

THE NAGALAND LIQUOR TOTAL PROHIBITION ACT, 1989.

(THE NAGALAND ACT NO. 4 OF 1990)

Received the assent of the Governor of Nagaland on 13th April, 1990 and published in the Nagaland Gazette extraordinary dated 24th April 1990

An

Act.

To totally prohibit possession, sale consumption and manufacture of liquor in and of import and export thereof in the State of Nagaland.

Preamble:-

Whereas it is expedient to totally prohibit the possession, sale consumption and manufacture of liquor and of import and export thereof in the State of Nagaland. It is hereby enacted in the fortieth year of the Republic of India, as follows:-

CHAPTER-I

1. Short Title, Extent and Commencement

- (1) This Act may be called the “Nagaland Liquor Total Prohibition Act, 1989”
- (2) It extends to the entire State of Nagaland.
- (3) It shall come into force, on such date as the State Government may by notification appoint.

2. Definitions

In this Act words and expressions used but not defined in this Act and defined in the Nagaland Excise Act 1967, shall have the same meaning as are respectively assigned to them in the Nagaland Excise Act 1967, and unless there is anything repugnant in the subject or context:

- (1) Armed forces, means, persons under the control of the Army Act, 1950 Air force Act, 1950 and Naval Act, 1957.
- (2) “Buy”, with all its grammatical variations, means any receipt for price paid in cash or in kind, and includes any receipt by gift loan or otherwise.
- (3) “Liquor”, means any liquor and includes all liquid consisting of or containing ethyl alcohol, also any substance which the State Government may, by notification, declare to be liquor for the purpose of this Act.
- (4) “Manufacture” includes every process, whether natural or artificial by which any liquor is produced or prepared, also re-distillation and every process for the rectification, flavoring, blending or colouring of liquor.
- (5) “Para Military Force” means persons under Assam Rifle Act, 1941 Border Security Forces Act 1968 and members of any other force under the operational command of Army.
- (6) “Prescribed” means prescribed by rules under this Act.
- (7) “Prohibition officer” includes the Director or any officer or person appointed to exercise any of the powers or to perform any of the duties and function under the provisions of this Act and also includes any officer or person invested with any such powers and on whom any such functions or duties are imposed, and any member of a committee or board.
- (8) “Registered medical practitioner” means a person registered under the Indian Medical Council Act 1956.
- (9) “Sell” with all its grammatical variations, means any transfer including transfer by a gift or loan or otherwise.

CHAPTER-II

3. Total Prohibition of liquor and Nagaland a dry State.

No person shall-

- (1) transport, import or possess liquor,
- (2) sell or buy liquor,
- (3) consume liquor,
- (4) manufacture liquor; and
- (5) use or keep any material, utensil, implement or apparatus whatsoever for manufacture of liquor.

Explanation: From the commencement of this Act:-

- (1) The Nagaland shall be a dry State and;
- (2) There shall be total prohibition of liquor in the State.

4. This Chapter Not to Apply to Certain Articles

Nothing in this chapter shall apply to-

- (a) any toilet preparation containing alcohol which is unfit for use as liquor;
- (b) any medical preparation containing alcohol which is unfit for use as liquor;
- (c) any antiseptic preparation or solution containing alcohol which is unfit for use as liquor;
- (d) any flavouring extract, essence or syrup containing alcohol which is unfit for use as liquor.

Provided that such articles corresponds with the description and limitations mentioned in Section 33.

Provided further that the purchase, possession or use of any liquor or alcohol for the manufacture of any such article shall not be made or had except under a permit granted under section 15.

Explanation;- Nothing in this section shall be construed to mean that any person may drink any toilet preparation, or antiseptic preparation solution, containing alcohol; and it is hereby provided that no person shall drink any such preparation.

5. Prohibition of Publication of Advertisements Relating to Liquors etc. :-

No person shall publish or display advertisements of liquor or of any preparation fit for use as liquor in the newspapers and periodicals and published in the State.

6. Alteration of Denatured Spirit;-

No person shall-

- (a) alter or attempt to alter any denatured spirit by dilution with water or by any method whatsoever, with the intention that such spirit may be used for human consumption, whether as a beverage or internally as a medicine or in any other way whatsoever; or
- (b) have in his possession any denatured spirit in respect of which he knows or has reason to believe that such alteration or attempt has been made.

