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इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 8th May, 1979/Vaisakha 18, 1901 (Saka)

THE PONDICHERRY PROHIBITION REGULATION, 1979

No. 3 OF 1979

Promulgated by the President in the Thirtieth Year of the Republic of India.

A Regulation to introduce and extend the prohibition of the manufacture, sale and consumption of intoxicating liquors and drugs in the Union territory of Pondicherry.

In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Pondicherry Prohibition Regulation, 1979.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) (a) This section and sections 2 and 6 shall come into force at once.

(b) The remaining provisions of this Regulation shall come into force on such date as the Administrator may, by notification, appoint;

Short
title,
exten-
sion
and
c

Provided that different dates may be appointed for different regions of the Union territory and any reference in any such provision to the commencement of this Regulation shall be construed, in relation to any region, as a reference to the coming into force of that provision in that region.

Defini-
tions.

2. In this Regulation, unless the context otherwise requires,—

(1) "Administrator" means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(2) "bottle" means to transfer liquor from a cask or other vessel to a bottle, jar, flask or pot or similar receptacle for the purpose of sale, whether any process of manufacture be employed or not, and includes rebottling;

(3) "buy" or "buying" includes any receipt including gift;

(4) "Collector" means a Collector of land revenue or any person appointed under clause (b) of section 37 to exercise all or any of the powers or to perform all or any of the duties of a Collector under this Regulation;

(5) "Commissioner" means the officer appointed under clause (a) of section 37;

(6) "cultivation" includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed;

(7) "export" means—

(a) to take out of any region wherein this Regulation is in force to any other region wherein this Regulation is not in force; or

(b) to take out of the Union territory to any State or any other Union territory;

(8) "import" means—

(a) to bring into any region wherein this Regulation is in force from any other region wherein this Regulation is not in force; or

(b) to bring into the Union territory from any State or any other Union territory;

(9) "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 *bhāng*, *siddhi* or *ganja*;

(ii) *charas*, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulation other than that necessary for packing and transport;

(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug or any drink prepared therefrom; and

(iv) 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 2 of the Dangerous Drugs Act, 1930;

Central
Act 2
of 1930.

(10) "liquor" includes toddy, arrack, spirits of wine, denatured spirits, spirits, wine, beer and all liquid consisting of, or containing, alcohol.

Explanation.—For the purposes of this clause and clause (23) "denatured" means subjected to a process prescribed by the Administrator, by notification, for the purpose of rendering unfit for human consumption;

Pondicherry
Acts 9
and 10
of 1973.

(11) "local body" means any municipality constituted under the Pondicherry Municipalities Act, 1973 or Village Panchayat or Commune Panchayat Council constituted under the Pondicherry Village and Commune Panchayats Act, 1973;

(12) "manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced, prepared or blended, and also re-distillation and every process for the rectification of liquor;

(13) "molasses" means the heavy dark coloured residual syrup drained away in the final stage of the manufacture of *gur* or sugar containing, in solution or suspension sugars which can be fermented and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup; but does not include any article which the Administrator may, by notification, declare not to be molasses, for the purposes of this Regulation;

(14) "*neera* or *padani*" means juice drawn from a coconut, palmyra, date or any other kind of palm tree into receptacles treated so as to prevent any fermentation and not fermented;

(15) "notification" means a notification published in the Pondicherry Gazette;

(16) "place" includes also a house, shed, enclosure, building, shop, tent and vessel;

(17) "police station" includes any place which the Administrator may, by notification, declare to be a police station for the purposes of this Regulation;

(18) "prescribed" means prescribed by rules made under this Regulation;

(19) "Prohibition Officer" means the Commissioner, a Collector, or any officer or other person lawfully appointed or invested with powers under section 37;

(20) "rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith;

(21) "region" means any one of the four regions of the Union territory, namely, Pondicherry, Karaikal, Yanam and Mahe;

(22) "sale" or "selling" includes any transfer including gift;

(23) "spirits" means any alcohol and includes any liquor containing alcohol and obtained by distillation, whether such liquor is denatured or not;

(24) "toddy" means the fermented or unfermented juice drawn from a coconut, palmyra, date or any other kind of palm tree;

(25) "transport" means to move from one place to another within any region wherein this Regulation is in force;

(26) "Union territory" means the Union territory of Pondicherry;

(27) any reference to a permit generally or to a licence or permit granted under section 26, 28 or 29 shall be construed as including a reference to an "authority" issued under section 22.

CHAPTER II

PROHIBITIONS AND PENALTIES

3. (1) Whoever—

(a) imports, exports, transports or possesses liquor or any intoxicating drug; or

(b) manufactures liquor or any intoxicating drug; or

(c) except in accordance with the rules made by the Administrator in that behalf, cultivates the hemp plant (*Cannabis sativa*); or collects any portion of such plant from which an intoxicating drug can be manufactured; or

(d) taps any toddy-producing tree or permits or suffers to be tapped any toddy-producing tree belonging to him or in his possession; or

(e) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession; or

(f) constructs or works any distillery or brewery; or

(g) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or keeps or has in his possession any materials which have undergone any process towards the manufacture of liquor or any intoxicating drug or from which any liquor or intoxicating drug has been manufactured; or

(h) bottles any liquor for purposes of sale; or

(i) sells liquor or any intoxicating drug; or

Prohibition of the manufacture of, traffic in, and consumption of, liquor and intoxicating drugs.

(j) consumes or buys liquor or any intoxicating drug; or

(k) knowingly expends or applies money in direct furtherance or support of the commission of any of the acts specified in clauses (a) to (j); or

(l) allows any of the acts aforesaid upon premises in his immediate possession,

shall be punished--

(i) in the case of an offence falling under clause (b), clause (f), clause (g), clause (h), clause (i) or clause (k) or an offence falling under clause (l) in so far as it relates to an act specified in any of the clauses aforesaid, with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees, in the case of an offence falling under clause (b), clause (f), clause (h), clause (i) or clause (k) or an offence falling under clause (l) in so far as it relates to an act specified in any of the clauses aforesaid;

(ii) in any other case, with imprisonment for a term which may extend to one year and with fine which may extend to two thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees, in the case of the offence of import, export or transport of liquor or any intoxicating drug falling under clause (a):

Provided that nothing contained in this sub-section shall apply--

(i) to any act done under, and in accordance with the provisions of this Regulation or the terms of any rule, notification, order, licence or permit issued thereunder; or

(ii) to the possession, sale, purchase, use or consumption of duty-paid medicinal or toilet preparations for their *bona fide* medicinal or toilet purposes.

