station should be a pattern of order and cleanliness both inside and out. There should be a place for everything and the senior Assistant Sub-Inspector of the station will be held responsible that

everything is in its place. All registers and papers should be kept neatly in racks or on shelves. The compound must be kept tidy and free from undergrowth, hollows and depression.

(b) Particular care must be taken with Government property in the station, and the Assistant Sub-Inspector will note in the general diary that the handcuffs have been polished and are in order, padlocks, light, seals and date sets checked and found correct.

In the event of any loss or damage, the Officer-in-charge will at once hold an inquiry, and report the circumstances, and the name of the person responsible. Failure to do so will automatically involve a debt on the Officer-in-Charge to the extent of the cost of repair or replacement, in addition to rendering him liable to punishment.

*Keys of the  
Malkhana and  
Lock-up*

**39.** In every Excise and Narcotics Station chests/almirah, arms racks, ammunition-boxes and the Malkhana door will be provided with secure locks, the keys of which should be kept by the officer-in-charge on his person.

The Key of the lock-up will remain with the sentry on duty.

*Notice and  
Signboards*

**40.** Every Excise and Narcotics Station should be provided with a notice-board and a sign-board. The former should be hung in the verandah in a conspicuous place, and the latter should be firmly affixed to strong posts on the side of the public road at the entrance to the Excise and Narcotics Station compound.

*Register of papers  
received and  
despatched*

**41.** In this register will be included all orders and other papers including correspondence received and despatched. The register will be written up by the senior Assistant sub-Inspector, but this of course will not relieve the officer-in-charge of the responsibility of opening, dating and attending to the dak personally. The register will be divided into as many parts as are required by the nature of the correspondence, thus –

(i) Orders from the courts and magistrates - All

orders from Magistrates and courts should be treated as Magistrate's order even when they are received through superior Excise and Narcotics Officers.

**(ii)** Departmental orders e.g. orders of the Commissioner of Excise and Narcotics or Superintendent of Excise and Narcotics.

**(iii)** Miscellaneous

*Case Diary and its contents*

**42.** Section 172 of Criminal Procedure Code, 1973 prescribes the Case Diary. The diary is the record which section 172 of the Criminal Procedure Code requires an investigating officer to keep the proceedings in connection with each case. The law required the officer to show in his diary -

(i) the time at which the information reached him;

(ii) the time at which he began and closed his investigation;

(iii) the place or places visited by him;

(iv) a statement of the circumstances ascertained through his investigation.

*Detention of accused in Excise and Narcotics Custody*

**43.** (a) Under section 57 of Criminal Procedure Code, 1973 no Police/Excise and Narcotics officer may detain in custody a person arrested without warrant for a longer period than in all the circumstances of the case is reasonable and such period must not, in the absence of a special order of a magistrate under section 167 of the code, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the magistrate's court.

(b) Section 167 of Criminal Procedure Code, 1973 requires that whenever a person is arrested and detained in custody, the officer-in-charge of the Police/Excise and Narcotics Station or the Police/Excise and Narcotics officer making the investigation if he is not below the rank of Sub-Inspector should forthwith transmit to the nearest magistrate whether he has or has not jurisdiction to try the case,

a copy of the entries, relating to the arrest in the diary, and if it appears that the investigation cannot be completed within the period of 24 hours fixed above and there are reasonable grounds for believing that the accusation or information is well founded he should at the same time forward the accused to such magistrate.

## PART - V

### GENERAL

#### *Training*

**44.** The Excise and Narcotics personnel from the rank of Excise and Narcotics Constable to Inspector of Excise and Narcotics shall be trained in accordance with the system laid down in Police/Military lines and small arms training with the constant object in view of fitting it to meet situations with which the Excise and Narcotics may be called upon to deal. It should be borne in mind that no Excise and Narcotics Personnel should be recommended for confirmation until and unless they successfully completed training as prescribed by the Department from time to time. Further after completion of the training, all successful recruits shall take an oath as prescribed by the training centre before being posted or returning to their respective place of posting.

#### *Age and physical standard of Recruits*

**45.** (1) Strong and healthy young men and women between the age of 18 and 30, relaxable by 5 years in case of candidate belonging to Scheduled Caste and Scheduled Tribe should be selected as recruits. The minimum standard of height is 156 cms and of chest measurement 77 cms (normal) 82 cms(expanded) and 150 cms and of chest measurement 73 cms(normal), 74 cms(expanded) for male and Female candidates respectively.

#### *Medical examination and Police verification*

**46.** (a) All candidates before being admitted to the service will be examined by the Chief Medical Officer or Medical Board constituted by the Government for the said purpose. No man will be enlisted unless the Chief Medical Officer or the Medical Board passes him as fit. No charge will be made for medical (health) certificates from selected candidates.



(b) Candidates newly selected for recruits should produce Police verifications about his character and antecedents duly attested by the Officer-in-Charge of the Police Stations in the jurisdictions of which his home is situated.

*Service Book/  
Service sheet how to  
keep*

**47.** (a) On enlistment, all incidents of service which are required must be entered and initialled by a gazetted officer. Entries must be neatly and legibly written and each entry must occupy minimum space compatible with its being easily legible.

(b) The following detailed instructions are given regarding entries in the service sheets:

(i) **Promotions** - Against all promotions the nature of the vacancy should be clearly specified i.e. whether the promotion was in substantive or temporary vacancy.

(ii) **Rewards** - Grant of any reward will be entered with the amount granted, brief note of the reason will be added in each case.

(iii) **Punishment** - All punishments will be entered. Every conviction in a criminal court with the section and punishment inflicted will be entered in the Service sheet.

(iv) **Leave** - The nature of the leave granted should be specified in words and must be entered in the Leave Register at the back of the Service Book.

(v) **Posting** - In the pages reserved for the purpose will be kept brief record of the posting of each individual with dates. Temporary posting need not however, be entered.

*Fatigue duty*

**48.** Excise and Narcotics Constables may be employed on fatigue duty which may include the keeping of lines and compounds tidy by clearing the jungle and weeds and any other duty which may be considered necessary. Where labour is difficult to obtain, Excise and Narcotics Officers below the rank of Sub-Inspector when off-duty may under the orders of the Superintendent of Excise and Nar-

cotics, be employed in fatigue parties provided that this does not interfere, in any way, with their ordinary duties or training. Such duties, however, shall not include personal duties to superior officers.

*General instructions  
as to punishments*

**49.** Superintendent of Excise and Narcotics must avoid undue harshness in inflicting punishment. Offences connoting moral turpitude must be carefully discriminated against small wrong doing. Every effort must be made to maintain discipline and to correct the smaller faults of officers by instructions and by warnings, without resorting to more severe punishments. This instruction more particularly applies to the errors and omissions of young and inexperienced officers. A warning if converted at a personal interview, is often more effective than if communicated only in writing. In inflicting punishment, the general character of the officer affected and his past service must be taken into consideration. No major punishment may be inflicted on an Excise and Narcotics officer, until proceedings under Central Civil Service(Classification, Control and Appeal) Rules, 1965 have been drawn up against him and his explanation taken in writing.

*Proceedings based  
on conviction*

**50.** When an Excise and Narcotics Officer is dismissed or other departmental punishment is inflicted on the basis of a charge for which the officer has already been tried and convicted in a court of law it will be sufficient in the proceedings to give a copy of the judgement, the reason for inflicting departmental punishment. Such proceedings shall be concluded immediately on the conclusion of the first trial by the lower court.

It should be remembered that when departmental proceedings against an Excise and Narcotics Officer are based on statements and judgements recorded in cases to which he has not been party, the witnesses should be summoned and examined and the accused allowed an opportunity of cross-examining them in the usual way. A judgement referred to in paragraph above can be utilised in departmental proceedings only if it has been delivered in a case in which an accused officer has been tried judicially on the same facts on which he is tried departmentally.

*Department  
proceedings & other  
punishments*

**51.** (a) Central Civil Service (Conduct) Rules, 1964/CCS(CCA) Rules, 1965 as adopted and amended from time to time shall be followed in cases of department proceedings where major and minor penalties may be imposed on excise personnel.

(b) The following minor penalties may be awarded on Excise and Narcotics personnel by officer-in-charge of Excise and Narcotics Station and above.

- (i) Confinement to quarter guard
- (ii) Punishment drill
- (iii) Extra guard or fatigue duty
- (iv) Reprimand

*General instruction  
as to transfer of  
non-gazetted  
officers*

**52.** (a) All enrolled Excise and Narcotics personnel may be employed in any part of the State.

(b) The Commissioner of Excise and Narcotics is competent to transfer Excise and Narcotics personnel of the rank of Inspector and below. The Superintendent of Excise and Narcotics is competent to order the transfer of Excise and Narcotics personnel of the rank of Sub-Inspector and below within his jurisdiction but will consult the Deputy Commissioner of Excise and Narcotics, if necessary.

*Maximum period of  
service without  
transfer*

**53.** The following rules will be observed regarding the period for which Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Wireless Operators, Head Excise and Narcotics Constables and Excise and Narcotics Constables will remain in the District, Sub-Division, Excise and Narcotics Station or Town Duty:-

**Inspector** - Ordinarily, no Inspector should remain for more than five years in one District and more than two years in one Sub-Division.

**Sub-Inspector** - There is no limit to the period for which a Sub-Inspector may remain in one District. Ordinarily, no Sub-Inspector should remain at one Excise and Narcotics Station, Court or town for more than three years; but the period may be prolonged to four years; for special reasons to be recorded as a district order.

**Assistant Sub-Inspector, Wireless Operator, Head Excise and Narcotics Constable or Excise and Narcotics Constable** - Ordinarily, no Assistant Sub-Inspector, Wireless Operator, Head Excise and Narcotics Constable or Excise and Narcotics Constable should remain at one Excise and Narcotics Station or Court for more than five years; in special cases and for reasons to be recorded in writing by the Superintendent of Excise and Narcotics concerned, they may be retained for longer.

*N.B.:* These rules are not intended to apply in their entirety to Excise and Narcotics Personnel, but should be followed so far as circumstances permit. It should be noted that the period fixed by the rules indicates the maximum periods for which an officer is to remain in a given posts.

*Limit of absentees*

**54.** The number of Head Excise and Narcotics Constables and Excise and Narcotics Constables allowed to be absent on leave, other than casual leave or extra-ordinary leave without pay, should not exceed ten percent (10%) of the effective numerical strength in the District, but this percentage may be exceeded when leave is required on medical grounds.

*Grant of leave to officers transferred*

**55.** When an officer is under order of transfer to a new district or post, no leave will be granted to him within two months from the date of the order or transfer without the sanction of the authority who made the transfer.

*Leave of officers of and below the rank of Sub-Inspector*

**56.** Superintendent of Excise and Narcotics is empowered to grant leave of all kinds to his sub-ordinates within the district under his jurisdiction provided that leave, other than casual leave, of officer-in-charge of a station shall be granted with the prior approval of Deputy Commissioner of Excise and Narcotics.

*Inspections*

**57. (a) Commissioner:** Inspection of all District Offices at the interval of one year.

**(b) Deputy Commissioner of Excise and Narcotics & Assistant Commissioner of Excise and Narcotics**

: Inspection of all District offices in between the inspection year of Commissioner of Excise and Narcotics.

**(c) Superintendent of Excise and Narcotics:** Quarterly inspection of his establishment/office.

**(d) Officer-in-Charge of Excise and Narcotics Station:** Monthly inspection of uniform personnel in the station.

Various proformas for inspections are appended in Annexure – C10 to C14.

*Guidelines for  
parade Inspection of  
Excise and Narcotics  
personnel*

**58.** Since availability of space differs from one station to another, guidelines for parade Inspection is prepared for two places i.e. Indoor and Outdoor.

**A. Indoor**

1. Inspecting Officer arrives, the parade commander gives salute and report.
2. The Commander gives command for “savdhan”, “khule line chal” and “vishram”.
3. He then escorts the Inspecting Officer to inspect from the right front line, middle from the left, rear line from the right again.
4. A person to be inspected shall be in “savdhan” during inspection and in “vishram” after completion.
5. The Inspecting Officer goes to lecture stand.
6. The party is put on “nikat line chal”, “turning, pichhe mur”, “baia mur and dhane mur”, “vishram”, “aramse”.
7. The Inspecting Officer gives a short lecture.
8. After speech the Parade Commander salutes.
9. The Inspecting Officer leaves.
10. The Party is ‘line torh’.

**N.B.** 1. *During khuli line chal and nikat line chal the front and rear line shall take only one step forward.*

2. *When redress is needed, a person on the front and middle line shall take one step forward and a person on the rear line shall take one step backward.*

**B. Outdoor**

1. Inspecting Officer/V.I.P. arrives
2. The parade Commander gives salute and report.
3. The Parade Commander returns to same position.
4. Gives command for “Savdhan”, “khule line chal” and “vishram”.
5. He then escorts the V.I.P. to inspect from the right front line, middle from the left, rear line from the right again.
6. A person to be inspected shall be in “savdhan” during inspection and in “vishram” after completion.
7. The Inspecting Officer goes to lecture stand.
8. The Parade Commander returns to his position and gives command for “nikat line chal”.
9. Turning “pichhe mur”, “baia mur” and “dhane mur”, “vishram”, “saudhan”, “dhane mur”.
10. The parade marches and gives salute to V.I.P.
11. The party returns to same position. “savdhan”. “aramse”.
12. The V.I.P. gives a short lecture.
13. The party is put in “saudhan”. The Parade Commander gives salute.
14. The V.I.P. leaves.
15. The party is “line torh”.

*N.B.: When redress is needed, a person on the front and middle line shall take one step forward and a person on the rear line shall take one step backward.*

**C. Uniform clothing inspection**

Uniforms clothing Inspection on items noted below shall be done at the time of equipment inspection:

1. Jacket
2. Raincoat
3. Jersey
4. Hunter Boot
5. Leather Boot (B.S.L.)
6. Tomlet

*Salutes*

**59.** The following are the orders on the subject of salutes:-

- (i) On all occasions, non-gazetted officers and other ranks

will salute gazetted and superior officers of their own; failing which a departmental action may be taken against him/her as deemed fit and proper.

(ii) Gazetted Excise and Narcotics Officers will conform to the rules and customs regarding salutes in force in the Indian Army.

(iii) Officers and other ranks on Motor-Bike will salute superior officers by turning their heads smartly in the direction of the officers saluted.

(iv) Salutes by officers and other ranks will be returned by all.

(v) All Excise and Narcotics officers should bear in mind that where there is any doubt as to the rank or position of persons or officials they may meet or who may pass them, no harm can be done by saluting whereas neglect to do so may be mistaken for discourtesy or personal slight and may cause ill-feeling.

*Procedure for making arrest*

**60.** (i) In making an arrest, the Excise and Narcotics officer or other person making the arrest shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

(ii) If such person forcibly resists the endeavour to arrest him, or attempts to evade arrest, such Excise and Narcotics officer or other person may use all means necessary to effect the arrest.

Nothing in this sub-rule gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

(iii) The Excise and Narcotics personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with designations, if in uniform. The particulars of all such Excise and Narcotics personnel who handle interrogation of the arrestee must be recorded in a register.

(iv) The Excise and Narcotics officer carrying out the arrest shall prepare arrest memo at the time of the arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time, date of arrest and place of arrest.

(v) Unless the attesting witness of the arrest memo is a friend or relative of the arrestee, he shall be entitled to have one friend or relative or other person known to him or having his welfare being informed, as soon as practicable, that he has been arrested and is being detained at a particular place.

(vi) Where the persons to be informed as noted above lives outside the district or town in which the arrest is made, such notification shall be made through the Legal Aid Organisation in the District and the Excise and Narcotics Station area concerned within a period of 8 to 12 hours after the arrest by whatever means necessary.

(vii) The arrested person must be made aware of this right to have someone informed of the arrest or detention as soon as he is put under arrest or detention.

(viii) An entry must be made in Station diary of the place of detention regarding the arrest of the person which shall also disclose the name of the person so informed of the arrest with the names and particulars of the Excise and Narcotics officials in whose custody the arrestee is.

(ix) The arrestee should, if he so requests, be examined at the time of arrest for major or minor injuries, if any present on his or her body at the time of arrest. The "Inspection memo" shall be signed by the arrestee and the Excise and Narcotics officer affecting the arrest and its copy provided to the arrestee.

(x) The arrestee shall be subjected to medical examination every 48 hours during his detention in custody by a



doctor on the panel of doctors appointed by Director, Health Services of the state.

(xi) copies of all the documents including the arrest memo shall be sent to the nearest Magistrate for his record.

(xii) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation

(xiii) The officer causing the arrest shall communicate information regarding the arrest and place of custody of the arrestee to the police control room of the State and district headquarters within 12 hours of the arrest.

*Use of handcuffs or  
feters in securing  
prisoners*

**61. Use of handcuffs:**

(a) No handcuff or feter should be used on a prisoner - convicted or under-trial - while in jail or while transporting or in transit from one jail to another or from jail to court and back.

(b) Where there is a well-founded ground for believing that a particular prisoner is likely to jump jail or break out of custody, then the said prisoner be produced before the magistrate concerned and a prayer for permission to handcuff the prisoner be made. Only after receiving permission from concerned magistrate, the prisoner may be handcuffed.

(c) In all cases where an arrested person is produced before a magistrate with prayer for remand in judicial or non-judicial custody the person concerned (accused) shall not be handcuffed unless special order to that effect is obtained at the time of the grant of the remand.

(d) In execution of a warrant of arrest obtained from a magistrate, the person so arrested shall not be handcuffed unless the magistrate issued an order to that effect.

(e) Where a person is arrested without warrant and if the officer making the arrest is satisfied that it is necessary to do so he may use handcuff or use feter on that person before reaching Excise and Narcotics or Police Station

and before production to a magistrate after which the above instructions shall apply.

*Loss of property of Prisoners escorted*

**62.** When clothing or vessel are lost or destroyed through the connivance or carelessness of the escort, the cost of replacing them will be recovered from those of the escort through whose neglect or connivance such loss or injury has occurred.

*Payment of conveyance and other incidental charges of under-trial prisoners*

**63.** The conveyance and other incidental charges of under-trial prisoners sent from one district to another will be borne by the district from which the prisoners are sent.

*The Government Servants Conduct Rules*

**64.** All subordinate Excise and Narcotics Officers are directed to acquaint themselves with and to observe the rules laid down by the Government for the conduct of Government servants.

Notwithstanding anything contained in any other rules in force for the time being, members of Excise and Narcotics force on duty should not consume intoxicants during the course of their duty or when they may reasonably be expected to be called upon to perform an official duty. The officers concerned should be warned in clear terms that any violation or slight disregard of this will entail removal from service.

## ARMS & AMMUNITION

*Procurement*

**65.** In view of hazardous nature of duty of the Mizoram Excise and Narcotics in combating illegal trafficking of drugs and liquor within the state, inter-state and cross-border the Government of Mizoram may issue permission to the Department for procurement of Arms and ammunition from Ordnance factory for the discharge of their official duties.

The Commissioner may submit requirement of Arms and ammunition to the Government and after obtaining permission he may procure the Arms and ammunition so per-

mitted.

Further, if any arms or ammunition recovered alongwith illegal drugs or liquor or which is used or believed to be used as a means for intimidation of an Excise and Narcotics officer on duty and seized under Section 20 of Arms Act, 1959, such arms or ammunition if confiscated, shall be allotted to Excise and Narcotics Department on a reserved price.

*Custody of arms etc.* **66.** All arms and component parts when not in use will be kept in racks in the armoury, and the ammunition in the magazine. The Officer-in-Charge will keep the keys of the armoury and magazine and will be responsible for the proper care of the arms and ammunition, Superintendent of Excise and Narcotics of a District are personally responsible for the arms and ammunition in their districts. In assuming charge they will carefully examine and make a record on their conditions.

*Loss or theft of arms or ammunition etc.* **67.** In the case of loss of arms or ammunition or other explosives, an immediate report will be made to the Commissioner or Superintendent of Excise and Narcotics as the case may be and to the nearest Police Station for further action.

A Board of which the Presiding officer shall usually be the Superintendent of Excise and Narcotics of a district will be appointed in all cases to investigate and record the circumstances in which arms were lost.

*Training of armourers* **68.** No man may be employed as an Armourer or Assistant Armourer unless he has undergone a course of training in an Arsenal and has obtained a certificate of competence. When it is desired to send a person for training, the Superintendent of Excise and Narcotics will apply accordingly to the Commissioner of Excise and Narcotics who will make necessary arrangement for the course.

*Proper care and maintenance of arms and ammunition* **69.** (i) The Assistant Commissioner of Excise and Narcotics (Enforcement) shall be the over-all in-charge of the arms and ammunition belonging to Excise and Narcotics Department. He should appoint one of the Inspectors in

the Commissionerate as Officer-in-Charge of arms and ammunition who will be responsible for the safe custody and proper maintenance of the arms in the Commissionerate.

(ii) All the arms and ammunition purchased by the Department or supplied by the government should be recorded in the Arms Register by the Officer-in-Charge in the Commissionerate as soon as they are delivered to the Department indicating the date of receipt, types of arms, make, bore, country of origin, registration number etc.

(iii) The Superintendent of Excise and Narcotics in-charge of a District should also appoint one of the Inspectors under his control as Officer-in-Charge of arms and ammunition in the district who will be responsible for the safe custody and proper maintenance of the arms and ammunition.

(iv) All the arms and their component parts including ammunition in the magazine, when not in use, should be kept in the Armoury. The room where such arms and ammunition are kept should be free from moisture, and it should be double locked. The keys should be kept under the custody of the Officer-in-Charge of arms who will be responsible for the loss of the arms and ammunition from the armoury.

(v) Register of arms and ammunition should be kept under the custody of the Officer-in-Charge of arms who should record the up-to-date position of the arms and ammunition indicating serviceable, unserviceable etc. The Assistant Commissioner of Excise and Narcotics (Enforcement) in the Commissionerate and the Superintendent of Excise and Narcotics in a District should examine all the arms and ammunition under their charge every quarter and should place on records the inspection done by them. Any defect or irregularities found by them should be reported to the Commissioner of Excise and Narcotics for further action.

(vi) The Officer-in-Charge of arms and ammunition both in the Commissionerate and in the district offices should

cleanse and lubricate with gun-oil all the arms under their charge at least once in a quarter. While cleaning and oiling of the arms, they should also check and test to find out the defect, if any. Any defect found in the arms should be reported to the Assistant Commissioner of Excise and Narcotics(Enforcement) or to the Superintendent of Excise and Narcotics as the case may be.

(vii) The Officer-in-Charge of arms should maintain a manuscript Register in which the serial number of each arm/weapon should be indicated. Opposite to each number will be entered the last date on which the arms was overhauled/cleansed and lubricated and should submit reports of the action taken to the Assistant Commissioner of Excise and Narcotics (Enforcement) or to the Superintendent of Excise and Narcotics concerned. The Assistant Commissioner of Excise and Narcotics (Enforcement) or the Superintendent of Excise and Narcotics in-charge of a district as the case may be, should examine and see that the overhauling has been done by the Officer-in-Charge of arms at regular interval.

(viii) The Deputy Commissioner, Assistant Commissioner or any other officer duly authorised by the Commissioner of Excise and Narcotics may, at any time, inspect all the arms and ammunition allotted to the District Excise and Narcotics office and the Commissionerate.

(ix) When any arms become defective, the officer-in-charge should report in details to the Assistant Commissioner of Excise and Narcotics (Enforcement) or Superintendent of Excise and Narcotics in a district as the case may be, indicating the nature of the defect, how it has become defective etc. In case when the arms has become defective due to the carelessness or negligence of the officer using the arms, the responsibilities shall lie on him/her and a departmental action should be taken against him/her by the Commissioner of Excise and Narcotics as deemed fit and proper.

(x) The defective arms should be sent to the qualified armourer for repair only with the prior permission of the Commissioner of Excise and Narcotics. Rebrowning of

the arms should also be done with the prior approval of the Commissioner of Excise and Narcotics.

(xi) Loss of arms is a very serious case which could amount to removal from service of the officer responsible for the loss. Any officers or other ranks to whom arms and ammunitions are issued is directly responsible for the proper use and safe custody of the arms and ammunitions issued to him/her. He/she should be held responsible for any loss or damage of both the arms and ammunitions so issued in his/her name.

(xii) The Officer-in-Charge of arms should maintain Issue Register of arms and ammunitions in which every issue of arms and ammunitions should be recorded. The records shall contain among others-

- (a) To whom issued (Name & Rank)
- (b) Date and time of issue
- (c) Registration number of arms issued
- (d) Type of arms (Model, make, bore etc.)
- (e) Quantity of ammunition issued
- (f) Signature of Recipient
- (g) Countersignature of Controlling Officer
- (h) Signature of Issuing officer
- (i) Date and time for return of the arms and ammunition
- (j) Quantity of ammunition issued
- (k) Reasons for using the ammunition (in case ammunition is used)

(xiii) The Assistant Commissioner of Excise and Narcotics (Enforcement) and the Superintendent of Excise and Narcotics of a district should check the Issue Register of arms maintained by the Officer-in-Charge under their control at least once in a month. Arms and ammunitions should not be issued to any officer or other rank who, in the opinion of the Assistant Commissioner of Excise and Narcotics(Enforcement) or the Superintendent of Excise and Narcotics is not reliable and trustworthy to handle such arms.

(xiv) In any case of the officer or other rank to whom arms has been issued should not hand over the arms to any other person without prior approval of the Assistant

Commissioner of Excise and Narcotics (Enforcement) or the Superintendent of Excise and Narcotics as the case may be.

(xv) The officer or other rank posted in a district to whom small arms has been issued should carry the same with the gun-sling and holster only. The plain cloth personnel to whom small arms has been issued should also carry the same with the shoulder holster only.

(xvi) The senior officers of the rank of Superintendent of Excise and Narcotics and above shall have the powers to disarm any officers or other ranks under their control who in their opinion is unfit to handle arms.

## **RADIO COMMUNICATION**

*Officer-in-charge of equipments*

**70.** The Asst. Commissioner of Excise and Narcotics (Enforcement) shall be the overall in-charge of Wireless equipments belonging to the Excise and Narcotics Department. He should appoint one of the Inspectors in the Commissionerate as officer-in-charge of wireless equipments who will be responsible for the safe custody and proper maintenance and Excise and Narcotics Radio Communication Control Room.

*Record*

**71.** All the Wireless equipments purchased by the Department or supplied by the Government should be checked and recorded in the Wireless Equipment Register by the Officer-in-Charge in the Commissionerate as soon as they are delivered to the Department indicating the date of receipt, type or model and serial number.

*Officer-in-Charge in a District*

**72.** The Superintendent of Excise and Narcotics in-charge of a District should also appoint one of the Inspectors under his control as officer-in-charge of Wireless equipments in the district who will be responsible for the safe custody and proper maintenance of such equipments and Radio Communication.

*Custody*

**73.** All the wireless equipments should be kept in the safe place/room which should be free from moisture and dust and it should be locked properly. Officer-in-Charge of Wireless equipments should keep the keys and will be responsible for the safe custody of the radio materials from the store.

*Register*

**74.** Register of Wireless equipments should be kept under the custody of the officer-in-charge who should record the up-to-date position indicating serviceable, unserviceable etc. The Asst. Commissioner of Excise and Narcotics (Enforcement) in the Commissionerate and the Superintendent of Excise and Narcotics in a district should examine all the wireless equipment under their charge quarterly and should place on record the inspection done by them which should be reported to the Commissioner of Excise and Narcotics for further action.

*Maintenance*

**75.** The officer-in-charge of wireless equipments both in the Commissionerate and in the district offices should clean and check all the equipments at regular interval (or in the first week of every month).

*Inspection*

**76.** The Deputy Commissioner, Asst. Commissioner or any other officer duly authorized by the Commissioner of Excise and Narcotics, may at any time, inspect all the wireless equipments allotted to the District Excise and Narcotics office and the Commissionerate.

*Defect*

**77.** When any wireless become defective, the officer-in-charge should report in details to the Asst. Commissioner of Excise and Narcotics (Enforcement) or Superintendent of Excise and Narcotics in a district as the case may be, indicating the nature of defect, how it has become defected etc. In case when the wireless/Radio become defective due to the carelessness or negligence of the officer using the handset/equipments, the responsibility shall lie on him/her and a departmental action should be taken against him/her by the Commissioner of Excise and Narcotics as deemed fit and proper.

The defected wireless equipments should be sent to the qualified/reliable firm or workshop for repair only with



the prior permission of the Commissioner of Excise and Narcotics.

*Loss or theft of  
Wireless equipment*

**78.** In the case of loss or theft of any wireless equipment, an immediate report will be made to the Commissioner or Superintendent of Excise and Narcotics as the case may be and to the nearest Police Station for further action.

Loss of radio handset or any of its component is a very serious case which could amount to removal from service of the officer responsible for the loss. Any officer or other rank to whom Radio handset and its accessories are issued is directly responsible for the proper use and safe custody of the said equipments issued to him/her. He/she should be held responsible for any loss or damage of such equipments so issued in his/her name.

*Issue Register*

**79.** The officer-in-charge of wireless equipments should maintain Issue Register of Radio handsets in which every issue of Radio handsets should be recorded. The records shall contain among others.

- a) To whom issued (Name & Rank)
- b) Date and time of issue
- c) Serial number and model of handset
- d) Signature of recipient
- e) Signature of Issuing Officer
- f) Date and time of return
- g) Signature of returnee
- h) Signature of receiving officer
- i) Remarks.

*Checking of Register*

**80.** The Asst. Commissioner of Excise and Narcotics (Enforcement) and the Superintendent of Excise and Narcotics of a District should check the Issue Register of Radio Handsets maintained by the officer-in-charge under their control /at regular interval. Handset should not be issued to any officer or other ranks who, in the opinion of the Asst. Commissioner of Excise and Narcotics (Enforcement) or the Superintendent of Excise and Narcotics, is not reliable and trustworthy to handle such handset.

A senior officer of the rank of Superintendent of Excise and Narcotics and above shall have the power to debar

any officers or other ranks from keeping handset under their control who in their opinion is unfit to handle such equipments.

*Maintenance of Battery:- Acid, distilled water, battery post*

**81.** 1) The Wet battery (Heavy duty) should be fully charged at the time of installation.

2) The Wet batteries which were charged up with inverter/solar module should be checked regularly whether it is properly charged up or not.

3) The Sulphuric Acid/Distilled water of the battery should always be kept at proper level.

4) The battery post should be kept free from carbon.

5) The connecting wire(negative & positive) should be kept intact and avoid break up wire.

6) The strength of battery should be checked regularly and should always be kept at the standard level.

*Training of Wireless Operators*

**82.** All wireless operators should undergo a course of training in a recognized Institution or Training Centre and should obtain a Certificate of Competence in Grade – III, Grade – II and Grade-I.

*Proper care and handling of Handsets*

**83.** 1) In any case the officer or other rank to whom handset has been issued should not hand-over the handset to any other person without prior approval of the issuing officer.

2) The equipment must be kept under safe condition. It should always be kept away from moisture, dust and rain.

3) Before making transmission, ensure which channel you have to operate, to transmit the message

4) While switch is ON, automatically the BEEP sound will come on the speaker. It means the set is OK and is ready for operation.

5) While pressing press to talk (PTT) switch, there should

not be a BEEP sound.

6) Press the press to talk (PTT) switch not longer than 1 minute otherwise, the output energy may not be picked up by the antenna due to overheat of power transistor. So do not press beyond 1 minute and release it and so on.

7) Check the condition of battery. Use only a fully charged battery and keep a spare battery under charge.

8) If there is BEEP sound while pressing press to talk (PTT) switch, it indicates low battery. If so, it is advised to change the battery for further transmission.

9) Transmit your voice a few seconds after pressing press to talk (PTT).

10) Always try to make short transmission

11) Never play with the antennae and carry the set on. Otherwise, antennae coil may break which may cause failure of transmission.

12) If the other station (If any) is hardly readable or signal is cutting, the squelch switch (left top) should be pressed to escape from the squelch condition.

13) Keep some distance from the set while talking (about 6 inches away from the mouth) otherwise there could be a blurred signal.

### *Use of Priorities*

**84.** Normally messages are cleared according to their serial order of receipts at wireless station i.e. according to the time handed in. It is, however, necessary to ensure quick clearance of messages which need reach addressee as early as possible in view of the urgency of the text matter. This is, of course, a relative basis for comparison and call for clarification of message into different groups.

Therefore to give precedence to such messages over the earlier received ones, the following system of priorities is laid down. Originators will arrange for delivery

at Radio Station (1)Crash (2)Most Immediate (3)Immediate (4)Ordinary.

(1) **Crash** - When a message of this priority is received in the radio station, communication on all concerned channels is suspended forthwith to enable the message bearing "Crash Priority" to be cleared. The use of this priority is restricted for extreme emergencies and should therefore, be resorted to in every exceptional circumstances. The urgency demanding the use of such priority should be of such vital importance that the interruption of the communication in progress, perhaps of other urgent traffic, can be justified. The priority to be used where recipient has to take immediate executive action to save human life or to prevent damage to valuable property.

(2) **Most Immediate** - The use of this priority is restricted to messages conveying information or instructions relating to natural calamities, disturbances (communal, anti-social and political) strikes, accidents, riots, murder, security measures and important movements of the Excise and Narcotics personnel which in the opinion of the originator, should reach the addressee immediately.

(3) **Immediate** - The use of this priority is restricted to message conveying important information regarding law and order or immediate attention and action, for instance, information regarding probability of strikes, disturbances or any other upheaval; movement of high government official dealing with law and order, political leaders, agitators and dangerous criminals.

(4) **Ordinary** - This category is used in messages of routine nature which do not come under any of the above categories but are connected with law and order and which are urgent enough to justify the use of radio.

The instances mentioned above are not exhaustive and are intended as a broad guide for the use of the originators. It is the duty of the originator to consider each case and assign the minimum priority compatible with the requirement. As a guide, and also as a means of ensuring the correct use of priorities, the following entitlement of

priorities is laid down which uniform for all Excise and Narcotics personnel in the state. An officer, however, can assign a higher priority than he is entitled to it to contents of message fall under the broad subject division given below:-

(a) **Most Immediate** : Chief Secretary, Commissioner of Excise and Narcotics, Excise and Narcotics Secretary, District magistrate, Deputy Commissioner of Excise and Narcotics, Asst. Commissioner of Excise and Narcotics.

(b) **Immediate**: Superintendent of Excise and Narcotics, Sub-divisional magistrates, Deputy Secretary(Excise and Narcotics), Under Secretary(Excise and Narcotics) and other Excise and Narcotics Officers in independent charge of stations.

(c) **Routine** - All the above.

The above allocations have been framed for general applications only and are subject to variations prevailing for equivalent ranks in the different states. All originators must remember that when considering priorities, the minimum priority compatible with the circumstances under which a message has to be sent should always be used irrespective of the allocation given in the above table; for example, a Superintendent of Excise and Narcotics is entitled to use of priorities up to "Immediate" but it does not imply that he will use this priority only in all messages originated by him. Also, officials other than those enumerated against the different categories of priorities allotted, provided the situation warrants it and he can justify its use subsequently.

The Excise and Narcotics Radio Officers-in-charge of State Excise and Narcotics Radio Communication will lay down a procedure to check misuse of priority by originators.

Time limits i.e., period between 'Time Handed In' and 'Time Out' at any situation for the different priorities are specified as below:

a) Crash	=	30 minutes
b) Most Immediate	=	1 hours
c) Immediate	=	2 hours
d) Routine	=	8 hours

## MOTOR VEHICLE

### *Motor vehicle*

**85.** (i) The Commissioner of Excise and Narcotics shall appoint one of the senior officer in the Commissionerate as Officer-in-Charge of Motor vehicles who will be responsible for the proper maintenance and record of all vehicles under the control of Commissioner of Excise and Narcotics.

(ii) The Superintendent of Excise and Narcotics in-charge of a district should also appoint one of the Inspector under his control as officer-in-charge of vehicle in the district who will be responsible for the proper record and maintenance of vehicle of the District.

(iii) All the vehicles under Commissionerate of Excise and Narcotics as well as under Superintendent of Excise and Narcotics in a district should be kept in a safe place. The allottee should be responsible for the safety of vehicle allotted to him/her. In case of pool vehicle the driver who is assigned to the particular vehicle is responsible for the safety and proper maintenance.

(iv) When any vehicle become defective the concerned driver should submit defect report through proper channel to the Commissioner of Excise and Narcotics or Superintendent of Excise and Narcotics in a district as the case may be indicating the nature of defect, how it has become defected etc. In case when the vehicle become defective/damaged due to the carelessness or negligence of the driver, the responsibility shall lie on him/her and a departmental action should be taken against him/her by the Commissioner of Excise and Narcotics as deem fit and proper.

(v) The Deputy Commissioner, Assistant Commissioner or any other officer duly authorised by the Commissioner of Excise and Narcotics, may at any time, inspect the vehicles allotted to the District Excise and Narcotics Office and the Commissionerate.

(vi) The defected/damaged vehicle should be sent to a reliable workshop for repair only with the prior permission of the Commissioner of Excise and Narcotics or Superintendent of Excise and Narcotics in a District as the case may be.

(vii) Loss of any vehicle is a very serious case which could amount to removal from service of the officer or driver responsible for the loss. Any officers or drivers to whom the vehicle is allotted is directly responsible for the proper use and safety of the vehicle issued to him/her.

(viii) The Commissioner of Excise and Narcotics or the Superintendent of Excise and Narcotics in a district shall have the power to debar any officer or driver from driving or keeping any vehicle under their control who in their opinion is unfit to drive/handle such vehicle

(ix) Every Driver or motorcycle allottee shall maintain Car Diary in which necessary entries shall be made in every column. Concerned officer or officer-in-charge, in case of pool vehicle, shall countersign each entry.

## UNIFORMS

*Supply of uniform to certain classes of officers*

**86.** Excise and Narcotics Constables and above, upto the rank of Superintendent of Excise and Narcotics will be provided with the prescribed uniform at Government expenses. Superintendent of Excise and Narcotics in-charge of a district will see that uniforms of all officers subordinate to him are properly cut and fitted of suitable material and of the prescribed shade of khaki.

The State Government may pay in cash to those who are posted in Anti-Narcotic Squad in lieu of uniform articles to be issued to them.

*Departmental Badges and Buttons*

**87. (i) Design for badges and buttons:** The Ashoka Pillar and star encircled by the words “*Mizoram Excise and Narcotics*”

(ii) Buttons will be of Mizoram Police Pattern.

*Description of uniforms*

**88. (1) Uniforms of Superintendent of Excise and Narcotics:**

**Head Dress:** Khaki woolen Peaked-cap or Green Beret Cap with the badge in front, *Ashoka Pillar and Star surmounted by “Mizoram Excise and Narcotics”*

**Waist Hooks:** White metal

**Trousers:** Terry cotton khaki fitted with loops for belt.

**Shirt:** Terry cotton/Woolen khaki with two breast pockets and shoulder straps.

**Rank Badges:** Ashoka Pillar with white nickel M.R.E. letters on each shoulder strap.

**Stockings:** Plain khaki woolen/nylon.

**Shoes:** Brown leather, cut; White canvas.

**Jungle Boots:** Dark green plain.

**Belt:** Brown leather with white metal fittings and single brace and without frog.

**Tie:** Khaki or with orange stripes.

**Rain coat:** Khaki colour or any pattern

**Whistle Cord:** Dark green colour

**Jacket:** Mizoram Police Pattern

**Jersey:** Mizoram Police Pattern

**(2) Uniform of Inspectors, Sub-Inspectors and Assistant Sub-Inspector:**

**Head Dress:** Khaki woolen Peaked-cap or Green Beret cap

**Waist Hooks:** White metal

**Trousers:** Terry cotton khaki fitted with loops for belt.

**Shirt:** Terry cotton/Woolen khaki with two breast pock-



ets and shoulder straps.

**Stockings:** Plain khaki nylon.

**Shoes:** Brown leather, plain, White Canvas

**Jungle Boots:** Dark green plain.

**Belt:** Brown leather, single brace and without frog.

**Tie:** Khaki for Inspector only

**Rain coat:** Any pattern

**Whistle Cord:** Dark green colour

**Jacket & Jersey:** Mizoram Police Pattern

**(i) Rank Badge for Inspector:**

Two stars without ribbon and letters M.R.E. to be worn on each shoulder strap.

**(ii) Rank Badge for Sub-Inspector:**

One star without ribbon and letters M.R.E. to be worn on each shoulder strap.

**(iii) Rank Badge for Assistant Sub-Inspector:**

One star with ribbon(Green & Red) and letters M.R.E. to be worn on each shoulder strap.

***(3) Uniform of Wireless Operators, Head Excise and Narcotics Constables, Drivers and Excise and Narcotics Constables:***

Wireless Operators, Head Excise and Narcotics Constables, Drivers and Excise and Narcotics Constables will be provided with the prescribed uniform at government expenses. Head Excise and Narcotics Constables and Excise and Narcotics Constables will wear uniforms on all occasions on which they are on duty except that when for the purpose of detection it is necessary for them to conceal their identity. Wireless Operators and Drivers will also wear uniforms on all occasions on which they are on duty relaxed by the Controlling Officer. Their prescribed uniforms are as follows:

**Head Dress:** Dark green beret caps or forage-cap of Assam Rifle pattern with badge Ashoka Pillar surmounted by “Mizoram Excise and Narcotics”

**Shoes:** Black leather, plain, brown canvas.

### Clothing

Jungle Boot	
Waist Hook	
Trousers	
Shirt	\
Stocking	}]>>Same as Inspecting Staff
Belt	/
Rain coat	
Whistle Cord	
Jersey	
Jacket	

**(a) Rank Badges for Wireless Operator :** Wireless personnel will wear the prescribed badges one inch above the left breast pocket and the existing pattern of uniform will otherwise continue with M.R.E. letters on each shoulder straps.

**(b) Rank Badges for Head Excise and Narcotics Constable:** Three white stripe 'V' shape on the right sleeve

**(c) Rank Badges for Drivers:**

**(i) trained with 5 years service:** Grade I under Ashoka Pillar in a khaki circle which is circled by "Motor Vehicle Wing Mizoram Excise and Narcotics" on a green surface mounted on white upon green anchor with the words "Government of Mizoram" at the green surface on the right sleeve above the elbow.

**(ii) untrained 5 years service or trained less than 5 years service:** Grade II under Ashoka Pillar in a khaki circle which is circled by "Motor Vehicle Wing Mizoram Excise and Narcotics" on a green surface mounted on white upon green anchor with the words "Government of Mizoram" at the green surface on the right sleeve above the elbow.

**(iii) untrained less than 5 years service:** Grade III under Ashoka Pillar in a khaki circle which is circled by

“Motor Vehicle Wing Mizoram Excise and Narcotics” on a green surface mounted on white upon green anchor with the words “Government of Mizoram” at the green surface on the right sleeve above the elbow.

**NOTE:** There is no rank badge for Excise and Narcotics Constable.

*When uniform are to be worn* **89.** Uniform will be worn on the following occasions:

- (a) State ceremonies
- (b) When meeting the Governor, Ministers and Commissioner of Excise and Narcotics.
- (c) On all occasions on which an officer is on duty e.g. during inspections, investigation of cases, enquiries, conferences, when attending Court to give evidence, etc. provided that no officer need wear uniform when for the purpose of detection it is necessary for him to conceal his identity.
- (d) Angola serge, Jersey and Jacket of khaki colour of any pattern may be worn by all ranks during winter season i.e. 16<sup>th</sup> October to 15<sup>th</sup> February, but it is not obligatory.

NOTE: (1) Officers posted to the Narcotics Branch will not appear in uniform unless specially ordered to do so.

(2) No officers when in uniform or on duty may wear any mark on his face nor he may wear earrings, long hair is not permitted, properly trimmed moustache is allowed and he should always be properly dressed.

*Blazer*

**90.** Dark green blazer having 2(two) round nickel buttons with inscription ‘MRE’ on it is prescribed for all officers in the rank of Assistant Sub-Inspector and above. Departmental badge shall be worn on the left breast pocket. Gazetted Officers shall wear badge with star at the top. The collar shall be pointed.

*Departmental Flag*

**91.** Blue triangle upon red triangle with departmental emblem is prescribed for Excise and Narcotics Department

flag. The flag shall be hoisted during daytime at every Excise and Narcotics office or station. In national or state mourning and in special case when the Commissioner so ordered the flag shall be half-masted.

*Uniform of officer while officiating in superior appointment*

**92.** Officer while officiating in superior appointments may continue to wear uniforms of their substantive ranks.

*Mourning Band*

**93.** On occasions of public mourning and when attending funerals, all officers in uniform will wear a piece of black ribbon of three inches long on the left arm above the elbow.

*Period of life of kit*

**94.** Depending on rank, Excise and Narcotics Constables and above, upto Superintendent of Excise and Narcotics will be provided with such prescribed uniform which should last as a minimum the period as stated under:

<u>ARTICLES</u>	<u>NUMBER</u>	<u>LIFE(YEARS)</u>
Peaked cap	1	1
Beret cap	1	1
Belt	1	3
Badge and letters	1 set	5
Shirt	2	1
Trousers	2	1
Jungle boot	1 pair	1/2
Rain coat	1	2
Shoe(leather)	1 pair	1
Jersey	1	2
Jacket	1	2
Socks	1 pair	1
Kit box	1	5
Angola serge	1	2
Water bottle/ tomlet	1	5
Ammunition boot	1	2

*Issuing of clothing*

**95.** There shall be two general issues of clothing a year, one in September and one in March, but defects should be made good at any time.

- Liability to bear cost of replacement* **96.** Uniforms issued by Government remain Government property and one who negligently loses or prematurely wears out his uniform is liable not only to bear the cost of replacement but to punishment in addition. All payments recovered on account of clothing prematurely worn out or lost through negligence should be credited into the Treasury as a “Miscellaneous Excise and Narcotics Receipt” and not used in reduction of charge.
- Committee on receipt of clothing* **97.** Before opening the packages, a Committee of at least four officers shall be formed under Excise and Narcotics Department headed by the Deputy Commissioner of Excise and Narcotics and the team shall consist of Assistant Commissioner of Excise and Narcotics, Superintendent of Excise and Narcotics, Aizawl District and Officer-in-Charge(Uniform). The Committee shall physically verify and check the articles supplied to the Department and the quantity with amount involved in each case as per recommendation of Departmental Purchase Advisory Board / State Purchase Advisory Board and with copy for supply order.
- Clothing handbook* **98.** “Clothing Handbook” will be provided as appended in Annexure - all ranks including drivers in which all articles of clothing issued shall be entered as well as the date of issue, quantity and the life of each items. If two or more items are issued to the same person on the same date, that must be entered separately in the “Clothing Handbook”. Every entry should be initialled by the officer responsible for making it and each article should be separately entered. It should be verified from time to time so as to show exactly what clothing each man has in his possession.
- Quarterly checking of stock* **99.** On the first week of April, July, October and January, the Assistant Commissioner of Excise and Narcotics, in-charge of uniforms will carefully check the actual stock with the register of receipt and issue and take action on any discrepancies thus discovered, and certify to their correctness below the last entry.

As far as convenient, the amount of clothing kept in stock should not exceed the estimated requirements until the

arrival of the next supply to avoid deterioration due to damp and insects; camphor, naphthaline or similar preservatives should be used freely to protect clothing in store from insects, and periodically the clothing should be taken out and exposed to the sun in the open air.

The Commissioner of Excise and Narcotics may move the State Government for change or modify any rule contained in Part - I, Part - II, Part - III, Part - IV and Part - V for the general benefit of the Department.

**ANNEXURES INDEX**

**A. Organization Chart of Mizoram Excise & Narcotics Department .... 55**

**B. Recruitment Rules :**

1. Recruitment Rules of Commissioner of Excise .....	56
2. Recruitment Rules of Deputy Commissioner of Excise and Asst. Commissioner of Excise .....	59
3. Recruitment Rules of Superintendent of Excise .....	62
4. Recruitment Rules of Inspector of Excise .....	65
5. Recruitment Rules of Sub- Inspector of Excise .....	68
6. Recruitment Rules of Asst. Sub-Inspector of Excise .....	71
6(a). Recruitment Rules of Asst. Sub-Inspector of Excise( <i>Amendment</i> ) ....	74
7. Recruitment Rules of Wireless Operator of Excise .....	75
7(a). Recruitment Rules of Wireless Operator of Excise( <i>Amendment</i> ) .....	78
8. Recruitment Rules of Head Excise Constable .....	79
8(a). Recruitment Rules of Head Excise Constable( <i>Amendment</i> ) .....	82
9. Recruitment Rules of Excise Constable .....	83
10. Recruitment Rules of Driver & Handyman( <i>Amendment</i> ) .....	86
10(a). Recruitment Rules of Driver & Handyman( <i>Amendment</i> ) .....	90
10(b). Recruitment Rules of Driver & Handyman( <i>Amendment</i> ) .....	91

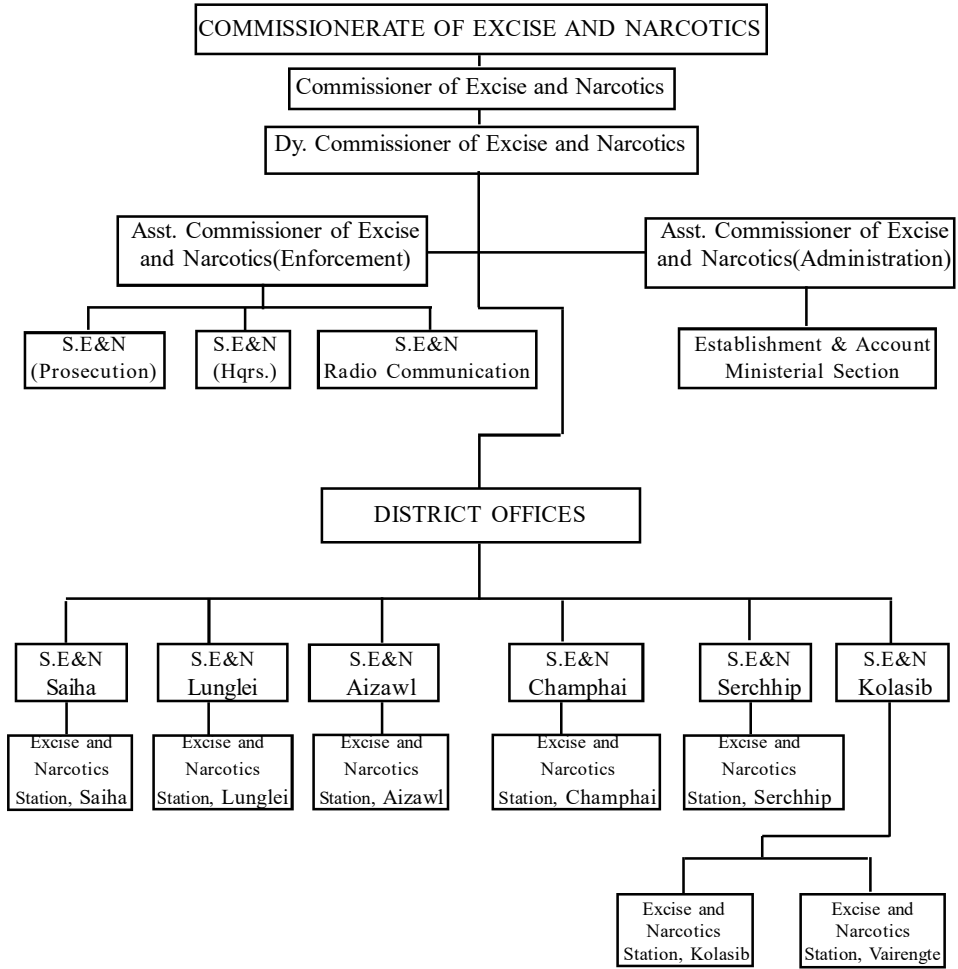
**C. Proformas :**

1. Immediate Report of Seizure and Arrest to the Commissioner of Excise & Narcotics, under ND&PS Act '85 .....	92
2. Fortnightly Report of Achievement .....	93
3. Monthly Crime Report .....	94
3.(a) Monthly Crime Report .....	95
4. Monthly Collection of Revenue .....	96
5. Monthly Expenditure Report .....	97
6. Monthly Report of Prosecution Branch .....	98
7. Monthly Master Report of Drugs Trafficking .....	99
8. Monthly Seizure Report on Drugs Seized under ND&PS Act '85 .....	107
9. Command Certificate .....	108
10. Questionnaire on Inspection .....	109
11. Vehicle Inspection .....	113
12. Radio Wireless Equipment Inspection .....	114
13. Hand-Cuff Inspection .....	116
14. Arms & Ammunition Inspection .....	117
15. Initial Test Memo .....	119
16. Test Memo .....	120
17. Accused Challan .....	121
18. Exhibit Challan .....	122

19. Detail particulars of Accused Person .....	123
20. Particulars of Drugs Abuser .....	124
21. Case Diary .....	125
22. Bio data of Accused Person .....	126
23. Prosecution Sanction .....	127
24. Form 'F' .....	128
24(a)Form 'F' .....	129
25. Report of Foreigner Arrest .....	130
26. Medical Examination of Accused Person .....	131
27. Personal Release Bond (PR Bond) .....	132
28. Zimmanama .....	133
29. Abstain Bond .....	134
30. Weekly Performance Report of Officer .....	135
31. Weekly Performance Report of Officer(for Prosecuting officers) .....	136
32. Cases of Illicit traffic in Narcotics and Smuggling .....	137
32(a). Proforma for reporting on person(s) involved in Narcotics, Psychotropics substances/precursors Trafficking/Smuggling .....	138
33. Reward proposal for Officers .....	139
34. Case Investigating Officer's Checklist .....	140



**ORGANISATION CHART OF EXCISE AND NARCOTICS DEPARTMENT, MIZORAM**



**Annexure - B1****RECRUITMENT RULES****NOTIFICATION <sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the post(s) of Commissioner of Excise under Excise Department, Government of Mizoram, namely :-

- |  |   |
|--|---|
| 1. Short title and commencement                        | (i) These Rules may be called the Mizoram Excise Department (Group 'A' posts) Recruitment Rules, 1991.<br>(ii) They shall come into force from the date of their publication in the Official Gazette. |
| 2. Application   | The rules shall apply to the post(s) specified in col. 1 of the Annexure-I hereto annexed.  |
| 3. Number of posts classification and scale of pay     | The number of the said posts, their classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 to the Annexure I aforesaid.   |
| 4. Method of recct. age limit and other qualification. | The age limit, qualifications and other matters relating to the said post shall be as specified in columns 5 to 14 of the said Annexure - I   |

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belong to the Scheduled Castes/Scheduled Tribes and other special categories or persons in accordance with the orders issued by the Central Government or Government of Mizoram from time to time.

- |                     |  |
|---------------------|--|
| 5. Disqualification | No person,<br>a) who has entered into or contracted a marriage with a person having a spouse living; or<br>b) who having a spouse living has entered into or contracted marriage with any person shall be eligible for appointment to the said post. |
|---------------------|--|

Provided that the Governor may, if satisfied that such marriage is permissible under the personal law applicable to such person and other party to the marriage and that there are other grounds for doing so, exempt any person from the operation of this rules.

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<sup>1</sup> Notified vide No A.12018/2/91-P&AR(GSW) dt. 11.4.1991 appeared in the Mizoram Gazette Vol XX Extraordinary Issue No 80 Dt. 24.4.1991

6. Training and Departmental Examination  
6(A) Every Govt. servant shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.
- Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest, have the right and power to transfer any Officer or Official, recruited in accordance with these Rules to the post/ posts/service specified in Schedule/Annexure to these rules to any other post or position which is equivalent in rank and grade.
7. Power to relax Where the Governor is of the opinion that it is necessary or expedient so to do, it may by order and for reasons to be recorded in writing in consultation with the Selection Committee/Departmental Promotion Committee through Department of Personnel & Administrative Reforms, relax any of the provisions of these rules with respect to any class or category of persons.
8. Reservation, other concessions Nothing in these rules shall affect reservation and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other categories of persons in accordance with the orders issued by the Central Government or Government of Mizoram from time to time in this regard.
9. Repeal and Saving All Rules pertaining to these posts framed by the Governor of Assam or by the Govt. of Assam and were in force in the erstwhile Mizo District and continued to be in existence in pursuance of Govt. of India, Ministry of Home Affairs Notification No. 14/21/71 - HMT (ii) Dt. 21.1.1972 are hereby repealed.
- Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been made, done or taken under the corresponding provisions of these rules.

H. Lal Thlamuana  
Commissioner, DP & AR

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP 'A' POST IN THE DEPARTMENT OF EXCISE

Name of posts	No of posts	Classification	Scale of Pay	Whether Selection post or non-Selection post	Whether benefit of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972	Age limit for direct recruits	Educational qualification and other qualification required for direct rectt.
1	2	3	4	5	6	7	8
Commissioner of Excise	1(one) 1989	General State Service Group 'A' (Gazetted) Non-Ministerial	No. 4500-150-5700/-	Selection post	N.A.	N.A.	N.A.

Whether the age and Educational qualifications prescribed for direct recruitments will apply in the case of promotion.	Period of probation if any	Method of Rectt. Whether by direct recruitment or by promotion or by deputation/ transfer & percentage of the vacancies to be filled by various methods.	In case of Recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/transfer to be made.	If D.P. exist, what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
N.A.	N.A.	100% by promotion failing which by transfer on deputation.  Promotion/ transfer on deputation (duty) allowances in c ase the post is filled up by transfer on deputation of the Govt. of Mizoram.	PROMOTION: From Deputy Commissioner of Excise with not less than 5 years regular service in the grade.  TRANSFER ON DEPUTATION: IAS Officer holding analogous post from Central/ State Govt. (Period of deputation including period of deputation in another ex-CAdre post held immediate proceeding this appointment in the same or other organisation/deptt. shall ordinarily not exceeding 3 years.	Mizoram Public Service Commission  OR Selection Committee /D.P.C. As may be constituted by the Govt. from time to time.	Exempted from the purview of U.P.S.C.

**NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the posts indicated in the Annexure - I.

- |   |   |
|---|---|
| 1. Short title and commencement                               | <p>(i) These Rules may be called the Mizoram Excise Department (Group 'A' posts) Recruitment Rules, 1995.</p> <p>(ii) They shall come into force from the date of their publication in the Official Gazette.</p>  |
| 2. Application  | The Rules shall apply to the post specified in Col.1 of the Annexure-I hereto annexed.  |
| 3. Number of posts classification and scale of pay            | The number of the said posts, their classification and the scale of pay attached thereto shall be as specified in the Annexure I aforesaid.   |
| 4. Method of recruitment, age limit and other qualifications. | <p>The age limit, qualifications and other matters relating to the said post, shall be as specified in the Annexure - I</p> <p>Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belong to the Scheduled Castes/Scheduled Tribes and other special categories or persons by 7 years or in accordance with the orders issued by the Government of Mizoram from time to time.</p>  |
| 5. Disqualification   | <p>No person,</p> <p>a) who has entered into or contracted a marriage with a person having a spouse living; or</p> <p>b) who having a spouse living, has entered into or contracted marriage with any persons shall be eligible for appointment to the said post.</p> <p>Provided that the Governor of Mizoram may, if satisfied that such marriage is permissible under the personnel law applicable to such person and to other party to the marriage and that there are other grounds for doing so, exempt any person from the operation of this Rule.</p> |

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<sup>1</sup> Notified vide No A.12018/2/91-P&AR(GSW) dt. 14.7.1995 appeared in the Mizoram Gazette Vol XXIV Extraordinary Issue No 261 Dt. 21.7.1995

6. Training and Departmental Examination. The person recruited under these Rules shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.
7. Transfer and posting. Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest transfer any Officer or Official, recruited in accordance with these Rules to the post/posts/ service specified in Annexure to these rules to any other post or position which is equivalent in rank or grade.
8. Power to relax Where the Governor of Mizoram is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing relax any of the provisions of these Rules with respect to any class or category of persons.
9. Reservation, other concessions Nothing in these rules shall affect reservation and other concessions required to be provided for the Scheduled Caste, the Scheduled Tribe and other categories of persons in accordance with the orders issued by the State Government from time to time in this regards.
10. Repeal and Saving All the Rules pertaining to the recruitment to these posts still in force are hereby repealed.

Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been made, done or taken under the corresponding provisions of these rules.

By orders etc.

Secretary to the Govt. of Mizoram.

ANNEXURE  
(Annexure to the post of Group 'A' post Recruitment Rules)

Sl No.	Name of posts	No of posts	Classification	Scale of Pay	Method of recruitment direct/ promotion/ transfer/ deputation.	Period of probation for direct recruit/ promotion.	Whether benefit of added years of service is admissible under rule 30 of the CCS (Pension)	In the case of direct recruitment.	
								Age limit prescribed.	Educational qualification and other qualification required.
1	2	3	4	5	6	7	8	9	10
1.	Deputy Commissioner of Excise	1(one) or as sanctioned from time to time.	General State Service Group 'A' (Senior grade (Gazetted))	Rs. 3700-125-4700-150 - 5000/- p.m.	100% promotion failing which transfer on deputation.	2(two) years.	N.A.	N.A.	N.A.
2.	Assistant Commissioner of Excise	1(one) or as sanctioned from time to time.	General State Service Group 'A' (Gazetted)	Rs. 3000-100-3500-125 - 4500/- p.m.	100% promotion failing which transfer on deputation.	2(two) years.	N.A.	N.A.	N.A.

In case of recruitment by promotion/transfer/deputation			If consultation with MPSC is not required as per the MPSC (Limitation of functions) Regulation, 1989 as amended from time to time, the composition of DPC/DSC.
Whether selection or Non-selection	Age limit	Grade from which promotion/transfer/deputation to be made	
11	12	13	14
Selection post	N.A.	PROMOTION: From Assistant Commissioner of Excise with 5 years regular service in the grade, failing which transfer on deputation from Officers of Central/State Government/UT Administration holding analogous posts.  The period of deputation should not ordinarily exceed 3(three) years.	As constituted by the Government from time to time.
Selection post	N.A.	PROMOTION: From Superintendent of Excise who have put in not less that 5 years regular service in the grade.  TRANSFER ON DEPUTATION: Officer from Central/ State gov./ UT Administration holding analogous post (period of deputation should not exceed 3 years).	As constituted by the Government from time to time.

**Annexure - B3****NOTIFICATION <sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the posts of Superintendent of Excise under Excise Department, Government of Mizoram, namely:-

1. Short title and commencement
  - (i) These Rules may be called the Mizoram Excise Department (Group 'A' posts) Recruitment Rules, 1992.
  - (ii) They shall come into force from the date of their publication in the Official Gazette.
  
2. Application
 

The Rules shall apply to the post specified in Col.1 of the Annexure-I hereto annexed.
  
3. Number of posts classification and scale of pay
 

The number of the said posts, their classification and the scale of pay attached thereto shall be as specified in Columns 2 to 4 of the Annexure - I aforesaid.
  
4. Method of recruitment, age limit and other qualifications.
 

The age limit, qualifications and other matters relating to the said post, shall be as specified in Columns 5 to 14 of the Annexure - I

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belong to the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government or Government of Mizoram from time to time.
  
5. Disqualification
 

No person,

  - a) who has entered into or contracted a marriage with a person having a spouse living; or
  - b) who having a spouse living, has entered into or contracted marriage with any persons shall be eligible for appointment to the said post.

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<sup>1</sup> Notified vide No A.12018/2/91-P&AR(GSW) dt. 23.2.1993 appeared in the Mizoram Gazette Vol XXII Extraordinary Issue No 29 Dt. 26.2.1993



Provided that the Governor may, if satisfied that such marriage is permissible under the personal law applicable to such person and to other party to the marriage and that there are other grounds for doing so, exempt any person from the operation of this Rules.

6. Training and Departmental Examination. Every Govt. servant shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.

6(A) Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest, have the right and power to transfer any Officer or Official, recruited in accordance with these Rules to the post/ posts/service specified in Schedule/Annexure to these rules to any other post or position which is equivalent in rank and grade.

7. Power to relax Where the Governor is of the opinion that it is necessary or expedient so to do, it may by order and for reasons to be recorded in writing in consultation with the Selection Committee/Departmental Promotion Committee through Department of Personnel & Administrative Reforms, relax any of the provisions of these rules with respect to any class or category of persons.

8. Reservation, other concessions Nothing in these rules shall affect reservation and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other categories of persons in accordance with the orders issued by the Central Government or Government of Mizoram from time to time in this regards.

9. Repeal and Saving All Rules pertaining to these posts framed by the Governor of Assam or by the Government of Assam and were in force in the erstwhile Mizo District and continued to be in existence in pursuance of Govt. of India, Ministry of Home Affairs Notification No. 14/21/71 - HMP (ii) Dated 21.1.1972 and the Mizoram Gazette Extra ordinary Issue NO. 2 Vol-XIII under Notification No. A. 12018/8/82-APT(B) the 13<sup>th</sup> January, 1984 are hereby repealed.

Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been made, done or taken under the corresponding provisions of these rules.

By orders etc.  
Lalmalsawma  
Secretary to the Govt. of Mizoram,  
DP&AR.

## ANNEXURE - I

## RECRUITMENT RULES FOR GROUP 'A' POST IN THE DEPARTMENT OF EXCISE

Name of posts	No of posts	Classification	Scale of Pay	Whether Selection post or non-Selection post	Whether benefit of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972	Age limit for direct recruitment.	Educational qualification and other qualification required for direct recruitment.
1	2	3	4	5	6	7	8
Superintendent of Excise	4(four) subject to variation depending on work-load	General State Service Group 'A' (Gazetted) Non-Ministerial	Rs. 2200-75-2800-EB-100-4000/-	Selection post	N.A.	N.A.	N.A.

Whether the age and Educational qualifications prescribed for direct recruitments will apply in the case of promotion.	Period of probation if any	Method of recruitment Whether by direct recruitments or by promotion or by deputation/ transfer & percentage of the vacancies to be filled by various methods.	In case of Recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/transfer to be made.	If D.P.C exist, what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
N.A.	Two years	PROMOTION: 100% failing which transfer on deputation.	<p>BY PROMOTION: From Inspector of Excise who has rendered not less than 5 years regular service in the grade and who has passed the Departmental examination and has undergone the training course prescribed by the department, if any.</p> <p>TRANSFER ON DEPUTATION: Officers from Central/ State Govt./ UT Admn. holding analogous posts or officer having 5 years regular service in the scale of Rs. 2000-3200/- p.m. possessing the qualifications and experiences laid down for direct recruits.</p> <p>Period of deputation should not ordinarily exceeding 3 years.</p>	MPSC/SC as constituted by the Govt. of Mizoram from time to time.	As per MPSC (Limitation of functions) Regulations 1989 as amended from time to time.

**NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the posts indicated in the Annexure - I.

- |   |   |
|---|---|
| 1. Short title and commencement                               | (i) These Rules may be called the Mizoram Excise Department (Group 'B' posts) Recruitment Rules, 1995.<br>(ii) They shall come into force from the date of their publication in the Official Gazette. |
| 2. Application  | The Rules shall apply to the post specified in Col.1 of the Annexure-I hereto annexed.  |
| 3. Number of posts classification and scale of pay            | The number of the said post(s), their classification and the scale of pay attached thereto shall be as specified in the Annexure I aforesaid.   |
| 4. Method of recruitment, age limit and other qualifications. | The age limit, qualifications and other matters relating to the said posts, shall be as specified in the Annexure - I   |

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes/Scheduled Tribes and other special categories of persons by 5 years or in accordance with the orders issued by the Government of Mizoram from time to time.

- |                     |  |
|---------------------|--|
| 5. Disqualification | No person,<br>a) who has entered into or contracted a marriage with a person having a spouse living; or<br>b) who, having a spouse living, has entered into or contracted marriage with any persons, shall be eligible for appointment to the said post. |
|---------------------|--|

Provided that the Governor of Mizoram may, if satisfied that such marriage is permissible under the personnel law applicable to such person and to other party to the marriage and that there are other grounds for doing so, exempt any person from the operation of this Rule.

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<sup>1</sup> Notified vide No A.12018/2/91-P&AR(GSW) dt. 14.7.1995 appeared in the Mizoram Gazette Vol XXIV Extraordinary Issue No 262 Dt. 21.7.1995

6. Training and Departmental Examination      The person recruited under these Rules shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.
7. Transfer and posting.      Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest transfer any Officer or Official, recruited in accordance with these Rules to the post/posts/ service specified in the Annexure to these rules to any other post or position which is equivalent in rank or grade.
8. Power to relax      Where the Governor of Mizoram is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category of persons.
9. Reservation, other concessions      Nothing in these Rules shall affect reservation and other concessions required to be provided for the Scheduled Caste, the Scheduled Tribe and other categories of persons in accordance with the orders issued by the State Government from time to time in this regards.
10. Repeal and Saving      All the Rules pertaining to the recruitment to these posts still in force are hereby repealed.

Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been done or taken under the corresponding provisions of these rules.

By orders etc.

Secretary to the Govt. of Mizoram.

ANNEXURE  
(Annexure to the post of Group 'B' post Recruitment Rules)

Sl No.	Name of posts	No of posts	Classification	Scale of Pay	Method of recruitment direct/ promotion/ transfer/ deputation.	Period of probation for direct recruit/ promotion .	Whether benefit of added years of service is admissible under rule 30 of the CCS	In the case of direct recruitment.	
								Age limit prescribed.	Educational qualification and other qualification required.
1	2	3	4	5	6	7	8	9	10
1.	Inspector of Excise	17 (Seventeen) or as sanctioned from time to time.	General State Service Group 'B' (Non-Gazetted) (Non-Ministerial)	Rs.2000-60-2300 - EB-75-3200/- p.m.	50% Promotion. 50% Direct recruitment failing which transfer on deputation	2(two) years.	N.A.	Between 18 & 30 years relaxable by 5 years in case of candidate belonging to SC/ST.	1. Graduate in Arts, Commerce or Science or its equivalent passed from any recognised University. 2. Physical measurement. Height 5' 4" Chest- Normal 34" Expanded- 36" Race:- i) 100m- 15 Secs ii) 800m- 3 Mins 4. Working knowledge of Mizo upto the Standard of Middle School is desirable.

In case of recruitment by promotion/transfer/deputation			If consultation with MPSC is not required as per the MPSC (Limitation of functions) Regulation, 1989 as amended from time to time, the composition of DPC/DSC.
Whether selection or Non-selection	Age limit	Grade from which promotion/transfer/deputation to be made	
11	12	13	14
Selection post	N.A.	PROMOTION: From Sub-Inspector of Excise with not less than 5 years regular service in the grade and who have passed departmental examination failing which transfer on deputation from Officials holding similar posts in other department/ Government.  (The period of deputation ordinarily not exceeding 3(three) years.)	As consulted by the Government from time to time.

**NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the posts indicated in the Annexure - I.

1. Short title and commencement
  - (i) These Rules may be called the Mizoram Excise Department (Group 'B' posts) Recruitment Rules, 1995.
  - (ii) They shall come into force from the date of their publication in the Official Gazette.
  
2. Application
 

The Rules shall apply to the post specified in Col.1 of the Annexure-I hereto annexed.
  
3. Number of posts classification and scale of pay
 

The number of the said post(s), their classification and the scale of pay attached thereto shall be as specified in the Annexure I aforesaid.
  
4. Method of recruitment, age limit and other qualifications.
 

The age limit, qualifications and other matters relating to the said posts, shall be as specified in the Annexure - I

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons by five years or in accordance with the orders issued by the Government of Mizoram from time to time.
  
5. Disqualification
 

No person,

  - a) who has entered into or contracted a marriage with a person having a spouse living;
  - or
  - b) who, having a spouse living, has entered into or contracted marriage with any persons, shall be eligible for appointment to the said post.

Provided that the Governor of Mizoram may, if satisfied that such marriage is permissible under the personnel law applicable to the marriage and that there are other grounds for doing so, exempt any person from the operation of this Rule.

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<sup>1</sup> Notified vide No.A.12018/2/91-P&AR(GSW) dt. 7.4.1997 appeared in the Mizoram Gazette Vol XXVI Extraordinary Issue No 142 Dt. 15.5.1996

6. Training and Departmental Examination. The person recruited under these Rules shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.
- 6(A) Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest may transfer any Officer or Official, recruited in accordance with these Rules to the post/ posts/service specified in the Annexure to these rules to any other post or position which is equivalent in rank or grade.
7. Power to relax Where the Governor of Mizoram is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category of persons.
9. Reservation, other concessions Nothing in these Rules shall affect reservation and other concessions required to be provided for the Scheduled Caste, the Scheduled Tribe and other categories of persons in accordance with the orders issued by the State Government from time to time in this regards.
10. Repeal and Saving All the Rules pertaining to the recruitment to these posts still in force are hereby repealed.

Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been done or taken under the corresponding provisions of these rules.

By orders etc.

Vanhela Pachuau  
Secretary to the Govt. of Mizoram.

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP 'B' POST IN THE DEPARTMENT OF EXCISE

Name of posts	No of posts	Classification	Scale of Pay	Whether Selection post or non-Selection post	Whether benefit of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972	Age limit for direct recruits	Educational qualification and other qualification required for direct rectt.
1	2	3	4	5	6	7	8
Sub-Inspector of Excise	50 (Fifty) posts or as sanctioned from time to time.	General State Service Group 'B' (Non-Gazetted) (Non-Ministerial)	Rs. 1640-60 -2600-EB- 75-2900/-	Selection	N.A.	Between 18 and 30 yrs. The upper age limit is relaxable by 5 yrs. In case of candidates belonging to SC/ST candidates	1. Graduate in Arts, Commerce & Science or its equivalent from any recognised University. 2. Physical Measurement. MALE FEMALE a) Height 156 cms 150 cms b) Chest Normal 77 cms 72cms Expanded 82 cms 74cms 3. Physical Test. RACE MALE FEMALE 100M 15 secs 30 secs 800M 3 Mins - 400M - 3 Mins HIGH JUMP 108 cms 80 cms LONG JUMP 366 cms 244 cms 4. Working knowledge of Mizo language up to the Standard of Middle School is desirable.

Whether the age and Educational qualifications prescribed for direct recruitments will apply in the case of promotion.	Period of probation if any	Method of Recruitment. whether by direct recruitment or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of Recruitment by promotion/transfer/ deputation/transfer to be made.	If D.P.C. exist, what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
N.A.	2(two) years	20% by Promotion 80% Direct recruitment	PROMOTION: From ASI(E) having 5 years regular service in the grade and who have passed departmental examination.	As may be constituted by the Govt. from time to time.	Exempted from the purview of U.P.S.C.

FOOT NOTE: If any vacancy falling under the quota of promotion is filled by direct recruitment due to non-availability of eligibility candidates for promotion as per Col. 11 of the recruitment rules, such vacancy will be restored to the promotion quota from future vacancy as and when departmental candidates attain eligibility for promotion by way of adjusting the



**NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the posts indicated in the Annexure - I.

1. Short title and commencement
  - (i) These Rules may be called the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997.
  - (ii) They shall come into force from the date of their publication in the Official Gazette.
  
2. Application
 

The Rules shall apply to the post specified in Col.1 of the Annexure-I hereto annexed.
  
3. Number of posts classification and scale of pay
 

The number of the said post(s), their classification and the scale of pay attached thereto shall be as specified in the Annexure I aforesaid.
  
4. Method of recruitment, age limit and other qualifications.
 

The age limit, qualifications and other matters relating to the said posts, shall be as specified in the Annexure - I

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons by five years or in accordance with the orders issued by the Government of Mizoram from time to time.
  
5. Disqualification
 

No person,

  - a) who has entered into or contracted a marriage with a person having a spouse living;
  - or
  - b) who, having a spouse living, has entered into or contracted marriage with any persons, shall be eligible for appointment to the said post.

Provided that the Governor of Mizoram may, if satisfied that such marriage is permissible under the personal law applicable to the marriage and that there are other grounds for doing so, exempt any person from the operation of this Rule.

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<sup>1</sup> Notified vide No.A.12018/2/91-P&AR(GSW) dt. 7.4.1997 appeared in the Mizoram Gazette Vol XXVI Extraordinary Issue No 133 Dt. 14.5.1997

6. Training and Departmental Examination. The person recruited under these Rules shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.
- (a) Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest may transfer any Officer or Official, recruited in accordance with these Rules to the post/ posts/service specified in the Annexure to these rules to any other post or position which is equivalent in rank or grade.
7. Power to relax Where the Governor of Mizoram is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category of persons.
9. Reservation, other concessions Nothing in these Rules shall affect reservation and other concessions required to be provided for the Scheduled Caste, the Scheduled Tribe and other categories of persons in accordance with the orders issued by the State Government from time to time in this regards.
10. Repeal and Saving All the Rules pertaining to the recruitment to these posts still in force are hereby repealed.

Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been done or taken under the corresponding provisions of these rules.

By orders etc.

Vanhela Pachuau  
Secretary to the Govt. of Mizoram.

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP 'C' POST IN THE DEPARTMENT OF EXCISE

Name of post(s)	No of posts	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972	Age limit for direct recruits	Educational qualification and other qualification required for direct rectt.
1	2	3	4	5	6	7	8
Assistant Sub-Inspector of Excise	16 (Sixteen) posts or as sanctioned from time to time.	General State Service Group 'C' (Non-Gazetted) (Non-Ministerial)	Rs. 1400-40 -1600-50- 2300-EB- 60-2600/-	Selection	N.A.	Between 18 and 30 yrs. The upper age limit is relaxable by 5 yrs. In case of candidates belonging to SC/ST and Govt. servants	1. PUC in Arts, Commerce & Science or its equivalent from a recognised University. 2. Physical Measurement. MALE FEMALE Height 156 cms 150 cms Chest Normal 77 cms 73cms Expanded 82 cms 74cms 3. Physical Test MALE FEMALE HIGH JUMP 108 cms 80 cms LONG JUMP 366 cms 244 cms RACE 100M 15 secs 30 secs 800M 3 Mins - 400M - 3 Mins 4. Working knowledge of Mizo language up to the Standard of Middle School is desirable.

Whether the age and Educational qualifications prescribed for direct recruitments will apply in the case of promotion	Period of probation if any	Method of Recruitment. whether by direct recruitment or by promotion or by deputation/ transfer & percentage of the vacancies to be filled by various methods.	In case of Recruitment by promotion/transfer/ deputation, grade from which to be made.	If D.P.C. exist, what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
N.A.	2(two) years	70% by Promotion 30% Direct recruitment	PROMOTION: 1. From Head Constable with at least 5 years regular service in the grade and who have passed departmental examination as prescribed by the Deptt. 2. From Wireless Operator with at least 3 years regular service in the grade and who have passed departmental examination as prescribed by the Deptt.	As constituted by the Govt. of Mizoram from time to time.	Exempted from the purview of U.P.S.C.

