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കേരള സർക്കാർ
Government of Kerala
2018



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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
Law (Legislation-A) Department
NOTIFICATION

No. 25352/Leg.A1/2017/Law. *12th February, 2018*
Dated, Thiruvananthapuram, 29th Makaram, 1193
23rd Magha, 1939.

The following Ordinance promulgated by the Governor of Kerala on the 12th day of February, 2018 is hereby published for general information.

By order of the Governor,
B. G. HARINDRANATH,
Law Secretary.

ORDINANCE No. 4 OF 2018**THE ABKARI (AMENDMENT) ORDINANCE, 2018**

Promulgated by the Governor of Kerala in the Sixty-ninth Year of the Republic of India.

AN

ORDINANCE

further to amend the Abkari Act, 1077.

Preamble.—WHEREAS, the Abkari Amendment Ordinance, 2017 (38 of 2017) was promulgated by the Governor of Kerala on the 21st day of December, 2017;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 96 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in and passed by the Kerala Legislative Assembly, during its session which commenced on the 22nd day of January, 2018 and ended on the 7th day of February, 2018;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the said Ordinance will cease to operate on the 5th day of March, 2018;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Abkari (Amendment) Ordinance, 2018.

(2) It shall be deemed to have come into force on the 21st day of December, 2017.

2. *Act 1 of 1077 to be temporarily amended.*—During the period of operation of this Ordinance, the Abkari Act, 1077 (1 of 1077) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 6.

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

(a) in the marginal heading, for the figure “21”, the figure “23” shall be substituted;

(b) in the section, for the figure “21”, the figure “23” shall be substituted.

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

(a) in the marginal heading, for the figure “21”, the figure “23” shall be substituted;

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

5. *Amendment of section 57.*—In section 57 of the principal Act,—

(a) in clause (a), for the words “any ingredient”, the words “any ingredient, other than starch,” shall be substituted;

(b) after clause (a), the following clause shall be inserted, namely:—

“(aa) mixes or permits to be mixed with starch in the liquor sold or manufactured by him; or”;

(c) after clause (d), for the words “shall, on conviction before a competent court, be punished for each such offence with imprisonment for a term which may extend to five years or with fine which may extend to fifty thousand rupees, or with both”, the following words, figures, symbols and brackets shall be substituted, namely:—

“shall, on conviction before a competent court, be punished,—

(i) for the offences, other than an offence falling under clause (aa), with imprisonment for a term which may extend to five years or with fine which may extend to fifty thousand rupees or with both;

(ii) for an offence falling under clause (aa), with imprisonment for a term which may extend to six months or with fine which shall not be less than twenty five thousand rupees.”

6. *Amendment of section 67A.*—In section 67A of the principal Act, in the Table,—

(i) in column (1), for the figure “21” occurring in both the places, the figure “23” shall be substituted;

(ii) after the existing entries under columns (1), (2) and (3), the following entries shall, respectively, be inserted, namely:—

“Mixing starch with liquor 57(aa) 25,000.”

7. *Repeal and saving.*—(1) The Abkari (Amendment) Ordinance, 2017 (38 of 2017) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. SATHASIVAM,
GOVERNOR.