(2) It shall be presumed until the contrary is proved--

(a) that a person accused of any offence under clauses (a) to (k) of sub-section (1) has committed such offence in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug or any materials which have undergone any process towards the manufacture of liquor or any intoxicating drug or from which any liquor or intoxicating drug has been manufactured for the possession of which he is unable to account satisfactorily, and

(b) that a person accused of any offence under clause (l) of sub-section (1) has committed such offence if an offence is proved to have been committed upon premises in his immediate possession in

respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug or any materials which have undergone any process towards the manufacture of liquor or any intoxicating drug or from which any liquor or intoxicating drug has been manufactured.

Punish-
ment for
being
found
in a state-
of intoxi-
cation.

4. Whoever is found in a state of intoxication in any public place shall 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.

Punish-
ment for
render-
ing or
attempt-
ing to
render
denatur-
ed spirits
fit for
human
consump-
tion.

5. Whoever renders or attempts to render fit for human consumption any spirit, whether manufactured in India or not, which has been denatured or any preparation containing such spirit or has, in his possession, any spirit or preparation containing spirit in respect of which he knows or has reason to believe that any such attempt has been made shall be punished with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court—

(i) such imprisonment shall not be less than six months and such fine shall not be less than seven hundred and fifty rupees for a first offence;

(ii) such imprisonment shall not be less than nine months and such fine shall not be less than one thousand rupees for a second offence; and

(iii) such imprisonment shall not be less than one year and such fine shall not be less than one thousand and five hundred rupees for a third or subsequent offence;

and for the purposes of this section it shall be presumed, until the contrary is proved, that any spirit or preparation containing spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is, or has been, derived from, or contains, denatured spirit.

Prohibi-
tion of
advertis-
ment.

6. Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter soliciting the use of, or offering, any liquor or intoxicating drug other than liquor or drugs exempted under section 21, shall 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:

Provided that this section shall not apply—

(a) to plain catalogues or price lists which may be generally or specially approved by the Commissioner; or

(b) to advertisements in medical journals, or to notices and literature circulated exclusively to members of the medical profession, if

such advertisements, notices or literature relate to any liquor or intoxicating drug which has been specially approved as of medicinal value—

(i) by any Medical Council which has been established under any law for the time being in force in any part of India, or which has been recognised by the Government of any State; or

(ii) by such authority in respect of Indian medicine as the Administrator may, by notification, specify; or

(c) to the normal circulation within the Union territory of newspapers, periodicals and books printed and published in accordance with law outside the Union territory; or

(d) to any advertisement contained in a newspaper printed and published in the Union territory before the promulgation of this Regulation.

7. (1) Except as otherwise provided in sub-sections (2) and (3), no person shall import, export, transport, sell or have in his possession any quantity of molasses.

Control
and
regula-
tion of
molasses.

(2) The Administrator may, by general or special order, authorise any officer to grant licences for the import, export, sale or possession of molasses.

(3) The Administrator may also authorise any officer to grant permits for the transport of molasses.

8. When two or more persons agree—

(a) to commit or cause to be committed any offence under sub-section (1) of section 3 or under section 5; or

Punish-
ment for
conspi-
racy.

(b) to evade or nullify the provisions of this Regulation in any region where it is in force,

each of such persons shall, notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof or that the agreement was made or the operations thereunder took place in a region where this Regulation is not in force, be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

9. Any officer or person exercising powers under this Regulation who—

(a) without reasonable ground of suspicion, enters or searches or causes to be searched, any closed place; or

Punish-
ment for
vexatious
search or
arrest, etc

(b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Regulation; or

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) maliciously and falsely lays information leading to a search, detention or arrest; or

(e) in any other way maliciously exceeds his lawful powers, shall 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.

Punish-
ment for
vexatious
delay.

10. Any officer or person exercising powers under this Regulation, who vexatiously and unnecessarily delays forwarding to a Prohibition Officer or to the officer in charge of the nearest police station, as required by section 50, any person arrested or any article seized under this Regulation, shall be punished with fine which may extend to two hundred rupees.

Punish-
ment for
abetment
of escape
of person
arrested,
etc.

11. Any officer or person exercising powers under this Regulation who--

(a) unlawfully releases or abets the escape of any person arrested under this Regulation, or abets the commission of any offence against this Regulation; or

(b) acts in a manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Regulation may be evaded or contravened,

and any other officer of the Government or of a local body who abets the commission of any offence against this Regulation, shall 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.

Punish-
ment for
offences
not
otherwise
provided
for.

12. Whoever is guilty of any wilful act or intentional omission in contravention of any of the provisions of this Regulation or of any rule, notification or order made thereunder and not otherwise provided for in this Regulation, shall 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.

Punish-
ment for
abetment
of offence
under
Regula-
tion in
region
wherein
Regula-
tion is
not in
force.

13. Where any offence under this Regulation is committed in any region where this Regulation is in force, whoever commits, or attempts to commit, or abets the commission of, any of the acts making up the offence shall be liable to be punished therefor, whether such commission, attempt or abetment takes place within or outside such region.

Things
liable to
confisca-
tion.

14. In any case in which an offence has been committed against this Regulation, the liquor, drug, material, still, utensil; implement or apparatus in respect, or by means, of which the offence has been committed, shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same.

Confisca-
tion how
ordered.

15. (1) When the offender is convicted or when the person charged with an offence against this Regulation is acquitted, but the Court decides that anything is liable to confiscation, the confiscation may be ordered by the Court.