**Annexure - B6(a)****NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules to amend the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997 (hereinafter referred to as the Principal Rules) as notified under Notification No. A. 12018/2/91-P&AR(GSW) dated 7.4.1997 and published in the Mizoram Gazette Extra Ordinary Issue No. 133 dated 14.5.1996 in respect of Assistant Sub-Inspector of Excise, namely :-

Short title and commencement.	1.(1)These Rules may be called the Mizoram Excise & Taxation Department (Group 'C' posts) Recruitment (Amendment) Rules, 2003. (2)They shall come into force on the date of their publication in the Mizoram Gazette.
Amendment of Columns 4, 11, 12 and 13 of First Schedule.	2. In the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997 -  (1)For the words "Annexure -I", the words, "First Schedule" shall be substituted. (2) For the entries in Columns 4, 11, 12 and 13 of the First Schedule, the following entries shall be substituted against each column. (a) Column 4 – Rs. 5000-150-8000/- per month. (b) Column 11-75% by promotion, 25% by direct recruitment. (c)Column 12 – (i) 25% from Head Excise Constable with at least 5 years regular service in the grade who have passed departmental examination as prescribed by the Department. (ii) 25% from Wireless Operator with at least five years regular service in the grade who have passed departmental examination as prescribed by the Department. (iii) 25% from Matriculate of High School Leaving Certificate Excise Constable with at least five years regular service in the grade who have passed the departmental examination as prescribed by the Department. (d) Column-13 – Secretary to the Government of Mizoram, – Chairman. Excise Department Commissioner of Excise – Member Secretary. Representative of the Department of – Member. Personnel and Administrative Reforms not below the rank of an Under Secretary

By Orders etc.

L. Toichhong,

Secretary to the Govt of Mizoram,

Department of Personnel & Administrative Reforms.

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<sup>1</sup> Notified vide No A.12018/3/2003-P&AR(GSW) Dt. 15.10.2003 appeared in the Mizoram Gazette Vol XXXII Extraordinary Issue No 301 Dt. 22.10.2003

**NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the posts indicated in the Annexure - I.

- |   |  |
|---|--|
| 1. Short title and commencement                               | (i) These Rules may be called the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997.<br>(ii) They shall come into force on the date of their publication in the Official Gazette.  |
| 2. Application  | The Rules shall apply to the post specified in Col.1 of the Annexure-I hereto annexed.   |
| 3. Number of posts classification and scale of pay            | The number of the said post(s), their classification and the scale of pay attached thereto shall be as specified in the Annexure I aforesaid.  |
| 4. Method of recruitment, age limit and other qualifications. | The age limit, qualifications and other matters relating to the said posts, shall be as specified in the Annexure - I<br>Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons by 5 years or in accordance with the orders issued by the Government of Mizoram from time to time.   |
| 5. Disqualification   | No person,<br>a) who has entered into or contracted a marriage with a person having a spouse living;<br>or<br>b) who, having a spouse living, has entered into or contracted marriage with any persons, shall be eligible for appointment to the said post.<br><br>Provided that the Governor of Mizoram may, if satisfied that such marriage is permissible under the personal law applicable to the marriage and that there are other grounds for doing so, exempt any person from the operation of this Rule. |

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<sup>1</sup> Notified vide No.A.12018/2/91-P&AR(GSW) dt. 7.4.1997 appeared in the Mizoram Gazette Vol XXVI Extraordinary Issue No 134 Dt. 15.5.1996

6. Training and Departmental Examination. The person recruited under these Rules shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.
- 6(a) Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest may transfer any Officer or Official, recruited in accordance with these Rules to the post/ posts/service specified in the Annexure to these rules to any other post or position which is equivalent in rank or grade.
7. Power to relax Where the Governor of Mizoram is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category of persons.
9. Reservation, other concessions Nothing in these Rules shall affect reservation and other concessions required to be provided for the Scheduled Caste, the Scheduled Tribe and other categories of persons in accordance with the orders issued by the State Government from time to time in this regards.
10. Repeal and Saving All the Rules pertaining to the recruitment to these posts still in force are hereby repealed.

Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been done or taken under the corresponding provisions of these rules.

By orders etc.

Vanhela Pachuau  
Secretary to the Govt. of Mizoram.

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP 'C' POST IN THE DEPARTMENT OF EXCISE

Name of post	No of post	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972	Age limit for direct recruits	Educational and other qualification required for direct recruitment
1	2	3	4	5	6	7	8
Wireless Operator	22 (Twenty two) or as sanctioned from time to time	General State Service Group 'C' (Non-Gazetted) (Non-Ministerial)	Rs. 1200-30 -1560-EB- 40-2040/-	N.A.	N.A.	Between 18 and 30 yrs. relaxable by 5 yrs. in case of candidates belonging to SC/ST.	1. HSLC from recognised University/Board. 2. Physical Measurement. MALE   FEMALE Height   156 cms 150 cms Chest     Normal   77 cms 73cms Expanded 82 cms 74cms 3. Physical Test. MALE   FEMALE HIGH JUMP 108 cms 80 cms LONG JUMP 366 cms 244 cms 4. Working knowledge of Mizo language up to Middle School standard 5. RACE     MALE   FEMALE 100M       15 secs 30 secs 800M       3 Mins   - 400M       -       3 Mins

Whether the age and Educational qualifications prescribed for direct recruitments will apply in the case of promotion	Period of probation if any	Method of Recruitment. whether by direct recruitment or by promotion or by deputation/ transfer & percentage of the vacancies to be filled by various methods.	In case of Recruitment by promotion/transfer/ deputation, grade from which to be made.	If D.P.C. exist, what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
N.A.	2(two) years	100% Direct recruitment	N.A.	As constituted by the Govt. of Mizoram from time to time.	Exempted from the purview of U.P.S.C.

**Annexure - B7(a)****NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules to amend the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997 (hereinafter referred to as the Principal Rules) as notified under Notification No. A. 12018/2/91-P&AR(GSW) dated 7.4.1997 and published in the Mizoram Gazette Extra Ordinary Issue No. 134 dated 14.5.1996 in respect of Wireless Operator, namely :-

Short title and commencement.	1.(1)These Rules may be called the Mizoram Excise & Taxation Department (Group 'C' posts) Recruitment (Amendment) Rules, 2003. (2) They shall come into force on the date of their publication in the Mizoram Gazette.
Amendment of Columns 4, 11, 12 and 13 of First Schedule.	In the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997 -  (1)For the words "Annexure -I", the words, "First Schedule" shall be substituted. (2)For the entries in Columns 4, 11, 12 and 13 of the First Schedule, the following entries shall be substituted against each column. (a) Column 4 – Rs. 4000-100-6000/- per month. (b) Column 11 – Fifty percent by promotion, another fifty percent by direct recruitment (c) Column 12 – Promotion from Excise Constable with at least 5 years regular service in the grade having passed Departmental Examination as prescribed by the Department. (d) Column-13 – Secretary to the Government of Mizoram, Excise Department – Chairman. Commissioner of Excise – Member Secretary. Representative of the Department of Personnel and Administrative Reforms not below the rank of an Under Secretary – Member.

By Orders etc.

L. Tochhong,  
Secretary to the Govt of Mizoram,  
Department of Personnel  
& Administrative Reforms.

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<sup>1</sup> Notified vide No A.12018/3/2003-P&AR(GSW) Dt. 15.10.2003 appeared in the Mizoram Gazette Vol XXXII Extraordinary Issue No 303 Dt. 22.10.2003



**NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the posts indicated in the Annexure - I.

1. Short title and commencement
  - (i) These Rules may be called the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997.
  - (ii) They shall come into force on the date of their publication in the Official Gazette.
  
2. Application
 

The Rules shall apply to the post specified in Col.1 of the Annexure-I hereto annexed.
  
3. Number of posts classification and scale of pay
 

The number of the said post(s), their classification and the scale of pay attached thereto shall be as specified in the Annexure I aforesaid.
  
4. Method of recruitment, age limit and other qualifications.
 

The age limit, qualifications and other matters relating to the said posts, shall be as specified in the Annexure - I

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons by 5 years or in accordance with the orders issued by the Government of Mizoram from time to time.
  
5. Disqualification
 

No person,

  - a) who has entered into or contracted a marriage with a person having a spouse living;
  - or
  - b) who, having a spouse living, has entered into or contracted marriage with any persons, shall be eligible for appointment to the said post.

Provided that the Governor of Mizoram may, if satisfied that such marriage is permissible under the personal law applicable to the marriage and that there are other grounds for doing so, exempt any person from the operation of this Rule.

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<sup>1</sup> Notified vide NoA.12018/2/91-P&AR(GSW) dt. 7.4.1997 appeared in the Mizoram Gazette Vol XXVI Extraordinary Issue No 136 Dt. 14.5.1996

6. Training and Departmental Examination. The person recruited under these Rules shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.
- 6(a) Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest may transfer any Officer or Official, recruited in accordance with these Rules to the post/ posts/service specified in the Annexure to these Rules to any other post or position which is equivalent in rank or grade.
7. Power to relax Where the Governor of Mizoram is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category of persons.
9. Reservation, other concessions Nothing in these Rules shall affect reservation and other concessions required to be provided for the Scheduled Caste, the Scheduled Tribe and other categories of persons in accordance with the orders issued by the State Government from time to time in this regards.
10. Repeal and Saving All the Rules pertaining to the recruitment to these posts still in force are hereby repealed.  
Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been done or taken under the corresponding provisions of these rules.

By orders etc.

Vanhela Pachuau  
Secretary to the Govt. of Mizoram.

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP 'C' POST IN THE DEPARTMENT OF EXCISE

Name of posts	No of posts	Classi- fication	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972	Age limit for direct recruits	Educational and other qualification required for direct recruits
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
Head Excise Constable	28 (Twenty eight) or as sanctioned from time to time	General State Service Group 'C' (Non-Gazetted) (Non-Ministerial)	Rs. 975-25 -1150-EB- 30-1660/-	Selection	N.A.	N.A.	N.A.

Whether the age and Educational qualifications prescribed for direct recruit-ments will apply in the case of promotion	Period of probation if any	Method of Recruitment whether by direct recruitment or by promotion or by deputation/ transfer & percentage of the vacancies to be filled by various methods.	In case of Recruitment by promotion/transfer/ deputation, grade from which to be made.	If D.P.C. exist, what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
N.A.	2(two) years	100% by promotion	PROMOTION: 1. 25% from Matriculate Excise Constable with not less than 3(three) years regular service in the grade having passed Departmental Examination as prescribed by the Department 2. 75% from Non-Matriculate Excise Constable with at least 5(five) years regular service in the grade having passed Departmental examination as prescribed by the Department.	As constituted by the Govt. of Mizoram from time to time.	Exempted from the purview of U.P.S.C.

**Annexure - B8(a)****NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules to amend the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997 (hereinafter referred to as the Principal Rules) as notified under Notification No. A. 12018/2/91-P&AR(GSW) dated 7.4.1997 and published in the Mizoram Gazette Extra Ordinary Issue No. 136 dated 14.5.1996 in respect of Head Excise Constable, namely :-

Short title and commencement.	1. (1) These Rules may be called the Mizoram Excise & Taxation Department (Group 'C' posts) Recruitment (Amendment) Rules, 2003. (2) They shall come into force on the date of their publication in the Mizoram Gazette.
Amendment of Columns 4, 12 and 13 of First Schedule.	2. In the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997 -  (1) For the words "Annexure -I", the words, "First Schedule" ] shall be substituted. (2) For the entries in Columns 4, 12 and 13 of the First Schedule, the following entries shall be substituted against each column. (a) Column 4 – Rs. 4000-100-6000/- per month. (b) Cent per cent by promotion from Excise Constable with at least five years regular service in the grade. (c) Column-13 – Secretary to the Government – Chairman. of Mizoram, Excise Department Commissioner of Excise – Member Secretary.  Representative of the Department of – Member. Personnel and Administrative Reforms not below the rank of an Under Secretary

By Orders etc.

L. Toehhong,  
Secretary to the Govt of Mizoram,  
Department of Personnel & Administrative Reforms.

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<sup>1</sup> Notified vide No A.12018/3/2003-P&AR(GSW) Dt. 15.10.2003 appeared in the Mizoram Gazette Vol XXXII Extraordinary Issue No 302 Dt. 22.10.2003

**NOTIFICATION<sup>1</sup>**

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the posts indicated in the Annexure - I.

- |   |  |
|---|--|
| 1. Short title and commencement                               | <ul style="list-style-type: none"> <li>(i) These Rules may be called the Mizoram Excise Department (Group 'C' posts) Recruitment Rules, 1997.</li> <li>(ii) They shall come into force on the date of their publication in the Official Gazette.</li> </ul>  |
| 2. Application  | The Rules shall apply to the post specified in Col.1 of the Annexure-I hereto annexed.   |
| 3. Number of posts classification and scale of pay            | The number of the said post(s), their classification and the scale of pay attached thereto shall be as specified in the Annexure I aforesaid.  |
| 4. Method of recruitment, age limit and other qualifications. | <p>The age limit, qualifications and other matters relating to the said posts, shall be as specified in the Annexure - I</p> <p>Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons by five years or in accordance with the orders issued by the Government of Mizoram from time to time.</p>   |
| 5. Disqualification   | <p>No person,</p> <ul style="list-style-type: none"> <li>a) who has entered into or contracted a marriage with a person having a spouse living;</li> <li style="text-align: center;">or</li> <li>b) who, having a spouse living, has entered into or contracted marriage with any persons, shall be eligible for appointment to the said post.</li> </ul> <p>Provided that the Governor of Mizoram may, if satisfied that such marriage is permissible under the personal law applicable to the marriage and that there are other grounds for doing so, exempt any person from the operation of this Rule.</p> |

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<sup>1</sup> Notified vide No.A.12018/2/91-P&AR(GSW) dt. 7.4.1997 appeared in the Mizoram Gazette Vol XXVI Extraordinary Issue No 135 Dt. 14.5.1997

6. Training and Departmental Examination. The person recruited under these Rules shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.
- 6(a) Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest may transfer any Officer or Official, recruited in accordance with these Rules to the post/ posts/service specified in the Annexure to these Rules to any other post or position which is equivalent in rank or grade.
7. Power to relax Where the Governor of Mizoram is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category of persons.
9. Reservation, other concessions Nothing in these Rules shall affect reservation and other concessions required to be provided for the Scheduled Caste, the Scheduled Tribe and other categories of persons in accordance with the orders issued by the State Government from time to time in this regards.
10. Repeal and Saving All the Rules pertaining to the recruitment to these posts still in force are hereby repealed.  
Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been done or taken under the corresponding provisions of these rules.

By orders etc.

Vanhela Pachuau  
Secretary to the Govt. of Mizoram.

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP 'C' POST IN THE DEPARTMENT OF EXCISE

Name of post	No of post	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972	Age limit for direct recruits	Educational and other qualification required for direct recruitment
1	2	3	4	5	6	7	8
Excise Constable	82 (Eighty two) or as sanctioned from time to time	General State Service Group 'C' (Non-Gazetted) (Non-Ministerial)	Rs. 825-15 -900-EB- 20-1200/-	N.A.	N.A.	Between 18 and 30 yrs. relaxable by 5 yrs. in case of candidates belonging to SC/ST	1. Passed Class-VIII 2. Working knowledge of Mizo language up to Middle School standard 3. Physical Measurement. MALE FEMALE Height 156 cms 150 cms Chest Normal 77 cms 73cms Expanded 82 cms 74cms 4. Physical Test. MALE FEMALE HIGH JUMP 108 cms 80 cms LONG JUMP 366 cms 244 cms 5. RACE MALE FEMALE 100M 15 secs 30 secs 800M 3 Mins - 400M - 3 Mins

Whether the age and Educational qualifications prescribed for direct recruitments will apply in the case of promotion	Period of probation if any	Method of Recruitment. whether by direct recruitment or by promotion or by deputation/ transfer & percentage of the vacancies to be filled by various methods.	In case of Recruitment by promotion/transfer/ deputation, grade from which to be made.	If D.P.C. exist, what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
N.A.	2(two) years	100% by Direct recruitment	N.A.	As constituted by the Govt. of Mizoram from time to time.	Exempted from the purview of U.P.S.C.

**Annexure - B10****NOTIFICATION <sup>1</sup>**

No.A. 12018/52/80-APT(B), the 23<sup>rd</sup> August, 1996. In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the recruitment to the post of Drivers and Handyman in various Offices under the Govt. of Mizoram, namely :-

1. Short title and commencement
  - (i) These rules may be called the Mizoram Drivers and Handyman Recruitment Rules, 1996.
  - (ii) They shall come into force on the date of their publication in the Official Gazette.
  
2. Application
 

These Rules shall apply to the post specified in Col. 1 of the Annexure-I hereto annexed.
  
3. Number of posts classification and scale of pay
 

The number of the said post(s), their classification and the scale of pay attached thereto shall be as specified in the Col. 2 to 4 of the Annexure I aforesaid.
  
4. Method of recruitment, age limit and other qualifications.
 

The age limit, qualifications and other matters relating to the said posts, shall be as specified in Col. 5 to 14 of the Annexure - I.

Provided that the upper age limit prescribed for direct recruitment may be relaxed by 5(five) years in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government or Government of Mizoram from time to time.
  
5. Disqualification
 

No person –

  - a) who has entered into or contracted a marriage with a person having a spouse living;
  - or
  - b) who, having a spouse living, has entered into or contracted marriage with any persons, shall be eligible for appointment to the said post.

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<sup>1</sup> Notified vide No.A. 12018/52/80-APT(B), the 23<sup>rd</sup> August, 1996 appeared in the Mizoram Gazette Vol XXV Extraordinary Issue No 349 Dt. 29.8.1996



Provided that the Governor may, if satisfied that such marriage is permissible under the personal law applicable to such person and to other party to the marriage and that there are other grounds for doing so, exempt any personal from the operation of this Rule.

6. Training and Departmental Examination. Every Government servant shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.
- 6(a) Notwithstanding anything contained in these Rules, the Governor of Mizoram, in public interest have the right and power to transfer any officer or official, recruited in accordance with these Rules to the post/posts/ service specified in the Scheduled/Annexure to these Rules to any other post or position which is equivalent in rank or grade.
7. Power to relax Where the Governor is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, in consultation with the Selection Committee through the Department of Personnel & Admn. Reforms, relax any of the Provisions and these rules with respect to any class or category of persons.
8. Reservation, other concessions Nothing in these Rules shall affect reservation and other concessions required to be provided for the Scheduled Caste, the Scheduled Tribe and other categories of persons in accordance with the orders issued by the Central/State Government from time to time in this regards.
9. Repeal and Saving All Rules pertaining to these post framed by the Governor of Assam or by the Government of Assam and were in force in the erstwhile Mizo District and continued to be in existence in pursuance of Government of India, Ministry of Home Affairs Notification No. 14/21/71 - HMT (ii) Dated 21.1.1972, Govt. of Mizoram Notification No A.12018/52/80 - APT(B) Dated 5.10.1984.(Gazette Publication Dated 5.10.1984 Issue No. 43(F)) are hereby repealed.

Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, done or taken under the corresponding provisions of these rules.

Commr. & Secretary to  
the Govt. of Mizoram

ANNEXURE - I								
RECRUITMENT RULES FOR GROUP 'C' POST IN THE DEPARTMENT OF EXCISE								
Sl No	Name of post	No of post	Classification	Scale of Pay	Whether Selection post or Non-Selection Post	Whether benefit of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972	Age limit for direct recruits	Educational qualifications and other qualification required for direct recruitment
1	2	3	4	5	6	7	8	9
1.	Driver Grade - I (Non-functional)	As sanctioned from time to time	General State Service Group 'C' (Non-Gazetted) (Non-Ministerial)	Rs.1400-2600/-	Selection	N.A.	N.A.	N.A.
2.	Driver Grade-II (Non-functional)	-do-	-do-	Rs.1200-2040/-	Selection	N.A.	N.A.	N.A.
3.	Driver Grade-III (Functional)	-do-	-do-	Rs.950- 1500/-	N.A.	N.A.	Between 18 yrs and 27 yrs (relaxable for Govt. Servants) See foot notes	<ul style="list-style-type: none"> <li>i) MSLC and above</li> <li>ii) Having professional driving licence in heavy, medium, light motor vehicles with at least 5 yrs. in professional driving.</li> <li>iii) The candidate must be conversant with the components and mechanism of all types of vehicles. He must be able to detect the defects in the mechanism of engine, gear, differential and all important parts of the vehicles so as to prevent damage and must be able to carry out minor (road side) repairs.</li> <li>iv) The candidate should pass Tests conducted by MVI in (a) Driving test (b) traffic signal tests (c) practical knowledge of the components and mechanism of all types of vehicles (d) physical fitness tests.</li> <li>v) Working knowledge of Mizo language of Middle School standard.</li> </ul>
4.	Handyman (Functional)	-do-	-do-	Rs.800-1150/-	N.A.	N.A.	-do-	<ul style="list-style-type: none"> <li>1) M.S.L.C.</li> <li>2) Having driving licence in LMV (Professional) with good character.</li> <li>3) Working knowledge of Mizo.</li> </ul>

## FOOT NOTES:

The crucial date for determining the age limit mentioned in Col. 7 of the Recruitment rules will in each case, the last date for receipt of application from the candidates in India (Other than Andaman and Nicobar Islands and Lakshadweep).

In respect of posts, the appointment to which are made through the Employment Exchange, the crucial date for the determining age limit will in each case be the last upto which the employment exchange are to submit the names.

Whether the age and Educational qualifications prescribed for direct recruitments will apply in the case of promotion	Period of probation if any	Method of Recruitment. whether by direct recruitment or by promotion or by deputation/ transfer & percentage of the vacancies to be filled by various methods.	In case of Recruitment by promotion/transfer/ deputation, grade from which to be made.	If D.P.C. exist, what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
10	11	12	13	14	15
N.A.	N.A.	100% by Promotion	From Driver Grade II. Drivers who have completed 15 years of regular and unblemished service records in Grade II will be eligible for promotion to Grade I driver subject to screening by DPC/SC on the basis of Annual Performance Report/Records. Above provisions are applicable to drivers who have completed 15 yrs. of regular services as on 1.1.86 or subsequently w.e.f. the date of entry into regular service.	Composition of DPC/SC. 1) Secretary - Chairman 2) Dy. Secretary - Member 3) Representative of DP&AR - Member 4) MMI should associated for recruitment of Driver Grade III.	Exempted from the purview of M.P.S.C.
N.A.	N.A.	100% by Promotion	From Driver Grade III. Drivers who have completed 5 years of regular and unblemished service records in Grade III will be eligible for promotion to Grade II subject to screening by DPC/SC on the basis of Annual Performance Report/Records. Above provisions are applicable to drivers who have completed 5 yrs. of regular services as on 1.1.86 or subsequently w.e.f. the date of entry into regular service.	-do-	-do-

10	11	12	13	14	15
N.A.	N.A.	1) 75% by direct recruit. 2) 25% by promotion from competent handymen, failing which by direct recruitment 3) The candidates by direct recruit as in as well as by promotion should pass TESTS conducted by MMI in driving and practical knowledge of the components and mechanism of all types of vehicles.	Promotion from competent handyment having professional driving licence of heavy, medium, light vehicles. Only handyman who have completed 5 yrs of regular and unblemished service in the grade will be eligible for promotion to Driver Grade III subject to screening by DPC/SC.	-do-	-do-
N.A.	2 yrs.	100% by Promotion	N.A.	-do-	-do-

**Annexure - B10 (a)****NOTIFICATION<sup>1</sup>**

No. A. 12018/3/80- APT(B), the 26<sup>th</sup> October, 1998. In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules further to amend the Mizoram Drivers and Handyman Recruitment Rules, 1996 under Notification No. A. 18/52/80 - APT(B) Dated 23.8.96 Issue No. 349, namely:-

Short title and commencement      1.(1)These Rules may be called the Mizoram Drivers and Handyman Recruitment (Amendment) Rules, 1998.  
(2) They shall come into force on the date of their publication in the Gazette.

In the Annexure - I of the Mizoram Drivers and Handyman Recruitment Rules, or the existing column 14 in respect of the post if Drivers and Handyman, the following column shall be substituted –

Columns 14                      2. Composition of Departmental Promotion Committee/Selection Committee

1. Secretary to the Government of the concerned Department                      - Chairman

2. Head of the concerned Department                      - Member-Secretary

3. Deputy Secretary, Secretariat Administration Department (in respect of Secretariat Administration Department only).                      - Member-Secretary

4. Representative of Department of Personnel and Administrative Reforms not below the rank of Under Secretary.                      - Member

5. Inspector of Motor Vehicle should be associated for recruitment of Driver Grade - III.

Vanhela Pachuau  
Commr./Secretary to the Govt of Mizoram,  
Department of Personnel & Administrative Reforms,  
(General Service Wing).

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<sup>1</sup> No. A. 12018/3/80- APT(B), the 26<sup>th</sup> October, 1998 appeared in the Mizoram Gazette Vol XXVII Extraordinary Issue No 185 Dt. 5.11.1998.

**NOTIFICATION<sup>1</sup>**

No. A. 12018/52/80-APT(B), the 27<sup>th</sup> July, 2000. In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following Rules to amend the Mizoram Drivers and Handyman Recruitment Rules, 1996 (Hereinafter referred to as Principal Rules) issued under Notification No. A. 12018/52/80 - APT(B) Dated 29.8.96, namely :-

Short title and commencement	1.(1) These Rules may be called the Mizoram Drivers and Handyman Recruitment (Second Amendment) Rules, 2000. (2) They shall come into force on the date of their publication in the Official Gazette.
Amendment of the entry in column 13 of the Annexure to the Principal Rules.	2. In the Annexure to the Principal Rules for the figure and word, namely "15 years" in column 13 in respect of the post of Driver Grade - I, the figure and word, namely, "10 years" shall be substituted.
Amendment of the entry in column 14 of the Annexure to the Principal Rules	3. In the Annexure of the Principal Rules for the existing column 14 in respect of the Composition of Departmental Promotion Committee/Selection Committee, the following shall be substituted, namely –

**DPC/SC FOR THE POST OF DRIVERS:**

1. Secretary to the Government of the concerned Department - Chairman
  2. Head of the Department concerned - Member-Secretary  
or  
Deputy Secretary (in respect SAD).
  3. Representative of DP&AR not below the rank of Under Secretary. - Member
- NB:** Inspector of Motor Vehicle should be associated as an expert member for recruitment of Driver Grade - III.

**DPC/SC FOR THE POST OF HANDYMAN**

1. Secretary to the Government, SAD (for SAD) - Chairman  
or  
Head of the Department concerned (for all other Departments) - Chairman
2. Deputy Secretary, SAD (in respect SAD) - Member Secretary  
or  
Deputy Director of the concerned Department - Member Secretary
3. Representative of DP & AR not below the rank of Under Secretary. - Member

By Orders, etc.

B. Lalhema  
Secretary to the Govt of Mizoram,  
Deptt. of Personnel & Administrative Reforms.

<sup>1</sup> No. A. 12018/52/80-APT(B), the 27<sup>th</sup> July, 2000 appeared in the Mizoram Gazette Vol XXIX Extraordinary Issue No 207 Dt. 27.7.2000.

**Annexure - C1****PROFORMAS***To be submitted in duplicate***Immediate report of Seizure and Arrest  
under ND&PS Act '85, AD(C) Act '50 and MLTP Act, '95**

Sl no.	Date of Seizure	Name & Address of Accused	Seized Articles	Name of Case I.O.	Remarks

Forwarded to the Commissioner of Excise and Narcotics.

Submitted to the

Asstt. Commissioner of Excise  
(Enforcement)  
Mizoram : Aizawl.

Superintendent of Excise and Narcotics,  
..... District, Mizoram

## FORTHNIGHTLY ACHIEVEMENT REPORT FOR THE FORTHNIGHT ENDING \_\_\_\_\_

**1. REVENUE COLLECTION UNDER:**

0039 - STATE EXCISE		
105- Foreign Liquor & Spirit	=	Rs. ....
150- Fines & Confiscation	=	Rs. ....
800- Other receipt	=	Rs. ....

**2. LIQUOR SEIZED:**

(a) Country Liquor	(in lit.)	=	.....
(b) Fermented Rice	(in tin)	=	.....
(c) Yeast	(in kg.)	=	.....
(d) IMFL - 750 ml.	(in bot.)	=	.....
- 375 ml.	(in bot.)	=	.....
- 180 ml.	(in bot.)	=	.....
(e) Beer 650 ml.	(in bot.)	=	.....
(f) Foreign(imported) Liquor	(in bot)	=	.....
(g) Foreign(imported) Beer	(in bot.)	=	.....
(h) Foreign(imported) Canned Beer	(in can)	=	.....

**3. UTENSIL:**

(a) Pot	(in No.)	=	.....
(b) Plastic Can	(in No.)	=	.....
(c) Others	(in No.)	=	.....

**4. VEHICLE SEIZED:**

a) Two Wheeler	(in No.)	=	.....
(b) L.M.V.	(in No.)	=	.....
(c) H.M.V.	(in No.)	=	.....

**5. Drug Seized:**

a) Heroin	(in Kilogram)	=	.....
b) Opium	(in Kilogram)	=	.....
c) Ganja	(in Kilogram)	=	.....
d) Nitrazepam	(in Tablet)	=	.....
e) Diazepam	(in Tablet)	=	.....
f) Spasmo Proxyvon	(in Capsule)	=	.....
g) Others		=	.....

6. No. of persons arrested under ND & PS Act, 1985 = .....

No. of cases registered under ND & PS Act, 1985 = .....

7. No. of persons arrested under AD(C) Act, 1950 = .....

No. of cases registered under AD(C) Act, 1950 = .....

8. No. of persons arrested under MLTP Act, 1995 = .....

No. of cases registered under MLTP Act, 1995 = .....

9. No of cases disposed of under MLTP Act, '95 = .....

10. No of foreigner arrested = .....

11. Letters/Correspondences received = .....

Letters/Correspondences issued = .....

**Annexure - C3**

**MONTHLY CRIME REPORT**  
**UNDER MIZORAM LIQUOR TOTAL PROHIBITION ACT 1995**  
**FOR THE MONTH OF ....., 200 .....**

NAME OF DEPARTMENT/OFFICE .....

**A. DETAILS OF CASES**

Sl No	Nature of case	No of cases detected	No of persons arrested	No of cases registered	No of case sent upto court	No of cases disposed	No of cases pending trial
1.	Consumption						
2.	Possession & Sale						
3.	Manufacture						
4.	Transportation						
5.	Import						
	TOTAL						

**B. ARTICLES SEIZED**

- |                               |   |                    |
|-------------------------------|---|--------------------|
| 1. IMFL - 750 ml.             | = | ..... bottles      |
| - 375 ml.                     | = | ..... bottles      |
| - 180 ml.                     | = | ..... bottles      |
| Beer 650 ml.                  | = | ..... bottles      |
| Foreign(imported) Liquor      | = | ..... bottles      |
| Foreign(imported) Beer        | = | ..... bottles      |
| Foreign(imported) Canned Beer | = | ..... cans         |
| 2. Country Liquor             | = | ..... litres       |
| 3. Fermented Rice             | = | ..... tins         |
| 4. Yeast                      | = | ..... kgs / pieces |
| 5. Utensils                   | = | ..... nos.         |
| 6. Vehicles                   |   |                    |
| (a) Heavy                     | = | ..... nos.         |
| (b) Medium                    | = | ..... nos.         |
| (c) Light                     | = | ..... nos.         |
| (d) Two wheeler               | = | ..... nos.         |
| 7. Others                     | = | .....              |

Superintendent of Excise and Narcotics  
..... District, Mizoram.



**MONTHLY CRIME REPORT UNDER MLTP ACT, 1995  
FOR THE MONTH OF .....**

SL. NO.	PERSONS ARRESTED	EXCISE DEPTT.	POLICE DEPTT.	TOTAL
(1)	(2)	(3)	(4)	(5)
1	Zu zuar			
2	Zu rui			
<b><u>Zu man zat :</u></b>				
3	Rakzu			
4	Zu bilh lai			
5	Dawidim			
6	IMFL 750ml.			
	375ml.			
	180ml.			
	BEER 650ml.			
	FOREIGN (Imp) Liquor			
	FOREIGN (Imp) Beer			
	Foreign (Imp) Canned			
7	Zu sakna bel man zat			
8	Motor man zat			

Commissioner of Excise and Narcotics  
Mizoram, Aizawl

**Annexure - C4****MONTHLY COLLECTION OF REVENUE FOR  
THE MONTH OF \_\_\_\_\_**

Head of Account	Total amount collection upto the last day of the previous month i.e. ....	Amount realised on the last day of the month under report i.e. ....	Progressive Total of each head	Remarks
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1. 0039 - State Excise(1) 105 - Foreign Liquor & Spirit.				
2. 0039 - State Excise(1) 150 - Fines & Confiscations(3)				
3. 0039 - State Excise(1) 800 - Other Receipts(4)				
<b>Total of 1 - 3</b>				
4. 0216 - Housing(1) 01/106 - Govt. Residential buildings 01/1062(1)-Rent Licence fee				
5. 0070 - O.A.S. 60 - Other Services 800 - Other Receipt 800(2)-Revenue from allotment of vehicle.				
6. 0049-Interest Receipts 104-Interest of Loans				
<b>Total of 4 - 6</b>				
<b>Grand Total :</b>				

## EXPENDITURE REPORT FOR THE MONTH OF \_\_\_\_\_

	Expenditure during the month under report	Progressive Expenditure up to the end of the month	Balance Amount
1. 001(01)(01) - Salary			
2. 001(01)(02) - Wages			
3. 001(01)(03) - T.E.			
4. 001(01)(04) - O.E.			
5. 001(01)(06) - Rent			
6. 001(01)(14) - Minor Works			
7. 001(01)(16) - M.V.			
8. 001(01)(17) - Maintenance			
9. 001(01)(26) - O.C.			

Superintendent of Excise and Narcotics,  
..... District, Mizoram

**Annexure - C6****MONTHLY REPORT OF PROSECUTION BRANCH  
FOR THE MONTH OF .....**

Sl No	NAME OF OFFENCES	NO. OF NEW CASES RECEIVED	NO. OF CASES DISPOSED	NO. OF PERSON CONVICTED	NO. OF PERSON DISCHARGED	NO. OF PERSON ACQUITTED	NO. OF PERSON SENT UP TO COURT	NO. OF PENDING CASES
1	2	3	4	5	6	7	8	9
1	ND&PS ACT, 1985							
2	M.L.T.P. ACT 1995							
3	ADC ACT, 1950							
<b>Grand Total</b>								

Superintendent of Excise and Narcotics  
(Prosecution)  
DM's Court, Aizawl.

### MONTHLY MASTER REPORT ON DRUG TRAFFICKING

1. Over – all trends during the month in drug trafficking.

<i>SEIZURE DURING THE MONTH</i>			<i>SEIZURE DURING THE PREVIOUS MONTH</i>		<i>SEIZURE DURING CORRESPONDING MONTH OF THE LAST YEAR</i>	
<b>NAME OF DRUGS SEIZED</b>	<b>No. OF CASES</b>	<b>QUANTITY IN K.GS.</b>	<b>NO. OF CASES</b>	<b>QUANTITY IN K.GS.</b>	<b>NO. OF CASES</b>	<b>QUANTITY IN KGS.</b>
(1)	(2)	(3)	(4)	(5)	(6)	(7)

2. Details of major seizures effected during the month.
3. New modus-operandi, traffic routes, operator etc. which came to notice during the month.
4. Details of clandestine laboratories detected/ neutralized.
5. Co-ordination with other enforcement agencies.
6. Details of involvement of public Servants (including those in public undertakings) in trafficking of narcotic drugs and psychotropic substances.
7. Details of encounters, if any, with traffickers such as opening of fire, casualty/ injuries to staff/ traffickers and damage to Govt. property.
8. Prosecution infirmities and lacuna in the law and procedure dispensation of justice, grant of bail grant of inadequate punishment.
9. Technical points for consideration, if any.
10. Reward cases.
11. Details of properties identified, frozen and forfeited with their approximate value.
12. Details of major cases detected by other agencies, if known.
13. Prices of various drugs in the illicit market.
14. Suggestions, if any.

**STATEMENTS IN THE FOLLOWING FORM AT MAY ALSO BE SENT :**

## 1. (A) SEIZURE DURING THE MONTH

DRUG SEIZED	NO. OF CASES	QNTY. SEIZE (IN KGS.)	NO. OF ARREST				NO. OF ABSCONDERS NATIONALITY WISE
			INDIAN		FOREIGNER NATIONALITY		
			M	F	M	F	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
OPIUM							
MORPHINE							
HEROIN							
GANJA							
HASHISH							
COCAINE							
MANDRAX							
OTHER DRUGS							
NITRAZEPAM							
DIAZEPAM							

## 2. (B) PROGRESSIVE FIGURES FOR THE CALENDER YEAR

NAME OF DRUGS SEIZED	TOTAL NO. OF CASES	TOTAL QNTY. OF DRUG SEIZED	TOTAL NO. OF PERSONS ARRESTED				TOTAL NO. OF ABCONDERS NATIONALITY WISE
			INDIAN		FOREGNETERS		
			M	F	M	F	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

NB :- \* Smacks/ Brown Sugar are adulterated forms of Heroin may be included in heroin cases.

\* Charas/ Hashish is one drug.

**QUANTITY OF DRUGS IN IMPORT, EXPORT & INTERNAL**

DRUGS SEIZED	During the month	IMPORT		EXPORT		INTERNAL
		Up to end of the month	During the month	Up to end of the month	During the month	Up to end of the month
(1)	(2)	(3)	(4)	(5)	(6)	(7)
HEROIN						
OPIUM						
GANJA						
NITRAZEPAM						
DIAZEPAM						
ALPROZOLAM						
MORPHINE						
EPHEDRINE						
OTHERS						

**3. SOURCE – WISE QUANTITY OF DRUGS SEIZED IN KGS, OUT OF THE TOTAL QUANTITY SEIZED DURING THE MONTH UPTO THE END OF THE MONTH DURING THAT YEAR**

DRUGS SEIZED	ORIGINATING FROM PAKISTAN		ORIGINATING FROM MYANMAR		ORIGINATING FROM NEPAL	Up to end of the month	Indigenous
	During the month	Up to end of the month	During the month	Up to end of the month	During the month		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
HEROIN							
OPIUM							
GANJA							
NITRAZEPAM							
DIAZEPAM							
ALPROZOLAM							
MORPHINE							
EPHEDRINE							
OTHERS							

## 4. SIGNIFICANT SEIZURE DURING THE MONTH

SL. NO	DATE AND PLACE OF SEIZURE	QNTY. SEIZED (IN KGS.) / MODE OF CONCEALMENT	ARRESTS INDIAN – FOREGNS (With Name & Age)	NATIONALITY FOREIGNERS ARRESTED
(1)	(2)	(3)	(4)	(5)

OTHER PERSONS BELIEVED TO INVOLVED	SUSPECTED SOURCE OF DRUGS (INDICATE NAME OF THE COUNTRY LIKE PAKISTAN/ AFGHANISTAN/ NEPAL/ INDIAN/ MYANMAR)	SUSPECTED DESTINATION OF SEIZED DRUG	REMARKS
(1)	(2)	(3)	(4)

## 5. DESTRUCTION OF ILLICIT OPIUM/ CANABIS CULTIVATION

TYPE OF CULTIVATION CANABIS, POPPY ETC.	AREA OF OPERATION	ACRES / NO OF PLANTS	POTENTIAL YIELD (IN KGS)	PROGRESSIVE TOTAL OF ACRES NO. OF PLANTS DESTROYED BY THE END OF THE MONTH DURING THAT CALENDAR YEAR
(1)	(2)	(3)	(4)	(5)



## 6. DISMANTLING OF CLANDESTINE LABORATORIES

<b>DATE &amp; PLACE</b>	<b>DRUGS SEIZED WITH QUANTITY (IN KGS)</b>	<b>CHEMICAL SEIZED WITH QUANTITY</b>	<b>OTHER EQUIPMENT SEIZED</b>	<b>REMARKS</b>
(1)	(2)	(3)	(4)	(5)

## 7. PROSECUTIONS

(INFORMATION TO BE GIVEN ONLY IN RESPECT OF CASES WHERE COMPLAINTS HAVE BEEN FILED)

<b>NO. OF CASES PENDING AT THE BEGINNING OF THE MONTH</b>	<b>NO. OF PERSONS FACING PROSECUTION IN 1 (a)</b>	<b>NO. OF CASES IN WHICH FRESH PROSECUTION LOUNCHED IN THE MONTH</b>	<b>NO. OF PERSONS AGAINST WHOM PROSECUTION LAUNCH IN 2(a)</b>
<i>1.(a)</i>	<i>1.(b)</i>	<i>2.(a)</i>	<i>2.(b)</i>
<i>HEROIN</i>			
<i>OPIUM</i>			
<i>GANJA</i>			
<i>NITRAZEPAM</i>			
<i>DIAZEPAM</i>			
<i>ALPROZOLAM</i>			
<i>MORPHINE</i>			
<i>EPHEDRINE</i>			
<i>OTHERS</i>			

NO. OF CASES DISPOSED OF	NO. OF CASES IN WHICH		NO. OF PERSONS CONVICTED	NO. OF PERSONS ACQUITTED (RELEASED)
	CONVICTED	NOT CONVICTED		
3.(a)	(b)	(c)	(d)	(e)
HEROIN				
OPIUM				
GANJA				
NITRAZEPAM				
DIAZEPAM				
ALPROZOLAM				
MORPHINE				
EPHEDRINE				
OTHERS				

NO. OF CASES IN WHICH STATUTORY PUNISHMENTS WERE NOT AWARDED	BRIEF RESOURCE	NO. OF CASES PENDING AT THE END OF THE MONTH	NO. OF PERSONS STILL FACING PROSECUTION IN 5(a)
4.(a)	4.(b)	5.(a)	5.(b)
HEROIN			
OPIUM			
GANJA			
NITRAZEPAM			
DIAZEPAM			
ALPROZOLAM			
MORPHINE			
EPHEDRINE			
OTHERS			

## 8. PIT ND&amp;PS

NO. OF PROPOSALS SEND FOR DETENTION UNDER PIT NDPS DURING THE MONTH	NO. OF PROPOSALS APPROVED BY SCREENING COMMITTEE	NO. OF DETENTION ORDERS ISSUED AGAINST NO. OF PERSONS IN BRACKET
(1)	(2)	(3)

NO. OF PERSONS ACTUALLY DETAINED OUT OF COL. SEPARATELY FOR INDIANS/ FOREGNERS	NO. OF ORDERS APPROVED BY THE ADVOSORY BOARD AGAINST INDIANS/ FOREIGNERS	NO. OF DETENTION ORDERS QUASHED BY COURTS
(4)	(5)	(6)

## PROGRESSIVE FIGURES FOR THE CALENDAR YEAR

NO. OF DETENTION OTHERS ISSUED	NO. OF PERSONS AGAINST HIM ISSUED	NO. OF PERSONS ACTUALLY DETAINED	NO. OF PERSONS ABSCONDING
(7)	(8)	(9)	(10)

## 11. FORFEITURE OF PROPERTY

NO. OF CASES IN WHICH PROPERTY FROZEN	APPROX. VALUE OF THE FROZEN PROPERTY IN RS.	NO. OF CASES IN WHICH PROPERTY FORFEITED	APPROX. VALUE OF THE FORFEITED PROPERTY
(1)	(2)	(3)	(4)

## 12. SEIZURE OF ACETIC ANHYDRIDE A PRECURSOR CHEMICAL USED IN MANUFACTURE OF HEROIN &amp; OTHER CHEMICAL USE IN MANUFACTURE OF NARCOTIC DRUGS &amp; PSYCHOTROPIC SUBSTANCES.

DATE & PLACE OF SEIZURE	NAME & QNTY. OF CHEMICAL SEIZED	SUSPECTED DESTINATION	DETAILS OF PERSONS ARREST
(1)	(2)	(3)	(4)

Superintendent of Excise and Narcotics,  
 ..... District, Mizoram.

## B (X)

- ◆ Significance seizures should included all cases (in respective of quantity of drugs) detected at Entry/ Exit points i.e. Airport/ Seaports/ Land Customs/ Stations/ Foreign Post Offices.
- ◆ All cases and involving arrests of foreign nationals
- ◆ All cases in which source of drugs in Pakistan, Myanmar, Nepal, Bangladesh.
- ◆ All cases in which seized drugs was leakage from illicit opium growing areas.
- ◆ All cases effected in the interior of the country with destination abroad.
- ◆ All cases made in the interior of and above following quantities :- Heroin 1Kg, Hashish 5 Kgs, Opium 10 Kgs, Methaqualone 5Kgs, Cocaine 10 grams, Ganja 50 Kgs.

**MONTHLY SEIZURE REPORT ON DRUGS SEIZED UNDER ND&PSACT '85  
DURING THE MONTH OF ..... 200..... IN RESPECT OF  
EXCISE AND NARCOTICS DEPARTMENT, MIZORAM.**

Sl.no	Time, date & Place of seizure	Qty. Description & Value of the drugs seize	Method of transport concealment packing & marking if any	Type of Regn. No. of Vehicle seized / involved with name of owners.	Name, permanent address & Nationality of persons arrested.	Case No. Act. & Sec. under which case is booked.	Suspected source & destination of the drugs.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Superintendent of Excise and Narcotics,  
..... District, Mizoram

**Annexure - C9**

**MIZORAM EXCISE AND  
NARCOTICS DEPARTMENT**

**MIZORAM EXCISE AND  
NARCOTICS DEPARTMENT**

**COMMAND CERTIFICATE  
TO BE CARRIED BY EXCISE  
OFFICER ON TOUR DUTY**

**COMMAND CERTIFICATE  
TO BE CARRIED BY EXCISE  
OFFICER ON TOUR DUTY**

Rank & Name :

Rank & Name :

.....  
.....  
.....  
.....  
.....  
.....

.....  
.....  
.....  
.....  
.....  
.....

District & Station : .....

District & Station : .....

Where proceeding to : .....

Where proceeding to : .....

Nature of Duty : .....

Nature of Duty : .....

Date of Departure : .....

Date of Departure : .....

Date of Return : .....

Date of Return : .....

Dated .....

Dated .....

Signature of  
Officer-in-charge  
with Seal.

Signature of  
Officer-in-charge  
with Seal.

**GOVERNMENT OF MIZORAM  
EXCISE AND NARCOTICS DEPARTMENT**

INSPECTION QUESTIONAIRES / REPORT

PART – I

1. Name of Office Inspected :
2. Name of Head of Office Inspected :
3. Name & Designation of Inspecting Officer. :
4. (a) Date of Inspection :
- (b) Date of last Inspection :
- And by whom
5. **Rank-wise strength/ department**
  - i) Superintendent of Excise :
  - ii) Inspector of Excise :
  - iii) Sub-Inspector of Excise :
  - iv) Asst. Sub-Inspector of Excise :
  - v) Head Excise Constable :
  - vi) Excise Constable :
  - vii) Wireless Operator :
  - viii) Driver :
  - ix) Head Assistant :
  - x) U.D.C. :
  - xi) L.D.C. :
  - xii) Group 'D' :
  - xiii) MR Workers :
6. **Departmental Cases/ Proceedings**
  - (1) No. of disciplinary cases in the office within its present position (Detail list to be enclosed) :
  - (2) No. of suspension cases in the office with date of Suspension and reasons there on its case (Detail list to be enclosed) :
7. **Maintenance of Service Book and Pension case.**
  - (1) Are Service Books and leave accounts kept upto-date ? :
  - (2) Whether register of person nearing retirement is being maintained ? :

**PART – II**

1. Are the following registers maintained properly ?
  - (1) Office order :
  - (2) Letter received :
  - (3) Letter issued :
  - (4) File index :
  - (5) Assembly question :
  - (6) Books, Account, Rules & Regulations. :
  
2. Are these statements/ returns prepared and submitted regularly
  - (1) Fortnightly :
  - (2) Monthly :
  - (3) Quarterly :
  
3. Are the closed files kept properly, stocked neatly and dusted regularly ? :
  
4. Whether a Cash Book is maintained in Form- TR-4 and page numbered and certified ? :
  
5. Whether all the monetary transactions are entered in the Cash Book immediately and attested by the Head of Office in token of check ? :
  
6. Whether the transactions are closed regularly and totals are verified by the head of Office or by responsible persons. :
  
7. Whether Cash Balance is verified by the Head of Office and records a certificate of account under the dated signature at the end of the month. :
  
8. Whether the following registers are maintained properly ?
  - (1) Bill register :
  - (2) Contingent register :
  - (3) Transit register :
  - (4) Monthly expenditure :
  - (5) Monthly revenue receipt :



9. Whether any receipt is issued to the party when a cash is received ?
10. Please indicate -  
 (1) Whether Register of Audit objection is maintained ? :  
 (2) No. of Audit objection pending and steps taken for clearance of the same. :
11. Whether the following Registers properly maintained and up-dated ?  
 (1) Stores/ Stationeries :  
 (2) Furniture :  
 (3) Machinery & Equipments :  
 (4) Uniform Articles :
12. Whether physical verification of stocks/stores being done periodically by the Head of Office ?
13. 

No. of Vehicles	Serviceable	Unserviceable	Remarks
(1) Two Wheeler	: .....	.....	.....
(2) Light Vehicle	: .....	.....	.....
(3) Medium Vehicle	: .....	.....	.....
(4) Truck	: .....	.....	.....
(5) Prison Van	: .....	.....	.....
14. Whether Log Book Diary for each vehicle is maintained properly and up-dated ?

### PART – III

1. Arms & Ammunitions with the break-ups. :
2. Hand-Cuffs :
3. Wireless Radio :
4. Maintenance of look-ups/ register/feeding of the intimates :
5. Maintenance of Malkhana with its register. :

**PART – IV**

1. Maintenance of General Diary :
2. Average daily seizures made under Excise/Prohibition Law during the period from the last Inspection to the present inspection (in articles wise) :
3. Average daily arrest of persons for contravention of the Law in force :
  - (1) Manufacturing of Liquor :
  - (2) Sale, possession & transport :
  - (3) Consumption :
4. Seizures and Arrests under Drugs Law in force. :

**PART – V**

Problems/ Suggestion raised by the Head of Office. :

Place : .....

Date : .....

Signature of the Inspecting Officer.

.....

Designation.

**MIZORAM EXCISE AND NARCOTICS DEPARTMENT**  
**FORM OF VEHICLE INSPECTION**

1. Date of Inspection : .....
2. Regn. No.of vehicle inspected : .....
3. Type of vehicle : .....
- a) Chasis No. : .....
- b) Engine No. : .....
4. Date & Year of purchase : .....
5. Cost of vehicle(at the time of purchase) : .....
6. Cost of maintenance w.e.f..... : .....
7. To whom allotted : .....
8. Name of driver at the time of inspection : .....
9. Validity of driving licence : .....
10. Maintenance of Car diary/log book. : .....
11. Present reading in the speedometer : .....
12. Cleanliness of vehicle : .....
- (a) Engine : .....
- (b) Body : .....
- (c) Hood : .....
13. Accessories(viz tools,car set etc) : .....
14. Spare tyre No. : .....
- Tyre No. : .....
15. Defect found during inspection : .....
- (a) : .....
- (b) : .....
- (c) : .....
16. Remarks : .....

Date.....

NAME AND RANK OF  
INSPECTING OFFICER

**Annexure - C12**

**MIZORAM EXCISE AND NARCOTICS DEPARTMENT  
WIRELESS RADIO EQUIPMENT INSPECTION FORM**

- I. Name of Office inspected : .....
- II. Date of Inspection : .....
- III. Name and rank of Officer-in-Charge : .....  
of Wireless Radio appointed by the  
Controlling Officer

IV. Types and quantity of Wireless Radio & equipments :

**A. Fixed-Station Transceiver:**

	<u>Type</u>	<u>SI No</u>	<u>Quantity</u>
1)	.....	.....	.....
2)	.....	.....	.....
Defect found during Inspection: .....			
.....			

**B. Hand Set:**

	<u>Type</u>	<u>SI No</u>	<u>Quantity</u>
1)	.....	.....	.....
2)	.....	.....	.....
3)	.....	.....	.....
Defect found during Inspection : .....			
.....			

**C. Battery:**

	<u>Type</u>	<u>Regd. No</u>	<u>Quantity</u>
1)	.....	.....	.....
2)	.....	.....	.....
3)	.....	.....	.....
4)	.....	.....	.....
Defect found during Inspection: .....			
.....			

**D. Charger:**

	<u>Type</u>	<u>Regd. No</u>	<u>Quantity</u>
1)	.....	.....	.....
2)	.....	.....	.....
3)	.....	.....	.....
4)	.....	.....	.....
Defect found during Inspection: .....			
.....			

**E. Micro Energy:**

	<u>Type</u>	<u>SI No</u>	<u>Quantity</u>
1)	.....	.....	.....
2)	.....	.....	.....
Defect found during Inspection: .....			
.....			

**F. Solar Battery:**

	<u>Type</u>	<u>SI No</u>	<u>Quantity</u>
1)	.....	.....	.....
2)	.....	.....	.....
Defect found during Inspection: .....			
.....			

**G. Solar Module Plate:**

	<u>Type</u>	<u>SI No</u>	<u>Quantity</u>
1)	.....	.....	.....
2)	.....	.....	.....
Defect found during Inspection: .....			
.....			

**H. Other:**

<u>Name of item</u>	<u>Type</u>	<u>Regd. No</u>	<u>Quantity</u>
1) .....	.....	.....	.....
2) .....	.....	.....	.....
3) .....	.....	.....	.....
Defect found during Inspection: .....			
.....			

- V. Maintenance of Issue/Stock Register : .....
- VI. Whether properly cleaned/Handled : .....
- VII. Is the custody safe enough? : .....
- VIII. Remarks : .....
- .....

Dated .....

Place .....

Name and Rank  
of Inspecting Officer

**Annexure - C13****MIZORAM EXCISE AND NARCOTICS DEPARTMENT****HANDCUFF INSPECTION FORM**

1. Name of Office inspected : .....
2. Date of Inspection : .....
3. Name and rank of Officer-in-Charge : .....  
of Handcuff appointed by the  
Controlling Officer
4. Quantity of Handcuff : .....
5. Type of Hand cuff : .....  
.....
6. Regd No.      1) .....  
                         2) .....  
                         3) .....  
                         4) .....  
                         5) .....
7. Maintenance of Issue Register : .....  
.....
8. Whether regularly cleaned/oiled : .....
9. Defect found during Inspection : .....  
.....  
.....
10. Is the custody safe enough? : .....
11. Remarks : .....  
.....  
.....

Dated .....

Place .....

Name and Rank  
of Inspecting Officer

**MIZORAM EXCISE AND NARCOTICS DEPARTMENT**  
**ARMS AND AMMUNITION INSPECTION FORM**

A. ARMS:

1. Name of Office inspected :
2. Date of Inspection :
3. Name and Rank of officer-in-charge of Arms :  
and Ammunition appointed by the  
Controlling Officer
4. Types of Arms and Quantity
  - (1) 9 mm Pistol : \_\_\_\_\_ Nos.  
with Regd No (1) Regd. No. \_\_\_\_\_  
(2) Regd. No. \_\_\_\_\_
  - (2) .32 Pistol : \_\_\_\_\_ Nos.  
with Regd No (1) Regd. No. \_\_\_\_\_  
(2) Regd. No. \_\_\_\_\_
  - (3) .32 Revolver : \_\_\_\_\_ Nos.  
with Regd No (1) Regd. No. \_\_\_\_\_  
(2) Regd. No. \_\_\_\_\_
  - (4) .38 Revolver : \_\_\_\_\_ Nos.  
with Regd No (1) Regd. No. \_\_\_\_\_  
(2) Regd. No. \_\_\_\_\_
  - (5) M20 Pistol : \_\_\_\_\_ Nos.  
with Regd No (1) Regd. No. \_\_\_\_\_  
(2) Regd. No. \_\_\_\_\_
  - (6) Carbine/Sten gun: \_\_\_\_\_ Nos  
(1) Regd. No. \_\_\_\_\_  
(2) Regd. No. \_\_\_\_\_
  - (7) .303 Rifle : \_\_\_\_\_ Nos  
(1) Regd. No. \_\_\_\_\_  
(2) Regd. No. \_\_\_\_\_
  - (8) A.K. Rifle : \_\_\_\_\_ Nos  
(1) Regd. No. \_\_\_\_\_  
(2) Regd. No. \_\_\_\_\_
  - (9) G-3 Rifle (1) Regd. No. \_\_\_\_\_  
(2) Regd. No. \_\_\_\_\_
4. Maintenance of Issue Register :
5. Whether regularly clean /oiled :
6. Defect found during Inspection. :

7. Is the Custody Safe enough ? :
8. General Remarks :

**B. AMMUNITION:**

1. Stock Position :

Description	Total rounds during the last inspection in	Total rounds received after the last inspection	Grand Total	Present Stock Position
(a) 9mm				
(b) .32 Pistol				
(c) .32 Revolver				
(d) .38 Revolver				
(e) M20 Pistol				
(f) S.L.R(7.62x51mm)				
(g) .303 Rifle				
(h) A.K. Rifle(7.62x39mm)				

2. Whether records are properly maintained or not :
3. Detail position of Ammunition during inspection

Type of ammunition	No. of rounds fired	Reason of fire	No. of misfired cartridges	No. of empty cartridges returned	No. of live cartridges in the tock	TOTAL
(a) 9mm						
(b) .32 Pistol						
(c) .32 Revolver						
(d) .38 Revolver						
(e) M20						
(f) S.L.R (7.62x51mm)						
(g) .303 Rifle						
(h) A.K. Rifle (7.62x39mm)						
(i) G-3 Rifle						

4. General Remarks :

Date:

NAME AND RANK  
OF INSPECTING OFFICER



**INITIAL TEST MEMO**

1. Description of seized Article:  
.....  
.....
2. Quantity of seized article:  
.....
3. Date and time of seizure:  
.....
4. Name and Address of owner/  
possessor:  
.....  
.....  
.....  
.....
5. Quantity of drugs examined:  
.....
6. Date and time of Examine:  
.....
7. Result shown during the test:  
.....
8. Witnesses:  
.....  
.....  
.....  
.....  
.....
9. Name of seizing officer and  
designation:  
.....

Examined by

**INITIAL TEST MEMO**

1. Description of seized Article:  
.....  
.....
2. Quantity of seized article:  
.....
3. Date and time of seizure:  
.....
4. Name and Address of owner/  
possessor:  
.....  
.....  
.....  
.....
5. Quantity of drugs examined:  
.....
6. Date and time of Examine:  
.....
7. Result shown during the test:  
.....
8. Witnesses:  
.....  
.....  
.....  
.....  
.....
9. Name of seizing officer and  
designation:  
.....

Examined by

**Annexure - C16****TEST MEMO**

Name &amp; Address of the seizing Organisation :

**SECTION-I****For Use by the Seizing Officer**

1. Crime No. :
2. Name & Address of the offenders. :
3. Alleged description of drug and the weight (nett.) of samples. :
7. (a) Description of Seal :
- (b) No. of Seal put on sample. :
8. Facimile of the Seal :

Name &amp; signature of the Case Investigating Officer.

**SECTION - II****For use in the laboratory**

1. Date of receipt in the laboratory :
2. Weight (nett.) as found in laboratory. :
3. Date of conducting the test result of :
  - (a) Qualitative tests :
  - (b) Quantitative tests :
4. General observation of the Chemist :

Name &amp; signature of the chemist.

## ACCUSED CHALLAN

Sl.No.	Name & Address of Accused person(s)	Case Reference

To,

The Officer-in-charge,  
.....  
.....

Sir,

I have the honour to forward herewith the above-mentioned accused person(s) for favour of further necessary action please.

Acknowledge receipt please.

Yours faithfully,

**Annexure - C18****EXHIBIT CHALLAN**

SlNo.	Description of Seized Article(s)	Case reference with Charge Section	Name & Address of Accused person(s)

To,

The Superintendent of Excise and Narcotics,

.....  
.....  
.....

Sir,

I have the honour to forward herewith the above mentioned seized article(s) along with the complaint sheet for favour of further necessary action please.

Kindly acknowledge receipt please.

Dated : .....

The .....

Yours faithfully,

**MIZORAM EXCISE AND NARCOTICS DEPARTMENT  
DETAILED PARTICULARS OF ACCUSED PERSON**

Excise/Narcotic Case No..... U/S .....

1. Name(*in Capital letters*) with alias .....
2. Age..... Date of Birth .....
3. Nationality ..... Religion .....
4. Edn.Qualification and where studied.....
5. Occupation .....
6. Place of birth ..... village .....
- P.S..... Dist..... State.....
7. Permanent Home Add..... Vill.....
- P.S..... Dist..... State.....
8. Present Address..... Vill.....
- P.S..... Dist..... State.....
9. Father's Name.....
10. Mother's Name.....
11. Marital status..... Name of Spouse .....
12. No. of Children..... Male..... Female.....
13. Visible I.D.Mark.....
14. Thumb impression:      Male - Left,      Female - Right.
  
15. Complexion..... Height..... Weight.....
16. Date and time of arrest.....
17. Place of arrest.....
18. Seized article (s).....
- .....
19. Previous Record reference.....
20. Name of case I.O with designation.....
21. Remark.....
- .....
22. Specimen Signature      :
1. ....
2. ....
3. ....

Recorded by :-

**Annexure - C20**

**MIZORAM EXCISE AND NARCOTICS DEPARTMENT**  
**PARTICULARS OF DRUG ABUSERS**

1. Name : .....
2. Father's/Mother's Name : .....
3. Present Address : .....
4. Age & Date of Birth : .....
5. Place of Birth : .....
6. Sex : .....
7. Religion : .....
8. Tribe : .....
9. Educational Status : .....
10. Occupation, if any : .....
11. Family type with summary background : .....
12. Marital Status, issue, if any : .....
13. Personal Income : .....
14. Family Income : .....
15. Since when used Drugs : .....
16. Type of Drugs used : .....
17. Dosages : .....
18. Usual sources : .....
19. Needle Sharing pattern : .....
20. Needle cleaning pattern : .....
21. No of attempts made for de-addiction : .....
22. Blood donated : .....
23. Blood Received : .....
24. Injections taken for treatment : .....
25. Tooth extraction, if any : .....
26. Tattooes, if any : .....
27. Any surgical Operations : .....
28. Sex life : .....
29. For prostitutes :-
  - (a) Number of clientage :
  - (b) Rate :
  - (c) Type of Clients :
30. Why I am on drugs :
- Date : Recorded by :-

**CASE DIARY**  
( U/S 172 Cr.P.C )

Ref Case No. .... Dt. ....

U/S .....

Ref. Page no. ....Dt. ....

<i>No. &amp; Hrs. of entry</i>	<i>Place of Entry</i>	<i>Synopsis of entry</i>	<i>Diary in Brief</i>

**Annexure - C22**

**BIO DATA OF ACCUSED PERSON**

F.I.R. NO : .....

CASE NO : .....

NAME OF ACCUSED (With Alias) : .....

Father's Name : .....

Mother's Name : .....

Nationality : .....

Permanent Address : .....

Present Address/Camp : .....

Educational Qualification & Where Studied : .....

Identification Mark : .....

Height : ..... Weight : .....

Place of Seizure & Arrest : .....

Date & Time of Seizure & Arrest : .....

Description & quantity of Seize Article(s): .....

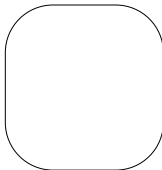
Any previous Case or Conviction with Sentence: .....

.....

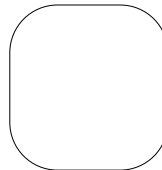
Marital Status : .....Name of Spouse : .....

Seizing Officer : .....Case I.O. : .....

Accused Photo



Seize Article(s) Photo





**GOVERNMENT OF MIZORAM  
EXCISE AND NARCOTICS DEPARTMENT**

Dated Aizawl, the .....

To,

The District Magistrate,  
.....

Subj : ***Prosecution Sanction U/S 15(2) of  
Assam Drugs (Control) Act, 1950***

Ref : Excise Case No. Ex-N- ..... dt. ....  
U/s 13(1) of AD(C) Act, 1950

Sir,

I have the honour to inform you that on..... at  
..... Accd(s) .....  
.....  
..... was / were  
arrested by ..... in connection with the seizure  
of .....  
Capsules of Spasmo Proxyvon, Dextropropoxyphene Hcl.

In this connection, I would pray you to accord prosecution  
sanction against Accd(s) ..... as required by section  
15(2) of AD(C), 1950.

Copies of necessary documents are enclosed herewith for favour  
of your reference and approval for sanction.

- Encl:* 1. *Seizure & Arrest Memo.*  
2. *Report of Seizure & Arrest*  
3. *Details particulars of accd/s*

Yours faithfully,

**Annexure - C24**

IMMEDIATE

**AGENCY EFFECTING THE SEIZURE : STATE EXCISE : MIZORAM  
FORM 'F'****( SEIZURE REPORT OF OPIUM AND OTHER DANGEROUS DRUGS)***( To be forwarded immediately after the seizure.)*

1. Date & time of Seizure :
2. Place of Seizure with District and State *(in capital letters)* :
3. Net Quantity *(in kg.)*, Description and value  
of the drug seized :
4. Act under which seizure was made :
5. Packing & Marking , if any :
6. Mode of Transportation/Concealment :
7. Vehicle involved -  
i) Registration No :  
ii) Owner's name :
8. Name, parentage, address and nationality of the persons  
arrested.*(in case of foreigners, complete details of the  
passport held should also be clearly indicated.)* :
9. Suspected source of the seized drug *( indicate name of  
the country.)* :
10. Name, parentage, address and nationality of other  
persons believed to be implicated. *( in the case of  
foreigners complete details of the passport held  
should also be indicated.)* :
11. Suspected destination of the seized drug :
12. Name of the seizing agency :
13. Name & Designation of the seizing officer :
14. Whether accused person(s) is/are opium cultivator :
15. Brief facts of the case :
16. Name, Designation and part played by the Officers  
in the seizure case. :

Asst. Commissioner of Excise and Narcotics  
(Enforcement)  
for Commissioner of Excise and Narcotics,  
Mizoram : Aizawl.

IMMEDIATE

**AGENCY EFFECTING THE SEIZURE : STATE EXCISE : MIZORAM**

**FORM 'F'**

( SEIZURE REPORT OF OPIUM AND OTHER DANGEROUS DRUGS)

( *To be forwarded immediately after the seizure.*)

1. Date & time of Seizure :
2. Place of Seizure with District and State (*in capital letters*) :
3. Net Quantity (*in kg.*), Description and value of the drug seized :
4. Act under which seizure was made :
5. Packing & Marking , if any :
6. Mode of Transportation/Concealment :
7. Vehicle involved -
  - i) Registration No :
  - ii) Owner's name :
8. Name, parentage, address and nationality of the persons arrested.(*in case of foreigners, complete details of the passport held should also be clearly indicated.*) :
9. Suspected source of the seized drug (*indicate name of the country.*) :
10. Name, parentage, address and nationality of other persons believed to be implicated. (*in the case of foreigners complete details of the passport held should also be indicated.*) :
11. Suspected destination of the seized drug :
12. Name of the seizing agency :
13. Name & Designation of the seizing officer :
14. Whether accused person(s) is/are opium cultivator :
15. Brief facts of the case :
16. Name, Designation and part played by the Officers in the seizure case. :

Name, Signature and designation  
Seizing Officer.

**Annexure - C25**

To

The Commissioner of Excise and Narcotics  
Mizoram : Aizawl.

Through: Proper Channel.

Subject: *Report on foreigner arrested*

Ref : Excise Case No .....dated .....  
U/S .....

Sir,

I have the honour to inform you that the undermentioned foreigner(s)  
is/are arrested on.....in connection with the seizure of  
..... vide Case No. referred to above.

Name(with alias) & Permanent Address	Present Address	Date & Place of Birth	Identification Mark(s)	Remarks

This is for favour of your kind information and necessary action.

Yours faithfully,

Name & Designation  
of Reporting Officer.

No. .... : Date Aizawl, the .....

Copy to:

- (1) Dy. Commissioner, .....District for kind information.  
(2) Office File.

Name & Designation of  
Reporting Officer.

To,

The Medical Officer,  
Emergency Department  
Civil Hospital, Aizawl.

Subject : **Medical Examination of Accused Person.**

Sir,

I have the honour to forward herewith the under mentioned accused person(s) for medical examination whose Identification marks is indicated against his/ her name and for your furnishing the report thereof on the following points :-

1. Whether he/ she consumed alcohol or not.
2. Whether he/ she is drunk or not.
3. Nature of injury if any.
4. Confessional statement if any.
5. Whether he/ she is fit or not to keep under Excise Custody.

<u>Name &amp; Address of Accused person(s)</u>	<u>Identification Mark</u>
--	----------------------------

1.

2.

3.

4.

Dated : .....

The .....

Yours faithfully,

**Annexure - C27**

**P.R. BAIL BOND**

I,.....S/o/D/o .....  
 residing at ..... being  
 charged with the offence of .....  
 and being required to appear before  
 ..... Excise and Narcotics Station /  
 Anti-Narcotic Squad, Commissionerate of  
 Excise and Narcotics, Mizoram, Aizawl,  
 hereby bind myself to appear before said  
 ..... on the .....at .....  
 ..... In case of any default herein I  
 bind myself to forfeit to the Govt. of Mizoram  
 a sum of Rs..... (Rupees..... )  
 only.

Dated this..... day of ..... 200...

Signature of  
 Accused Person

Accepting Officer  
 with Seal.

**P.R. BAIL BOND**

I,.....S/o/D/o .....  
 residing at ..... being  
 charged with the offence of .....  
 and being required to appear before  
 ..... Excise and Narcotics Station/  
 Anti-Narcotic Squad, Commissionerate of  
 Excise and Narcotics, Mizoram, Aizawl,  
 hereby bind myself to appear before said  
 ..... on the .....at .....  
 ..... In case of any default herein I  
 bind myself to forfeit to the Govt. of Mizoram  
 a sum of Rs..... (Rupees.....  
 .....) only.

Dated this..... day of ..... 200...

Signature of  
 Accused Person

Accepting Officer  
 with Seal.

ORIGINAL

DUPLICATE

**ZIMMANAMA**

( See Sec 102(3) / 457 Cr. P.C.)

**ZIMMANAMA**

( See Sec 102(3) / 457 Cr. P.C.)

Ref: Excise Case No .....  
Date.....

Ref: Excise Case No .....  
Date.....

I, ..... S/o, D/o .....of  
.....House No ..... P.S  
..... District ..... on  
..... at ..... hereby  
take the undermentioned items on my  
Zimmanama which was seized by  
..... in connection with  
the reference case. The S/A is duly received  
by me in good condition. I promise to pro-  
duce the same to Court / Excise at any fixed  
date on ..... or whenever called  
for, failing which I shall be liable for pros-  
ecution according to law.

I, ..... S/o, D/o .....of  
.....House No ..... P.S  
..... District ..... on  
..... at ..... hereby  
take the undermentioned items on my  
Zimmanama which was seized by  
..... in connection with  
the reference case. The S/A is duly received  
by me in good condition. I promise to pro-  
duce the same to Court / Excise at any fixed  
date on ..... or whenever called  
for, failing which I shall be liable for pros-  
ecution according to law.

- 1. ....
- 2. ....
- 3. ....

- 1. ....
- 2. ....
- 3. ....

Signature of  
Accepting Officer  
with Seal

Name & Signature  
of Recipient

Signature of  
Accepting Officer  
with Seal

Name & Signature  
of Recipient

**Annexure - C29****BOND TO ABSTAIN FROM COMMISSION OF ANY OFFENCE  
UNDER ND&PS ACTS '85/ AD(C) ACT '50/ MLTP ACT '95**

Whereas I, ..... Son/Daughter/Wife of ..... inhabitant of ..... have been called upon and enter into a bond to abstain from the commission of any offence under ..... for a term ....., and I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to appear before the Court/Officer-in-Charge/Case Investigating Officer and received sentence when called upon during the said term. In case of my making default therein, I hereby bind myself to forfeit to the Government the sum of Rupees .....

Dated this ..... day of ..... 200 .....

(Signature)

**(When a bond with sureties is to be executed, add:)**

We do hereby declaree ourselves sureties for the above named ..... that he/she will abstain from the commission of offence under ..... during the said term and on his/her failure so to abstain, he/she will appear before the court/ Officer-in-Charge/ Case Investigating Officer and received sentence when called upon during the said term and in case of his/her making default therein, we bind ourselves jointly and severally to forfeit to the Government the sum of Rupees .....

Dated this ..... day of ..... 200 .....

(Signature)



**EXCISE AND NARCOTICS DEPARTMENT  
WEEKLY PERFORMANCE REPORT OF OFFICERS**

Agency / Station: .....

NAME OF OFFICER : .....DESIGNATION

.....  
*for the period from* ..... *to* .....

Date	Distance covered & mode of conveyance	Places visited and work done	Remarks

1. Number of excursions : .....  
 (a) Days spent .....  
 (b) Nights halt .....

**ACHIEVEMENT MADE**

1. Persons arrested : .....  
 Foreigners : .....  
 2. No. of cases detected : .....  
 3. Articles seized :
- |                           |                            |
|---------------------------|----------------------------|
| i) Heroin .....           | (x) IMFL (750 ml) .....    |
| ii) Ganja .....           | (xi) Beer (375 ml) .....   |
| iii) Nitrazepam .....     | (xii) Rakzu (180 ml) ..... |
| iv) Diazepam .....        | (xiii) Yeast .....         |
| v) Ephedrine .....        | (xiv) Pots .....           |
| vi) Spasmo Proxyvon ..... | (xv) Vehicles .....        |
| vii) Cough Syrup .....    | (xvi) Vehicles .....       |
| viii) Two Wheeler .....   | (xvii) LMV) .....          |
| ix) HMV .....             | (xviii) Others .....       |

Submitted to .....for information and necessary action.

Signature of officer, with date

**Annexure - C31****EXCISE AND NARCOTICS DEPARTMENT  
PROSECUTION BRANCH : DM'S COURT****WEEKLY PERFORMANCE REPORT**

Period of report ..... to .....

NAME OF OFFICER ..... DESIGNATION .....

SI No	NAME OF COURT	NO. OF CASES PROSECUTED	NO. OF CASES DISPOSED	NO. OF ACCUSED PERSON CONVICTED	NO. OF ACCD. PERSONS DISCHARGED / ACQUITTED	REMARKS


Submitted to ..... for information  
and necessary action.

Date: .....

Signature of officer  
with date

**CASES OF ILLICIT TRAFFIC IN NARCOTICS AND SMUGGLING**

Reference ..... Date .....

Photograph ..... 

Sender .....

Name of the seizing agency .....

Type of narcotics/contraband seized .....

Quantity .....

Photograph .....

Chemical analysis report .....

Place of seizure .....

Date of seizure .....

Packing, labeling and trade marks .....

Particulars of conveyance used .....

Name of nationality of the custodian/owner of the conveyance .....

Name of Company, Airline, Ship .....

Mode of concealment .....

Route .....

Place of production/processing .....

Place where narcotics/contraband obtained .....

Origin / sources .....

Destination. ....


Any equipment/accessories seized .....

Any other information .....

**Annexure - C32(a)**

**PROFORMA FOR REPORTING ON PERSON(S) INVOLVED IN  
NARCOTICS, PSYCHOTROPIC SUBSTANCES/PRECURSORS  
TRAFFICKING / SMUGGLING**

*(In cases implicating more than one person, please use separate form for each)*

Name and aliases used :	Copy of photograph
Father's name :	
Sex :	
Age :	
Date and place of birth :	
Nationality :	
Passport No :	
Place/Date of issue :	
Occupation :	
Address :	
Extent of involvement :	
Previous involvement :	
Associates :	
Arrested / Detained :	
Place of arrest :	
Judicial or administrative measures taken :	
Attach photocopy of the first page of passport :	

SUMMARY OF THE CASE :

*(Please indicate details of the case for furtherance of investigation)*

**REWARD PROPOSAL FOR OFFICERS**

1. Name of the Agency/Organisation :
2. Case reference :
3. Gist of information received together with the names/designations of the officers who recorded it. :
4. Date & place of seizure :
5. Quantity & Description of drug(s) seized :
  
6. Details of persons arrested- :
  - i) With drugs
  - ii) On subsequent investigation
7. Results of chemical tests :
8. Present status of the case -
  - i) Date of filing charge sheet/complaint
  - ii) Results of the trial
9. Status of financial investigation\*
  - i) Details of properties traced/identified.
  - ii) Details of properties frozen
  - iii) Details of properties forfeited(\* Please also indicate approximate values in Rupees)
10. Total Reward admissible as per Reward Rules:-
  - i) Advance
  - ii) Final
11. Role played by officers with names, designations in - ( Gathering intelligence, Effecting seizure, Post seizure investigations, Prosecution & detention and risk involved) :
  
12. Details of Rewards recommended Recomendation  
officer-wise(together with designation& pay scale )

Signature of Controlling Officer/  
Supervising Officer

**Annexure - C34****MIZORAM EXCISE AND NARCOTICS DEPARTMENT****CASE INVESTIGATING OFFICER'S CHECKLIST**

1. F.I.R. and opening of Case Diary
2. Grounds of belief
3. Identity yourself by showing I.D. Card
4. Summon for independent witness(es)
5. Offer personal searched before and after
6. Ask the person to be searched if the would like to be taken before a magistrate/ gazetted officer or write down grounds of belief after searched
7. Female be searched only by female.
8. Weightment of seized article.
9. Preparation of Seizure and arrest memo, copy to be furnish to the accused, it should be translated to all concerned in their known language.
10. Grounds of arrest be informed and the accused be actually touched while making arrest.
11. Inspection memo - body examination of arrested persons if desired by him/her
12. Intimation of arrest of person to relative
13. Sample drawn, seized articles packed & sealed
14. Submission of seized article to Officer-in-Charge with forwarding and acknowledgement be obtained.
15. Seizure and arrest report
16. Test Memo. If no result is received within 45 days, case I.O. should take step to his superior reminder
17. Submission of Form 'F' and reward proposal and foreigner report (if any)
18. Interrogation and recording of accused (s), witness(es) statement in the language known to the accused and detailed particulars
19. Recording of confessional statement of accused as per provision of 164 CR. PC.
20. Exrtract copy of Case Diary for praying remand
21. Prayer for remand (Excise Custody/Judicial Custody)
22. Submission of Charge-Sheet
  - a) Forwarding
  - b) Charge-sheet
  - c) F.I.R.
  - d) Grounds of belief
  - e) Seizure and Arrest Memo
  - f) Seizure and Arrest Report
  - g) F.S.L. Report
  - h) Confessional Statement
  - i) Detailed Particulars of accused (s)
  - j) Statement of accused (s) & Witnesses
  - k) Seized Articles.
23. Closing of Case Diary

**PART - VI****THE MIZORAM EXCISE ACT, 1973**  
**ACT NO 7 OF 1974**

**(Received the assent of the President on 17<sup>th</sup> April, 1974.)**

***NOTIFICATION***

No. LJD. 104/74/19, the 22<sup>nd</sup> May, 1974. The following Act passed by the Mizoram Legislative Assembly and assented to by the President is hereby published for general information.

