

Thirteenth Kerala Legislative Assembly
Bill No. 127

THE ABKARI (AMENDMENT) BILL, 2012

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A

BILL

further to amend the Abkari Act 1 of 1077.

Preamble.—WHEREAS, it is expedient further to amend the Abkari Act 1 of 1077 for the purposes hereinafter appearing ;

BE it enacted in the Sixty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Abkari (Amendment) Act, 2012.

(2) It shall come into force at once.

2. *Amendment of section 15A.*—In section 15A of the Abkari Act 1 of 1077 (hereinafter referred to as the principal Act),—

(a) in the marginal heading, for the figure “18”, the figure “21” shall be substituted;

(b) in the section, for the figure “18”, the figure “21” shall be substituted.

3. *Amendment of section 15B.*—In section 15B of the principal Act,—

(a) in the marginal heading, for the figure “18”, the figure “21” shall be substituted;

(b) in the section, for the word “eighteen”, the words “twenty one” shall be substituted.

4. *Insertion of new section 55I.*—After section 55H of the principal Act, the following section shall be inserted, namely:—

“55I. *Penalty for showing scene of liquor or consumption or exhibition of liquor in cinemas exhibited in theatres without warning.*—(1) No scene containing use or consumption or exhibition of liquor in cinema, shall be picturised and exhibited in theatres without the warning “CONSUMPTION OF ALCOHOL IS INJURIOUS TO HEALTH/മദ്യപാനം ആരോഗ്യത്തിന് ഹാനികരം” in

such scene in contrasting colours clearly visible and having a size covering 1/10th of the total size of the scene.

(2) Whoever exhibits or causes to exhibit any cinema having a scene in contravention of the provisions of sub-section (1) in any theatre shall, on conviction, be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.”.

5. *Amendment of section 67A.*—In section 67A of the principal Act, in column (1) of the Table under sub-section (1), for the figure “18” occurring in both the places, the figure “21” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The consumption of liquor is increasing in the State day by day. It is reported that students and youth are attracted to this menace of increasing consumption of liquor. The scene containing use or consumption or exhibition of liquor in cinema may influence the people for use of liquor. In these circumstances, the Government have decided to enhance the minimum age limit for consumption or use of liquor from 18 years to 21 years and also to prevent the sale of liquor to the persons below 21 years, so as to retract them from consuming liquor. It is also decided to make it compulsory to exhibit a warning in the scenes in cinemas where use or consumption or exhibition of liquor is shown and to provide for stringent punishment to those who show such scene in any cinema without showing a warning as stated above.

2. The Bill is intended to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

K. BABU.

EXTRACT OF RELEVANT PORTIONS FROM THE
ABKARI ACT 1 OF 1077

** ** **

15A. *Consumption or use of liquor by persons under the age of 18 years prohibited.*—No person under the age of 18 years shall consume or use any liquor.

15B. *Sale of liquor to person under 18 years of age prohibited.*—No person licensed to sell liquor and no person in the employ of such licensed person or acting with the express or implied permission of such licensed person on his behalf shall sell or deliver any liquor to any person under the age of eighteen years.

** ** **

55H. *Penalty for unlawful advertisement.*—Whoever prints, publishes or gives any advertisement soliciting use of or offering any liquor or intoxicating drug shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to twenty-five thousand rupees or with both:

Provided that, this section shall not apply to price list for display at the points of sale for consumer information.”.

** ** **

67A. *Power to compound offences.*—(1) The Commissioner of Excise or the Deputy Commissioner of Excise of the District concerned or any Abkari Officer specially empowered by the Government in this behalf by notification in the Gazette, may accept, from any person reasonably suspected of having committed any of the offences specified in column (1), a sum of money as specified in column (3) of the Table below by way of composition for the offence which may have been committed and where any property has been seized, the same shall be confiscated to Government or disposed of in such manner as may be prescribed.

TABLE

<i>Offence</i>	<i>Corresponding section in the Act</i>	<i>Compounding fee in rupees</i>
(1)	(2)	(3)
Transporting of liquor or intoxicating drug in excess of the quantity prescribed by the Government by notification	10	5,000
Possession of liquor or intoxicating drug in excess of the quantity prescribed	13	5,000
Consumption or use of liquor by persons under the age of 18 years	15A	5,000
Sale of liquor to person under the age of 18 years	15 B	5,000
Consumption of liquor in public places	15 C	5,000
Taps or causes to be tapped any toddy producing tree in contravention of the Act, Rules or any order made under the Act	55(d)	10,000
Draws or causes to be drawn toddy from any tree in contravention of the Act, Rules or any order made under the Act	55(e)	10,000
Misconduct by licensee etc.	56	25,000
Consumption of preparations containing liquor or intoxicating drug other than <i>bonafide</i> medicinal preparations in the business, manufacturing or stocking premises	56 A(2)	5,000

(2) Where any case involving an offence specified under sub-section (1) is pending before a court of law, such offence may by compounded with the permission of such court and a report of the action taken thereon shall be filed before the court.

(3) On payment of such sum of money or such value or both, as the case may be, to such officer empowered for the purpose under sub-section (1), the accused person, if in custody, shall be discharged.

*Explanation:—*For the purpose of this section, the word “compound” means compounding of offences.

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