(2) Where during the trial of a case for an offence against this Regulation, the Court decides that anything is liable to confiscation under subsection (1), the Court may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order the confiscation:

Provided that no animal, vessel, cart or other vehicle shall be confiscated, if the owner thereof satisfies the Court that he had exercised due care in preventing the commission of the offence.

(3) When an offence against this Regulation has been committed but the offender is not known, or cannot be found, or when anything liable to confiscation under this Regulation, and not in the possession of any person, cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Collector or other Prohibition Officer in charge of the region or by any other officer authorised by the Administrator in that behalf, who may order such confiscation:

Provided that no such order shall be made until the expiration of fifteen days from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and the evidence, if any, which they produce in support of their claims.

16. Notwithstanding anything contained in sub-sections (1) to (3) of section 15, the Collector or other Prohibition Officer in charge of the region or any other officer authorised by the Administrator in that behalf, shall detain the animal, vessel, cart or other vehicle used in the commission of an offence against this Regulation till the case is disposed of by the Court and notwithstanding anything contained in the Code of Criminal Procedure, 1973, no interim order regarding the disposal of such property shall be passed by the Court till the case is disposed of.

Collector or other Prohibition Officer, etc., to detain animal, vessel, cart or other vehicle used in commission of offence against Regulation.

17. Where any animal, vessel, cart or other vehicle is used in the commission of any offence under this Regulation and is liable to confiscation, the owner thereof shall be deemed to be guilty of such offence, and such owner shall be liable to be proceeded against and punished accordingly, unless he satisfies the Court that he had exercised due care in the prevention of the commission of such offence.

Owner of animal, vessel, cart or other vehicle deemed to be guilty in certain cases.

18. All offences under this Regulation shall be cognizable and the provisions of the Code of Criminal Procedure, 1973, with respect to cognizable offences shall apply to them.

Offences against Regulation to be cognizable.

19. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Administrator may confer on—

(i) any Judicial Magistrate of the first class, or

Summary trial for certain offences.

Central
Act 2 of
1974.

Central
Act 2 of
1974.

Central
Act 2 of
1974.

(ii) any Judicial Magistrate of the second class, or

(iii) any Special Judicial Magistrate appointed under section 13 of the Code of Criminal Procedure, 1973,

Central
Act 2 of
1974.

power to try summarily in accordance with the provisions contained in sections 262 to 265 of the said Code, all or any of the offences which are punishable under this Regulation with imprisonment for a term not exceeding six months, or with fine, or with both, but as a result of such trial no sentence except a sentence of fine shall be imposed.

Certain
offences
to be
non-bail-
able.

20. (1) The offences specified in sub-section (2) shall be non-bailable and the provisions of the Code of Criminal Procedure, 1973, with respect to non-bailable offences shall apply to those offences.

Central
Act 2 of
1974.

(2) The offences referred to in sub-section (1) are—

(a) the offence of import, export or transport of liquor or any intoxicating drug under clause (a) of sub-section (1) of section 3 or any offence under clause (b), (f), (h), (i) or (k) of that sub-section; and

(b) any offence under clause (l) of sub-section (1) of section 3 in so far as it relates to the act of import, export or transport of liquor or intoxicating drug referred to in clause (a) of that sub-section or any act referred to in clause (b), (f), (h), (i) or (k) of that sub-section; and

(c) any offence under section 5.

(3) Nothing contained in sections 39, 40, 41, 44, 50 and 51 shall be construed as enabling a person to be admitted to bail if the offence alleged to have been committed by such person is one referred to in sub-section (2).

CHAPTER III

EXEMPTIONS AND LICENCES

Power to
notify
exemp-
tions.

21. (1) The Administrator may, by notification and subject to such conditions as he thinks fit, exempt any specified liquor or intoxicating drug or article containing such liquor or drug from the observance of all or any of the provisions of this Regulation on the ground that such liquor, drug or article is required for a medicinal, scientific, industrial or such like purpose.

(2) When issuing a notification under sub-section (1), the Administrator shall have power to provide that the breach of any of the conditions subject to which the exemption is notified shall 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.

Authori-
ties for
bona fide
religious
purposes.

22. The Administrator shall make suitable provision for issuing "authorities" to persons and institutions for the possession and use of such liquor as may be required by them for any *bona fide* religious purpose in accordance with ancient custom, under such terms and conditions, and penalties for infringement, as may be prescribed.

23. Until the Administrator, by notification, otherwise directs, the provisions of this Regulation shall not be deemed to apply—

(a) to liquor in the possession of *bona fide* travellers for their personal use while passing through any region wherein this Regulation is in force; or

(b) to lawful consignments of liquor or intoxicating drugs carried through or into any such region.

Exemption of *bona fide* travellers and lawful consignments.

24. (1) The Administrator may, by notification and subject to such conditions as he thinks fit, exempt members of the armed forces of the Union or of any other armed forces raised or maintained by the Union or attached to or operating with any of its armed forces, and the members of the medical or other staff attached to any of the armed forces aforesaid, from all or any of the provisions of this Regulation.

Exemption of members of armed forces, etc.

(2) When issuing a notification under sub-section (1), the Administrator shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall 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.

25. The Administrator or, subject to his control, the Collector may issue licences to any person or any institution, whether under the management of Government or not, for the manufacture of liquor for human consumption for the purposes of export, for the export of such liquor and for the purposes permitted under this Regulation.

Licence for manufacture of potable liquor.

26. The Administrator or, subject to the control of the Administrator, the Collector may issue licence to any person or in respect of any institution, whether under the management of Government or not, for the manufacture, export, import, transport, sale or possession of any liquor, intoxicating drug or article containing such liquor or drug on the ground that such liquor, drug or article is required by such person or in respect of such institution for a *bona fide* medicinal, scientific, industrial or such like purpose.

Licence for *bona fide* medicinal or other purposes.