7. Alteration of Denatured Spirituous Preparation:-

No person shall-

- (a) alter or attempt to alter any denatured spirituous preparation by dilution with water or by any method whatsoever, with the intention that such preparation may be used for human consumption as a liquor, or
- (b) have in his possession any denatured spirituous preparation in respect of which he knows or has reason to believe that such alteration or attempt has been made.

8. Prohibition of Issuing Prescriptions for Liquor Except By Registered Medical Practitioners.:-

- (1) No person other than Registered Medical Practitioner, shall issue any prescription for any liquor.

- (2) No Registered Medical Practitioner shall prescribe liquor, unless he believes in good faith after careful medical examination of the person for whose use such prescription is made, that the use of such liquor by such person is necessary and will afford relief to him from some ailment.
- (3) A registered medical practitioner shall State, in every prescription for liquor issued by him, the name and address of the person to whom issued, the date of issue, directions and duration for use, and the amount and frequency of the dose, and shall preserve, a copy of the prescription for one year from the date of issue. On the copy so preserved he shall State the ailment for which the liquor is prescribed.

9. Prohibition of Soliciting Use or of doing Any Act Calculated to Incite or Encourage Member of Public to Commit Offence:-

No person shall-

- (a) solicit the use of, or offer, any liquor or
- (b) do any act which is calculated to incite or encourage any class of individuals or the public generally to commit any offence under this Act or to commit a breach of any rule, regulation or order made or the conditions of any permit, pass or authorization granted thereunder.

10. Prohibition of Consumption of Medicinal Preparation Containing Alcohol in Excess of Normal Dose:-

No person, shall for the purpose of producing a State of intoxication, consume any medicinal preparation containing alcohol in any quantity exceeding the normal dose.

Explanation. The expression “normal dose”, in relation to any medicinal preparation, means the quantity prescribed by a Registered Medical Practitioner to be taken at a time and in a case where no such prescription has been obtained, the quantity indicated to be taken at a time in the directions given by the manufacturer of the medicinal preparation.

11. Prohibition Against possession of Denatured Spirituous Preparation in Excess of Prescribed Limit:-

- (1) No person, shall have in his possession, except under a permit granted by an officer empowered by the State Government in that behalf, any quantity of denatured spirituous preparation in excess of such quantity as the State Government may, by notification in the official Gazette, specify.
- (2) In specifying quantity for possession of denatured spirituous preparation under sub-section (1) regard shall be had to the necessity for the free possession of such preparation for legitimate domestic and other purpose and different limits may be fixed for
 - (i) different local areas,
 - (ii) different classes of persons, and
 - (iii) different occasions.

12. Regulation of Manufacture, etc. of Denatured Spirituous Preparation:-

- (1) No person shall-
 - (a) manufacture, sell or bottle for sale any denatured spirit or its preparation, except under the authority and in accordance with the terms and conditions of a permit
 - (b) import, export or transport any denatured spirit or its preparation in excess of the limit of possession specified under sub-section (1) of section 11 except under the authority and in accordance with the terms and conditions of a permit.
 - (c) drink any denatured spirit or its preparation.
- (2) a permit required under sub-section (1) shall be granted by an officer empowered by the State Government.

13. General Conditions Regarding Permits etc.:-

All permits, passes, or authorization granted under this Act shall be in such form and shall, be subject to such conditions as may be prescribed and shall be granted on payment of the prescribed fee provided that every permit, pass or authorisation shall be granted only on the conditions that the person applying undertakes, and in the opinion of the officer authorised to grant the permit, pass or authorization is likely to abide by all the conditions of the permit, pass or authorizations and the provisions of this Act.

14. Health Prescriptions:-

Notwithstanding anything herein before contained, the State Government may prescribe the conditions under which permits may be issued for possession, use or consumption of liquor on health ground by a registered medical practioner.

15. Permits For Medicinal, Scientific and Industrial Purposes

The State Government may prescribe the conditions under which permit may be issued for the manufacture, import transport or possession of liquor on the ground that such liquor is required by such person for a bonafide medicinal, scientific, industrial of such like purposes.

