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GOVERNMENT OF KERALA
ABSTRACT.

Excise Abkari policy for 1967-1968 orders issued.

REVENUE 'G' DEPARTMENT.

G.O.MS.6/67/Rev.

Dated 3-1-1967

Read 1. Letter No.X.A1-28000/66 dated 12-12-66 from the Board of Revenue.

2. Letter X.A1-28000/66 dated 29-12-66 from the Board of Revenue.

O R D E R.

The Government have examined the proposals regarding the Abkari Policy for 1967-1968 forwarded by the Board of Revenue in its letters read above and are pleased to order that the Policy adopted in the year 1966-1967 will be followed during 1967-68 also subject to the following:-

(a) No. and location of Arrack Shops.

The Board of Revenue reports that in order to curtail illicit distillation and other illicit practices, it is necessary to increase the number of arrack shops in certain taluks in the High Ranges and has suggested that, for the present, three new arrack shops may be opened during 1967-68 as shown below.

1. At Kunchithanny, in Devicolam Taluk.
2. At Rajakad and) in Udumbanchola Taluk
- 3 At Narakanam)

Sanction is accorded for the opening of the above three new arrack shops as recommended by the Board of Revenue.

Continuance of Arrack shops in the Reserve Forest area

(b) The Board of Revenue recommends that sanction may be accorded for the continuance of the arrack shops numbers 25 Peringal, 34 Ambalapara and 35 Chathanthode of the Chalakudy Range and A.S.No.10 at Moozhiyar in the Pathanamthitta Range, in Reserve forest area, during 1967-68 also, since suitable alternative sites are not available. Sanction is accorded for the continuance of the above mentioned arrack shops in the reserve forest area for 1967-68 also subject to the same conditions as of last year (vide G.O.MS.53/66/Rev. dated 25-1-1966).

(c) Foreign Liquor taverns.

The Board of Revenue reports that there is growing demands for foreign liquor in Angamali, Tripunithura and Koothattukulam and requests that sanction may be accorded for the

opening of one foreign liquor tavern each at Angamali Tripunithura and Kotthattukulam, during 67-68. The request of the Board of Revenue is sanctioned.

(d) Changes in the conditions of the sale notification for 1967-68.

(1) With a view to removing possible doubts, Board of Revenue has recommended that, in the condition No.10 of the General conditions applicable to the licensees for the privilege of vending toddy, arrack and foreign liquor including Cocobrandy in independent retail shops, the words "except on special occasions fairs and festivals, " may be substituted by the words "provided that on special occasions like fairs and festivals the above conditions may be relaxed by the Asst. Excise Commissioner". The recommendation of the Board is accepted.

(ii) Limit of private possession.

The limit of private possession at present as prescribed in G.O.MS.275/61/Rev. dated 18 3-61 is as follows:-

| | |
|-----------------|-------------------|
| Toddy measuring | 2½ litres. |
| Arrack | 750 Milli litres. |
| Cocobrandy | 750 " |
| Foreign liquor | 4½ litres. |

The order as it now stands, would allow a person to possess all the four different kinds of liquors mentioned above at a time and it may be utilised for organising informal sales. As it is not advisable to so allow, a clause will be added to the effect that "if more than one of the above different kinds of liquors is possessed, the aggregate quantity of all the different items of liquors taken together shall not exceed the highest for a single item of the liquors, the limit of private possession of each of those liquors also being adhered to". The G.O.MS. 275/61/Rev. dated 18 3-61 is hereby amended to this extent. The Board of Revenue is requested to forward immediately, necessary amendments to the statutory notifications already issued in 1961 under the Abkari Acts.

(iii) Limit of possession of without license Amendment to condition No.9 of the general conditions of the sale notification.

So far as the sale notification is concerned, as different kinds of liquors are not allowed to be sold by the

same licensee, except cocobrandy by foreign liquor tavern licensee, the Board of Revenue has recommended that it would be sufficient if the condition No.9 of the general conditions of the sale notification is changed as follows:-

No liquor in excess of the quantity mentioned below Viz

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|---|-------------------|
| 1. Toddy measuring | 2½ litres. |
| 2. Arrack | 750 milli litres. |
| 3. Cocobrandy | 750 ½ " |
| 4. Foreign liquors (including Cocobrandy not exceeding 750 milli litres | 4½ litres. |

shall be allowed to be removed by any person at any one time from any licensed premises without a valid permit obtained from the officer in charge of the Excise Range or Division within the Range or Division respectively. The licensees are not competent to issue permits under this rule."

The recommendation of the Board of Revenue is sanctioned .

(e) Incorporation of additional conditions in the sale notification for 1967-68

(i) There had been some instances of location of arrack shops in the project areas without concurrence of the Electricity Board and when the shops was removed there were claims for remission . Therefore, in order to avoid such contingencies in future, and to avoid legal challenge, the Board of Revenue has recommended that a condition may be incorporated in the sale notification to the effect that even if the schedule of any Abkari shops contains any area declared as project area, the excise Commissioner will have powers to refuse the location of shops in such areas. The recommendation of the Board is sanctioned .

(ii) The Board of Revenue reports that there is lack of clarity now, in the conditions of the sale notification as to the extent of liability of a resale purchaser. Therefore the Board recommend that a specific condition may be incorporated in the sale notification to the effect that the liability of a resale purchaser will be from the date of confirmation of the sale by the Board of Revenue. The recommendation of the Board is sanctioned.

(iii) While it is definitely stated, in condition 15 of 28 of the sale notification, that, in the event of death of a contractor ~~for~~ and for non-payment of dues, the department may assume management of shops, it is not clearly stated that, ~~for~~ failure to pay the initial 1/10th rental or to complete the security the shop may be run under the departmental management. The Board of Revenue has recommended that a condition may be incorporated in the sale notification, enabling the department to take over abkari shops under departmental management as and when such necessity arises. The recommendation of the Board is sanctioned.

(iv) The existing practice is to provide for the disposal of co-cobrandy distillery shops on negotiated basis. To regularise this procedure in the future, the Government sanction the recommendation of the Board of Revenue to incorporate a condition in the sale notification to the effect that in the case of shops earmarked for supply of toddy for manufacture of cocobrandy, the officer conducting the auction shall dispose of them by private negotiation with the contractors for the supply of cocobrandy subject to the condition that there shall be no sale of toddy in the shops thus disposed of.

By order of the Governor,

K.P.Achuthan Nair,

Jt. Secretary.

Endt. on G 5-634/67 K.Dis. dated 18-1-67

Copy communicated to the Conservators of Forests, Chalakudy and D.F.Os, Chalakudy and Kottayam for information.

Sd/-For Chief Conservator of Forests.

Endt. on G2.987/66 L.Dis. dated 31-1-1967

Copy to Divl. Forest Officers, Malayattur, Munnar and Trichur for information.

Copy to stock file. ✓

Conservator's Office,
Chalakudy.

Amalashankaran
For Conservator of Forests.

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