27. (1) An excise duty or, as the case may be, a countervailing duty at such rate as the Administrator may, by notification, specify from time to time, shall, if he so directs, be levied on any liquor or intoxicating drug, permitted to be imported, exported, transported, manufactured, issued from any manufactory or institution or sold, under the provisions of this Regulation or any rule, notification, licence or permit issued thereunder:

Excise duty or countervailing duty on liquors and intoxicating drugs.

Provided that different rates may be specified for different kinds of liquors or intoxicating drugs and the rate which may be specified with respect to any such liquor or drug shall not exceed the rate of excise duty on such liquor or drug mentioned in Schedule I to the Pondicherry Excise Act, 1970 as in force immediately before the commencement of this Regulation.

(2) Such duty may be levied in any one or more of the ways prescribed in the rules made under this Regulation.

(3) Nothing in this section shall be deemed to authorise the levy of any duty which, as between goods manufactured or produced in the Union territory and similar goods not so manufactured or produced, discriminates in favour of the former or which, in the case of goods manufactured or produced outside the Union territory, discriminates

between goods manufactured or produced in one locality, and similar goods manufactured or produced in another locality.

Licences
for
tapping
for
sweet
toddy,
etc.

28. Subject to the control of the Administrator, the Collector or any officer empowered by him may issue—

(a) licences for the tapping of any trees for *neera* or *padani* for consumption thereof without any fermentation or for the manufacture of jaggery therefrom; or

(b) permits for the possession, transport or sale of such *neera* or *padani*.

Permits
and
licences.

29. The Administrator or any officer empowered by him in this behalf may issue—

(a) permit authorizing any person to consume and possess for personal consumption any liquor or intoxicating drug;

(b) licence to any institution to possess liquor and supply it to such of its members as hold permits under clause (a);

(c) licence to any person in charge of a restaurant car attached to a railway train to possess liquor and serve it to *bona fide* passengers travelling by train;

(d) licence to any person to possess liquor and issue it to persons or institutions who hold permits or licences under this Regulation or who have been exempted under this Regulation from so much of the provisions of clause (a) or (j) of sub-section (1) of section 3, as relates to the possession, consumption or buying of liquor.

Matters
to be
taken
into
conside-
ration
by the
licensing
author-
ity.

30. Subject to the provisions of section 31, in considering an application for the grant of a licence or permit under this Regulation, the authority competent to grant such licence or permit, as the case may be, shall have regard to the following matters, namely:—

(a) the suitability of the applicant for the grant of licence or permit, as the case may be;

(b) whether the applicant is a person who will abide by the provisions of this Regulation and the rules made thereunder; and

(c) such other matters as may be prescribed.

Co-opera-
tive
societies
to be
given
prefer-
ence.

31. Where any co-operative society registered or deemed to have been registered under any law in force for the time being, makes an application for the grant of a licence under clause (d) of section 29, the authority competent to grant such licence shall, in granting such licence, give preference to such co-operative society over every other applicant.

Form
and
conditions
of licen-
ces and
permits.

32. Every licence or permit granted under section 7, 25, 26, 28 or 29 shall—

(1) be granted on payment of such fees, if any, for such period, and subject to such restrictions and limitations and on such conditions, and

(2) be in such form and contain such particulars, as may be prescribed.

33. Every person or institution, not being an institution holding a licence under clause (b) of section 29, which sells foreign liquor—

Levy of sales tax on sales of foreign liquor to permit holders.

(a) to any person holding a permit for the consumption of liquor under clause (a) of section 29, or

(b) to any institution holding a licence for the supply of liquor to its members under clause (b) of section 29,

shall collect from the purchaser and pay over to the Government at such intervals and in such manner as may be prescribed, a sales tax calculated at the rate specified against entry 15 of the First Schedule to the Pondicherry General Sales Tax Act, 1967, on the price of the liquor so sold.

Pondicherry Act 6 of 1967.

Explanation.—In this section “foreign liquor” means wines, spirits and beer imported into India from foreign countries and dealt with under the Customs Tariff Act, 1975 or under any other law for the time being in force relating to the duties of customs on goods imported into India.

Central Act 51 of 1975.

34. Every person taking out any licence or permit under section 7, 25, 26, 28 or 29 may be required to execute a counterpart agreement in conformity with the tenor of his licence or permit, and to give such security for the performance of his agreement as the Collector may require.

Counterpart agreements to be executed by licensees.

35. (1) The Collector may cancel or suspend any licence or permit referred to in section 34—

Power to cancel or suspend licences and permits.

(a) if any fee payable by the holder thereof be not duly paid; or

(b) in the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit; or

(c) if the holder thereof is convicted of any offence against this Regulation, or of any cognizable and non-bailable offence; or

(d) if the conditions of such licence or permit provide for its cancellation or suspension at will; or

(e) if the purpose for which the licence or permit is granted ceases to exist.

(2) The Administrator may cancel or suspend any such licence or permit for any of the aforesaid reasons.

(3) Before any licence or permit is cancelled or suspended under sub-section (1) or sub-section (2) the holder of the licence or permit shall be given an opportunity to state his objections within a reasonable time, not ordinarily exceeding fourteen days, and any representation made by him in this behalf shall be duly taken into consideration before final orders are passed.

Penalty for
breach of
conditions
of licences
and permits

36. In the event of any breach by the holder of any licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit granted to him, such holder shall in addition to the cancellation or suspension of the licence or permit granted to him, 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, unless he shall establish that all due and reasonable precautions were exercised by him to prevent any such breach; and any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence or permit, be liable to the same punishment.

CHAPTER IV

ESTABLISHMENT AND CONTROL

Appoint-
ment of
officers and
withdrawal
of powers.