16. Special Permits to Foreign Sovereign etc.

The State Government and the Director may grant permit on such conditions and for such periods as may be specified for the use and consumption or liquor by any person who is-

- (a) a sovereign or Head of foreign country, or
- (b) an Ambassador, Diplomatic envoy or counsel, Honorary Counsel or trade, commerce or other representatives of a foreign country, or
- (c) a foreign national on tour to India, and
- (d) the consort of any person specified in Clause (a), (b) (c) or any relation of such person and dependent upon him.

17. Permission to Use Or Consumption of Liquor in Mess and Canteens of Armed Forces etc.:-

The State Government may, on such conditions as may be specified by a general or special order, permit-

- (i) the sale of liquor, and
- (ii) the purchase, use or consumption of such liquor in the State by-
- (iii) the members of Armed Forces and para military forces in their mess and canteens:

18. Regulation of Use or Consumption of Liquor by Permit Holders

- (i) No holder of a permit under any of the provisions of this Act shall drink in a public place or institution to which the public may have access.
- (ii) No holder of permit granted under this Act shall allow the use or consumption of any part of the liquor held by him to any other person not so authorised to use or consume liquor under this Act.

19. Through Transport:-

The through transport-

- (a) of any consignment of any liquor, denatured spirit or its preparation, by a railway administration or by road transport or air service, or
- (b) of any liquor, denatured spirit or its preparation otherwise than by way of consignment, shall be subject to such conditions as may be prescribed.

20. Permit for Bonafide Medical and Other Purpose:-

- (1) The State Government may by rules, or by an order in writing, authorise an officer to grant permit to any person, or institution, for the purchase, possession, or use of liquor or any article containing liquor for a bonafide medicinal, scientific or industrial purpose :
- (2) The State Government may, by rules or order in writing authorise an officer to grant permit for the purchase, possession, or use of any liquor or denatured spirit for the manufacture of any articles mentioned in section 4 on such conditions as may be prescribed:

Provided further that, no permit shall be necessary for the possession of denatured spirit unto such quantity as may be prescribed.

21. Power to Cancel or Suspend Permits etc.:-

- (1) Subject to such conditions as the State Government may prescribe, the authority granting any permit under this Act may cancel or suspend the same on any of the following grounds :
 - (a) If any duty or fee payable by the holder thereof has not been paid;
 - (b) If there is breach of any of the terms and conditions by the holder thereof or by his agent, or by anyone acting on his behalf with his express or implied permission;
 - (c) If the holder thereof is convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue;
 - (d) If the holder thereof is guilty of any cognizable or nonbailable offence;
 - (e) If the holder thereof is guilty of any offence punishable under the Nagaland Excise Act 1967, the Narcotic Drugs and Psychotropic Substances Act, 1985 Medicinal and Toilet preparations (Excise Duties) Act 1955;
 - (f) If the holder thereof is guilty of any offence punishable under Section 112 and 114 of the Customs Act, 1962;
 - (g) If the holder thereof is guilty of any offence punishable under Section 482 to 489 of the Indian Penal Code;
 - (h) if the conditions of permit provided for such cancellation or suspension;
 - (i) if the permit, pass or authorisation has been obtained through wilful misrepresentation or fraud.
- (2) No person to whom a permit has been granted under this Act shall have any claim for compensation for the cancellation or suspension of his permit under this Act or to the refund of any fee paid or deposited relating thereto;
- (3) any holder of a permit for denatured spirit or liquor granted and covered under this Act may surrender this permit on expiration of one month's notice given by him to Director of his intention to surrender the same and on payment of the fee payable for the permit for the whole period for which it would have subsisted but for such surrender.
- (4) No person to whom a permit has been granted under this Act shall have, any claim to renewal of such permit or any claim to compensation on the determination thereof.

22. Right, Title or Interest Under Permit Not Liable to be Sold or Attached in Execution

Notwithstanding anything contained in any law for the time being in force no right, title or interest in any permit, pass or authorisation granted under this Act, shall be liable to be sold, transferred or attached in execution of any process of any civil or any other court.