(Published in the Mizoram Gazette Extra-ordinary – dt. 22<sup>nd</sup> May, 1974 Issue No 8.)

Published by  
The Commissioner of Excise & Taxes, Mizoram.

## CONTENTS

### **Preamble**

### **Chapter - I Preliminary**

#### **Section**

1. Short title, extent and commencement.
2. Definitions.
3. Power to declare foreign liquor.
4. Limit of sale (wholesale and retail sale)
5. Saving of certain enactments.

### **Chapter - II Establishment and Control**

6. Appointment of Officers, and the conferment withdrawal and delegation of powers.
7. Appeals.
8. Revision.

### **Chapter - III Import, Export and Transport**

9. Restrictions on import.
10. Restriction on export and transport.
11. Prohibition of import, Export or transport
12. Passes for import or transport.
13. Grant of passes.

### **Chapter - IV Manufacture, Possession and sale.**

14. Prohibition of manufacture, import, etc. of charas.
15. Manufacture and preparation for manufacture permitted only under licence.
16. Establishment or licensing of distilleries, breweries and warehouses.



17. Limit of possession with exceptions and prohibitions in specific cases.
18. Prohibition of sale without licence and the exceptions to such prohibition.
19. Exclusive privilege of manufacture and supply.
20. Manufacture and sale in cantonments.

### **Chapter - V** **Duties and Fees**

21. Levy of duty.
22. Mode of levy of duty.
23. Payment for grant of exclusive privilege.

### **Chapter - VI** **Licences, Permit and Passes**

24. Forms and condition of licences, etc.
25. Agreement.
26. Technical defects, irregularities and omissions.
27. Ascertainment of local opinion.
28. Cancellation or suspension of licences, etc. in certain cases.
29. Cancellation of licences in other cases.
30. Surrender of licence.
31. No right to renewal.

### **Chapter - VII** **Prevention, Detection and Investigation of Offences.**

32. Inspection of places of manufacture and sale.
33. Arrest, seizure and search without warrant.
34. Issue of warrants.
35. Search and arrest in presence of Collector or Magistrate.
36. Search seizure and arrest, following upon entry without warrant in emergent cases.
37. Power to investigate.
38. Power of Investigating Officer.
39. Production of persons arrested or articles seized.
40. Police custody of articles seized.
41. Reports of arrests, seizures and searches.

42. Procedure in executing warrants and in making arrests and searches.
43. Maximum period of detention.
44. Bail.
45. Information and aid to excise Officer.
46. Obligation of land holders and others to give information in certain cases.
47. The closing of retail shops for preservation of the public peace.

### **Chapter - VIII**

#### **Penalties and Procedure**

48. Unlawful import, manufacture, possession, sale, etc.
49. Unlawful possession in certain cases
50. Penalty for altering or attempting to alter any denatured Spirit.
51. Adulteration, etc.
52. Fraud by licensee or his servant.
53. Breach of rule or condition of licence.
54. Criminal liability of licensee for acts of servants.
55. Import, export, transport, manufacture, sale or possession by one person on account of another.
56. Consumption of intoxicants in druggist's shop.
57. Vexatious search, seizure, detention or arrest or refusal of duty on part of Excise Officer.
58. Punishment for allowing premises to be used for the commission of an offence.
59. Offences not specifically provided for.
60. Attempts.
61. Abetments.
62. Enhanced punishment after previous conviction.
63. Security for abstaining from commission of certain offences.
64. Initiation of prosecution.
65. Jurisdiction of Courts.
66. Presumptions.
67. Presumption as to offence under section 50 in certain cases.
68. Presumption as to any spirit which contains any denaturant.
69. Liability to confiscation.
70. Procedure in regard to articles liable to confiscation.
71. Power to compound offence.

**Chapter - IX**  
**General provisions**

- 72. Measures, weights and instruments.
- 73. Departmental management and resale.
- 74. Recovery of dues.
- 75. Offences by companies.
- 76. Power to make rules.
- 77. Application of Assam Act 2 of 1915.  
The first schedule  
The second schedule.

**PREAMBLE**

EXC. 101/81/1 The 8<sup>th</sup> October, 1984. In exercise of the powers conferred by sub-section (3) of section 1 of the Mizoram Excise Act, 1973 the Lt. Governor (Administrator) of Mizoram is pleased to enforce the Mizoram Excise Act, 1973 with effect from 10<sup>th</sup> October, 1984 throughout the Union Territory of Mizoram.

(Published in the Extra Ordinary Issue No. 47 Dt. 9.10.84 of the Mizoram Gazette)

## **Act No. 7. of 1974**

### **THE MIZORAM EXCISE ACT, 1973**

(Received the assent of the President on 17<sup>th</sup> April, 1974)

## **AN ACT**

to control the import, export, transport, manufacture, sale and possession of alcoholic liquor and intoxicating drugs and to provide for the imposition of duty of excise thereon in the Union Territory of Mizoram, and for matters connected therewith.

BE it enacted by the Legislative Assembly of Mizoram in the Twenty-Fourth Year of the Republic of India as follows:-

### **Chapter – 1** *Preliminary*

#### **1. Short title, extent and commencement.**

- (1) This Act may be called the Mizoram Excise Act, 1973.
- (2) It extends to the whole of the Union Territory of Mizoram.
- (3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint in this behalf.

#### **2. Definition.**

In this Act, unless the context otherwise requires:-

- (1) “*Administration of Justice Rules*” means the “Rules for the regulation of the procedure of officers appointed to administer justice in the Lushai Hills”, made by the Governor of Assam under section 6 of the Scheduled District Act, 1874 (Central Act 14 of 1874);
- (2) “*Administrator*” means the Administrator of the Union Territory of Mizoram appointed by the President under Article 239 of the Constitution;
- (3) “*beer*” includes ale, stout, port, and all other fermented liquor

usually made from malt;

- (4) “*to bottle*” means to transfer liquor from a cask or other vessel to a bottle or other receptacle, whether any process of rectification be employed or not, and including rebottling;
- (5) “*Club*” means a society of persons associated together for social intercourse for the promotion of politics, sports art, science or literature or for any purpose except the acquisition of gain and where the same be registered under the Companies Act, 1956 (Central Act 1 of 1956), the Co-operative Societies Act, 1912(Central Act 2 of 1912) or under any act relating to cooperative societies in force in any State, or the Societies Registration Act, 1860(Central Act 21 of 1860), or otherwise incorporated or not;
- (6) “*Collector*” includes a Deputy Commissioner and any officer whom the Administrator may, by notification, appoint or declare to be a Collector for the purpose of any provision of this Act;
- (7) “*denaturant*” means any substance prescribed for admixture with spirit in order to render the mixture unfit for human consumption whether as a beverage, or internally, as a medicine;
- (8) “*to denature*” means to mix spirit with one or more denaturants in such manner as may be prescribed under clause (1) of sub-section (2) of section 76 and *denatured spirit* means spirit so mixed;
- (9) “*Deputy Commissioner*” means the Chief Officer-in-charge of the administration of a district;
- (10) “*duty*” or “*countervailing duty*” means the duty of excise or countervailing duty, as the case may be, mentioned in entry 51 in List II of the Seventh Schedule to the Constitution;
- (11) “*excisable article*” means –
  - (a) any alcoholic liquor for human consumption, not being a medicinal preparation or a toilet preparation under the Medicinal and Toilet preparations (Excise Duties) Act, 1955(Central Act 16 of 1955);
  - or
  - (b) any intoxicating drugs;
- (12) “*Excise Commissioner*” means the officer appointed by the Administrator under clause (a) of sub-section (2) of Section 6;
- (13) “*Excise Officer*” means a Collector or any officer or other person appointed or invested with powers under section 6;

- (14) “*excise revenue*” means revenue derived or derivable from any duty, fee, tax, penalty, payment (not being a fine imposed by a court of law) or confiscation imposed, made or ordered under any provision of this Act, or of any other law for the time being in force relating to alcoholic liquor or intoxicating drugs;
- (15) “*export*” means to take out of the territory to which this Act applies otherwise than across a customs frontier as defined by the Central Government;
- (16) “*Government*” means the Government of the Union Territory of Mizoram;
- (17) the “*holder of a licence*” includes a person whose bid, tender or application for a licence has been accepted by the Excise Officer empowered to grant such licence, although such person may not in fact have received the licence;
- (18) “*import*” except in the phrase (‘import into India’) means to bring into the territory to which this Act applies otherwise than across a customs frontier as defined by the Central Government;
- (19) “*intoxicant*” means any liquor or intoxicating drug but does not include a medicinal preparation or a toilet preparation under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955;
- (20) “*intoxicating drug*” means-
- (i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis sativa* L) including all forms known as bhang, siddhi or ganja;
  - (ii) any mixture, with or without neutral materials of any of the above forms of intoxicating drug, or any drink prepared therefrom; and
  - (iii) any other intoxicating or narcotic substance which the Administrator may, by notification, declare to be an intoxicating drug, such substance not being opium, cocoa leaf or a manufactured drug, as defined in section 5 of the Dangerous Drugs Act, 1930(Central Act 11 of 1930).
- (21) “*liquor*” means intoxicating liquor includes, zu, rakzu, all liquid consisting of or containing alcohol and any substance which the Administrator may, by notification, declare to be liquor for the purpose of this Act but does not include any medicinal preparation or toilet preparation under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (Central Act 16 of 1955);
- (22) “*Magistrate*” means the Deputy Commissioner or any Assistant

to the Deputy Commissioner who has been empowered under the Administration of Justice Rules to administer criminal justice in the Union Territory;

- (23) “*manufacture*” includes every process, whether natural or artificial, by which any intoxicant is produced or prepared, redistillation and every process for the rectification, flavouring, blending or colouring of liquor;
- (24) “*notification*” means a notification published in the Official Gazette;
- (25) “*place*” includes a house, building, shop, tent, vessel, raft and vehicle;
- (26) “*prescribed*” means prescribed by rules made under this Act;
- (27) “*sale*” includes any transfer otherwise than by way of gift;
- (28) “*spirit*” means any liquor containing alcohol obtained by distillation, whether it is denatured or not and includes ‘Rakzu’
- (29) “*transport*” means to move from one place to another within the territory to which this Act applies;
- (30) “*Union Territory*” means the Union Territory of Mizoram;
- (31) “*zu*” means any rice, millet or other grain fermented naturally from itself or with some foreign or artificial substance, whether mixed with any liquid or not, and any liquid obtained therefrom, whether diluted or undiluted, but does not include beer,

### 3. Power to declare foreign liquor.

The Administrator, may, by notification, declare beer, brandy, whisky, gin, rum, milk punch, wines and such other liquor as foreign liquor for the purposes of this Act:

Provided where the interests of any State may be affected, no such declaration shall be made except after obtaining the previous sanction of the Central Government.

### 4. Wholesale and retail sale.

The Administrator may, by notification, declare with respect to the whole of the territory to which this Act applies or to any local area comprised therein, and as regards purchasers generally or any specified class of purchasers, and generally or for any specified occasion, what quantity of any intoxicant shall, for the purposes of this Act, be the limit of sale by retail and of sale by wholesale, respectively.



**5. Saving of certain enactments.**

Nothing contained in this Act shall affect the provisions of the Cantonments Act, 1924 (Central Act 2 of 1924), the Customs Act, 1962 (Central Act 5 of 1962) or the Indian Tariff Act, 1934 (Central Act 32 of 1934) or any rule or order made under any of the said Acts.

## **CHAPTER II**

### *Establishment and Control*

#### **6. Appointment of officers, and the conferment, withdrawal and delegation of powers.**

(1) Within a district, the administration of the Excise Department and the collection of excise revenue shall be under the charge of the Deputy Commissioner.

(2) The Administrator may, by notification, applicable to the whole of the territory to which this Act applies or to any district or local area comprised therein,-

- (a) appoint an officer who shall, subject to the control of the Administrator, have the control of the Administration of the Excise Department and of the collection of the excise revenue;
- (b) appoint any person other than the Deputy Commissioner who shall, subject to the control of the Deputy Commissioner, exercise all or any of the powers and perform all or any of the duties of a Collector under this Act, or any other law for the time being in force relating to the excise revenue;
- (c) appoint officers of the Excise Department of such classes and with such designation, Power and duties under this Act as the Administrator may think fit;
- (d) order that all or any of the powers and duties assigned to any officer under clause (c) shall be exercised and performed by any officer of the Government or any other person;
- (e) withdraw from any officer or person referred to in clause (c) or clause (d) all or any of his powers or duties under this Act;
- (f) delegate to the Excise Commissioner, Collectors and to any subordinate officer, subject to such conditions and restrictions as may be prescribed by any rule made under clause (a) of sub-section (2) of section 76, any power conferred upon, or exercised in respect of the excise revenue by the Administrator, the Excise Commissioner, and Collectors, respectively by or under the provisions of this Act.

#### **7. (1) Appeals.**

Any person aggrieved by any order under this Act or any rule made thereunder passed by any officer, other than the Excise Commissioner may, within

such time and in such manner as may be prescribed, appeal to the Excise Commissioner.

**(2) Revision.**

Any person aggrieved by any order under this Act or any rule made thereunder passed by the Excise Commissioner may, within such time and in such manner as may be prescribed, appeal to the Administrator.

**8.** The Administrator may, either on his own motion, or on an application of any person, aggrieved by any decision or order passed under this Act or any rule made thereunder, made within six months from the date of the communication to the applicant of the decision or order against which the application is made, call for and examine the records of any proceedings (including those relating to the grant or refusal of a licence, permit or pass) –

- (a) from which no appeal lies under this Act; or
- (b) from which an appeal lies but no appeal has been preferred within the time prescribed; or
- (c) from which an appeal has been preferred but such appeal has been disposed of, for the purpose of satisfying himself as to the correctness, legality or propriety of any decision or order passed and if in any case it appears to him that such decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass such orders thereon as he may deem fit;

Provided that no decision or order adversely affecting any party shall be passed under this section unless he has been given an opportunity of making his representation.

## **CHAPTER III**

### ***Import, Export and Transport***

#### **9. Restrictions on import.**

(1) No intoxicant shall be imported, unless, -

- (a) the duty, if any, payable under chapter V has been paid or a bond has been executed for the payment thereof; and
- (b) such conditions, if any, relating to payment of duty, licence, or requirements of public health as the Administrator may impose have been satisfied.

(2) The provisions of sub-section (1) shall not apply to any article which has been imported into India and was liable, on such importation, to duty under the Customs Act, 1962(Central Act 52 of 1962):

Provided that the provisions of clause (b) of sub-section (1) shall not apply to any liquor manufactured in India and declared under section 3 to be foreign liquor.

#### **10. Restriction on export and transport.**

No intoxicant shall be exported or transported unless the duty, if any, payable under Chapter V has been paid:

Provided that the Administrator may, subject to such conditions as he thinks fit to impose, exempt any intoxicant from the provisions of this section.

#### **11. Prohibition of import, export or transport.**

The Administrator may, with a view to enforcing a policy of prohibition or for purposes of public health, by notification-

- (a) prohibit the import or export of any intoxicant into or from the territory to which this Act applies or any part thereof; or
- (b) prohibit the transport of any intoxicant.

#### **12. Passes for import, export or transport.**

No intoxicant, exceeding such quantity as the Administrator may, by notification, specify either generally for the whole of the territory to which this Act applies or for any local area comprised therein, shall be imported, exported or transported, except under a pass issued under the provisions of the next following section.

**13. Grant of passes.**

- (1) A pass for the import, export or transport of intoxicants may be issued by the Collector or by any officer specially authorized by the Excise Commissioner in that behalf.
- (2) A pass issued under sub-section (1) may be either general for definite periods and specified kinds of intoxicants, or special only for specified occasions and particular consignment.
- (3) A pass under section 12 or under sub-section (1) may be issued only for purposes of imposing and collecting duty or ensuring conformity with licence requirements and any other requirements under this Act.

## CHAPTER IV

### *Manufacture, possession and sale*

**14. Prohibition of manufacture, import, etc of charas.**

- (1) No person shall manufacture, import, export, transport, possess or sell charas (Cannabis Resin).
- (2) If any person contravenes the provisions of sub-section (1), he shall be punished with imprisonment for a term which may extend to five years and also with fine.

**15. Manufacture and preparations for manufacture permitted only under licence.**

Except under the authority and in accordance with the terms and conditions of a licence granted in that behalf by the collector or by the Excise Commissioner-

- (a) no intoxicant shall be manufactured;
- (b) no hemp plant (Cannabis Sativa L) shall be cultivated or collected;
- (c) no liquor shall be bottled for sale;
- (d) no distillery or brewery shall be constructed or worked, and
- (e) no person shall use, keep or have in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any intoxicant.

**16. Establishment or licensing of distilleries, breweries and warehouses.**

The Excise Commissioner, with the sanction of the Administrator may –

- (a) establish a distillery in which spirit may be manufactured under a licence granted under section 15 on such conditions as the Administrator may impose;
- (b) discontinue any distillery so established;
- (c) licence on such conditions, as the Administrator may impose, the construction and working of a distillery or brewery;
- (d) establish or licence a warehouse wherein any intoxicant may be deposited and kept without payment of duty; and
- (e) discontinue any warehouse so established

**17. Limit of possession with exceptions and Prohibitions in specific cases.**

- (1) No person shall have in his possession any quantity of any intoxicant in excess of such quantity as the Administrator may, under section 4 declare to be the limit of sale by retail, except under the authority and in accordance with the terms and conditions of—
  - (i) a licence for the manufacture, sale or supply of such article; or
  - (ii) in the case of intoxicating drugs a licence for the cultivation or collection of the plants from which such drugs were produced; or
  - (iii) a permit granted by the collector in that behalf.
- (2) Nothing in this sub-section (1) shall apply to -
  - (a) any foreign liquor other than denatured spirit in the possession of any common carrier or warehouseman, as such; or
  - (b) any foreign liquor lawfully procured by, and in the possession of, any person for his own bona fide private consumption and not for sale.
- (3) Notwithstanding anything contained in sub-section (1) and (2), the Administrator may, by notification, prohibit, the possession by any person or class of persons either throughout the whole of the territory to which this Act applies or in any local area, place or class of places comprised therein, of any intoxicant either absolutely or subject to such conditions as he may prescribe.

**18. Prohibition of sale without licence and the exceptions to such prohibitions.**

(1) No intoxicant shall be sold except under the authority and in accordance with the terms and conditions of a licence granted by the Collector or the Excise Commissioner in that behalf:

Provided that –

- (a) a licence for sale of intoxicants in more than one district shall be granted only by the Excise Commissioner or by a Collector specially authorized by the Excise commissioner in this behalf, with the prior approval of the Administrator;
- (b) on such conditions as may be determined by the Administrator, a licence granted under the Excise Law in force in another State for

sale of intoxicants may be deemed to be a licence granted under this Act;

- (c) a person licensed to cultivate or collect plant from which an intoxicating drug is produced may sell without a licence those portions of the plant from which the intoxicating drug is manufactured or produced to any person licensed under this Act to deal in the same, or to any officer whom the Excise Commissioner may specify;
- (d) nothing in this section shall apply to the sale of any foreign liquor lawfully procured by any person for his private use and sold by him or on his behalf or on behalf of his representative in interest upon his quitting a station or after his decease;

(2) Any club which has transaction with its members in respect of foreign liquor shall be deemed to be conducting retail sales and shall be required to take out a licence under this Act on payment of such fees and subject to such restrictions and on such conditions as may be prescribed.

### **19. Exclusive privilege of manufacture and supply.**

(1) The administrator may grant to any person, on such conditions and for such period as he may think fit, the exclusive privilege of manufacturing or of supply or both to the licensed vendors any country liquor or intoxicating drug within any specified local area.

(2) No grantee of any exclusive privilege under this section shall exercise the same until he has received a licence in that behalf from the Excise Commissioner.

### **20. Manufacture and sale in cantonments.**

Within the limits of any military cantonment, no licence for the manufacture or sale of liquor shall be granted, except with the previous consent of the Commanding officer.



## **CHAPTER V**

### ***Duties and fees***

#### **21. Levy of duty.**

- (1) There shall be levied and collected at such rates and in such manner as may be prescribed, not exceeding the rates set forth in Part A of the First Schedule appended to this Act, a duty of excise or any excisable article manufactured in or brought into the Union Territory.
- (2) The Administrator may, by notification, levy a countervailing duty on any excisable article manufactured or produced elsewhere in India and imported into the Union Territory at such rates as may be specified in the notification, which shall not exceed the rates of duty on similar excisable article levied under sub-section (1).
- (3) Different rates may be specified under sub-section (1) or sub-section (2) for different kinds of excisable articles according to the places to which excisable articles are to be removed for consumption or according to the strength and quality of any such article or for different modes of levying duties under section 22.
- (4) The provisions of this section shall not apply to any article which has been imported into India and was liable, on such importation, to duty under the Customs Act, 1962 (Central Act 52 of 1962).

#### **22. Mode of levy of duty.**

Subject to such rules regulating the time, place and manner of the levy and collection of duty, as may be prescribed, any duty imposed under section 21 may be levied –

- (a) in the case of excisable articles imported –
  - (i) either into the territory to which this Act applies; or
  - (ii) upon issue for sale from a warehouse established or licensed under clause (d) of section 16;
- (b) in the case of excisable articles exported from the territory to which this Act applies;
- (c) in the case of excisable articles transported –
  - (i) in the district from which the excisable article is transported;or
  - (ii) upon issue for sale from a warehouse established under clause (d) of section 16;
- (d) in the case of intoxicating drugs –
  - (i) at a rate assessed on the area covered by a licence granted

- under the provision of clause (b) of section 15, or on the quantity or out-turn of the crop, cultivated or collected under such licence; or
- (ii) at a rate charged upon a quantity produced or manufactured under a licence granted under the provisions of clause (a) of section 15, or issued from a warehouse established or licensed under clause (d) of section 16;
- (e) in the case of spirit or beer manufactured in any distillery or brewery established or licensed under section 16 –
- (i) at a rate charged upon the quantity produced in or issued from the distillery or brewery, as the case may be, or issue from a warehouse established or licensed under clause (d) of section 16, or
- (ii) at a rate charged in accordance with such scale or equivalents calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as the case may be, as the Administrator may prescribe:

Provided that, where payment is made upon the issue of an excisable article for sale from a warehouse established or licensed under clause (d) of section 16, it shall be at the rate of duty in force in respect of such article on the date of issue from such warehouse.

### **23. Payment for grant of exclusive privilege.**

Instead of or in addition to any duty leviable under this Chapter, the Administrator may accept payment of a sum not exceeding twenty five thousand rupees in consideration of the grant of any exclusive privilege under section 19.

## **CHAPTER VI**

### *Licences, permits and Passes.*

#### **24. Forms and conditions of licences, etc.**

Every licence, permit or pass under this Act shall be granted, –

- (a) by such officer;
- (b) for such period;
- (c) subject to such conditions or restrictions; and
- (d) in such form and in such particulars, as may be prescribed:

Provided that a licence shall be granted on payment of the fees specified in Part B of the First Schedule appended to this Act:

Provided further that no fee shall be charged for any permit granted under section 17 for the possession of an intoxicant for bona fide private consumption or use or for any pass granted under this Act.

#### **25. Agreement.**

Every person taking out a licence under this Act may be required to execute an agreement in conformity with the tenor of his licence, and to give such security, by way of deposit or otherwise, for the performance of his agreement as the authority granting the licence may require.

#### **26. Technical defects, irregularities and omissions.**

No licence granted under this Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the licence or any proceedings taken prior to the grant thereof.

#### **27. Ascertainment of local opinion.**

Before licences are granted, in any year for the retail sale of any intoxicant the Collector shall take such measure, in such manner as may be prescribed, as may best enable him to ascertain local public opinion in regard to the licencing and location of shops.

#### **28. Cancellations or suspension of licences, etc in certain cases.**

(1) Subject to such restrictions as may be prescribed; the authority which granted any licence, permit or pass under this Act, may cancel or suspend the same –

- (a) if any duty or fee payable by the holder thereof be not duly paid: or

- (b) in the event of any breach by the holder thereof or by his servants, or by any one acting on his behalf, with his express or implied permission, of any of the terms or conditions of such licence, permit or pass;  
or
- (c) if the holder thereof is convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue, or of any cognizable and non-bailable offence or of any offence punishable under the Dangerous Drugs Act, 1930 (Central Act 2 of 1930) or under section 482 to 489 of the Indian Penal code (Central Act 45 of 1860); or
- (d) If the holder thereof is convicted of any offence punishable under section 112 or section 114 of the Customs Act, 1962 (Central Act 52 of 1962); or
- (e) at will, if the conditions of the licence, permit or pass provided for such cancellation or suspension.

(2) When a licence, permit or pass held by any person is cancelled under clause (a), clause (b), clause (c) or clause (d) of sub-section (1), the authority aforesaid if subordinate to, or subject to the control of, the Deputy Commissioner may, with the sanction of the Deputy Commissioner or, if himself the Deputy Commissioner, with the sanction of the Excise Commissioner, cancel any other licence, permit or pass granted to such person within the same district under this Act, or under any other law for the time being in force relating to the excise revenue or under the Opium Act, 1878 (Central Act 1 of 1878) and the Excise Commissioner may cancel any such licence, permit or pass granted to such person in any district to which this Act applies.

(3) No licence, permit or pass shall be cancelled or suspended under sub-section (1) or sub-section (2), except after giving to the holder thereof a reasonable opportunity of showing cause against the proposed action.

(4) The holder of a licence, permit or pass shall not be entitled to any compensation for the cancellation or suspension of his licence, permit or pass under this section or to the refund of any fee paid or deposit made in respect thereof.

Provided that in case of hardship the Excise Commissioner may grant such payment of compensation or refund of fee or deposit as he may consider necessary.

**29. Cancellation of licences in other cases.**

(1) Whenever the authority referred to in section 28, considers that a licence should be cancelled otherwise than under the provisions of that section, it shall remit a sum equal to the amount of the fees payable in respect thereof for fifteen days and may cancel the licence either –

(a) on the expiration of fifteen days notice in writing of its intention to do so, or

(b) forthwith without notice:

Provided that no licence under this sub-section shall be cancelled except after giving the holder thereof a reasonable opportunity of showing cause against the proposed action.

(2) If any licence be cancelled under clause (b) of sub-section (1), the aforesaid authority shall, in addition to remitting such sum as aforesaid, pay to the licensee such further sum by way of compensation as the Excise Commissioner may direct.

(3) When a licence is cancelled under this section, any fee paid in advance or deposit made by the licensee in respect thereof shall be refunded to him, less the amount if any, due to Government.

**30. Surrender of licence.**

Any holder of a licence granted under this Act to sell an intoxicant may surrender his licence on the expiration of one month's notice in writing given by him to the Collector of his intention to surrender the same and on payment of the fee payable for the licence for the whole period for which it would have been current but for such surrender:

Provided that, if the Excise Commissioner is satisfied that there is sufficient reason for surrendering a licence, he may remit to the holder thereof the sum so payable on surrender and any fee paid in advance or any portion of such sum or fee:

Provided further that nothing in this section shall apply in the case of a licence held by the grantee of an exclusive privilege under section 19.

**31. No right to renewal.**

No person to whom a licence has been granted under this Act shall have any claim to the renewal of such licence, or, save as is provided in section 29, any claim to compensation on the determination thereof.

## CHAPTER VII

### *Prevention, Detection and Investigation of offences*

#### **32. Inspection of places of manufacture and sale.**

The Excise Commissioner or a Collector or any Excise or Police Officer, not below such rank as the Administrator may, by notification, specify, may enter into and inspect at any time by day or by night any place in which any licenced manufacturer carries on the manufacture of or stores any intoxicant and any place in which any intoxicant is kept for sale by any licenced person and may examine accounts and register and examine, test, measure or weigh any measures, weights, testing instruments, materials, still, utensils, implements, apparatus or intoxicant found in such place.

#### **33. Arrest, Seizure and search without warrant.**

Subject to such restrictions as may be prescribed, –

- (a) any officer employed in Excise, Police, Salt, or Customs Department not below such rank as may be prescribed,
- (b) within such areas as the Administrator may, by notification, direct, such officers as may be specified in such notification,
- (c) any other person duly empowered, and
- (d) in any public place, any Excise or Police officer, may –
  - (i) arrest without warrant any person found committing an offence punishable under section 48 or section 49;
  - (ii) seize, detain and carry away any excisable or other article which he has reason to believe to be liable to confiscation under this Act, and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act or under the India Opium Act, 1878 (Central Act 1 of 1878) or under the Dangerous Drugs Act, 1930 (Central Act 2 of 1930) and
  - (iii) detain and search any person upon whom, and any vessel, raft, vehicle, animal, package, receptacle, or covering in or upon which, he may have reasonable cause to suspect any excisable or other article to be.

#### **34. Issue of warrants.**

A Collector or Magistrate having reason to believe that an offence punishable under section 48, section 49, section 50, section 51, section 52 or section 56 has been or is likely to be committed may

- (a) issue warrant for the search of any place in which he has reason to believe that any intoxicant, still, utensil, implement, apparatus or materials, in respect of which such offence has been or is likely to be committed, are kept or concealed, and
- (b) issue warrant for the arrest of any person whom he has reason to believe to have been or to be likely to be engaged in the commission of any such offence.

**35. Search and arrest in presence of Collector or Magistrate.**

- (1) A Collector or Magistrate may at any time search or direct a search to be made in his presence of any place for the search of which he is competent to issue a search warrant under section 34.
- (2) A Collector or magistrate may at any time arrest or direct the arrest in his presence of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant under section 34.

**36. Search, seizure and arrest, following upon entry without warrant in emergent cases.**

Any Excise or Police officer, not below such rank as the Administrator may, by notification, specify having reason to believe and having recorded the grounds of his belief that an offence under section 48, section 49, section 50, section 51, section 52 or section 56 has been, is being, or is likely to be committed in any place, and that a search-warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, may at any time by day or night –

- (a) enter into and search such place;
- (b) seized and carry away anything found therein which he has reason to believe to be liable to confiscation under this Act, and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act or under the Opium Act, 1878(Central Act 1 of 1878) or under the Dangerous Drug Act, 1930 (Central Act 2 of 1930); and
- (c) detain and search and , if he thinks proper, arrest any person found in such place whom he has reason to believe to have committed any such offence as aforesaid.

**37. Power to investigate.**

- (1) A Collector may, without the order of a Magistrate, investigate any offence punishable under this Act which a Court having jurisdiction

over the local area within the limits of the jurisdiction of such Collector would have power to inquire into or try under the provisions of Chapter XV of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) as applicable to the Union Territory under the Administration of Justice Rules, relating to the place of inquiry or trial.

- (2) Any other Excise officer when specially empowered in this behalf by the Administrator in respect of all or any specified class of offences punishable under this Act, may without the order of the Magistrate, investigate any such offence which a court having jurisdiction over the local area to which such officer is appointed would have power to inquire into or try under the aforesaid provisions.

### **38. Power of Investigating Officer.**

- (1) Any Collector or other officer empowered under the provisions of sub-section (2) of 37, having recorded in writing his reason for suspecting the commission of an offence which he is empowered to investigate, may exercise the powers, conferred upon a police officer making an investigation or upon an officer in charge of a police station by section 160 to 171 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), as applicable to the Union Territory under the Administration of Justice Rules, and as regards offences punishable under section 48, section 49, section 50, section 51, section 52 or section 56 of this Act the powers conferred by the first clause of sub-section (1) of section 49 and by section 51 of the said Code.
- (2) Subject to such restrictions as may be prescribed, a Collector or, with the previous permission of the Collector but not otherwise any other officer specially empowered under section 37 may, without reference to a Magistrate and for reasons to be recorded by him in writing, stop further proceedings against any person concerned or supposed to be concerned in any offence which he has investigated.
- (3) For the purposes of the provisions of section 166 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) as applicable to the Union Territory under the Administration of Justice Rules, the area to which an officer specially empowered under sub-section (2) of section 37, is appointed shall be deemed to be a police station, and such officer, the officer in-charge of such station.
- (4) As soon as an investigation under section 37 has been completed, if it appears that there is sufficient evidence to justify the forwarding of the accused to a Magistrate, the investigating officer, when he does



not proceed under sub-section (2) or under section 71, shall submit a report which for the purposes of section 190 of the Code of Criminal Procedure, 1898 as applicable to the Union Territory under the Administration of Justice Rules, shall be deemed to be a police report, in such form, as the Administrator may prescribe to a magistrate having jurisdiction to inquire into or try the case and empowered to take cognizance of offences on police report.

**39. Production of persons arrested or articles seized.**

- (1) Articles seized under this Act, and unless security for their appearance before the Collector be taken, persons arrested under the warrant of a Collector, shall be produced before such Collector.
- (2) Articles seized under the provisions of section 33 or section 36 and persons arrested under the said provisions by persons or officers not empowered to accept bail shall be produced before or forwarded to –
  - (a) the Collector or other officer empowered under section 37 to investigate the case, or
  - (b) an Excise officer empowered under section 44 to accept bail, or
  - (c) the officer in-charge of the nearest police station whoever is nearest.
- (3) When a person arrested is produced before an Excise Officer empowered under section 44 to accept bail, or before an officer in-charge of a police station, such officer shall forward such person to, or take security for his appearance before, the Collector or other officer empowered under section 27 to investigate.
- (4) When articles seized under this Act cannot be conveniently conveyed before the officer specified in sub-section (1) or sub-section (2), the person making the seizure shall keep them in some place of safety and forthwith report the seizure to such officer.

**40. Police custody of articles seized.**

- (1) All officers-in-charge of police station shall take charge of and keep in safe custody, pending the orders of a Collector, or other officer empowered under section 37 to investigate the case, all articles seized under this Act which may be delivered to them, and shall allow any Excise Officer who may accompany such articles to the police station or may be deputed for the purpose by and official superior to

affix his seal to such articles and to take samples of and from them.

- (2) All samples so taken shall also be sealed with the seal of the officer-in-charge of the police station.

#### **41. Reports of arrest, seizures and searches.**

When any Excise Officer below the rank of Collector or the officer-in-charge of a police station makes or receives information of any arrest, seizure, or such under this Act, he shall within twenty-four hours thereafter, make a full report of all particulars of the arrest, seizure, or search or of the information received, to the Collector, and to the other officer, if any empowered under subsection (2) of section 37, within the local limits of whose jurisdiction the arrest, seizure or search was made.

#### **42. Procedure in executing warrants and in making arrests and searches.**

(1) Save as in this Act otherwise expressly provided, the provisions of the code of Criminal Procedure, 1898 (Central Act 5 of 1898), as applicable to the Union Territory under the Administration of Justice Rules, relating to the arrests, search warrants of arrest and searches and warrants shall apply so far as may be, to like warrants issued and to arrest and searches made under the provisions of this Act.

(2) For the purpose of the aforesaid provisions, a Collector shall be deemed to be a court.

(3) Warrant issued by a Collector shall ordinarily be directed to one or more Excise Officers.

(4) Officers to whom a warrant issued by a Collector is directed or endorsed, and officers other than Collectors making arrest, searches and seizure under section 33 or 36 shall, for the purpose of the provisions of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), as applicable to the Union Territory under the Administration of Justice Rules, be deemed to be police officers.

#### **43. Maximum period of detention.**

No person arrested under the provisions of this Act shall be detained in custody for a longer period than under all the circumstances of the case is reasonable, and such period shall not exceed twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the place where a Collector or other officer empowered under section 37 to investigate as the case may be, and thence to the court of a Magistrate having jurisdiction to inquire into or try the case.

**44. Bail.**

- (1) When a Collector issues a warrant for the arrest of any person under this Act, he shall in every such case direct in the manner provided in section 76 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), as applicable to the Union Territory under the Administration of Justice Rules, that such person shall be released from custody on bail or, if the collector thinks fit, on his own bond.
- (2) When any person is arrested, otherwise than under a warrant, under this Act and is prepared to give bail, he shall be released on bail, or, at the discretion of the officer releasing him, on his own bond.
- (3) Any Excise Officer, not below such rank as may be prescribed, shall be empowered to accept bail.
- (4) If the arrest be made, otherwise than under a warrant, by a person or officer not empowered to accept bail, and the person arrested is prepared to give bail, the officer or person making the arrest shall, for that purpose, take the person arrested to –
  - (a) the nearest Excise officer empowered to accept bail, or
  - (b) the nearest officer-in-charge of a police station whoever is nearer.
- (5) Bonds, taken under this section from persons arrested otherwise than under warrant shall bind such persons to appear before a Collector or other officer empowered under section 37 to investigate the case.
- (6) The provisions of section 498 to 502, 513, 514 and 515 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) as applicable to the Union Territory under the Administration of Justice Rules, shall apply, so far as may be in every case in which bail is accepted or a bond taken under this section.

**45. Information and aid to Excise Officers.**

Subject to such conditions, if any, as the Administrator may, by notification, specify, an officer employed in the police, Salt or customs Department, the Circle Inspector, a Village Council member or an officer whom the Administrator may, by notification, specify within such areas as may be specified in such notification shall be bound, –

- (a) to give immediate information to an Excise Officer of all breaches of any of the provisions of this Act which may come to his knowledge; and

- (b) to aid any Excise Officer reasonably demanding his aid in the due carrying out of any of the provisions of this Act.

**46. Obligation on landholders and others to give information in certain cases.**

In such areas as the Administrator may, by notification, direct, and subject to such conditions and exceptions as he may by notifications specify, whenever any intoxicant is manufactured, or any hemp plant is cultivated or collected on any land, or in any place or village, in contravention of the provisions of this Act, any owner or occupier or any member or Secretary of a Village Council, shall, in the absence of reasonable excuse, be bound to give information of the fact to a Collector, to a magistrate or to an officer of the Excise or Police Department as soon as such fact may come to his knowledge.

**47. The closing of retail shops for preservation of the public peace.**

- (1) The Deputy Commissioner of Sub-Divisional Magistrate may, by notice in writing to the licensee, require that any shop in which any intoxicant is sold by retail shall be closed at such time or for such period as such Deputy Commissioner of Sub-Divisional Magistrate may deem necessary for the preservation of the public peace.
- (2) If any riot or unlawful assembly is apprehended or occurs in the vicinity or any such shop, any Magistrate, or any police officer above the rank of a constable who is present, may order the person in charge thereof to keep it closed for such period as the Magistrate or police officer may think necessary.

Provided that no shop shall be kept closed under this sub-section for a longer period than forty-eight hours without the order of a Magistrate.

- (3) When any Magistrate or police officer makes a requisition or direction under sub-section (1) or sub-section (2), he shall forthwith report the fact to the Collector having jurisdiction in the local areas in which the shop is situated.
- (4) The Excise Commissioner may grant to the licensee of a shop, kept closed under sub-section (1) or sub-section (2), such compensation as he may consider necessary.

## **CHAPTER VIII**

### *Penalties and Procedure*

#### **48. Unlawful import, manufacture, possession, sale etc.**

Whoever, in contravention of this Act or of any rule, notification or order made or issued under this Act, or of any licence, permit or pass granted under this Act, –

- (a) imports, exports, transport, manufactures, possesses or sells any intoxicant; or
- (b) cultivates, collects or sells the hemp plant (*Cannabis sativa* L); or
- (c) constructs or works any distillery or brewery; or
- (d) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any intoxicant; or
- (e) bottles any liquor for purposes of sale, shall be punished with imprisonment which may extend to two years and with fine and the convicting magistrate shall direct the offender to be imprisoned in default of payment of fine for a term which may extend to one year and such imprisonment shall be in addition to any other imprisonment to which he may have been sentenced.

#### **49. Unlawful possession in certain cases.**

Whoever without lawful authority has in his possession any quantity of any intoxicant knowing the same to have been unlawfully imported, transported or manufactured or knowing that the prescribed duty has not been paid thereon, shall be punished with imprisonment for a term which may extend to two years or with fine or with both; and where a fine is imposed, the convicting Magistrate shall direct the offender to be imprisoned in default of payment of fine for a term which may extend to one year and such imprisonment shall be in addition to any other imprisonment to which he may have been sentenced.

#### **50. Penalty for altering or attempting to alter any denatured spirit.**

IF any persons alters or attempts to alter any denatured spirit, whether manufactured in India or not, 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, by any method whatsoever, or has in his possession any spirit in respect of which he knows or has reason to believe that any such alteration or attempt has been made, he shall be liable to imprisonment for a term

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

**51. Adulteration etc.**

Whoever being the holder of a licence, permit or pass granted under this Act, or being in the employ of such holder willfully contravenes any rule made under clause (1) of sub-section (2) of section 76 shall be punished with imprisonment which may extend to two years, or with fines or with both, and where a fine is imposed, the convicting Magistrate shall direct the offender to be imprisoned in default of payment of fine for a term which may extend to one year, and such imprisonment shall be in addition to any other imprisonment to which he may have been sentenced.

**52. Fraud by licensee or his servant.**

Whoever being the holder of a licence, permit or pass granted under this Act, or being in the employ of such holder, –

- (a) keeps or exposes for sale, as foreign liquor, and liquor which he knows or has reason to believe to be country liquor, or
- (b) marks or otherwise deals with any bottle, case, package or other receptacle containing country liquor or marks the cork of any such bottle, with the intention of causing to be believed that such bottle, case, package or other receptacle contains foreign liquor, shall 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.

**53. Breach of rule or condition of licence.**

Whoever being the holder of a licence, permit or pass granted under this Act, or being in his employ of such holder and acting on his behalf, -

- (a) fails to produce such licence, permit or pass on demand by any Excise Officer or any other officer duly empowered to make such demand shall be punished with fine which may extend to fifty rupees; or
- (b) in any case not otherwise provided for in this Act, willfully contravenes any rule made under section 76, or willfully does or omits to do anything in breach of any of the conditions or such licence, permit or pass, shall be punished with fine which may extend to five hundred rupees.

**54. Criminal liability of licensee for acts of servants.**

Where any offence under section 48, section 49, section 50, section 51 or section 53 is committed by any person in the employ and acting on behalf of the holder of a licence, permit or pass granted under this Act, such holder shall also be punishable as if he had committed himself the said offence, unless he establishes that all due diligence was exercised by him to prevent the commission of such offence:

Provided that no person other than the actual offender shall be punishable under this section with imprisonment, except in default of payment of fine.

**55. Import, export, transport, manufacture, sale or possession by one person on account of another.**

(1) Where any intoxicant has been imported, exported, transported, manufactured or sold or is possessed by any person on account of any other person, and such other person knows or has reason to believe that such import, export, transport, manufacture or sale was, or that such possession is, on his account, the article shall for the purposes of this Act, be deemed to have been imported, exported, transport, manufactured or sold by, or to be in the possession of, such other person.

(2) Nothing in sub-section (1) shall absolve any person who imports, exports, transports, manufactures, sells or has possession of an intoxicant on account of another person from liability to any punishment under this Act for the unlawful import, export, transport, manufacture, sale or possession of such article.

**56. Consumption of intoxicants in druggist shop.**

(1) If any chemist, druggist, apothecary or keeper of a dispensary allows any intoxicant which has not been bona fide medicated, to be consumed on his business premises by any person not employed in his business, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees or with both.

(2) If any person not employed as aforesaid consumes any such intoxicant on such premises, he shall be punished with fine which may extend to two hundred rupees.

**57. Vexatious search, seizure, detention or arrest or refusal of duty on part of Excise Officer.**

Whoever, being an Excise Officer –

- (a) without reasonable grounds of suspicion, searches or causes to be searched any place under colour of exercising any power conferred by this Act, or
- (b) vexatiously and unnecessarily seized any property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act or
- (c) vexatiously and unnecessarily detains, searches or arrest any person, or
- (d) without lawful excuse ceases or refuses to perform or withdraws himself from the duties of his office, unless expressly and in writing allowed to do so by the Collector or unless he shall have given to his immediate superior two months' notice in writing of his intention to do so, shall 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.

**58. 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, vehicle or place, knowingly permits it to be used for the commission by any other person of an offence punishable under section 48, section 49 or section 50, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

**59. Offences not specifically provided for.**

Whoever, in any case not otherwise provided for under this Act, willfully contravenes any of the provisions of this Act or any rule, notification or order made or issued thereunder shall be punished with fine which may extend to two hundred rupees.

**60. Attempts.**

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



**61. Abetments.**

Whoever abets an offence punishable under this Chapter shall, whether such offence be or be not committed in consequence of such abetment, and notwithstanding anything contained in section 116 of the Indian Penal Code, 1860 (Central Act, 45 of 1860), be punished with punishment provided for the offence.

**62. Enhanced punishment after previous conviction.**

If any person, after having been previously convicted of an offence punishable under section 48, section 49, section 50 or section 56 subsequently commits and is convicted of an offence punishable under any of those sections, he shall be liable to twice the punishment which be imposed on a first conviction under this Act.

**63. Security for abstaining from commission of certain offences.**

(1) Whenever any person is convicted of an offence punishable under section 48, section 49, section 50, section 51 or section 56 and the court convicting him is of opinion that it is necessary to require such person to execute a bond for abstaining from the commission of offences punishable under those sections, the court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means with or without sureties, for abstaining from the commission of such offence during such period, not exceeding three years as it thinks fit to fix.

(2) The bond shall be in the form contained in the Second Schedule appended to this Act and the provisions of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), as applicable to the Union Territory under the Administration of Justice Rules, shall in so far as they are applicable, apply to all matters connected with such bond or with the non-execution thereof as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

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

(4) An order under this section may also be made by an Appellate Court or by the High court when exercising its powers of revision.

**64. Initiation of prosecution.**

(1) No Magistrate shall take cognizance of an offence punishable –

- (a) under section 48, section 49, section 50 or section 56, except on his own knowledge or suspicion, or on the complaint or report of an Excise Officer;
- (b) under section 51, section 52, section 53 or section 59, except on the

complaint or report of a Collector or other officer empowered under sub-section (2) of section 37 to investigate the case, or

- (c) under clause (d) of section 57, except with the sanction of the Deputy Commissioner.

(2) Except with the special sanction of the Administrator, no Magistrate shall take cognizance of any offence punishable under this Act, unless the prosecution is instituted within six months after the commission of the offence.

### **65. Jurisdiction of courts.**

No court inferior to that of the court of a Magistrate of the second class shall try any offence punishable under this Act.

### **66. Presumption.**

(1) When, in any prosecution under this Act or in any proceeding taken under sub-section (3) of section 70, the question arises whether an offence punishable under this Act has been committed in respect of:-

- (a) any intoxicant or hemp plant (Cannabis Sativa L);
- (b) any still, utensil, implements or apparatus whatsoever for the manufacture of any intoxicant; or
- (c) any materials such as are ordinarily used in the manufacture of any intoxicant, if the person found in possession thereof fails to account satisfactorily for such possession, it shall be presumed, until the contrary is proved, that his possession was in contravention of the provisions of this Act.

(2) When, in prosecution under section 53, any licenced vendor is charged with permitting drunkenness or intoxicant in his shop or in any public room of his business premises, and it is proved that any person was drunk or intoxicated in such shop or room, it shall lie on such vendor to prove that he and the persons employed by him took all reasonable steps for preventing drunkenness or intoxication in such shop or room.

### **67. Presumption as to offence under section 50 in certain cases.**

In prosecutions under section 50, when the accused person is proved to have been in possession of any spirit which is, or contains, or has been derived from, denatured spirit, and in respect of which any such alteration or attempt as is referred to in section 50 has been made, it may, from the mere fact of such possession, be presumed unless and until the contrary is proved, that such person –

- (i) has himself made such alteration or attempt; or

- (ii) knows or has reason to believe that such alteration or attempt has been made.

**68. Presumption as to any spirit which contains any denaturant.**

In any prosecution under this Act, it may be presumed unless and until the contrary is proved, that any spirit which contains any quantity of any denaturant is or has been derived from denatured spirit.

**69. Liability to confiscation.**

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

- (a) the intoxicant, hemp plant (*Cannabis Sativa L*), still, utensil, implement, apparatus or materials in respect of or by means of which such offence has committed;
- (b) any intoxicant lawfully imported, transported, manufactured and held in possession or sold along with any intoxicant liable to confiscation as aforesaid;
- (c) the receptacles, packages and coverings, in which anything liable to confiscation under clause (a) or clause (b) is found and the other contents, if any, of such receptacles and packages, and
- (d) the animals, carts, vessel, rafts or other conveyances used in carrying anything referred to in the foregoing clause:

Provided that when it is proved that the receptacles or other articles specified in clause (c) or clause (d) are not the property of the offender, the said articles shall not be liable to confiscation if the owner thereof establishes that he had no reason to believe that such offence was being or was likely to be committed.

**70. Procedure in regard to articles liable to confiscation.**

- (1) When, in any case tried by a magistrate, the Magistrate decides that anything is liable to confiscation under section 69, he shall order such thing to be confiscated and placed at the disposal of the Collector.
- (2) When, in any other case in which anything has been seized under this Act, an investigating officer proceeds under sub-section (2) of section 38 or the collector, upon an investigation made, whether by the Collector or other officer under section 37 is of opinion that the thing

seized is not liable to confiscation under section 69, such investigation officer or the Collector, as the case may be, shall order the delivery of such thing to the person from whose possession it was taken.

- (3) When, upon an investigation made as aforesaid, it appears to the Collector that an offence under this Act has been committed, and that anything seized under this Act is liable to confiscation and it further appears that the offender is not known or cannot be found, the Collector shall inquire into and determine the case and, if he finds that the thing is liable to confiscation under section 69 shall order such confiscation:

Provided that no such order shall be made until the expiration of two months from the date of seizing the thing intended to be confiscated or without hearing any person who may appear within that period and claim any right to such thing, and evidence if any, which he produces in support of his claim:

Provided further, that if the thing in question is liable to speedy and natural decay, or if the Collector is of opinion that its sale would be for the benefit of the owner, the Collector may at any time direct it to be sold; and the provisions of this sub-section and of sub-section (2) shall, as nearly as may be practicable, apply to the net proceeds of such sale.

## **71. Power to compound offence.**

(a) When any licence, permit or pass granted under this Act is liable to be cancelled or suspended under clause (a) or clause (b) of sub-section (1) of section 28, or when any person is reasonably suspected of having committed an offence under this Act, other than an offence under section 57, the Excise Commissioner or a Collector, instead of enforcing such cancellation or suspension or instituting a prosecution in respect of such offence, may accept from the holder of such licence, permit or pass or from such person a sum of money not exceeding five hundred rupees, and thereupon such holder or person, if in custody, shall be discharged, and no further proceedings in respect of such liability or offence shall be taken against him,

(b) if in any such case referred to in clause (a) any property has been seized as liable to confiscation under this Act, the Excise Commissioner

of the Collector may release the same on receiving payment of the value thereof as estimated by him, or of such smaller sum as he may think fit.

(3) The Excise Commissioner or Collector may also, after the institution against any person of a Prosecution in respect of any offence under this Act other than an offence under section 57, compound the offence on payment by such person, of a sum of money not exceeding five hundred rupees.

## **CHAPTER IX**

### ***General Provisions***

#### **72. Measures, weight and instruments.**

Every person who manufactures or sells any intoxicant under a licence granted under this Act –

- (a) shall supply himself with such measures, weights and instruments as may be prescribed, and shall keep the same in good condition; and
- (b) on the requisition of any Excise Officer duly empowered in that behalf, shall, at any time, measure, weight or test any intoxicant in his possession in such manner as such offer may require.

#### **73. Departmental management and resale.**

If any person to whom an exclusive privilege has been granted under section 19, or any holder of a licence granted under this Act makes default in payment of any sum payable in respect of such privilege or licence or in complying with any other condition thereof, the Collector may, after giving such person a reasonable opportunity or making representation in the matter, take under management such privilege or the grant expressed in such licence or any re-sell such privilege or grant at the risk and loss of the defaulter.

#### **74. Recovery of dues.**

All excise revenue, including any loss that may accrue when, in consequence of default, a privilege or grant has been taken under management or re-sold by the Collector under section 73, and all amounts due to the Government by any person on account of any contract relating to the excise revenue, may be recovered from the person primarily liable to pay the same or from his surety, if any, by distress and sale of his moveable property, or as arrears of land revenue, or in the manner provided for the recovery of public demands by any law for the time being in force.

#### **75. Offences by companies.**

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, 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 neglect on the part of any director, manger, 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 body corporate and includes a firm or other association of individuals; and
- (b) “*director*” in relation to a firm, means a partner in the firm.

## **76. Power to make rules.**

- (1) The Administrator may, by notification, make rules for the purpose of carrying out the provisions of this Act relating to the excise revenue.
- (2) In particular and without prejudice to the generality of the foregoing power, the Administrator may make rules –
  - (a) prescribing the powers, duties, subordination and control of officers of the Excise Department;
  - (b) regulating appeals and revisions and in particular –
    - (i) declaring the cases in which the authorities to whom appeals shall lie under section 7;
    - (ii) prescribing the time and manner for presenting appeals, and the procedure for dealing with appeals under this Act;
  - (c) regulating the import, export, transport, or possession of any intoxicant;
  - (d) regulating the manufacture, supply, storage or sale of any intoxicant and in particular regulating-
    - (i) the erection, inspection, supervision, management and control of any place for the manufacture, supply, storage, or sale of any such

articles; and the fittings, implements and apparatus to be maintained therein;

(ii) the cultivation of the hemp plant (*Cannabis Sativa L*), the collection of the spontaneous growth of such plant, and the preparation of any intoxicating drug from such growth;

(iii) the bottling of liquor for sale;

- (e) regulating the deposit of intoxicant in warehouses and the removal of such articles from warehouses, distilleries or breweries;
- (f) regulating the periods for which and the persons to whom licences for the sale of any intoxicant may be granted and providing for the selection of sites at which shops may be opened;
- (g) prescribing the procedure to be followed and the matters to be ascertained before any licence for such sale is granted in any local area;
- (h) prescribing in the case of any intoxicant the manner in which the duty on such article shall be levied;
- (i) prescribing the manner of fixing the fees payable in respect of any privilege, or of licence, or in respect of the storing of any intoxicant;

**Explanation** – Fees may be prescribed under this clause at different rates for different classes of exclusive privileges, or of licences or storage and for different areas.

- (j) prescribing the time, place and manner of payment of any duty or fee;
- (k) prescribing the restrictions under and the conditions subject to which licence, permit or pass may be granted, and in particular providing for –
  - (i) the prohibition of the admixture with any intoxicant of any foreign substance;
  - (ii) the regulation or prohibition of the reduction of liquor by a licenced manufacturer or licensed vendor from a higher to a lower strength;
  - (iii) the fixing of strength, price or quantity in excess of or below which any intoxicant shall not be supplied, sold, or kept or exposed for sale, the fixing of the quantity in excess of which denatured spirit shall not be possessed, and the fixing of a standard of quality for any intoxicant;
  - (iv) the regulation or prohibition of the employment by the licence holder



of any person or class of persons in or upon his business premises during business hours or to assist him in his business in any capacity whatsoever;

(v) the specification of the persons or class of persons to whom any intoxicant may or may not be sold;

(vi) the prohibition of sale except for cash;

(vii) the prevention of drunkenness, intoxication, gambling or disorderly conduct in or near the business premises of the holder of the licence and of the meeting or remaining of persons of bad character in such premises;

(viii) the fixing of the days and hours during which such premises may or may not be kept open, and the closure of such premises on special occasions;

(ix) the specification of the nature of the premises in which any intoxicant may be sold and the notices to be exhibited at such premises;

(x) the accounts to be maintained and the returns to be submitted by holder of licences; and

(xi) regulating or prohibiting the transfer of licences;

- (l) (i) declaring the process by which spirit manufactured in India shall be denatured;
- (ii) for causing such spirit to be denatured through the agency or under the supervisions of its own officers;
- (iii) for ascertaining whether such spirit has been denatured;
- (m) providing for the destruction or other disposal of any intoxicant deemed to be unfit for use;
- (n) regulating the disposal of confiscated articles;
- (o) providing for grant of expenses to witnesses;
- (p) regulating the power of an Excise officer to summon witnesses under the provisions of section 38;
- (q) providing for the grant of compensation to persons improperly arrested and subsequently released by any Excise Officer under section 38, and persons charged before a Magistrate with offences under this Act and acquitted;

(r) providing for any other matter which has to be or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram while it is in session for a total period of seven days which may be comprised in one session or in two successive sessions: and if, before the expiry of the sessions in which it is so laid or the sessions immediately following, the Legislative Assembly of Mizoram makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### **77. Application of Assam Act 2 of 1915.**

Until any law relating to the interpretation of statutes is made by the Legislative Assembly of Mizoram, the Assam General Clauses Act, 1915 shall apply to the interpretation of this Act as it applies to the interpretation of an Assam Act.

## THE FIRST SCHEDULE

*(See section 21 and 24)*

### Part A

Rates of duty on liquor manufactured in or passed out of any place of manufacture or storage including a distillery, brewery or warehouse licensed or established under this Act:

1)	Foreign liquor other than wines and beer.	Fifteen rupees per proof litre.
2)	Beer	Seventy-five paise for bulk litre
3)	Country liquor	One rupee per proof litre.
4)	Rectified spirit or absolute alcohol except when used for manufacture of liquor or for medical purposes.	Fifty paise per proof litre.
5)	Rectified spirit when used for manufacture of denatured spirit.	Fifty paise per proof litre.

**Explanation** – In this part, “proof litre” means a litre of a mixture of ethyl alcohol and distilled water which at the temperature of 10.5 degrees Centigrade weighs exactly twelve-thirteenths ( $\frac{12}{13}$ ) parts of an equal measure of distilled water at the same temperature.

### Part B

Rates of fees on licences per year

#### *I. Manufacture. –*

1)	For manufacturing liquor other than beer	Five hundred rupees.
2)	For manufacturing beer	Two hundred and fifty rupees.
3)	For manufacturing rectified spirit or absolute alcohol or both.	Two hundred rupees.
4)	For manufacturing country liquor	Thirteen rupees per still.
5)	For blending of country liquor	One hundred and fifty rupees.
6)	For bottling of foreign liquor	One hundred rupees.
7)	For bottling of country liquor	Fifty rupees.

**II. Sale –**

1)	For wholesale vendors of liquor.	Five hundred rupees
2)	For retail vendors of liquor	Two hundred rupees
3)	For wholesale vendors of rectified spirit or absolute alcohol or denatured spirit.	Fifty rupees

**III. Import and Exports. –**

For wholesale vendors of liquor. Ten rupees

**IV. Miscellaneous. –**

1)	For retail vendors of liquor for keeping the shops open up-to two hours after the prescribed time of closing	A surcharge of fifty percent of the licence fee.
2)	For an occasional licence for retail vendors of liquors	First day, ten rupees; next four days, six rupees per day; next fifteen days, four rupees per day; next forty days, two rupees and fifty paise per day; and next sixty days, one rupee and fifty paise per day.

**The Second Schedule**  
*(See section 63)*

**Bond to abstain from commission of offence under the Act.**

Whereas I, (name) ..... inhabitant of ..... have been called upon to enter into a bond to abstain from the commission of offence under section 48, section 49, section 50, section 51 and section 56 of the Mizoram Excise Act, 1973 for a term .....

I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to the Administrator the sum of Rupees .....

Dated this ..... day of ..... 19 .....

Signature

**(When a bond with sureties is to be executed, add - )**

We do hereby declare ourselves sureties for the above named that he will abstain from the commission of offence section 48, section 49, section 50, section 51 and section 56 of the Mizoram Excise Act, 1973 during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally to forfeit to the Administrator, the sum of Rupees .....

Dated this ..... day of ..... 19 .....

(Signature)

## THE MIZORAM EXCISE RULES, 1983

### *NOTIFICATION*

Dated Aizawl, the 8<sup>th</sup> October, 1984

No. EXC.101/81/2: In exercise of the powers conferred by section 76 of the Mizoram Excise Act, 1973 (Act No 7 of 1974), the Administrator of the Union Territory of Mizoram is pleased to make the following rules.

### **PART I**

#### *Preliminary*

#### **1. Short title, extend, commencement and savings.**

- (1) These rules may be called the Mizoram Excise Rules, 1983.
- (2) They extend to the whole of the Union Territory of Mizoram.
- (3) They shall come into force on such date as the Administrator may, by notification in the Mizoram Gazette, appoint in this behalf.
- (4) These rules shall not in any way affect anything done or any offence committed or any proceedings commenced before the commencement of these rules, based on the orders then in force.

#### **2. Definition.**

In these rules, unless the context otherwise requires:-

- (1) “*Act*” means the Mizoram Excise Act, 1973 (Act No 7 of 1974);
- (2) “*Approved practitioner*” means:
  - (i) any person registered as a medical practitioner under any law for the registration of medical practitioners for the time being in force in any part of India;
  - (ii) any person registered as a dentist under any law for registration of dentist for the time being in force in any part of India;
  - (iii) any person possessed of qualification which render him eligible

for registration as a medical practitioner or dentist, as the case may be, under any law for the registration of medical practitioners or dentists for the time being in force in any part of India, who is approved by order of the Commissioner for purpose of these rules;

- (iv) any person practicing veterinary medicine and surgery who has obtained the diploma of a recognized veterinary institution, and
  - (v) any other person engaged in medical, dental or veterinary practice and approved by order of the Commissioner for the purpose of these rules;
- (4) “*Commissioner*” means the Excise Commissioner appointed by the Administrator under clause (a) of Sub-section (2) of section 6 of the Act;
- (5) “*Deputy Commissioner of Excise*” or “*Assistant. Commissioner of Excise*” means the officer appointed with that designation by the Administrator under clause (c) of sub-section (2) of section 6 of the Act.
- (6) “*Superintendent of Excise*” means the officer appointed with that designation by the Administrator under clause (b) of Sub-section (2) of section 6 of the Act.

## **PART II**

### ***Foreign Liquor***

#### **IMPORT, EXPORT, TRANSPORT AND STORAGE.**

#### **3. Rules applicable to import, export and transport.**

The import, export and transport, respectively of foreign liquor shall be subject to the following rules, in addition to the restrictions imposed by section 9, 10 and 12 and the prohibitions made under section 11 of the Act.

#### ***IMPORT***

#### **IMPORT OF INDIA-MADE FOREIGN LIQUOR OTHER THAN RECTIFIED SPIRIT, DENATURED SPIRIT AND ABSOLUTE ALCOHOL MANUFACTURED IN INDIA**

#### **4. Import of India made foreign liquor forbidden without pass.**

Import of India made foreign liquor in any quantity whatever except under cover of a pass and unless the conditions of the following rules are fulfilled.

#### **5. Person eligible to import India made foreign liquor.**

(1) Passes for the import of India made foreign liquor shall be issued by the Commissioner, or the Superintendent of Excise acting on behalf of the Deputy Commissioner of the importing District only to (a) licenced vendors (b) clubs (c) persons in charge of Regimental or Assam Rifles or Police canteens, and (d) persons approved by the Deputy Commissioner of the importing District.

(2) India-made foreign liquor may be imported by a person holding a licence for the vend of foreign liquor in Mizoram, on payment of duty either in Mizoram or in the State of export for credit by book transfer to the Government of Mizoram at the rates leviable in Mizoram and on the following conditions:

(a) That the licensee shall obey all rules in force in the district or place from which the liquor is brought and also in Mizoram.

(b) That the liquor is brought into Mizoram by the route and within the period, specified in the Pass.

(c) That the liquor may be imported only from a distillery, brewery, bonded warehouse or bonded laboratory in the exporting State, if the payment of duty leviable in the exporting State is to be avoided. No claim for the refund of this duty from the Government will ever be entertained except as provided for in rule 14.



***IMPORT BY PERSONS HOLDING LICENCES FOR  
THE WHOLESALE OR RETAIL SALE OF FOREIGN  
LIQUOR.***

**PROCEDURE IF DUTY IS TO BE PREPAID IN MIZORAM.**

**6. Application for import of India made foreign liquor.**

Any licenced vendor of foreign liquor wishing to import India-made foreign liquor into Mizoram must either personally or through his agent first submit an application in Form No 1 to the Commissioner, or Superintendent of Excise of the district of import for an import pass in Form No. 2 stating clearly:-

- (i) The name of the distillery, or brewery or bonded warehouse or of the firm from which the import is to be made;
- (ii) The name, complete description and quantity of each kind of liquor, which is to be import, and whether the import is to be made in bulk or in bottle;
- (iii) The route by which it is proposed to import the liquor; and
- (iv) The amount of duty leviable on total quantity of the liquor to be imported.

**Explanation**

A separate application shall be necessary in respect of each consignment.

**7. Endorsement of application.**

If the application is in order and the amount of duty entered therein is correct, the Commissioner or Superintendent of Excise shall endorse the application with an order directing the applicant to pay the amount into the treasury, and stating under which account head the payment should be made.

**8. Payment of duty. Duty is not refundable except under certain circumstances.**

On receipt of the application so endorsed, the Treasury Officer shall receive the sum payable by the applicant in respect of duty and credit it to the appropriate head of account. Except as provided in rule 14, the amount so paid shall not be refunded to the applicant in any circumstances, nor shall any application for a refund on the ground of neglect by the consignor or carrier of the liquor, or on account of wastage in transit be entertained. The Treasury Office shall return the application endorsed by him to the applicant and shall furnish him with a receipt in duplicate. The applicant shall then present the application and one copy of the receipt to the Commissioner or Superintendent of Excise.

**9. Issue of Pass.**

On receipt of the application and the receipt presented by the applicant, the Pass Issuing Officer shall issue a pass in quadruplicate in Form No 2 sanctioning the import by the applicant of foreign liquor of the kind and quantity specified in the Pass to the place mentioned in the application. The original copy shall be retained by the Pass issuing Officer for record and for verification of the consignment on arrival. The duplicate and triplicate copies shall be sent to the Deputy Commissioner or such other officers may be authorised in this behalf of the place of export. The quadruplicate copy of the pass shall be given to the applicant. A register of passes shall be maintained by the Pass issuing authority of the place of import in the Form prescribed by the Commissioner and details of each pass issued shall be immediately entered in it together with the result of verification of the consignment.

**10. Endorsement of the pass and issue of liquor.**

The Deputy Commissioner of the place of export or any other officer empowered in this behalf by the Government of the State concerned will then, if the pass is in order, endorse one copy of the pass and permit the liquor to be taken from bond for dispatch to the place as specified in the Pass, and will send the other copy also endorsed in token that the dispatch has been authorized to the Pass issuing officer of the import district. If, however, the liquor is not in bond, he will deal with the copies of the pass according to the rules in force of the place of export. In the latter case, the vendor may, on receipt of the importer's copy of the pass, and subject to any rules in force in the place of export, dispatch the liquor to the place specified in the pass.

**11. Duty on excess transit wastage.**

The importer shall be liable to pay duty on excess transit wastages, if any, to the State of export if a claim is made therefore. In that case he will be allowed to set off against the claim the amount of duty prepaid by him on the quantity representing the excess loss in transit.

**PROCEDURE IF THE DUTY BE PREPAID IN THE STATE OF EXPORT****12. Application for import of India made foreign liquor if duty is prepaid in State of export.**

Any licensed vendor of foreign liquor wishing to import India made foreign liquor into Mizoram under rules 4 and 5 must either personally or through his

agent first submit an application in Form No 1 to the Pass issuing authority of the district of import for the issue of a permit, unless the import or export has been exempted by a general or special order of the Commissioner in this respect. The pass issuing officer, if he sees no objection, shall issue a permit in form No 3 in triplicate (two copies and counterfoil), containing the particulars given in the application. The permit shall be in force upto a date specified therein. One copy shall be made over to the imported, the second copy forwarded to the Deputy Commissioner of such other officer as may be authorised in this behalf of the place of export and the counterfoil retained for record.

### **13. Issue of Pass on payment of duty.**

The licensee either personally or by his agent shall then apply in the prescribed form to the Deputy Commissioner or such other officer as may be authorised in this behalf in the place of export or to the officer-in-charge of the place in which the liquor is kept to bond for payment of the duty in the district or place of export, and the Deputy Commissioner or the officer-in-charge, as the case may be, shall, if he is satisfied that the proper duty has been paid, at the rate prevailing in Mizoram as indicated in the permit or order of exemption, to the credit of the Government of Mizoram, issue an export pass and forward a copy duly endorsed to the effect that the removal of the liquor has been authorised, to the Superintendent of Excise of the District of import.

**NOTE:** *An application made to a Revenue Office outside Mizoram will be in the Form prescribed by the State Government or other Chief Revenue Authority of the State or place of export.*

### **14. Refund of duty or pass fee if import is not affected.**

If the person authorised to import India-made foreign liquor under rules 6 to 13 does not import the liquor for which he has deposited the duty he will be entitled to a refund of the full amount deposited by him after the facts have been verified by the exporting State.

### **15. Quarterly statement of exports to be furnished by exporting State.**

The Chief Excise authority of the State of export will furnish or cause to be furnished to the Commissioner, a quarterly statement in the form prescribed by him from time to time as soon as after the close of the quarter concerned all exports from the State of Mizoram and the amount of duty realized on such exports.

**16. Examination of consignment of India-made foreign liquor on arrival.**

On receipts of a consignment, the licensed vendor shall at once notify its arrival to the Superintendent of Excise of the place of import and shall not open the consignment until it has been examined by an officer of the Excise Department or unless the Superintendent of Excise has for the reasons to be recorded in writing, intimated that it will not be examined.

**IMPORT OF OVERSEAS FOREIGN LIQUOR OTHER THAN DENATURED SPIRIT.**

**17. Definition of overseas foreign liquor.**

In these rules unless the context otherwise requires:-

“*Overseas foreign liquor*” means Liquor imported into India from overseas countries on which duty has been paid on its importation under the India Tariff Act, 1934 Act XXXII of 1934) or the Customs Act, 1962 (Act 52 of 1962) but does not include denatured spirit.

**18. Import of overseas foreign liquor.**

Overseas foreign liquor may be imported into Mizoram under cover of a pass and in accordance with the rules immediately here-in-after following and in compliance with the rules in force in the place of export.

**IMPORT BY PERSONS HOLDING LICENCES FOR THE WHOLE-SALE OR RETAIL SALE OF OVERSEAS FOREIGN LIQUOR.**

**19. Import of overseas foreign liquor by licence holders.**

A licence holder desiring to import overseas foreign liquor into Mizoram shall present personally or through his agent and application to the Commissioner or Superintendent of Excise of the place where liquor is to be imported stating:

- (i) the name, complete description and quantity of each kind of liquor which is to be imported and whether the import is to be made in bulk or in bottles,
- (ii) the route by which it is proposed to import the liquor, and
- (iii) the amount of pass fee leviable on total quantity of the liquor to be imported as specified in rule 22.

The application shall be in form No 4 but a separate application shall be necessary in respect of each consignment.

## **20. Issue of Pass.**

The Commissioner or Superintendent of Excise of the place where the liquor is to be imported may receive the application and unless he sees any reason to the contrary, shall issue, free of duty, a pass for the import of the liquor. The pass shall be in duplicate in Form No. 5. The original copy shall be retained by the issuing officer for record and verification of the consignment on arrival. The duplicate copy shall be given to the applicant of import. A register of passes shall be maintained by the pass issuing officer of the place of import in the form prescribed by the Commissioner and details of each pass issued shall be immediately entered in it together with the result of verification of the consignment.

## **21. Examination of consignment overseas foreign liquor on arrival.**

On receipt of the consignment, the applicant shall at once notify its arrival to the Pass issuing authority of the place of import and shall not open the consignment until a period of two days has elapsed or the pass issuing officer has intimated that it will not be examined or it has been examined by an officer of the Excise Department not below the rank of Sub-Inspector of Excise or any other officer deputed by him for examination together with the pass received by the importer.

## **22. The application to be accompanied by Treasury receipt.**

The application for the import of overseas foreign liquor shall be accompanied by the treasury receipt that the licensee has paid the pass fee at the rate specified below:-

The Officer who has granted the pass shall, after satisfying himself that the fee has been correctly paid, grant a pass in Form No 5 and enter its details in the register.

The rates of pass fee shall be according to the following scales:-

	<b>Kind of liquor</b>	<b>Rate when imported in bottles.</b>	<b>Rate when imported in bulk</b>
1	Whisky, Brandy, Gin, Rum, Wine, Liquor, Champagne.	Rs. 2.00 per bottle containing not less than 600 ml.	Rs. 2.25 paise per bulk litre.
2	Whisky, Brandy, Gin, Rum, Wine, Liquor, Champagne.	Rs. 1.75 paise per bottle containing less than 600 ml.	
3	Beer, Cider, Perry, ale and fermented liquor.	0.50 paise per bottle	0.75 paise per litre.

**23. Import of overseas foreign liquor prohibited except as provided by rules.**

Except as provided by the foregoing rules, the import of overseas foreign liquor in any quantity whatsoever into Mizoram is prohibited.

**24. Exemption in case of Government Department.**

These rules shall not be applicable in case of import of overseas foreign liquor on behalf of Government Departments with the previous permission of the Commissioner.

**RECTIFIED AND DENATURED SPIRIT AND ABSOLUTE ALCOHOL MANUFACTURED IN INDIA.**

**25. Rectified Spirit etc., to be foreign liquor.**

Rectified spirit and denatured spirit and absolute alcohol are "Foreign Liquor".

**26. Definition of rectified spirit, etc.**

Rectified spirit and absolute alcohol are defined in rule 84 of these rules and denatured spirit is defined in section 2(8) of the Act.

**27. Import, Export and transport of rectified and denatured spirit and absolute alcohol to be covered by a pass.**

The import, export and transport respectively of rectified and denatured spirit and absolute alcohol shall be covered by a pass whatever the quantity except that denatured spirit up to 2 litres may be imported for use other than for sale.

**Exemptions.**

- (a) All charitable hospitals and dispensaries maintained by Government or by local authorities as may be defined by Government on a requisition countersigned by the Civil Surgeon of the district.
- (b) All charitable and Mission hospital or dispensaries, unless in any case the Government shall otherwise declare, on requisitions countersigned by the Civil Surgeon of the district.
- (c) Veterinary Assistant Surgeons and Veterinary Investigation Officer, on requisitions countersigned by the Director, Veterinary Department.
- (d) Educational Institutions, Laboratories, Firms and Museums specified by the Government in this behalf on a requisition signed by the head of the Institution, Laboratory, Firm or Museum and countersigned by the Civil Surgeon of the district, or by any other officer specified by the Government.
- (e) Civil Surgeon and Medical officer-in-charge of Government Institutions may import and store such spirit or absolute alcohol required for the purposes of the institutions under their charge on permits issued by Superintendent of Excise.

**NOTE:** The cases falling under items (a), (b), (c), (d) and (e) above are exempted from the payment of duty for the import of rectified spirit and absolute alcohol and from payment of pass fee for import of denatured spirit.

**28. Pass for import of denatured spirit to be issued only to licence holders.**

Passes for the import of denatured spirit shall be issued only to person holding licences –

- (a) for wholesale or retail sale of denatured spirit,
- (b) to possess denatured spirit in excess of the quantity fixed as the limit of retail sale.

**29. Persons eligible to import rectified spirit.**

The only persons to whom passes for import of rectified spirit (including absolute alcohol) can be issued are:-

- (1) (a) Chemists and druggists holding licence for retail sale of such spirit for bona fide medicinal, industrial or scientific purposes;
- (b) Chemists or druggists holding permits from the Commissioner to obtain rectified spirit from a distillery or warehouse for the manufac-

ture or medicines, chemical or drugs;

(c) Persons holding licence for compounding or blending of foreign liquor;

(d) Persons holding licence for the manufacture or perfumes and toilet preparations consisting of or containing alcohol;

(e) Persons holding permit to obtain rectified spirit for scientific or industrial purposes and;

(f) Homeopathic chemists or practitioner holding special permit to obtain rectified spirit from a distillery or warehouse for manufacture of homeopathic medicines.

### **(2) Permit for import of rectified spirit and alcohol at concession rate of duty.**

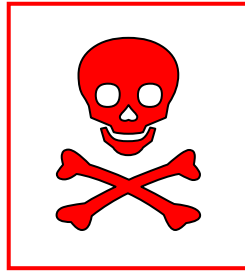
Permit for the import of rectified spirit and absolute alcohol at the concessional rate of duty for use in medicinal preparations, or for scientific or industrial purposes, shall be issued by the Superintendent of Excise after proper enquiries only to bona fide and respectable persons and firms in such quantity as may be considered necessary by the Deputy Commissioner with the previous approval of the Commissioner.

### **30. Precautions to be exercised in storing rectified, denatured spirit or absolute alcohol.**

(i) The room in which rectified or denatured spirit or absolute alcohol is stored by vendors thereof, or by persons licensed to possess the same in large quantities, shall be built of unflammable materials, and shall be well ventilated so as to prevent the accumulation of spirit fumes. Naked light or fire shall not be used or kept in such room. All receptacles containing such spirit shall be kept closed so as to prevent the accumulation of spirit fumes in the room.

(ii) All bottles, jars, drums, or casks containing denatured spirit shall be legibly branded or labeled in red bearing picture of skull and cross bones with a warning "Poison – not to be taken internally" written in English and in the local language. The design and style of the label shall be as follows:





**POISON**  
**DENATURED SPIRIT**  
*Not to be taken internally,*  
*Bottled by.*

**31. Rules applicable to rectified and denatured spirits and absolute alcohol imported.**

The provision of rules 6 to 16 shall apply mutatis mutandis, to rectified and denatured spirit and alcohol imported into Mizoram.

**NOTE :-** Pass for the import of denatured spirit into Mizoram in accordance with rule 28 above shall be granted by the Superintendent of Excise of the district on prepayment by the importer of the pass fee prescribed in rule 206.

**EXPORT OF INDIA-MADE FOREIGN SPIRITS, RECTIFIED SPIRITS, DENATURED SPIRITS AND SPIRITOUS PREPARATION MANUFACTURED IN MIZORAM.**

**32. Application.**

These rules will apply only to exports from a distillery, bonded laboratory, bonded factory or bonded warehouse in Mizoram.

**33. Definition.**

In these rules unless the context otherwise requires, -

- (i) “*India-made foreign spirits*” means spirits manufactured and compounded in India and made in colour and flavour to resemble gin, Brandy, whisky or rum imported from overseas countries,
- (ii) “*Spirituous Preparations*” include all flavouring essences, extracts and other preparations containing spirits except medicinal and toilet preparations under the Medical and Toilet Preparations (Excise du-

ties) Act, 1955.