37. The Administrator may, from time to time, by notification—

(a) appoint an officer, to be designated as Commissioner, to exercise all the powers of a Collector under this Regulation in all the regions in which it is in force and to have the control of the administration of the provisions of this Regulation in such regions;

(b) appoint any person, other than the Collector of land revenue, to exercise within any region all or any of the powers and to perform all or any of the duties of a Collector under this Regulation, either concurrently with or in exclusion of the Collector of land revenue, subject to such control as the Administrator may from time to time direct;

(c) withdraw from the Commissioner or the Collector, whether he be the Collector of land revenue or any person appointed under clause (b), any or all of the powers conferred on him by this Regulation;

(d) appoint paid or honorary officers with such designations, powers and duties as the Administrator may think fit;

(e) order that all or any of the powers and duties assigned to any person under clause (d) shall be exercised and performed by any existing Government official or any other person; and

(f) delegate to any Prohibition Officer all or any of the powers of the Administrator under this Regulation.

Prohibi-
tion com-
mittees.

38. (1) The Administrator may, for the whole of the Union territory, and the Collector may, for such area as the Administrator may, by general or special order determine in this behalf, constitute prohibition committees to assist them in carrying out the objects of this Regulation.

(2) Every member of a prohibition committee shall observe the working of this Regulation and report thereon and on every matter connected therewith at prescribed intervals and at any other time he thinks fit, to the Administrator in case he is a member of the prohibition committee constituted by the Administrator, and to the Collector in case he is a member of the prohibition committee constituted by the Collector.

Central
Act
2 of 1974.

(3) Every member of a prohibition committee shall be entitled to give information at any police station regarding the commission or suspected commission of any offence against this Regulation in the area of the committee concerned and the officer in charge of such police station shall take action on such information and investigate the case in the manner laid down in the Code of Criminal Procedure, 1973.

39. The Administrator may, by notification and subject to such conditions as may be specified in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 44 throughout the Union territory or in any region or local area to admit a person arrested under that section to bail to appear, when summoned or otherwise directed before a Police Officer or Prohibition Officer or Magistrate having jurisdiction to inquire into the offence for which such person has been arrested, and may cancel or vary such notification.

Power of Administrator to authorise officers to admit persons arrested to bail.

CHAPTER V

POWERS, DUTIES AND PROCEDURE OF OFFICERS, ETC.

40. (1) If any Prohibition Officer or Magistrate upon information obtained and after such inquiry as he thinks necessary, has reason to believe that an offence under sub-section (1) of section 3 has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed and any person who has been entrusted with the execution of such a warrant may enter and search, and if he thinks proper, arrest any person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Regulation:

Issue of search warrants.

Provided that every person arrested under this section shall be admitted to bail by the person arresting if sufficient bail be tendered for his appearance either before a Magistrate or before a Police Officer or Prohibition Officer, as the case may be.

(2) Before issuing a warrant under sub-section (1), the Prohibition Officer or Magistrate, as the case may be, shall examine the informant on oath and the examination shall be reduced in writing in a summary manner and be signed by the informant, and also by such Prohibition Officer or Magistrate.

41. Whenever the Collector, any other Prohibition Officer not below such rank as the Administrator may determine, any Police Officer not below the rank of Sub-Inspector, any officer in charge of a police station, or any other paid or honorary officer authorized by the Administrator in this behalf has reason to believe that an offence under sub-section (1) of section 3 has been committed and that the delay occasioned by obtaining a search warrant under section 40 will prevent the execution thereof, he may, after recording his reasons and 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 Regulation and may detain and search and, if he thinks proper, arrest any person found in the place searched if he has reason to believe such person to be guilty of any offence under this Regulation:

Powers of entry and search without warrant.

Provided that every person arrested under this section shall be admitted to bail by the person arresting if sufficient bail be tendered for his

appearance either before a Magistrate or before a Police Officer or Prohibition Officer, as the case may be.

Powers
of entry
and
inspec-
tion.

42. The Collector, any other Prohibition Officer not below such rank as the Administrator may determine, or any Police or other paid or honorary officer authorized by the Administrator in this behalf, may enter and inspect at any time, by day or by night, any place in which it is reasonably suspected—

(a) that any toddy is drawn, or the manufacture of any other liquor or of any intoxicating drug is carried on, or

(b) that any liquor or intoxicating drug is kept for sale or stored, or

(c) that an offence under section 5 has been, or is being, committed;

and may examine, test, measure or weigh any material, still, utensil, implement, apparatus, liquor or intoxicating drug found in such place.

Power to
use force
in case
of resis-
tance to
entry.

43. If any officer empowered to make an entry under section 40, 41 or 42 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.

Arrest of
offenders
and seizu-
res of con-
traband
liquor
and
articles
without
warrant.

44. Any Prohibition Officer, any officer of the Police or Land Revenue department, and any other person authorized by the Administrator in that behalf—

(a) may arrest without warrant any person found committing an offence punishable under sub-section (1) of section 3 or section 5 or section 8 or section 36;

(b) may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Regulation; and

(c) may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom or in or upon which, he may have reasonable cause to suspect any such liquor, drug or other article to be or to be concealed:

Provided that if the officer or person making the arrest under this section be not empowered under section 39 to admit to bail the person arrested, he shall be forthwith forwarded to an officer so empowered, if such an officer is known to be within a distance of eight kilometres from the place where such arrest took place and it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before a Police Officer or Prohibition Officer or Magistrate having jurisdiction to inquire into the case:

Provided further that where any toddy or wash or any *sonti soru* is seized under this section by any officer or person, such officer or person may destroy or cause to be destroyed on the spot, the toddy, wash or *sonti soru* and send the pots or other receptacles in which the toddy, wash or *sonti soru* was kept to the Police Officer or Prohibition Officer or Magistrate having jurisdiction to inquire into the case.

Explanation.—For the purposes of this section,—

(a) “*sonti soru*” means a liquid prepared from rice or starch which is in the process of vinous or alcoholic fermentation or in which such fermentation has ceased; and

(b) “wash” means a mixture of water and saccharine materials which is in the process of vinous or alcoholic fermentation or in which such fermentation has ceased.

45. Any person, who may be accused or reasonably suspected of committing an offence against this Regulation, and who on demand made by any Prohibition Officer or any officer of the Police or Land Revenue department or by any other person authorized by the Administrator in that behalf refuses to give his name and residence or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

Arrest
of person
refusing
to give
name or
giving
false
name.