23. Supervision over Manufacture, of Denatured Spirituous Preparation:-

The State Government may by general or special order direct that the manufacture, import-export, transport, storage, sale purchase, use, collection of denatured spirituous preparation, be under the supervision of such Prohibition, Excise or Police staff as it

may deem proper to appoint, and that the cost of such staff shall be paid to the State Government by the person manufacturing, importing, exporting, transporting, storing, selling, purchasing, using or collecting denatured spirituous preparation; Provide that, the State Government may exempt any class of persons or institutions from paying the whole or any part of the cost of such staff.

2 . Director Entitled to Require Permit Holder to Dispose Stocks:-

24. (1) Notwithstanding the fact that the period during which any permit, pass or authorisation is to be in force has not expired, the Director may require the holder thereof to dispose of his stock of liquor, denatured spirit or its preparation, before such date as may be specified in the order.
- (2) The Director may also require the owner of the stock of any liquor, denatured spirit or its preparation, who does not hold any valid permit, pass or authorisation for such stock to dispose of the said stock before such date as may be specified in the order and the owner shall comply with the order.
- (3) Any stock of liquor, denatured spirit or its preparation, left undisposed after the date so specified shall, together with receptacles packages in which it is contained, be liable to forfeiture to the State Government on the order of the Director. On the cancellation or the expiry of the period of any permit, pass or authorisation, the Director may also direct that any stock of any liquor, denatured spirit or its preparation, remaining with the holder of the permit, pass or authorisation, together with receptacles or packages thereof be forfeited to the State Government.
- (4) If the articles which are forfeited under sub-section (2) are sold Director may, after deducting cost of such sale, order the sale proceeds of such articles be paid to the owner thereof.
- (5) No direction or order under sub-section (“1), (2), (3) shall be made unless the person, likely to be adversely affected by such direction or order is given reasonable opportunity of being heard, and the reasons are recorded in writing by the Director:

CHAPTER-III

25. Director of Prohibition:-

The State Government may by notification in the Official Gazette, appoint an officer to be called the Director of Prohibition who subject to the control of the State Government and subject to such general or special orders as the State Government may from time to time make, shall exercise such powers and shall perform such duties and such functions as are conferred upon, by or under the provisions of this Act and shall surprinted the administration and carry out generally the provisions of this Act:

26. Prohibition Officers:-

To aid the Director in carrying out the provisions of this Act, the State Government may appoint such prohibition officers with such designations, and assign to them such powers; duties and functions under this Act, rules or regulations or orders made thereunder, as may be deemed necessary

27. Prohibition Council and Committee:-

- (1) The State Government may, by notification in the Official Gazette, constitute for the State and for such period as it may deem fit, a State Prohibition Council consisting of two or more Officials and Non-Officials as may be prescribed by the State Government. The State Government may also, by like notification, dissolve or reconstitute any such Council.
- (2) The State Government may, by notification in the official Gazette, constitute for a district, or part thereof and for such period as it may deem fit, Prohibition Committees consisting of two or more officials and non-officials. The

Government may also, by like notification, dissolve or reconstitute such Prohibition Committees.

- (3) For the purpose of the Act, the State Government may, by notification in the Official Gazette, appoint any member of a Prohibition Committee by virtue of office or otherwise to be a prohibition Officer and the relation of the officer so appointed to the State Prohibition Council shall be such as may be prescribed.
- (4) The duties to be performed by the State Prohibition Council and Prohibition Committees and the relation between the Council and the Committees shall be as may be prescribed.

28. Control of Director over Prohibition Officers and Other Officers:-

In exercise of their powers and in discharge of their duties and functions under the provisions of this Act or orders made thereunder, all Prohibition Officers and all officers including the officers of the Police and other departments shall, subjects to the general or special orders of the State Government be subordinate to and under the control of the Director and shall be bound to follow such orders as the Director may, from to time make.

29. Delegation:-

- (1) The State Government may delegate any of the powers exercisable by it under this Act to the Director or such other officer as it deems fit.
- (2) Subject to the control and direction of the State Government the powers conferred on the Director or any other officer appointed or invested with powers under this Act may be delegated by him to any of his subordinates.

