

MIZORAM EXCISE ACT, 1973

(Act No. 7 of 1974)

Lalbiakmawia Khiangte
Commissioner of Excise & Narcotics.

- Preamble** : 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.
- The Act** :
- Assented to by the President of India on 17th April, 1974
- It extends to the whole of the Union Territory of Mizoram.
- It has come into effect from 10th October, 1984.
- It has 77 sections.
- Section 9** : **Restrictions on import.**
No intoxicant shall be imported unless the duty has been paid.
- Section 10** : **Restriction on export and transport.**
No intoxicant shall be exported or transported unless the duty has been paid.
- Section 14** : **Prohibition of manufacture, import etc of charas.**
No person shall manufacture, import, export, transport, possesses or sell charas.
- Punishable with imprisonment for a term which may extend to 5 years and also with fine.
- Section 15** : **Manufacture and preparations for manufacture permitted only under licence.**
Unless licence is granted –
- no intoxicant shall be manufactured;
- no hemp plant shall be cultivated or collected;
- no liquor shall be bottled for sale;
- no distillery or brewery shall be constructed;
- no person shall use, keep, or have in his possession any materials for the purpose of manufacturing intoxicant.
- Section 17** : **Limit of possession with exceptions and Prohibitions in specific cases.**
No person shall have in his possession any intoxicant in excess of the limit so prescribed by the Government.
- Section 21** : **Levy of duty.**
Duty shall be levied and collected at such rates and in such manner as may be prescribed by the Government.
- Section 27** : **Ascertainment of local opinion.**
Before Licences are granted, in any year for 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 licensing and location of shops.

- Section 33 :** **Arrest, seizure and search without warrant.**
In any public place, any Excise or Police officer may arrest without warrant any person found committing an offence punishable u/s 48 or 49.
- Section 36 :** **Search, seizure and arrest following upon entry without warrant.**
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 has been, is being, or is likely to be committed in any place may at anytime by day or night –
- enter into and search such places;
 - seize and carry away anything;
 - detain and search and arrest any person....
- Section 48 :** **Unlawful import, manufacture, possession, sale, etc.**
Any person contravening the Act shall be punished with imprisonment which may extend to 2 years and with fine.
- Section 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 of an offence shall be punished with imprisonment which may extend to 2 years, or with fine, or with both.
- Section 61 :** **Abetments.**
Whoever abets an offence punishable shall be punished with punishment provided for the offence.
- Section 62 :** **Enhanced punishment after previous conviction.**
If any person, after having been previously convicted, subsequently commits and is convicted he shall be liable to twice the punishment of the first conviction.
- Section 71 :** **Power to compound offence.**
The Excise Commissioner or a Collector, instead of instituting prosecution, may compound the offence by realising money –
- The value of seized article as estimated by him; not exceeding Rs. 500/
 - for offence other than section 57.
- Section 76 :** **Power to make Rules.**
The Administrator may, by notification, make rules for the purpose of carrying out the provisions of the Act.

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