Central
Act 2 of
1974.

46. All searches under the provisions of this Regulation shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

Searches
how to be
made.

47. Officials of all departments of the Government and of all local bodies shall be legally bound to assist any Prohibition Officer or Police Officer in carrying out the provisions of this Regulation.

Duty of
officials of
all depart-
ments and
local bod-
ies to
assist.

48. Every official employed by the Government or by any local body, other than a Police Officer or Prohibition Officer, shall be bound to give immediate information at the nearest police station or to a Prohibition Officer, of all breaches of any of the provisions of this Regulation which may come to his knowledge; and all such officials shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Offences to
be report-
ed, etc.

49. All proprietors, tenants, under-tenants and cultivators who own or hold land or house-property on or in which there shall be any tapping for toddy, or manufacture of liquor or intoxicating drugs, shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to a Prohibition Officer or to an officer of the Police or Land Revenue department immediately the same shall have come to their knowledge.

Landhol-
ders and
others to
give
informa-
tion.

50. (1) When any person is arrested under the provisions of section 40, 41, 44 or 45, the person arresting him shall, unless bail shall have been accepted under the provisions of section 40, 41 or 44, forthwith forward him to the officer in charge of the nearest police station or to a Prohibition Officer, with a report of the circumstances under which such arrest was made.

Persons
arrested
how to be
dealt with.

(2) On any such person being brought to a police station as aforesaid, the officer in charge thereof shall either admit him to bail to appear, when summoned, before himself, or before the Prohibition Officer, if any, or

any Police Officer within the limits of the jurisdiction of which Prohibition Officer or Police Officer, the offence with which he is charged is suspected to have been committed or, in default of bail, shall forward him in custody to such officer.

(3) On any such person being brought in custody before a Prohibition Officer or Police Officer as aforesaid or appearing before such officer on bail, or when such officer as aforesaid has himself made the arrest, such officer shall hold such inquiry as he may think necessary and shall either release such person, or forward him in custody to, or admit him to bail to appear before, the Magistrate having jurisdiction to inquire into or try the case:

Provided that if such inquiry is not commenced and completed on the day on which such person is arrested by or is brought, or appears, before such officer, he shall if sufficient bail be tendered for the appearance of the person arrested, admit such person to bail to appear on any subsequent day before himself or any other officer having jurisdiction to inquire into the case.

Persons
arrested
to be
admitted
to bail.

51. It shall be the duty of any officer arresting any person under the powers conferred by section 40 or 41 and of any officer in charge of a police station or any Police Officer or Prohibition Officer before whom a person arrested is brought or appears under the provisions of section 50 to release such person on bail if sufficient bail be tendered for his appearance before a Police Officer or Prohibition Officer or before a Magistrate, as the case may be.

Bond of
accused
and
sureties.

52. (1) Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Police Officer or Prohibition Officer before whom he was bailed to attend, or by the Magistrate, as the case may be:

Provided that the officer admitting any such person to bail may, in his discretion, dispense with the requirement of a surety or sureties to the bond executed by such person.

(2) The Administrator shall from time to time determine the form of the bond to be used in any local area.

Proce-
dure in
case of
default
of person
admitted
to bail to
appear
before
Police
Officer or
Prohibi-
tion Offi-
cer.

53. When by reason of default of appearance of a person bailed to appear before a Police Officer or Prohibition Officer, such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to inquire into or try the offence of which the person bailed was accused, and the Magistrate shall proceed to enforce the payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure, 1973, for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Central
Act 2 of
1974.

54. (1) Any officer who is authorized to arrest a person for an offence punishable under clause (j) of sub-section (1) of section 3 in so far as it relates to consumption of liquor or any intoxicating drug and who has reason to believe that any person has consumed liquor or any intoxicating drug, may produce such person for examination, before any medical officer authorized by the Administrator and request the medical officer to furnish a certificate on his finding whether such person has consumed any liquor or intoxicating drug or is in a state of intoxication or not.

Obtain-
ing of
medical
certifi-
cates in
the case
of persons
found in
a state of
intoxica-
tion.

(2) Any such medical officer before whom such person is produced shall be bound to examine such person and furnish to the officer by whom such person has been produced a certificate as to the state of such person, and, if any form has been prescribed for the purpose, in such form.

(3) If the person produced is a woman, the examination shall be carried out only by a woman medical officer authorized by the Administrator.

(4) Any person who has been produced before a medical officer in pursuance of this section shall, subject to the provisions of sub-section (3), allow himself or herself to be examined by the medical officer.

(5) If any person who under this section is required to undergo medical examination resists or refuses to allow himself to be produced before or to be examined by the medical officer, it shall be lawful to use all means necessary to secure the production and examination of such person in accordance with the provisions of this section.

(6) Resistance to production or refusal to allow examination under this section shall be deemed to be an offence under section 186 of the Indian Penal Code.

Central
Act 45 of
1860.

(7) In trials under this Regulation, it may be presumed, unless and until the contrary is proved, that the accused has committed an offence under clause (j) of sub-section (1) of section 3 if he, having been produced before a medical officer in accordance with the provisions of this section, had resisted or had refused to allow himself to be examined by such medical officer.

(8) Any document purporting to be a certificate signed by a medical officer authorized by the Administrator may be used as evidence of the facts stated therein in any proceeding under this Regulation or under sections 272 to 276 (both inclusive) of the Indian Penal Code but the Court may at the instance of the accused order the attendance for cross-examination of the medical officer who issued the certificate.

Central
Act 45 of
1860.

55. Where in any trial of an offence punishable under clause (j) of sub-section (1) of section 3, it is proved that a person has consumed liquor or any intoxicating drug, it shall be presumed, until the contrary is proved, that such liquor or drug is an illicit variety.

Presump-
tion
that
liquor
consum-
ed is an
illicit
variety.

Power of
Police
Officer or
Prohibi-
tion Offi-
cer to
summon
witnesses.