- (iii) "*India-made rectified spirit*" includes absolute alcohol;
- (iv) "*bonded warehouse*" means a licenced warehouse or part of licenced distillery or pharmaceutical bonded laboratory where unexcised spirits or unexcised spirituous preparations intended for consumption are kept for eventual removal under bond or on payment of duty or as provided for in the Mizoram Distillery and warehouse or other special rules.
- (v) "*Officer-in-Charge*" means an officer of the Excise Department deputed to supervise the work in a distillery, pharmaceutical bonded laboratory or bonded warehouse.
- (vi) "*Exporter*" includes the authorised agent of the exported in Mizoram.
- (vii) "*Importer*" includes the authorised agent of the imported in either State of import or export.

#### **34. Export Pass.**

India-made foreign spirits, denatured spirit and spirit and spirituous preparations manufactured in any distillery or bonded warehouse in Mizoram may be exported to any other State of India under cover of and export pass and in accordance with the rules immediately hereinafter following.

### **PROCEDURE FOR THE EXPORT OF INDIA-MADE FOREIGN SPIRITS, RECTIFIED SPIRIT AND DENATURED SPIRITS.**

#### **35. Procedure for Export of India-made foreign spirits, rectified spirits and denatured spirits.**

Any persons holding a stock of India-made spirits, India-made rectified spirits and denatured spirits at a distillery or a bonded warehouse in any district in Mizoram and desiring to export the same to any other State of India shall present an application in the prescribed form for an export pass to the Excise Officer-in-charge of the distillery or bonded warehouse together with an import permit authorizing the import signed by the Deputy Commissioner or any other officer duly authorised in this behalf of the State of import, specifying the rate of duty chargeable on the India-made foreign spirit and rectified spirit. A treasury receipt showing the payment of duty as the rate in force in the State of import to the credit of revenues of that State shall accompany such an application.

**36. Grant of export pass.**

In the absence of any objection from the Commissioner, the Officer-in-charge of the Distillery or bonded warehouse shall, after satisfying himself that the proper duty has been paid, grant an export pass authorizing the export. The export pass shall be in triplicate in Miscellaneous Form No 1 series (General).

**37. Procedure dealing with export pass.**

The original copy shall be retained by the Excise Officer-in-charge of the Distillery or Bonded warehouse and shall be forwarded through the Superintendent of Excise of the district of export to the Excise Commissioner, at the end of each quarter together with the quarterly statement of export prescribed in note 1 of rule 39. The duplicate copy shall be given to the exporter to accompany the consignment and the triplicate copy shall be sent to the Deputy Commissioner or any other officer as may be authorised in this behalf of the district or place of import.

**38. Exemption from the payment of duty on export of India-made foreign liquor.**

No Excise duty shall, however, be payable on rectified spirit supplied from bond to Government, local board and municipal hospitals and dispensaries, educational institutions and such private medical institutions as are conducted on charitable lines in other State which are certified on the indent by the Civil Surgeon of the district of import or any other officer empowered in this behalf by the Government of the State concerned as being entitled to the supply free of duty.

**39. Return of export passes**

Within a reasonable time to be fixed by the Excise Officer-in-charge of the distillery or bonded warehouse and as specified on the export pass, the importer shall return to the Excise Officer-in-charge of the distillery or bonded warehouse from which the spirits are issued his copy of the export pass endorsed with a certificate signed by the Deputy Commissioner or other officer specially appointed in this behalf of the importing district certifying the due arrival or otherwise of the spirits at its destination.

**Submission of quarterly statement of India-made foreign spirits exported to other States.**

**Note – 1:** The Excise Officer-in-charge of distillery or Bonded Warehouse shall submit in duplicate to the Commissioner, through the Deputy Commissioner of

the district of export, a quarterly statement at the end of each quarter together with triplicate copies of the export passes in the following form showing for the quarter concerned all exports of India-made foreign spirits and rectified spirits to other States and the amount of duty paid on such export.

No & Date of export pass	Name of the import	No & Date of import permit	Description of foreign spirit and rectified spirit	Quantities				Rate of amount		Remarks
				Bulk litre	Proof litre	Duty levied	Paid	No & Date of Treasury challan under which duty has been paid		
1	2	3	4	5	6	7	8	9	10	

**Note - 2:** No duty is levied by the Government of Mizoram on denatured spirit.

## PROCEDURE FOR THE EXPORT OF SPIRITUOUS PREPARATIONS

### 40. Procedure for the export of spirituous preparations.

Any person holding a stock of spirituous preparations at distillery or bonded warehouse in any district in Mizoram and desiring to export it to any other State of India should apply in the prescribed form for an export pass to the Excise Officer-in-charge of the distillery or bonded warehouse from which the export is to be made together with a treasury receipt for the amount of duty on the total quantity of spirit contained in the preparations to be exported to another State at the rates in force in the State of import. Such export shall not be permitted except from distilleries or bonded warehouse.

### 41. Export pass for spirituous preparations.

In the absence of any objection from the Commissioner, the Excise Officer-in-charge of the distillery or bonded warehouse shall after satisfying himself that the amount of duty paid is correct, may grant an Export Pass in miscellaneous form No 6 in triplicate authorizing the export of those preparations. The original copy shall be retained by the Excise Officer-in-charge of the distillery or bonded warehouse and shall be forwarded through the Deputy Commissioner, with the quarterly statement of exports prescribed under rule 43. The duplicate copy shall be given to the exporter to accompany the consignment and the triplicate copy shall be sent to the Deputy Commissioner or any other officer as may be authorised in this behalf of the district or place of import.

#### 42. Exemption from payment of duty on export of spirituous preparations.

No Excise duty shall, however, be payable on spirituous preparations supplied from bond to the Government local board and municipal hospitals and dispensaries and such private medical institutions as are conducted on charitable lines in other States which are certified on the indent by the Civil surgeon of the District of import or by any office empowered in this behalf by the State Government of the State concerned, as being entitled to supply free of duty.

#### 43. Submission of quarterly statement of spirituous preparations.

At the close of each quarter, the Excise Officer-in-charge of distillery or bonded warehouse shall submit in duplicate through the Deputy Commissioner of the district of export to the Commissioner, a quarterly statement together with triplicate copies of export passes, in the following form showing for the quarter concerned, all exports of spirituous preparations exported to other State and the amount of duty paid on such exports.

No. & Date of import permit /export pass	Name of the place of import	Description of spirituous preparation	QUANTITY		Rate of duty levied	Amount collected	Amount payable to the State of import	Remarks
			Bulk litre	Proof litre				
1	2	3	4	5	6	7	8	9

#### 44. Payment of duty due to other state on export of spirituous preparations.

The total amount of duty so collected in Mizoram shall be credited to the State of import by book transfer at the end of each quarter, less any deduction agreed upon with the importing State on account of collection, testing and supervision charges.

**Note:** The Excise Officer-in-charge of distillery on bonded warehouse shall maintain a list of all spirituous preparations manufactured in distillery or bonded warehouse showing the standard proportion of spirit contained in each preparation. This list will be supplied by the Excise Officer-in-charge to any exporter on payment of its price to be fixed the Commissioner from time to time which shall be credited into local treasury.

**45. Accounts of export.**

Accounts of all exports of India-made foreign spirit, India-made rectified spirit, denatured spirit and spirituous preparations shall be kept by the officer-in-charge of the distillery or bonded warehouse, in the form prescribed by the Government.

**TRANSPORT.****46. Transport of spirituous preparations.**

(i) The transport, within Mizoram, of spirituous preparations from one place to another except from a distillery or bonded warehouse, may be made without any restriction.

(ii) Transport of India-made foreign spirit, rectified spirits, denatured spirits and spirituous preparations manufactured at a distillery or bonded warehouse shall be governed by rules relating to issued from distilleries and bonded warehouses.

**POSSESSION AND SALE.****47. Possession and sale of spirituous preparation.**

Any person may possess or sell spirituous preparations containing India-made spirit without any excise restriction.

**COMPOUNDING, BLENDING, REDUCTION AND BOTTLING  
FOREIGN LIQUOR OTHER THAN WINES AND FERMENTED  
LIQUORS.****48. Definitions of blending, etc. Restriction in compounding, blending, reducing and bottling potable foreign liquor.**

- (1) Blending, compounding and reducing are defined in rule 84 of these Rule.
- (2) Bottling or to bottle is defined in section 2(4) of the Act.

**49. Licence for compounding, etc.**

- Potable foreign liquor other than wines and fermented liquors shall not be:-
- (a) compounded, blending or reduced; or
  - (b) bottled;

except under a licence granted in this behalf by the Commissioner.

**50. Grant of compounding, etc. licence to wholesale licence holder.**

Licence under clause (a) and (b) of rule 49 shall not be granted except to persons holding a wholesale licence for the sale of foreign liquor.

**51. Compounding blending, etc, or potable foreign liquor.**

Potable foreign liquor other than wines and ferment liquor shall not be compounded, blended, reduced or bottled except the presence of an Excise Officer and in a bonded foreign liquor warehouse or in the case of duty paid liquor in a godown approved by the Commissioner.

**52. Excise staff required to supervise operations in warehouse or godown.**

The Commissioner shall decide what excise staff is necessary for the proper supervision of the operations carried on in each warehouse or godown under rule 51. The cost of such officers and staff shall be borne by the owner of the Warehouse or godown. The licence shall pay to the Government at the end of each calendar month such establishment charges as may be determined from time to time by the Commissioner. These amounts shall be in addition to any other fee payable under the Mizoram Excise Act, 1973 and shall not exceed the amount the total actual cost of the Excise staff employed for the purposes of this rule.

**53. Grant of licence for blending, compounding, reducing and bottling potable foreign liquor.**

- (1) When any wholesale vendor of foreign liquor desires to carry on any of the aforesaid operations he will submit an application to the Commissioner through the Deputy Commissioner of the district concerned for a licence under clause (a) or (b) of rules 49 and shall furnish the following particulars, namely:-
  - (a) the place at which and the premises in which the operations referred to in the said rule will be carried on,
  - (b) the approximate number of days in a week or month for which the operation or operations will be carried on.
- (2) The Deputy Commissioner, if he is satisfied on enquiry that the applicant is a fit person to hold the required licence and the premises in

which such person proposes to carry on the operation or operations are suitable, shall submit his report to the Commissioner for the grant of licence to such persons. If the Commissioner is satisfied with the report, he may issue a licence in the prescribed form.

**(3) Custody of keys of warehouse or godown.**

The warehouse or godown as well as each of the rooms and compartments therein shall remain under separate locks and keys of the licenses and the Excise Officer-in-charge.

**(4) Accommodation and furniture for Excise officer-in-charge of warehouse or godown.**

The licensee shall provide suitable accommodation with sanitary arrangements for the Excise Officer-in-charge within the warehouse or godown and also supply such furniture and other articles for his use as may be considered indispensable by the Commissioner.

**(5) Smoking etc. prohibited.**

Smoking and the use of naked light or fire within warehouse are prohibited.

**54. Government not responsible for loss of spirit in warehouse or godown.**

The government shall not be held responsible for any loss or damage by theft, fire or any other cause whatsoever occurring to any spirit or liquor in the warehouse or godown.

**55. Requisition for Excise Officer to supervise operations.**

For each day's operation or operations a 72 hours previous notice (exclusive of Sundays and holidays) shall be given by the licensee to the Commissioner if there be not a whole-time Excise Officer attached to the warehouse or godown.

**56. (1) Colouring and flavouring substance to be examined and approved before use.**

All colouring and flavouring substance to be used by the licensee shall be kept in the warehouse or godown and no such substance shall be used unless the Chemical Examiner, or such other Officer appointed by the Government for the purpose has examined a sample thereof and approved the same as suitable for



the compounding of foreign liquor:

Provided that if such substance manufactured by a reputed firm is brought into the warehouse or godown and kept there with the original labels and capsules intact, it shall be examined under the sub-rule only once a year.

### **(2) Fee for examination of sample.**

A fee of Rs. 15/- shall be payable by the licensee for examination of each sample under sub-rule (1).

### **57. Pure filtered water to be used for reduction.**

Only pure filtered water shall be used for the purpose of reduction of foreign liquor from a higher to a lower strength.

**58.** In the process of compounding and blending of brandy, whisky, gin and rum in Mizoram, no spirit except (i) foreign spirit, (ii) India-made spirit, (iii) Scotch whisky, and (iv) French brandy shall be used.

#### **EXPLANATION:-**

- (a) "*Foreign spirit*" means spirit manufactured in a licensed distillery of 'foreign' countries.
- (b) "*India-made spirit*" means plant spirit manufactured in distillery in India under the supervision of Government, of a strength not less than 5% Proof and includes India-made foreign spirits.
- (c) "*Scotch whisky*" means spirit obtained by distillation in Scotland from a mash of cereal grains saccharified by the diastase of malt and matured in a bonded warehouse in casks for a period of at least three years.
- (d) "*French Brandy*" means brandy made from grapes in France and imported into Mizoram in its original condition.

### **59. Blending of duty paid imported foreign liquor with India-made spirit.**

Foreign liquor on which customs duty had been paid may be used for blending with India-made spirit in a bonded warehouse. In such case the liquor shall be stored separately and shall not be used until the proportion in which it is to be added has been approved by the Commissioner. No excise duty shall be levied on the quantity of imported duty paid foreign liquor contained in a blend of such liquor with India-made spirit.

**60. Strength and quantity to be ascertained prior to compounding, blending, reducing or bottling foreign liquor.**

Foreign liquor shall not be compounded, blended or reduced or bottled before and account of its strength and quantity has been taken by the Excise Officer-in-charge of the warehouse or godown. The whole of the contents of a cask, where casks are used shall be bottled in one operation. As soon as the bottling is over, the Officer-in-charge shall ascertain the quantity bottled and adjust his account by writing of outlet and wastage.

**61. Cleaning and sterilizing of bottles.**

The bottles to be used for the purpose of bottling foreign liquor shall be properly cleaned and washed first with a solution of potassium permanganate and then with pure water. They shall finally be rinsed with a quantity of the liquor to be bottled.

**62. (i) Supply of sample for analysis before issue.**

In a bonded warehouse the licensee shall supply one quart bottle of each batch, free of cost, to the Excise Officer-in-charge for analysis and declaration of true strength and obscuration by the Chemical Examiner or such other officer appointed by the Government for the purpose.

**(ii) Minimum strength of whisky, brandy and rum and gin to be bottled.**

No issue shall be given from the bond until the report from the Chemical Examiner or such other officer appointed for the purpose of passing the same is received. When the bottling operation is carried on in an approved godown, no whisky, brandy, and rum shall be bottled at a strength less than 25 U.P. and gin of a strength less than 35 U.P. as indicated by the hydrometer.

**63. Bottles to be corked, capsuled and stored immediately after filling.**

Immediately after the bottles have been filled up they shall be corked, capsuled and labeled and removed to the storeroom for bottled liquor. A distinctive serial number to be known as the batch number shall be assigned to each bottling operation and then number shall be noted on the label. The capsule, if it is metallic, shall be firmly fixed in position by a capsuling machine or any other suitable appliance, if on paper, it shall be gummed over the cork and the neck of the bottle. The capsule shall have inscriptions showing only the name of the manufacturer or the brand or both.

**64. Packing of bottles.**

Bottles shall be packed as soon as a bottling operation is finished. Each packet shall contain a dozen or a multiple of a dozen of quarts and pints and the bottle in each package shall be of uniform size. The Excise Officer-in-charge shall satisfy himself that the proper number of bottles are placed in each case and shall see that the packed cases are closed at once and fastened.

**65. Cleaning of premises.**

After each bottling operation, the premises shall be cleaned to the satisfaction of the Excise Officer-in-charge.

**66. Bottles to be removed from godown within three months.**

The licensee shall remove all bottled liquor from an approved godown within three months after it is bottled. No liquor shall be removed from warehouse or godown except under a pass granted by the Excise Officer-in-charge.

**67. Account of all liquor & colouring and flavouring substances to be kept.**

Correct accounts of all liquors and colouring and flavouring substances in the warehouse or godown shall be maintained by the licensee in such form as may be prescribed by the Commissioner. The accounts shall remain in the custody of the Excise Officer-in-charge who shall check them at the end of each day's work.

**68. (a) Minimum capacity to be used.**

For the bottling of brandy, whisky, gin and rum manufactured in India or imported from abroad; the licensee shall, in no case, use any "quart" bottles containing less than 300 ml on any 'pint' bottle containing less than 100 ml of such spirit, except in the case of liquor bottled as samples and disposed of as such.

**(b) Samples bottles.**

A bottle of such spirit purporting in the opinion of the Commissioner to contain a reputed quart or reputed pint respectively, shall, if it contains less than 750 ml of whisky, brandy, or rum or less than 600 ml of gin in the case of reputed quart or less than 375 ml of whisky, brandy, or rum or less than 300 ml of gin in the case of reputed pint, or less than 180 ml of whisky, brandy, rum or gin, bear a label showing in large letters and figures the minimum guaranteed quantity of its contents.

**(c) Manners of sealing and capsuling bottles.**

Every bottles shall, on a system submitted for approval and approved by the Commissioner, be securely sealed and capsuled in such manner that the bottle cannot be opened without breaking the seal or capsule or defacing a label affixed thereto.

**Note: Classification of quart and pint bottles.**

All bottles varying in capacity between 600 ml and 750 ml shall be classed as quart bottles and those varying between 300 ml and 375 ml shall be class as pint bottles. Bottles varying in capacity between 180 ml and 100 ml shall be classed as nipped bottles.

**69. Bottling licence does not cover blending or compounding.**

The holder of a bottling licence may be the addition of pure water, alter the strength of spirits to be bottled, but he shall not compound or blend spirit unless he also holds a compounding and blending licence.

**70. Particulars to be shown on labels.**

All bottles containing liquor compounded or blended in India for sale must be labeled as having been so compounded or blended in India, and the labels must specify the nature of the liquor contained therein, i.e., whether it is whisky, brandy, gin or rum, the name of the district where it is bottled and country of origin.

**71. Particulars to be shown on labels.**

Bottles filled in India with liquor imported in bulk from abroad when intended for sale, must bear labels specifying the nature of the liquor contained therein the country of origin, the name of the bottler and the fact that the bottling was done in India.

**72. Labels to be approved by Commissioner.**

All such labels prescribed by the foregoing rules must, before being used, be submitted to the Commissioner for his approval and must not be used without such approval. The Commissioner may approve, reject or withdraw any label from use, whenever he considers that such label is in any way so coloured, drawn up or worded as to mislead the public regarding the nature of the liquor contained in the bottled or receptacle.

## **PART III**

### ***Foreign Liquor***

#### **IMPORT OF FOREIGN LIQUOR UNDER BOND FOR PAYMENT OF DUTY OR FEE.**

#### **73. Conditions under which imported may be made.**

(1) Foreign liquor may be imported into Mizoram under a bond for the payment of duty and/or fee in Mizoram with the permission of the Commissioner and only by a person who holds:-

- (a) a warehouse or wholesale licence for the sale of foreign liquor, and
- (b) a licence granted under section 17 of the Act, after such person has:-
  - (i) executed a bond (which may be either general or special) in prescribed form before the Commissioner for the payment of the said duty /or fee, and
  - (ii) obeyed all rules in force in the district or place from which the liquor is to be imported.

#### **74. Pass.**

The under bond permits shall be issued by the Commissioner or any other officer duly authorised by him. Foreign liquor shall not be imported under a bond as aforesaid, unless –

(a) the consignment is accompanied by a pass granted by the Excise authority of the exporting district or place, or by the officer-in-charge of the distillery, brewery or warehouse from which it was taken, in such form as may be prescribed for use in the exporting district or place, and

(b) the Commissioner has received a copy of the said pass from the Excise authority of the exporting district or place, or from the officer-in-charge of the said distillery, brewery or warehouse.

#### **75. Procedure to be followed by to receiver at a place of destination.**

(a) Whenever any foreign liquor is imported under a bond as aforesaid, it must, on arrival in Mizoram, be taken direct to the Excise warehouse specified in this behalf in the pass referred to in Rule 74 and fixed by the Commissioner for the storage of such liquor.

(b) On the arrival at a warehouse in Mizoram of any such liquor, it shall be gauged and approved by the officer-in-charge of the warehouse, and shall be taken into store and entered in his accounts.

(c) As soon as may be after such arrival, the officer-in-charge of the warehouse shall certify on the importer's copy of the pass full details regarding the liquor received, in such form as may be prescribed in the pass or required by the authorities of the exporting district or place.

#### **76. Cask in which spirit is imported to be marked.**

On each cask or other vessel containing liquor there shall be legible painted the –

- (1) name of the exporting distillery or warehouse;
- (2) number of the cask or drum;
- (3) quantity and strength contained in the cask; and
- (4) capacity of the cask and its empty weight, etc.

### **EXPORT OF FOREIGN LIQUOR UNDER BOND FOR PAYMENT OF DUTY OR FEE.**

#### **77. Execution of bond.**

(1) When any person desires to remove foreign liquor from any distillery or warehouse for export to any other State in India, under a bond for the payment of excise duty or fee, he must execute a bond in the form prescribed by the Government before the Deputy Commissioner of the district in which the distillery or warehouse is situated.

(2) Such bond may be either a general or special bond.

(3) The Superintendent of Excise shall sign the bond on behalf of the President of India acting through Administrator of Mizoram as a party to the instrument.

(4) The Superintendent of Excise shall then intimate the fact of the execution of the bond to the Commissioner and the Officer-in-charge of the distillery or warehouse, who shall after the particulars thereof have been entered in the prescribed bond register, issue the foreign liquor as if duty has been paid up to such quantity as is covered at any time by the bond.

#### **78. Liquor to be gauged and proved before issue.**

No liquor shall be so issued unless it has been gauged and proved by the Officer-in-charge of the distillery or warehouse.

**79. Pass**

(1) A pass in triplicate shall be prepared by the Officer-in-charge of the distillery or warehouse when any liquor is issued under sub-rule (4) of the rule 77, above.

(2) One copy of the pass shall be delivered to the exporter to accompany the consignment, the second shall be forwarded to the Deputy Commissioner of the district to which the liquor is to be taken and the third shall be retained for record.

**80. Vessels to be marked and scaled.**

(1) Each cask or other vessel containing liquor issued from a distillery or warehouse under clause (4) of rule 77 shall bear marks showing clearly the name of such distillery or warehouse, and the number and capacity of the cask or other vessel, and the nature, quantity and strength of its contents.

(2) Each such cask or other vessel shall be sealed by the officer-in-charge and a distinct impression of the seal shall be affixed on the pass forwarded to the Deputy Commissioner of the importing district under sub-rule (2) of rule 79.

**81. Accounts of export.**

Accounts of all exports shall be kept in the form prescribed by the Government by the officer-in-charge of the distillery or warehouse.

**TRANSPORT OF FOREIGN LIQUOR UNDER BOND FOR  
PAYMENT OF DUTY OR FEE.****82. Condition under which transport may be made.**

Foreign liquor may be transported under a bond for the payment of duty and/or fee only to a distillery or warehouse and when foreign liquor is so transported, rule 77 to 81 shall apply mutatis mutandis.

**83. Import, export and transport of spirit.**

Rule 73 to 82 shall apply mutatis mutandis when spirit including rectified spirit but not including country spirit and spirit classed as foreign liquor, on which duty and/or fee imposed has not been paid in full is imported, exported or transported.

## PART IV

### *Distillery and Warehouse*

#### **84. In the succeeding rules, unless the context otherwise requires:—**

- (1) “*Absolute alcohol*” is spirit obtained from rectified spirit by removing the water present as much as possible by treatment with quicklime or potassium carbonate. The absolute alcohol of the British Pharmacopoeia should not contain more than one percent by weight of water;
- (2) “*Blending*” means the mixture of spirits or wines of different strengths or of different qualities;
- (3) “*Bottling*” means bottling as defined in clause (4) of section 2 of the Act;
- (4) “*Brewer of Sale*” means a person who brews beer from the use of any other person, at any place other than the premises of the person for whose use the beer has been brewed, and includes any licensed dealer in or retailer of beer, who brews beer;
- (5) “*Cask*” includes metal drums wherever the use of these vessels is sanctioned by the Commissioner.
- (6) “*Compounding*” means the artificial preparation of foreign liquor by the addition, to imported or locally made liquor, of flavouring matter or both.
- (7) “*Contractor*” means a person to whom the exclusive privilege:
  - (a) of supply by wholesale, or
  - (b) of manufacturing and supplying by wholesale foreign liquor to licensed retail vendors of the same has been granted under section 17 of the Act.
- (8) “*Degree of gravity*” shall be taken as equal to the one thousand part of the gravity of distilled water at sixty degree of Fahrenheit’s Thermometer.
- (9) “*Distiller*” means a person who holds a licence to work a distillery in Mizoram.
- (10) “*Distillation*” means the process of extracting spirit from anything by evaporation and condensation.
- (11) “*Distillery*” means a distillery at which a licensee is permitted by the terms of a licence granted to him by the Commissioner to manufacture spirit.
- (12) “*Fermentation*” includes natural and artificial change which pro-



duces alcohol.

- (13) "*To gauge*" means to determine the quantity of spirit contained in, or taken from, any cask, or other receptacle or to determine the capacity of cask, or other receptacle.
- (14) "*London Proof(L.P.)*" means the strength of proof as ascertained by means of 'sykse' hydrometer and denotes that spirit which at temperature of 51° Fahrenheit weights exactly 12<sup>th</sup>/13<sup>th</sup> part of an equal measure of distilled water;
- (15) "*Medicated Wines or spirit*" are wines or spirits compounded with various drugs;
- (16) "*Obscuration*" means the difference caused by matter in solution, between the true strength of spirit and that indicated by the hydrometer;
- (17) "*Over Proof(O.P.)*" means spirit of a strength greater than that of London Proof;
- (18) "*Plain spirit*" means to which no flavour has been communicated and to which no flavouring or colouring matter or other material or ingredient has been added;
- (19) "*Prescribed*" or "*approved*" means prescribed or approved by the Government of Mizoram or the Commissioner;
- (20) "*Proof Gallon*" means a gallon containing liquor of strength of London Proof;
- (21) "*To Proof*" means to test the strength of spirit by a hydrometer or other instrument prescribed by the Commissioner;
- (22) "*Recking*" means the transfer of spirit from one vessel to another;
- (23) "*Rectified spirit*" or "*Spirit of wine*" means plain spirit of strength of not less than 50% P(Fifty degree O.P.)
- (24) "*Reducing*" means the reduction of liquor from a higher to a lower alcoholic strength by the addition of pure water;
- (25) "*sophisticating*" has the same meaning as "*compounding*";
- (26) "*Still*" includes any part of a still and any apparatus whatever for distilling or manufacturing spirit;
- (27) "*Sugar*" means any saccharine substance, extract or syrup, and includes any material capable of being used in brewing, except malt or grain of any kind;
- (28) "*Supervisor*" means the Excise Officer-in-charge of a spirit warehouse;
- (29) "*Tariff rate*" means the rate of import duty prescribed in the Indian Tariff Act for the time being in force;

- (30) “*Under Proof (U.P.)*” means spirit of strength less than that of London Proof;
- (31) “*Vat*” means any vessel used for blending, reducing or storage of spirit;
- (32) “*Warehouse*” means the building erected by the Government of Mizoram or private individual as the case may be, for the storage of liquor in bond under the charge of the licensee, (contractor);
- (33) “*Wash*” means materials for distillation which is under or has undergone, fermentation by natural or artificial means.

## LICENSING AND REGULATION OF DISTILLERIES

### 85. Application for licence.

Any person desiring to obtain a licence to work a distillery in any place in Mizoram shall apply in writing to the Commissioner giving the following particulars:—

- (1) the name or names, and the address or addresses of the person or persons applying, if a firm, the name of every partner of the firm and, if a company, the registered name thereof;
- (2) the purpose for which the distillery is proposed to be opened, specifying in detail the nature of the business which the applicant desires to carry on therein;
- (3) the name of the place in which, the site on which and the building in which the distillery is to be constructed or worked;
- (4) the number and full description of the stills, vats and other permanent apparatus which the applicant wishes to work or set up, and the size and capacity of such still, etc;
- (5) the date from which, in the event of a licence being granted to him, the applicant proposes to commence working the distillery;
- (6) the amount of security which the applicant is ready to furnish for the due performance of the conditions on which a licence may be granted to him;
- (7) a correct plan of the building which he intends to use or to contract for his distillery, and a plant showing the position of stills, vats and other permanent apparatus therein, and a list of storerooms, etc; connected therewith.

### 86. (1) Consideration of application.

On receipt of the application, and after consulting the Deputy Commis-

sioner of the district in which the distillery is proposed to be opened regarding the suitability of the site and buildings, if there be any already and no any other points, and on receipt of the Deputy Commissioner's opinion and after such further inquiry as he deems necessary, the Commissioner shall decide whether the licence for the opening of the distillery should be granted or not. The number of distilleries which can be allowed to be opened in Mizoram mainly for the supply of foreign liquor is limited and in deciding whether a licence for the working of a distillery is to be granted or not, the Commissioner will take into full consideration the purpose for which it is proposed to open the distillery and the demand or necessity for such a distillery.

### **(2) Purpose for which a distillery may be opened.**

Distilleries may be opened for —

- (a) Supply of foreign liquor;
- (b) Supply of spirits for the manufacture of chemicals, medicated articles, etc., or for other industrial purposes, or
- (c) for the above two purposes combined.

(3) If the Commissioner sanctions the opening of a distillery, he shall so inform the applicant and the Deputy Commissioner of the district in which the distillery is to be opened.

### **(4) Construction of distillery – Plan – Licence to be granted by Commissioner – Applicant to carry out necessary additions or alterations.**

The applicant shall then be called upon to make arrangements for the construction of the distillery. Upon completion of the building and after the stills and other appliances and apparatus have been set up, he must deposit two fresh copies of the plans with the Deputy Commissioner, who shall cause them to be verified in any manner he thinks proper, and then submit one copy to the Commissioner for examination and for comparison with the plans first submitted, and for any further verification he may think necessary. After final approval, the Commissioner, shall grant a licence to the applicant in the prescribed form. The applicant shall be bound to conform to the wishes of the Commissioner within a reasonable time to be fixed by that officer regarding any addition or alteration to the buildings, stills, vats or other permanent apparatus or plant which he considers necessary, whether before or after the final plans are submitted, for the proper security of the revenue or to render illicit practices impracticable.

**(5) Applicant to carry out necessary additions or alterations to buildings, stills etc. required previous sanction of Commissioner.**

No addition or alteration to the buildings, stills or other permanent apparatus as shown in the plans finally submitted by the applicant shall be made without the previous sanction of the Commissioner obtained through the Officer-in-charge and the Deputy Commissioner. If the Commissioner so directs, such additions or alterations may be permitted by the Deputy Commissioner subject to the Commissioner's approval. When any such additions or alterations are made fresh plans must be submitted to the Commissioner through the Deputy Commissioner with a certificate from the Officer-in-charge that they are correct.

**(6) Commissioner may at any time verify description and plans.**

It will be opened to the Commissioner to verify at any time any of the descriptions and plans above mentioned, and on proof of error, to require fresh ones to be submitted for sanction. Such verification may be made by any officer deputed for the purpose, and such officer shall be allowed full access to the premises. Sanction to the plant may be withheld until any point in respect of which they differ from plans already sanctioned has been rectified to the satisfaction of the Commissioner. The distiller shall be bound to carry out such rectification within a reasonable time to be fixed by the Commissioner.

**87. Security deposit and execution of bond.**

For the observance of the conditions of the licence and of these rules and for the payment of all sums which may become due to Government, by way of duty, fees, fines or otherwise under these rules, the distiller shall execute a deed hypothecating to Government his vat, pipes, pumps and all other apparatus including bottling plant, bottles, etc. together with the stock of liquor stored at any time during the currency of the licence in the distillery and if so required by Government shall also deposit at the time of signing the counterpart to the licence such amount as the Government may direct.

**88. Annual renewal of distillery licence.**

The licence for a distillery must be renewed annually. Such renewal will be granted by the Commission.

**89. Establishment and their cost.**

The distiller shall employ such officers and establishment as the Commis-

sioner may direct to the charge of distillery. The cost of such officers and establishment shall be borne by the owner of the distillery. The licence shall pay to the Government at the end of each calendar month such establishment charges as may be determined from time to time by the Commissioner. These amounts shall be in addition to any other fees payable under the Mizoram Excise Act, 1973 and shall not exceed the amount the total actual cost of the Excise Staff employed for the purposes of this rule.

**90. Quarters for establishment – Office furniture**

The distiller shall provide suitable quarters, to the satisfaction of the Commissioner, for the officer-in-charge proximity to the distillery, and shall keep the same and the appurtenances thereto in proper repair. He shall also supply such office furniture as may be required for the use of the officers within the distillery.

**91. Distillery to give notice to commencement of working.**

Every proprietor or manager of a licenced distillery must give at least fifteen days notice in writing to the Commissioner, of the date on which he proposes to commence working the distillery, and at least one month's notice before he ceases to work it.

**92. Power to withdraw establishment.**

In case a distiller shall cease distilling or issuing spirits for a period exceeding one month, the Commissioner may withdraw the establishment stationed at the distillery and may prohibit all further distillation and issue of spirits until the distiller has give him fifteen days' notice in writing of the date on which he proposes to recommence distilling or issuing spirits as the case may be.

**93. (1) Arrangements of stills, etc.**

The distiller shall so arrange his stills that spirit shall discharge into closed and locked receivers of such patten that no spirit can be removed from them unless they are unlocked. The Commissioner may enquire the distiller to affix to any receiver and apparatus which will prevent the supply and discharge cocks being open at the same time. Every pipe used for conveying spirit or feints must be so fixed and placed as to be visible throughout its entire length and shall, if the Commissioner so direct, be coated with oil paints of a particular colour, and all joints thereof shall be sealed in such manner as the Commissioner may prescribe. If the condensing worm is made of copper, or if the spirit passes through pipes wholly or partly made of copper, such measures as the commissioner may direct shall be taken by the distiller in order to protect the liquor from serious contami-

nation by the copper.

(2) There shall be no opening to any still, condenser or refrigerator, except –

- (a) for connection with the wash back or spirit receivers,
- (b) properly – secured air cocks or air valves of number and description approved by the Commissioner.

### **(3) Fastenings for Locks.**

The distiller shall provide and maintain suitable and secure fastenings, wherever the Commissioner may deem necessary, to all stills, spirit receivers, vats and other receptacles, fermentation-rooms, store-rooms, pipes etc; to the satisfaction of the Commissioner, for the attachment of locks to be provided by Government. The keys of all such locks shall be retained by the officer-in-charge. The distiller shall attach his own locks to all rooms used for the storage of spirit and may, if he so desires, also attach his own lock to any other fastening but shall be bound immediately to remove such locks when required by the officer-in-charge, to allow free inspection.

### **(4) Glass safe sampling.**

The distiller shall, if the Commissioner so direct, provide between the stills and the spirit receivers a glass safe by which the quantity and strength of the spirits which are running will at any moment be visible to the operator, or a sampling apparatus so constructed that for every samples drawn off an exactly equal quantity shall be discharged into a closed and lock receptacle. If required, both a safe and sampling apparatus shall be provided. The distiller shall also, if so required, provide branch pipes fitted with lock by means of which spirits of different strength and qualities may be diverted into separate receivers.

### **(5) Closed pipes for conveyance of spirit from receivers to store-room.**

The stills, receivers and vats shall be so arranged that the spirit may be conveyed from the receivers to the store room through close pipes. All pipes and all joints thereof shall be secured and sealed to the satisfaction of the Commissioner.

### **(6) Receivers and vats to be provided with dipping rods and to be gauged.**

All receivers and vats in the distillery must be so placed as to admit of the contents being accurately gauged or measured and must be fitted to the satisfaction of the Commissioner with proper dipping rods so adjusted to fix dipping places that the contents thereof at fifth of a centimeter of depth may at any time be ascertainable. The receivers and vats shall also be gauged in such manner as the Commissioner may, from time to time, direct; and no vessel shall be used as a receiver or store vat until it has been gauged and the gauging has been checked by such officer as the Commissioner may appoint. Records of the dimensions of such vessels shall be maintained in accordance with rules prescribed by the Commissioner.

**(7) Cocks.**

Every cock kept or used in a distillery shall be of such pattern and constructed in such manner as the Commissioner may from time to time direct.

**(8) Rooms and vessels to be marked and numbered.**

The distiller shall cause to be painted with oil colour and shall keep so painted upon the outside of every room or place and upon a conspicuous part of every vessel and utensil the name of such room, place, vessel or utensil, according to the purpose, for which it is to be used, and when more than one room place vessel or utensil is used for the same purpose, he shall also paint a progressive number on each, beginning with the number one.

**94. Vessels for storage**

Spirit shall be stored in sound vessels. Each vessel shall bear a serial number, painted or cut thereon. Its external parts must also be clearly visible.

**95. Dipping place or level of vessel not to be altered.**

The distiller shall not cause or allow the dipping place or level of any vessel to be altered, or any device to be used to deceive the officer-in-charge in taking the gauge of any vessel, or to prevent him from taking a true account of all wash of spirit in any vessels.

**96. Materials.**

The materials, or bases, to be used in distilling spirit, shall only be of such descriptions as are generally approved by the Commissioner. All materials used must be of good quality, and no ingredients noxious to health be used in distillation or added to the spirits intended for human consumption.

**97. (1) Wash not to be removed from distillery.**

The distiller shall only distil wash which has been prepared within the distillery, and no wash (except spent wash from which all alcohol has been extracted) shall be on any account removed from or allowed to pass out of the distillery, except sealed samples forwarded by the officer-in-charge to the Chemical Examiner under the general or special order of the Commissioner.

**(2) No wash or spirit to be brought into distillery.**

Except with the written permission of the Commissioner, no wash or spirits not prepared or manufactured in the distillery shall be brought into the distillery.

**(3) Wash to be conveyed directly from wash backs to still.**

All wash made in the distillery shall be fermented in the wash backs and shall be conveyed directly there from into the still.

**(4) Redistillation.**

Except with the written permission of the Commissioner, the distiller shall not redistill any spirits other than those which remain in the feints or weak spirit receiver attached to the still and which have not been removed therefrom.

**98. Strength of spirit manufactured to be regulated by Commissioner.**

The spirits manufactured in the distillery shall be distilled above or below such strengths and shall be subject to such periodical analysis as the Commissioner may direct, and the licensee shall be bound to take steps to remedy any defects in his product which the Commissioner may consider material.

**99. Notices****(1) Declaration of proof spirit in wash.**

The distiller shall give such notice in writing as the Commissioner may prescribe of the transfer of spirit from the spirit receivers to the spirit store-room and of wash from the fermenting vessels or wash backs to the still. He shall also state the percentage of proof spirit contained in the wash immediately before the distillation thereof. This percentage shall be determined by means of instruments approved by the Commissioner.



**(2) Periodical stoppage of distillation.**

The distiller shall comply with such order as may be prescribed by the Commissioner for the periodical stoppage of distillation for the purpose of ascertaining the quantity of spirit distilled from the quantity of wash passed into the still.

**100. Transfer of spirit from receiver to store-room.**

All spirit collected in the receivers shall be transferred or conveyed into the spirit store-room without unnecessary delay provided that no spirit shall be so transferred between 6 p.m. and 6 a.m.

**101. (1) Hours of work.**

All operations in a distillery requiring the presence of an officer of the Excise Department, shall be stopped on Sundays and public holidays declared as such by the Government. In a distillery, the distiller shall so arrange his operations that no officer of the Excise Department need ordinarily be on duty for more than six hours on any working day.

**(2) Overtime fees.**

An officer of the Excise Department required to be on duty in a distillery on a Sunday or any other public holiday mentioned in sub-rule (1) or for more than six hours on any working day shall be entitled to overtime fee at such rates as may be fixed from time to time by the Government. The amount payable as overtime fee shall be recovered from the distiller.

**(3)** When distillations is carried on at night and at all times when an officer of the Excise Department is not present, the distillery gate shall remain locked provided that on Sundays or public holidays mentioned in sub-rule (1) the registered servants of the distiller may be allowed ingress and egress between sunrise and sunset.

**102. Daily accounts to be kept by distiller.**

The distiller shall keep accurate and regular daily accounts showing:—

- (1) the quantity and description of materials used,
- (2) the quantity of wash and spirit manufactured,
- (3) the quantity of wash used,
- (4) the quantity of spirit passed out, and
- (5) the quantity of wash and spirit in store.

Under the last head the quantity of spirit remaining in stock in each cask,

vat or other receptacle shall be shown. Such accounts shall be opened at all times to inspection by the Excise Officer-in-charge or other Excise Officer authorised by the Commissioner, and by all superior Excise Officers.

## **WAREHOUSE FOR FOREIGN LIQUOR.**

### **103. Foreign liquor warehouse.**

(1) Warehouse for the supply of foreign liquor to retail vendors may be established by the Commissioner at convenient places at the expense of Government or at the expense of a licensed wholesale vendor of foreign liquor.

Such warehouse shall be supplied with foreign liquors by such licensed distiller of foreign liquor under rule 86 and the warehouse shall be in-charge of an Excise Officer.

Provided that the Commissioner may, if he so thinks fit, permit foreign liquor to be received into a warehouse from sources other than those distilleries working in Mizoram.

(2) The provisions of rules 89 and 90 shall, mutatis mutandis, apply to warehouse established at the expense of licensed wholesale vendor.

### **104. Private warehouse.**

Person desirous of obtaining license to establish private warehouse, for the deposit and storage of spirit other than country spirit without payment of duty or fee shall apply to the Commissioner who shall not grant the licence without proper verification.

Rules 85 to 87 shall apply mutatis mutandis to such application, except that the amount of the Security shall be Rs. 5000/-.

### **105. Establishment for supervision of private warehouse.**

The Commissioner shall employ such officers and establishment as he may require to the charge of a private warehouse. The cost of such officers and establishment shall be borne by the owner of the warehouse. The licensee shall pay to the Government at the end of each calendar month such establishment charges as may be determined from time to time by the Commissioner. These amounts shall be in addition to any other fees payable under the Mizoram Excise Act, 1973 and shall not exceed the amount the total actual cost of the Excise Staff employed for the purposes of this rule.

**106. Rules applicable to warehouse.**

Rules 88, 90, 91 and 92 shall apply, mutatis mutandis, to private warehouses, and Rule 93 (6), 93(7), 94 and 95 to all warehouses.

**107. Warehouse under joint lock of officer and licensee, etc.**

Every warehouse shall be under the joint lock and key of the officer-in-charge thereof and of the distiller or licensee of the warehouse of the authorised representative of the aforesaid persons. The lock used by the officer-in-charge shall be a Government lock and the key shall remain in his personal custody.

**108. What spirits may be received into warehouse.**

No spirits shall be received into any warehouse unless accompanied by a pass from the officer-in-charge of the distillery or of the warehouse from which they have been transferred, or by a special permit authorising their receipt into the warehouse or, if the spirits be imported, by a permit from an officer duly authorised to grant permits for the transport of imported spirits. All spirits received into warehouse shall be gauged and proved on arrival, and the distiller shall thereupon become responsible under Rule 119 of these rules for the quantity and strength of the same.

**109. Vessels for conveyance of spirit to warehouse.**

Spirits intended for a warehouse shall be conveyed in sound and water-tight casks approved metal vessels on which shall be painted in white oil paints, in letters not less than 2.5cm high, the number of the cask or vessel, its capacity to the nearest tenth of litre, and the name of the distillery or warehouse from which it has been issued. Marks other than those specified above shall be obliterated.

**110. Procedure to be observed on arrival of spirit at warehouse.**

Immediately on arrival of a consignment at the warehouse, the officer-in-charge shall open the vessels and gauge and prove the spirit in each vessel. If any deficiency in excess of the quantity allowed by rule 111 is found to have occurred in any vessel after measurement by such method as may from time to time be prescribed by the Commissioner, the whole contents of the vessel shall, if the distiller licensee of the warehouse or the authorised representative of the aforesaid persons so desires, forth with be measured by litre measures, and the quantity thus ascertained shall be accepted as correct. He shall then note the results in the prescribed registers, and also on the pass covering the consignment. One copy of the pass with the entries of receipt shall be immediately returned to the

officer who issued the consignment, and the other copy with the entries thereon shall be kept in the warehouse.

### 111. (1) Allowance for loss in transit.

An allowance shall be made for the loss in transit by leakage and evaporation of spirit transported or exported under bond up to the maximum quantities shown below.

		Maximum quantities of allowance	
		Wooden Vessels Percent	Wooden Vessels Percent
(a)	For a journey of not greater duration than two days	2	$\frac{1}{2}$
(b)	For a journey of duration exceeding two but not exceeding nine days	3	1
(c)	For a journey of duration exceeding nine but not exceeding eighteen days	4	$1 \frac{1}{2}$
(d)	For a journey of duration exceeding eighteen days	5	2

Duration of transit is to be reckoned from the date of issue from distillery (or warehouse) to the date of arrival at the receiving warehouse.

### (1) Consignments of spirit to be examined and received with promptitude

The officer-in-charge of the warehouse shall examine and take into stock consignments of spirit with as little delay as possible.

Provided that, if in any case, the temperature of the spirits on arrival at their destination is found to be lower than that when they were despatched, a further allowance shall be made, if necessary, of .05 of a London Proof Litre percent for every degree Fahrenheit of difference between the two temperatures, in addition to any allowance that may be made under this sub-rule.

**(2) Method of calculation.**

The allowances made under this rule shall be determined by deducting from the quantity received at the place of destination, both quantities being stated in terms of London proof litres, and shall be calculated on the quantity of spirits contained in each vessel comprised in a consignment.

**(3) Excess wastage to be reported to Commissioner.**

If the report of the office by whom a consignment of spirit transported, or exported under bond has been gauged and proved on arrival at its destination, should show that wastage to a greater extent than that indicated in a sub-rule (1) has occurred, the distiller or licensee of the warehouse transporting or exporting the same shall be liable to pay duty or fee at the rate imposed under the Act on so much of the deficiency as is in excess of the allowances referred to in sub-rule (1).

Provided that each case of excess deficiency shall be reported to the Commissioner for orders, and the Commissioner may, in his discretion on good cause being shown, remit the duty and fees or fees leviable on such deficiency.

**(4) Duty and fee on excess deficiency.**

Duty or fees on deficiency of spirits in excess of the allowances referred to in sub-rule (1) shall, if levied, be realised, by the Deputy Commissioner of the District in which the distillery or warehouse from which the spirits were despatched is situated.

**112. Bond for conveyance of spirit to a warehouse.**

Spirit intended for a warehouse is conveyed thereto under bond, and at the sole risk and responsibility of the distiller or licensee of the warehouse. The bond is discharged when the spirit has been deposited in the warehouse and has been duly gauged and proved by the officer-in-charge and after the duty and fees or fees on the excess deficiency, if any, has been realised.

**113. Storage of spirit in warehouse.**

Spirit supplied to a warehouse shall be stored in cases or vats or wood of other material approved by the Commissioner. The distiller or licensee of the warehouse shall supply these articles, and all other appliances which may be required for the blending, reducing or issue of spirit, and shall bear the cost of storing, blending or reducing the spirit.

**114. Casks or vats.**

Casks or vats must be of such number and capacity and set up according to such design and marked in such manner as the Commissioner may, by general or special order direct.

**115. Hours of work in warehouse.**

(1) Government warehouse shall ordinary be opened for six hours daily but when necessary may be kept open longer. The hours of opening and closure shall be fixed by the Commissioner. In case of urgent necessity the Commissioner may direct that a warehouse shall not be closed on any particular day.

(2) A private warehouse referred to in Rule 104 shall not be opened except during such hours as may be fixed by the Commissioner. The provisions of such rules (1), (2) and (3) of Rule 101 shall apply mutatis mutandis, to such warehouse.

**116. Accounts to be maintained by distiller and licensee.**

The distiller or licensee of a warehouse shall keep regular accounts in the warehouse showing the quantity and strength of spirits received in, issued from, and remaining in, the warehouse. Such accounts shall be opened at all times to the inspection of the officer-in-charge and of all superior Excise Officers.

**GENERAL PROVISIONS RELATING TO DISTILLERIES AND WAREHOUSES.****117. Separate licence necessary for compounding and bottling.**

The manufacturer of foreign liquor shall take out separate compounding and bottling licence in accordance with the rules, if such operation is carried on, all processes connected with the bottling, flavouring, blending, reducing or colouring of foreign liquor shall be conducted under the supervision of the officer-in-charge in a separate building within the distillery or warehouse enclosure.

**118. Addition of saccharine etc., prohibited.**

No saccharine or other matter of such a nature as to obscure the indications of the hydrometer shall be introduced into spirits. Spirit so treated shall be liable to forfeiture.

**119. Periodical stock taking and levy of duty on excess deficiency.**

The Superintendent of Excise or in his absence the officer-in-charge of the distillery or warehouse will take stock of all spirit in the warehouse on the last day of March, June, September and December in each year, or on the last proceeding open day, if the last day be a Sunday or holiday prescribed under rule 115 and the distiller or licensee shall pay to the Government duty at the rate imposed under the Act.

**120. Procedure for stock taking.**

For taking periodical stock, the gauging of spirit, in vats or casks may be done by dip-rod measurement or by weighment. Whenever, by bung-rod measurement, the deficiency in any cask is found to be excessive, the whole contents of the cask shall be promptly measured by litre measurer and the actual deficiency accurately ascertained.

**121. Government not liable for loss etc. of spirit in distillery and warehouse.**

Government shall not be held responsible for the destruction, loss or damage, by fire, theft or any other cause whatsoever, occurring to any spirit stored in the distillery or warehouse or in gauging, weighment or proof. In case of fire or other accident, the officer-in-charge of a distillery or warehouse shall immediately attend to open it at any hour by day or night.

**122. Smoking and naked lights prohibited.**

Smoking or the use by any person whatsoever within a distillery or warehouse of naked lights of any description is prohibited. Closed lanterns only shall be used.

**123. Admittance of persons into distillery and warehouse.**

Distillery and warehouse shall be opened only for the entrance and exit of persons who have business within them. Except with the permission of the Commissioner no one except superior officers of other Government departments, distillers and licensees of warehouse, their servants, and licensed vendors who have come to purchase spirits, shall be allowed to enter the premises on any pretext. A register shall be kept of the names of all persons employed by distiller or licensee of warehouse, and all recognised employees will be supplied with passes for ingress and egress.

**124. Election of undesirable persons.**

The Officer-in-charge of a distillery or warehouse may eject and exclude from the premises any person whom he shall find to have committed, or to be about to commit, any breach of these rules or of the provisions of the Act, or who shall be intoxicated, riotous or disorderly. All action taken by any such officer under this rules shall forthwith be reported by him in writing to his official superior.

**125. Distiller etc. bound by provisions of Act and rules and special order.**

Distiller and licensee of a warehouse shall be bound by the provisions of the Act, and by all rules for the management of distillery and, warehouse, or for issue of spirit there from, which may be prescribed under the Act from time to time, and by all special orders which may be issued by the Commissioner regarding any particular distillery or warehouse, and shall cause all persons employed by them to obey all such rules.

**126. Responsibility for breaches of rules by servants.**

If it comes to the knowledge of the distiller or licensee of a warehouse that any person employed by him in the manufacture, storage, receipt, blending, reducing or issue of spirits has committed any breach of the Act, or of the engagements entered into by him, it shall be his duty to report the matter to the officer-in-charge and to comply with the directions of that officer respecting the continued employment of such person. The officer-in-charge shall report the matter together with the action taken by him to the Commissioner or Superintendent of Excise.

**127. Disposal of liquor on expiry of licensee.**

(1) On the expiry of the licence either on account of expiry of the term, or on account of cancellation or suspension, the Commissioner may take over or permit the successor of the distiller or licensee of the warehouse, as case may be, to take over the balance of liquor in the distillery at cost price, or may require the distiller or licensee of the warehouse, as the case may be, forthwith to remove all liquor remaining within the distillery or warehouse on payment of duty and fees or fees in full.

(2) If he shall fail so to remove all spirits within ten days of the receipt of written notice from the Commissioner, the cost of any establishment which it may



be necessary to employ at the distiller or warehouse, may be recovered from the defaulter; and if he shall fail to do so within one month, the spirits shall be liable to forfeiture at the discretion of the Commissioner.

## **ISSUE OF SPIRITS FROM DISTILLER AND WAREHOUSE**

### **128. (1) Issue of spirit under bond and on payment of duty.**

Spirits may be removed from a warehouse to which a bonded manufactory as aforesaid, is attached, —

- (i) under bond for payment of duty or pass fees as the case may be, only to the bonded manufactory, as aforesaid and to such other warehouse as the Commissioner may permit by an order in writing; and
- (ii) on payment of duty or pass fee, as the case may be, only in accordance with the terms and conditions of the licence granted in that behalf.

### **(2) Without payment of duty and fee or fees.**

Spirits other than India-made foreign liquor may be removed from distillery and warehouse without payment of duty and pass fee or fees and without bond —

- (a) If issued to hospital, dispensaries and other medical institutions under Government management or supervision, the indents being signed or countersigned by Director of Health Services, Civil Surgeon or Medical Superintendent of the hospital concerned as the case may be;
- (b) if issued to hospitals, dispensaries and other medical institutions, not under Government management or supervision but specially authorised by the Commissioner to obtain supplies of such spirit without payment of duty and pass fee or pass fees, the indents being signed or countersigned by the Medical Superintendent of such hospital, dispensary or institution;
- (c) if issued to veterinary institutions, the indents being, signed or countersigned by an officer of or above the rank of an Assistant Director of the Veterinary Department.
- (d) if issued to any local body for bona fide public health work, the indent being signed or countersigned by the District Health Officer; or
- (e) if issued to any educational institution for laboratory use or to any institution or person for research in the public interest or for development of science or industry, the indent being signed or countersigned by the head of the institution or by the person making research as the case may be, with the previous approval of the Commissioner. Supply of such spirit without payment of duty and pass fee or pass fees under all the sub-

clauses of this sub-rule shall be made in accordance with the terms and condition of a permit granted by the Deputy Commissioner.

### **129. Gauging and proving before removal.**

No spirits shall be removed from any distillery or warehouse until they have been gauged and proved by the officer appointed for the purpose. The gauging of spirits may be made either by actual measurement or weighing.

### **130. Pass for removal of spirits.**

(1) Except when spirit is removed from a warehouse to a bonded manufactory under sub-rule (1) of rule 128, no spirit shall be removed except under a pass granted by the Deputy Commissioner or the Officer-in-charge in the prescribed form on payment of fees, if any, fixed for such pass and subject to the provision of these rules.

(2) A pass shall be granted on presentation of a requisition therefore by or on behalf of the licensee of the distillery or warehouse,

(3) In regard to spirit other than denatured spirit, such pass shall be granted also on proof of execution of bond by the person permitted to remove spirit under bond or on proof of payment of the prescribed duty or pass fee, as the case may be, or on production of a permit granted by the Deputy Commissioner under sub-rule (2) of rule 128.

(4) In regard to denatured spirit such pass shall be granted on production of proof that the person to whom denatured spirit is supplied is entitled to receive and possess it.

(5) The pass shall be prepared in triplicate. One copy of the pass shall be delivered to the transporter or the exporter to accompany the consignment, the second copy shall be forwarded to the Deputy Commissioner of the district to which the spirit is to be taken and the third copy shall be retained for record.

### **131. To whom spirits may be issued on payment of duty of pass fee for local consumption or use.**

Spirits other than denatured spirits may be issued for local consumption and use only:—

(1) in the case of foreign liquor, to licensed vendors of such liquor;

(2) in the case of rectified spirit —

(i) to a chemist or druggist requiring such spirit for the manufacture of drugs, medicines or chemicals and holding a permit from the Deputy Commissioner to obtain such spirit from the distillery or warehouse.

- (ii) to a holder of permit to obtain such spirit for the purpose of manufacture of medicinal and toilet preparations which do not contain alcohol;
- (iii) to a holder of permit to obtain such spirit for use for scientific purposes;
- (iv) to a holder of permit to obtain such spirit for any purpose other than a scientific purpose mentioned above or the purpose of manufacture of medicinal and toilet preparations which do not contain alcohol;
- (v) to a chemist or druggist holding a licence for the retail vend of such spirit, or
- (vi) to a person holding, —
  - (a) a licence for the compounding and blending of foreign liquor, or
  - (b) a licence for the manufacture of colouring and flavouring substances.

### **132. To whom denatured spirits may be issued.**

Denatured spirit may be issued only to persons licensed to sell such spirit or to possess such spirit in excess of the quantity fixed as the limit for private possession.

**NOTE :** Bad and unsuitable spirit should never be issued.

### **133. Issue of foreign liquor on payment of duty or pass fee for ex-port outside Mizoram.**

(1) The Commissioner will be competent, when so necessary for conserving the stock of foreign liquor or local consumption, to regulate its issue for export to another state. The provisions of Rule 35, 36, 37 and 39 shall apply mutatis mutandis, for the export of Foreign liquor to another States in India.

(2) The pass which accompanies the consignment of foreign liquor, issued for export, or a true copy thereof shall be returned to the Deputy Commissioner or Excise officer-in-charge who granted the pass with a certificate, signed by the Superintendent of Excise of the district where the foreign liquor is exported, stating the quantity that has actually reached the destination and, in case there is difference between the quantity that has reached the destination and the quantity that has been shown in the pass, recording the reasons for the difference, within two months from the date of grant of the pass or such longer period, not

exceeding another two months, as the Excise Officer-in-charge may allow on good grounds being shown to him.

(3) In case the pass or a true copy thereof with a certificate as above is not returned or in case there is a short receipt of liquor at the destination, the licensee of the distillery or warehouse shall pay the duty imposed under the Act of these Rules in respect of the entire quantity of liquor mentioned in the pass or the quantity of liquor which has been received short at the destination, as the case may be, unless the Commissioner exempts the payment in full or in part on good grounds being shown to him.

## **LICENSING AND REGULATION OF BREWERIES. PREMISES AND LICENCES.**

### **134. (1) Application for brewing licence.**

Every brewer for sale and every brewer of beer for private consumption shall, before he begins to brew, deliver to the Commissioner through the Superintendent of Excise of a district, a description in writing, signed by himself, of all premises, rooms, places and vessels intended to be used in his business, specifying the purpose for which each is to be used, and the distinguishing mark of each.

### **(2) Execution of bond pledging land, vats etc.**

(i) Before granting a licence to a brewer for the first time and also before renewal of such licence each year the between shall execute a bond in the prescribed form pledging the land, brewery premises, vats and all installations, apparatus and utensils employed in the manufacture of beer and the stock in trade for due discharge of all payments which may become due to the Government during the licensing period and for due observance of all the rules framed in the matter relating to a brewery.

(ii) All such premises, rooms, places and vessels shall either be owned or held on valid permit/patta by the brewer.

(iii) On the outside of the door of every room and place in which the business is carried on, and on some conspicuous part of each of the a foresaid vessels, there shall be legibly painted in oil colour the name of the vessel, utensils, room or place according to the purpose for which it is intended to be used. If more than one vessel is used for the same purpose, each shall be distinguished by a progressive number.

**(3) Inspection of premises and grant of licence.**

Before the licence to brew is granted an Excise Officer authorised by the Commissioner shall inspect the premises, etc., compare the same with the particulars stated in the aforesaid written description and certify accordingly. The licence shall be granted by the Commissioner if the description be found satisfactory (and the title of the applicant to the premises, room, places and vessels mentioned in the description be found to be established) and the applicant be considered a fit person to receive a licence.

**(4) Licence to be renewed annually.**

The licence for a brewery must be renewed annually.

The provisions of sub-rule (1), (2) and (3) shall apply mutatis mutandis to an application for the renewal of the licence, and such renewal shall be granted by the Commissioner if the applicant continues to satisfy the conditions for the grant of a licence specified in sub-rule (3).

**135. Hours of work and overtime fees.**

The provision of rule 101 regarding the hours of work and overtime fees shall apply mutatis mutandis to a brewery licensed under rule 134 in respect of the Excise Officers and establishment employed there at as they apply to a distillery in respect of officers of the Excise Department.

**SUGAR****136. Storage and use of sugar.**

All sugar shall be stored in a room specially set apart for it and duly described as a "Sugar Store". No sugar shall be removed from the sugar store into any other part of the brewery except in pursuance of an entry under Rule 139 for use in a brewing.

**VESSELS****137. Manner of fixing vessels.**

Mash tuns, underbacks, wort receivers, coppers and collecting and fermenting vessels shall be so placed and fixed that the contents can be accurately gauged or measured.

**138. (1) Marking**

The name and number so each vessel shall be legibly painted in oil colour on some conspicuous part thereof, according to the purpose for which it is intended to be used.

**(2) Position etc. not to be altered without notice.**

The brewer shall not being to construct, nor alter the shape, position or capacity of, any mash tun, underback, wort receiver, copper, collecting or fermenting vessel, or other brewing vessel, without giving two days' previous notice in writing to the Excise Officer. When the alterations have been completed, or the additional vessel or vessels have been constructed, the brewer shall deliver a description of the same in accordance with the sub-rule (1) of rule 134.

**BREWING BOOK.****139. Particulars to be entered in brewing book.**

The Excise Officer authorised by the Commissioner shall deliver to every brewer a book in which the brewer shall enter in the proper columns at least twenty-four hours before beginning, to mash any malt, etc., or to dissolve any sugar, the day and hour of brewing, with the date of making the entry, and at least two hours before the time entered for mashing or dissolving, he shall enter separately the quantity of malt and unmalted corn, rice, rice grits, flaked rice, maize grits, flaked maize and other similar preparations and of sugar to be used and the hour when all the worts will be drawn off the grains in the mash tun.

**140. Notice before brewing.**

The Commissioner may require any brewer to send to the proper officer, 48 hours before brewing, a written notice of his intension to brew.

**141. Further entries in brewing book.**

The brewer shall also enter in the same book prescribed under rule 139 of the quantity and gravity before fermentation of the worts collected, the number and description of the vessel or vessels in which the worts were collected, and the date and hour when the entry is made. Such entry shall be made within one hour after the collection has been completed.

**142. Brewing book to be kept on premises.**

The brewer shall enter the true original gravity of the worts, and he shall keep the book on the premises entered in the description referred to in Rule 134,

at all times accessible to the officer and ready for his inspection.

**143. Saccharometer.**

An approved saccharometer and tables shall be used to ascertain the quantity of worts by relation to gravity.

**144. Highest account of worts to be charged with duty.**

The highest account of worts shall be accepted and charged with duty, whether it be that entered by the brewer or that found by the officer after the entry of the worts collected has been made.

**145. Determination of original gravity.**

When fermentation has commenced in any worts so that the original gravity can not be ascertained by the saccharometer such gravity shall be determined if necessary, by the Chemical Examiner in such manner as shall be approved by the Commissioner.

**146. Increase in original gravity.**

If at any time the original gravity of any worts contained in the collecting or fermenting vessels shall be found to exceed by five degrees that entered by the brewer, or ascertained by the officer, the Commissioner may deem such worts to be the produce of a fresh brewing and charge duty accordingly.

**147. Brewing book Government property.**

The brewing book is the property of the Government.

**148. Altered or false entry in brewing book.**

The brewer shall not cancel, obliterate or alter any entry or make any entry which is untrue in any particular.

**149. Mode of payment of duty.**

(i) Duty on worts shall become due immediately on being charged. The licensee shall maintain a Personal Ledger Account in accordance with the direction issued by the Excise Commissioner in the matter for the purpose of maintaining a current account of the duties payable by the licensee, wherein the licensee shall deposit sums at periodic intervals sufficient for day-to-day deduction of duty therefrom in respect of the wort accepted and charged to duty. No wort shall be mixed up with yeast and no subsequent operations relating thereto shall be carried on till the duty in respect of such wort has been credited in favour of the

Government through such Person Ledger Account.

(ii) For the purpose of charging duty 90 percent of total volume of wort shall be deemed as equivalent to the volume of beer to be charged with duty.

(iii) No beer shall be removed from a brewery except on prepayment of duty in the manner stated in sub-rule (i) and (ii) and under authority of a transport or export pass as the case may be, issued by the Excise Officer-in-charge of the Brewery.

### **150. Concealment of worts, etc.**

The concealment of worts or beer, and the fraudulent increase of quantity or gravity, after an account has been taken and the duty has been charged, entail penalties imposed under the Act.

## **WAREHOUSE FOR BEER.**

### **151. Establishment of private warehouse.**

Licence to establish a private warehouse for the deposit and storage of beer without payment of duty may be granted to a brewery or any other person in the manner and subject to the provisions as detailed below :—

- (i) Beer may be deposited and stored in the warehouse only for the purpose of export or for removal to another bonded warehouse for the purpose of export or for issue to licenced vendors. The beer should be in properly sealed and capsuled bottle with labels, containing inscription of the words 'Not for sale in Mizoram' in bold letters running throughout the length of the label if the beer is to be exported.
- (ii) A privilege fee of 6 paise for each quart bottle and 3 paise for each pint bottle of beer shall be paid by the licensee for deposit and storage of beer in the warehouse without payment of duty. The Excise Officer-in-charge of the warehouse shall allow storage of beer therein only on prior realisation of the privilege fee through a Personal Ledger Account to be maintained by the licensee for the purpose.
- (iii) When a private warehouse is established by a person who is himself a brewer he may remove beer in properly sealed and capsuled bottle with labels bearing the inscription mentioned in sub-rule (i) from his brewery to the private warehouse in the manner stated below :—
  - (a) The Excise Officer-in-charge of the brewery shall, on receipt of an application from the brewer in the prescribed form, issue the requi-



site quantity of beer in bottles under cover of a transport pass issued to the brewer in duplicate.

- (b) The Excise Officer-in-charge of the private warehouse shall, on receipt of the consignment of beer and the transport pass, check up the description and number of the bottles, enter the quantity received on both the copies of the transport pass and return one copy to the Excise Officer-in-charge of the brewery.
- (c) On receipt back of the transport pass mentioned above the Excise Officer in charge of the brewery shall credit to the brewer by adjustment in the Personal Ledger Account maintained by him as referred to in rule 149 and amount equal to the amount of duty leviable on the quantity of beer received by the Excise Officer-in-charge of the warehouse had the beer been meant for sale in Mizoram.
- (iv) Rules 104 to 130 applicable in case of a bonded foreign liquor warehouse established by a private person shall apply mutatis mutandis, in the case of a Bonded Beer Warehouse;

Provided all wastage in transit and storage shall be charged to duty unless the Commissioner of Excise directs otherwise in any case.

## MODE OF WORKING

### **152. Collection and removal of worts.**

All worts shall be removed successively and in the customary order of brewing to the underback, coppers, coolers and collecting or fermenting vessels, and shall not be removed from the last named vessels until an account has been taken by the officer, or until after the expiration of twelve hours from the time at which the worts are collected.

### **153. Time for collection of worts.**

All the produce of a brewing shall be collected in the collecting or fermenting vessels within twelve hours from the time when the wort has commenced running in to the collecting or fermenting vessel.

### **154. Brewing to be kept separate.**

The total produce of brewing shall be kept separate from the produce of any other brewing for sixteen hours, unless an account of such total produce has been taken by the officer.

**155. Mixing of worts.**

No produce of any brewing shall be mixed with that of any other brewing except in the store vats or casks, unless the brewer has given previous notice in writing in the brewing book of his intention to mix worts in the fermenting vessels and specifies in writing the quantity and gravity of the worts when mixed.

**156. Vessels not to be used for returned beer, etc.**

No returned beer or fermented liquor shall be put into any of the brewing or fermenting vessels described under Rule 134.

**SCALES AND WEIGHTS****157. Assistance to officer.**

Every brewer shall provide and maintain just scales and weights, and shall render assistance to any inspecting officer in taking account.

**WASTAGE****158. Remission of duty in case of accidental loss.**

Duty may be remitted or repaid in respect of worts or beer on which duty has been charged and which may have been destroyed by accidental fire or other unavoidable cause, while on the licenced premises of a brewer for sale, provided that satisfactory evidence of such loss has been produced to the Commissioner.

**ALLOWANCE FOR SOUR OR SPOILT BEER.****159. Allowance for spoil beer.**

Written application must be made to the Commissioner for an allowance for sour or spoil beer.

**160. Destruction of sour or spoil beer.**

There must be satisfactory evidence to enable the commissioner to decide whether the beer can be identified with its proper brewing, subject to the following rules. If he is satisfied on this point, he will sanction the destruction of the beer in the presence of an Excise Officer.

**161. Brewer's declaration.**

The brewer must sign a declaration that the beer was brewed by him and

had never left his premises, and that no part of it consists of “bottoms” or “returns” from vendors or other customers.

**162. Samples.**

Representative samples must be taken and sent to such laboratory as the Commissioner may decide upon.

**163. Destruction of spoil beer.**

The Officer must state the means by which he checked the bulk quantity, and after samples have been taken as aforesaid, he must witness the destruction of the beer and record a note of the fact in the brewing book.

**164. Credit of duty allowable.**

On receipt of a satisfactory report from the laboratory, the brewer may be credited with the proper amount of duty.

## MATERIALS

**165. Use of deleterious matter may be prohibited.**

The Commissioner may prohibit the use of any materials in the manufacture of beer which is, in his opinion, of a deleterious nature.

**166. Analysis of sample.**

The Excise Officer or any inspecting officer may take, without payment, for the purpose of analysis, samples of any beer or material used in the manufacture thereof.

**167. Addition of finings, etc. to beer.**

A brewer for sale, or a dealer in or a retailer of beer, shall not dilute adulterate or add anything to beer, except finings or other matter sanctioned by the Commissioner.

**PART - V**  
**A. Country Liquor**

**(I) IMPORT, EXPORT AND TRANSPORT.**

**168. Prohibition of import, export and transport of country liquor.**

Import and export of country liquor into and from Mizoram and transport of country liquor is prohibited.

**(II) MANUFACTURE, POSSESSION AND SALE.**

**169. Manufacture, possession and sale of country liquor.**

The provisions of the rules relating to Manufacture, possession and sale of India-made foreign liquor shall apply mutatis mutandis to country liquor.

**EXPLANATION :—** For the purpose of these rules “country liquor” includes Rakzu (distilled liquor), Tinzu, Zupui, Zufang and all other fermented liquors made from rice, millet or any other grain.

**B. GANJA, BHANG OR SIDHT AND CHARAS.**

**170. Rules applicable to import, export and transport.**

The import, export and transport, respectively, of ganja and other hemp drugs shall be subject to the following rules, in addition to the restrictions imposed by sections 9, 10 and 12 and any prohibition made under section 11 of the Act.

**171. Manufacture, import, export possession, sale etc. of charas prohibited.**

The manufacture, import, export possession and sale of charas by any person in Mizoram is prohibited absolutely.

## **PART - VI**

### ***Grant of Licenses***

#### **172. Wholesale licenses.**

Licences for wholesale vend of foreign liquor (other than denatured spirit) to retail vendors of foreign liquor shall be granted by the Commissioner on payment of fees prescribed in rule 190 of these rules in one installment in advance. Such licences shall ordinarily be granted to vendors of superior class.

In areas in which for special reasons such a course may appear to be desirable, such licences may, with the sanction of the Government be put up to auction subject to a reserved fee sanctioned by the Commissioner.

#### **173. Retail 'on' and 'off' licences.**

Licences for the retail sale of foreign liquor (other than rectified spirit and denatured spirit) for consumption 'on' or 'off' the premises, shall be granted by the Deputy Commissioner with the previous sanction of the Commissioner on payment of fees prescribed in rule 191 of these rules.

A separate licence shall be required in each case for the privilege of selling liquor for consumption 'on' or 'off' the vendors' premises.

#### **174. Licences for hotels.**

Hotel licence for the retail sale of foreign liquor for consumption on the premises shall be granted by the Deputy Commissioner with the previous sanction of the Commissioner on payment of a licences fee prescribed in rule 191 of these rules annually in advance. Sales under such licences shall be confirmed only to persons actually residing in the hotels.

#### **175. Restaurant licences.**

Restaurant licences for the supply of foreign liquor for consumption 'on' the premises having meals at such restaurants may be granted by the Deputy Commissioner with the previous sanction of the Commissioner on payment of licence fee prescribed in rule 191 of these rules annually in advance. Sales under such licences shall be confined only to persons actually taking meals in the restaurants.

#### **176. Bar licence.**

Any holder of a hotel or restaurant licence, desirous of setting up and maintaining a bar or bars should apply to the Deputy Commissioner, for a sepa-

rate licence for such bar. He should submit with his application a ground plan of the premises, specially indicating the room or rooms intended to be used for the purpose of the bar. If the Deputy Commissioner approves of the proposed arrangement for the bar, a separate bar licence may be granted to the applicant with the previous sanction of the Commissioner and on payment of a licence fee prescribed in rule 191 of these rules annually in advance.

### **177. Retail 'on' licences for clubs.**

Licences for the sale of foreign liquor by any clubs including a proprietary club, the profit of which are divisible among the share-holders or members, for consumption 'on' the premises shall be granted by the Deputy Commissioner with the previous sanction of the Commissioner on payment of licence fee prescribed in rule 191 of these rules annually in advance.

### **178. Canteen tenant licence.**

Canteen licences for the sale of foreign liquor under the military "Canteen" system shall be granted by the Deputy Commissioner with the previous sanction of the Commissioner on payment of licence fees prescribed in rule 195 of these rules annually in advance.

### **179. Licence for sale of foreign liquor by co-operative society.**

Licence for the retail sale of foreign liquor by a Co-operative Society or Association shall be granted by the Deputy Commissioner with the previous sanction of the Commissioner on payment of a licence fees as prescribed in rule, 191 of these rules, as the case may be in advance.

**NOTE** :— The expression "Co-operative Society" or "Association" means any society or association whether at is or is not incorporated under any law relating to companies or is/or/is not registered under the Societies Registration Act, in force when the profits (if any) derived from the business carried on by such association or society are divisible among the share-holders or members thereof or subscribers thereto.

### **180. Temporary late closing licence.**

The Deputy Commissioner may grant a temporary late closing licence to the holder of any hotel, restaurant, bar or club licence on special occasions on payment of a fee prescribed in rule, 194 of these rules not permitting him to makes sales upto an hour later than 12:00 mid-night.

## RECTIFIED SPIRIT

### 181. Licence for retail sale of rectified spirit.

- (a) The Deputy Commissioner may, with previous sanction of the Commissioner, grant licences for the retail sale of rectified spirit (including absolute alcohol) only to approved chemists or druggists or approved firms, or approved medical practitioners and only for bona fide medicinal, industrial or scientific purposes on payment of licences fees prescribed in rule 200 of these rules. The fees shall be payable annually in advance.
- (b) Licences for use in the manufacture of drugs, medicines or chemicals or pure rectified spirit manufactured in India will be issued free of charge by the Deputy Commissioner to manufacturing chemists approved by the Commissioner.

## DENATURED SPIRIT

### 182. (a) Wholesale licence for denatured spirit.

Licences for the wholesale vend of denatured spirit shall be granted by the Commissioner on payment of fees prescribed in rule 197 of these rules. The fees shall be payable annually in advance.

### (b) Retail licence for denatured spirit.

Licences for the retail sale of denatured spirit shall be granted by the Deputy Commissioner with the previous sanction of the Commissioner on payment of fees prescribed in rule 198 of these rules. The fees shall be payable annually in advance.

### Limit of possession of denatured spirit in access of the limit of retail sale.

A retail licensee of such spirit shall not possess more than 300 litres at a time.

**NOTE** :— As a general rule licences for the wholesale and retail vend of denatured spirit and for possession of such spirit shall not be granted to holders on ‘on’ and ‘off’ licences for potable foreign liquors.

### 183. Stamp duty on licences and counterpart.

No stamp duty is leviable on excise licences. But the counterpart of a

Licence which is given to Government being an agreement is liable to the stamp duty which may from time to time be chargeable on agreement as described under Article 5 (e) of the Indian Stamp Act, 1899 (Act II of 1899) as applicable to Mizoram.

**184. Issue of duplicate copy of licence.**

If the original licence is lost a duplicate copy may be issued on payment of Rs 100/- unless for special reasons, the Commissioner or Deputy Commissioner considers that the fee should not be remitted. The amount should be credited under the appropriate head "Excise Revenue".

**185. Licences are personal to the licensee.**

All licences are personal to the licensee in whose favour they are granted.

**186. Issue of licence in the name of registered company or firm.**

No licence shall be issued in the name of a company or firm unless such company is registered under the Companies Act, 1956, Co-operative Societies Act or the Societies Registration Act in force Mizoram. When a licence has been granted to an unregistered firm, licence should be issued in the names of the individuals representing such firm and not the firm itself. No distinction shall be drawn for the legal liabilities among the individuals representing the corporate body who will be jointly and severally responsible.

**187. Partners to disclose at the time of issue of licence.**

The names of partner (if any) shall be disclosed at the time of issue of licence and it will be open to the Commissioner to refuse to issue a licence to the Society or firm with a number of partners. They should be allowed only in exceptional circumstances when it is clear that the shop cannot be well managed without a partnership will not result in any loss of revenue. Not more than two partners can be allowed to hold a shop. No distinction should be drawn between the legal liabilities of the two partners who will be jointly and severally responsible.

**188. Transfer of licence.**

No transfer or sublease (whether entire or partial) of a licence shall be made except with the previous sanction of the Commissioner. The Deputy Commissioner shall submit such proposal to the Commissioner when there is good and sufficient reason to his satisfaction.



**189. Transfer of licence on death of licensee.**

On the death of a licensee the Deputy Commissioner may with the previous sanction of the Commissioner renew the licence for the remaining period of the licence on the same term in favour of a representative of the deceased if he be satisfied that such representative is fit to hold it and on the condition that any arrears due from the deceased licensee are recovered before the licence is so renewed. In such case no fresh deposit need be called for.

**LICENCE FEES AND LITREAGE FEES.****190. Fee for wholesale foreign liquor licence**

Licence fees shall be levied for the sale of foreign liquor “wholesale” and “retail” as follows :—

**Wholesale licence.**

The holder of a licence for the wholesale of foreign liquor or shall pay to the Government in advance an annual licence fee of Rs 500/-. The wholesale licensee shall sell such foreign liquor only to retail licensees for the sale of foreign liquor.

