

Fifteenth Kerala Legislative Assembly  
Bill No. 164

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**THE ABKARI (AMENDMENT) BILL, 2023**

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2023

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*BILL*

*further to amend the Abkari Act, 1077.*

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

BE it enacted in the Seventy-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Abkari (Amendment) Act, 2023.

(2) It shall come into force at once.

2. *Amendment of section 55 H.*—In section 55 H of the Abkari Act, 1077 (1 of 1077) (hereinafter referred to as the principal Act) for the words and symbol, “twenty-five thousand”, the words “fifty thousand” shall be substituted.

3. *Amendment of section 55 I.*—In sub-section (2) of section 55 I of the principal Act, for the words, “ten thousand”, the words “fifty thousand” shall be substituted.

4. *Amendment of section 67A.*—In the Table under section 67A of the principal Act, after the entries under Column (1), (2) and (3)

“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

the following entries shall respectively be inserted, namely:—

“Unlawful advertisement	55 H	50,000
Showing scene of liquor or consumption or exhibition of liquor in theaters without warning	55 I	50,000 ”

### STATEMENT OF OBJECTS AND REASONS

Government have decided to decriminalise certain provisions of the State Acts in order to facilitate entrepreneurs who intend to do their business activities in Kerala.

At present the offences under sections 55 H and 55 I of the Abkari Act, 1077 are not compoundable under section 67A of the said Act. Now the Government have decided to decriminalise the offences under the above said sections and decided to make the offences compoundable under the above said sections by increasing the fine.

The Bill is intended to achieve the above object.

### FINANCIAL MEMORANDUM

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

M. B. RAJESH.

## EXTRACT FROM THE RELEVANT PORTIONS OF THE ABKARI ACT

(1 OF 1077)

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55 H. *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.”.

“55 1. *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.”

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“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)
Tranporting of liquor or intoxicating drug in excess of the quantity prescribed by the Government by notification	10	5,000
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(1)	(2)	(3)
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
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