56. Any Police Officer or Prohibition Officer holding an inquiry in the manner provided in section 50 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control:

Provided that no such officer shall so summon any person to appear before him if the journey to be made for complying with such summons exceeds sixteen kilometres by road or eighty kilometres by rail or such other limits as the Administrator may fix.

Terms of
summons.

57. Every summons issued under section 56 shall state whether the person summoned is required to give evidence or to produce a document or both and shall require him to appear before the said officer at a stated time and place.

Examina-
tion of
witnesses.

58. Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer and such answers shall be reduced to writing and shall be signed by such officer.

When
atten-
dance of
witnesses
to be dis-
pensed
with, and
proce-
dure in
such
cases.

59. It shall be lawful for a Police Officer or a Prohibition Officer, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom, by reason of rank or sex, it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such inquiry; and such person shall be bound so to answer accordingly, and the provisions of section 58 shall apply to such answers.

Power of
Police
Officer or
Prohibi-
tion Offi-
cer to
summon
suspected
persons.

60. Any Police Officer or Prohibition Officer may, after recording his reason in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Regulation; and on such person appearing before such officer, the procedure prescribed by sections 50 to 59 (both inclusive) shall become applicable; and the officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 56 to 59 (both inclusive) before summoning the person suspected.

Law re-
lating to
criminal
courts as
to sum-
moning
of wit-
nesses to
apply.

61. The law for the time being in force as to summonses and compelling the attendance of persons summoned in criminal courts shall, so far as the same may be applicable, apply to any summons issued by a Police Officer or Prohibition Officer and to any person summoned by him to appear under the provisions of this Regulation.

Report of
Police
Officer or
Prohibi-
tion Offi-
cer to
give
jurisdic-
tion to

62. When a Police Officer or Prohibition Officer forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to inquire into or try the case, or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him; and upon receipt of such report the

Central
Act 2 of
1974.

Magistrate shall inquire into such offence and try the person accused thereof in like manner as if a complaint had been made before him as provided in the Code of Criminal Procedure, 1973.

compe-
tent
Magis-
trate.

Central
Act
2 of 1974.

63. When a Police Officer or Prohibition Officer forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to inquire into or try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred, by the Code of Criminal Procedure, 1973, on an officer in charge of a police station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

Powers
of Police
Officer
and Pro-
hibition
Officer
to cause
atten-
dance of
witnesses
before
Magis-
trate.

64. Any person arrested for an offence under this Regulation shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate; and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

Procedure
after
arrest.

65. All officers in charge of police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of a Prohibition Officer, all articles seized under this Regulation which may be delivered to them; and shall allow any Prohibition Officer who may accompany such articles to the police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them; and all samples so taken shall also be sealed with the seal of the officer in charge of the police station.

Police to
take
charge of
articles
seized.

66. The Chief Judicial Magistrate shall have power to transfer any case under this Regulation pending inquiry or trial before any Magistrate or Officer in the district to any other Magistrate or Officer therein competent to inquire into or try the same.

Power of
Chief
Judicial
Magis-
trate to
transfer
cases.

67. (1) Whenever any person is convicted of an offence punishable under clause (b) or clause (d) or clause (e) or clause (f) or clause (g) or clause (h) or clause (i) or clause (k) of sub-section (1) of section 3 and the Court convicting him is of opinion that such person habitually commits or attempts to commit or abets the commission of any such offence and that it is necessary to require such person to execute a bond for abstaining from the commission of any such offence, 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.

Security
for ab-
staining
from
commis-
sion of
certain
offences.

Central
Act
2 of 1974.

(2) The bond shall be in the form contained in the Schedule annexed to this Regulation and the provisions of the Code of Criminal Procedure, 1973 shall, in so far as they are applicable, apply to all matters connected with such bond 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.

Power to
release
certain
offenders
on pro-
bation
of good
conduct.

68. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or the Probation of Offenders Act, 1958, when any person is found guilty of—

(a) any offence punishable under section 4, 6, 12 or 36; or

(b) the commission, attempt to commit, or abetment of the commission of, any of the acts making up any such offence as is referred to in clause (a), when such commission, attempt or abetment is punishable under section 13,

Central
Act 2 of
1974.
Central
Act 20 of
1958.

and no previous conviction for any offence under this Regulation is proved against him, the Court by which he is found guilty may, instead of sentencing him at once to any punishment release him on his entering into a bond, with at least one surety, to appear and receive sentence when called upon at any time during such period not exceeding five years as the Court may direct and in the meantime to abstain from committing any offence under this Regulation:

Provided that the Court shall not direct the release of an offender under this section, unless it is satisfied that the offender or his surety or one of his sureties has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

(2) Where the offender referred to in sub-section (1) is under twenty-four years of age, the Court may make a supervision order directing that such offender shall be under the supervision of such probation officer as defined in section 13 of the Probation of Offenders Act, 1958 as may be named in the order during the period specified therein and imposing such other conditions for securing such supervision as may be specified in the order:

Central
Act 20 of
1958.

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the Court, the offender will attain the age of twenty-five years.

(3) A Court making a supervision order under sub-section (2) shall require the offender, before he is released, to enter into a bond, with at least one surety, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants and any other matters as the Court may, having regard to the particular circumstances of the case, consider fit to impose for preventing a commission of any offence under this Regulation by the offender.

(4) A Court making a supervision order shall furnish to the offender and the surety or sureties a notice in writing stating in simple terms the conditions of the bond.

(5) An order under this section may be made by any Appellate Court, or by the High Court when exercising its powers of revision.

Central
Act 2 of
1974.
Central
Act 20 of
1958.

69. Except as provided in section 68, notwithstanding anything contained in the Code of Criminal Procedure, 1973 and the Probation of Offenders Act, 1958, no person convicted under this Regulation shall be released on probation or with admonition.

Persons
not to be
released
on proba-
tion.

70. (1) If the Court before which the offender is bound by his bond under section 68 to appear for sentence when called upon, or any Court which could have dealt with the offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of the bond executed by him, it may issue a warrant for his apprehension, or may, if it thinks fit, issue a summons to the offender and his surety or sureties requiring him or them to attend before it at such time as may be specified in the summons.