**191. Annual fee for foreign liquor retail ‘off’ and ‘on’ licence.**

Holder of a licence mentioned in column one of the following table shall pay in advance an annual lump fee mentioned in column two thereof—

	<b>Licence</b>	<b>Rate of annual fee</b>
1)	Licence for the retail sale of foreign liquor to the public for consumption ‘off’ the premises.	Rs. 200.00
2)	Licence for the sale of foreign liquor to the public for consumption “on” the premises except hotels, restaurants or bars	Rs. 200.00
3)	Licence for the sale of foreign liquor in a hotel	Rs. 200.00
4)	Licence for the sale of foreign liquor in a restaurant.	Rs. 200.00
5)	Bar licence for the sale of foreign liquor tenable by the holder of a hotel or restaurant licence.	Rs. 200.00
6)	Licence for the sale of foreign liquor in a C lub including a proprietary club the profits of which are divisible among the shareholders of members.	Rs. 200.00

**192.** The holder of a licence for the sale of foreign liquor under items (1) to 6) of the Table - I above shall pay, in addition to the annual lump fee mentioned opposite to the said items, a litrage fee on the basis of sales of such liquor during the previous month at the rates prescribed in the following table :-

	Kind of foreign liquor	Rate of sale of bottled liquor
1)	Whisky, brandy, Gin, Rum, Wine, Champagne and other Wines	Rs. 2:00 per bulk litre or Rs. 1:50 per bottle containing not less than 600 ml and not more than 750 ml.
2)	Whisky, brandy, Gin, Rum, Wine, Champagne and other Wines	Rs. 0.75 per bottle containing not less than 300 ml and not more than 600 ml.
3)	Whisky, brandy, Gin, Rum, Wine, Champagne and other Wines	40 paise per bottle containing less than 300 ml.
4)	Beer, Cider, Perry, Ale and other fermented liquors.	.25 paise per bottle of 650 ml

### **Surcharge for retail foreign liquor 'on' licences.**

- For retail 'on' licences including Hotels, Restaurants, Bars, and Clubs a surcharge of 300 percent, shall be levied over the rate prescribed in this table.

The litrage fee prescribed in the above table shall be assessed on the actual sales of the proceeding month and shall be payable by the 10th of the month following the month to which the sales relate.

In the case of a new licence, however, an amount calculated on the estimated sales of one month will be realised in advance as the first months licence fees, which will be adjusted at the close of the month, i.e. if there be any excess after deducting the licence fees on actual sales from the advance realised, it will be adjusted towards the licence fees due for the following month. If, on the other hand, the amount realised in advance falls short of the fees on the actual sales, the deficit amount shall be recovered from the licensee by the first week of the following month.

### **193. Security deposit.**

In addition to annual and monthly fees prescribed in Tables - I and II of the foregoing rules, an advance deposit equivalent to licence fees calculated on the estimated sales of one month shall be realised from the holders of licence for

the retail sale of foreign liquor under items (1) to (6) of the Table - I, as security deposit before the commencement of the licences for the due observance. The amount of security will be subject to revision on the basis of the actual sales in the first two months, by the Deputy Commissioner. The security will be liable to forfeiture for the mismanagement of the shop or breach of the conditions of any licence or infringement of any of the Excise Rules, in addition to any other penalty prescribed by the rules. If not forfeited, the security deposit will be refunded towards the end of the year or transferred at his request to any other licence.

**NOTE** :— No litreage fee shall be charged on sales by a wholesale licensee to other wholesale or retail licensees.

**194. Fees for temporary late closing licence.**

(i) The fees for a temporary late closing licence shall be Rs. 100.00 per diem and shall be payable in advance.

(ii) The hour up to which liquor may be sold under the licence will be stated in the licence and will ordinarily be not late than 9 a.m. but a later hour may be fixed with the sanction of the Commissioner.

**195. Fees for canteen tenant licence.**

The fees for a licence for the sale of foreign liquor under the canteen tenant system shall be as follows :—

	<b>Licence</b>	<b>Rate of annual fee</b>
(a)	C.S.D. (I) Supplying foreign liquor to Army/Air Force/Navy units/battalions, etc.	Rs. 400.00 per annum
(b)	Unit Canteens	Rs. 200.00 per annum

Such fees shall be payable annually in advance.

Provided that in any special case such a licence may, with the sanction of the Government, be granted free of fee.

**196. Fees for licence to compound, blend, reduce or bottle foreign liquor.**

(1) The fee for a licence to compound and blend foreign liquor shall be Rs. 1,000/- to Rs. 1,500/- per annum as fixed by the Commissioner with reference to each case, payable in advance.

(2) The fee for a licence to reduce and bottle foreign liquor for sale shall be Rs. 100/- per annum payable in advance.

**197. Fee for wholesale vend of denatured spirit.**

The fee for a licence for the wholesale vend of denatured spirit shall be Rs. 50/- per annum payable in advance.

**198. Fee for retail sale of denatured spirit.**

The fee for a licence for the retail sale of denatured spirit shall be Rs. 100/- per annum payable in advance.

**199. Fees for possession of denatured spirit in excess of the limit of retail sale.**

The holder of a licence for possession of denatured spirit in excess of the limit of retail sale shall pay in advance an annual fee of Rs 100/-.

**200. Fees for a licence for retail sale of rectified spirit and absolute alcohol.**

The fee for a licence issued to approved medical practitioners, chemist and druggists and other firms or persons approved by the Commissioner for retail sale of pure rectified spirit (including absolute alcohol) for medicinal, industrial or scientific purposes shall be Rs 100/- per annum, payable in advance.

**201. Fees for a licence to manufacture perfumes and toilet preparations.**

The fee for a licence for the manufacture of perfumes and toilet preparations only from or with duty paid plain foreign spirit shall be Rs 100/- per annum, payable in advance.

**202. Manner of payment of licence fee.**

All payments of licence fees shall be made by the licence into the local treasury by Treasury challans to be countersigned by the Superintendent of Excise. The amount should be credited under the appropriate head of excise revenue.

**TIME PLACE AND MANNER OF PAYMENT OF DUTY.**

**203. Duty is to be paid before removal unless bond executed.**

The duty imposed on —

- (i) Foreign liquor.
- (a) imported under bond, or
- (b) manufactured in distillery and stored in the warehouse, shall be paid before removal from the distillery or warehouse unless a bond has been executed for such payment.

#### **204. Place and manner of payment of duty.**

When the duty on an intoxicant is to be paid before removal from a distillery or warehouse the payment must be made into the local treasury approved by the Commissioner or the Superintendent of Excise of the district in which such intoxicant is to be sold or consumed by direct payment through Treasury challans to be countersigned by the Superintendent of Excise. The original copy of the challan shall be kept in Excise office for records.

#### **205. Manner of keeping accounts and realization of fee due from the licensee.**

A detailed account of demand and collection of the nature due from the licensees (including under canteen system) shall be maintained in the district office in the prescribed form. Immediately after the last day of each month the Excise clerk shall submit the register of accounts to the Superintendent of Excise. Great care shall be taken to ensure the correctness of the figures of issued and the amount due from the licensees. The Superintendent of Excise shall, as soon as possible, after the 1st week of such month, examine the accounts and certify the correctness of the same and take immediate action for the prompt realisation of the dues if not paid by the 7<sup>th</sup> of the month.

#### **206. Pass fee for import of denatured spirit.**

A pass fee at the rate of Re. 0.50 paise per bulk litre payable in advance shall be charged for the issue of passes for the import into Mizoram of denatured spirit in accordance with rule 28 of these rules. The same rates of pass fees shall also be levied for issue of passes for transport of denatured spirit manufactured in Mizoram.

#### **207. Licence for possession of denatured spirit for business purposes.**

Licences for possession of denatured spirit for business purposes, in excess of the quantity fixed as the limit for private possession, shall be issued by the

Deputy Commissioner on payment of fee Rs 50/- annually only to varnish makers carpenters chemists and others who may require such spirit in large quantity as may be specified in each case by the Deputy Commissioner.

## **DURATION AND NUMBER OF LICENSES.**

### **208. Period for which licences may be granted for wholesale and retail vend of intoxicant.**

Licences for the wholesale or retail vend of intoxicants may be granted for one year from the 1<sup>st</sup> April, to the 31<sup>st</sup> March, or for any shorter period within that year subject to the following provisions :—

- (1) If any licence be granted during the course of the year, it shall be granted only up to the 31<sup>st</sup> March next following;
- (2) Wholesale licences for the supply and sale of intoxicants may be granted for any number of years not exceeding five as the Government of Mizoram may decide in each case.

**NOTE** :— Licence for the “wholesale” has the same meaning as the sale to trade licence.

### **209. Number of licences to be fixed according to local needs.**

The number of licences which may be granted for any local area shall be regulated by the needs of the people of that area, and no licence for the sale of any intoxicant in any local area shall be granted, unless it is required either to meet an ascertained demand for such intoxicant by the consuming classes or to counteract supply through illicit sources.

### **210. Principles to be applied in fixing number of retail licences for liquor.**

The general principles stated by below shall be applied by the Commissioner and Deputy Commissioners, so far as possible, in fixing the number of licences to be granted for the retail sale of liquor.

Liquor shops should not be so sparsely distributed as to give to each a practical monopoly over a considerable area, or at least such a monopoly should only be allowed when prices can be effectively fixed.

## LOCATION OF SHOPS

### **211. Principles to be observed in granting licences for liquor shops.**

(i) In towns, the position of shops licenced for the consumption of liquor on the premises should not be far from public places that persons entering them should escape observation, and that supervision should not be rendered easy, but they should not be so prominent as to compel attention, i.e. by occupying a whole side of a public square or a corner lot.

They should never occupy sites to which the neighbours object on grounds which upon enquiry appear to be reasonable and free from malice or ulterior motives and should, so far as possible, be at a distance from religious, educational and other similar buildings or institutions

(ii) As a general rule, the vicinity of markets, factories, coolilines, ferries, bathing ghats, schools, places of worship, and other places of public resort should be avoided.

### **212. Sites of shops to be periodically examined.**

The location of existing shops should be periodically examined with a view to ascertaining whether it conforms to the rules in respect of sites.

### **213. Shops within 5 kms of border of another district.**

Licences for the retail sale of foreign liquor at any place within 5 kilometers of the border of another district shall not be granted unless the Deputy Commissioners of both districts concur or, if they do not concur unless the Commissioner so directs.

### **214. Places where foreign liquor 'on' licenses may be granted.**

Licences for the sale of foreign liquor for consumption on the vendors premises shall only be granted in places where there is a proved demand on the part of a class of drinkers accustomed to foreign liquor, e.g. in large industrial centres or in towns where there is a population specially accustomed to drinking such liquor.

### **215. Submission of list of licences for renewal or issue of fresh licence.**

(1) Before the 10<sup>th</sup> February in each year, the Deputy Commissioner shall submit to the Commissioner a list of the licence holders for the

vend of foreign liquor which licences due to expire on 31<sup>st</sup> March following for renewal or for issuing fresh licence to the same or any other person for the ensuing official year.

- (2) No licence shall be renewed on expiry of the term and no new licence shall be granted to any persons except with the sanction of the Commissioner.
- (3) No change of site of an existing shop shall also be proposed until the necessity therefore has been established after a local enquiry held by the Deputy Commissioner himself or by the Superintendent of Excise.

### **216. Local bodies to be consulted on general excise questioners.**

Local bodies shall also be used as the medium through which the Deputy Commissioner and the Superintendent of Excise shall consult the public on matters of general and local importance connected with administration, and it shall be open to Local Bodies to address the Deputy Commissioner or Superintendent of Excise on their own initiative on such matters. Questions concerning methods of trading, hours of sale and excise abuses and irregularities fall within the scope of this rule, which however shall not apply to matters which are technical, disciplinary or unimportant. If the subject matter of, a Local Body recommendation is beyond the competence of the Deputy Commissioner, he shall refer it to the Commissioner with his own opinion. If the Deputy Commissioner or the Commissioner is unable to accept the recommendation of the Local Body, the case shall be referred, through the Commissioner to the Government for orders.

### **217. Subsequent changes of sites.**

After licences for the vend of foreign liquor have been issued and the shops and their locations for the vend of liquor have been approved by the Commissioner, no changes of such shops and sites shall ordinarily be made. However, the Deputy Commissioner are authorised to accord sanction to changes of site when they consider that such changes are absolutely necessary. Any such change of site should, however, be reported to the Commissioner.

### **218. Government may order issue of Licence etc. otherwise than prescribed in these rules.**

Notwithstanding anything contained in these rules issue of licences for the vend of foreign liquor and renewal of the licences on expiry of the term may be made by Government directly with any suitable person in conformity with such procedure or on such terms or for such period as the Government may from time



to time direct.

## **PROHIBITION OF GRANT OF RETAIL LICENCES TO CERTAIN PERSONS.**

### **219. Prohibition of licences for certain persons.**

Licences for the retail sale of any intoxicant shall not ordinarily be granted—

- (a) to any persons who have been convicted by Criminal Court of a non-bailable offence, or
- (b) to former licensees who are in arrears to Government, or whose conduct have been found to be unsatisfactory, or who have been found guilty of any serious shop malpractice or breach of conditions of their licences.
- (c) to person below the age of 18 years.
- (d) to persons suffering from any infectious or contagious disease.

### **220. Licence for retail sale of spirit not to be granted to holders of licences for retail sale of foreign liquor.**

Without the special sanction of the Commissioner no licence for the retail sale of spirit shall be granted to the holder of a licence for the retail sale of foreign liquor.

### **221. Licence for retail sale of foreign liquor not to be granted to holder of licence for retail sale of spirit.**

Without the special sanction of the Commissioner no licence for the retail sale of foreign liquor shall be granted to the holder of a licence for the retail sale of spirit manufactured in a distillery.

### **222. No retail foreign liquor to be granted to grantee of privilege of manufacturing and supplying by wholesale.**

No licence for the retail sale of foreign liquor shall be issued to any person who has been granted the privilege of manufacturing and supplying foreign liquor by wholesale to retail vendors or to any person who has a joint interest either directly or indirectly with the grantee of an exclusive privilege, as aforesaid, in such grant.

## **RESTRICTIONS UNDER WHICH AND CONDITIONS ON WHICH LICENCES, PERMITS, AND PASSES ARE GRANTED.**

### **223. Holder of a licence, permit or pass is bound by the conditions thereof.**

The holder of a licence, permit or pass is bound by the conditions thereof and shall observe all directions, prohibition and order of the Excise laws for the time being in force whether such directions, prohibitions and orders be embodied in the conditions of his licence, permit or pass or not, and all directions, orders and prohibitions contained in rules lawfully made under the Excise laws of which he shall have received due notice.

### **224. Return of time expired licence.**

- (i) The holder of a licence, permit or pass shall, on the expiry of his licence, permit or pass, return the same to the officer who granted it or if the conditions thereof provide for its disposal in some other manner, shall dispose of it in accordance with such conditions.
- (ii) No new licence shall be granted to a previous licence holder until he has returned his time expired or cancelled licence to the officer who granted it or satisfied by the granting officer that he cannot do so.

### **225. Licence has no legal claim for compensation for alleged loss.**

Subject to the provision of rule 260 of these rules the holder of a licence shall have no legal claim against the Government of Mizoram for compensation for any loss alleged to be due to a change during the currency of his licence in the conditions thereof or in any other matter connected with the Excise administration, but in any case in which compensation is, on the merits of the case, equitably due for loss directly caused by such changes, such compensation may be paid to a licensee as the Government of Mizoram may sanction.

Provided that if during the term of a licence the duty on the intoxicant the sale of which is covered by the licence be raised, it will be optional with the licensee to relinquish his licence, and such relinquishment will not entail the forfeiture of the advance deposit or security.

### **226. Punishment to be endorsed on licence.**

Any punishment or penalty incurred by a licensee without forfeiture of his licence whether awarded by a Court or by the Deputy Commissioner under the

Act or rules thereunder, and any offence compounded by a licensee under any provisions of the Act shall be recorded on his licence.

**227. Vendors of foreign liquor forbidden to add noxious substances.**

Licensed manufactures and vendors of foreign liquor are prohibited from mixing therewith any article such as Ganja, tobacco, pepper, kerosene oil, sugar, spirit or any noxious substances such as aconite, arsenic and the like intended or likely to increase the intoxicating power of the liquor or to increase thirst.

**228. Licensed vendors prohibited to adulterate or cause to deterioration of liquor.**

No licensed wholesale or retail vendor of foreign liquor shall adulterate or add anything to cause the deterioration of the liquor sold or kept for sale by him. He shall not sell any intoxicant which he knows to have been adulterated or to have deteriorated and shall not store such liquor or permit such liquor to be stored on his premises.

**229. Wholesale or retail vendors of foreign liquor are forbidden to reduce strength of liquor without a licence.**

- (1) No licensed wholesale or retail vendor or potable foreign liquor shall reduce the strength of such liquor whether by the addition of water, or by mixing it with liquor of a lower strength, or by any other means whatsoever, unless he holds a special licence authorising him to do so.

Provided that this prohibition shall not extend to the admixture of beer of spirits, as the case may be, of different strength by a licensed brewer or distiller in so far as such admixture is permitted by the rules made for the regulation of breweries or distilleries.

- (2) No licensed wholesale or retail vendor of denatured spirits shall reduce the strength of such spirits, whether by the addition of water, or by mixing with spirits of a lower strength or by any other means whatsoever.

**230. Foreign liquor sold for consumption not to be removed from licensed premises.**

Foreign liquor sold for consumption on any licensed premises including

licensed clubs, hotels, restaurants and bars attached to hotels and restaurants shall not be removed nor allowed to be removed therefrom by any person.

**231. Licensee is prohibited from receiving foreign liquor except under a valid Excise pass.**

Unless the Deputy Commissioner with the previous approval of the Commissioner otherwise directs, no holder of a licence for the sale of foreign liquor shall receive, store or have in his possession any quantity of foreign liquor except under a valid Excise pass issued by a competent authority, and the quantity entered in such a pass shall, in any particular case, be taken as the quantity received for the purpose of maintenance of accounts as mentioned in rule 257 assessment of licence fee.

**232. Minimum strength for sale of whisky, brandy, rum and gin.**

Whisky, brandy and rum shall not be sold by a licensed vendor at a strength lower than 25 degrees under London Proof, and gin shall not be sold at a strength lower than 35 degrees under London Proof.

**233. Bottles**

- (1) The holder of a licence for retail sale of foreign liquor for consumption whether 'on' or 'off' the premises shall not keep or sell such liquor in 'quart' bottles containing less than 600 ml or in 'pint' bottles containing less than 300 ml or nipped bottle containing less than 100 ml of such spirit or except in sealed and capsuled bottles having their seals and capsules intact.
- (2) A bottle of such spirit purporting in the opinion of the Deputy Commissioner to contain a reputed quart or a reputed pint or a reputed nip respectively, shall, if it contains less than 750 ml of Whisky, Brandy or Rum or less than 600 ml of Gin in the case of reputed quart or less than 375 ml of Whisky, Brandy or Rum or less than 300 ml of Gin in the case of reputed pint, or less than 100 ml of Whisky, Brandy or Rum of a reputed nip bear a label showing in large letters and figures the minimum guaranteed quantity of its contents.
- (3) The holder of a licence shall not alter either the nature of the liquor or the labels under which he purchased it: Provided that bottles opened by a competent Excise Officer for purposes of test, may, if resealed by such Excise Officer, be sold by the holder of the licence.

**NOTE** :— All bottles varying in capacity between 600 ml and 750 ml shall be classed as quart bottles and those varying in capacity between 300 ml and 375 ml shall be classed as pint bottles and also those varying in capacity between 100 ml and 180 ml shall be classed as nipped bottles. Smaller bottles than nip shall not be used except in case of samples which shall be disposed of as such.

**234. Foreign liquor licensee not to stock liquor declared unwholesome.**

No holder of a licence for the sale of foreign liquor shall maintain a stock of or sell any brand or class of foreign liquor which has been declared by the Commissioner to be unwholesome or inferior.

**235. Mixing**

The holder of a licence for the sale of denatured spirit is prohibited from mixing such spirits with any other spirits, and is required before selling any denatured spirit to any purchaser to use all reasonable diligence to ascertain the quantity already in the purchaser's possession, and shall not at one time sell to him more than two litres, or such smaller quantity as together with that is or in good faith is believed to be in the purchaser's possession will amount to two litres :

Provided that the licensee may sell any quantity greater than two litres to a person licensed to sell denatured spirit or to a person holding a licence authorising him to purchase a quantity greater than two litres.

**236. Denatured spirit not to be sold at a strength lower than 50° over L.P.**

Denatured spirit shall not be possessed or sold by licensed vendors at strength lower than 50° over London Proof.

**237. Dancing prohibited in premises for retail sale of liquor.**

No licensed retail vendor of foreign liquor shall allow the holding of any professional entertainment or dance on or near their premises, or permit the playing of musical instruments or singing by professionals on such premises without the special sanction of the Deputy Commissioner in writing.

**238. Prohibition of sale except for cash.**

The holder of the licence for the retail sale of foreign liquor is prohibited from selling such liquor on credit, or from receiving any pledge for payment of the

price thereof, or anything but money in exchange therefore. He is also prohibited from making free gifts of such liquor.

**239. Prohibition of sale of liquor to drunken person.**

The holder of a licence for the retail vend of foreign liquor for consumption 'on' or 'off' the premises is prohibited from serving any drunken person with liquor or from permitting any such person to remain in his shop. He will further be held responsible for drunkenness and disorderly conduct causing scandal, nuisance or obstruction that occur in the neighbourhood of his shop on the part of persons who have purchased liquor at his shop, or of others in company with such persons.

**240. Licensee prohibited from allowing bad characters to resort to shops.**

The holder of a licence for the retail vend of foreign liquor is prohibited from allowing persons of notoriously bad character to resort to his shop, or from permitting two or more persons who have been convicted of a serious offence or who are reputed prostitutes, to assemble in his shop whether for the purpose of crime, prostitution or not. He is responsible to prevent drunkenness, gambling and disorderly conduct on his premises, and to give information to the nearest Magistrate or police officer of any suspected persons who may resort to his shop.

**241. Sale allowed on licensed premises only.**

The holder of a licence for the sale of an intoxicant shall not sell the intoxicant at any place other than on the premises specified in that behalf in his licence.

**EMPLOYMENT OF PERSONS BY EXCISE LICENSEES FOR CONDUCT OF SALE OR FOR OTHER PURPOSES.**

**242. Name of salesmen to be endorsed on licence.**

No licensee for the retail vend of any intoxicant other than (1) the licensee of a hotel, restaurant, bar, clubs, or (2) a chemist or druggist holding a licence or permit under the Excise Act, shall allow any persons to conduct sales in his licensed premises or to carry any intoxicant on behalf of the licensee unless the

names of such persons have been previously submitted to the Deputy Commissioner or the Superintendent of Excise for approval and endorsed by him on the licence.

**243. Persons disqualified for being appointed salesmen or agents.**

The following persons are disqualified for being appointed as salesmen:-

- (i) Persons below 18 years;
- (ii) Persons convicted of offence under the Excise, Opium or Dangerous Drugs Act or of any non-bailable offence;
- (iii) Persons whose licences have been cancelled under the Excise, Opium or Dangerous Drugs Act or who have been held guilty of committing any serious shop malpractice;
- (iv) Persons of notoriously bad character or whose conduct is found otherwise undesirable;
- (v) Persons suffering from any infectious or contagious disease;
- (vi) Persons, other than the licensee, having any pecuniary interest in the sales at the shop;

Provided that in the case of persons falling under (ii), (iii) and (iv) above, the disqualification may at any time be removed by a written order of the Deputy Commissioner.

**244. Persons suffering from infectious or contagious disease not to be employed.**

No licensee for the wholesale or retail vend of an intoxicant shall employ any persons suffering from an infectious or a contagious disease for any purpose in his licensed premises.

**245. Prohibition of employment of women in the conduct of sale.**

No person who is licensed to sell foreign liquor shall, without the previous permission of the Commissioner, during the hours in which such premises are kept open for business, employ, or permit to be employed, either with or without remuneration, any woman below 18 years, to assist him in the conduct of sales.

**246. Prohibition of employment of persons convicted of certain offences.**

No licensed manufacturer, wholesale dealer or licensed vendor of any

intoxicant shall employ, or permit to be employed on his licensed premises any person who has been convicted of a non-bailable offence or of an offence under the Excise or Opium laws, except with the permission of the Deputy Commissioner, which shall not be granted unless the Deputy Commissioner is satisfied that the offence was not such as to indicate any serious defect of character.

## **PROHIBITION OF SALE OF INTOXICANTS TO CERTAIN PERSONS.**

### **247. Prohibition of sale.**

No intoxicant shall be sold by any licensed vendor or by an agent or servant of such vendor to :—

- (1) soldiers of any force in uniform.
- (2) an Excise or Police Officer below the rank of Sub-inspector being in uniform or on duty.
- (3) any insane persons;
- (4) any person known or believed to be drunk or intoxicated.

## **HOURS OF OPENING AND CLOSING OF LICENSED PREMISES**

### **248. When licensed premises to be kept open or closed.**

Unless otherwise ordered by the Commissioner premises licensed for the vend of an intoxicant may be kept open or closed as stated in the following rules.

### **249. Hours of opening of bar from 1:00 p.m. to 8:00 p.m.**

Premises licensed as hotels and restaurants and bars attached to such hotels and restaurants and also other premises licensed 'on' sale of foreign liquor may be kept open for the sale of liquor from 1:00 p.m. to 8 p.m. Under separate temporary late closing licensees, general or special, such premises may be kept open for the sale of liquor up to a later hour as stated in the licence, but not later than 12:00 midnight.

### **250. Other premises**

Premises other than those specified in rule 249 and licensed for the whole-sale or retail sale of foreign liquor 'off' the premises shall be opened or closed at the following hours :—



	<b>Opening hours</b>	<b>Closing hours</b>
From 16th October to 1st March	12 noon	4:30 p.m.
From 1st March to 15th October	12 noon	5:00 p.m.

Provided that premises licensed for the retail 'off' sale of foreign liquor may with the special sanction of the Deputy Commissioner be kept open till 6 p.m.

On Government holidays the hours of sale shall be from 12 noon to 4 p.m. No liquor shop shall be opened on Sundays:

Provided that the Deputy Commissioner may with the previous sanction of the Commissioner, further restrict or alter the hours of sale at any shop. A notice of the liability of such restriction or alteration being imposed should ordinarily be given before the licence is issued.

### **251. Certain premises exempted from time limit.**

The above rules 249 and 250 do not apply to shop for the retail sale of denatured spirit or to the premises of chemists or druggists who are licensed as such to sell medicated wines or rectified spirits.

### **252. Military canteen.**

Premises licensed for the retail vend of foreign liquor at a Military Canteen, established under the canteen system, shall remain open during such hours as may be prescribed by the Officer-in-command of the regiment or units.

### **253. Closure of licensed premises on occurrence of riot.**

All licensees shall close their premises on the occurrence of a riot or disturbance in the neighbourhood.

## **ARRANGEMENT OF PREMISES FOR VEND OF INTOXICANTS AND SIGNBOARDS.**

### **254. Arrangement of liquor shop premises.**

Premises (except hotels, restaurants, and clubs) licensed for the vend of foreign liquor for consumption on the premises shall have all doors for admission of the public opening only on to a public road. Such premises must be so con-

structed that the interior thereof, where sales are effected, may be visible from the door way, The sale rooms shall be well lighted. Private rooms for sale of such liquor or spirit, where such sales are specially permitted by the Deputy Commissioner must also be visible from the doorway.

### **255. Premises pro-vided by the Government.**

Where premises have been specially provided by the Government of Mizoram for any shop, the licensee shall be bound to carry on his business in such premises and to pay to the said Government in addition to his licence fee, such rent for the premises as may be demanded by the Deputy Commissioner.

### **256. Sign Board.**

Except in the case of hotels, restaurants, clubs and the premises of chemists or druggists holding the excise licence or permit there shall be fixed in a prominent position at the entrance of all premises licensed for the retail vend of any intoxicant, a sign board showing in the vendor, the period of currency of the licence, and the current retail prices of the intoxicants.

## **ACCOUNTS TO BE MAINTAINED BY LICENSEES.**

### **257. Accounts to be maintained by licensees.**

- (i) Unless otherwise ordered by the Commissioner in any particular case, regular and accurate accounts shall be maintained by all persons holding licences for the manufacturing or vend of any intoxicant, and by manufacturing chemists licensed to use in the manufacture of drugs, medicines or chemicals rectified spirit manufactured in India.
- (ii) Such accounts shall be written up as soon as the transactions for each day have been closed and attested by the persons holding licences or permits referred to in sub-rule (i) or their authorised representatives.
- (iii) The accounts shall be preserved for one year after the period covered by the licence and shall be produced when called for by an Excise Officer not below the rank of Sub-Inspector.

### **258. Accounts to be maintained in the prescribed form.**

The daily accounts of transactions which holders of licences for the sale of any intoxicants are required to keep up shall be maintained in the prescribed

forms of accounts books, which may be obtained at District Excise Office or the Commissioner's Office. The accounts may be kept in English.

**259. In taking stock accounts Excise Officer is to assist by a sufficient number of staff.**

Every license who is required by rule 258 to keep accounts shall, when required by an Excise Office of or above the rank of Sub-Inspector assist by a sufficient number of servants in taking account of his stock.

**PAYMENT OF COMPENSATION.**

**260. (1) Payment of compensation for closure of shops and to persons improperly arrested.**

When any shop for the vend of any intoxicant is closed under section 47 of the Act for the preservation of the public peace compensation for such closure may be paid to the licensee as stated below :—

- (i) The compensation will be paid by the Deputy Commissioner with the previous sanction of the Commissioner.
- (ii) No compensation shall be paid when a shop remains closed for less than 6 hours. Closure for six hours or more shall be held to be a closure for the whole day.
- (iii) When a shop licensed for the vend of an intoxicant upon which no duty is imposed under Chapter V of the Act, is closed, the compensation shall be calculated on the monthly fee payable for the licence and shall be a sum equivalent to the amount payable for the days during which the shop remains closed plus 10 percent of that amount for loss of profit. The Commissioner of Excise shall determine the compensation on the merits of each case.
- (iv) When a shop, licensed for the vend of any intoxicant upon which duty is imposed under Chapter V of the Act or under the Indian Tariff Act, 1934, is closed, the Deputy Commissioner shall calculate the average daily sale in the shop licensed or the sales during the previous month of the year and the profit or the vendor on such daily sales after deducting from the average total sale proceeds, the amount of average daily licence fees, the duty, the cost price and contingent expenses at 6 percent of the sale proceeds. Compensation shall then be granted at the rate of such daily profit for the number of days during which the shop remains closed.

The Commissioner shall determine the compensation of the merits of each case.

- (v) No compensation for closure of the licensed liquor shops or bars shall be given to the licensee for violation of the Excise Act or Rules or any of the conditions of the licence or orders or notifications for the time being in force.

**(2) Payment of compensation to persons improperly arrested.**

Compensation may be granted by the Deputy Commissioner to persons:

- (i) Improperly arrested and subsequently released by an Excise Officer under section 38 of the Act, or
- (ii) Charged before a Magistrate with offences under the Act and acquitted by such Magistrate, under the same condition prescribed for the grant of expenses to witnesses under the rules referred to in rules 280 and shall be subject to the maximum prescribed by those rule for the grant of such expenses.

## **PART - VII**

### ***General Provisions***

#### **(1) POWERS AND DUTIES OF OFFICERS**

##### **261. Commissioner to be consulted on policy.**

The Commissioner is to be consulted in all important matters connected with the administration of excise. An annual and other periodical reports of importance are to be submitted by Deputy Commissioner or Superintendent of Excise to the Commissioner. he should always be consulted on proposals involving any change in principle or policy.

##### **262. Inspections by the Commissioner.**

The Commissioner is expected to inspect district and sub-divisional excise officers once n a year and, as far as possible, the excise warehouse also, if any. He is also expected when occasion demands to inspect the distillery from which liquor is supplied for sale. It is also the duty of the Commissioner to see that the offices, warehouses and distillery are duly and properly inspected by the Deputy Commissioner of Excise, or Assistant Commissioner of Excise.

##### **263. Deputy Commissioner of Excise and Assistant Commissioner of Excise.**

The Deputy Commissioner of Excise or Assistant Commissioner in the administration of Excise Department and work in subordination of the Commissioner as regards whom he occupies the position of a technical adviser. Subject to the control of the Commissioner he is empowered to issue orders on excise matters.

He should also at a reasonable intervals inspect the distillery and warehouse, if any, in order to see that the plants and machinery, the storage arrangements, stills arrangements, pipes for conveyance, instruments, apparatus etc. are in efficient working order and in accordance with the rules. He should during his visits to the distillery/warehouse make a test check of accounts and registers maintained in the distillery/warehouse. Any defects or irregularities noticed by him should be brought in writing to the notice of the Proprietor or Manager who should be requested to have the same rectified.

##### **264. Duties of Deputy Commissioner.**

The Deputy Commissioner of a District is primarily responsible for the

excise administration of his district and the control of the district excise staff. He is expected to inspect annually the district and sub-divisional Excise Offices, and, as far as possible, shops licensed for the sale of intoxicants. A copy of his inspection notes will be forwarded to the Commissioner with notice of action taken on any irregularities notice therein.

### **265. Superintendent of Excise.**

- (a) The Superintendent of Excise is the chief executive Excise Officer in a district. He is directly responsible for every branch of the excise administration but works in subordination to the Deputy Commissioner, as regards whom he occupies the position of a technical adviser. Subject to the control of the Deputy Commissioner he is empowered to issue orders on excise matters. Copies of such orders should be sent to the Sub-divisional Officers. He is in immediate charge of the Sadar Excise Office and functions as the head of that office.
- (b) All other officers of the department will work under the direct control and supervision of the Superintendent of Excise, subject to such as may be issued from time to time by the Commissioner of Excise. The chief duty of the Superintendent of Excise is to obtain the best possible and maximum amount of work from the officers under him and a considerable portion of his time should be spent in personally training and guiding those officers and supervising their work. He is required to acquire a thorough knowledge of all matters connected directly or indirectly with the excise administration of the district. He is expected to take a share in detection as an example and a stimulus to his subordinates.
- (c) The Superintendent of Excise should not be employed on duties other than those relating to that department without the sanction of the Commissioner of Excise. During the absence of the Superintendent of Excise on tour, the Deputy Superintendent of Excise or an Extra Assistant Commissioner should be placed in charge of the routine work at the Sadar Excise Office but all papers disposed of by such an officer as also all papers received during the absence of the Superintendent of Excise, should be put up to him on his return. Papers relating to important matters, however, must always be dealt with by the Superintendent of Excise, and if necessary such papers may be sent out to him on tour.
- (d) The Superintendent of Excise should occasionally inspect liquor shops

and licensed premises within the district. Notes of his inspection will be recorded by him in the inspection order book and a copy of the same may be submitted to the Deputy Commissioner.

- (e) All travelling and transfer allowance bills of the District Excise staff must be checked and passed by the Superintendent of Excise before they are put up to the Deputy Commissioner for his countersignature as controlling officer. The Superintendent of Excise is authorised to disallow travelling allowance for a halt or journey or a number of halts or Journeys where he finds the halts or journeys have been made only for the sake of travelling allowance or that the work as does not justify the amount charged as travelling allowance.
- (f) All matters relating to the Excise Branch transfer therefrom should pass through the Superintendent of Excise to the Deputy Commissioner. The character Rolls, etc. of the Assistant in the Branch are to go up to the Deputy Commissioner through the Superintendent of Excise as well as all matters relating to Excise Administration. The Ministerial Excise staff will be directly responsible to the Superintendent of Excise and the latter to the Deputy Commissioner.

## **266. Supervisors of warehouse of Excise Officer-in-charge of warehouse.**

Supervisor or the officer-in-charge of warehouse is, for administrative purposes, directly subordinate to the Assistant Commissioner of Excise and under the general control of the Commissioner. He is responsible for the efficient working of the warehouse under his charge and for any loss of Government revenue which may occur owing to mismanagement. He should assist the warehouse licensee and retail vendors as far as practicable without detriment to the interest of Government.

## **267. Inspector of Excise.**

- (a) Inspectors of Excise are directly subordinate to the Superintendent of Excise, and under the general control of the Deputy Commissioner. They should pay surprise visits at usual intervals to licensed premises.
- (b) Inspector will, immediately upon the detection of a case, submit a special report to the Superintendent of Excise, a copy of the report being at the same time submitted to the Sub-divisional Officer if the inspector is stationed in a sub-division.

- (c) Each Inspector of Excise is required to maintain a confidential note book, wherein all information relating to offence under the Excise and Opium laws, etc., and the names of notorious smugglers, suspect informers and spies residing or working within his charge should be noted. The officer will also enter in the confidential note book to his successor or leave the same in a sealed cover to be opened and received by the latter.
- (d) Inspectors are prohibited from accepting hospitality from licensed vendors.

### **268. Sub-Inspector of Excise.**

Sub-Inspectors of Excise are directly subordinate to the Superintendent and Inspector of Excise and are under the general control of the Deputy Commissioner.

Rule 267 (b) to (d) will apply to the Sub-Inspectors also. All communications intended to be submitted to the higher authorities should be sent through the Inspector.

## **PART - VIII**

### ***General Provisions***

#### **(1) DISPOSAL OF INTOXICANTS ON EXPIRY OF LICENCE.**

##### **269. Sale by one vendor to another.**

A person who has been a licensed vendor may, on the expiry of his licence, and with the sanction of the Deputy Commissioner, sell wholesale to another licensed vendor any intoxicant which he is authorised under the conditions of his licence to sell and of which he has been lawfully in possession, provided that the intoxicant is fit for use :

Provided further that, if the Deputy Commissioner considers that the intoxicant or any part thereof is unfit for use or has otherwise deteriorated so as to be unsaleable, he shall cause the same to be destroyed without any compensation being claimable by the former licensed vendor.



## **(2) DESTRUCTION OF INTOXICANTS DEEMED TO BE UNFIT FOR USE.**

### **270. Spirit unfit for use.**

(1) If spirit manufactured in a distillery or stored in a warehouse is found to be of inferior quality or otherwise unsuitable for the purpose for which it was made or stored, it may be rejected or destroyed, or otherwise dealt with under the orders of the Commissioner.

(2) If the officer-in-charge of a distillery or warehouse considers that the spirit to be issued is bad and unsuitable, he should at once report the matter to the Assistant Commissioner of Excise who may, pending orders of the Commissioner, stop its issue and ask the officer to send samples of such spirit for analysis without delay.

### **271. Destruction of intoxicant unfit for use in vendors premises.**

Any intoxicant kept on the premises of a vendor licensed to sell such intoxicant and found after necessary examination to be unfit for human consumption may be destroyed under orders of the Deputy Commissioner.

## **(3) DISPOSAL OF THING CONFISCATED**

### **272. Confiscated things to be made over to Deputy Commissioner.**

When in any case a Magistrate orders the confiscation of anything under section 70 (1) of the Act, such thing shall be made over to the Deputy Commissioner for disposal.

### **273. Mode of disposal of things confiscated.**

The disposal of things confiscated by order of a Magistrate or by a Deputy Commissioner shall be regulated as stated in the following rules.

### **274. Sale to be deferred till appeal is disposed of.**

The sale or other disposal of things confiscated under the Act shall be deferred till the period of appeal against such order has expired, or if an appeal be made against such order till the appeal is disposed of:

Provided,

(1) That the sale of any animal or other thing ordered to be confiscated shall not be so deferred unless the owner or his agent deposit with the Deputy Commissioner 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 such appeal, and

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

**275. Disposal of things confiscated if when order is reversed.**

(1) If any order of confiscation of anything be reversed 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 be at once returned to the owner thereof, or his agent, under the order of the Deputy Commissioner as the case may be.

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

**276. Disposal of confiscated foreign liquor.**

Confiscated foreign liquor which are known to have been of licit origin and not tampered with, shall be sold by auction subject to a reserved price which shall be equal to the amount of duty leviable on the article or a similar article in the place in which the sale takes place. If such price is not obtained, the article shall be destroyed.

Other confiscated foreign liquor shall be destroyed.

**277. Confiscated country spirit liquor, Ganja, Bhang and charas to be destroyed.**

Confiscated country spirit, fermented liquor, Ganja, Bhang and charas shall be destroyed.

**278. Other intoxicant.**

Confiscated intoxicants other than those referred to in rule 276 shall be sold by auction to the highest bidder.

**279. Confiscated article to be sold to licensed vendors or destroyed.**

Any confiscated article referred to in rule 276 and 278 should be sold only to a licensed vendor of such article. If no bid available from such a vendor it shall be destroyed forthwith.

**280. Disposal of things confiscated other than intoxicant.**

When the article confiscated under section 69 (c) or (d) of the Act is not

an intoxicant, it shall be disposed of as follows :

- (i) When such article, in the opinion of the Deputy Commissioner does not exceed Rs. 1,000/- in value, it may be sold by the Deputy Commissioner to the highest bidder or in his discretion released on payment of such sum as he may think fit, or, with the sanction of the Commissioner, retained for the use of the Excise Department.
- (ii) When such article, in the opinion of the Deputy Commissioner, exceeds Rs. 1,000/- in value it may be sold by the Deputy Commissioner to the highest bidder or in his discretion released on payment of such sum as he may think fit, or, with the sanction of the Commissioner, retained for the use of the Excise Commissioner.
- (iii) When such article, in the opinion of the Deputy Commissioner, exceeds Rs. 1,000/- in value it shall be disposed of at the discretion of the Commissioner, who may in special case refer the matter to the Government for orders.

#### **(4) GRANT OF EXPENSES TO WITNESSES.**

##### **281. Expenses to witnesses.**

Expenses to witnesses appearing under summons, or produced before any Court of Deputy Commissioner in Excise cases may be granted by such court or Deputy Commissioner in accordance with the rules made by the Government of Mizoram for the grant of expenses to witnesses in criminal cases.

##### **282. Summoning of witnesses.**

Any Excise Officer empowered under section 37(2) of the Act may, by order in writing summon any person being within the limit of his jurisdiction, to appear before him who from the information given or otherwise by such person, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required :

Provided that no male person, under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides.

#### **(6) REWARDS.**

##### **283. Grant of rewards.**

Rewards may be granted by the Deputy Commissioner or Commissioner to persons contributing to the prevention of offences under the Act, or to the

detection or conviction of offenders against the Act, subject to such instructions as may be issued by the Government of Mizoram from time to time.

## **(7) APPEALS AND REVISION**

### **284. Appeal to Commissioner.**

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

### **285. Appeal to Government.**

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

### **286. Appeal barred against order of composition.**

No appeal shall lie against orders of composition under section 71 of the Act.

### **287. Limitation**

Every memorandum of appeal must be presented within one month 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 one month.

### **288. 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.

### **289. Calling for records.**

In hearing appeal, the Government may call for the concerned proceedings held by any of the officers or authorities as mentioned in rules 284 and 285 and pass such orders thereon as it thinks fit.

**NOTE** :— The above rules regarding appeals do not apply to appeals by departmental officers. Appeals by them are governed by the rule applicable to other Government servants.

**STANDARDISED FORMS**

**FORM NO 1**

***Foreign Liquor Form***

Application for a Pass/Permit for import of India-made Foreign Liquor, Rectified or Denatured Spirit or Absolute Alcohol into Mizoram.

Name and Address of applicant ..... Name and Address of agent, if the application is presented by an agent ..... Name of distillery, brewery, etc., from which liquor is to be Address in Mizoram to which liquor is to be imported ..... Route by which liquor is to be imported ..... Date before which the consignment of liquor as to be despatched to Mizoram .....

Date .....

Signature of the importer or his agent.

**DESCRIPTION AND QUANTITY OF LIQUOR TO BE IMPORTED**

Kinds of liquor i.e. wine spirits, Beer, Liquors, Rectified spirit or Denatured Spirit).	Quantity to be imported			
	In bulk litres or bottles			Equivalent in London Proof Litres
	Litres	Qts	Pints	

Gross duty payable on total consignment and head to which payable.

**FOR USE IN COLLECTORS OFFICE**

Gross amount payable to Treasury	Head of Accounts

Returned to applicant to deposit Chalans.

Issue Pass/Permit in form .....

Name and designation of the officer granting it.

**FORM 2****PASS FOR THE IMPORT OF INDIA-MADE FOREIGN LIQUOR INCLUDING RECTIFIED OR DENATURED SPIRIT OR ABSOLUTE ALCOHOL INTO MIZORAM.****ORIGINAL**

To be retained by the Deputy Commissioner/Superintendent of Excise. The Challan is to be pasted on this as authority for issuing the pass.

Pass 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/licensed premises \* in .....

Serial No. of Pass .....

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 Litres
	In bulk litres or bottles			
	Litres	Qts	Pints	

**Note :-** Columns 2 and 3 must both be filled up if duty is payable on the proof litres. Pass the articles described above for import to ..... at ..... in the District of .....

(The full ..... amounting to Rs. .... having been paid at the Treasury/Sub-Treasury at ..... by Chalan No .....dt .....

Date .....

Signature and designation of the Officer granting it.

\* Strike out entries not applicable.

**FORM NO 2**

**PASS FOR THE IMPORT OF INDIA-MADE FOREIGN LIQUOR INCLUDING RECTIFIED OR DENATURED SPIRIT OR ABSOLUTE ALCOHOL INTO MIZORAM.**

**DUPLICATE**

To be sent to the Deputy Commissioner of the place of export for record.

Pass 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/ licensed premises in .....

Serial No. of Pass .....

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).	In bulk litres or bottles			Equivalent in London Proof Litres
	Litres	Qts	Pints	

**Note :-** Columns 2 and 3 must both be filled up if duty is payable on the proof litres. Pass the articles described above for import to ..... at ..... in the District of ..... (The full ..... amounting to Rs. .... having been paid at the Treasury/Sub-Treasury at ..... by Challan No ..... at .....)

Date.....

Signature and designation of the Officer granting it.

\* Strike out entries not applicable.

Date of issue	Quantity issue	Strength

Deputy Commissioner,  
Officer-in-charge of the Bonded  
Warehouse.

**FORM NO 2**

**PASS FOR THE IMPORT OF INDIA-MADE FOREIGN LIQUOR INCLUDING RECTIFIED OR DENATURED SPIRIT OR ABSOLUTE ALCOHOL INTO MIZORAM.**

**TRIPLICATE**

To be sent to the Deputy Commissioner of the place of export and returned to the Officer granting the pass.

Pass 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/ licensed premises in .....

Serial No. of Pass .....  
 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			
	In bulk litres or bottles			Equivalent in London Proof Litres
	Litres	Qts	Pints	

**Note** :- Columns 2 and 3 must both be filled up if duty is payable on the proof litres. Pass the articles described above for import to ..... at ..... in the District.

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.

**Entries to be made in the exporting District.**

Date of issue	Quantity issue	Strength

Deputy Commissioner,  
 Officer-in-charge of the Bonded Warehouse.





**FORM NO 2****PASS FOR THE IMPORT OF INDIA-MADE FOREIGN LIQUOR INCLUDING RECTIFIED OR DENATURED SPIRIT OR ABSOLUTE ALCOHOL INTO MIZORAM.****QUADRUPLICATE**

To be handed over to the person to whom pass is granted to accompany the consignment.

Pass 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/ licensed premises in .....

Serial No. of Pass .....

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			
	In bulk litres or bottles			Equivalent in London Proof Litres
	Litres	Qts	Pints	

**Note:-** Columns 2 and 3 must both be filled up if duty is payable on the proof litres. Pass the articles described above for import to ..... 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.

**FORM NO 3**

**PERMIT FOR THE IMPORT OF INDIA-MADE FOREIGN LIQUOR INCLUDING RECTIFIED OR DENATURED SPIRIT OR ABSOLUTE ALCOHOL**

**ORIGINAL**

To be retained by the Deputy Commissioner/Superintendent of Excise.

Serial No. of Permit .....District of issue .....  
 Place from which liquor is to be brought (Nature and name of dealers and place)  
 .....  
 Route by which liquor is to be imported .....  
 Date of issue .....Current to .....

Description of liquor (Wine, Spirit, Beer, Liquors, Cordial, Rectified Spirit, Denatured Spirit etc.)	Quantity to be imported			
	In bulk litres or bottles			Equivalent in London ProofLitres
	Litres	Qts	Pints	

Shri ..... of..... is permitted to import the article above described on pre-payment of duty at ..... in the State of..... and in compliance with all rules and others in force in that State for a period ending on .....

Date.....

Signature and designation  
of the Officer granting it.

**FORM NO 3**

**DUPLICATE**

(To be retained by the Deputy Commissioner of the place of export)

Serial No. of Permit .....  
 District of issue .....  
 Place from which liquor is to be brought (Nature and name of dealers and place)  
 .....  
 Route by which liquor is to be imported .....  
 Date of issue .....  
 Current to .....

Description of liquor (Wine, Spirit, Beer, Liquors, Cordial, Rectified Spirit, Denatured Spirit)	Quantity to be imported			Equivalent in London Proof Litres
	In bulk litres or bottles			
	Litres	Qts	Pints	

Shri ..... of ..... is permitted to import the article above described on pre-payment of duty at ..... in the State of ..... and in compliance with all rules and others in force in that State for a period ending on .....

Date.....

Signature and designation  
of the Officer granting it.

**FORM NO. 3**

**TRIPLICATE**

(To be handed over to the applicant)

Serial No. of Permit .....District of issue .....  
 Place from which liquor is to be brought (Nature and name of dealers and place)  
 .....  
 Route by which liquor is to be imported .....  
 Date of issue .....Current to .....

Description of liquor (Wine, Spirit, Beer, Liquors, Cordial, Rectified Spirit, Denatured Spirit etc.)	Quantity to be imported			
	In bulk litres or bottles			Equivalent in London Proof Litres
	Litres	Qts	Pints	

Shri ..... of ..... is permitted to import the article above described on pre-payment of duty at ..... in the State of ..... and in compliance with all rules and others in force in that State for a period ending on .....

Date.....

Signature and designation  
of the Officer granting it.

**FORM NO. 4****APPLICATION FOR A PASS TO IMPORT DUTY PAID OVERSEAS FOREIGN LIQUOR.**

Name and address of applicant.....  
 Name and address of agent, if the application is presented by an agent..... Name and address of the firm from which the liquor is to be obtained..... Address in Mizoram to which the liquor is to be imported.....

Date.....

Signature of the importer or his agent.

Description and quantity of liquor to be imported	Pass fees for import by a license					
	Litres	Qts.	Pts	Rate when imported in bulk	Rate when imported in bottles.	Total fee to be paid
Spirits :— i) Brandy ii) Whisky iii) Gin iv) Rum						
Liqueurs Champagne Wines (Other sorts) Beer Ale Perry Cider Other fermented liquor.						

For use in the Deputy Commissioner's Office. Gross amount of pass fee payable to the Treasury. Rs..... (in words .....

Head of Accounts

Signature and designation of the Officer granting it.

Returned to the applicant to deposit pass fee through Treasury Challan.

Issue Pass in form.....

Signature of the granting Officer.

Date .....

**FORM NO. 5**

***PASS FOR THE IMPORT OF DUTY PAID OVERSEAS FOREIGN LIQUOR.***

**ORIGINAL**

To be retained by the Deputy Commissioner.

Serial No. of Pass.....  
 District of issue.....  
 Place from which liquor is to be brought.....  
 Route by which liquor is to be imported.....  
 Name and address of the person to whom issued.....  
 Date of issue..... Current to.....

Description and quantity of liquor to be	Pass fees for import by private individuals						No. and Date of Treasury Challan under which paid
	Litres	Qts.	Pts.	Rate when imported in bulk	Rate when imported in bottles.	Total fee to be paid	
Spirits :— i) Brandy ii) Whisky iii) Gin iv) Rum Liqueurs Cordials Champagne Wines (other sorts) Beer Ale Perry Cider Other fermented liquors.							

Signature and designation of the Officer granting it.

**N.B. :-** No duty is chargeable for the import of liquor by persons holding licences for the wholesale or retail sale of foreign liquor.

**FORM NO. 5****DUPLICATE**

(To be retained by the Deputy Commissioner.)

Serial No. of Pass .....District of issue.....  
 Place from which liquor is to be brought.....  
 Route by which liquor is to be imported.....  
 Name and address of the person to whom issued.....  
 Date of issue .....Current to.....

Description and quantity of liquor to be imported	Pass fees for import by private individuals			No. and Date of Treasury Challan under which paid			
	Litres	Qts.	Pts.		Rate when imported in bulk	Rate when imported in bottles.	Total fee to be paid
Spirits :— i) Brandy ii) Whisky iii) Gin iv) Rum Liqueurs Cordials Champagne Wines (other sorts) Beer Ale Perry Cider Other fermented liquors.							

Signature and designation of  
the Officer granting it.

N.B. :- No duty is chargeable for the import of liquor by persons holding licences for the wholesale or retail sale of foreign liquor.

\* Strike out where necessary.



**MISCELLANEOUS: FORM NO 1**

Pass for the Export of India - made Foreign Liquor including  
 Transport  
 Rectified Spirit or Absolute Alcohol (Duty Paid or Duty Free) Denatured Spirit  
 (Pass fee Paid or Free of Pass fee) from a Distillery or Warehouse (other than a  
 bonded laboratory).

**DISTRICT**

**ORIGINAL  
 (To be retained)**

1. Serial number of pass with date of issue.....
2. Number and date of import Permit (if any).....
3. Name of Article.....  
 (Distillery  
 Warehouse)
4. Licensed premises
5. Name of person to whom issued.  
 \* (A) Quantity in (1) Bulk litre.....  
 (2) L.P. litre.....  
 (B) Strength.....  
 (C) Rate of duty levied.....

Pass the article above described for Export to.....  
 Transport  
 ..... at..... in the District of (the full duty/pass  
 fee amounting of Rs ..... and cost price amounting of Rs.  
 .....) having been paid at ..... Treasury vide challan  
 No..... dt ..... by the following  
 route.....

This pass is current for..... days and must be returned  
 within the period of currency to the Officer granting it.

The..... 19.....

Signature of Officer  
 granting the Pass.

---

\* Bulk litres and strength in case of C.S. Bulk litres strength and L.P. litres in  
 case of India-made Foreign Liquor, Bulk – litres only in case of D.S.

**MISCELLANEOUS: FORM NO 1**

Pass for the Export of India - made Foreign Liquor including  
Transport

Rectified Spirit or Absolute Alcohol (Duty Paid or Duty Free) Denatured Spirit  
(Pass fee Paid or Free of Pass fee) from a Distillery or Warehouse (other than a  
bonded laboratory).

**DISTRICT****ORIGINAL**

**(To be handed over to the person to whom the pass is granted to accom-  
pany the consignment)**

1. Serial number of pass with date of issue.....
2. Number and date of import Permit (if any).....
3. Name of Article.....  
(Distillery  
(Warehouse
4. Licensed premises
5. Name of person to whom issued.  
\* (A) Quantity in (1) Bulk litre.....  
(2) L.P. litre.....  
(B) Strength.....  
(C) Rate of duty levied.....

Pass the article above described for Export to the.....  
Transport  
..... at..... in the District of (the full duty/pass  
fee amounting of Rs ..... and cost price amounting of Rs.  
.....) having been paid at ..... Treasury vide challan  
No..... dt ..... by the following  
route..... :-

This pass is current for..... day and must be returned  
within the period of currency to the Officer granting it.

The..... 19.....

Signature of Officer  
granting the Pass.

---

\* Bulk litres and strength in case of C.S. Bulk litres strength and L.P. litres in  
case of India-made Foreign Liquor, Bulk – litres only in case of D.S.

**MISCELLANEOUS: FORM NO 1**

Pass for the Export of India - made Foreign Liquor including  
Transport

Rectified Spirit or Absolute Alcohol (Duty Paid or Duty Free) Denatured Spirit  
(Pass fee Paid or Free of Pass fee) from a Distillery or Warehouse (other than a  
bonded laboratory).

**DISTRICT**

**ORIGINAL**

**(To be sent to the Deputy Commissioner of the place of export)**

1. Serial number of pass with date of issue.....
2. Number and date of import Permit (if any).....
3. Name of Article.....  
(Distillery  
Warehouse)
4. Licensed premises
5. Name of person to whom issued.  
\* (A) Quantity in (1) Bulk litre.....  
(2) L.P. litre.....  
(B) Strength.....  
(C) Rate of duty levied.....

Pass the article above described for Export to the.....  
Transport  
..... at..... in the District of (the full duty/pass  
fee amounting of Rs ..... and cost price amounting of Rs.  
.....) having been paid at ..... Treasury vide challan  
No..... dt ..... by the following  
route..... :-

This pass is current for..... day and must be returned  
within the period of currency to the Officer granting it.

The..... 19.....

Signature of Officer  
granting the Pass.

---

\* Bulk litres and strength in case of C.S. Bulk litres strength and L.P. litres in  
case of India-made Foreign Liquor, Bulk – litres only in case of D.S. cur-  
rency to the Officer granting it.

**INSTRUCTIONS RELATING TO  
THE MIZORAM EXCISE RULES, 1983**

*(Approved by Govt. of Mizoram vide letter No. Exc. 101/81/71  
Dt.12.8.1987)*

Paras No.

**CHAPTER - I**

**FOREIGN LIQUOR AND LICENCE FORMS.**

1. Definition of Foreign Liquor
- 2-4 Licence forms and registration of Salesmen.
5. Perfumes and Toilet Preparations

**CHAPTER - II**

**PROSECUTIONS AND FINES, REWARDS SECRET SERVICE  
EXPENDITURE AND REPORT OF CASES.**

- 6-16 Prosecutions and Fines.
- 17-27 Rewards.
28. Secret Service Expenditure
- 29-32 Report of cases

**CHAPTER - III**

- 33-42 Weight, Measures and Instruments.

**CHAPTER - IV**

- 43-68 Uniform articles, clothing etc.

**CHAPTER - V**

**LEAVE, SERVICE RECORDS, QUARTERS, COMPENSATORY  
ALLOWANCE, WASHING ALLOWANCE AND REFUNDS.**

- 69-73 Leave
- 74-76 Service Records-Service Books
- 77-76 Quarters for warehouse staff
- 79 Compensatory allowance
- 80 Washing allowance
- 91-82 Refunds
- 83 Inspectors to reside in Headquarters.

- 84-85 Relations of Excise and Police
- 86 Photographs of smugglers
- 88 Attachment and sale by a Civil court of intoxicant

## **CHAPTER - VI**

### **REGISTERS, RETURNS, ACCOUNTS AND MISCELLANEOUS.**

- 89-92 Register, Challan and Returns
- 93-94 Accounts
- 95-98 Miscellaneous - Indent of Forms, disposal of intoxicants etc.
- Appendix - A
- Appendix - B
- Appendix - C

### **FOREIGN LIQUOR LICENCE FORMS-**

- Form 1 Licence for the wholesale vend
- Form 2 Licence for the retail vend for consumption 'off' the premises.
- Form 3 Licence for the retail vend for consumption on the premises other than in Hotels, restaurants, bars and canteens.
- Form 4 Licence for the retail vend for consumption in the Hotel premises.
- Form 5 Licence for the rental vend for consumption in the premises of the restaurant.
- Form 6 Bar licence
- Form 7 Licence for late closing
- Form 8 Licence for the retail vend in a non-proprietary club.
- Form 9 Licence for the retail vend in a proprietary club.
- Form 10 Licence for the retail vend in a military canteen established under the canteen tenant system.
- Form 11 Licence for blending and compounding foreign liquor.
- Form 12 Licence for bottling
- Form 13 Licence for retail vend of rectified spirit including absolute alcohol by chemists and druggists
- Form 14 Permit for a homeopathic chemist
- Form 15 Licence for manufacture of denatured spirit
- Form 16 Licence for wholesale vend of denatured spirit.
- Form 17 Licence for retail sale of denatured spirit
- Form 18 Licence for possession of denature spirited
- Form 19 Licence for manufacture of perfumes and toilet preparation consisting of or containing alcohol

## INSTRUCTIONS

### CHAPTER - I

#### *Foreign Liquor and Licence Forms*

##### 1. Definition :

Foreign liquor which is defined in Notification No. EXC. 1/85/2 dated 28<sup>th</sup> August, 1986 as required by section 3 of the Act, is reproduced as follows:-

#### NOTIFICATION

Dated Aizawl, the 28<sup>th</sup> August, 1986.

NO.EXC 1/85/2 : In exercise of the powers conferred by section 3 of the Mizoram Excise Act, 1973 (Act No. 7 of 1974) and in supercession of Notification No. EXC 33/74-79/24 Dated the 3rd January, 1985, the Lt. Governor (Administrator) of Mizoram is pleased to declare the following intoxicants as foreign liquor :

(1) Rum, Whisky, Brandy, Gin, Vodka, Milk punch, Liqueurs, Cordials, Bitters and Wine or a mixture containing any of the liquors aforesaid.

(2) spirit sophisticated or compounded so as to resemble in colour and flavour Rum, whisky, brandy, gin, vodka, milk punch, liquors, cordials, bitters or other similar potable alcoholic preparations.

(3) spirit including rectified spirit intended to be used for the manufacture of Rum, whisky, brandy, gin, vodka, milk punch, liqueurs, cordials, bitter or other similar potable alcoholic preparations, and

(4) beer, ale, porter, stout, cider, perry and other similar potable fermented liquors.

Provided that the expression 'Potable Foreign Liquor' shall not include, unless there is anything repugnant to the subject or in the context, the spirit including rectified spirit mentioned in item (3) as aforesaid.

The rates of duty imposed on India- made Foreign Liquor will be

as notified by Government from time to time.

(1) India-made rectified spirit issued to or obtained by manufacturer of perfumes and toilet preparation shall pay duty at 50 paise per proof litre subject to such conditions as may be laid down on the licence.

(2) India-made rectified spirit issued to or obtained by chemists and druggists for manufacture of spirituous medicinal preparations shall pay duty at 50 paise per proof litre subject to such conditions as may be laid down on the licence.

(3) India-made rectified spirits issued to or obtained by the Homeopathic Chemists or practitioners for manufacture of Homeopathic medicines shall pay duty at 50 paise per proof litre subject to such conditions as may be laid down on the special permit.

**Limit of retail sale:-** The limit of retail sale is specified in Notification No. EXC. 1/85/3 Dated 28<sup>th</sup> August, 1986.

2. Licence for the sale of Foreign Liquor by wholesale and by retail sale and licences for compounding, blending and bottling of potable foreign liquor may be granted in the following forms -

<u>Name of licences</u>	<u>Name of schedule</u>	<u>Form No.</u>
Licence for the wholesale vend of foreign liquor (other than denatured spirit)	Assam Schedule XXXI (Sect. 1-Foreign Liquor)	1
Licence for the retail vend of foreign liquor for consumption 'off' the premises.	Ditto	2
Licence for the retail vend of liquor for consumption 'on' the premises.	Ditto	3
Licence for the retail vend of foreign liquor for consumption on the premises in a Hotel.	Ditto	4
Licence for the retail vend of foreign liquor for consumption of the premises in a Restaurant.	Ditto	5

Bar Licence tenable by the holder of a Hotel or Restaurant licence.	Ditto	6
Late closing licence tenable by the holder of a Hotel or Restaurant licence.	Ditto	7
Licence for the retail vend of foreign liquor for consumption 'on' the premises in a Non-proprietary club.	Ditto.	8
Licence for the retail vend of foreign liquor for consumption 'on' the premises in a proprietary club.	Ditto	9
Licence for the retail vend of foreign liquor at a Military Canteen established under the Military Canteen Tenant System.	Ditto	10
Licence for compounding and blending of foreign liquor.	Ditto	11
Licence for bottling of potable foreign liquor	Ditto	12
Licence for the retail vend of rectified spirit (including, absolute alcohol) by Chemists and Druggists.	Ditto	13
Permit for the purchase and use in the manufacture of drugs, medicines or chemicals, of rectified spirit by chemists.	Ditto	14
Licence for the manufacture and storage of denatured spirit.	Ditto	15
Licence for the whole-sale vend of denatured spirit	Ditto	16
Licence for the retail vend of denatured spirit	Ditto	17
Licence for the possession on storage of denatured spirit	Ditto	18
Bar-licence for theatres, cinemas of or other places of public resort and entertainment.	Ditto	19
3. Foreign liquor licence does not cover the sale of country liquor (i.e. Rakzu, Tinzu, Zupui and similar preparation). Licence for the sale of foreign liquor		



does not cover the sale of country spirit and fermented liquor which include Rakzu, Tinzu, Zupui and other similar preparations containing alcohol. The premises licensed for the sale of foreign must be separated from those licence for the sale of country spirit and fermented liquor and foreign liquor licences should not be granted to persons holding licences for the sale of country liquor.

4. Each application for the registration of Salesmen should be decided on its own merits. It is not desirable that sanction to the mutation or registration of names of salesmen should be accorded mechanically or with undue liberty, as experience shows that the appointment of salesmen is often resorted to by licence in order to cover subletting and illegal transactions. No hard and-fast rule regulating the number of vendors who may be appointed can be laid down, but ordinarily two persons ought to suffice for the working of a shop. Applications for the appointment of salesmen should be referred to the Superintendent of Excise. The names of the approved salesmen shall be endorsed on the licences, under cover of which they are permitted to sell, and also on the counterfoils of such licences. In a sub-division the Excise officer-in charge should pass orders approving appointments and dismissals of salesmen for shops in sub-division.

### **PERFUMES AND TOILET PREPERATIONS.**

5. *Perfumed spirit is a foreign liquor :-* Perfumed spirit made in India, and spirit manufactured in India and used in drugs, medicines or chemicals are foreign liquors. The manufacture of such spirit requires a licence.

## **CHAPTER - II**

### ***Prosecutions and Fines, Rewards, secret services expenditure and report of cases***

#### **PROSECUTIONS AND FINES**

6. *Prosecution of Vendors :-* Prosecution of Vendors for breach of conditions of licences, other than those of serious character, should not ordinarily be resorted to. Those cases should be dealt with departmentally as far as possible. For minor irregularities, a warning may be given in the first instance. For serious shop offences or where repeated warnings fail to

correct a licence, his licence is liable to be cancelled. Attention is, however, called to section 71 (1) of the Act which provides for compounding such offences.

7. *Prosecution for non-payment of licence fees* :- A prosecution for the non-payment of licence fees should only be instituted with the sanction of the Commissioner. The proper course is to close the shop until the fees are paid and, on failure to pay promptly to cancel the licence.
8. *Punishment or penalty to be recorded on the licence* : Any punishment or penalty imposed on a licensee without forfeiture of his licence whether awarded by a Court or by a Deputy Commissioner under the Act or rules thereunder and any offence compounded by a licensee under section 71 (1) of the Act shall be recorded on his licence.
9. *Procedure for dealing with cases of debarment of licensees* :-
  - (1) If an offence is of such a serious character that it leads to the cancellation of a licence the question whether the licence should be debarred permanently or for a period of years should ordinarily be decided at the time the order of cancellation is passed by the Court or the Commissioner and included as a part of that order.
  - (2) No order of permanent or temporary debarment should be passed in a miscellaneous case concerning an existing licensee unless the orders in such case provide for the cancellation of the licence.
  - (3) Apart from orders of debarment passed as the result of particular miscellaneous or judicial case licensees may be debarred for other valid causes, such as accumulation of lesser offences, financial unsoundness, reasonable suspicion of being connected with the smuggling traffic, bad management etc. Orders of debarment under this instruction should not however be made without full consideration of the actual records and brief reasons for the order of debarment should always be noted (if necessary, confidentially).
10. *Register of misconduct of vendors* :- A register of the misconduct of vendors and their salesmen should be kept in the district and sub-divisional offices in the prescribed form.

11. *Prosecution for possession of liquor in excess of legal limit :-* Prosecutions for possession of liquor in excess of the legal limit, if any, should be instituted against such persons or consumers.
  
12. *Procedure in regard to prosecution in Excise and Opium cases in Court:-* The following procedure is laid down in regard to the prosecution in Excise and Opium cases ;
  - (1) Excise officers have the powers to detain and search the suspects, investigate the offences and prosecute the offenders in a Court of Law in the case of excise offences including those in respect of narcotics, while Police officers do not have such legal powers in normal cases but have to immediately inform the nearest Excise station of the same so that the latter may proceed further in the case. The Police also do not have powers to investigate Excise offences nor to file prosecution in the Court.
  
  - (2) *Excise cases sent up by Excise Officers :-*
    - (a) In cases in which the employment of an officer to prosecute is considered necessary, any Excise Officers not below the rank of Sub-Inspector, though not formally prosecutor will assist the court;
    - (b) In cases in which the employment of an officer to prosecute is considered necessary but the Deputy Commissioner or Superintendent of Excise or Sub-Divisional Officer or in his absence by the senior officer in charge of his office, the Excise prosecutor should undertake the prosecution; except when the case is of such importance or intricacy that it is considered necessary to engage a pleader. In such cases the Government pleader or Public Prosecutor should ordinarily be engaged. The District Magistrate may, however, engage a private practitioner. The cases in which pleader appears, the Superintendent of Excise or an Excise Officer not below the rank of Sub-Inspector may, according to the circumstances of each case, invariably attend the court on the days of hearing with a view to assist the prosecuting officer and to press, where necessary, for inflicting deterrent punishment on the accused when he was convicted.
    - (c) Similarly in connection with the hearing of appeals before the Court of Session, Deputy Commissioner should, if he considers it necessary, apply to the District Magistrate for the service of Government Pleader or Public Prosecutor and before the High Court for Services of the Government Advocate. The District Magistrate should communicate with the Deputy Commissioner and Remembrances of

Legal Affairs through the Commissioner of Excise if he considers the appearance of a counsel desirable.

13. *In case of illegal possession of intoxicants Magistrates to as certain whether such articles contraband :-* In prosecutions in regard to illegal possession of intoxicants, prosecuting officers should argue before the Magistrate the necessity of a decision and definite finding on the point whether the articles in question are contraband and in any case in which it is doubtful whether the article is opium or not, point out that the doubt can be cleared up by sending the article or a part of it to a Chemical examiner to Government for analysis. Superintendent of Excise is also competent and authorised to test samples of the article by a confidential method known to him and to testify whether such samples are contraband opium or otherwise.
14. *Gravity of offence to be pointed out by prosecuting officer :-* It should also be argued on the question of punishment in such cases that the illegal possession or sale of contraband and intoxicants as a much more serious offence than the more illegal possession or sale of such intoxicants on which duty has been paid, and that punishment should be inflicted accordingly. It is the duty of the prosecuting officer to make clear to the Court the gravity or the reverse of the offence alleged, so far as the offence affects the Excise revenue.
15. *Disposal of departmental cases :-* When an explanation of any irregularity on the part of a licensee or salesmen is called for with a view to proceedings and is found to be unsatisfactory, an order sheet should be attached to the office copy of the notice and the case entered in the register of miscellaneous cases. When irregularities are detected during inspection, the notice may be delivered by the inspecting officer on the spot and a copy signed by the licensee or salesman in token of receipt filed with the record. All papers concerned with the subsequent proceeding should be filed with the record and orders should be recorded on the order sheet.

An order inflicting a monetary penalty under section 71 of the Excise Act is one of composition of the offence and the order should be that the licence will be cancelled, or the offender prosecuted unless a certain sum is deposited on a date to be fixed. If payment is not made on the date fixed or when any time allowed has passed, the case should be sub-

mitted to the Commissioner for orders as to whether the offender should be prosecuted or the licence cancelled or suspended.

A licence can be suspended or cancelled under section 28 (b) of the Mizoram Excise Act, 1973 in the event of any breach by the holder thereof, or by his servants or by anyone acting on his behalf with his express or implied permission of any of the terms of the licence. If the Commissioner decides to prosecute the offender, he should, unless there are strong reasons to the contrary suspend the licence. If the offender is convicted the licence should then be finally cancelled under section 28 (1) (c) of the Act. The cancellation should be made after the period of appeal, if any be allowable has passed. Meanwhile the shop should only be provisionally resettled.

The prosecuting officer should draw the attention of the court to circumstances in which the prosecution was initiated, and should press for the infliction of a penalty not less than that proposed to be imposed by the Commissioner, if the Commissioner decides not to prosecute, he may, and in serious cases should, cancel the licence, provided that either.

- (a) the licence is expressly stated to be cancelled at will; or
- (b) the licence expressly provides for cancellation if the licensee is held by the Commissioner to have committed, by himself, or by his servants or by anyone acting on his behalf, with his express or implied permission, a breach of any of its terms or conditions; or
- (c) the fact that the conditions of the licence have been infringed admits of no denial.

If there is any doubt in a case falling under clause (c) as to the commission of an offence or the breach of a condition of the licence, the offender should properly be prosecuted. He can be prosecuted under section 53 of the Act for breach of condition of a licence granted under the said Act.

Similar considerations apply when an offender is prosecuted. The licence may be cancelled outright for breach of a condition, provided one of the above conditions (a), (b) or (c) is satisfied.

When ordering a prosecution and suspension of the licence by the Commissioner, the Superintendent of Excise should withhold refund of

the Security deposit pending disposal of the case.

16. *Credits fines under head "Administration of Justice" and of composition moneys under head "Excise Miscellaneous" :-* All fines imposed by the Criminal Courts under the Excise, Narcotic Drugs and Psychotropic Substances Acts must on realisation be paid into the treasury and credited to Government under the head - "Administration of Justice." Sums realised under section 71 of the Mizoram Excise Act by forfeiture of security deposits should be credited under the head Excise Miscellaneous."

### **REWARDS**

17. *Payment subject to budget provision : Excise licensees not eligible for rewards :-* The payment of all rewards is subject to budget provision. in no circumstances reward should be granted to holders of Excise licensed shops.
18. *Grant of reward to informer when no prosecution is made :-* A reward of any amount not exceeding Rs 5000/- per head (may be granted) where no proceedings have been instituted against the offender to any person who may give information leading to the detection or prevention of offences under the Excise, Narcotic Drugs and psychotropic Substances Laws.
19. *Rewards permissible where prosecution takes place :-* In cases of prosecution for offences against the Excise and Narcotic Drugs and Psychotropic Substances Acts, whether ending in conviction or not, rewards of any amount not exceeding Rs. 10000/- may be granted to persons instrumental in the detection of the offence.
20. *Principles to be observed in granting rewards :-* 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 Excise while recommending rewards should carefully scrutinize the part played by each officer or outsider. Consolidated rewards should be granted where more than one case are detected as a result of one and the same raid. In all proposals for distribution of rewards, the claims of the police on account of service ren-

dered by them should be recognised as fully as those of subordinates of the Excise Department.

- (1) It should be borne in mind that reward is purely an ex-gratia payment and should be granted on the absolute discretion of the authority competent to grant rewards and cannot be claimed by anyone as a matter of right.
- (2) While submitting the reward proposal, it should be ensured that the following detail/supporting documents, inter-alia, are enclosed :-
  - (i) Full facts of the case;
  - (ii) Details of the information furnished by the informer along with a copy of information recorded;
  - (iii) Role played by the individual officers responsible for the seizure.
  - (iv) Copy of the tests report for each representative sample from the Forensic Laboratory to show the nature of the drug and the percentage of the active ingredient;
  - (v) Copies of seizure report/recovery memo, and FIR, indicating therein the quantity of drug seized, markings etc;
  - (vi) Details of the prosecution launched, including a copy of the complaint filed against the offenders.
- (3) Further, while forwarding the proposal for giving reward to the informers and officers the following factors should be high lighted :-
  - (i) the accuracy of the information;
  - (ii) degree of risk involved;
  - (iii) the extent and nature of help rendered by the informer;
  - (iv) whether the information gives due to the persons involved in the smugglings;
  - (v) the risk involved to the officers in working out the case/in securing the information;
  - (vi) the extent to which the efficiency of the staff lead to the seizure;
  - (vii) the initiative, drive, efforts and ingenuity displayed, and
  - (viii) whether, besides the seizure of contraband, the owners,

organisations, financiers, racketeers and carriers have been apprehended or not.

All the documents enclosed with reward proposal should be duly attested by a Gazetted Officer.

- (4) Rewards should ordinarily be paid upto 10% of the estimated market value of the goods involved (half of the maximum reward indicated in the Appendix 'A') in respect of opium and other narcotic drugs. Rewards in excess of this limit, not exceeding 20% (as in the Appendix 'A') of the said value, may be considered in cases where the Government servant has exposed himself to great personal hazard or displayed exemplary courage, initiative, ingenuity or resourcefulness of an extraordinary character or his personal efforts have been mainly responsible for the detection of the contraband.
  - (5) The reward recommended should be sanctioned by the appropriate authority only after the goods are received by the custodian and a certificate to that effect is issued by the Custodian.
21. *Rewards not to be granted in petty cases :-* Reward should be granted liberally, but only after careful examination of each case. In granting rewards discretion should be exercised in each case, and sanction should be given or applied for, not as a matter of form, but only in important cases in which it is necessary to encourage and reward the persons instrumental in detection. In the case of petty offence, e g., manufacture and/or sale of small quantities of 'ZU' or 'RAKZU' rewards may be granted, and when granted should be only of nominal amount. This will render possible the grant of larger rewards in cases which are really important. It will depend entirely on the discretion of the Deputy Commissioner or the Commissioner to decide in what cases rewards should or should not be granted. The mere recording of statements of witness or sending up an accused for trial are no more than the ordinary routine duties of an officer and do not entitle him to reward.
  22. *Officers not eligible for rewards :-* Police officers, above the rank of Deputy Superintendent, and Excise Officers above the rank of Inspector are not eligible for rewards in Excise cases. In respect of cases under Narcotics law, instructions from Govt. of India at Appendix 'C' will be followed.
  23. *Period of appeal to be awaited :-* In a case in which appeal lies against order of the first court, no reward should be paid to Government



officers and outsiders in Excise and Opium cases until after the expiry of the time for appeal or if an appeal be preferred until the appeal is disposed of.

24. *Importance of prompt payment :-* Promptness in the disbursement of rewards is of the greatest importance. Superintendent of Excise should therefore arrange for rewards in excise and opium cases to be paid as soon as they have been sanctioned. All bills for rewards will be drawn in regular contingent bill forms and disbursed through the District or Sadar Excise Office without the intervention of the Sadar Nazarat (see S.O. 113 of the Treasury Rules and Subsidiary Orders made thereunder.) The Superintendent of Excise will be held responsible that payments are duly accounted for.

25. *Procedure in disbursing rewards :-*

(1) As soon as the rewards in any case have been sanctioned, the Head Assistant of the Excise Office at Sadar or Sub-Divisions will cause a receipt to be made out in the prescribed form in the case of each person to be rewarded with an amount exceeding Rs. 50/- and will at the same time draw up a reward acquittance roll in the prescribed form for all sums to be disbursed irrespective of the amount. The receipt forms should be given a sub-divisional serial number for the financial year. The receipt forms and/or the acquittance roll should then be made over to the officer responsible for the disbursement of the rewards who should ordinarily be an Inspector or, if there is no Inspector, a selected Sub-Inspector.

This officer will return the receipt forms and/or the acquittance roll with the signatures of the payees (or their thumb impressions when either are illiterate) and will be personally responsible for the identity of the parties paid. Receipt forms must be duly stamped. Disbursing Officers must personally disburse the amount and send it by money order, if necessary, at the expense of the payees. When the money is remitted to the recipients by money order the acknowledgment should be affixed to the acquittance roll by the disbursing officer.

(2) If a disbursing officer is unable to take the payment within 30 days, the amount unpaid should be returned to the Excise Head Assistant at the District or Sadar office and will be refunded by him into the treasury.

(3) The cash drawn for rewards may remain in the custody of the Excise Head Assistant at District or Sadar Excise office until such time as it can be conveniently made over to the disbursing officer but any sum not made over to the disbursing officer within 7 days should be refunded into the treasury in cash or by short drawal on a contingent bill as in the case of sums returned by disbursing officers. The amounts may be drawn a new when the disbursing officers present themselves to receive them.

(4) The disbursing officer shall sign the certificate at the foot of the acquittance roll and, if he is of lower rank than Inspector, the Superintendent of Excise shall countersign it.

(5) When payments are made to informers whose names it is not desirable to divulge, the Superintendent of Excise, the Sub-divisional Officer or Superintendent of Police (see instruction below) shall, in lieu of the payee's acknowledgement or receipt, furnish a certificate of disbursement.

26. *Rewards to Police Officer :-* Payments of rewards to police officers shall be made either by money order at the expense of the payees or through the Superintendent of Police. In the latter case the amount will be sent in cash with the necessary receipt forms and/or the acquaintance roll to the Superintendent with a request for disbursement. The latter will sign the certificate at the foot of the acquaintance roll. Any amount not distributed by him within 30 days, will be returned to the Excise Officer with the brief reason for non-distribution.

27. *Acquittance roll to kept in a guard file :-*

(1) All returned acquittance roll should be kept in a guard file under the serial number of the bill in the contingent register.

(2) Departmental head of office to be consulted when a reward is to be given. In the case of rewards proposed to be given to officers belonging to departments other than the Excise department the district head of the department concerned should ordinarily be consulted before any reward is sanctioned.

#### **SECRET SERVICE EXPENDITURE**

28. *Secret Service payments :-* Where there is a grant for Secret Service work and expenditure is necessary for the payment of expenses of, or

rewards to, informers, either before or after the institution of a case, the following procedure should be followed :-

Money will be drawn from the Treasury by the Excise Commissioner as occasion arises on regular contingent bills. No indication will be given as to the names of the payees of the particulars of the payments. The Commissioner will furnish a disbursement certificate and retain the payee's receipts. This certificate may be furnished on the bill on which the charge is drawn or furnished afterwards in case where payment has to be made by drawing a bill from the Treasury instead of from the permanent advance. Rules for operation of Secret Service fund in details is indicated in Appendix 'B'

### **REPORT OF CASES**

29. *Forms to be used in reporting cases :-* Every officer should be supplied with the following forms -
- (1) Preliminary report to the Commissioner, of arrest, seizure or search in form No.....
  - (2) Report to Magistrate under the Excise Narcotic Acts in Form No.....of the Schedule mentioned above.
  - (3) Final report to the Commissioner after disposal of a case under the Excise or Narcotics Drugs and Psychotropic Substances Act in Form No.....of the Schedule mentioned above.
30. *Preliminary report to Commissioner, of arrest, seizure or search :-* When any officer makes any arrest, seizure or search he must draw up a preliminary report in the barest outline in the prescribed form. The report must be submitted to the Commissioner through the Superintendent within 24 hours of the arrest, seizure or search In Sub-Divisions the report will be sent direct to the Sub-Divisional Office, a copy being at the same time sent to the Superintendent of Excise.

The Officer will proceed with this enquiries without waiting for orders on the report but he will be subsequently guided by any orders which may be passed on them, when both opium and intoxicants have been seized two preliminary reports must be drawn up as there will be two cases, one under the Excise Act and the other under the Narcotic Drugs and Psychotropic Substances Act. When the case is one or more than ordinary importance or presents special point of interest or deals with smuggled or contraband articles or when the detecting officer deserves

special commendation, the Superintendent of Excise will forward a copy to the Commissioner of Excise.

31. Report to Magistrate under the Excise or Narcotic Drugs and Psychotropic Substances Act :-

(1) When the necessary enquiries are completed and a prosecution appears warranted the report must be drawn in the prescribed form. It must show the names of all persons acquainted with any of the facts of the case and what each is prepared to prove. The original search has been made, will be attached to this report. Though only one search list will be prepared in a case in which both an intoxicant and Opium have been seized there will be two reports if the evidence warrants a prosecution under each Act. The original search list will be attached to this report. Though only one search list will be prepared in a case in which both an intoxicant and Opium have been seized there will be two reports if the evidence warrants a prosecution under each Act. The original search list will be attached to one of the reports and a copy to the other. An endorsement must be made on this copy of the search list showing clearly to what report the original has been attached. A copy of the report will at the same time be submitted to the Superintendent. The third copy will remain with the officer who submitted the report. Great care must be taken to include all relevant particulars in column 8 of the report in order that a prosecuting officer may be able to gather from it all the facts that it will be necessary for him to prove.

(2) Excise officers sending up cases for trial should always note in column 7 of the report whether the witnesses will appear with or without summons. Prosecuting officers should understand that they will be held responsible for procuring the witnesses on the dates fixed for hearing and applying for remand in the case of their nonattendance.

32. *Final report to Commissioner after disposal of a case under the Excise or Narcotic Drugs and Psychotropic Substances Act* :- Final report should be drawn up in the prescribed form as completely as possible so as to give a full history of the case.

The part taken by each person entitled to reward must be clearly shown. It must be definitely noted in the final report whether the accused person has or has not been previously convicted.

Copies will be sent to the Superintendent of Excise in Sub-divisional cases also and to the Commissioner in cases of interest or importance as in the case of the preliminary reports to the Commissioner.

### **CHAPTER III**

#### ***Weights, Measures and Instruments***

33. The following tables of English and Indian weights and measures are to be observed :

(1) English liquid measure-

2 nips	-	one pint
2 pints	-	one quart.
4 quarts or 6 reputed quarts	-	one imperial gallon
750 ml	-	one quart bottle.

(2) Indian liquid measure-

one imperial gallon	-	10 pound
avoirdupois weight	-	4.535 kilogram.

34. *Indent for European stores* :- The Commissioner of Excise is required to submit to the Secretariat his indent for all instruments required from England, or abroad. The Secretariat will submit it to the Director General of Stores, India Office, London.

The stock of all instruments should be maintained in the office of the Commissioner of Excise at Aizawl. Application for the supply of instruments should be made by Superintendent of Excise to the Commissioner, who will arrange for the supply of the instruments required in the Excise Office.

35. *Hydrometers* :- At least two full sets of glass hydrometers each should be maintained in the office of the Superintendent of Excise at Aizawl, Lunglei and Saiha and sufficient quantity of pocket set of hydrometer with weights shall be made available in the office of the Superintendent of Excise for use of inspecting staff whenever necessary.

36. *Size of hydrometers and test jars*- The size of the hydrometers supplied will ordinarily be 13.5 inches over all, i.e. from top of stem to bottom of bulb, and that of glass test jars for use in warehouse, if any, 13.5 inches x

2.75 inches. The pocket brass hydrometer set which has got a small glass jar for shop inspection work should be used.

37. *Testing of instruments* :- One set of instruments and measures should be set apart as a standard and should not be in general use. Those in use should be compared with the former once a week by the Officer in-charge.

Corrections applied to hydrometers and thermometers should be noted on a slip of paper which be pasted to the lid of the box containing the instruments. A copy of the corrections should also be kept near the testing table.

38. *Use of hydrometers* :- Five-stemmed glass Sikes' Hydrometers 13½ inches long, must be used in warehouse, if any. Each stem covers 20 degree of indication. For shop inspection work, single stemmed glass hydrometers of proper range or brass gilt Sikes' hydrometers may be used. These instruments must never be used to spirit for duty purposes and hollow-stemmed hydrometers open at the top must not be used on any account. Thermometers with wooden scale must not be used in warehouse.

39. *Packing of instruments* :- The following directions must be observed in packing brass and glass hydrometers :-

(1) Brass hydrometers -

(a) In the case of brass instruments with detachable weights, these should be wrapped up in tissue papers and made into a separate packet;

(b) A sufficient amount of cotton wool or soft paper should be placed over the instrument in the case to prevent any risk of displacement in transit;

(c) The case should then be packed in a wooden or tin box. The space between this outer case and the instrument box should be sufficiently packed with paper, shavings, sawdust or other suitable elastic packing;

(d) In the case of brass instruments, the packet containing the weights should be placed in the space between the outer and the inner cases;

(e) The thermometer must be packed separately in a tin cylinder as described under sub rule (2) below.

(2) Glass hydrometers -

Each stem should be packed in a separate cylindrical tin case whose diameter is about one inch greater than the width of the hydrometer's bulb; and at least one inch longer than the hydrometer stem-

(a) the tin case should first have some cotton wool placed in it to a depth of one inch;

(b) the hydrometer should then be gently placed in the case, bulb uppermost (not pushed down through the cotton wool to the foot of the case).

(c) it should then be thoroughly packed round with dry sawdust not rammed too tightly allowing equal distance all round between the bulb and cases;

(d) the case should then be filled with sawdust to within half an inch of the top. This remaining half inch should be filled with cotton wool;

(e) the cup should then be put on without undue force and securely fastened. A loose cap should not be used.

(3) The tin case should then be packed in a wooden box large enough to allow of each case having a good layer of sawdust to separate it-

(a) from neighbouring tins; and

(b) from the sides and ends of the box.

(4) The thermometer should be packed in the same manner.

40. *Precautions to be taken in the use of hydrometers* :- Glass hydrometer stems should be lifted from the wooden box by the larger bulb and not by the narrow stem. If the bulb is at all tightly jammed in the box and the stem is used to try to raise it, there is such risk of breakage. (See Technical Excise Manual, Appendix II (b) and (c).

When it sticks, it should be gently levered out of the case by raising the bulb. Hydrometers should be taken out of use if for any reason they fail to float vertically. The presence of mercury in the upper bulb or hollow shaft does not make the readings inaccurate as long as the stem floats truly.

Thermometers should be carefully examined from time to time to see that the mercury column has not become separated into sections and that no portion of it has lodged in the wider part at the top of the stem. Should this happen, the thermometer should be securely gasped by the stem towards the top end and then sharply jerked downwards. If this fails, the bulb may be gently heated until the mercury again forms one unbroken column. If neither method succeeds, the instrument should be returned and another indented for in its place. No thermometer which has once required such treatment should be used without careful scrutiny, and, if the fault occurs a second time, the instrument should be taken out of use.

41. *Occasion for gauging and proving*:- The content of vats must be gauged and proved;
- (1) When there is any suspicion of fraud in respect of spirit contained in a vessel.
- (2) When there is no transaction in a vat for a week, the contents must be gauged and proved.
42. *Gauging of Vessels* :- The gauging of spirit vessels and the gauging of contents of the same should be made in accordance with the instructions laid down in the Technical Excise manual, but wet gauging should be done by withdrawal of the water as has been the method hitherto.

Instructions for gauging by the dry method will be found in the Technical Excise Manual.

## **CHAPTER - IV**

### ***Clothing***

43. *Supply of uniform to certain classes of officers* :- Sub-Inspectors of Excise and above upto the rank of Superintendent of Excise will be provided with the prescribed uniform at Government expenses. Superintendent of Excise will see that the Uniforms of all officers subordinate to him are properly cut and fitted of suitable material and of the prescribed shade of Khaki.



44. *Maintenance of suits of Uniforms* - Sub-Inspectors and above are expected to maintain two suits of uniform except for head dress, putties, boots and rank badges of which one set will suffice.

45. *Departmental badges and buttons :-*

(1) Device for badges and buttons : The Ashoka Pillar encircled by the words - “Excise, Government of Mizoram.

(2) Buttons will be of white metal for all ranks.

46. *Articles of Uniform :-* The following articles of uniform are prescribed for Sub-Inspectors of Excise and above.

(a) Superintendent of Excise and Deputy Superintendent of Excise :

Peaked-cap	:	Woolen khaki of pattern prescribed for officers of the Mizoram Police with the badge Ashoka Pillar surmounted by “Excise. Government of Mizoram”.
Waist Hooks	:	White metal
Trousers	:	Terry cotton khaki.
Rank badges for Superintendent of Excise.	:	Ashoka Pillar   \ and letter M.R.E.    ) to be worn on    ) > each shoulder
Rank badges for Dy. Superintendent of Excise.	:	Three stars    ) strap.

The stars will be in gilding or white metal and will be one inch between opposite points. The letters ‘M.R.E.’ will be white metal.

Shirts	:	1) Terry cotton khaki twill with shoulder straps. 2) Woolen khaki twill with shoulder straps.
Tunic	:	Khaki drill or serge of pattern prescribed for officers of the Mizoram Police service.
Trousers	:	Terry cotton khaki fitted with loops for belt.
Stockings	:	Khaki woolen.
Jungle Boots	:	Dark green plain.
Shoes	:	Red leather plain.

Belt	: Red leather single brace and without frog.
Tie	: Khaki or Khaki with orange stripes.
Waterproof Rain Coat	: Khaki colour. Any pattern.
Whistle	: No sealed pattern.
Whistle cord	: Khaki colour.

(b) *Inspector and Sub-Inspector of Excise.*

Cap	: Peaked-cap woolen khaki of pattern prescribed for officers of the Mizoram Police.
Tunic	: Khaki drill or serge of Indian Army Universal pattern B.
Waist Hooks	: White metal.
Trousers shorts	: Terry cotton khaki fitted with loops for belt.
Puttees	: Khaki cloth.
Shirts	: 1) Terry cotton khaki twill with shoulder straps. 2) Woolen khaki twill with shoulder straps.
Stockings	: Khaki woolen.
Jungle Boots	: Dark green plain.
Shoes	: Red leather plain.
Belt	: Red leather. Single brace and without frog.
Tie	: Khaki for Inspector only.
Waterproof Rain Coat	: Khaki colour, any pattern.
Whistle	: No sealed pattern.
Whistle cord	: Khaki colour.
Rank badges for Inspector	: Two stars and letter M.R.E. to be worn on each shoulder strap.
Rank badges for Sub-Inspector	: one star and letter M.R.E. to be worn on each shoulder strap.

47. *When Uniform are to be worn* :- Uniform will be worn on the following occasions :-

- (a) State ceremonies.
- (b) When meeting the Governor, Ministers and Commissioner of Excise.
- (c) on all occasions on which an officer is on duty e.g. during inspections, investigation of cases, enquiries conferences, when attending Court to give evidence, etc., provided that no officer need wear uniform when for the purpose of detection it is necessary for him to conceal his identity.
- (d) Sweater, Pull-over and Jacket of Khaki colour of any pattern may be

worn by all ranks during winter season i.e. 16<sup>th</sup> October to 15<sup>th</sup> February.

**NOTE:** (1) Officers and staff of the Special Branch ordinarily not to put on uniform - Officers and staff while attached to the special branch will not put on uniform unless specially ordered to do so by the Superintendent of Excise in-charge of the branch.

(2) Shorts, stocking and shoes may be worn on tour or on duty on an informal nature but they should not be worn on formal occasions.

48. *Uniform of Officer while officiating in superior appointment* :- Officers while officiating in superior appointments may continue to wear the uniforms of their substantive rank.
49. *Mourning band* :- On occasions of public mourning and when attending funerals, all officers in uniform will wear a piece of black ribbon, three inches long on the left arms above the elbow.
50. *Watch chains and trinkets not to be displayed, medals and ribbons* :- Watch chains and trinkets are not to be displayed outside the uniform. Medal ribbons are to be worn on the left breast. On formal occasions the medals themselves will be worn.
51. *Return of uniform by officers while leaving the department* :- Officers leaving the department should return their uniform as required by rule 62 of these rules.
52. *Supply of uniform to Head Constables and Drivers* :- Head Constables, Constables and Drivers will be provided with the prescribed uniform at Government expenses. Head Constables and Constables will wear uniforms on all occasions on which they are on duty except that when for the purpose of detection it is considered necessary for them to conceal their identity Drivers will also wear uniforms on all occasions on which they are on duty except that wearing of the uniforms is relaxed by the Superintendent of Excise. Their prescribed uniforms are as follows :-
  - (a) Cap : Dark green forage cap of Assam Rifles Pattern with badge-Ashoka Pillar surmounted by "Excise, Government of Mizoram."
  - (b) Jungle Boots : Dark brown.

- (c) Shoes : Black leather
- (d) Rank badges : Three white strip 'V' shape on the  
for Head Constable right sleeve.
- (e) Rank badges for Driver
- |  |                     |
|--|---------------------|
| (i) trained with 5 years service                                       | - 3 (three) stripes |
| (ii) untrained 5 years service or<br>trained less than 5 years service | - 2 (two) stripes   |
| (iii) untrained 2 years service  | - 1 (one) stripe    |

**NOTE** : There is no rank badge for Constables.

- |              |       |                       |
|--------------|-------|-----------------------|
| (f) Tunic    | \     |                       |
| Waist hooks  | )     |                       |
| Trousers     | )     |                       |
| Puttees      | )     |                       |
| Shirts       | ) } > | As for Inspectors and |
| Stockings    | )     | Sub-Inspectors.       |
| Belt         | )     |                       |
| Waterproof   | )     |                       |
| Whistle      | /     |                       |
| Whistle Cord | :     | Dark green.           |

53. *Period of life of kit* :- Head Constables, Constables and Drivers will be provided with the following uniform, each article of which should last, as a minimum, the period stated below :-

	<u>Article</u>	<u>Number</u>	<u>Life (in year)</u>
1.	Cap	1	1
2.	Badges	1 set	10
3.	Belt	1	5
4.	Shirt	2	1
5.	Long pant	2	1
6.	Short pant	1	2
7.	Jungle Boots	1 pair	½
8.	Rain Coat	1	2
9.	Shoe leather	1	1
10.	Kit box	1	10

54. *Sources from which articles are to be purchased* :- Articles of uniform for different ranks such as badges, belt, whistle cord, shirt, pant etc., should

be purchased by the Commissioner from such sources as may be prescribe from time to time. To cover the cost of such purchase a budget allotment will be made annually. For the general maintenance of the kits and other uniform articles of the district staff, a budget allotment will be made annually to district excise budget head.

55. *When first kit to be issued* :- A full uniform will be given to-
- (a) all Superintendents, Deputy Superintendents, Inspectors and Sub-Inspectors on first appointment or on promotion to that rank;
  - (b) all head Constable on first appointment or on promotion to that rank;
  - (c) all Constable and Drivers on first appointment.

Besides (a), (b) and (c) above, one pair each of half pant and half sleeve shirt together with one pair of canvas shoe will be issued to all ranks from Constable to Superintendent of Excise on first appointment.

56. *Issues of clothing* :- As a rule there should be two general issues of clothing a year, one in September and one in March, but defects should be made good at any time.
57. *Overhauling of Kit* :- Every man's kit should be thoroughly overhauled once a year by a tailor at district headquarters, the tailoring charges being debited to the grant for maintenance of kit. The date of overhaul of the kit should be noted in the Individual Accounts Book in Form to be prescribed by the Commissioner.
58. *Liability to bear cost of replacement* :- Uniforms issued by Government remain Government property and a man who negligently loses or prematurely wears out his uniform is liable not only to bear the cost of replacement but to punishment in addition.
59. *Recovery of cost of uniform lost through negligence* :- All payments recovered from a Superintendent of Excise, Deputy Superintendent of Excise, Inspector of Excise, Sub-Inspector of Excise, Head Constable or Constable under the orders of the Commissioner of Excise on account of clothing prematurely worn out or lost through negligence should be credited into the treasury as a "Miscellaneous Excise Receipt" and not used in reduction of charge.

60. *Responsibility of Superintendent of Excise etc. for state of kits of all staff under him:* - Superintendent of Excise will be held responsible for the state of the kits of all the men serving under him and the Deputy Commissioner of Excise for the state of all the kits kept in store at headquarters. Superintendent is responsible for seeing that the kits are adequate and kept clean and in proper repair. Kit inspections should be held quarterly by Superintendent of Excise. The inspection must be thorough, each article being carefully examined, and any serious defects found being reported to the Deputy Commissioner of Excise, who will take suitable action thereon. Superintendent of Excise should inspect all kits at Sub-divisions during their inspection of Sub-divisional officer, if any.
61. *Head Constable, Constable and Drivers to be trained as to how to put on uniform properly:* - The opportunity of inspections should be taken to see that men's clothing fit them and that they know how to put them properly. Those who do not know should be carefully instructed. Every effort must be made to ensure that Excise Drivers are always smartly turned out and this cannot be accomplished unless Excise Officers are themselves most particular in this respect. Head Constables, Constables and Drivers must never be allowed to appear partly in uniform and partly in civil dress.
62. *Return of clothing on retirement, resignation, etc.:-* Clothing of men leaving the force by retirement, resignation, discharge, dismissal, or death should be washed and taken into store and examined by the Superintendent of Excise who will class such articles under one of the following heads, viz.:
- (1) Serviceable, i.e. fit for re-issue.
  - (2) On serviceable, i.e., quite un-fit for-issue.

**NOTE :** Clothing which is not fit for immediate re-issue but would be serviceable after repair should be repair at once and then classed as serviceable.

*Clothing used by men suffering from infectious diseases:* - The clothing actually worn by men while suffering from infectious diseases will invariably be declared "unserviceable" and should be destroyed at once. Unserviceable articles of clothing which is sold and not likely to be used for the purpose of impersonating Government Officers may be sold by public auction and the proceeds thereof credited to Government : suitable items may, however, be retained for rough work and the remainder cut up for use as

cleaning cloths, or destroyed.

63. *Return of kits by men going on leave* :- The kits of men going on leave for over four months should be taken from them and kept in store.
64. *Preparation of uniform* :- Indents for uniform clothing should be made by the Commissioner from the approved firm or by calling quotations after carefully estimating the requirements of each year subject to the grant received for the purpose.
65. *Examination of consignment of clothing* :- On delivery of the consignment of clothing the Deputy Commissioner of Excise should examine carefully. If he passes the clothing, it will be accepted and entered in the register of receipts. If any articles are unsatisfactory the matter should be reported to the supplier and if necessary to the Commissioner.
66. *Maintenance of register of receipts and issues* :- A register of receipts and issues of clothing and equipment should be maintained in the office. It will be kept in two parts, one for new and one for "Serviceable". Each article of Serviceable clothing "taken into stock and entered in the register should be marked with its estimated remaining "life".
67. *Recording of clothing when issued* :- The issue of clothing should be entered in the register as soon as the issues have taken place indicating the date of issue and the initial of the man to whom issued. Clothing should never be issued except under the written order of the Commissioner.
68. *Maintenance of an individual clothing account* :- An individual clothing Account will be kept for all ranks including Drivers. This account should show all articles of clothing and equipment issued to them as well as the date of issue and the "life" of each article. It should be corrected from time to time, so as to show exactly what clothing and equipment each man has in his possession.

**CHAPTER V**  
***Leave, Service record, Quarters, Compensatory allowance,  
Washing allowance and Refunds***

**LEAVE**

69. *Leave to Superintendent of Excise :-*

(a) Application received from Superintendent of Excise or Deputy Superintendent of Excise posted in the District office for leave is to be forwarded by Deputy Commissioner concerned to the Commissioner of Excise, who will submit them with his recommendations to the Government for final sanction and notification in the official Gazette. The leave application of Superintendent of Excise (Enforcement) or Deputy Superintendent of Excise (Enforcement) who is posted in the Commissioner's office is to be forwarded by the Commissioner with his recommendation to the Government for final sanction and notification in the official Gazette.

When, however, the period of leave applied for does not exceed one month, the Commissioner of Excise can sanction the leave provided he is able to make arrangements for carrying on the absentee's work during the leave without asking for an extra officer. The notification granting such leave should be published in the gazette over the signature of the Commissioner of Excise and a copy sent to the Government for information.

(b) To Inspectors and Sub-Inspectors of Excise:- Leave applications from Inspectors and Sub-Inspectors of Excise are to be submitted through proper channel to the Commissioner for orders.

In extraordinary circumstances, however when leave is urgently required by an Inspector or Sub-Inspector of Excise, the Deputy Commissioner of Excise may, in anticipation of the approval of the Commissioner, grant to such officer leave for a period not exceeding one month, provided arrangements can be made for carrying on the absentee's work without asking for an extra Officer. An order granting such leave should be communicated to the Commissioner without delay for formal sanction.

(c) To Excise Constable and Peons:- Deputy Commissioner and Superintendent of Excise are authorised to grant leave to Head Excise Constables, Constables, Peons and Driver serving in the district. Earned Leave or min-



isterial staff of the rank of Lawyer Division Clerk and above serving in the district should be granted by the Deputy Commissioner of Excise on the recommendation of Superintendent of Excise.

70. *Leave address* :- An officer who is granted leave must communicate his address during leave to the officer granting leave.

71. *Casual Leave : Conditions of grant* :-

(a) Casual leave is not recognised by the Civil Service Regulations or Fundamental Rules and an officer absent on casual leave is not treated as absent from duty. Government will make no arrangement for substitute in the place of officers absent on such leave. The Officer granting the leave and the Officer taking it will be held responsible if the public service suffers in any way from the absent of the officer on casual leave.

(b) *Limitations and restrictions* :- Casual leave shall not be combined with any other kind of leave, and ordinarily may not extend to more than seven consecutive days, or more than twelve days in any one calendar year.

(c) *Authorities who can grant casual leave* :- The undermentioned authorities can grant casual leave to the officers named in the following list :-

### **DIRECTORATE OFFICE**

<b>Sanctioning authority</b>	<b>Officers to whom leave may be granted.</b>
1. State Government	- Commissioner of Excise.
2. Commissioner of Excise	- Any officer and staff in the Excise Department.
3. Deputy Commissioner of Excise.	- Any officer of the rank of Superintendent of Excise and below including all clerical staff.
4. Superintendent of Excise (Enforcement)	- Inspectors, Sub-Inspectors, Head Constables, Constables, Peons and Drivers.

## DISTRICT OFFICE

### Sanctioning authority Officers to whom leave may be granted

1. Deputy Commissioner - Any officer and staff serving in the District office.
  2. Superintendent of Excise. - Inspectors, Sub-Inspectors, Head Constable, Constable, Drivers and Peons and also all clerical staff in District Excise Office.
72. *Absence on Gazetted holidays* :- Officers empowered to grant casual leave may also grant to their subordinates leave of absence during holidays.
73. *Register of Casual leave* :- Register of casual leave will be maintained in the Excise Office.

**NOTE** : For leave salary, travelling allowances and other such matters (see Fundamental Rules and Subsidiary Rules framed thereunder and as amended by Government from time to time).

## SERVICE RECORDS - SERVICE BOOKS

74. *Maintenance of service books* :-
- (1) The Service books should be taken up annually, say, in April or May for verification by the head of the office who after satisfying himself that the services of the Government servants concerned are correctly recorded in each Service Book, should record in it a certificate on the following from over his signature.  
 “Service Verified upto .....date from the record from which the verification is made.”
- (2) The head of the office in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from office records, distinctly state for the excepted periods (naming them) a statement in writing by the Government servants as well as a record of the evidence of his contemporaries, is attached to the book.
- (3) The head of the office should also invariably record necessary particulars whether temporary or officiated and in the case of temporary service, whether the temporary post was subsequently made permanent should be

distinctly noted in the service book.

(4) When a non-gazetted officer is transferred from one office to another, the head of the office under whom he was originally employed shall record in the service book under his signature, the result of the verification of service with reference to pay bills and acquaintance rolls, in respect of the whole period during which the officer was employed under him, before forwarding the service book to the office where his services are transferred.

(5) The term "Service Book" includes "Service rolls" which is maintained in Financial Rules, Forms Nos. 16 and 16-A.

75. Disposal of Service book of an Officer retiring before qualifying for pension or gratuity may be made over to him if claimed within a year from the date of his retirement. If not claimed within that period, the Service book shall be destroyed.

(b) *Of an officer who dies while in Service-* The service book of an officer who dies while employed under Government may be made over to his heirs, if an application be received within three years from the date of his death. If no application is received by the end of that period, the Service book shall be destroyed.

(c) *Of an officer dismissed or removed from Service :-* The Service book of an officer who has been dismissed or removed from the service of Government should not be returned. It should form a part of the record of the dismissal or removal, and be destroyed with the record after twelve years.

76. *Character roll for Subordinate Officials :-*

(a) Character roll should be maintained for all Inspectors and Sub-Inspectors of Excise.

(b) There should be a separate roll for each officer, which will follow him upon transfer. Entries in the roll will be made only by or under the orders of Commissioner, or by the officer holding superior rank, viz. the Deputy Commissioner, and Superintendent of Excise. All entries should be signed (not initialed) and dated.

(c) The entries should indicate any piece of notably good or bad work done. When an official is transferred note of his character and conduct should be invariably made in his roll. Similarly when an officer holding such superior rank is making over charge, it is desirable that he should briefly place on record in the rolls his opinion of the merits of the officials with whom he has been brought into contact.

(d) Character rolls should be maintained as appendages to the Service books, and the two records kept together.

77. *Quarters for Officer in-charge of Warehouse :-* The warehouse licensee shall provide a quarter or building for the Officer-in-charge proximity to the Warehouse. The standard and size of the building shall be of type III standard or as may be prescribed by the Commissioner from time to time.
78. *Quarters for warehouse Constables and Peons :-* The warehouse licensee shall also provide quarters or buildings for the accommodation of Excise Constables and Peons posted in the warehouse proximity to the warehouse. The standard and size of the buildings to be provided shall be of type I standard or as may be prescribed by the Commissioner from time to time.

### **COMPENSATORY ALLOWANCE**

79. *Compensatory allowance :-* All the Excise enforcement staff from the rank of a Constable to Inspector of Excise including Excise Drivers are entitled to a compensatory leave for a period of one month in a year in view of their long hours of work and denial of holidays and weekly off days. If compensatory leave cannot be granted compensatory payment in the form of a days emoluments may be sanctioned for the number of days of leave denied subject to such compensatory payment being limited to a maximum of 30 days in a year.

### **WASHING ALLOWANCE**

80. *Washing allowance :-* All Excise enforcement staff including Excise drivers and peons who are entitled to uniforms are also entitled to receive washing allowance at the rate of Rs 15/- each per month.

## REFUNDS

81. *Refund* :- The Commissioner is authorised to sanction refund of Excise revenue. All refunds should be noted against the original payment in the remarks column of the register in which the payment was noted. An order of refund will remain in force for a period of six months and if the refund be not made within this period fresh sanction must be obtained.
82. *Power of Deputy Commissioners to sanction refunds* :- The Deputy Commissioners of every District are authorised to sanction the refund of security deposit made under Excise rules and to grant refunds of Excise revenue which have become due as a matter of right owing to collections having been made by mistake or twice over or similar cases.
83. *Inspectors and Sub-Inspectors are to reside within the Sub-divisional headquarters*:- The Inspectors and Sub-Inspectors of Excise are required to reside within the Sub-divisional headquarters to which they have been posted.
84. *Relations of Excise Officers with police officers in cases of offences against the Narcotics and Psychotropic Substances and Excise laws* :-
  - (1) In the normal procedure the Police do not have powers to investigate excise offences nor to file prosecution in the court. Only Excise Officers have the powers to detain and search the suspects, investigate the offences and prosecute the offenders in a Court of Law in the case of Excise offences including those in respect of narcotics, while Police Officers have no such powers. Their duty is to immediately inform the nearest Excise station of the same so that the later may proceed further in the case.
  - (2) In exceptionally important and difficult cases within the cognizance of Excise Officers, the Commissioner may ask the Superintendent of Police for the assistance of the Police department in investigation of such particular cases by the Excise Officers when in his opinion the assistance of that department is necessary for the proper investigation of such cases.
  - (3) Again, in specially difficult cases, and particularly in those cases which relate to the smuggling of opium or any other intoxicants from other states or districts, the Commissioner should, if he considers such a course to be

desirable, apply to the Inspector General of Police for the deputation of a special officer to assist the Excise Officers in the investigation of such particular cases.

(4) The assistance of the Police Department should not be invoked in ordinary cases, or in cases which can be well investigated by officers of the Excise Department without the help of a Police Officer.

(5) At the end of each month the Deputy Commissioner of Excise should forward in a confidential cover a report to the Commissioner of Excise giving the details of all opium-smuggling cases investigated by officers of the Excise Department during the proceeding month, a copy of the report being forwarded to the Inspector General of Police, all important information relating to opium smuggling, whether a case has been instituted or not, should also be embodied in the above report.

(6) A copy of the reports referred to in paragraph (5) above should also be forwarded to the Deputy Commissioners of the District to whom the information contained in it is likely to prove useful.

85. *Police assistance in carrying out raids :-*

(i) In all cases in which it is decided that armed police should accompany the raiding party, the strength of the armed police will be fixed by the Superintendent of Police in consultation with the Excise authorities. The Superintendent of Police will also detail a reliable Officer-in-charge of the armed police party, including unarmed police, if any, who will be responsible for the disposition of the entire Excise and police force, which should be made after due consideration of the surroundings of the houses to be raided and of possible resistance. He will work in close co-operation with the responsible Excise Officer and when posting his party will pay due attention to the requirements of that officer in carrying out the necessary house searches.

(ii) In all cases where only lower ranks of the armed and unarmed police are with the Excise party, the police will be under the control of the senior Excise Officer present.

86. *Photographs of professional opium smugglers :-* It is desirable that there should be on record photographs of professional smugglers. In giving ef-

fect to this proposal the instructions noted below should be followed :

(a) All photographs should be taken in accordance with the provisions made in the "Identification of Prisoners Act" 1920 (Act No. XXXIII of 1920), the rules prescribed in Notification No.3666 C.J. of 16<sup>th</sup> June, 1925 and the Instructions laid down by correction slip No. 26 at page 57 of the Assam Police Manual, Part IV, 1931 as adapted.

(b) The photographs of all persons who appear to the Commissioner to be professional smugglers or who appear likely to repeat the offence of smuggling should be taken full face and in profile immediately after conviction under the Narcotic Drugs and Psychotropic Substance Act, 1985. Photographs need not be taken of persons found in possession of small quantities of opium obviously intended for their own consumption.

(c) Ten copies of each of the photographs should be kept by the Superintendent of Excise for distribution as soon as the conviction has become final, i.e. when appeals have been dismissed or are time barred.

(d) Superintendent of Excise will maintain a book in which copies of the photos should be struck with a description of the circumstances in which the offence was committed and detected. This information should accompany the photographs if and when they are sent to the Commissioner.

(e) The cost of the photographs should be met from the provision made in the Excise Budget of Contingencies.

**NOTE :** For instructions regarding taking of finger prints in cases under the Narcotic drugs and Psychotropic Substances Act 1985, see Part IV of the Assam Police Manual, Finger Print Rules, 1931 as adapted.

87. *Use of handcuffs or ropes in securing prisoners :-* Excise officers effecting arrests or escorting prisoner should observe the principles laid down for police officers, viz., Rules 213 and 214 of Assam Police Manual, Part V, 1932 as adapted. It must, however, be born in mind that persons arrested in Excise offences are frequently of a class which may reasonable be expected to attempt escape, and if the Excise Officer considers that this is likely, he had discretion to use handcuffs even in bailable cases.

88. *Attachment and sale by a civil court of intoxicants* :- Under the provisions of the Civil Procedure Code, a civil court has power to attach and sell any stock-in trade of a Judgement - debtor for the realisation of his dues. But as the possession of an intoxicant above the prescribed limit is forbidden by law except under a permit from the Commissioner, the sale of all intoxicants under attachment will necessarily require the Commissioner's intervention. In such cases the civil court will ordinarily ask the Commissioner to arrange for the conduct of the sale.

## CHAPTER - VII

### ***Registers, Returns, Accounts and Miscellaneous***

#### **REGISTERS**

89. *Excise office registers* :- The following registers should be maintained in the Excise office.
1. Register of challan
  2. Register of convicts
  3. Register of cases
  4. Register of conviction for drunkenness
  5. Register of misconduct of vendors
  6. Register of distress warrants
  7. Register of individual clothing account
  8. Register of receipts and issues of uniform
  9. Acquittance roll
  10. Bill book
  11. Index register
  12. Register of Casual leave
  13. Register of letter issued
  14. Register of letter received
  15. Register of leave
  16. Register of petitions
  17. Register of receipts and issues of forms
  18. Register of stores
  19. Register of books
90. *Sub-divisional challans*:- *The following procedure should be adopted*



*in dealing with Sub-divisional Excise challans :-*

- (1) All sub-divisional receipts must be entered in detail in the district office in the challan register.
- (2) They will be written up from original challans received through the district treasury.
- (3) There should be a separate volume for each sub-division, the monthly totals being carried and entered in red ink in the district register, and the district total struck at the close of each month and quarter respectively. Before signing the quarterly return the Superintendent of Excise should satisfy himself that the total agree with those entered in the challan register.
- (4) Every entry should be carefully verified and initialled by the Superintendent of Excise.

91. *Monthly and annual returns of Excise revenue :-* Monthly and annual returns of Excise revenue and of the consumption of intoxicants as well as an annual return of charges in Excise department are to be furnished to the Commissioner in the prescribed form.

## **ACCOUNTS**

92. *Compensation for closure of shops :-* Compensation for the closing of shops is not to be treated in account as a deduction from the amount of tax payable by holder of licences, but the sum is to be paid to the party entitled to it and charged in the PUBLIC ACCOUNTS as a payment. Compensation will be granted by district officers under the orders of the Commissioner.

93. *Miscellaneous revenue :-* The following items are to be treated as Excise miscellaneous revenue, and are to be credited in the accounts and shown in the respective returns as such :

- (1) Fees for duplicate licences,
- (2) Any money realised by sale of articles confiscated under the Excise and Narcotic Drug and Psychotropic Substances laws, after the deduction of the portion representing duty.
- (3) Composition money and security deposits forfeited to Govt.
- (4) Costs of books and forms, etc.

**MISCELLANEOUS**

94. *Indent of forms* : Account books where to be purchased :- Each Deputy Commissioner should submit indent for a standardized forms of licences, permits, passes, account books for vendors, and other miscellaneous forms to the Commissioner who will arrange printing of such forms in Printing & Stationery Department. Emergent indents should also be submitted to him. In case the Controller of Printing & Stationery is unable to undertake printing and supply the forms; printing of such forms may be done in a private firm by the Commissioner. Account book should be sold to vendors by the Deputy Commissioner at cost price. The forms of licences, permits, passes and receipts for licence fees will be printed with counterfoils, and with the pages numbered. The forms of registers and accounts will be issued bound up in books, after each page has been numbered and each leaf attested by either the Superintendent of Excise or the Deputy Commissioner of Excise and after the total number of pages in each book. Requisition for non-standardized forms should also be submitted to the Commissioner who will arrange for supply.
95. *Changes in opium and Excise policy to be reported to Government of India* :- In order to secure harmonious working of the opium and Excise administration as a whole the Government of India desire that every State should keep in close and constant touch with fresh developments in other States, so that each may know where it stands. The most convenient way of securing this object is for a State embarking on any new policy to furnish full information in regard to its intentions to the Central Government, who will in turn pass it on to other States. To enable other State Governments to adjust their arrangements, if necessary, timely information should ordinarily be given, before the charges are actually introduced. Where for any reason this course is not practicable, there should be no delay in reporting the introduction of any important change.
96. *Disposal of intoxicants on expiry of licence* :- If a licenced vendor, on expiry of his licence, is unable to dispose of the intoxicant in his possession in the manner laid down in Rule 269 of the Mizoram Excise Rules, 1983, he shall, on the requisition of the Deputy Commissioner, surrender the same to such officer as the Deputy Commissioner may appoint in this behalf; and the person to whom a new licence has been granted in stead of the said licensed vendor, or if no such new licence has been granted, then any li-

censed vendor of the intoxicant within the district shall, on the requisition of the Deputy Commissioner, be bound, if the Deputy Commissioner sees fit, for forfeiting his licence, to buy the said intoxicant at such price as the Deputy Commissioner may determine to be ordinarily saleable by him in one month.

97. *Prohibition of certain transactions with Excise Officers :-* Any transaction of the nature of gift or loan between the holder of a licence, or pass and an officer of the Excise Department is absolutely prohibited.

## APPENDIX 'A'

Sl. No.	Commodity	Range of illicit prices indicated new.	Rate of maximum reward @ 20% of illicit prices.	Prescribed purity.
1	Opium	Rs. 1,000/- Rs. 2,000/-	Rs. 220/- per kg	Standard Opium (9.5% morphine)
2	Morphine base and its salts	Rs. 40,000/- Rs. 50,000/-	Rs. 8,000/- per kg	90% or more of anhydrous Morphine
3	Heroin and its salts	Rs. 1,00,000/- Rs. 3,00,000/-	Rs. 20,000/- per kg	90% or more of diacetyl morphine
4	Cocaine and its salts	Rs. 2,00,000/- Rs. 6,00,000/-	Rs. 40,000/- per kg	90% or more of anhydrous morphine
5	Hasish	Rs. 2,000/- Rs. 3,500/-	Rs. 400/- per kg	With THC content of 4% or more
6	Hasish oil	Rs. 10,000/- Rs. 17,500/-	Rs. 20,000/- per kg	With THC content of 20% or more
7	Ganja	Rs. 400/- Rs. 500/-	Rs. 80/- per kg	Should be commercially acceptable as Ganja
N.B. Rewards shall be reduced prorata if the purity is less than the prescribed above.				

## **APPENDIX 'B'**

### **B. 12023/9/84-EXC GOVERNMENT OF MIZORAM FINANCE (EXCISE & TAXATION) DEPARTMENT**

Dated Aizawl, the 14<sup>th</sup> Feb., 1986.

#### **RULE FOR OPERATION OF SECRET SERVICE FUND IN RESPECT OF EXCISE DEPARTMENT**

Consequent upon the seizure of seizeable quantities of narcotic drugs in the Aizawl and Lunglei Districts on the basis of information received from private agencies, it is considered necessary to constitute a Secret Service Fund for the Excise Department for payment of suitable rewards to the informers. The corpus of the Secret Service Fund will be fixed up annually. The incurring of expenditure out of the Secret Service Fund shall be governed by the following rules :-

1. The Commissioner of Excise, Government of Mizoram shall be the controlling officer exercising the general supervision and control over the budget provision, drawal and disbursement of fund, utilisation and proper maintenance of accounts thereof. The Secret Service Fund will remain at the disposal of the Assistant Commissioner of Excise/Deputy Commissioner of Excise who will be Drawing and Disbursing Officer. He will draw money against the contingent bill within the allotment and disburse the amount and also maintain the accounts properly. He will supervise and act as controlling officer in respect of the officers to whom fund is allotted.
2. The Assistant Commissioner of Excise/Deputy Commissioner of Excise will maintain a contingent register in the prescribed form in which the date and amount each contingent bill will be entered with a note of the progressive expenditure. Within the allotment the Assistant Commissioner of Excise/Deputy Commissioner of Excise may draw bills for sums as may be necessary. Such bills will not be supported by vouchers.
3. The General control of the expenditure incurred against allotment will be vested in the drawing officer who will be responsible for proper maintenance of account and that payment made for the purpose for which the appropriation has been made.
4. The Drawing Officer will maintain in the forms of a Cash Book a Secret

record of expenditure and receipt connected with the allotment. These records should contain the amount and the rates of each payment and such indication of its nature as the Commissioner of Excise, may consider necessary in order to enable him to discharge the responsibility as Controlling Officer. The amount of grant to be paid in each case shall be decided by the Commissioner of Excise. The amount drawn from the Treasury on contingent bills will be entered in the Cash Books on the receipt side, the number and date of the bill being noted against the entry.

5. The Secret Service Fund is to be utilized for the purchase, collection, tapping or procuring of secret information in cases where the reward under the normal reward rules is not possible and can not be paid for reasons of utmost secrecy or vulnerability or for considerations of speed and urgency of action. It is also used for regular and periodical payments to contacts in the under world or elsewhere whether in or outside the State.
6. The Commissioner of Excise being responsible for the control of the Secret Service Fund shall conduct at least once in every financial year an administrative audit and furnish a certificate to the Account General, Shillong in the following form not later than 31<sup>st</sup> August, following the year to which it relates :-
 

“I hereby certify that the amount actually expended by me or under my authority for Secret Service in the year ending 31<sup>st</sup> March ..... was Rs. ....and that the balance was surrendered by short drawing in the first bill presented during the year and I declare that the interests of the public service required that the above payments should be made out of Secret Service Fund and that they were properly so made.”
7. The accounts of Secret Service expenditure will not be subjected to scrutiny by the Audit Authority.
8. No Fund provided under Excise Secret Service Fund in the Budget Estimate of the year shall be re-appropriated from the Fund.
9. This supercedes all other instructions issued earlier in this regard.

Sd/-

Secretary to the Govt. of Mizoram.

Memo No.B.12023/9/84-EXC/15 :      Dated Aizawl, the  
Copy to :-

1. The Deputy Secretary (A.M.) Government of India, Ministry of Home Affairs New Delhi for information with reference to his letter No.1/69/84-MZ dated 23.7.85.
2. The Commissioner of Excise & Taxes, Mizoram, Aizawl.
3. The Accountant General, Mizoram etc. Laitumkhrah, Shillong-3

Sd/- NARENDRA PRASAD  
Secretary to the Govt. of Mizoram,  
Finance Department.

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## APPENDIX – C

F.No. NCB/XIV/1/1/86  
*Government of India*  
*Ministry of Finance*  
*Department of Revenue*  
NARCOTICS CONTROL BUREAU  
*Hotel Ranjit 5<sup>th</sup> Floor*  
*Maharaja Ranjit Singh Marg*

New Delhi-110 002, the 14<sup>th</sup> May, 1987.

To

1. The Chief Secretaries, All State Govts.
2. Administrators, All Union Territories.
3. Director, CBI. New Delhi
4. Director General, B.S.E. New Delhi.
5. Director General, (Police) All States/U.Ts.
6. Director General, C.E.I.B., New Delhi.
7. Director General, Revenue Intelligence, New Delhi.
8. Narcotics Commissioner, Gwalior
9. Commissioners of Excise, All States/U.Ts.
10. Collectors of Customs & Excise, Customs/Customs (Prev).

**Subj: Forwarding of reward proposals to N.C.B. in narcotics seizure cases - regarding.**

Sir,

Please refer to this Bureau's communications of even number dated 12/6/86, 19/11/86 and 6/4/87 forwarding instructions relating to the policy and procedure for grant to rewards in narcotic seizures cases.

2. It is observed from some reward proposals received in the N.C.B. that the concerned forensic science laboratories are not analysing all the samples relating to a particular seizure forwarded by the seizing agency. Even in the few samples that are analysed, the percentage of the active ingredient of the narcotic drug concerned is found to vary significantly. This makes it difficult to process the reward proposal since the quantum of reward is primarily based on the percentage of the active ingredient in the seized narcotic drug. To obviate this difficulty, the seizing agency should ensure that the forensic science laboratory concerned prepares a master sample by mixing equal quantities from all the samples of the seized drug which is tested for identification of drug as well as purity thereof.
3. As the state Government are aware, the liberalised reward scheme applicable to Customs, Central Excise, Gold Control and Foreign Exchange seizure cases in the Deptt. of Revenue has been made applicable to narcotic seizure cases vide Govt. of India, Ministry of Finance (Deptt. of Revenue) F. No 13011/3/85-Ad V dated 13/3/85. Under this scheme, officers upto the level of Group A drawing pay in senior scale are eligible for grant of reward on the bases of purity of the seized drug and other relevant factors. The senior scale of Rs. 1100-1600/- has since been revised to Rs. 3000-4500. Accordingly, officers in Group D.C.B. and A drawing pay in scale upto the senior scale of Group A i.e. Rs. 3000-4500 only are eligible for grant of rewards, Other Group A officers drawing pay in higher scales are not eligible for the grant of reward on the bases of purity/value of the seizure. In respect of such officers, however, in appropriate cases, Govt. may in consultation with the Director General (NCB) consider grant of a lump sum payment/advance increment and/or recognition in any other manner of the services rendered by them in seizures of the narcotic drugs. The State Govt/U.T. Administration or the Head of the concerned seizing agency should forward their recommendation to the Director General (N.C.B) with a copy to the Ministry of Finance, Govt. of India.
4. In a few reward proposals received, it was observed that the role played by various officers in the seizure/investigation, which is the basic criterion for fixing the amount of reward, was certified by the concerned seizing office heading the party. In order to ensure that rewards are considered and granted on impartial considerations, the role of various officers in the seizure/investigation may be certified by the head of the concerned department or a sufficiently senior officer (other than the seizing officer) nominated by the Head of the Department for the purpose.

5. In respect of cases where the amount of reward to be granted does not exceed Rs. 10,000/- for the informer/individual officer, the State Govt./ U.T. Administration or the agency concerned is to constitute Reward Committee and sanction and pay the rewards. In this context, it is clarified that such payments are to be classified in the Public Account of India or the State, as the case may be, under the following Head of Account :-  
“858 (8658) - Suspense Account - Suspense Account Civil (code 102 from 87-88) - Claims reimbursable by Director General, Narcotics Control Bureau.”
6. As regards reimbursement of such payments, the procedure is being finalised in consultation with the Controller & Auditor General of India and will be intimated to you shortly.

Receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/- B.V. KUMAR  
DIRECTOR GENERAL (NCB)

Copy for information and necessary to :-

1. The Director/Head of all Forensic Science Laboratories.
2. All Revenue Control Laboratories.
3. All Zonal Units of the Narcotics Control Bureau.



LICENCE FORM NO. 1  
FOREIGN LIQUOR  
LICENCE FORM NO-1

FOREIGN LIQUOR – LICENSE FOR THE  
WHOLESALE VEND OF FOREIGN  
LIQUOR

Foreign liquor  
Wholesale

(Note-counterfoil of this  
licence is to be singed  
by the licensee and filed  
in the Excise Office).

District .....  
No. of licence in the  
register .....  
Name of vendor .....  
Locality of shop .....

Counterfoil

District :  
.....

Be it known to all concerned that .....  
..... resident of ..... is hereby  
authorised by the undersigned ..... to sell foreign li-  
quor (other than denatured spirit) by wholesale at  
Register No ..... from ..... to 31<sup>st</sup> March,  
19..... after which this licence will cease to have ef-  
fect.

Register No .....

Name of Vendor  
.....

It is required of the holder of this licence as a con-  
dition of this licence remaining in force that he duly and  
faithfully perform and abide by the following conditions and  
by the provisions of the Mizoram Excise Act, 1973 (No 7  
of 1974) and all notifications and rules which may from  
time to time be published or made thereunder so far as they  
applicable to this licence.

Locality of shop  
.....

(i) That he pay to Government in advance licence fee Rs.  
..... /- and/or a pass fee at such rate as may be pre-  
scribed by a Government.

(ii) That he do not without taking out a licence for retail vend,  
sell any kind of foreign liquor in a quantity equal to or less  
than one dozen reputed nipped bottles.

(iii) That he do not sell whisky, brandy or rum at a lower  
strength than 25 degrees under London Proof or gin at a  
strength lower than 35 degrees under London Proof.

Current from  
.....  
to .....

(iv) That he do not alter the nature of any liquor or the  
labels under which he purchased it and that he do not sell  
any liquor except in sealed and capsuled bottles in tact and  
that the capacity of each bottles should be either one re-  
puted or quart bottle.

	(v) That he do not sell or attempt to sell any kind of foreign liquor at an excessively high price.
Date of licence .....	(vi) That he do not sell or deliver any spirit to any child apparently under the age of 18 years whether for consumption by such child or by any other person.
License fee payable in advance Rs .....	(vii) That he do not allow any liquor to be consumed on his licenced premises.
Monthly pass fee payable in advance Rs .....	(viii) That he do not store any foreign liquor to be sold under this licence in any premises other those named herein without previously obtaining the written sanction of the Commissioner on the reverse of this license.
Received the license and agreed to its conditions.	(ix) That he do not compound, blend, reduce or bottle any foreign liquor without taking a separate license or licenses authorising him to perform such operations.
Licensee.	(x) That he report to the Officer granting the pass the arrival of consignment of foreign liquor within 7 days of their receipt and at least 48 hours before it is opened stating the description and quantity of such liquor received.
Collector/Superintendent of Excise.	(xi) That he keep a correct account of sale daily in form No.....to be purchased at the Commissioner/Superintendent of Excise's office and that he produce for inspection on demand of any Excise Officer of or above the rank of Sub-Inspector, his License and his daily accounts and that he do not prevent any such Excise Officer from entering for inspecting his shop at any time of the day or night.
	<b>N.B.</b> Infraction of any of above conditions will subject the holder of the license to forfeiture of the license and to all or any of the penalties prescribed by law or rules.

District.....  
The.....19...

District .....  
The .....19 .....

Seal of the office  
issuing the licence.

Signature of the Officer  
granting the license.

List of authorised agents or sales man					List of authorised agents or salesman					
Name	Father's Name	Age	Residence	Native Village Thana & District	Name	Father's Name	Age	Residence	Native Village Thana & District	Signature of the licensee
1	2	3	4	5	1	2	3	4	5	6

FOREIGN LIQUOR-LICENCE FORM NO – 2	FOREIGN LIQUOR - LICENCE FORM NO - 2 LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR FOR CONSUMPTION "OFF" THE PREMISES.	
RETAIL Counterfoil	(Note-Counterfoil of this licence is to be signed by the licensee and filed in the Excise office.)	District ..... No. of Licence in the register ..... Name of vendor ... Locality of vend ...

District : ..... Be it known to all concerned that ..... resident of ..... is hereby authorised by the undersigned to open a shop at .....for the sale by retail of foreign liquor from .....to 31<sup>st</sup> March, 19..... after which this licence will cease to have effect.

Register No..... It is required of the holder of this license remaining in force that he duly and faithfully perform and abide by the following conditions and by the provisions of the Mizoram Excise Act, 1973 (7 of 1974) and all notifications and rules which may from time to time be published or made thereunder so far as they are applicable to this license.

Name of vendor. ....  
Locality of shop ..... (i) That he pay to Government in advance a licence fee of Rs ..... and or a pass fee at the rate as may be prescribed by Government.

Current from ..... (ii) That he do not alter the nature of any liquor or the labels under which he purchased it. That he do not reduce the strength of such liquor whether by the addition of water or by mixing it with liquor of lower strength or by other means whatsoever and that he do not keep a stock or sell liquor declared unwholesome by the Commissioner.  
to .....

License fee payable in advance Rs .....	<p>(iii) That he sell under this license only the following kinds of foreign liquor, namely :- Beer, Cider, Wines, Liqueurs, Brandy, Whisky, Gin and Rum.</p> <p>(iv) That he sell any kind of foreign liquor at a reasonable price or as may be fixed by the Government.</p> <p>(v) That he do not allow any liquor to be consumed on his premises.</p> <p>(vi) That he do not allow any liquor to be sold under this licence in any premises other than those named herein without previously obtaining the written sanction of the Deputy Commissioner/Superintendent of Excise on the reverse of this licence. That he effect sale of liquor only in the shop for which this licence is granted and that he keep the said premises clean.</p> <p>(vii) That he do not under cover of this license, sell foreign liquor to any person at one time, in a quantity exceeding of two reputed quart or four reputed pint or eight reputed nipped bottles.</p> <p>(viii) That he do not during the hour in which his licensed premises are kept open for sales of liquor employ or permit to be employed in any part of such premises, either with or without remuneration any person below 18 years to assist him in the conduct of sales in any capacity whatsoever.</p> <p>(ix) That he sell no liquor of any description to the following:-</p>
Date of license .....	<p>(1) Children under 18 years of age.</p> <p>(2) Policemen or Excise Officers below the rank of Sub-Inspector being in uniform.</p> <p>(3) Insane persons;</p> <p>(4) Drunken persons.</p> <p>(x) That he do not open his shops or effect sales therein before .....a.m. or effect sales therein after.....p.m. in the cold season (16<sup>th</sup> October to 15<sup>th</sup> March) and.....p.m. in the hot season (16<sup>th</sup> March to 15<sup>th</sup> October.)</p>
Received the license and agreed to its Conditions. Licenses .....	<p>(xi) That he report to the Superintendent of Excise arrival of consignment of foreign liquor within 7 days of its receipt and at least 48 hours before it is opened stating the description and quantity of such liquor received.</p>



FOREIGN LIQUOR FORM NO- 3 LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR FOR CONSUMPTION ON THE PREMISES (EXCEPT HOTELS, RESTAURANTS, BARS AND CANTEENS).	FOREIGN LIQUOR FORM NO - 3 LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR FOR CONSUMPTION ON THE PREMISES (EXCEPT HOTELS, RESTAURANTS, BARS AND CANTEENS).	
Counterfoil	(Note Counterfoil of this license is to be signed by the license and filed in the Excise Office)	District ..... No. of license in the register ..... Name of vendor..... Locality of vend .....

District ..... Be it known to all concerned that.....resident of.....hereby the authorised by the undersigned to open a shop at .....in the.....of ..... for the retail sale of potable foreign after which this licence will cease to have effect.

No. of licence in the register. to

Name of vendor ..... It is required of the holder of this licence as a condition of this licence remaining in force that he duly and faithfully perform and abide by the following conditions and by the provisions of the Mizoram Excise Act, 1973 (7 of 1974) and by all notifications and rules which have been or which may from time to time be published or made thereunder so far as they are applicable to this licence.

Locality of vend ..... (i) That he pays to Government in advance an annual fee of Rs.....and a monthly fee at the rates as may be prescribed by Government, on the 10th of every succeeding month on the sale made during the previous month. A security deposit equivalent to monthly fee calculated on the estimated sales of one month shall be paid in advance before the commencement of the licence. The amount of security will be liable, to forfeiture for the mismanagement of the shop.

Current from ..... Breach of any of the conditions of this license or infringement of any of the Excise rules in addition to any other penalty prescribed by rules. If not forfeited, the amount of security will be refunded to the holder of this licence towards the end of the year or transferred at his request to any other license.

to ..... That the pay the same into the Treasury at .....

(ii) That all liquor sold under this licence shall be consumed

Annual fee payable on the premises and that he do not sell any liquor for consumption off the premises without taking a separate ‘off’ licence.

Rs.....in addition to monthly fee. (iii) That he do not without previously obtaining the written sanction of the Deputy Commissioner on the reverse of this licence, store any foreign liquor to be sold under this licence in any premises other than those named herein.

(iv) That he do not alter the nature of any liquor or labels under which he purchased it provided that bottles open by a Competent Excise Officer for purposes of test may, if resealed by the Excise Officer, be sold. That he do not reduce the strength of such liquor whether by the addition of water or by mixing it with liquor of lower strength, or by other means whatsoever and that he do not keep a stock or sell any foreign liquor declared unwholesome by the Commissioner.

(v) That he sell under this licence only that following kinds of foreign liquor :-  
 Beer, Cider, Wines, Liqueurs, Brandy, Whisky, Gin and Rum (either imported or manufactured in India) and that under this licence, he do not sell plain spirit, rectified spirit or denatured spirit.

(vi) That he do not sell or attempt to sell any kind of foreign liquor at an excessively high price.

(vii) That he sell no spirits or liquors to the following :-  
 (i) any soldier in uniform;  
 (ii) children under 18 years of age;  
 (iii) Police or Excise Officers below the rank of SI in uniform.  
 (iv) Insane persons,  
 (v) Drunken persons.

The date of licence .....  
 Received the licence and agreed to its conditions.

(viii) That he do not sell any foreign liquor on credit or receive any pledge for payment of the price thereof or anything but money in exchange therefore and that he do not sell any liquor after.....p.m. unless otherwise permitted.

(ix) That he do not permit drunkenness, riot, or gambling on his premises or permit two or more persons who have been convicted of a serious offence, or who are reputed prostitutes, to assemble on the premises, whether for the

Licensee.

purpose of crime, prostitution or otherwise.

(x) That he do not sell whisky, brandy or rum at a lower strength than 25 degrees under London Proof or gin at a strength lower than 35 degrees under London Proof and that he do not sell liquor except in sealed and capsuled bottles intact and that the capacity of each bottle should be either one full reputed nip, pint or quart bottle.

(xi) That he do not employ or permit to be employed in any part of his licenced premises where liquor is consumed, either with or with out remuneration any person under the age of 18 years during the hours in which such premises are kept open for business.

(xii) That he do not, during the hours in which his licenced premises are kept open for business, employ or permit to be employed in any part of licensed premises where liquor is consumed by public either with or without remuneration, any deceased person.

(xiii) That he keep a correct account of sales daily in a prescribed form to be purchased at the Deputy Commissioner's office and that he produce for inspection on demand of any Excise Officer of or above the rank of Sub-Inspector his licence and his daily accounts and that he do not prevent any Excise Officer from entering for inspecting his shop at any time of the day or night.

(xiv) That he report to the Superintendent of Excise, the arrival of every consignment of foreign liquor within seven days of its receipt and at least 48 hours before it is open stating the description and quantity of such liquor received. **N.B.** Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or rule.

District.....  
The.....19...

District .....  
The .....19 .....

Seal of the office  
issuing the licence.

Signature of the Officer  
granting the license.



FOREIGN LIQUOR-LICENCE FORM NO – 4	FOREIGN LIQUOR-LICENCE FORM NO-4 LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR IN A HOTEL TO BE CONSUMED ON THE PREMISES	
HOTEL LICENCE RETAIL	(Note-counterfoil of this licence is to be signed by the licensee and filed in the Excise Office).	District..... No. of licence in the register ..... Name of vendor ..... Locality of vend .....

Register No. .... Be it known to all concerned that..... resident of..... is hereby authorised by the undersigned to sell foreign liquor from .....to 31<sup>st</sup> March, 19 .....in a hotel situated at..... called of styled the Hotel.

District ..... It is required of the holder of this licence as a condition of this licence remaining in force that he duly and faithfully perform and abide by the following conditions and by the provisions of the Mizoram Excise Act, 1973 (7 of 1974) and all notifications and rules which may from time to time be published or made thereunder so far as they are applicable to this licence.

(i) That he pay to Government in advance a licence fee of Rs.....and/or a pass fee at the rate as may be prescribed by Government.

That he pay the same into the Treasury/Sub-Treasury at .....

Name of vendor ..... (ii) That under this licence he confine the sale of foreign liquor only to persons actually residing in the hotel for their use and to persons taking meals therein and that all liquors sold under this licence be served and consume within the said hotel premises, and that he keep the said premises clean.

Locality of shop ..... (iii) That he do not alter the nature of any liquor or the labels under which he purchased it and that he do not reduce the strength of such liquor whether by the addition of water or by other means whatsoever and that he do not keep a stock or sell any foreign liquor declared unwholesome by the Commissioner.

(iv) That he sell under this license only the following kinds,

of foreign liquor, namely :-  
Beer, Cider, Wines, Liqueurs, Brandy, Whisky, Gin and Rum.

(v) That he sell any kind of foreign liquor at a reasonable price or as may be fixed by Government.

That he sell no liquors to the following :-

- (1) Children under 18 years of age
- (2) Policemen or Excise Officers below the rank of Sub-Inspector being in uniform.
- (3) Insane persons;
- (4) Drunken persons.

Current from  
.....  
to.....

(vii) That he do sell any foreign liquor on credit except to bona fide lodgers in the hotel and, that he do not sell any liquor after.....p.m., unless otherwise permitted.

License fee  
payable in  
advance Rs.....

(viii) That he do not permit drunkenness, riot or gambling or permit persons who are reputed prostitutes to assemble on his premises whether for the purpose of crime, prostitution or other wise.

Monthly pass fee  
payable in advance  
Rs.....

(ix) That he keep a correct account of sale daily in form No.....to be purchase at the Excise office and that he produce for inspection on demand of any Excise Officer of or above the rank of Sub-Inspector his licence and his daily accounts and that he do not prevent any such Excise Officer from entering for inspecting his shop at any time of the day or night.

Date of licence  
.....

Received the  
licence and agreed  
to its conditions

(x) That he report to the Superintendent of Excise the arrival of consignment of foreign liquor within 7 days of its receipt and at least 48 hours before it is opened stating the description and quantity of such liquor received.

District Collector/  
Superintendent of  
Excise.

**N.B.** Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by the Mizoram Excise Act or Rules.

District.....  
The.....19...

District .....  
The .....19 .....

Seal of the office  
issuing the licence.

Signature of the Officer  
granting the license.

FOREIGN LIQUOR LICENCE FORM NO - 5	FOREIGN LIQUOR LICENCE NO - 5 LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR IN A RESTAURANT TO BE CONSUMED ON THE PREMISES.	
RESTAURANT LICENCE RETAIL Counterfoil	(Note-counterfoil of this licence is to be signed by the licensee and filed in the Excise Office).	District ..... No. of licence in the register..... Name of vendor..... Locality of vend .....

Register No. .... Be it known to all concerned that..... resident of ..... is hereby authorised by the undersigned to sell foreign liquor from.....to 31st. March, 19 ....., in a restaurant situated at .....

District ..... It is required of the holder of this licence as a condition of this licence remaining in force that he duly and faithfully perform and abide by the following conditions and by the provisions of the Mizoram Excise Act, 1973 (7 of 1974) and all notifications and rules which may from time to time be published or made thereunder so far as they are applicable to this licence.

Name of Vendor .....  
 Locality of Vend .....

(i) That he pay to Government in advance a licence fee of Rs.....and/or a pass fee at such rate as may be prescribed by Government.

That he pay the same into the Treasury/Sub-Treasury at .....

(ii) That under this licence he confine the sale of foreign liquor only to persons taking their meals in the restaurant and that all liquors sold under this licence be served and consumed within the said restaurant premises.

(iii) That he do not alter the nature of any liquor or the labels under which he purchased it. That he do not reduce the strength of such liquor whether by the addition of water or by mixing it with liquor of lower strength or by other means whatsoever and that he do not keep a stock or sell any foreign liquor declared unwholesome by the Excise Commissioner.

Current from .....  
 to.....  
 (iv) That he sell under this license only the following kinds of foreign liquor, namely :- Beer, Cider, Wines, Liqueurs, Brandy, Whisky, Gin and Rum.

(v) That he sell any kind of foreign liquor at a reasonable price or as may be fixed by the Government.

That he sell no liquors to the following :-

	(1) Children under 18 years of age.
	(2) Policemen or Excise Officers below the rank of Sub Inspector being in uniform.
	(3) Insane persons;
	(4) Drunken persons.
License fee payable in advance Rs.....	(vii) That he do not sell any foreign liquor on credit and that he do not sell any liquor after.....p. m. unless other wise permitted.
Monthly pass fee payable in advance Rs.....	(viii) That he do not permit drunkenness, riot or gambling or permit persons who are reputed prostitutes to assemble in his premises whether for the purpose of crime, prostitution or otherwise.
	(ix) That he do not employ or permit to be employed in any part of his licensed premises where liquor is consumed, either with or without remuneration, any person below 18 years to assist him in the conduct of such business in any capacity whatsoever.
Date of licence .....	(x) That he keep a correct account of sales daily in form No.....to be purchased at the Excise officer and that he produce for inspection on demand of any Excise Officer of or above the rank of Sub-Inspector his licence and his daily accounts and that he do not prevent any such Excise Officer from entering for inspecting his shop at any time of the day or night.
Received the licence and agreed to its condition.	(xi) That he report to the Superintendent of Excise, the arrival of consignment of foreign liquor within seven days of its receipt and at least 48 hours before it is open stating the description and quantity of such liquor received.
Licensee.	<b>N.B.</b> Infraction of any of the above conditions will subject the holder of this licence to forfeiture or the licence and to all or any of the penalties prescribed by the Mizoram Excise Act or rules.
Collector/Supt. of Excise	
District..... The.....19...	District ..... The .....19 .....
Seal of the office issuing the licence.	Signature of the Officer granting the license.

FOREIGN LIQUOR-LICENCE FORM NO. 6	FOREIGN LIQUOR LICENCE FORM NO-6 BAR LICENCE	
BAR LICENCE RETAIL	(Note-Counterfoil of this licence is to be signed by the licensee and filed in the Excise Office).	District..... No. of licensee in the register..... Name of Vendor..... Locality of Vend.....

Counterfoil. Be it known to all concerned that.....resident of..... is hereby authorised by the undersigned to open a Bar at.....for the sale of foreign liquor in peg only which is to be served and consumed within the said Bar premises from the date of this licence to.....

District  
.....

No. of licence in the register.....  
.....

Name of Vendor  
.....

Locality of shop  
.....

Current from  
.....  
to.....

Licence fee payable in advance Rs.....

It is required of the holder of this licence as a condition of this licence remaining in force that he duly and faithfully perform and abide by the following conditions and by the provisions of the Mizoram Excise Act, 1973 (7 of 1974) and all notifications and rules which may from time to time be published or made thereunder so far as they are applicable to this licence.

(i) That he pay to the Government in advance a licence fee of Rs.....and/or a pass fee at the rate as may be prescribed by Government.

That he pay the same into the Treasury/Sub-Treasury at.....

(ii) That he do not alter the nature of any liquor or the labels under which he purchased it and that he do not reduce the strength of such liquor whether by the addition of water or by mixing it with liquor of lower strength or by other means whatsoever and that he do not sell any liquor declared unwholesome by the Commissioner.

(iii) That he sell under this licence only the following kinds of foreign liquor, namely :- Beer, Cider, Wines, Liqueurs, Brandy, Whisky, Gin and Rum.

(iv) That he sell any kind of foreign liquor at a reasonable price or as may be fixed by the Government.

(v) That he sell no liquors to the following :-

- (a) Children under 18 years of age;
- (b) Policemen or Excise Officers below the rank of

Monthly fee payable in advance Rs.....	Sub-Inspector being in uniform. (c) Insane persons (d) Drunken persons.
Date of licence .....	(vi) That he do not sell any foreign liquor on credit and that he do not open his Bar or effect sales therein before.....a.m. or effect sales therein after ..... p.m. unless otherwise permitted. (vii) That he do not permit drunkenness, riot or gambling or permit persons who are reputed prostitutes to assemble on his premises whether for the purpose of crime, prostitution or otherwise. (viii) That he do not, during the hour in which his licensed premises are kept open for sales of liquor, employ or permit to be employed in any part or such premises, either with or without remuneration any person below 18 years to assist him in the conduct of sales in any capacity whatsoever.
Received the licence and agreed to its conditions.	(ix) That he keep a correct account of sales in form No.....to be purchased at the Excise Office and that he produce for inspection on demand of any Excise Officer of or above the rank of Sub-Inspector his licence and his daily accounts and that he do not prevent any such Excise Officer from entering for inspecting his shop at any time of the day or night.
Collector/Supt. of Excise.	<b>N.B.</b> Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by the Mizoram Excise Act or rules.
District..... The.....19....	District..... The.....19.....
Seal of the office issuing the licence.	Signature of the officer granting the licence

FOREIGN LIQUOR - FORM NO - 7 LATE CLOSING LICENCE (Tenable by the holder of a hotel or restaurant licence)	FOREIGN LIQUOR - FORM NO-7 LATE - CLOSING LICENCE	
Counterfoil	(Note-counterfoil of this licence is to be signed by the licensee and filed in the Excise Office).	District..... No. of licence in the register..... Name of vendor..... Locality of vend.....

District ..... Be it known to all concerned that .....  
 the holder of hotel/restaurant licence No .....  
 No. of licence dated the ..... 19 ..... for the hotel/ restaurant is hereby  
 in Register ..... authorised by the undersigned to keep the said hotel/restau-  
 Name of vendor rant open up to.....for the sale of potable foreign liquor,  
 ..... to be served and consumed within the said hotel/restaurant  
 restaurant licence No.....remains in force.

Locality of vend It is required of the holder of this licence, as a condi-  
 ..... tion of this licence remaining in force, that he duly and  
 faithfully perform and abide by the following conditions :-

Current from (i) That he pay to the Government in advance, a monthly fee  
 ..... to ..... of Rs.....in the following manner :-

Monthly fee payable One month's fee at the time of engaging to take this  
 in advance Rs..... licence.

Date of licence One month's fee on the.....and  
 ..... one month's fee on the first of every succeed-  
 ing month until the whole of the fees due on this licence shall  
 have been paid.

Received the That he pay the same into the Treasury  
 licence and agreed at.....  
 to its conditions. (ii) That he duly and faithfully perform and abide by all the  
 conditions specified in the above named hotel restaurant li-  
 cence No.....

Licensee. **N.B.** Infraction of any of the above conditions will subject  
 the holder of this licence to forfeiture of the licence and to all  
 or any of the penalties prescribed by law or rule.

District.....  
 The.....19...

District .....  
 The .....19 .....

Seal of the office  
 issuing the licence.

Signature of the Officer  
 granting the license.

FOREIGN LIQUOR LICENCE FORM NO-8	FOREIGN LIQUOR-LICENCE FORM NO - 8 LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR IN A NON-PROPRIETARY CLUB	
CLUB LICENCE RETAIL.	(Note-Counterfoil of this licence is to be signed by the licensee and filed in the Excise Office).	District..... No. of licence in the register..... Name of the Secretary or representative of the Club..... Locality of Vend.....

No. of licence in the Register.....  
.....

Be it known to all concerned that .....resident of .....is hereby authorised by the under-signed to sell foreign liquor at.....situated in 31<sup>st</sup> March, 19.....after which this licence will cease to have effect.

It is required of the holder of this licence as a condition of this licence remaining in force that he duly and faithfully perform and abide by the following conditions and by the provisions of the Mizoram Excise Act, 1973 (7 of 1974) and by all notifications and rules which may from time to time be published or made thereunder so far as they are applicable to this licence.

Name of the Secy. or Representative of the Club.

(i) That he pay to Government in advance a licence fee of Rs.....and/or a pass fee at the rate as may be prescribed by Government.

That he pay the same into the Treasury/Sub-Treasury at.....

(ii) That he sell foreign liquor at the Club and its premises only for which this licence is granted and only to members of the Club for consumption within the club premises and that he do not sell liquor at any other place or established a second place of vend without a separate licence.

Locality of vend .....  
(Name of club)

(iii) That he do not alter the nature of any liquor or the labels under which he purchased it that he do not reduce the strength of such liquor whether by the addition of water or by mixing it with liquor of lower strength or by other means whatsoever and that he do not sell any liquor declared unwholesome by the Excise Commissioner.

Current from .....  
to.....

(iv) That he sell under this license only the following kinds of foreign liquor, namely :- Beer, Cider, Wines, Liqueurs,



Brandy, Whisky, Gin and Rum.

Licensee fee payable in advance  
Rs.....

v) That he sell any kind of liquor at any reasonable price or as may be fixed by the Government.

(vi) That he do not allow drunkenness amounting to a public nuisance in the above mentioned club or premises.

(vii) That he do not during the hours in which this club premises are kept open for sale of liquor employ or permit to be employed in any part of such premises where liquor is consumed either with or without remuneration any person below 18 years to assist him in the conduct of sales in any capacity whatsoever.

Monthly pass fee payable in advance  
Rs.....

(viii) That he keep a correct account of sales daily in form No.....available for purchase at the Excise Office and that he produce for inspection on request of any Excise Office and that he produce for inspection on request of any Excise Officer not below the rank of Sub-Inspector his licence and his daily accounts of stock of liquor and records and that he allow such officer to enter into and remain in the club premises at any time during which the same may be open and that he do not obstruct any such officer in the performance of his duties.

Received the licence and agreed to its conditions.

Licensee.

(ix) That he report to the Superintendent of Excise, the arrival of consignment of foreign liquor (imported direct) within 7 days of its receipt or at least 48 hours before it is opened stating the description and quantity of such liquor received. **N.B.** Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by the Mizoram Excise Act or rules.

Collector/Supt. of Excise

District.....  
The.....19...

District .....  
The ..... 19 .....

Seal of the office issuing the licence.

Signature of the Officer granting the license.

FOREIGN LIQUOR FORM NO 9.	FOREIGN LIQUOR-FORM NO-9 LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR IN A PROPRIETARY CLUB.	
CLUB LICENCE RETAIL.  Counterfoil.	(Note-Counterfoil of this licence is to be signed by the licensee and filed in Excise Office).	District..... No. of licence in the register..... Name of the Secretary or Representative of the Club..... Locality of vend.....

Register No. .... Be it known to all concerned that..... resi-  
dent of.....is hereby authorised by the undersigned  
to sell potable foreign liquor, at.....situated in.....  
from..... to 31<sup>st</sup> March, 19.....after which this licence will  
cease to have effect.

District..... It is required of the holder of this licence as a condi-  
tion of this licence remaining in force that he duly and faith-  
fully perform and abide by the following conditions and by  
the provisions of the Mizoram Excise Act, 1973 (7 of 1974)  
and all notifications and Rules which have been or which  
may from time to time be published or made thereunder so  
far as they are applicable to this licence.

Name of the Secretary or Representative of the Club .....  
 (i) That he pay to Government in advance an annual  
fee of Rs.....and a monthly fee at the rate as may be pre-  
scribed by Government on the 10th of every succeeding  
month on sales made during the previous month. A security  
deposit equivalent to the monthly fee calculated on the esti-  
mated sale of one month shall be paid in advance before the  
commencement of the licence. The amount of security will  
be subject to revision on the basis of actual sales in the first  
two months. The amount of security will be liable to forfei-  
ture for the mismanagement of the shop, breach of any of  
the conditions of this licence or infringement of any of the  
Excise rules in addition to any other penalty prescribed by  
rules. If not forfeited, the amount of security will be refunded  
to the holder of this licence towards the end of the year or  
transferred at his request to any other licence.

Locality of vend .....  
 (Name of Club) ..... That he pay the same into the Treasury  
at.....

(ii) That he sell foreign liquor at the club and the  
premises specified above for which this licence is granted

- Current from  
.....  
to.....
- and that he do not sell liquor at any other place or establish a second place of vend without a separate licence.
- (iii) That he not alter the nature of any liquor or the labels under which he purchased it, provided that bottles opened by a competent Excise Officer for purposes of test may, if resealed by the Excise Officer, be sold. That he do not reduce the strength of such liquor whether by addition of water or by mixing it with liquor of lower strength or by other means whatsoever and that he do not keep stock or sell any foreign liquor declared to be unwholesome by the Commissioner.
- Annual fee payable  
in advance Rs.....  
in addition to  
monthly fee.
- (iv) That he sell under this licence only the following kinds of foreign liquor, namely:- Beer, Cider, Wines, Liqueurs, Brandy, Whisky, Gin and Rum (either imported or manufactured in India) and that under this licence he do not sell plain spirit, rectified spirit or denatured spirit.
- (v) That he do not sell or attempt to sell any kind of foreign liquor at an excessively high price.
- (vi) That he do not sell liquor after  
.....p.m.
- (vii) That he do not allow drunkenness amounting to a public nuisance in the above mentioned club or premises.
- (viii) That he do not sell or deliver any liquor to any child under the age of 18 years whether for consumption by such child or by any other person.
- (ix) That he do not employ or permit to be employed in any part of his licensed premises where liquor is consumed, either with or without remuneration any person under the age 18 years during the hours in which such premises are kept open for business.
- (x) That he do not during the hours in which his club premises are kept open for sale of liquor employ or permit to be employed in any part of such premises where liquor is consumed either with or without remuneration any diseased person.
- (xi) That he do not sell whisky, brandy or rum at a lower strength than 25 degrees under London Proof or gin at a strength lower than 35 degrees under London Proof

and that he do not sell liquor except in sealed and capsuled bottles intact and that the capacity of each bottle should be either one full reputed pint or quart bottle.