Proce-
dure in
case of
offender
failing to
observe
condi-
tions of
bond.

(2) The Court before which the offender is so brought or appears may either remand him to custody until the case is concluded, or admit him to bail with at least one surety, to appear on the date of hearing.

(3) If the Court after hearing the case is satisfied that the offender has failed to observe any of the conditions of the bond executed by him, it may forthwith sentence him for the original offence.

(4) An order under this section may be made by any Appellate Court, or by the High Court when exercising its powers of revision.

Central
Act 2 of
1974.

71. The provisions of sections 121, 123, 124, 373, 446, 447, 448 and 449 of the Code of Criminal Procedure, 1973 shall, so far as may be, apply in the case of sureties given under this Regulation.

Provision
in to
bonds.

Central
Act 2 of
1974.

72. Save as expressly provided in this Regulation, nothing contained herein shall affect the operation of the Code of Criminal Procedure, 1973.

Opera-
tion of the
Code of
Criminal
Proce-
dure,
1973.

Central
Act 1 of
1872.

73. A Prohibition Officer shall be deemed to be a Police Officer within the meaning, and for the purposes, of section 125 of the Indian Evidence Act, 1872.

Prohibi-
tion
Officer
deemed
to be a
Police
Officer
for
certain
purposes

CHAPTER VI

RULES AND NOTIFICATIONS

74. (1) The Administrator may make rules for the purpose of carrying into effect the provisions of this Regulation.

Power
to make
rules.

(2) In particular and without prejudice to the generality of the foregoing provision, the Administrator may make rules—

(a) for the issue of licences, the forms for licences and permits and the particulars they shall contain, the fees payable therefor, the period for which and the restrictions and limitations subject to which

and the conditions on which they may be issued and the enforcement of the conditions of the licences and permits;

(b) prescribing the powers to be exercised and the duties to be performed by paid and honorary Prohibition Officers in furtherance of the objects of this Regulation;

(c) prescribing the ways in which the duty under section 27 may be levied;

(d) determining the local jurisdiction of Police Officers and Prohibition Officers in regard to inquiries and the exercise of preventive and investigating powers;

(e) authorizing any officer or person to exercise any power or perform any duty under this Regulation;

(f) prescribing the powers and duties of prohibition committees and the members thereof and the intervals at which the members of such committees shall make their reports;

(g) regulating the delegation by the Commissioner or by Collectors or other district officers of any powers conferred on them by or under this Regulation;

(h) regulating the cultivation of the hemp plant, the collection of those portions of such plant from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom;

(i) declaring how denatured spirit shall be manufactured;

(j) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised, and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith;

(k) for the grant of *batta* to witnesses, and of compensation for loss of time to persons released under sub-section (3) of section 50 on the ground that they have been improperly arrested and to persons charged before a Magistrate with offences under this Regulation and acquitted;

(l) regulating the power of Police Officers and Prohibition Officers to summon witnesses from a distance under section 56;

(m) for the disposal of articles confiscated and of the proceeds thereof;

(n) for the prevention of the use of medicinal or toilet preparations for any purpose other than medicinal or toilet purposes and for the regulation of the use of any liquor or drug exempted from all or any of the provisions of this Regulation;

(o) for the proper collection of duty on all kinds of liquor or drugs;

(p) for all matters expressly required or allowed by this Regulation to be prescribed.

(3) All rules made under this Regulation shall, as soon as possible after they are made, be placed on the table of the Legislative Assembly of the Union territory and shall be subject to such modification by way of amendments or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.

75. All rules made and notifications issued under this Regulation shall be published in the Pondicherry Gazette.

Publica-
tion of
rules
and
notifica-
tions.

CHAPTER VII

LEGAL PROCEEDINGS

76. No action shall lie against the Government or Administrator or against any Prohibition Officer, Police Officer or other officer for damages in any civil court for any act *bona fide* done or ordered to be done in pursuance of this Regulation.

Action
against
the Gov-
ernment,
etc.

77. All courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Regulation.

Courts
to take
judicial
notice of
appoint-
ments.

CHAPTER VIII

REPEAL AND CONSEQUENTIAL PROVISIONS

78. From the date on which this Regulation comes into force in any region, the Pondicherry Excise Act, 1970 shall stand repealed with respect to that region and for the removal of doubts it is hereby declared that section 6 of the General Clauses Act, 1897 shall apply in relation to such repeal in the same manner as it applies to the repeal of an enactment by a Central Act.

Pondi-
cherry
Act
12 of 1970.
Central
Act
10 of 1897.

Repeal
and
saving.

79. Where immediately before the commencement of this Regulation in any region any licensee under the Pondicherry Excise Act, 1970, is in possession in such region of any liquor, as defined in that Act, in respect of which excise duty or, as the case may be, countervailing duty had been levied and collected under that Act and, after the commencement of this Regulation, the licensee has exported such liquor to any State or to any other Union territory in accordance with the provisions of this Regulation, the Administrator shall, if the licensee produces documentary proof with respect to such export, refund to such licensee the excise duty or, as the case may be, countervailing duty collected under the said Act in respect of the liquor so exported.

Refund of
duty paid
under
Pondi-
cherry
Act 12 of
1970 in
certain
cases.

THE SCHEDULE

(See section 67)

BOND TO ABSTAIN FROM THE COMMISSION OF OFFENCES UNDER THE
PONDICHERY PROHIBITION REGULATION, 1979

Whereas I, _____ (name), inhabitant of _____ (place), have been called upon to enter into a bond to abstain from the commission of any offence under clauses (b), (d), (e), (f), (g), (h), (i) and (k) of sub-section (1) of section 3 of the Pondicherry Prohibition Regulation, 1979 for the 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 _____ 19 _____

(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 of any offence under clauses (b), (d), (e), (f), (g), (h), (i) and (k) of sub-section (1) of section 3 of the Pondicherry Prohibition Regulation, 1979, 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)

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.