Date of licence ..... (xii) That he keep a correct account of sales daily in prescribed form to be purchased at the Deputy Commissioner's Office and that he produce for inspection on demand of any Excise Officer of or above the rank of Sub-Inspector his licence and his daily accounts and that he allow such officer to enter into and remain in the club premises at any time during which the same may be opened and that he do not obstruct any such officer in the performance of his duties.

Received the licence and agreed to its conditions. (xiii) That he report to the Superintendent of Excise the arrival of consignments of foreign liquor (imported direct) within 7 days of their receipt or at least 48 hours before they are or any one is opened stating the description and quantity of such liquor received.

Signature of licensee. N.B. Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and all or any of the penalties prescribed by law or rule.

District.....

District .....

The.....19...

The .....19 .....

Seal of the office issuing the licence.

Signature of the Officer granting the license.

FOREIGN LIQUOR LICENCE FORM NO-10	FOREIGN LIQUOR-LICENCE FORM NO - 10 LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR AT A MILITARY CANTEEN ESTABLISHED UNDER THE CANTEEN TENANT SYSTEM.	
LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR AT A MILITARY CANTEEN ESTABLISHED UNDER THE CANTEEN TENANT SYSTEM.	(Note-Counterfoil of this licence is to be signed by the licensee and filed in the Excise Office).	District..... No.of licence is register ..... Name of licensee ..... Name of Unit/ Regiment .....

Counterfoil. Be it known to all concerned that.....resident of  
 District..... holder of a contract for the supply of foreign liquor  
 ..... under the “Canteen Tenant System” is hereby authorised by  
 ..... the undersigned to supply such liquor to .....from .....to  
 31<sup>st</sup> March, 19....

No. of licence in It is required of the holder of this licence as a condi-  
 the register..... tion of this licence remaining in force that the duly and faith-  
 ..... fully perform and abide by the following conditions :-  
 Name of Vendor (i) That he pay to Government in advance a licence fee of  
 ..... Rs.....and that he pay the same into the Treasury/Sub-  
 Treasury at.....  
 Name of unit/ (ii) That he effect his sale of liquor only at the canteen ap-  
 Regiment to which pointed for the purpose by the Military authorities and that he  
 liquor is to be do not sell liquor at any other place that he do not under cover  
 supplied ..... of this licence sell foreign liquor to any person at one time in a  
 quantity exceeding half dozen reputed quart or one dozen re-  
 puted pint bottles.  
 (iii) That wherever the Regiment or Unit aforesaid is trans-  
 ferred from the district in which this licence is current to an-  
 other District within the State the licensee shall intimate the  
 fact to the authority granting the licence and shall as early as  
 possible produce before the Collector of the district to which  
 the Regiment or unit may be transferred, for his countersigna-  
 ture so as to validate the licence for the remainder of its term in  
 such district.  
 Date of contract (iv) That he do not store any foreign liquor to be sold under  
 with the command- this licence in any premises other than the canteen or place  
 ing officer of such appointed for sale by the Military authorities without previ-  
 Unit/Regiment..... ously obtaining the written sanction of the Excise Commis-  
 sioner on the reverse of this licence.  
 Current from (v) That he sell no liquor of any description to persons other  
 ..... than those attached to the Regiment or unit for which this  
 to..... licence is granted or duly authorised under the Regulations of  
 the Army to use such canteen.  
 (vi) That he do not transfer his licence to any person without

the previous sanction of the Excise Commissioner.

Licence fee paid in advance. (vii) That he do not alter the nature of any liquor or the labels under which he purchased it and that he do not reduce the strength of such liquor whether by the addition of water or by mixing it with liquor of a lower strength or by any other means whatsoever.

Date of licence (viii) That he do not sell or attempt to sell any kind of foreign liquor at an excessively high price.

(ix) That he do not during the hours in which his licenced premises are kept open, employ or permit to be employed in any part of such premises either with or without remuneration any woman to assist him in the conduct of sales in any capacity whatsoever.

(x) That he do not allow any person to sell liquor under this licence unless the name of such person shall, with the approval of Unit, have been previously registered in the Excise office and endorsed on the licence.

(xi) That under cover of this licence, he do not sell plain spirit, rectified spirit or denatured spirit.

Received the licence and agreed to its conditions. (xii) That he keep a correct account of sales daily in form No..... to be purchased at the Excise Officer and that he produce for inspection on demand of any Excise Officer of or above the rank of Sub-Inspector his licence and his daily accounts. That he allow any Excise Officer or above the rank of Sub-Inspector to enter into and remain upon his licenced premises at any time and that he do not obstruct any such officer in the performance of his duties.

Licensee. (xiii) That he report to the Superintendent of Excise the arrival of every consignment of foreign liquor within 7 days of its receipt for verification and shall not open the consignment until a period of two days has elapsed after notifying it to the Superintendent of Excise or unless the Superintendent of Excise has intimated in writing that it will not be examined.

Deputy Commissioner/ Superintendent of Excise. When the consignment is opened, the description and quantity of such liquor received shall be recorded in writing.

**N.B.** Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or Rule. An or expiry of the contract and licence, the licence shall have no claim to compensation or refund of any fee paid.

District.....  
The.....19...

District .....  
The .....19 .....

Seal of the office  
issuing the licence.

Signature of the Officer  
granting the license.

FOREIGN LIQUOR FORM NO. 11 LICENCE FOR COM- POUNDING AND BLENDING OR FOREIGN LIQUOR.	FOREIGN LIQUOR-FORM NO. 11 LICENCE FOR COMPOUNDING AND BLENDING OF FOREIGN LIQUOR	
Counterfoil.	(Note-Counterfoil of this licence is to be signed by the licence and filed in the Excise office.	District..... No. of licence in the register..... Name of licensee..... Locality where the operations are to be carried on.....

District..... Be it known to all concerned that .....resident  
 ..... of.....holding licence No.....for the wholesale vend  
 of foreign liquor is hereby authorised by the undersigned  
 the privilege to compound or to blend or to reduce to strength  
 No. of licence in the register ..... not lower than those prescribed by Government, foreign  
 liquor other than denatured spirit) whether imported or  
 Name of licence. manufactured in India, on which imported or manufactured  
 in India, on which full duty has been paid,  
 at.....from.....to 31<sup>st</sup> March, 9 after which his li-  
 cence will cease to have effect.

It is required of the holder of this licence as a con-  
 dition of this licence remaining in force that he duly and  
 faithfully perform and abide by the following conditions and  
 by the provisions of the Mizoram Excise Act, 1973 (7 of  
 1974) and all notifications and Rules which have been or  
 which may from time to time be published or made there-  
 under so far as they are applicable to this licence.

Locality where operations are to be carried on..... (i) That he pay to Government in advance a fee of  
 Rs.....and that he pay the same into the Treasury  
 at.....

(ii) That he carry on the operations of compounding, blend-  
 ing and reducing only at the premises named therein and he  
 make no alteration in the premises which has been approved  
 by the Commissioner without his previous approval in writ-  
 ing.

(iii) That he do not add to any foreign liquor any colouring  
 or flavouring substance until a sample of such substance  
 has been examined and approved by the Commissioner  
 and that he add such substance only in such proportion as

	the Commissioner may, on examination, direct.
No of licence for wholesale vend of foreign liquor held by the licensee.	(iv) That he keep on the premises described hereunder only foreign liquor (other than denatured spirit and the approved materials, if any, to be added thereto, and the said premises shall be properly marked or numbered and the number or marks thereon shall be painted in oil-colours on some part of the door or other conspicuous place in each room. (v) That he clearly marks in English characters on every vessel containing any material to be added to spirit or wines, its capacity and a true description of its contents.
Current from ..... to.....	(vi) That he permit any Excise Officer of or above the rank of Sub-Inspector at any time to enter into and remain upon the premises, so long as may be necessary for the proper execution of his duties and that he do not obstruct any such officer in the performance of such duties.
Amount of fee paid in advance Rs.....	(vii) That when required by any Excise Officer of or above the rank of Sub-Inspector he assist him by a sufficient number of servant in taking account his stock. (viii) That he permit any Excise Officer of or above the rank of Sub-Inspector to take samples of any liquor or materials found on the premises described in this licence without payment of price of such samples for purpose of analysis.
Date of issue .....	(ix) That he provide suitable office accommodation with sanitary arrangement for the Excise Officer and establishment appointed for the purpose and that he supply such furniture and other articles for their use as may be considered indispensable by the Commissioner.
Received the licence and agreed to its conditions.	(x) That he maintain a regular account of his operations in such form as the Commissioner may from time to time prescribe; that he enter therein the quantity, description, and strength of any spirits received on the premises described in this licence, the quantities and descriptions of colouring and flavouring materials received. That he keep the said account book for 12 months after it is taken out of use and that he at all reasonable hour allow any Excise Officer of or above the rank of Sub-Inspector to inspect the same.
Licensee.	(xi) That he do not bottle any liquor without taking out a separate bottling licence. (xii) That when any operations of compounding, blending or



reducing are to be carried on he give the Commissioner a 72 hours previous notice (exclusive of Sundays and holidays) of the days and hours during which such operations will be carried on.

(This condition is not obligatory when the operations are carried on in a licensed distillery or an Excise warehouse).

N.B. Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or rule.

District.....  
The.....19...

District .....  
The ..... 19 .....

Seal of the office  
issuing the licence.

Signature of the Officer  
granting the license.

FOREIGN LIQUOR LICENCE FORM NO-12	FOREIGN LIQUOR LICENCE FORM NO-12 LICENCE FOR BOTTLING OF FOREIGN LIQUOR	
LICENCE FOR BOTTLING OF FOREIGN LIQUOR.	(Note-Counterfoil of this licence is to be signed by the licensee and filed in Excise Office).	District..... No. of licence in the register..... Name of licensee..... Locality where operations are to be carried on .....

District..... Be it known to all concerned that .....resident of.....holding licence No.....for the wholesale vend of foreign liquor is hereby authorised by the undersigned the privilege to bottle foreign liquor (other than denatured spirit) whether imported or manufactured in India from.....to 31<sup>st</sup> March, 19.....after which this licence will cease to have affects.

Name of licensee ..... It is required of the holder of this licence as a condition of this licence remaining in force that he duly and faithfully perform and abide by the following conditions and by the provisions of the Mizoram Excise Act, 1973 (7 of 1974) and all notifications and rules which may from time to time to published or made thereunder so far as they are applicable to this licence.

Locality where operations are to be carried on..... (i) That he pay to Government in advance a fee of Rs.....and that he pay the same into the Treasury at.....

(ii) That he carry on the business of bottling only at the premises named herein.

(iii) That he use no bottle having a capacity than that of a reputed pint or quart bottles and that he securely seal and capsules every bottle in such a manner that the bottle cannot be opened without breaking the seal or capsule or defacing the label affixed thereto.

No. of licence for wholesale vend of foreign liquor held by licence..... (iv) That to each bottle or other receptacle filled on the premises with foreign liquor he affix a label correctly and truly specifying:-

(a) The nature of liquor contained there in i.e. whether whisky, brandy, gin, rum, liqueurs or wine.

(b) The country of origin of the principal alcoholic

Current from ..... to.....	constituent of such liquor. (c) District of bottling (d) The name of bottler.
Amount of fee paid in advance Rs.....	(v) That he permit any Excise Officer of or above the rank of Sub-Inspector to enter into and remain open the licensed premises so long as may be necessary for the proper execution of his duties and that he do not obstruct any such officer in the performance of such duties.
Dated of licence .....	(vi) That he bear the cost of excise establishment as may be fixed by the Commissioner for the supervision of the operations to be carried on, on the premises licensed hereunder. That he provide suitable office accommodation with sanitary arrangement for the Excise officer and establishment appointed for the purpose and that he supply such furniture and other articles for their use as may be considered in dispensable by the Commissioner.
Received the licence and agreed to its conditions.	(vii) That he maintain a regular account of his operations in such form as the Commissioner may from time to time prescribe and that he allow any Excise Officer of or above the rank of Sub-Inspector to inspect the same at all reasonable hours.
Licensee.  Superintendent/ Deputy Commis- sioner.	(vii) That he maintain a regular account of his operations in such form as the Commissioner may from time to time prescribe and that he allow any Excise Officer of or above the rank of Sub-Inspector to inspect the same at all reasonable hours.

N.B. Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or rule.

District.....  
 The.....19...

District.....  
 The.....19....

Seal of the office  
 issuing the licence.

Signature of the Officer  
 granting the Licence.

FOREIGN LIQUOR FORM NO-13	FOREIGN LIQUOR - FORM NO 13 LICENCE FOR THE RETAIL VEND OF RECTIFIED SPIRIT (INCLUDING ABSOLUTE ALCOHOL)	
LICENCE FOR THE RETAIL VEND OF RECTIFIED SPIRIT (INCLUDING ABSO- LUTE ALCOHOL) BY CHEMISTS AND DRUGGISTS.	(Note-Counterfoil of this licence is to be signed by the licence and filed in the Excise office).	District..... No. in register..... Name of the Chemist or Druggist..... Locality of vend.....

Counterfoil. Be it know to all concerned that .....resi-  
dent of.....thana .....district.....and car-  
rying on the business of chemist or druggist at.....is  
Name of district. hereby authorised by the undersigned to sell rectified spirit  
..... (including absolute alcohol) from.....to the 31<sup>st</sup> March,  
No. of licence in 19..... after which his licence will cease to have effect.  
register..... It is required of the holder of this licence as a condi-  
Name of chemist tion of this licence remaining in force that he duly and faith-  
of druggist fully perform and abide by the following conditions and by  
..... the provisions of the Mizoram Excise Act, 1973 (7 of 1974)  
and all notifications and Rules which have beer or which  
Locality of vend. may from time to time be published or made thereunder so  
..... far as they are applicable to this licence.  
Current from (i) That he pay to Government in advance a fee of  
..... Rs.....and that he pay the same in to the Treasury  
to..... at.....  
(ii) That under this licence he well only rectified spirit (in-  
including absolute alcohol) either imported or manufactured  
in Indian upon which duty at the full rate prescribed under  
the Indian Tariff Act or the Mizoram Excise Act, 1973 as  
the case may be, has been paid.  
Date of licence (iii) That he do not reduce the strength of any rectified spirit  
..... (including absolute alcohol) below that at which he purchased  
it whether by the addition of water or by mixing it with liquor  
of a lower strength or by any other means whatsoever and  
that he do not at any time possess more then.....litres  
Amount of fee of rectified spirit.  
paid in advance (iv) That he do not sell any rectified spirit (including absolute  
Rs..... alcohol) except for bona fide medicinal, industrial or scien-  
tific purposes.  
(v) That he do not sell rectified spirit (including absolute al-

cohol) to any person at one time in a quantity exceeding ..... litres, provided this condition shall not apply to sales of rectified spirit (including absolute alcohol) to any druggist or chemist holding and Excise licence for the use of such spirit.

(vi) That he do not sell or deliver any rectified spirit (including absolute alcohol) to any child apparently under the age of.....years.

Received the licence and agreed to its conditions.

(vii) That he do not allow any rectified spirit (including absolute alcohol) to be drunk on his premises.

Licence

(viii) That he report to the Superintendent of Excise the arrival of every consignment of rectified spirit (including absolute alcohol) within seven days of its receipt and at least 48 hours before it is opened, stating the description and quantity of such spirit received.

(ix) That he keep a correct account of sales daily in a prescribed form to be purchased at the Deputy Commissioner's office and that he produced for inspection on demand of any Excise office of or above the rank of Sub-Inspector his licence and his daily accounts and that he do not prevent any such Excise Officer from entering for inspection of his stock at any time of the day or night.

(x) That he do not store rectified spirit (including absolute alcohol) in any room unless it is built of unflammable materials and is well ventilated so as to prevent the accumulation of spirit fumes. Naked lights or fire shall not be used or kept in such room. The receptacles containing such spirit shall be kept close so as to prevent the accumulation of spirit fumes in the room.

**N.B.** Infringement of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or rule.

District.....  
The.....19...

District .....  
The ..... 19 .....

Seal of the office  
issuing the licence.

Signature of the Officer  
granting the license.

FOREIGN LIQUOR FORM-14	FOREIGN LIQUOR - FORM NO-14 PERMIT FOR A HOMEOPATHIC CHEMIST OR PRACTITIONER TO OBTAIN RECTIFIED SPIRIT FROM A DISTILLERY OR WAREHOUSE IN INDIA FOR MANUFACTURE OF HOMEOPATHIC MEDICINES.	
PERMIT FOR A HOMEOPATHIC CHEMIST OR PRACTITIONER TO OBTAIN RECTIFIED SPIRIT FROM A DISTIL-LERY OR WAREHOUSE IN INDIAN FOR MANUFACTURE OF HOMEO-PATHIC MEDICINES.		

Counterfoil. From.....to 31<sup>st</sup> March, 19.....

No..... Mr/Mrs. .... of .....  
is/are hereby permitted to obtain rectified spirit at the  
Name of District concessional rate of duty of Rs.....per L.P. Litre upto  
..... a maximum limit of..... litres per annum and in quantities of  
..... not less than one bulk litre or more than.....bulk litres  
at a time subject to the following conditions :-

Registered No. of Permit..... (i) That he/they use the spirit solely for the preparation of  
dilutions from original tinctures or from dilutions of less po-  
tency in accordance with directions laid down for the same  
in homeopathic pharmacopoea.

N.B. No original tinctures can be manufactured with spirit  
obtained under this permit.

Name of person to whom issued ..... (ii) That he/they shall submit, every time a supply of spirit is  
wanted, a requisition for import of spirit in the prescribed  
form to the Deputy Commissioner of the district of import  
with the permit and obtained his sanction.

Place of manufac- (iii) That he/they shall take supply or spirit under cover of a  
ture..... pass to be granted by the officer in charge of a distillery or a  
..... warehouse in the place of export.

Current from ..... (iv) That he/they shall report to the Superintendent of Excise  
concerned the arrival of consignment of rectified spirit within

to.....	seven days of its receipt and at least 48 hours before it is opened stating the description and quantity of such liquor received.
Date of issue .....	(v) That he/they shall store the spirit so obtained in casks, vats or other approved receptacles which shall be kept in a secure place under a special lock and key of the permit holder or a manager appointed by him and approved by the Deputy Commissioner.
Received the permit of which this is the counterfoil and agreed to it conditions.	(vi) That he/they shall give full facility to an Excise Officer of or above the rank of Sub-Inspector to inspect his/their premises and to take stock of spirit and to check the accounts during the usual working hours viz., from 10 a.m. in the morning to 5 p.m. in the evening.
Signature and designation of the permit holder.	N.B. Infraction of any of the above conditions will subject the holder of the permit to the forfeiture of the permit and to all or any of the penalties prescribed by law or rule.

**Instructions for the guidance of the permit holder.**

(i) Application for renewal of permit, if necessary, should be submitted by the 15<sup>th</sup> of March every year along with the old permit. No supply of spirit will be allowed between the 15<sup>th</sup> and 31<sup>st</sup> March.

(ii) A statement should be submitted to the Deputy Commissioner at the end of the year within the 15<sup>th</sup> of April showing the opening balance of rectified spirit taken during the year, the quantity used and the closing balance.

District.....  
The.....19...

District .....  
The .....19 .....

Seal of the office  
issuing the licence.

Signature of the Officer  
granting the license.

FOREIGN LIQUOR FORM NO-15 LICENCE FOR THE MANUFACTURE OF DENATURED SPIRIT AND TO STORE IT AT AN EXCISE WAREHOUSE.	FOREIGN LIQUOR - FORM NO-15  LICENCE FOR THE MANUFACTURE OF DENATURED SPIRIT AND TO STORE IT AT AN EXCESE WAREHOUSE.
--	--

Counterfoil

No. of licence in the register.....

Name of licensee..... **Be it known that** ..... resident of

Place of manufacture..... is authorised to manufacture denatured spirit at his Distillery/warehouse at.....in the district of

No. of licence in the register .....from.....to 31<sup>st</sup> March, 19.....and to issue the same free of duty, subject to the following conditions :-

.....

Name of licensee ..... (i) That he shall make denatured spirit from plain spirit of strength not less than 50 O.P. or such other strength as may be fixed in any case by the Government of Mizoram manufactured in his own distillery or imported from any distillery in India.

Place of manufacture..... (ii) That he shall use only approved denaturants which have been previously examined by the chemical Examiner or by such other officer appointed in this behalf by the Government of Mizoram. The licensee will bear the cost of such examinations.

Current from ..... (iii) That he shall conduct denaturation and keep the stock of denatured spirit in a separate building or room within the distillery or warehouse approved by the Commissioner. The building or the room in which denatured spirit shall be stored shall be of unflammable materials and shall be well ventilated, so as to prevent accumulation of spirit fumes, and naked lights or fire shall not be used or kept in such room.

to..... (iv) That he shall not manufacture more than.....litres of denatured spirit in any month without the previous sanction of the Commissioner.

..... (v) That he shall conduct the denaturing operations in such manner as have been or may from time to time be prescribed by Government and in the presence of the Excise Officer appointed for the purpose, who shall send samples of dena-



Date of licence ..... tured spirit from each vessel to the Chemical Examiner or to such other officer appointed in this behalf by the Government for examination and report. The licensee shall bear the cost of examination.

Received the licence and agreed to its conditions. (vi) That the denatured spirit shall ordinarily be issued only after the chemical examiner or such other officer appointed by the Government for the purpose has reported it to have been successfully rendered unfit for human consumption. It may however be issued at the discretion of the Excise Officer in charge before the receipt of the Chemical Examiner's report or of the report of such other officer appointed for the purpose by Government provided that the licensee executes a bond undertaking to pay duty at the full rate prescribed for potable foreign liquor on the total quantity issued in the event of the examiner's report being that the spirit has not been rendered effectually and permanently unfit for human consumption.

Licensee. (vii) That he shall not issue denatured spirit in quantities less than (5) five litres.

(viii) That he shall keep an accurate account of all plain spirit and denatured spirit and denaturants in the prescribed forms.

(ix) That he shall abide by all rules and instructions issued by Government or Commissioner of Excise from time to time in respect of denatured spirit.

Commissioner of Excise,  
Mizoram.

Seal of the office  
issuing the licence

FOREIGN LIQUOR FORM NO-16	FOREIGN LIQUOR - FORM NO-16 LICENCE FOR THE WHOLESALE VEND OF DENATURED OR METHYLATED SPIRITS i.e., SPIRITS RENDERED EFFECTUALLY AND PERMANENTLY UNFIT FOR HUMAN CONSUMPTION.	
LICENCE FOR THE WHOLESALE VEND OF DENATURED OR METHYLATED SPIRITS i.e. SPIRITS RENDERED EFFEC- TUALLY AND PER- MANENTLY UNFIT FOR HUMAN CONSUMPTION.	(Note-Counterfoil of this licence is to be signed by the licensee and filed in the Excise office).	District..... No. in the register..... Name of vendor..... Locality of vend.....

Counterfoil. Be it known to all concerned that ..... resident of ..... district of ..... is hereby authorised

No. in the register by the undersigned to sell by wholesale denatured or methy-  
lated spirits which have been rendered effectually and per-  
manently unfit for human consumption, at from.....to the  
District 31<sup>st</sup> March, 19.....after which this licence will cease to have  
effect.

Name of vendor It is required of the holder of this licence as a condi-  
tion of this licence remaining in force that he duly and faith-  
fully perform and abide by the following conditions and by the  
provisions of the Mizoram Excise Act, 1973 (7 of 1974) and  
all notification and rules which have been or which may from  
time to time be published or made thereunder so far as they  
are applicable to this licence.

Locality of store (i) That he pay to Government in advance, a fee of  
or vend..... Rs.....and that he pay the same into the Treasury  
at.....

Current from (ii) That he neither receive nor issue denatured or methylated  
spirits into or from his licensed premises unless covered by a  
to..... pass or licence granted by the Deputy Commissioner or other  
duly authorised officer which must accompany the spirits during  
transit.

Date of licence (iii) That under this licence he sell denatured or methylated  
spirits only to persons holding licences which entitle them to  
possess or sell the same and only of such description and up  
to such quantity as they are entitled by such licences to pos-  
sess.

Received the li- (iv) That under this licence he do not sell denatured or methy-  
cence and agreed to lated spirits in a quantity equal to or less than five litres or six  
its conditions. reputed quart bottles.

Licensee.

(v) That he do not reduce the strength of any denatured or methylated spirits whether by the addition of water or by any other means.

(vi) That he do not sell denatured or methylated spirits at a strength lower than 50 degrees over London Proof.

(vii) That he store denatured or methylated spirits only in a room built of unflammable materials and well ventilated, that he allow no naked lights or fire to be used or kept in such room and that he keep all receptacles containing such spirits closed so as to prevent the accumulation of spirits fumes in the room.

(viii) That in the event of his also holding a licence for the retail vend of denatured or methylated spirits he keep the accounts of sales in the prescribed form under each kind of licence separately.

(ix) That he keep a correct account of sales daily in the prescribed form to be purchased at the Commissioner's office and that he produce for inspection on demand of an Excise Officer of or above the rank of Sub-Inspector his licence and his daily accounts and that he do not prevent any such Excise Officer from entering for inspecting his shop at any time of the day or night.

(x) All bottles, jars, drums or casks containing denatured or methylated spirit shall bear a label printed in red and containing skull and cross bones with a warning "not to be taken internally" written in English and in the local language. The design and style of the label shall be as follows :-

POISON  
Denatured spirit  
Not to be taken internally  
Bottled by.....

N.B. Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or rule.

District.....  
The.....19...

District .....  
The .....19 .....

Seal of the office  
issuing the licence.

Signature of the Officer  
granting the license.

FOREIGN LIQUOR FORM-17	FOREIGN LIQUOR-FORM NO-17 LICENCE FOR THE RETAIL SALE OF DENATURED OR METHYLATED SPIRITS, i.e., SPIRITS RENDERED EFFECTUALLY AND PERMANENTLY UNFIT FOR HUMAN CONSUMPTION.	
LICENCE FOR THE RETAIL SALE OF METHYLATED SPIRITS i.e., SPIRITS RENDERED EFFECTUALLY AND PERMANENTLY UNFIT FOR HUMAN CONSUMPTION.	(Note-Counterfoil of this licence is to be signed by the licensee and filed in the Excise Office).	District..... No. of licence in the register..... Name of vendor..... Locality of store or vend.....

Counterfoil

Be it known to all concerned that ..... resident of.....is hereby authorised by the undersigned to sell by retail, denatured or methylated spirits which have been rendered effectually and permanently unfit for human consumption at.....from.....to 31<sup>st</sup> March, 19....., after which this licence will cease to have affect.

No. of licence in the register

.....

District

.....

It is required of the holder of this licence as a condition of this licence remaining in force that he duly and faithfully perform and abide by the following conditions and by the provisions of the Mizoram Excise Act, 1973 (7 of 1974) and all notifications and rules which have been or which may from time to time be published or made thereunder so far as they are applicable to this licence.

Name of vendor

.....

(i) That he pay to Government in advance a fee of Rs.....and that he pay the same into the Treasury at.....

Locality of store or vend.....

.....

(ii) That he receive no denatured or methylated spirit into his licensed premises unless covered by a pass or licence granted by the Deputy Commissioner or other duly authorised officer which must accompany the spirit during transit.

(iii) That he keep a correct daily account of sales in the prescribed form to be furnished at the Deputy Commissioner's Office.

(iv) That he produce for inspection, on demand of any Excise Officer of or above the rank of Sub-Inspector, his licence and his daily accounts and that he do not prevent any such Excise Officer, from entering for inspecting his shop at any hour of the day or night.

(v) That he do not sell any such spirit in any premises other than those named herein without previously obtaining the written sanction of the Deputy Commissioner on the reverse of this licence.

(vi) That he do not at one time sell more than two litres reputed quart bottles of denatured or methylated spirits to any person.

Provided he may sell denatured or methylated spirit up to the quantity specified in such licence to a person holding a current licence authorising such person to possess denatured or methylated spirits in excess of the quantity fixed as the limit of private possession and producing a pass or licence granted by the Deputy Commissioner or other duly authorised officer, which must accompany the spirit during transit.

(vii) That he do not reduce the strength of any denatured or methylated spirits whether by the addition of water or by mixing with spirits of a lower strength or by any other means whatsoever.

(viii) That he do not store more than 300 litres of such spirit at any time.

(ix) That he do not sell such spirits of a strength lower than 50 degrees over London Proof.

(x) That he store denatured or methylated spirits only in a room built of unflammable materials and well ventilated, that he allow no naked lights or fire to be used or kept in such room and that he keep all receptacles containing such spirits closed so as to prevent the accumulation of spirits fumes in the room.

(xi) All bottles, jars, drums or casks containing denatured spirit shall bear a label printed in red and containing skull and cross bones, with a warning "not to be taken internally" written in English and in the local language. The design and style of the label shall be as follows :-

POISON  
Denatured spirit  
Not to be taken internally  
Bottled by.....

N.B. Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or rule.

District.....  
The.....19.....

District.....  
The.....19.....

Signature & Designation  
of the Officer granting it.

Signature & Designation  
of the Officer granting it.

FOREIGN LIQUOR FORM NO-18 LICENCE FOR THE POSSESSION OF DENATURED OR METHYLATED SPIRIT i.e., SPIRIT RENDERED EFFECTUALLY AND PERMANENTLY UNFIT FOR HUMAN CONSUMPTION, FOR BUSINESS PURPOSES.	FOREIGN LIQUOR-FORM NO-18 LICENCE FOR THE POSSESSION OF DENATURED OR METHYLATED SPIRITS, i.e., SPIRIT RENDERED EFFECTUALLY AND PERMANENTLY UNFIT FOR HUMAN CONSUMPTION, FOR BUSINESS PURPOSES
---	---

Counterfoil. Be it known to all concerned that ..... resi-  
dent of..... is hereby authorised by the undersigned  
Name of District to possess ..... litres of denatured or methylated  
..... spirits for the purpose of ..... at ..... from.....  
31<sup>st</sup> March, 19....., after which this licence will cease to  
have effect.

No. of licence in register..... It is required of the holder of this licence as a condi-  
..... tion of this licence remaining in force that he duly and faith-  
fully perform and abide by the following conditions and by  
the provisions as the Mizoram Excise Act, 1973 (7 of 1974)  
and all notifications and rules which have been or which may  
from time to time be published or made there under so far as  
they are applicable to this licence.

Name of licensee (i) That he pay to Government, in advance a fee of  
..... Rs.....and that he pay the same into the Treasury  
at.....

Premises on which (ii) That he receive no denatured or methylated spirits  
possession is under this licence unless covered by a pass or licence granted  
authorised..... by the Deputy Commissioner or other duly authorised of-  
ficer, which must accompany the spirits during transit.

Current from (iii) That he do not possess any denatured or methy-  
..... lated spirits in excess of five litres or six reputed quart bottles  
to..... in any premises other than those covered by this licence.

- |  |  |
|--|--|
| Amount of fee paid in advance<br>Rs. ....          | (iv) That he do not sell denatured or methylated spirits.  |
| Date of licence<br>.....                           | (v) That he store denatured or methylated spirits only in a room built of unflammable materials and well ventilated, that he allow no naked lights or fire to be used or kept in such room and that he keep all receptacles containing such spirits closed so as to prevent the accumulation of spirits fumes in the rooms.  |
| Received the licence and agreed to its conditions. | (vi) That he allow any Excise Officer of or above the rank of Sub-Inspector to enter into and remain upon the premises covered by this licence so long as may be necessary for the proper execution of his duties, that he permit such officer to examine, test and measure his took of denatured or methylated spirits and that he do not obstruct any such officer in the performance of his duties. |
| Licensee.  |  |

N.B. Instruction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or rule.

District.....  
The.....19...

District .....  
The ..... 19 .....

Seal of the office  
issuing the licence.

Signature of the Officer  
granting the license.

FOREIGN LIQUOR FORM NO-19 LICENCE FOR THE MANUFACTURE OF PERFUMES AND TOILET PREPARATIONS CONSISTING OF OR CONTAINING ALCOHOL.	FOREIGN LIQUOR - FORM NO-19 LICENCE FOR THE MANUFACTURE OF PERFUMES AND TOILET PREPARATIONS CONSISTING OF OR CONTAINING ALCOHOL	
Counterfoil	(Note-Counterfoil of this licence is to be signed by the licensee and filed in the Excise Office).	District..... No. of licence in the register..... Name of licence..... Place of manufacture .....
Name of District .....		

No. of licence in register ..... Be it known to all concerned that ..... resident of ..... thana ..... district ..... is hereby authorised by the undersigned to manufacture perfumes or toilet preparation from or with duty paid plain spirit from.....to the 31<sup>st</sup> March, 19.....

Name of licence ..... It is required of the holder of this licence as a condition of this licence remaining in force, that he duly and faithfully perform and abide by the following conditions and by the provisions of the Mizoram Excise Act, 1973 (7 of 1974) and all notifications and rules which have been or which may from time to time be published or made thereunder so far as they are applicable to this licence.

Place of manufacture ..... (i) That he pay to Government in advance, a fee of Rs.....only and that he pay the same into the Treasury at.....

Current from ..... (ii) That he use for the manufacture of perfumes or toilet preparations only plain spirit that has not been denatured and to..... on which duty at the prescribed rate has been paid.

Date of licence ..... (iii) That if he uses Indian-made plain spirit, he shall obtain his supply from a bonded distillery or bonded warehouse on prepayment of duty to the credit of the Government of Mizoram at the rates leviable in Mizoram in quantities of not less than five litres or such less quantity as may be sanctioned by the Commissioner and that each time a supply is required he applies to the Commissioner of the district of import in form No.....and obtains an import pass or permit from him.

Annual fee Rs..... (iv) That he do not sell plain spirit to any person.

(v) That he carry on the manufacture of operations only at the premises mentioned herein, a plan of which has been previously approved and retained by the Commissioner.



Paid in advance Rs.....	(vi) That he affix on each jar, bottle phial or other container of his preparations a label showing the name and address of the manufacturer, the quantity in fluid litres and the percentage of proof spirit contained in the preparation.
	(vii) That if he exports preparations containing India-made spirit to any other States in India he will comply with all rules and orders of the Excise authorities of the State of import.
Received the licence and agreed to its conditions.	(viii) That he maintain a regular and accurate account of his operations in such form as the Commissioner may from time to time prescribe, that he enter therein as soon as the transactions for each day have been closed the quantity and strength of all plain spirit received by him and any other particulars of which the Commissioner may from time to time required that entries be made; that he total the account for each year ending 31st. March; that he keep the said account book for twelve months after it is taken out of use; and that he produce it for inspection on demand of any Excise Officer of or above the rank of Sub-Inspector.
Licensee.	(ix) That when required by an Excise Officer of or above the rank of Sub-Inspector he assist such officer by a sufficient number of servants in taking account of his stock.
	(x) That he permit any Excise Officer of or above the rank of Sub-Inspector at any time to enter into and remain upon the premises so long as may be necessary for the proper execution of his duties, and that he do not obstruct any such officer in the performance of duties.
	(xi) Samples of any perfumes or toilet preparations manufactured under this licence and under a written order of the Commissioner be taken by such Excise Officers without payment of the price.
	<b>N.B.:</b> Infraction of any of the above conditions will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or rule.

District.....  
 The.....19.....

District.....  
 The.....19.....

Signature & Designation  
 of the Officer granting it.

Signature & Designation  
 of the officer granting it.

**PART – VII****THE MIZORAM EXCISE ACT 1992  
(ACT NO 10 of 1992)****CONTENTS****CHAPTER - I*****Preliminary***

1. Short title, extent and commencement
2. Definition
3. Power to declare country liquor and/or foreign liquor
4. Retail and wholesale
5. Saving of certain acts Central Act 2 of 1924, 52 of 1962, 32 of 1934

**CHAPTER - II*****Establishments, Control, Appeal And Revision***

6. Establishments, delegation and withdrawal of powers
7. Control, appeal and revision
8. Correction of errors

**CHAPTER - III*****Import, Export And Transport***

9. Restrictions on import
10. Restriction on export of transport
11. Power to prohibit, manufacture, possession, sale, import, export and transport
12. Passes for import, export or transport
13. Grant of passes

**CHAPTER - IV*****Manufacture, Possession and Sale***

14. Manufacture and preparations for manufacture prohibited without licence
15. Establishment or licensing of distilleries, breweries and warehouses

16. Licence required for depositing or keeping intoxicant in warehouse or other place of storage
17. Payment of duty on removal from distillery, brewery, warehouse or other place of storage
18. Possession of intoxicant not obtained from a licensed vendor prohibited
19. Limit of possession
20. Prohibition of sale without licence and the exceptions to such prohibition
21. Manufacture, and sale in cantonments
22. Grant of exclusive privilege of manufacture, and sale of country liquor
23. Transfer of exclusive privilege
24. Maintenance and use of measures, weights and instruments by licensed manufacturer
25. (1) Employment of children under 18 years by licensed vendor prohibited  
(2) Employment of woman by licensed vendor prohibited
26. (1) Power to declare dry days  
(2) Power to close shops temporarily

### **CHAPTER - V** ***Duty and Fee***

27. Levy of duty
28. Mode of levy of duty
29. (1) Payment for grants of exclusive privilege  
(2) Grant of exemption from payment of Excise duty

### **CHAPTER - VI** ***Licenses, Permits and Passes***

30. (1) Fees, conditions and forms of licenses  
(2) Duration of license
31. Agreement to be made by licence
32. Technical defects, irregularities and omission
33. Ascertainment of local public opinion
34. Power to cancel or suspend license, permit or pass
35. Power to cancel license etc.
36. Surrender of license
37. No right to renewal

**CHAPTER - VII**  
***Departmental Management or Transfer***

38. Power of Commissioner to take grants under management, or to transfer them

**CHAPTER - VIII**  
***Prevention, Detection, Investigation and trial of offences and procedure***

39. Power to inspect places of manufacture etc. and to seize utensil etc.  
40. Power to arrest without warrant, to seized articles liable to confiscation and to make searches  
41. Power to issue warrant of arrest  
42. Power to issue search warrant  
43. Power of Collector or Magistrate to arrest or search without issuing a warrant  
44. Power of Excise officer to search, arrest etc. without warrant  
45. Information and aid to Excise Officers  
46. Duty of owners and occupiers of land other persons to give notice of unlicensed manufacturer  
47. Power of Collector and certain Excise Officers to investigate offense  
48. Power of investigating officer  
49. Security and bail  
50. Production of articles seized and persons arrested  
51. Excise and Police custody of seized article  
52. Reports of arrests, seizures and searches  
53. Execution of warrants  
54. Maximum period of detention  
55. Application of certain provisions of Cr.P.C., 1973  
56. Magistrate to try offences under the act  
57. Initiation of certain prosecutions  
58. Bar to transfer of trial on application of Accused Act 2 of 1974

**CHAPTER - IX**  
***Offences, Penalties and procedure***

59. Penalty for unlawful import, export, transport, manufacture of intoxicant etc.

60. Penalty for unlawful working or establishment of distillery and brewery and removal etc. of intoxicants.
61. Offence by Companies
62. Presumption as to offence where possession is not satisfactorily accounted for
63. Penalty for altering or attempting to alter denatured spirit
64. Presumption as to the offence under section 63 in certain cases
65. Presumption as to any spirit which contains any denaturant
66. Penalty for adulteration by licensed manufacturer or vendor or his servant Central Act 45 of 1860
67. Penalty for fraud by licensed manufacturer or vendor or his servant
68. Penalty for certain unlawful acts of licensed vendor or their servant
69. Penalty for possession of intoxicant in respect of which an offence has been committed
70. Penalty for consumption in chemist's shop etc.
71. Penalty for failing to produce licence etc. by licensee or his servant
72. Penalty of contravention of Section 76 and conditions of license etc.
73. Import, export, transport, manufacture, sale or possession by one person on account of another
74. Criminal liability of license for acts of his servant
75. Imprisonment under Section 73 or Section 74
76. Penalty on Excise Officer making vexatious search, seizure, detention or arrest or refusing duty, or being guilty of cowardice
77. Penalty for offences not otherwise provided
78. Penalty for contempt of court
79. Penalty for attempt to commit offence
80. Enhanced punishment after previous convictions
81. Punishment for allowing premises to be used for the commission of an offence
82. Security for abstaining from commission of certain offences
83. Things liable to confiscation
84. Confiscation by Magistrate or by Collector
85. Power to compound offences

## **CHAPTER - X**

### ***Miscellaneous Provision***

86. Power of the Government to make rule
87. Publication and effect of rules and notifications.

88. Recovery of dues
89. Power to government to exempt intoxicants from provisions of this act.
90. Bar to certain suits
91. Limitation of suits and prosecutions
92. Repeal and savings.

## NOTIFICATION

No.H.12018/36/92 LJD, the 24<sup>th</sup> November 1992. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor is hereby published for general information.

The Mizoram Act No 10 of 1992  
The Mizoram Excise Act, 1992

(Received the assent of the Governor of Mizoram on the 18<sup>th</sup> November, 1992).

### AN ACT

to control the import, export, transport, manufacture, possession and sale of intoxicants and to provide for the imposition of duty of Excise thereon in the State of Mizoram and for matters connected therewith.

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

## CHAPTER – I

### *Preliminary*

**1. Short title, extent and commencement:-**

- (1) This Act may be called the Mizoram Excise Act, 1992
- (2) It shall extent to the whole of Mizoram.
- (3) It shall came into force on such date as the Government may, by notification in the Official Gazette, appoint in this behalf.

**2. Definitions:-** In this Act, unless the context otherwise requires :-

(1) “*beer*” includes ale, stout, port and all other fermented liquor usually made from malt;

(2) “*to bottle*” means to transfer liquor from a cask or other vessel to a bottle or other receptacle for the purpose of sale, whether any process of rectification be employed or not; and includes rebottling;

(3) “*club*” means a society of persons associated together for social intercourse for the promotion of politics, sports arts and science or literature or for any purpose except the acquisition of gain and where the same be registered under the Companies Act, 1956 (Central Act 1 of 1956), the Mizoram Co-operative Societies Act, 1991 (Mizoram Act, 1991) or under any act relating to Co-operative Societies in force in Mizoram, or the Societies Registration Act, 1860 (Central Act 21 of 1860) as extended to Mizoram or otherwise incorporated or not;

(4) “*Collector*” includes the District Excise Collector and any other Excise Officer whom the Government may, by notification, appoint or declare to be a Collector to exercise all the powers and to perform all the duties of the Excise Collector in a district;

(5) “*Commissioner*” means the Commissioner of Excise appointed by the Government under clause (a) of sub-section (2) of section 6;

(6) “*denaturant*” means any substance prescribed for admixture with spirit in order to render the mixture unfit for human consumption whether as a beverage, or internally, as a medicine, or in any other way whatsoever; and, “to denature” means to mix spirit within one or more denaturants in such manner as may be prescribed under clause (t) of sub-section (2) of Section 86 and denatured spirit means spirit so mixed;

(7) “*duty*” or “*countervailing duty*” means the duty of Excise of countervailing duty as the case may be, mentioned in entry 51 in List II of the Seventh Schedule to the Constitution;

(8) “*excisable article*” means –

(a) any liquor for human consumption, not being a medicinal preparation or a toilet preparation under the Medicinal and Toilet preparations (Excise Duties) Act, 1955 (Central Act 16 of 1955) or

(b) Any intoxicating liquor or substance;

(9) “*Excise Officer*” means a Collector or any Excise Officer or other person, appointed or invested with powers under section 6.



(10) “*excise revenue*” means revenue derived or derivable from any duty, fee, tax penalty, payment (other than a fine imposed by a Court of Law) or confiscation imposed, made or ordered under any provision of this Act, or any other law for the time being in force relating to intoxicants;

(11) “*export*” means to take out of the State of Mizoram to which this Act applies, otherwise than across a custom frontier as defined by the Central Government;

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

(13) “*holder of a license*” includes a person whose bid, tender or application for a license has been accepted by the Commissioner or any Excise Officer empowered to grant such license, although such person may not in fact have received the license;

(14) “*import*” (except in the phrase import into India) means to bring into the State to which this Act applies otherwise than across a customs frontier as defined by the Central Government;

(15) “*intoxicant*” means any liquor or intoxicating substance but does not include a medicinal preparation or a toilet preparation under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (Central Act 16 of 1955);

(16) “*Liquor*” means intoxicating liquor and includes Zu, Rakzu, Tinzu, Zupui, all liquid consisting of or containing alcohol and any substance which the Government may, by notification, declare to be liquor for the purpose of this Act but does not include any Medicinal preparation and Toilet Preparations (Excise Duties) Act, 1955 (Central Act 16 of 1955);

(17) “*manufacture*” includes every process, whether natural or artificial, by which any intoxicant is produced or prepared, redistillation and every process for the rectification, flavouring, blending or colouring of liquor;

(18) “*magistrate*” means such Magistrate empowered to try cases under section 56;

(19) “*notification*” means a notification published in the official gazette;

(20) "*place*" includes a house, building, shop, tent, vessel, raft and vehicle;

(21) "*prescribed*" means prescribed by rules or notifications made under this Act;

(22) "*sale*" includes any transfer otherwise than by way of gift;

(23) "*spirit*" means any liquor containing alcohol obtained by distillation, whether it is denatured or not and includes "Rakzu";

(24) "*State*" means the State of Mizoram and it shall include any State or Union Territory in India for the purposes of section 3 and clause (b) of section 28;

(25) "*transport*" means to move from one place to another within Mizoram;

(26) "*Zu*" means any rice, millet or other grain fermented naturally from itself or with some foreign or artificial substance, whether mixed with any liquid or not, and any liquid obtained there from, whether diluted or undiluted, but does not include beer;

### **3. Power to declare country liquor and/ or foreign liquor:**

The Government may by notification, declare what kind of intoxicants for the purposes of this Act, shall be deemed to be country liquor and/ or foreign liquor respectively;

Provided that where the interests of any State may be affected, no such declaration shall be made except after obtaining the previous sanction of the Central Government.

### **4. Retail and wholesale :**

1) The Government may by notification, declare with respect either to the whole of Mizoram or to any specified local area, and as regards purchasers generally or any specified class of purchasers, and either generally or for any specified occasion, what quantity of any intoxicant shall, for the purposes of this Act, be the limit of a retail sale.

2) The sale of any intoxicant in any quantity in excess of the quantity declared in respect thereof under sub-section (1) shall be deemed to be a sale by wholesale.

**5. Saving of certain Acts:**

Nothing contained in this Act shall affect the provisions of-

- (a) the Cantonments Acts, 1924 (Central Acts 2 of 1924)
- (b) the Indian Tariff Act, 1934 (Central Acts 32 of 1934);
- (c) The Customs Acts, 1962 (Central Acts 52 of 1962)

or any rule or order made under any of the said Acts.

## **CHAPTER – II**

### **ESTABLISHMENTS, CONTROL, APPEAL AND REVISION**

**6. Establishments, delegation and withdrawal of powers:**

1) The administration of the provisions of this Act and the rules made there under and the collection of the excise-revenue within a district shall ordinarily be under the charge of the Collector.

2) The Government may, by notification applicable to the whole of Mizoram or to any specified local area,-

- (a) appoint an officer who shall, Subject to such control as the Government may direct, have the control of the administration of the provisions of this Act and the rules made there under and the collection of excise revenue;
- (b) appoint any person to exercise all or any of the powers and to perform all or any of the duties, conferred and imposed on a Collector by or under this Act, either concurrently with, or in subordination to, or to the exclusion of, the Collector and subject to such control as the Government may direct;
- (c) appoint officers for the administration of the provisions of this Act and the rules there under, of such classes, and with such designations, powers and duties as the Government may think fit;
- (d) order that all or any of the powers and duties assigned by or under

this Act to any officer appointed under clause (c) of this sub-section shall be exercised and performed by any officer of the Government or any other person;

- (e) delegate to the Commissioner all or any of the powers conferred upon the Government by or under this Act except the power conferred by section 86 to make rules;
- (f) withdraw from any officer or person all or any of the powers or duties conferred or imposed upon him by or under this Act; and
- (g) permit the delegation by the Commissioner of the Collector, to any person, or classes or persons specified in such notification, of any powers conferred or duties imposed upon him by or under this Act.

**7. Control appeal and revision:**

1) in doing any thing or taking any action under this Act,-

- (a) the Collector shall be subject to the control of the Commissioner and of the Government, and in such matters as the Government may direct,

(b) the Commissioner shall be subject to the control of the Government.

2) Orders passed under this Act or under any rule made he render shall be appeal able in such cases, to such authorities and under such procedure as may be prescribed by rules made under section 86.

3) The Government may revise any order passed by the Commissioner, the Collector or by any officer exercising the powers of an appellate authority under any rule made under section 86.

**8. Correction of errors:**

Clerical or arithmetical errors in any order passed under this Act or errors arising therein from any accidental slip or omission may at any time be corrected by the officer by whom or the authority by which the order was passed.

## **CHAPTER – III**

### **IMPORT, EXPORT AND TRANSPORT**

#### **9. Restrictions on import:**

- 1) No intoxicant shall be imported unless;
  - (a) the Government has given permission, either general or special, for its import;
  - (b) such conditions, if any, as the Government may impose have been satisfied; and
  - (c) the duty, if any payable under Chapter V has been paid, or a bond has been executed for the payment thereof;

Provided that the Government may, subject to such conditions, if any as it thinks fit to impose, exempt any intoxicant from the provisions of this subsection.

#### **10. Restriction on export or Transport:**

No intoxicant shall be exported or transported unless –

- (a) the duty, if any, payable under Chapter V has been paid, or a bond has been executed for the payment thereof; and
- (b) such conditions, if any, as the Government may impose, have been satisfied;

Provided that the Government may subject to such condition if any, as it thinks fit to impose, exempt any intoxicant from the provisions of this section.

#### **11. Power to prohibit, manufacture, possession sale import, export an transport:**

The Government may, with a view to enforcing a policy of prohibition or for purposes of public health, by notification:-

- (a) prohibit the manufacture, possession and sale of any intoxicant;
- (b) prohibit the import of any intoxicant into or from Mizoram or any part thereof; or

- (c) prohibit the transport of any intoxicant.

**12. Passes for import, export or transport:**

No intoxicant exceeding such quantity as the Government may, by notification, specify either generally for the whole of Mizoram or for any local area comprised therein, shall be imported, exported or transported, except under a pass issued under the provisions of section 13.

**13. Grant of passes:**

1) A pass for the import, export or transport, of intoxicant may be issued by the Collector or by any officer specially authorized by the Commissioner in that behalf.

2) A pass issued under sub-section (1) may be either general for definite periods and specified kinds of intoxicants or special for specified occasions and particular consignment only.

3) A pass under section 12 or under sub-section (1) of this section may be issued only for the purposes of imposing and collecting duty or ensuring conformity with license requirements and any other requirements under this Act.

## **CHAPTER – IV**

### **MANUFACTURE, POSSESSION AND SALE**

**14. Manufacture and preparations for manufacture prohibited without license:**

Except under the authority and in accordance with the terms and conditions of a license granted in that behalf by the Commissioner –

- (a) no intoxicant shall be manufactured;
- (b) no liquor shall be bottled for sale;
- (c) no distillery or brewery shall be constructed or worked; and
- (d) no person shall use, keep or have in his possession any materials, still, utensils, implements or apparatus whatsoever for the purpose of manufacturing any intoxicant.

**15. Establishment or Licensing of distilleries breweries and warehouses:**

The Commissioner, with the sanction of the Government may –

- (a) establish a distillery in which spirit may be manufactured under a license granted under section 14 on such conditions as the Government may impose;
- (b) discontinue any distillery so established;
- (c) grant a license on such conditions, as the Government may impose, for the construction and working of a distillery or brewery;
- (d) establish or license a warehouse wherein any intoxicant may be deposited and kept without payment of duty; and
- (e) discontinue any warehouse so established.

**16. License required for depositing or keeping intoxicant in warehouse or other place of storage:**

No person shall, except under the authority and subjects to the terms and conditions of a license granted in that behalf by the Commissioner or any other officer authorized by him, deposit or keep any intoxicant in any warehouse or other place or storage established, authorized or continued under this Act.

**17. Payment of duty on removal from distillery, brewery, warehouse or other of storage:**

No intoxicant shall be removed from any distillery, brewery warehouse or other place of storage licensed, established, authorized or continued under this Act, unless the duty or fee, if any payable under Chapter V or Chapter VI has been paid or a bond has been executed for the payment thereof.

**18. Possession of intoxicants not obtained from a licensed vendor prohibited:**

1) No person shall have in his possession any intoxicant which has not been obtained from a licensed vendor of the same.

2) Sub-section (1) shall not apply to –

- (a) any intoxicant lawfully deposited or kept in a distillery, brewery, warehouse or other place of storage licensed, establish, authorized or

continued under this Act, or

- (b) any intoxicant lawfully in the possession of a licensed vendor of the same, or
- (c) any intoxicant in the possession of a person who has lawfully imported it, or who is authorized by the Collector to possess it, or
- (d) any foreign liquor in the possession of any common carrier or warehouseman as such, or purchased at a sale authorized by clause (c) of sub-section (1) of section 20.

**19. Limit of possession:**

1) No person not being licensed to manufacture, possess or sell any intoxicant shall have in his possession any quantity of any intoxicant in excess of such quantity as the Government has, under section 4, declared to be the limit of a retail sale, except under a permit granted by the Collector in that behalf.

2) Save as the Government may by rule made under section 86 otherwise provide sub-section (1) shall not apply to –

- (a) any foreign liquor (other than denatured spirit) which is in the lawful possession of any common carrier or warehouseman as such, or
- (b) any foreign liquor which has been purchased lawfully by any person for his benefit private consumption and not for sale.

3) A person licensed to manufacture, possess or sell any intoxicant shall not have in his possession at any place other than that authorized by his license, any quantity of any intoxicant in excess of such quantity as the Government has, under section 4, declared to be the limit of a retail sale, except under a permit granted by the Collector in that behalf.

4) Notwithstanding anything contained in the forgoing sub-sections, if the Government thinks fit so to do on the ground of health, morality or public order, it may, by notification, prohibit, either absolutely or subject to such conditions as it may prescribe, the possession in the whole of Mizoram or in any specified local area of any intoxicant by all persons generally or by any specified class or classes of persons.



**20. Prohibition of sale without license and the exception to such prohibition:**

1) No intoxicant shall be sold except under the authority and in accordance with the terms and conditions of a license granted by the Collector of the Commissioner in that behalf.

*Provided that –*

- (a) a license for sale of intoxicants in more than one district shall be granted only by the Commissioner or by a Collector specially authorized in this behalf by the Commissioner;
- (b) on such conditions as may be determined by the Commissioner, a license granted under the Excise Law in force in another State for sale of intoxicants may be deemed to be a license granted under this Act;
- (c) nothing in this section shall apply to the to the sale of any foreign liquor lawfully procured by any person for his private use and sold by him or on his behalf or on behalf of his representative in interest upon his quitting a station or a after his decease;

2) Any club which as transactions with its members in respect of foreign liquor shall be deemed to be conducting retail sales and shall be required to take out a license under this Act on payment of such fees and subject to such restrictions and on such conditions as may be prescribed.

**21. Manufacture and sale in cantonments:**

Within the limits of any military cantonment, no license for the manufacture or sale of liquor shall be granted, except with the previous consent of the Commanding Officer.

**22. Grant of exclusive privilege of manufacture, and sale of country liquor:**

- 1) The Government may grant to any person, on such conditions and for such period as it may think fit, the exclusive privilege -
  - (a) of manufacturing, or supplying by wholesale, or
  - (b) of manufacturing, and supplying by wholesale, or

- (c) of selling, by wholesale or retail, or
- (d) of manufacturing or supplying by wholesale and selling retail, or
- (e) of manufacturing and supplying by wholesale and selling retail, any country liquor within any specified local area.

2) No grantee of any privilege under sub-section (1) shall exercise the same unless or until he has received a license in that behalf from the Collector or the Commissioner.

**23. Transfer of exclusive privilege:**

1) A grantee of an exclusive privilege under section 22 shall not let or assign the same or any portion thereof unless he is expressly authorized, by a condition made under that section, to do so.

2) Such letting or assignment shall be made only to a person approved by the Collector or if the letting or assignment extends to more than one district, the Commissioner.

3) The lessee or assignee shall not exercise any rights as such unless and until the Collector has, upon his application granted him a license to do so.

**24. Maintenance and use of measures, weights and instruments by licensed manufacturers:**

Every person who manufactures or sells any intoxicant under a license granted under this Act-

- (a) Shall supply himself with such standard measures, standard weights, measuring instruments and weighing instruments duly verified and approved by the Commissioner and such other instruments as the Commissioner may prescribed and shall keep the same in good condition; and
- (b) When such measures, weights and instruments have been so prescribed, shall, on the requisition of any Officer referred to in clause (a), clause (b), or clause (c) of section 39, measure, weight or test any intoxicant in his possession, at such time and in such manner as such officer may require.

**25. (1) Employment of children under eighteen years by licensed vendor prohibited:**

No person who is licensed to sell foreign liquor or country liquor for consumption on his premises shall, during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, any person under the age of eighteen years in any part of such premises in which such liquor or spirit is consumed by the public.

**(2) Employment of woman by licensed vendor prohibited:**

No person who is licensed to sell foreign liquor or country liquor for consumption on his premises shall, during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, any woman, in any part of such premises in which such liquor or spirit is consumed by the public.

**26. (1) Power to declare dry days:**

The Commissioner may, by notification declare any day or days as dry day or days for the whole of Mizoram or for any local area comprised therein in which sale and consumption of any intoxicant shall be prohibited and no liquor shop shall be opened at such time and for such period as the Commissioner may think necessary and specify it in the notification for preservation of public peace.

**(2) Power to close shops temporarily:**

If any riot or unlawful assembly is apprehended or occurs in the vicinity or any shop in which any intoxicant is sold, the District Magistrate may require such shop to be kept closed for such period as he may think necessary;

Provided that the District Magistrate who makes direction under this sub-section shall forthwith inform the Collector concerned and the Commissioner of his action and his reason thereof.

## **CHAPTER – V**

### **DUTY AND FEE**

#### **27. Levy of duty:**

An excise duty and or a countervailing duty, as the case may be, at such rate or rates as the Government may direct, may be imposed, either generally or for any specified local area, on-

(a) any exciseable article imported

or

(b) any exciseable article exported,

or

(c) any exciseable article transported,

or

(d) any exciseable article manufactured in any distillery or brewery licensed established, authorized or continued under this Act.

**Explanation:-** Duty may be imposed on any article under this sub-section at different rates according to the purposes for which such article is intended to be used, according to the places to which such article is to be removed for consumption or according to the varying strengths, and quality of such article.

#### **28. Mode of levy of duty:**

Subject to such rules regulating the time, place and manner of the levy and collection of duty, as may be prescribed, and duty imposed under section 27 may levied in any of the following ways:-

(a) on an exciseable article imported,-

(i) by payment upon or before importation in Mizoram or in the State or Territories from which the article is brought, or

(ii) by payment upon issue for sale from a warehouse established, authorized or continued under this Act;

(b) on an exciseable article exported, -by payment in Mizoram or in the State or Territory to which the article is sent;

(c) on an exciseable article transported,-

- (i) by payment in the district from which the article is sent, or
- (ii) by payment upon issue for sale from a warehouse established, authorized or continued under this Act,-

(d) (i) on spirit or beer manufactured in any distillery or brewery licensed, established authorized or continued under this Act,-

(ii) in accordance with such scale of equivalents calculated on the quantity of materials used, or by the degree of attenuation of the wash or wort, as the case may be, as the Government may prescribe;

Provided that, where payment is made upon the issued of an exciseable article for sale from a warehouse, it shall be at the rate of duty in force on the date or issue of such article from such warehouse.

**29. (1) Payment for grant of exclusive privilege:**

Instead of, or in addition to, any duty leviable under this Act, the Government may accept payment of a sum in consideration of the grant of any exclusive privilege under section 22.

**(2) Grant of exemption from payment of excise duty:**

The Government may, either wholly or partially, and subject to such condition as it may think fit to prescribe, grant exemption to any license holder from the payment of excise duty on import or collection of any exciseable article from any distilleries or warehouses for any specified period or occasion according to the purposes for which such article is intended to be used.

## **CHAPTER-VI**

### **LICENSES, PERMITS AND PASSES**

**30. (1) Fees, condition and form of licenses :**

Every license, permit or pass under this Act shall be granted-

(a) on payment of such fees, if any, as the Government may fix, and

(b) subject to such restrictions and on such conditions as the Government may impose, and

(c) in such form and contain such particulars as the Government may direct.

**(2) Duration of license:**

Every license, permit or pass under this Act shall be granted for such period, if any, as may be prescribed by rule made under this Act.

**31. Agreement to be made by licensee:**

Any authority granting a license under this Act may require the grantee to execute an agreement in conformity with the tenure of his license, and to give such security, for the performance of such agreement, or to make such deposit in lieu of security, as the authority granting the license may require.

**32. Technical defects, irregularities and omission:**

(1) No license granted under this Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the license or in any proceedings taken prior to the grant thereof.

(2) The decision of the Commissioner as to what is a technical defect, irregularity or omission, shall be final.

**33. Ascertainment of local public opinion:**

Before licenses are granted, in any year for the retail sale of any intoxicant, the Collector shall take such measures, in such manner as may be prescribed, as may best enable him to ascertain local public opinion in regard to the licensing and location of shops.

**34. Power to cancel or suspend license, permit or pass:**

(1) Subject to such restrictions as the Government may prescribe, by rule made under section 86, the authority who granted, any license, permit or pass under this Act may cancel or suspend it-

- a) if it is transferred or sublet by the holder thereof without the permission of the said authority; or
- b) if any duty, tax or fee payable by the holder thereof be not duly paid; or
- c) in the event of any breach by the holder thereof, or by any of his servants, or by any one acting on his behalf with his express or im-

plied permission, of any of the terms or conditions thereof, or

- d) if the holder thereof is convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue, or of any cognizable and non bailable offence, or of any offence punishable under the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) of the prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (Central Act 46 of 1988) or under any section 479 to 489 of the Indian Penal Code, (Central Act 45 of 1860) or under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955); or
- e) where a license, permit or pass has been granted on the application of the holder of an exclusive privilege granted under section 22, on the requisition in writing of such holder; or
- f) if the conditions of the license, permit or pass provide for such cancellation or suspension at will.

(2) When a license, permit or pass held by any person is cancelled under clause (a), clause (b), clause (c) or clause (d) of sub-section (1), the authority aforesaid may cancel any other license, permit or pass granted to such person by the authority of the Commissioner under this Act or under any other law for the time being in force relating to Excise, or the Narcotic Drugs and Psychotropic Substances Act, 1985. (Central Act 61 of 1985)

(3) The holder of a license, permit or pass shall not be entitled to any compensation for its cancellation or suspension under this section, or to the refund of any fee paid or deposit made in respect thereof:

Provided that in case of hardship, the Commissioner may grant such payment of compensation or refund of fee or deposit as he may consider necessary.

### **35. Power to cancel license etc.:**

(1) Whenever the authority which granted any license, permit or pass under this Act considers that the license permit or pass should be cancelled for any cause other than those specified in section 34, it may, subject to such restrictions, if any, as the Government may prescribe by rule under section 86, cancel

the license, permit or pass either.

- (a) on the expiration of fifteen day's notice in writing of its intension to do so, or
- (b) forthwith without notice, after recording its reasons in writing for doing so.

(2) When a license, permit or pass is cancelled under sub-section (1), there shall be paid to the holder of the license, permit or pass, as the case may be, the amount, if any, deposited as security or in advance as fees in respect of the unexpired period of the license, permit or pass together with compensation of such amount as commissioner may direct.

### **36. Surrender of license:**

(1) Any holder of a license granted under this Act to sell an intoxicant may surrender his license on the expiration of one month's notice in writing given by him to the Collector of his intension to surrender the same and on payment of the fee payable for the license for the whole period for which it would have been current by for such surrender:

Provided that, if the Commissioner is satisfied that there is sufficient reason for surrendering a license, he may remit to the holder thereof the sum so payable on surrender, and any fees paid in advance or any portion of such sum or fees.

(2) Sub-section (1) shall not apply in the case of a license for the sale of any country liquor in the exercise of an exclusive privilege granted under section 22.

### **37. No right to renewal:**

No person to whom a license has been granted under this Act shall have any claim to the renewal of such license, or save as provided in section 35, any claim to compensation on the determination thereof.



## **CHAPTER-VII**

### **DEPARTMENTAL MANAGEMENT OR TRANSFER**

**38. Power of Commissioner to take grants under management, or to transfer them:**

If any holder of a license granted under this Act or any person to whom an exclusive privilege has been granted under section 22, contravenes any provision of this Act or any rule made hereunder, or makes default in complying with any condition imposed upon him by such license or privilege, or

If any holder of a license granted under this Act surrenders the same under section 36,

The Commissioner may, in the case of a license, after the cancellation or surrender thereof, and, in the case of an exclusive privilege, at any time-

(a) take the grant under management, at the risk and loss of the person to whom it was made, or

(b) transfer the unexpired portion of the grant, at the risk and loss of the said person, to any other person.

## **CHAPTER-VIII**

### **PREVENTION, DETECTION, INVESTIGATION AND TRIAL OF OFFENCES AND PROCEDURE**

**39. Power to inspect places of manufacture etc. and to seize utensils etc.:**

Any of the following Officers, namely:-

a) the Commissioner, or

b) a Collector, or

c) any Excise Officer not below such rank as the Government may, by notification prescribe;

may, subject to such restrictions as may be prescribed by the Government-

- i) enter and inspect, at any time by day or night, any place in which any licensed manufacturer carries on the manufacture of, or stores, any intoxicants, and
- ii) enter and inspect, at any time during which the same may be opened; any place in which any intoxicant is sold or kept for sale by any licensed person; and
- iii) examine the accounts, registers, passes and such other documents as may be prescribed by the Government by rule made under this Act maintained in any such place as aforesaid; and
- iv) examine, test, measure or weight materials, stills, utensils, implements, apparatus or intoxicant found in any such place as aforesaid; and
- v) seize any intoxicant (including any samples of any intoxicant, materials, stills, utensils, implements, apparatus referred to in clause (i) clause (ii) or clause (iii) together with any accounts, registers, passes and other documents referred to, or connected with those referred to in clause (iii) found in any such place as aforesaid.
- vi) examine or test and seize any measures, weights or testing instruments, found in any such place as aforesaid, which he has reason to believe to be false.

**40. Power to arrest without warrant, to seize articles liable to confiscation and to make searches:**

(1) Any of the following persons, namely, -

a) any officer of the Excise Department

b) any person empowered by the Government in this behalf by notification and within such areas as may be specified in such notification,

may, subject to such restrictions as may be prescribed; -

i) arrest without warrant any person found committing an offence punishable under section 59, section 60, section 63, section 69, or section 70,

ii) seize and detain any article which he has reason to believe to be liable to confiscation under this Act or any other law for the time being in force relating to the excise revenue; and

iii) detain and search any person upon whom, and any vessel, raft, vehicle, animal, package, utensils, receptacle or covering in or upon which he may have reasonable cause to suspect any such article to be.

2) Any person empowered under clause (b) of sub section (1) shall forward all the seizure made and persons arrested to the nearest Excise Collector or an Excise Officer empowered under sub section (2) of section 47 within 24 (twenty four) hours of the arrest or seizure exclusive of the time necessary for the journey from the place of arrest to the place where a Collector or an Excise Officer empowered under section 47 may be, or to the Excise Station whichever is nearer, for further investigation and prosecution.

**41. Power to issue warrant of arrest:**

The Collector or any Magistrate empowered to try offences punishable under this Act, may issue a warrant for the arrest of any person whom he has reason to believe to have committed (or abetted the commission of) any offence punishable under section 59, section 60, section 63, section 69 or section 70.

**42. Power to issue search warrant:**

If any Collector, or any Magistrate empowered to try offences punishable under this Act, upon information received, and after such inquiry, if any as he thinks necessary, has reason to believe that any offence punishable under section 59, section 60, section 63, section 69 or section 70 has been, or is likely to be committed or abetted,

He may issue a warrant to search for and to seize—

any intoxicant, material, still, utensil, implement or apparatus in respect of which the alleged offence has been, or is likely to be committed or abetted or any document or other article which may furnish evidence of the commission of the alleged offence.

**43. Power of Collector or Magistrate to arrest or search without issuing a warrant:**

The Collector, or any Magistrate empowered to try offences punishable under this Act, may at any time-

(a) arrest, or direct the arrest in his presence of, any person for whose arrest he is competent at the time and in the circumstances to issue a warrant under section 41, or

(b) search, or direct a search to be made in his presence of, any place for the search of which he is competent to issue a search warrant under section 42.

**44. Power of Excise Officer to search, arrest etc. without warrant:**

Whenever any Excise Officer not below such rank as the Government may, by notification, prescribe, has reason to believe that an offence punishable under section 59, section 60, section 63, section 69 or section 70 has been, is being or is likely to be committed or abetted and that a search warrant cannot be obtained without affording the offender, an opportunity of escaping or of concealing evidence of the offence, he may, after recording the grounds of his belief, at any time by day or night enter and search any place, and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act together with any document which he may furnish evidence of the Commission of the alleged offence; and

may detain and search, and if he thinks proper, arrest, any person found in such place whom he has reason to believe to have committed or abetted, any offence as aforesaid.

**45. Information and aid to Excise Officers:**

(1) Every Officer of the Government shall be bound, subject to any rules as may be prescribed under this Act, to give immediate information to an Excise Officer of all breaches of any of the provisions of this Act which may come to his knowledge.

(2) Every Officer referred to in sub-section (1), every member of Village Council, every member of Young Mizo Association and every member of Mizoram Hmeichhe Insuihkhawm Pawl (Mizo Women Association which known in short as M.H.I.P.) shall be bound, subject to any rules made under this Act, to give reasonable aid to any Excise Officer in carrying out the provisions of this Act, or of any rule, notification or order made, issued or given under this Act, upon request made by such Officer.

**46. Duty of owners or occupiers of land and other persons to give notice of unlicensed manufacturers:**

Whenever any intoxicant is manufactured or collected on any land or any

hut or building, in contravention of this Act, all owners and, or occupiers of such land, or of such hut or building, as the case may be and their agents and all members of a Village Council, all members of YMA, all members of Mizo Hmeichhe Insuihkhawm Pawl (Mizo Women Association, which is known and pronounced in short as M.H.I.P.) of such localities in which such land, hut or building may be situated, shall, in the absence of reasonable excuse, be bound to give notice of the fact to a Magistrate or an Officer of the Excise Department, as soon as the fact comes to their knowledge.

**47. Power of Collector and Certain Excise Officers to investigate Offence:**

(1) A Collector may, without the order of a Magistrate, investigate any offence punishable under this Act which a Court having jurisdiction over the local area within the limits of the Collector's jurisdiction would have power to inquire into or try under the provisions of Chapter XV of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) as applicable to Mizoram relating to the place of inquiry or trial.

(2) any other Excise officer specially empowered in this behalf by the Government in respect of on all of any specified class of offences punishable under this Act, may, without the order of a Magistrate, investigate any such offence which a Court having jurisdiction over the local area to which such Officer is appointed would have power to inquire into or try under the aforesaid provisions.

**48. Power of investigating Officer:**

(1) Any Collector, or any Excise Officer empowered under the provision of sub-section (2) of section 47, having recorded in writing his reason for suspecting the commission of an offence which he is empowered to investigate, may exercise-

(a) any of the powers conferred upon a Police Officer making an investigation, or upon an officer-in-charge of a Police station, by sections 160(1) to 171 of the code of Criminal Procedure 1973 (Central Act 2 of 1974), as applicable to Mizoram, and

(b) as regards offences punishable under section 59, section 60, section 63, section 69 or section 70 of this Act-any of the powers conferred upon Police Officers, in respect of cognizable offences by section 47 and by section 51 of the said Code as applicable to Mizoram.

(2) Subject to any restrictions as may be prescribed by the Government, a Collector, or an Excise Officer empowered under sub-section (2) of section 47, may, without reference to a Magistrate, and for reasons to be recorded by him in writing, stop further proceedings against any person concerned, or supposed to be concerned, in any offence which he or any Excise Officer subordinate to him has investigated.

(3) For the purposes of the provisions of section 156 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as applicable to Mizoram the area to which an Excise Officer empowered under sub-section (2) of section 47 is appointed shall be deemed to be a Police Station, and such officer shall be deemed to be the officer-in-charge of such station.

(4) As soon as an investigation by a Collector or by an Excise Officer empowered under sub-section (2) of section 47 has been completed, if it appears that there is sufficient evidence to justify the forwarding of the accused to a Magistrate the investigating officer, unless he proceeds under sub-section (2) of this section or under section 85 of this Act, shall submit a report (which shall, for the purposes of section 190 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) as applicable to Mizoram be deemed to be a police-report) to a Magistrate having jurisdiction to inquire into or try the case and empowered to take cognizance of offences on Police-reports.

#### **49. Security and bail**

(1) A Collector or a Magistrate having jurisdiction to try the case may issue a warrant under this Act for the arrest of any person, and may, at his discretion direct, by endorsement on the warrant, except when such person is arrested for committing an offence under section 60 or clause (a) of section 63 that,

If such person executes a bond with sufficient sureties for his attendance, before the Collector or before an Excise Officer empowered under sub-section (2) of section 47, to investigate the case, at a specified time and thereafter until otherwise directed by the Collector or an Excise Officer empowered as aforesaid, the Officer to whom the warrant is directed shall release such person from custody if such bond is executed by him.

- (2) The endorsement shall state-
- (a) the number of sureties,

(b) the amount in which they, and the person for whose arrest the warrant is issued, are respectively to be bound, and

(c) the time at which such person is to attend as aforesaid.

(3) Whenever the security is taken under this section, the Officer to whom the warrant is directed shall forward the bond to the Collector or to an Excise Officer empowered as aforesaid.

(4) Any Excise Officer not below such rank as the Government may, by notification, prescribe, may release persons on bail or on their own bond except when such person is arrested for committing an offence under section 60, or clause (a) of section 63.

(5) Bonds taken under this section from persons arrested otherwise than under warrant shall bind such persons to appear before the Collector or an Excise Officer empowered under sub-section (2) of section 47, to investigate the case.

(6) A bond taken under this section shall, for the purposes of sub-section (7), be deemed to be a bond under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(7) The Provisions of sections 439 to 449 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as applicable to Mizoram shall apply, so far as may be, in every case in which bail is acceptable or a bond taken under this section.

**50. Production of articles seized and persons arrested:**

(1) Articles seized under this Act, and unless security for their appearance before the Collector or an Excise Officer empowered under sub-section (2) of section 47, to investigate the case, be taken, person arrested under the warrant of a Collector, shall be produced before the Collector or such Excise Officer.

(2) Articles seized under the provisions of section 39, section 40 or section 42 and persons arrested under this Act by persons or Officers not having authority to release arrested persons on bail or on their own bond, shall be produced before or forwarded to-

- (a) the Collector or an Excise Officer empowered under section (2) of section 47, to investigate the case or
- (b) the nearest Excise Officer who has authority to release arrested persons on bail or on their own bond, or
- (c) to the nearest Excise Station which ever is nearer.

(3) When a person arrested is produced before an Excise Officer who has authority to release arrested persons on bail or on their own bond, such officer shall forward such person to, or take security for his appearance before, the Collector or the Excise Officer empowered under sub-section (2) of section 47, to investigate the case.

(4) When any article seized cannot conveniently be conveyed before an officer referred to in sub-section (1) or sub-section (2), as the case may be, the person making the seizure shall dispose of such article in some place of safety and forthwith report the seizure to such an Officer.

(5) Notwithstanding anything elsewhere contained in this Act, when an article seized under section 39, section 40, section 42 or section 44 is subject to speedy decay, such article may be destroyed in accordance with the rules made under the Act.

**51. Excise and Police custody of articles seized:**

(1) All Officers in-charge of Excise or Police-Stations shall take charge of and keep in safe custody, pending the orders of a Magistrate, or of the Collector or of an Excise Officer empowered under sub-section (2) of section 47, to investigate the case, all persons arrested and all articles seized under this Act and brought or delivered to them as the case may be, and shall allow any Excise Office who may accompany any such person or articles to such station, or who may be deputed for the purpose by an official superior, to affix his seal to such articles and to take samples of and from them.

(2) All samples so taken shall be sealed with the seal of the Officer-in-charge of the Excise or the Police station as the case may be.

**52. Reports of arrests, seizures and searches:**

When any Excise Officer below the rank of Collector, or any officer-in-



charge of a police-station, makes or receives information of, any arrest, seizure or search under this Act, he shall, within twenty-four hours thereafter, make a full report of all the particulars of the arrest, seizure or search, or the information received to the Collector, or to the Excise Officer, if any, empowered under sub-section (2) of section 47, within the local limits of whose jurisdiction the arrest, seizure or search was made.

**53. Execution of warrants:**

Any warrant issued by a Collector or a Magistrate under the provisions of this Act may be executed by the Officer to whom the warrant is directed or by any other Officer selected by the Collector or the Magistrate for the purpose.

**54. Maximum period of detention:**

(1) No person arrested under the provisions of this Act shall be detained in custody for a longer period than under all the circumstances of the case is reasonable, and such period shall not, without the authority of a Magistrate, exceed twenty four hours, exclusive of the time necessary for the Journey from the place of arrest to the place where a Collector or other officer empowered under section 47 to investigate as the case may be, and thence to the court of a Magistrate having jurisdiction to inquire into or try the case.

(2) A Magistrate to whom an accused person is forwarded under section 167 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), by a Collector or an Excise Officer empowered under sub-section (2) of section 47, may exercise the powers conferred upon a Magistrate by the said section 167.

**55. Application of certain provisions of Cr.P.C. 1973:**

(1) Save as is in this Act otherwise expressly provided, the provisions of the Code of Criminal Procedure 1973 relating to arrests, detentions in custody, searches, summons, warrants of arrest, search-warrants and the production of persons arrested, shall apply, so far as may be, to arrests, detentions and searches made, summons and warrants issued, and the production of persons arrested under this Act.

(2) For the purpose of the said provision of the said Code, a Collector shall be deemed to be a Court, having civil and criminal jurisdictions.

(3) Officers executing any warrant issued under this Act, and Officer, other than Collectors making arrests, searches or seizures under this Act, shall be

deemed to be Police Officers for the purposes of this Act.

**56. Magistrate to try offences under the Act:**

No Magistrate other than-

(a) a judicial Magistrate having the power equivalent to the sessions judge; or

(b) any other Magistrate having the power of the judicial Magistrate of the first class, shall try any offence punishable under this Act.

**57. Initiation of certain prosecutions:**

No Magistrate shall take cognizance of an offence referred to-

(a) In section 59, section 60, section 63, section 69, or section 70 except on his own knowledge or suspicion, or on the complaint or report of an Excise Officer or an Officer empowered in this behalf by the Government under clause (b) of sub-section (1) of section 40 or

(b) In section 71, section 72, clause (d) or clause (e) of section 76; or section 77, except on the complaint or report of the Commissioner or an Excise Officer authorized by the Commissioner in this behalf.

**58. Bar to transfer of trial on application accused:**

The provisions of section 191 of the Code of Criminal Procedure, 1973(Act 2 of 1974), as may be applicable to Mizoram shall not apply in any case in which a Magistrate not being the Collector, takes cognizance of an offence under this Act on the report of any officer referred to in clause (a) or clause(b) of section 57.

## **CHAPTER-IX**

### **OFFENCE, PENALTIES AND PROCEDURE**

**59. Penalty for unlawful import, export, transport, manufacture of intoxicant etc.:**

Whoever in contravention of this Act, or any rule, notification or order made, issued or given, or license, permit or pass granted under this Act,-

(a) manufacture intoxicant including spirit as defined in clause (18) and clause (26) of section 2, or

(b) acquires possession of or in any way concerns himself in importing,

exporting, transporting, depositing, keeping, selling, or purchasing or in any other manner deals with intoxicant including spirit, or

(c) uses, keeps or has in his possession any material, still, utensils, implement or apparatus whatsoever for the purpose mentioned in clause (a), or

(d) bottles any liquor for the purpose of sale shall be liable to imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to five thousand rupees, but in no case the Court shall award a sentence of imprisonment of less than one month and a fine of rupees one thousand.

**60. Penalty for unlawful working or establishment of distillery and brewery and removal etc. of intoxicant:**

Whoever in contravention of this Act or of any rule, notification or order made, issued or given or a license, permit or pass granted under this Act,-

(a) works any distillery or brewery, or

(b) establishes any distillery, brewery or warehouse, or

(c) removes any intoxicant from any distillery, brewery, warehouse or other place or storage licensed, established, authorized or continued under this Act,

shall be liable to imprisonment for a term which may extend to ten years and shall also be liable to fine which may extend to ten thousand rupees, but in no case the court shall award a sentence of imprisonment of less than three months and a fine of rupees two thousand.

**Explanation:-** For the purpose of this section.

(i) the fact that the accused had been convicted for the first time, or

(ii) the fact that the accused is not the principal offender and acted merely as a carrier of goods, or

(iii) the tender of old age of the accused, shall not be construed as any good and sufficient ground for awarding lesser sentence.

**61. Offence by Companies:**

(1) Where any offence punishable under this Act is committed by a Com-

pany, the Company and every Director, Manager, Secretary or agent of the Company, unless such Director, Manager, Secretary or agent proves that the offence was committed without his knowledge or consent, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of the affairs of the Company, such other Officer or person shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation:**— For the purposes of this section –

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

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

**62. Presumption as to offence where possession is not satisfactorily accounted for:**

In prosecution under section 59 or section 60, it may be presumed, unless and until the contrary is proved, that the accused person has committed an offence punishable under section 59 or section 60, as the case may be, in respect of:-

(a) any intoxicant, or

(b) any still, utensil, implement or apparatus whatsoever for the manufacture of any intoxicant, or

(c) any materials which have undergone any process towards the manufacture of an intoxicant or from which an intoxicant has been manufactured, for the possession of which he fails to account satisfactorily.

**63. Penalty for altering or attempting to alter denatured spirit:**

Whoever-

(a) alters or attempts to alter, by any means whatsoever, any denatured spirit, or

(b) has in his possession any spirit which has been and which he knows or has reason to believe to have been, derived from denatured spirit.

so that such spirit may be used for human consumption internally, whether as a beverage or medicine or in any other way whatsoever,

shall be liable, in case of clause (a), to imprisonment for a term which may extend to ten years and also to fine, and in case of clause (b), to imprisonment for a term which may extend to three years and also to fine which may extend to rupees five thousand.

Provided that in no case the Court shall in case of clause (a) award a sentence for a term of less than six months and a fine of less than rupees two thousand and in case of clause (b) award a sentence for a term of less than three months and a fine of less than rupees one thousand.

**64. Presumption as to offence under section 63 in certain cases:**

In prosecution under section 63, when the accused person is proved to have been in possession of any spirit which is, or contains, or has been derived from denatures spirit, and in respect of which any such alteration or attempt as is referred to in section 63 has been made, it may, from the mere fact or such possession, be presumed, unless or until the contrary is proved, that such person-

(a) has himself made such alteration or attempt.

or

(b) knows or has reason to believe that such alteration or attempt has been made.

**65. Presumption as to any spirit which contains any denaturant:**

In any prosecution under this Act it may be presumed, unless and until the contrary is proved, that any spirit which contains any denaturant different is kind, quality or quantity or is or has been derived from denatured spirit by alteration.

**66. Penalty for adulteration by licensed manufacturer or vendor or his servant:**

If any licensed manufacturer or license vendor, or any person in his employ and acting on his behalf,

mixes, or permits to be mixed, with any intoxicant manufactured, sold or kept or exposed for sale by him, any noxious drug or any article prohibited by rule made under clause (x) of sub-section (2) of section 86 and such mixing does not amount to an offence punishable under Section 272 of the Indian Penal Code (Central Act 45 of 1860), or

has in his possession any intoxicant in respect of which such admixture has been made, he shall be liable to imprisonment for a term which may extend to two years, or to fine which may extend to five thousand rupees, or to both.

**67. Penalty for fraud by licensed manufacturer or vendor or his servant:**

If any licensed manufacturer or licensed vendor or any person in his employ and acting on his behalf,

(a) sells or keeps or expose for sale, as foreign liquor, and such sale does not amount to an offence punishable under section 417 or section 418 of the Indian Penal Code (Central Act 45 of 1860), or

(b) marks any bottle, case, package or other receptacle containing country liquor, or the cork of any such bottle, or deals with any bottle, case package, or other receptacle containing country liquor,

with the intention of causing it to believe that such bottle, case, package, or other receptacle containing foreign liquor,

and such marking or dealing does not amount to an offence punishable under section 482 of the said Indian Penal Code (Central Act 45 of 1860),

he shall be liable to imprisonment for a term which may extend to one year, or to fine which may extend to two thousand rupees, or to both.

**68. Penalty for certain unlawful acts of licensed vendors or their servants:**

(1) If any licensed vendor, or any person in his employ and acting on his behalf,-

(a) employs or permits to be employed, in any part of his licensed premises referred to in section 25, any woman or other person in contravention of

that section, or

(b) sells any intoxicant to a person who is drunk or intoxicated; or

(c) sells or delivers any spirit or intoxicating drug to any person apparently under the age of eighteen years, whether for consumption by such person or by any other person, and whether for consumption on or off the premises of such vendor, or

(d) permits drunkenness, intoxication, disorderly conduct or gambling on the premises of such vendor; or

(e) permits any person whom he knows, or has reason to believe to have been convicted of any non-bailable offence, or who are reputed prostitutes, to meet, or any such person to remain, on the premises of such vendor, whether for the purposes of crime or prostitution or not,

he shall be liable to imprisonment for a term which may extend to six months or to fine which may extend to two thousand rupees or to both.

(2) When any licensed vendor, or any person in his employ and acting on his behalf, is charged with permitting drunkenness or intoxication on the premises of such vendor and it is proved that any person was drunk or intoxicated on such premises, it shall lie on the person charged to prove that the vendor and the persons employed by him took all reasonable steps for preventing drunkenness or intoxication on such premises.

**69. Penalty for possession of intoxicant in respect of which an offence has been committed:**

If any person, without lawful authority, has in his possession any quantity of any intoxicant, knowing the same to have been unlawfully imported, transported or manufactured; or knowing that the prescribed duty has not been paid thereon, he shall be liable to imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to five thousand rupees, but in no case the Court shall award a sentence of imprisonment of less than one month and a fine of rupees one thousand.

**70. Penalty for consumption in Chemist's shop etc.:**

(1) If any chemist, druggist, apothecary or keeper of a dispensary allows

any intoxicant which has not been bona fide medicated for medicinal purposes to be consumed on his business premises by any person not employed in his business, he shall be liable to imprisonment for a term which may extend to one year, or to fine which may extend to three thousand rupees, or to both.

(2) If any person not employed as aforesaid consumes any such intoxicant on such premises, he shall be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or to both.

**71. Penalty for failing to produce license etc. by licensee or his servant:**

If any holder of a license, permit or pass granted under this Act or any person in his employ and acting on his behalf, fails to produce such license, permit or pass on the demand of any Excise Officer duly authorized by the Commissioner, in this behalf to make such demand he shall be liable to fine which may extend to one thousand rupees.

**72. Penalty of contravention of section 76 and conditions of license etc.:**

If any holder of a license, permit or pass granted under this Act, or any person in his employ and acting on his behalf,-

(a) in any case not provided for in sections 59 and 60 willfully contravenes any rule made under section 86 or,

(b) willfully does any act, in breach of any of the conditions of the license, permit or pass, for which a penalty is not prescribed elsewhere in this Act, shall be liable to fine which may extend to ten thousand rupees.

**73. Import, export, transport, manufacture, sale or possession by one person on account of another:**

(1) When any intoxicant has been imported, exported, transported, manufactured or sold or is possessed by any person on account of any other person, and such other person knows or has reason to believe that such import, export, transport, manufacture or sale was, or that such possession is, on his account the article shall for the purposes of this Act, be deemed to have been imported, exported, transported, manufactured or sold by, or to be in the possession of, such other person.

(2) Nothing in sub-section (1) shall absolve any person who imports, exports, transports, manufactures sells or has possession of an intoxicant on ac-



count of another person from liability to any punishment under this Act for the unlawful import, export, transport, manufacture, sale or possession of such article.

**74. Criminal liability of licensee for acts of servant:**

When any offence punishable under section 59, section 60, section 66, section 67, section 68, section 69, section 71 or section 72 is committed by any person in the employ and acting on behalf of the holder of a license, permit or pass granted under this Act, such holder shall also be deemed to have himself committed the offence, unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence and shall, subject to the provisions of section 75, be punishable accordingly.

**75. Imprisonment under section 73 or section 74:**

No person other than the actual offender shall be punished under section 73 or section 74 with imprisonment, except in default of payment of a fine.

**76. Penalty on Excise Officer making vexatious search, seizure, detention or arrest or refusing duty, or being guilty of cowardice:**

If any Excise Officer-

(a) without reasonable grounds of suspicion, searches or causes to be searched, any place, under colour of exercising any power conferred by this Act, or

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

(c) vexatiously and unnecessarily detains, searches or arrests any person, or

(d) without lawful excuses, ceases or refuses to perform or withdraws himself from the duties of his office, unless expressly allowed to do so in writing by the collector or unless he has given to his immediate superior two months notice in writing of his intention to do so, or

(e) is guilty of cowardice, he shall be liable to imprisonment for a term which may extend to six months, or to fine which may extend to one thousand rupees, or to both.

**77. Penalty for offences not otherwise provided:**

If any person is convicted of any offence in contravention of any of the provisions of this Act, or of any rule, notification or order made, issued or given under this Act, for which a penalty is not prescribed elsewhere in this Act, he shall be liable to fine which may extend to one thousand rupees.

**78. Penalty for contempt of court:**

Every proceeding under this Act before a Collector, or before any Excise Officer, of such rank as the Government may, by notification, prescribe, who is exercising powers of a Collector, shall be deemed to be a "judicial proceeding" within the meaning of section 228 of the Indian Penal Code and every Collector or Officer holding such proceedings shall, for the purposes of sections 345(1), 345(2), 345(3), 346 and 348 of the Code and of Criminal Procedure, 1973, be deemed to be a revenue Court.

**79. Penalty for attempt to commit offence:**

Whoever attempts to commit any offence or aids or abets commission of any offence punishable under this Act shall be liable to the punishment provided for such offence.

**80. 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 liable to twice the punishment which might be imposed on a first conviction under this Act.

**81. Punishment for allowing premises to be use for the commission of an offence:**

Whoever, being the owner or occupier or having the use of any house, room, enclosure, space, vessel, vehicle or place, knowingly permits it to be used for the commission by any other person of an offence punishable under section 59, section 60 or section 63, shall be punished with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

**82. Security for abstaining from commission of certain offences:**

(1) Whenever any person is convicted of an offence punishable under section 59, section 60, section 63, section 66, section 69 or section 70, and the

court convicting him is of opinion that it is necessary to require such person to execute a bond for abstaining from the commission of offences punishable under those sections, the court may, at the time of passing sentence on such person, order him to execute a bond for a sum appropriate to his means with or without sureties, for abstaining from the commission of such offence during such period, not exceeding five years as it thinks fit to fix.

(2) The bond shall in the form contained in the Schedule appended to this Act and the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as applicable to Mizoram shall in so far as they are applicable, apply to such matter connected with such bond or with the non-execution thereof as if it were a bond to keep the peace order to be executed under section 106 of that Code.

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

(4) An order under this section may be also be made by an appellate court, or by the High Court when exercising its powers of revision.

### **83. Things liable to confiscation:**

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

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

(b) any intoxicant lawfully imported, transported, manufactured and held in possession or sold along with any intoxicant liable to confiscation as aforesaid:

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

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

Provided that no animal, cart, vessels, rafts or other conveyance as specified in clause (d) shall be liable to confiscation unless the owner thereof is proved to have been implicated in the commission of the offence.

Explanation:- For the purposes of this section, “owner” includes, in relation to any animal, cart, vessel, raft or other conveyance,-

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

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

**84. Confiscation by Magistrate or Collector:**

(1) When, in any case tried by a Magistrate, the Magistrate decides that anything is liable to confiscation under section 83, he shall order such thing to be confiscated and placed at the disposal of the Collector or the Commissioner.

(2) When, in any other case in which anything has been seized under this Act, an investigating officer proceeds under sub-section (2) of section 48, or the Collector, upon an investigation made, whether by the Collector or other officer empowered under section 47, is of opinion that the thing seized is not liable to confiscation under section 83, such investigating officer or the Collector, as the case may be, shall order the delivery of such thing to the person from whose possession it was taken.

(3) When, upon an investigation made as aforesaid, it appears to the Collector that an offence under this Act has been committed, and that anything seized under this Act is liable to confiscation and it further appears that the offender is not known or cannot be found, the Collector shall inquire into and determine the case and, if he finds that the thing is liable to confiscation under section 83 shall order such confiscation.

Provided that no such order shall be made until the expiration of two months from the date of seizing the thing intended to be confiscated or without hearing any person who may appear within that period and claim any right to such thing, and evidence if any which he produces in support of his claim.

Provided further that, if the thing in question is liable to speedy and natural decay, or if the Collector is of opinion that its sale would be for the benefit of the owner, the Collector may at any time direct it to be sold; and the provisions of this sub-section and of sub-section (2) shall, as nearly as may be practicable, apply to the net proceeds of such sale.

**85. Power to compound offences:**

(1) The Commissioner, the Collector or any Excise Officer not below the rank of Inspector of Excise, authorized by the Commissioner by general or special order in this behalf,-

- (a) may accept from any person whose license, permit or pass is liable to be cancelled or suspended under clause (a), clause (b) or clause (c) of sub-section (1) of section 34, or who is reasonably suspected of having committed an offence punishable under any section of this Act other than section 78, payment of a sum of money, not exceeding five thousand rupees, in lieu of such cancellation or suspension or instituting a prosecution in respect of such offence, as the case may be, and
- (b) in any case in which any property has been seized as being liable to confiscation under this Act, may, release the same on receiving payment of the value thereof as estimated by the Collector or such Excise Officer or of such smaller sum of such officer may think fit.

(2) When the payments referred to in sub-section (1) have been duly made, the accused person, if in custody, shall be discharged, and the property seized, if any, shall be released; and no further proceedings shall be taken against such person or property.

(3) The Commissioner, the Collector or any Excise Officer duly authorized by the Commissioner under sub-section (1) may also, after the institution of a case against any person in respect of any offence under this Act other than an offence under section 76, compound the offence on payment by such person, of a sum not exceeding five thousand rupees for a single offence as deemed fit and confiscate to the Government any excisable articles seized together with any materials, still, utensils, implement or apparatus used if any for the purpose of manufacture as mentioned in clause (a) of section 59.

## **CHAPTER – X**

### **MISCELLANEOUS PROVISIONS**

#### **86. Power of the Government to make rules:**

(1) The Government may, by notification, make rules for the purpose of carrying out the provisions of this Act relating to the excise revenue.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide-

- (a) for prescribing the powers, duties, subordination and control of officers of the Excise department;
- (b) for regulating the delegation of any powers by the Commissioner or Collectors under clause (g) of sub-section (2) of section 6;
- (c) for declaring in what cases or classes of cases and to what authorities appeals shall lie from orders whether original or appellate, passed under this Act or under any rule made hereunder, and for prescribing the time and manner for presenting and the procedure for dealing with such appeals;
- (d) for prescribing the Uniforms, uniform articles and clothings to be provided to Excise officers and sepoys;
- (e) for prescribing arms and ammunitions to be provided to the Excise officers and sepoys for use in the discharge of their duties;
- (f) for regulating the import, export, transport, sale, purchase, possession, or consumption of any intoxicant;
- (g) for regulating the periods for which licenses for the wholesale or retail vend of any intoxicant may be granted, and the number of such licenses which may be granted for any local area and particulars to be contained in the licenses, permit or passes granted under this Act;
- (h) for prohibiting the grant of licenses for the retail sale of any intoxicant at any place or within any local area as may be described in the rules, or for defining the places in the vicinity of which shops for the retail sale of any intoxicant shall not ordinarily be licensed;

- (i) for prohibiting the grant to specified classes of persons of licenses of any particular, kind or class;
- (j) for declaring, either generally, or in respect of areas described in the rules the persons or classes of persons to whom any intoxicant may or may not be sold;
- (k) for regulating the procedure to be followed and prescribing the matters to be ascertain before any license for the wholesale or retail vend of any intoxicant is granted for any locality;
- (l) for restricting the exercise of any of the powers conferred by section 39, section 40, section 44 and section 45;
- (m) for declaring the Excise Officers to whom, and the manner in which, information or aid should be given under section 45;
- (n) for the grant of expenses to witnesses;
- (o) for the grant compensation for loss of time to persons released by an Excise Officer under this Act on the ground that they have been improperly arrested, and to persons charged before a magistrate with offences punishable under this Act and subsequently acquitted; and
- (p) for prescribing restrictions or modifications in the application to Excise officers of the provisions of the Code of Criminal Procedure, 1973 (as applicable to Mizoram) relating to powers of Police officers which are referred to in sub-section (1) of section 48 of this Act;
- (q) for regulating the power of an Excise officer to summon witnesses under the provisions of section 48;
- (r) for regulating the manufacture, supply or storage of any intoxicant, and also for regulating-
  - (i) the establishment, inspection, supervision, management and control of any place for the manufacture, supply or storage of any intoxicant and the provision and maintenance of fittings implements and apparatus therein;

- (ii) the bottling of liquor for purpose of sale;
  - (iii) the time, place and manner of levying duty on intoxicant and to the refund thereof;
- (s) for fixing the strength, price or quality in excess of or below which any intoxicant shall not be supplied or sold, and the quantity in excess of which denatured spirit shall not be possessed, and for prescribing a standard of quality for any intoxicant;
- (t) for declaring how spirit manufactured in India shall be denatured and for causing spirit so manufactured to be denatured through the agency or under the supervision of servants of the Government and for ascertaining whether any spirit so manufactured has been denatured;
- (u) for regulating the deposit of any intoxicant in a warehouse established, authorized or continued under this Act, and the removal of any intoxicant from any such warehouse or from any distillery or brewery
- (v) for prescribing the scale of fees or the manner of fixing the fees payable in respect of any exclusive privilege granted under section 22, or any license, permit or pass granted under this Act, or in respect of the storing of any intoxicant;
- (w) for regulating the time, place and manner of payment of such fees;
- (x) for prescribing the restriction under which or the conditions on which any license, permit or pass, may be granted, cancelled or suspended, and also for:-
- (i) prohibiting the admixture with any intoxicant or any article deemed to be noxious or objectionable;
  - (ii) regulating or prohibiting the reduction of liquor by a licensed manufacturer of licensed vendor from a higher to a lower strength;
  - (iii) prescribing the nature and regulating the arrangement of the premises in which any intoxicant may be sold, and prescribing the notices to be exposed at such premises;
  - (iv) prohibiting or regulating the employment by the licensee of any person or class of person to assist him in his business;
  - (v) prohibiting the sale of any intoxicant except for cash;



- (vi) prescribing the days and hours during which any licensed premises may or may not be kept open, and providing for the closing of such premises on special occasions;
  - (vii) prescribing the accounts and registers (if any) to be maintained and the returns to be submitted by the licensees relating to their business, and;
  - (viii) regulating the transfer of licenses;
- (y) for the payment of compensation to licensees whose premises are closed under section 26(2) or under any rule made under sub-clause (vi) of clause (x) of this section;
- (z) for provided for the destruction or for the disposal in any other manner, of any intoxicant deemed to be unfit for use; and for regulating the disposal or destruction of articles or things confiscated or seized under the provisions of this Act.

**Explanation: I**

Fees may be prescribed under clause (9) of this section at different rates for different classes of exclusive privileges, licenses, permits, passes or storage, and for different areas.

**Explanation: II**

The price of an intoxicant as fixed by rules made under clause (4) of this section, shall be deemed to have always been exclusive of any tax, surcharge, additional surcharge or any other imposed on the sale or purchase of such intoxicant levied under any law for the time being in force.

(3) Every rule made under section 86 shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram while it is in session for a total period of seven days which may be comprised in one session or in two successive sessions; and if, before the expiry of the session in which it is so laid or the sessions immediately following, the Legislative Assembly of Mizoram makes any modification in the rule or decides 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 under that rule.

**87. Publication and effect of rules and notifications:**

All rules made, and notification issued under this Act shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Act.

**88. Recovery of dues:**

(1) The following moneys, namely-

- (a) all excise revenue,
- (b) any loss that may occur when a grant has been taken under management by the Commissioner or transferred by him under section 38, and,
- (c) all amounts due to the Government by any person on account of any contract relating to the excise-revenue,

May be recovered from the person primarily liable to pay the same, or from his surety (if any), by distress and sale of his moveable property and shall also be recoverable by the process authorized for the recovery of arrears of revenue.

(2) When a grant has been taken under management by the Commissioner, or has been transferred by him, under section 38, the Commissioner may, recover, in any manner authorized by sub-section (1), any money due to the grantee by any lessee or assignee.

(3) When any money is due, in respect of an exclusive privilege, to a grantee referred to in section 23, from any person holding under him, Such grantee may apply to the Collector, and the Collector may recover such money on his behalf in either of the ways provided by sub-section (1) :

Provided that nothing in this sub-section shall affect the right of any such grantee to recover any such money by civil suit.

**89. Power to Govt. to exempt intoxicant from provisions of this Act:**

The Government may, by notification, either wholly or partially, and subject to such condition (if any) as it may think fit to prescribed, exempt any intoxicant from all or any of the provisions of this Act, either throughout Mizoram or in

any specified local area, or for any specified period or occasion or as regards any specified class of persons.

**90. Bar to certain suits:**

No suit shall lie in any Civil Court against the Government or any Excise officer for damage for any act in good faith done or ordered to be done in pursuance of this Act or of any other law for the time being in force relating to the excise-revenue.

**91. Limitation of suit and prosecutions:**

(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 officer under this Act or any other law relating to the excise-revenue, or made against any other person under this Act, unless the suit or prosecution is instituted within six months after the date of the act complained of.

(2) Notwithstanding anything to the contrary contained in this Act or in any other law in force for the time being, when any Inspector of Excise, or Sub-Inspector of Excise or Constable 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.

**92. Repeal and savings:**

(1) On and from the commencement of this Act, the Mizoram Excise Act, 1973 (Act No. 7 of 1974) and the rules made there under shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action take under the Mizoram Excise Act, 1973 and the Rules made or Notifications issued under the Act, shall, in so far as it is not in consisted with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

**SCHEDULE**  
**( See Section 82(2) )**

***Bond to abstain from the commission of offence under the Act.***

Whereas I (name) .....inhabitant of  
(place) ..... Have been called upon to enter  
into a bond to abstain from the commission of offence under section 59, section  
60, section 63, section 66, section 69 and section 70 of the Mizoram Excise Act,  
1992 for a term of .....

I hereby bind myself not to commit any such offence during the said term  
and, in case of my making default therein, I hereby bind myself to forfeit to the  
Government the sum of rupees .....dated this .....  
day of .....

Signature

-----

***(Where a bond with sureties is to be executed, add -)***

We do hereby declare ourselves sureties for the above named that he will  
abstain from the commission offence under section 59, section 60, section 63,  
section 66, section 69 and section 70 of the Mizoram Excise Act, 1992 during  
the said term; and, in case of his making default therein, we bind ourselves, jointly  
and severally to forfeit to the Government, the sum of  
rupees.....Dated this ..... day of  
.....19.....

Signature,

Sd/- ( Dr. H.C. THANHRANGA )  
Secretary to the Govt. of Mizoram,  
Law, Judicial & Parliamentary Affairs Department.

**PART – VIII****THE MIZORAM LIQUOR TOTAL PROHIBITION ACT, 1995  
( ACT NO. 10 of 1995 )****CONTENTS****CHAPTER - I***Preliminary****SECTIONS      PARTICULARS OF SECTION***

- |   |                                      |
|---|--------------------------------------|
| 1 | Short title, extent and commencement |
| 2 | Definitions                          |

**CHAPTER - II***Establishment and Control*

- |   |  |
|---|--|
| 3 | Appointment of Prohibition Commissioner etc. |
| 4 | Function of collector                        |
| 5 | Delegations of powers                        |
| 6 | Control by the Commissioner                  |

**CHAPTER - III***Prohibition and Penalties*

- |    |   |
|----|---|
| 7  | Prohibition of manufacture, traffic in and consumption etc. of liquor.                      |
| 8  | Punishment for contravention of section 7.  |
| 9  | Prohibition of publication of advertisement of liquor.                                      |
| 10 | Punishment for publication of advertisement of liquor.                                      |
| 11 | Prohibition of alteration of denatured spirit .   |
| 12 | Punishment for alteration of denatured spirit etc.  |
| 13 | Prohibition of alternation of denatured spirituous preparation                              |
| 14 | Punishment for alternation of denatured spirituous preparation                              |
| 15 | Prohibition of issuing prescription for liquor except by a Registered Medical Practitioner  |
| 16 | Punishment for issuing false prescription etc.  |
| 17 | Prohibition of possession of denatured spirituous preparation in excess of prescribed limit |

- 18 Punishment for possession of denatured spirituous preparation in excess of the prescribe limit
- 19 Prohibition of sale etc. of denatured spirit etc.
- 20 Punishment of sale etc. of denatured spirit etc. in contravention of this Act
- 21 Regulation of consumption of liquor by certain permit holders
- 22 Punishment for contravention of the provisions of section 21
- 23 This chapter not to apply to certain articles
- 24 Punishment for allowing premises to be use of the commission of an offence
- 25 Penalty for misconduct by permit holder

## **CHAPTER - IV**

### ***Grand of Licenses and Permits***

- 26 General conditions
- 27 Health prescriptions
- 28 Holder of a permit authorised to buy liquor from Departmental Store only
- 29 Special permit to foreign dignitaries etc.
- 30 Permission of import of liquor by armed forces for consumption in their Messes and Canteen on payment of duties
- 31 Conditions of grant and permit
- 32 Permit issuing authority
- 33 Power to cancel or suspend Licence or Permit
- 34 Right, title or interest under lisencc or permit not liable to be sold or attached in execution
- 35 Commissioner authorities to require permit holder to dispose stocks
- 36 Breach of the term of condition of license of permit to be an offence
- 37 Penalty for maliciously giving false information
- 38 Punishment for offence for which no punishment is provided
- 39 No suspention, remission or commutation in any sentence awarded under this Act
- 40 Presumption of culpable mental state
- 41 Presumption to the commission of an offence
- 42 Offences by companies
- 43 Enhanced punishment after previous conviction
- 44 Attemp to commit offence under this Act
- 45 Abetments
- 46 Liability to confiscation

- 47 Confiscation by court in trial cases
- 48 Confiscation by Commissioner, Collector and other Excise Officers when no prosecution is launched
- 49 Demand for security for abstaining from commission of certain offences

## **CHAPTER - V**

### ***Prevention, Detection investigation, prosecution and trial of offences***

- 50 Power of entry, search, seizure and arrest
- 51 Power of seizure and arrest in public places
- 52 Magistrate to try offences under the Act
- 53 Power to issue warrant of arrest
- 54 Power of investigation and prosecution, procedure for investigation and trail
- 55 Officers and Government, Members of Village Council and Village Defence Party are bound to give information
- 56 Landlord and others to give information
- 57 Report of arrest and seizure
- 58 Cognizance of offence

## **CHAPTER - VI**

### ***Miscellaneous***

- 59 Prohibition Council and Committee
- 60 Punishment for vexatious search, seizure or arrest
- 61 Departmental Stores
- 62 Payment of reward
- 63 Appeals
- 64 Revision
- 65 Officers and persons Acting under this Act to be public servant
- 66 Bar of suits and prosecutions
- 67 Bar of Proceedings
- 68 Power to remove difficulties
- 69 Power of suspension
- 70 Power to make rules
- 71 Repeal and saving

**THE MIZORAM LIQUOR TOTAL PROHIBITION ACT, 1995**

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**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:-

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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 consumption, 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 guajava*;

[ \* *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 prepa-

rations 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 notification, 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 so 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 Prohibi-

tion 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 possess 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 thousand 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 under 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 licence, 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 has 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, vessel or place at any time by day or night.

(2) When an officer receives 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 reconstitute 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 anything 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 in consistent 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 makes 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.

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**CERTIFICATE**

This Bill was passed by the Mizoram Legislative Assembly on the 14<sup>th</sup> 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****CONTENTS****PART - I**  
*Preliminary***RULES**

- 1 Short title, extent and commencement
- 2 Definitions

**PART - II**  
*Powers and Duties of Officers*

- 3 Inspections of Departmental Stores and Offices
- 4 Delegation of powers

**PART - III**  
*Conditions of Licence and Permit*

- 5 Conditions of permit
- 6 Conditions for grant of licence to Armed Forces
- 7 Prescription made by a registered Medical practitioner is required to be countersigned
- 8 Grant of special permit to Foreign dignitaries
- 9 Grant of Special permit to Foreign tourist and domestic tourist
- 10 Grant of permit to Ex-Service personnel
- 11 Renewal of permit
- 12 Issue of duplicate copy of permit
- 13 Permit holder on health ground to purchase liquor from Departmental Store
- 14 Payment of duties and fee by armed forces and issue of permit
- 15 Payment of Excise duty and fee by persons permitted to purchase liquor on health ground

**PART - IV*****Prohibition Council and Committee***

- 16 (1) Constitution of Prohibition Council and Committee
- 16 (2) Composition of the Council/Committee
- 17 Functions and duties of the council and the Committee
- 18 Allowances of members of the Council/Committee
- 19 Allowances or fees to be paid for the day(s) of sitting only

**PART - V*****Disposal of seized and confiscated articles***

- 20 Confiscated things to be made over to Commissioners/Superintendent of Prohibition
- 21 Mode of disposal of confiscated articles
- 22 Disposal of things confiscated if and when order is reversed
- 23 Disposal of confiscated foreign liquor
- 24 Confiscated country liquor to be destroyed
- 25 Disposal of confiscated spirit
- 26 Confiscated foreign liquor to be sold only to a permit holder
- 27 Disposal of confiscated articles other than liquor
- 28 Deposition of sale-proceeds of confiscated articles
- 29 Payment of reward subject to budget provision
- 30 Grant of reward to informer when no prosecution is launched
- 31 Payment of reward to informer when prosecution takes place
- 32 Principle to be observed in granting rewards
- 33 Reward not to be granted in petty cases
- 34 Officers not eligible for rewards
- 35 Payment of reward to Police Officers
- 36 Importance of prompt payment

**PART - VI*****Departmental Store***

- 37 Establishment of Departmental Store
- 38 Issue of confiscated foreign liquor from Departmental Store
- 39 Proper maintenance of accounts by officer-in-charge Of Departmental Store



**PART - VII**

***Appeals***

40	Appeal to Commissioner
41	Appeal to Government
42	Limitation
43	Interim Order
44	Calling for record
45	Form I
46	Form II
47	Form III
48	Form IV
49	Form V
50	Form VI
51	Form VII
52	Form VIII
53	Form VIII (a)
54	Form IX
55	Form X

## THE MIZORAM LIQUOR TOTAL PROHIBITION RULES, 1996

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No.C.31016/4/95-EXC, the 11<sup>th</sup> 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 India 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 15<sup>th</sup> August, 1997.*

### PART – II POWERS AND DUTIES OF THE OFFICERS

**3. Inspection of departmental Store and Offices:**

(1) The Commissioner shall in 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 licenses fee of Rs.500/-. Such licenses may be granted for a period of one year from the 1<sup>st</sup> April to the 31<sup>st</sup> March. If the licensed be granted during the course of the year, it shall be granted only up to the 31<sup>st</sup> March next following.

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

(1) A prescription for drinking liquor issued by 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, used and consumption of India Made Foreign Liquor shall then be issued on payment – of a permit fee of Rs. 100/- only in a prescribed from 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 allowed 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 Authority 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 regard 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 meeting. 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 nature 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 be 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.

**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 .....  
Place .....

Commissioner of Prohibition & Excise,  
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 .....  
Place .....

Asst./Dy. Commissioner of 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 .....

Place .....

Signature of Asst. Commissioner of  
Prohibition & Excise.

**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 .....

Place .....

Signature of Dy. Commissioner of  
Prohibition & Excise

**FORM - VI**  
**PERMIT FOR PROSESSION AND CONSUMPTION 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,

**PARTICULARS OF ISSUE**

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

**FORM - VII**  
**SPECIAL PERMIT FOR POSSESSION AND CONSUMPTION**  
**OF INDIA - MADE FOREIGN LIQUOR BY TOURIST**  
*( See rule 8 and 9 )*

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 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  
.....  
Official Seal

Signature of Permit  
Issuing Authority.

**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**  
**ALCOHOL 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, rec-  
 tified spirits 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  
 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 RECTIFIED OR DENATURED SPIRIT OR ABSOLUTE**  
**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 into ..... at .....  
 in the District of ..... ( The full..... amounting to  
 Rs. .... having been paid at the Treasury/ Sub-Treasury at .....by  
 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 RECTIFIED OR DENATURED SPIRIT OR ABSOLUTE**  
**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 at .....by 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 RECTIFIED OR DENATURED SPIRIT OR ABSOLUTE**  
**ALCOHOL 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.

**THE MIZORAM EXCISE & NARCOTICS (WINE) RULES, 2007****CONTENTS****RULES**

1. Short title, extent and commencement
  2. Definitions
  3. Application
  4. Grant of licence
  5. Arrangement of winery
  6. Conditions of licence
  7. Fortification of wine
  8. Removal of wine from the winery
  9. Submission of monthly return of accounts
  10. Chemical Laboratory
  11. Penalties
  12. Disposal of confiscated wine
  13. Savings
- ◆ Forms:
- Form M.E.W.R.1 - Application form for establishing winery
  - Form M.E.W.R.1A - Application for retail vending of wine
  - Form M.E.W.R.1B - Permit for retail vending of wine
  - Form M.E.W.R.2
  - Form M.E.W.R. 3 - Licence for the manufacture of wine from Grapes
  - Form M.E.W.R.3A - Register of transactions of Spirit Stores, of the bonded Winery
  - Form M.E.W.R. 4 - Application for fortification of wine
  - Form M.E.W.R.5
  - Form M.E.W.R. 6 - Application for Transport/export of Wine
  - Form M.E.W.R. 7 - Permit for Transport of Wine
  - Form M.E.W.R. 8 - Permit for the export of wine

## **The Mizoram Excise & Narcotics (Wine) Rules, 2007**

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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, 2007.

(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 millilitre 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.

**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 Liquor Total (Prohibition) Act 1995 and the Mizoram Excise & Narcotics (Wine) Rules, 2007.

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, 2007.

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 subject to the provisions of Mizoram Excise & Narcotics (Wine) Rules, 2007 and the rules and orders made thereunder.

Dated .....

Seal

Commissioner of Excise & Narcotics,  
Mizoram, Aizawl.

**FORM M.E.W.R.2**

*[See Rule 5(9)]*

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

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

**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, 2007 (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 of .....20..... 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, 2007.

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			
	Qnty.	Strength	Proof	Source of supply	Permit No. and date	Qnty.	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 23<sup>rd</sup> 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 12<sup>th</sup> 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 in 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 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,”

**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 of 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 20<sup>th</sup> 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 5<sup>th</sup> April, 2007]

### THE MIZORAM LIQUOR TOTAL PROHIBITION(AMENDMENT) ACT, 2007

#### AN ACT

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 in-

serted, 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 be inserted as follows, namely—

**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 7<sup>th</sup> 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 5<sup>th</sup> April, 2007 published vide Notification No. H.12018/67/96-LJD/96 Dt. 20<sup>th</sup> 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.

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

**APPENDIX****THE MIZORAM NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES RULES, 2004.****CONTENTS****RULES****Chapter I****Preliminary**

1. Short title, extent and commencement
2. Definitions

**Chapter II****Possession, transport, import interstate, export interstate, sale, purchase, consumption and use of poppy straw etc.**

3. Manufacture
4. Lawful possession
5. Possession for sale
6. Dispensation of manufactured drugs
7. Limit of possession by an individual
8. Limit of possession by a practitioner
9. Possession by institution
10. Grant of permit to Hospitals etc.
11. Limit of possession by licensee
12. Sale of manufactured drug to authorised person

**Chapter III****Conditions relating to prescriptions.**

13. Conditions relating to prescription

**Chapter IV****Special provision for procurement and use of morphine.**

14. Annual requirement
15. Approval of estimates by the Commissioner
16. Order for purchase
17. Supply
18. Receipt
19. Duties of recognised medical institution
20. Duties of designated medical practitioner

**Chapter V****Account.**

21. Maintenance of accounts
22. Returns

**Chapter VI****Approval, authorisations, licences and permits.**

23. Special permit
24. Grant of licence
25. Grant of licence for import of manufactured drugs
26. Transport of manufactured drugs
27. Suspension and cancellation of licence

**Chapter VII**

**Inspection, transport and penalty.**

- 28. Inspection
- 29. Penalty
- 30. Export of manufactured drugs
- 31. Transport of manufactured drug by an individual
- 32. Provision for transport by post

**Chapter VIII**

**Disposal of opium, poppy straw, ganja, bhang and other things.**

- 33. Disposal of confiscated manufactured drug
- 34. Disposal of confiscated animal
- 35. Appeal on confiscation
- 36. Destruction of confiscated drugs etc.
- 37. Disposal of unclaimed articles

**Chapter IX**

**Appeal and revision.**

- 38. Appeal and revision

**Chapter X**

**De-addiction.**

- 39. De-Addiction Centre

**Chapter XI**

**Powers of officers of Excise Department, Medical and Health Department and Police Department.**

- 40. Powers of Officers of Excise Department, Medical and Health Department and Police Department

**Chapter XII**

**Rewards.**

- 41. Rewards

◆ **FORMS:–**

- Form 1
- Form 2
- Form 3
- Form 4
- Form 5
- Form 6
- Form 7
- Form 8
- Form 9
- Form 10
- Form 11
- Form 12

**APPENDIX****THE MIZORAM NARCOTIC DRUGS AND PSYCHOTROPIC  
SUBSTANCES RULES, 2004.**

In exercise of the powers conferred by sections 10,71 and 78 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Governor of Mizoram is pleased to make the following rules, namely :

**CHAPTER I  
PRELIMINARY****1. Short title, extent and commencement:**

(1) These rules may be called the Mizoram Narcotic Drugs and Psychotropic Substances Rules, 2004.

(2) They shall extend to the whole of the State of Mizoram.

(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-

(a) “Act” means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(b) “Addict” means a person as defined in section 2(i) of the Act;

(c) “approved practitioner” means-

(i) any medical practitioner registered under the Indian Medical Council Act, 1956 (Act 102 of 1956);

(ii) any Medical Officer of the Military, Naval or Air force Services on the active list; or

(iii) any qualified Veterinary Surgeon;

(iv) any other person engaged in medical, dental, scientific or veterinary practice and approved by the Excise Commissioner for the pur-



poses of these rules or corresponding rules for the time being in force in any part of India;

**(d) “Chemical Examiner”** means the Chemical Examiner to the State Government and includes such other officer empowered by the State Government or the Central Government may at any time appoint as Chemical Examiner;

**(e) “Commissioner”** means the Commissioner of Excise, Mizoram and includes any other officer specially authorised by the State Government to exercise throughout the State or any specified area therein any of the powers of the Excise Commissioner under these rules;

**(f) “Disposal Committee”** means Disposal Committee constituted by Government of Mizoram for the destruction of and disposal of Narcotic drugs and Psychotropic Substances under the Act;

**(g) “export”** means take out of Mizoram to any other State or Union territory in India;

**(h) “import”** means to bring into the State of Mizoram from any other State or Union territory in India;

**(i) “licensed chemist”** means a person licensed under these rules for the sale on prescription, of Narcotic Drug and for the manufacture of Narcotic Drug from materials which he is lawfully entitled to process;

**(j) “licensed dealer”** means a person who has obtained a license under these rules-

*(i)* for the manufacture of medicinal opium or of any preparation containing opium, morphine and codeine and their salts and such other manufactured drugs notified under section 2(xi) (b) of the Act from the materials which he is lawfully entitled to possess; and

*(ii)* for the possession and the sale otherwise than on prescription such manufactured drug as referred to in sub-clause *(i)* above.

**(k) “manufacture”** in relation to narcotic drugs or psychotropic substances, includes-

*(i)* all processes other than production by which such drugs or sub-

stances may be obtained;

(ii) refining of such drugs or substances;

(iii) transformation of such drugs or substances; and

(iv) making of preparation (otherwise than in a pharmacy on prescription) with or containing such drugs or substances;

(l) “**manufactured drug**” means -

(i) all coca derivatives, medicinal cannabis, opium derivatives and poppy straw concentrate;

(ii) any other narcotic substance or preparation which the Central Government may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notification in the Official Gazette, declare to be a manufactured drug but does not include any narcotic substance or preparation which the Central Government may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notification in the Official Gazette, declared to be a manufactured drug;

(m) “**morphine**” includes any preparation containing morphine;

(n) “**narcotic drug**” means coca leaf, cannabis (hemp), opium poppy straw and includes all manufactured drugs;

(o) “**Opium**” means -

(i) the coagulated juice of the opium poppy; and

(ii) any mixture, with or without any natural material, of the coagulated juice of the opium poppy, but does not include any preparation containing not more than 0.2 per cent, of morphine;

(p) “**Opium derivative**” means-

(i) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirement of the Indian Pharmacopoeia or any other pharmaco-

poeia notified in this behalf by the Central Government, whether in powder form or granulated or otherwise or mixed with neutral materials;

(ii) prepared opium, that is any product of opium obtained by any series of operation designed to transform opium into an extract suitable for smoking and the dross or other residue remaining after opium is smoked;

(iii) phenanthrene, alkaloids, namely, morphine, codeine, the baine and their salts;

(iv) diacetylmorphine, that is, the alkaloid also known as diamorphine or heroin and its salts; and

(v) all preparations containing more than 0.2 per cent of morphine or containing any diacetylmorphine;

**(q) “Poppy straw”** means all parts (except the seeds) of the opium poppy after harvesting whether in their original form or cut, crushed or powdered and whether or not juice has been extracted there-from;

**(r) “preparation”** in relation to a narcotic drug or psychotropic substance means any one or more such drugs or substances in dosage form or any solution or mixture, in whatever physical state, containing one or more such drugs or substances;

**(s) “Psychotropic Substance”** means any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material included in the list of Psychotropic Substances specified in the Schedule of the Narcotic Drugs and Psychotropic Substances Act, 1985;

**(t) ‘prescription’** means the prescription given by an approved medical practitioner for supply of any narcotic drug in accordance with these rules;

**(u) “State”** means the State of Mizoram;

**(v) “Superintendent”** means the Chief Executive Officer in-charge of the Excise Administrative district and includes any other officer empowered by

the State Government to perform all or any of the functions of the Superintendent under these rules;

(w) “**transmission**” means -

(i) to import into Mizoram from any other State or Union Territory;

(ii) to export from Mizoram to any other State or Union Territory;

(iii) to transport within the State.

Words and expressions used herein and not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

## **CHAPTER II**

### **POSSESSION, TRANSPORT, IMPORT INTERSTATE, EXPORT INTERSTATE, SALE, PURCHASE, CONSUMPTION AND USE OF POPPY STRAW ETC.**

#### **3. Manufacture:**

The Superintendent may, with prior approval of the Commissioner, grant permission for manufacture of medicinal opium which he is lawfully entitled to possess in Form No. I under these rules on payment of fees as may be determined by the Government from time to time.

#### **4. Lawful possession:**

Subject to the conditions laid down in the licence in Form 1 or in Form 2, as the case may be, and subject to the payment of such fees, as may be prescribed by the State Government, a licensed dealer or licensed chemist may possess any preparations containing any manufactured drug from the materials which the maker is lawfully entitled to prepare.

#### **5. Possession for sale:**

(1) Any approved practitioner or licensed dealer desiring to possess and sell medicine containing any manufactured drug on prescription, shall make an application to the Superintendent for licence in that behalf for such quantity as may be recommended by the Drugs Controller. The licence should be in Form No.1.

(2) On receipt of such application, the Superintendent may grant licence only on prior approval of Commissioner and on payment of such fees as may be prescribed by the Government from time to time.

**6. Dispensation of manufactured drugs:**

A licensed chemist or approved practitioner shall not dispense manufactured drugs except on prescription and in accordance with the conditions of his licence.

**7. Limit of possession by an individual:**

A person shall not possess any manufactured drug except in such quantity as has been, at one time, dispensed or sold for his use in accordance with the provisions of rule 13 or of corresponding rules for the time being in force in any part of India, the import into, or export to from the State of Mizoram is permitted.

**8. Limit of possession by a practitioner:**

An approved practitioner may possess such quantity of manufactured drug as may be specified by the State Government for use in his practice only, not for sale.

**Explanation:-** Expression ‘use in practice’ means only the actual administration by injections or other emergent cases by the practitioner or in presence of the practitioner.

**9. Possession by institution:**

(1) A Government Medical Officer in-charge of a Government Medical Institute or a Government grant-in-aided Medical institution may possess manufactured drugs for use in such institution.

(2) An approved practitioner in charge of a Local Board or Municipal dispensary or in charge of a hospital and dispensary belonging to missions and other corporate bodies may possess manufactured drugs required for use in such dispensary and hospital.

(3) A Government Medical Officer in-charge of a hospital, dispensary and De-addiction Centre may possess manufactured drugs for use in such hospital, dispensary and centre.

**10. Grant of permit to Hospitals etc.:**

The Superintendent may, with the approval of the Commissioner, by general or special order, grant a permit in Form No.3 to a Medical Officer managing or supervising a hospital or Government approved De-addiction Centre or charitable dispensary not under Government supervision to import, transport and possess manufactured drugs in such manner and in such quantity as may be specified by him in that permit. Application for such permit shall be accompanied by information in Form 5.

**11. Limit of possession by licensee:**

No licensed dealer in manufactured drugs or licensed chemist shall possess manufactured drugs, except in such quantity and in such manner as may be specified by the State Government in general order.

**12. Sale of manufactured drug to authorised person:**

Notwithstanding anything contained in these rules, the holder of a licence shall, whenever required to do so, sell any manufactured drug to any Government Officer who is duly authorised by the State Government in this behalf to purchase and possess such drug on behalf of Government:

Provided that a receipt shall be obtained by the holder of the licence from such officer for the same to be kept on his record.

### **CHAPTER III CONDITIONS RELATING TO PRESCRIPTIONS.**

**13. Conditions relating to prescription:**

Prescription for the supply of manufactured drugs other than prepared opium shall be given by an approved practitioner in accordance with the following conditions:

(a) the prescription shall be in writing, shall be dated and signed by the approved practitioner with his full name and address and qualifications and shall specify the name and address of the person to whom, and the nature of ailment for which the prescription is given, the directions for use and total amount of the drug to be supplied on the prescription; provided that where the prescribed drug to be supplied on the prescription is a proprietary medicine, it shall be sufficient to state the amount of medicine to be supplied.

(b) the prescription shall not be given for the use of the prescriber himself.

(c) a registered dentist shall give a prescription only for the purpose of dental treatment and shall mark it “*for local dental treatment only*”.

(d) a registered veterinary surgeon shall give a prescription only for the purpose of treatment of animals and shall mark it “*for treatment of animals only*”.

#### **CHAPTER IV SPECIAL PROVISION FOR PROCUREMENT AND USE OF MORPHINE.**

**14. Annual requirement:**

Every medical institution shall send annual requirement of morphine in Form 5 by 30<sup>th</sup> November every year along with the name and address of the supplier from whom they intend to buy it to the Commissioner with the recommendation from the Drug Controller. Form 5 shall be accompanied by duly filled up Form 4.

**15. Approval of estimates by the Commissioner:**

The Commissioner who receive the requirement may call for clarification, if necessary. Approval or not of the estimate shall be sent to the applicant within ten days of the decision. Copies of approval shall be sent to the supplier, the Drug Controller of the State, the Drug Controller General of India and the Narcotics Commissioner of India.

**16. Order for purchase:**

The recognised medical institution shall place order for purchase in Form 6 with photocopy of approval of Commissioner attached to it. The copies of purchase order shall be sent to the Commissioner, the Narcotics Commissioner of India and the Drug Controller General of India.

**17. Supply:**

The supplier shall send morphine to a recognised medical institution on the basis of order received only in Form 6 with copies of consignment given to the Commissioner, the Drug Controller of India and the Narcotic Commissioner of

India. The supplier shall keep the copy of consignment. The supplier shall also despatch the morphine consignment along with the consignment note in quintuplicate in Form 7.

**18. Receipt:**

On receipt of the consignment the medical institution shall make entry in the consignment copies, the quantity received and date in Form 8. He shall retain the original consignment note, send the duplicate to the supplier, the triplicate to the Commissioner and the quadruplicate to the Narcotics Commissioner of India and the quintuplicate to the Drug Controller of the State (in cases in which the supply originated outside the State).

**19. Duties of recognised medical institution:**

Every recognised institution shall designate one or more qualified medical practitioner who may prescribe morphine for medicinal purposes. When more than one is designated, one of them shall be designated as overall in charge.

**20. Duties of designated medical practitioner:**

The designated Medical practitioner shall-

(a) ensure that the stock of morphine is adequate for patient's needs;

(b) maintain adequate security over stock of morphine;

(c) maintain a record of all receipts and disbursement of morphine in Form 8;

(d) ensure that estimate and other relevant information required to be sent to the recognised medical institution are sent to the concerned authority in time.

## **CHAPTER V ACCOUNTS.**

**21. Maintenance of accounts:**

A medical officer or an approved practitioner possessing manufactured drugs under rule 9 shall -

(a) keep accounts of manufactured drugs received, used and held in stock by him from time to time, in the Form No. 9. The accounts shall be clearly and correctly written up daily in books, bound, paged and sealed with the seal of the



Superintendent or any such authority duly authorised on his behalf and shall show in each case of purchase, the date of purchase and the name and address of the person or firm from which the purchase was made;

(b) preserve the said accounts for not less than two years from the date of last entry in the accounts book and shall produce them, together with any manufactured drugs that may be in his possession at the time for inspection on demand by the Superintendent or any other officer duly authorised by him in this behalf.

(c) furnish to the Superintendent or any other officer duly authorised by him in this behalf, within a week after the end of each calendar year, information regarding the purchase and consumption of manufactured drugs during the preceding year, the stocks of manufactured drugs held by him on the last day of the year, in Form No.10.

**22. Returns:**

Every licensed dealer, licensed chemist, approved practitioner dealing in manufactured drugs, permit holder and persons authorised shall in respect of each calendar year submit a return in Form No.10 to the Superintendent so as to reach him on or before the 7<sup>th</sup> January of the following year.

## CHAPTER VI

### APPROVAL, AUTHORISATIONS, LICENCES AND PERMITS.

**23. Special permit:**

The Superintendent may, with the sanction of the Commissioner by special order, authorise any person in charge of an educational institution or engaged in scientific research to possess, import or transport for educational and scientific purpose only, manufactured drugs in such quantity and in such manner as may be specified by him in Form 11.

**24. Grant of licence:**

(1) The Commissioner may grant directly to any person a dealer's licence in Form No. 1 permitting him to possess and sell manufactured drugs subject to the conditions of the licence.

(2) The Superintendent may, with the approval of the Commissioner, grant

to any person chemist's licence in Form No. 2 permitting him to manufacture, possess and sell manufactured drugs on prescription subject to the conditions of the licence.

(3) A fee as may be prescribed by the Government shall be levied on every licence granted under sub-rule (1) or (2).

**25. Grant of licence for import of manufactured drugs:**

The Commissioner may grant to any licensed dealer or licensed chemist an authorisation for the import of manufactured drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

**26. Transport of manufactured drugs:**

(1) The Superintendent may grant to any licensed dealer or licensed chemist a permit in Form No. 12 for the transport of manufactured drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

(2) When granting a permit under sub-rule (1) the Superintendent shall give intimation of such grant to the Superintendent of the District to which the transport is to be made and keep in his office a copy of the permit.

**27. Suspension and cancellation of licence:**

(1) Subject to any directions that the Commissioner may give in this behalf, the officer who has granted a licence or has by order approved or authorised any person under these rules, may cancel or suspend such licence or order -

(a) If such a person has -

(i) failed to pay any duty or fee payable by him; or

(ii) committed by himself or by any person acting on his behalf any breach of the conditions of such licence or order or of these rules; or

(iii) been convicted of any offence under the Act, or under the law for the time being in force relating to excise revenue, or of any criminal offence; or

(b) in any other case after giving to such person fifteen day's notice.

(2) Licence or order may be cancelled within fifteen days of the receipt of a notice, from such person if he desires to surrender the same.

(3) When such licence or order is cancelled or suspended or withdrawn such person shall forthwith make over to the Superintendent all narcotic drugs then in his possession.

(4) When any manufactured drugs in possession of any person licensed or authorised under these rules is found by him to be unfit for use such person shall forthwith deliver such drug to the Superintendent.

## **CHAPTER VII INSPECTION, TRANSPORT AND PENALTY.**

### **28. Inspection:**

(1) Every license or permit-holder shall at once produce for inspection his licence or permit and his account book on demand by any Officer not below the rank of Inspector in Excise, Police and Drug Control Department having jurisdiction in the area, and shall not prevent any such officer from entering and inspecting the premises in which he is authorised to store the manufactured drugs at any hour of the day or night.

(2) Every licensee or permit-holder shall, when required by an officer not below the rank as specified in sub-rule (1), assist him in taking account of his stock.

### **29. Penalty:**

(1) In case of any breach of these rules or any of the conditions of which a licence or permit is liable to be cancelled or suspended, the Superintendent may in consultation with the Commissioner, in lieu of such cancellation or suspension imposes penalty not exceeding Rs.10,000 for every such breach.

(2) When the payment referred to in sub-rule(1) have been made, no further proceedings shall be taken against such licensee or permit holder.

### **30. Export of manufactured drugs:**

A person authorised in this behalf by the Commissioner by a special order made under these rules may export manufactured drugs in such quantity and in such manner as may be specified in that order.

**31. Transport of manufactured drug by an individual:**

(1) A person to whom a permit authorisation has been granted under these rules for the transport of manufactured drugs may transport the drugs in such quantity and in such manner as may be specified in the permit or authorisation granted to him.

(2) Every person importing or transporting manufactured drugs shall comply with such general or special directions as may be given by the Commissioner.

**32. Provision for transport by post:**

The transmission of manufactured drugs by inland post by licensed chemists and licensed dealers for medicinal purpose is permitted subject to the following conditions only:

(a) the parcel post shall be used;

(b) the parcels shall be insured;

(c) the parcels shall be accompanied by a declaration stating the names of the consignee and the consignor, the contents of the parcels in detail, the number and date of the permit covering the transmission and the number of the licence held by consignee; and

(d) the consignee shall show distinctly in his account books the name of the consignor and the quantity of drugs sent to him from time to time by post.

## **CHAPTER VIII DISPOSAL OF OPIUM, POPPY STRAW, GANJA, BHANG AND OTHER THINGS.**

**33. Disposal of confiscated manufactured drug:**

(1) The Superintendent shall cause samples of all manufactured drugs confiscated made over to him to be examined by the Chemical Examiner to the Government or by such other officer as the Commissioner may direct.

(2) If any such drugs are certified by such officer to be fit for use the Superintendent may allow these to be sold to any licensed dealer or licensed chemist. The Superintendent may require any licensed dealer or licensed chemist

to purchase such drugs not exceeding such quantity as the Superintendent may determine to be ordinarily saleable by him in two months, at such rate as the Superintendent may direct.

(3) If any such drugs are certified by the Chemical Examiner to be unfit for use, the Superintendent shall cause these to be destroyed.

**34. Disposal of confiscated animal:**

The sale or other disposal of confiscated articles under these rules shall be deferred till the period of appeal against the order of confiscation has expired or if an appeal has been preferred, till the appeal has been finally disposed of:

Provided that in case of any confiscated animal the sale shall not be so deferred unless the owner of the animal deposit with the Superintendent such sum as that officer deems to be sufficient for the feeding and general upkeep of the animal till the end of the period stipulated in the rule:

Provided further that if the thing or substance seized be liable to speedy and natural decay, or if the disposal thereof would be for the benefit of the owner, it may be sold immediately or destroyed as may be proper in accordance with these rules.

**35. Appeal on confiscation:**

If an order of confiscation is reversed on appeal, the seized narcotic drugs or psychotropic substances or the sale proceeds thereof (balance after deduction of expenses) shall be returned to the owner or his duly authorised agent:

Provided that if the claim for refund is not made within 100 days of the decision of the appeal the owner shall not be entitled to such return or refund, and the narcotic drugs or psychotropic substances or sale proceeds thereof will then be disposed of in the manner directed by the Commissioner.

**36. Destruction of confiscated drugs etc.:**

(1) Confiscated narcotic drug, psychotropic substances, precursors, poppy straw, ganja and bhanga shall be destroyed by Disposal Committee.

(2) All things and substances (other than those specified in sub-rule(1) confiscated under the Act or under these rules shall be made over to the Commissioner for disposal.

**37. Disposal of unclaimed articles:**

Any narcotic drug or psychotropic substance in respect of which an offence has been committed under the Act and offender is not known or cannot be found, and any narcotic drug or psychotropic substance which is found unclaimed shall be forwarded to the Commissioner to be dealt with under these rules.

## **CHAPTER IX APPEAL AND REVISION.**

**38. Appeal and revision:**

(1) An appeal shall lie to the Commissioner on the order of a Superintendent under these rules within thirty days from the date of the order. The period for the presentation of appeal shall be counted from the date of the original orders and not from the date of rejection of any subsequent petition for revision.

(2) The State Government may revise any order passed by the Commissioner if the application for revision is filed within three months from the date of the order passed by the Commissioner.

(3) A petition of appeal from or for revision of any order shall not be entertained unless it is accompanied by the original order or authenticated copy thereof or the omission to produce such order or copy is explained to the satisfaction of the authority to whom the petition is made.

## **CHAPTER X DE-ADDICTION.**

**39. De-Addiction Centre:**

(1) The State Government may, from time to time, by notification in the official Gazette, establish as many centres as it thinks fit for identification, treatment, education, after-care, rehabilitation, social reintegration of addicts.

(2) Persons identified by the Chief Medical Officer as addicts may be registered as such and may be admitted to any of the centre on such terms and conditions as may be decided by the Director of Health Services, Mizoram, in this behalf considering the state of addiction.

(3) Hospital authorities and the Chief Medical Officer of the districts, in consultation with the Director of Health Services, Mizoram and the Director of Hospital and Medical Education as the case may be may decide, from time to time, the number of staff required of different categories both medical and non-medical in each centre depending on the number of addicts registered for treatment, education, aftercare, rehabilitation and social reintegration, as the case may be.

**CHAPTER XI**  
**POWERS OF OFFICERS OF EXCISE DEPARTMENT,**  
**MEDICAL AND HEALTH DEPARTMENT AND POLICE**  
**DEPARTMENT.**

**40. Powers of Officers of Excise Department, Medical and Health Department and Police Department:**

(1) Subject to the provisions of the Act and of these rules, the Commissioner may from time to time give such directions as he may think fit for the purpose of carrying out the provisions of these rules.

(2) Any of the following officers, namely:-

(a) Commissioner

(b) Any Drug Control Officer not below the rank of Drugs Inspector; or

(c) Any Excise Officer or Police Officer not below the rank of Sub-Inspector, may subject to any restrictions prescribed by the State Government-

(i) enter and inspect any place, in which manufactured drugs are kept for sale or such other use as is provided by these rules, at any time of the day or night;

(ii) examine the accounts, registers maintained in any place as aforesaid and seize such accounts and registers which he may have reasons to believe to be false;

(iii) examine, test weight and measure all manufactured drugs found in any place as aforesaid; and

(iv) examine or test and seize any measure, weights and sample of such manufactured drug found in any such place which he has reason to believe to be false.

## **CHAPTER XII**

### **REWARDS.**

#### **41. Rewards:**

Informers, officers and other persons may be granted rewards subject to the availability of funds:

Provided that an interim reward of 25 per cent of the proposed award may be granted if the seized substance has been positively identified as a narcotic drug or psychotropic substance by the Chemical Examiner of the State and if the awarding officer so deem fit.

oOo



**FORM 1**

[See rules 3, 4, 5(1)]

**Licence granted to a dealer for the manufacture and / or possession and sale on prescription of Narcotic Drugs**

**District:**

**No of licence in register No.:**

**Name of person holding licence:**

**Place of business:**

*(Note - The counterfoil of this licence is to be signed by the dealer and filed in the Superintendent's office).*

..... resident of ..... is hereby authorised by the Superintendent of Excise ..... to manufacture / possess drugs at ..... from ..... to the 31<sup>st</sup> March, 20.....

This licence extends -

- (a) to the manufacture of medicinal opium which the licensee is entitled to possess;
- (b) to the manufacture of preparation containing morphine and opium which the licensee is entitled to possess;
- (c) to the possession and sale otherwise than on prescription of manufactured drugs.

**Conditions:**

*The licensee shall be bound by the Narcotic Drugs and Psychotropic Substances Act, 1985 and the rules made by the Governor of Mizoram under section 10 read with section 78 of the Narcotic Drugs and Psychotropic Act and any also by the following conditions :*

1. *That he shall pay to Government in advance a fee of Rupees ..... and that he shall pay the same into a Government Treasury.*
2. *That he shall not possess more than the following weights of manufactured drugs at a time :*
  - (a) *opium derivatives other than prepared opium containing in the aggregate not more than ..... of either morphine.*
  - (b) *any other narcotic substance declared to be a manufactured drug up to .....*
3. *That he may possess excise opium or opium in powder up to..... for the manufacture of medicinal opium. Such opium shall be*

*obtained either from the Government Treasury at ..... or from the Ghazipur Opium Factory with the special permission of the Commissioner.*

*4. That he shall not manufacture, possess or sell manufactured drugs in virtue of this license, at any place except his place of business.*

*5. That he shall maintain day by day correct and true accounts of the manufactured drugs in the prescribed form and submit such statements and information as may from time to time be required by the Superintendent or the Commissioner.*

**N.B.:-** *Violation of any of the above conditions will subject the holder of this licence to cancellation of the licence and to all or any of the penalties prescribed by law or rules.*

**Signature of licensing authority  
with seal.**

.....

**FORM 1**  
*Counterfoil*

Name of district

No. of Licence in register No.

Name of the licensed dealer

Locality of manufacture and vend

Licence current from..... to.....

Amount of fee paid in advance Rs.10

Received the licence of which this is the counterfoil

Signature of the licensed dealer.

+++++

**FORM 2**

*[See rules 4 and 24]*

**Licence granted to a chemist for the manufacture  
and/or possession and sale on prescription of Narcotic Drugs**

**District:**

**No. of licence in register No.:**

**Name of vendor:**

**Locality of vendor:**

*(Note: The counterfoil of this licence is to be signed by the chemist*

*and filed in the Superintendent's Office)*

..... resident of ..... is hereby authorized by the Superintendent of ..... to manufacture, possess and sell on prescription manufactured drugs at ..... from ..... to the 31st March, 20.....

This licence extends -

(a) to the manufacture on prescription of medical opium from opium, which the licence is entitled to possess;

(b) to the manufacture on prescription of preparation containing morphine which the licensee is entitled possess;

(c) to the possession and sale on prescription of manufactured drugs.

**Condition:**

*The licensee shall be bound by the Narcotic Drugs and Psychotropic Substances Act, 1985 and the rules made by the Governor of Mizoram under section 10 read with section 78 of the Narcotic Drugs and Psychotropic Substances Act and any additional, general or special rules which may be made from time to time and also by the following conditions :*

1. *That he shall pay to Government in advance a fee of rupees ten and that he shall pay the same into a Government Treasury;*

2. *That he shall not possess more than the following weights of manufactured drugs at a time:*

(a) *opium derivatives other than prepared opium containing in the aggregate not more than ..... of either morphine or both;*

(b) *any other narcotic substance declared to be a manufactured drug up to .....*

3. *That he shall not manufacture, possess or sell manufactured drugs in virtue of this licence at any place except his place of business;*

4. *That he shall not sell or deliver manufactured drugs to any child apparently under the age of 16 years whether for consumption by such child or by any other person and whether for consumption on or off the premises;*

5. *That he shall maintain day by day correct and true accounts of the manufactured drugs in the prescribed form and submit such statements and information as may from time to time be required by the Superintendent or the Commissioner.*

Signature of licensing authority  
with seal.

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**FORM 2**  
*Counterfoil*

District:

No. of licence is register No.:

Name of chemist:

Locality of vend:

Licence current from..... to.....

Amount of fee paid in advance Rs.10

Received the licence of which this is the counterfoil.

Signature of licensed chemist

+++++

**FORM 3**  
*[ See rule 10]*

**Order authorising – (a) an approved practitioner in managing or supervising charge of a hospital and (b) any person in charge of an educational institution or De-addiction Centre engaged in scientific research to possess, import or transport for – (i) medicinal and (ii) educational and scientific purposes only.**

Manufactured drugs

District

Number of authorisation in Register

Name or designation of approved practitioner

Locality

resident of ..... an approved practitioner in managing or supervising of a hospital/dispensary/dept. of educational institution or a person engaged in scientific research / de-addiction centres ..... is hereby authorised to possess, import or transport manufactured drugs for use in medicinal/education and scientific purposes only in the said hospital or educational institution from ..... to the dispensary/ scientific laboratory on 31st March, 20 .....

*It is required that the holder of this order as a condition of it's remaining in force that he shall duly and faithfully perform and abide by the following **conditions**;*

*I. That he does not transfer this order to any person;*

*II. That he uses narcotic drugs for medicinal/educational or scientific purpose only in the premises for which this order is granted and that he does not use narcotic drugs in any other place without a separate order;*

*III. That he does not sell narcotic drugs to anyone;*

*IV. That he does not obtain narcotic drugs from a licenced chemist on his own prescription, but that he obtains all narcotic drugs to be possessed under this order from a dealer licenced under the rules made by the Governor of Mizoram under section 10 read with section 78 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) or under corresponding rules for the time being in force in any part of India;*

*V. That if he desires to import or transport narcotic drugs from any part of India to the premises named herein he shall obtain on each occasion on which he desires so to import or transport narcotic drugs the countersignature of the District Health Officer/ District Veterinary Officer on his indent for the same.*

*VI. That he does not store any narcotic drugs to be used under this in any premises other than these named therein*

*VII. That he keeps an account of all narcotic drugs received and used by him that he shall at all times afford facility for the inspection of such account and of his stock of narcotic drugs by the Collector, the District Health Officer, the Superintendent of Excise or any Officer authorised by the Commissioner or the District Health Officer, to inspect the same.*

*The account is to be maintained in Form No.9 (a separate sheet is to be used for each narcotic drug).*

Superintendent of \_\_\_\_\_  
The \_\_\_\_\_ 20 \_\_\_\_\_

Superintendent

+++++

**FORM 4**  
[See rules 14]

1. Name of the institution & Address -
2. Name of the head/ in-charge of the institution -
3. No. of persons employed :-
  - (i) Doctors -
  - (ii) Nursing staff -
  - (iii) Others -
4. No. of patients treated during previous calendar year
  - (i) inpatient -
  - (ii) outpatient -
5. Whether the hospital has facilities to treat cancer patients Yes / No
6. No. of cancer patients treated during previous calendar year
  - (i) inpatient -
  - (ii) outpatient -
7. Name of the qualified medical practitioner who would prescribe morphine (if there are more than one qualified medical practitioner who would prescribe morphine, indicate the name of the medical practitioner who would be overall in-charge)
8. Whether the institution's recognition for the purpose was withdrawn earlier (if the recognition was withdrawn earlier the details are to be given) Yes / No

Station  
Date

Signature of the Head / in-charge  
of the Institution with name.

+++++



<i>Sl.No.</i>	<i>Quantity</i>	<i>To whom order was placed</i>
---------------	-----------------	---------------------------------

On : (Signature of the person authorised to place:  
order with name and designation if any)

A copy of the order shall be kept by the recognised medical institution which places the order.

This shall be retained for two years from the date of transaction.

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### FORM 7

[See rule 17]

Serial No.....

#### Consignment Note

(To accompany a consignment of Morphine )

Date and Time of despatch of the  
Consignment.....

1. Name & Address of Consigner
2. Name & Address of Consignee i.e., Recognised Medical Institution
3. Description & Quantity of the Consignment

*No. of Packages*

*Quantity*

*Gross*

*Net*

- 
4. Mode of Transport (Particulars of the transporter, Registration number of the vehicle)

Signature of the Consignor with date  
(Name & Designation, if any)

To be filled by Consignee:-

5. Date and Time of receipt by the consignee and his remarks
6. Quantity received by the consignee -

*No. of Packages*

*Quantity*

*Gross*

*Net*



Signature of the Consignor with date  
(Name & Designation, if any)

**Note :**

1. This consignment note shall be serially numbered on annual basis.
2. The consignor should record a certificate on the cover page of each book containing consignment notes indicating the number of pages contained in the consignment note book.
3. The consignor should maintain a register showing the details of the books of consignment note brought in use during a particular year.
4. Each consignment of morphine shall be accompanied by this consignment note in quintuplicate (i.e., five).
5. This consignment note shall be retained for a period of two years from the date of transaction.
6. The records referred to at items 2 to 5 above in this note shall be produced to the authorised officers whenever called upon during the course of their inspection.

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**FORM 8**

[See rules 18 and 20]

**Record of Receipt, disbursement and balance of morphine**

Date

Quantity in hand at the beginning of the day	Details of quantity received				Detailed of quantity disbursed				Quantity in hand at the close of the day
	Sl No.	Quantity	From whom received	Consignment Note/ Bill of Entry No.	Sl No.	Quantity	Name of the person & address to whom disbursed	Name of the Medical Practitioner who prescribed	

Signature

**Note :-**

1. This record is to be maintained on day to day basis and entries shall be for each day the institution functions. Entries shall be completed for each day before the close of the day. The authorised medical practitioner/ in-charge or

any other person authorised by them shall initial after entry of each day with date. The pages of the register shall contain necessary number.

2. This record shall be retained for two years from the date of last entry.

3. This record shall be produced to the authorised officers whenever called upon during the course of their inspection.

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**FORM 9**

[ See rule 21]

**Form of accounts to be maintained by approved practitioners, chemists and dealers for purchase of narcotic drugs**

Quantity received this day and when received		Licensed dealer, date of indent or chemist order		
(1)		Licensed chemist -Date of prescription and (2)		
		name of medical practitioner who granted it		
Date	Balance in hand	Quantity and date	When received	Total to be accounted for
1	Oz 2	Oz 3	Oz 4	Oz 5
Quantity sold this day	Name of purchaser or preparation manufactured	Address of purchaser or amount of preparation	Closing balance	Remarks
Oz 6	Gr 7	8	Oz 9	Gr 10

+++++

**FORM 10**

[ See rules 21(c) & 22 ]

**Annual return of dangerous drugs**

Due date 7th January

For the calendar/official year ending \_\_\_\_\_

Name of the person submitting the return \_\_\_\_\_

Nature of business in dangerous drugs \_\_\_\_\_

Place of business \_\_\_\_\_

*(This return shall relate to each drug-separate sheet being used for each separate group).*

Name of the drug

Drug content in

Solid  
Preparations

\_\_\_\_\_ Liquid  
Preparations  
Kg. g. mg. grammes

1. Opening stock at the beginning of the year : \_\_\_\_\_
2. Receipts during the year : \_\_\_\_\_
3. (a) from foreign countries : \_\_\_\_\_  
 (b) from other States in India : \_\_\_\_\_  
 (c) from other licensees within the State : \_\_\_\_\_  
 (d) from other sources : \_\_\_\_\_
3. Closing balance at the end of the year \_\_\_\_\_
4. Supplies :  
 (a) to foreign countries \_\_\_\_\_  
 (b) to other States in India \_\_\_\_\_  
 (c) to other licensees within the State \_\_\_\_\_  
 (d) to others on prescription \_\_\_\_\_  
 (e) to others otherwise on prescription \_\_\_\_\_
5. Quantity used otherwise than by sale \_\_\_\_\_
6. Wastages \_\_\_\_\_
7. Allotment for import from outside India \_\_\_\_\_  
 (a) sanctioned for the current calendar year \_\_\_\_\_  
 (b) required for the calendar year next following \_\_\_\_\_

Signature

+++++

**FORM 11***[See rule 23]***Special permit for possession of manufactured drugs  
in excess of the limit prescribed in the licence/order**

District:

No. of permit in the Register No.:

Name of permit holder:

Address:

The above permit-holder is hereby permitted to possess..... grams of manufactured drugs (name of drugs to be inserted) exceeding the limit prescribed in his license/order as a special case. In disposing the quantity, he shall scrupulously follow the conditions set forth in his licence/order.

The..... 20.....

Excise Commissioner/Superintendent of Excise

( The word not applicable be deleted)

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**Form 12***[ See rules 20 and 26]***Original****Permit for the transport of manufactured drug and narcotic drugs**

Permit for the transport of manufactured drug and narcotic drugs *(Here enter name of drug)*.

(To be issued in quadruplicate, one copy being kept as a counterfoil in the office of issues, another to be returned to the consignor to the Collector of the district to which the consignment is sent after noting the details of drugs consigned on the form on the back of the foil, the third to be sent to the authority of the exporting district and the fourth to accompany the consignment).

Permit granted to *(Here enter name of consignment)*.

To Import/Transport/Export *(here enter locality and district)* or via to *(here state district)*.

Narcotic drugs to the amount of \_\_\_\_\_ as specified below:

*(Here state description and weight or quantity of each kind of drug)*

*(one ounce equals 437.5 grains avoirdupois).*

This permit must be used within one month from the date of its issue.

The duplicate shall be returned by the consignor after the despatch of the consignment to the Superintendent. ....

*(here enter district)*

The bulk of the consignment shall not be broken in transit.

*(Place)*

*(State)*

Superintendent

Here enter the kind of drug allowed to be transported e.g. (1) medicinal hemp (2) medicinal opium, or (3) morphine, diacetylmorphine (official or non-official preparation) as the case may be. They should be entered on the licence and the duplicate and triplicate copies there of also.

**Details of consignment.**

The drugs specified below have this day the \_\_\_\_\_ 20\_\_ been despatch by *(mode of conveyance)* in *(state number and \_\_\_\_\_ packages)*.

Description of quantity or weight \_\_\_\_\_ packages drugs

*(Place)*

*(Signature of consigner)*

***Duplicate***

Permit for the transport of manufactured drug and narcotic drugs \_\_\_\_\_ *(here enter name of drug)*.

(To be returned by the consignor to the Superintendent of the district to which the consignment is sent, after noting details of the drugs consigned in the form on the back of this foil).

Permit granted to \_\_\_\_\_ *(here enter name of consignee)*

to transport or via \_\_\_\_\_ *(here enter locality and district)*

*(here state district)*.

Narcotic drugs (other than prepared opium) to the amount of \_\_\_\_\_ as specified below.

*(Here state description and weight or quantity of each kind of drugs).*

*(one ounce equals 437.5 grains avoirdupois)*

This pass must be used within one month from the date of its issue.

The duplicate shall be returned by the consignor after the despatch of consignment to the Superintendent \_\_\_\_\_ *(here enter district)*.

Form over leaf to be filled up signed and dated by the consignor and this duplicate to be returned to the Superintendent.

No \_\_\_\_\_ dated the \_\_\_\_\_ 20 \_\_\_\_\_

Copy forwarded to the \_\_\_\_\_ for information

(Place)

Superintendent.

### ***Triplicate***

Permit for the transport of manufactured drug and narcotic drugs (here enter name of drugs) (To be sent to the authority of the exporting district).

Permit granted to (here enter name of consignee)  
to transport or via (here enter locality and district)  
(here state district)

Narcotic drugs (other than prepared opium) to amount of \_\_\_\_\_ as specified below :

*(here state description and weight or quantity of each kind of drug)*  
(one ounce equals 437.5 grains avoirdupois).

This pass must be used within one month from the date of its issue.

The duplicate shall be returned by the consigner after the despatch of consignment to the Superintendent (here enter district).

The bulk of the consignment shall not be broken in transit.

(Place)

(Date)

Superintendent

### **PASS**

#### ***Quadruplicate***

Pass for the transport of manufactured drug and narcotic drugs (here enter name of drug) (To accompany the consignee)

Permit granted to (here enter name of consignee)  
to transport from or via (here enter locality and district) narcotic drugs  
(other than prepared opium to the amount of as specified below:

*(here state description and weight or quantity of such kind of drug)*  
(one ounce equals 437.5 grains avoirdupois).

This pass must be used within one month from the date of its issue.

The duplicate shall be returned by the consignor after the despatch of consignment to the Superintendent (here enter district).

The bulk of the consignment shall not be broken in transit.

*(Place)*

*(Date)*

Superintendent

The above form is to be filled up, signed and dated by consignor before the consignment leave his premises.

Advance of consignment of dangerous medicinal drugs. The drugs specified below have this day of \_\_\_\_\_ 20 \_\_\_\_ been despatched by *(mode of conveyance)* in *(state number of packages)*;

Description of drugs, quantity or weight packages.

Dated

(Signature of consignor)

Forwarded to Superintendent of Excise, \_\_\_\_\_.