30. Duty of Officers of Government and Local Authorities to Assist:-

Every officer of the Government and every officer or servant of a local authority, shall be legally bound to assist any Prohibition Officer or police officer or person authorised in this behalf in carrying out the provisions of this Act.

31. Landlords and Others to Give Information:-

Every person who owns or occupies any land or building or who is a landlord of an estate residing in the villages, and the agent of such owner, occupier or landlord of the land, building, or estate, as the case may be, in which there has been any unlawful manufacture of any liquor or any owner of a vessel of vehicle in which liquor is manufactured shall in the absence of reasonable excuse, be bound to give notice of (he same to a Magistrate or to a Prohibition Officer or to a Police Officer immediately after the same have come to his knowledge.

32. Investment of Powers of Officer-in-charge of Police Station:-

32. The State Government may invest any officer of the Excise Department not below the rank of Inspector with the Powers of an Officer-in-Charge of a Police Station for the investigation of offences under this Act.

33. Control of Manufacture of Articles Mentioned in Section 4:-

- (1) No manufacturer of any of the articles mentioned in section 4 shall sell, use or dispose of any liquor purchased or possessed for the purposes of such manufacture under the provisions of this Act otherwise than as an ingredient of the articles authorised to be manufactured therefrom. No more alcohol shall be used in the manufacture of any of the articles mentioned in section 4 than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the articles.

Provided that in the case of manufacture of any of the articles mentioned in section 4 in which the alcohol is generated by a process of fermentation the amount of such alcohol shall not exceed 12 percent by volume.

- (2) No person shall-

- (a) knowingly sell any article mentioned in section 4 for being used as an intoxicating drink, or
- (b) sell any such article under circumstance from which he might reasonably deduce the intention of the purchaser to use them for intoxication.

34. Analysis of Articles Mentioned in Section 4:-

- (1) Whenever the Director has reason to believe that any of the articles mentioned in section 4, does not correspond with the description and limitations provided in section 33. He shall Cause an analysis of the said articles to be made and if upon such analysis it is found that the said articles does not so correspond, he shall give not less than fifteen days notice, in writing to the person who is the manufacturer thereof or is known or believed to have imported or obtained such article, to show cause why the said article, should not be dealt with as liquor, such notice may be served personally or by registered post as the Director may determine, and shall specify the time when, place where, and the name of the officer before whom such person is required to appear.
- (2) If the person fails to show to the satisfaction of the Director or any other officer so named that the said article corresponds with the description and limitations provided in section 33 the Director may, by notification in the Official Gazette, direct that the said article be dealt with as a liquor and thereupon the provisions of this Act relating to liquor shall apply to that article.
- (3) Whenever the Director causes an analysis of an article mentioned in section 4 to be made under sub-section (1) or gives notice thereunder, he may require the person who is the manufacturer there of or who is known or believed to have imported or obtained such articles, not to sell, distribute or otherwise deal with such article, or to remove it from any place without previous permission of the Director, for any period not exceeding three months from the date of such requisition or till the result of the analysis is known and communicated, to him in writing by the Director, whichever is earlier, or as the case may be, till such manufacturer or other person satisfies the Director that the article corresponds to the description and conditions provided in section 33 and thereupon such manufacturer or person shall comply with such requisition during the said period.

CHAPTER-IV

35. Issue of Warrant;-

- (1) A Deputy Commissioner, Additional Deputy Commissioner or a Sub-Divisional Officer (Civil) or a Magistrate of the First Class, or an Officer of the Excise Department not below the rank of a Superintendent Specially empowered by the State Government on this behalf, may issue a warrant for the arrest of any person whom he has reason to believe to have committed an offence whom he has reason to believe to have committed an offence punishable under this Act or the rules thereunder, or for the search. Whether by day or by night, of any buildings, vessels or places in which he has reason to believe that any liquor material, utensil, implement or apparatus, in respect of which an offence punishable under this Act has been committed, is kept or concealed.
- (2) The Officer to whom a search warrant under sub section (1) is addressed shall have all the powers of an officer under Section 37.

36. Power of Entry and Inspection:-

- (1) Any Officer of the Excise Department not below the rank of Assistant Inspector of Excise and any Police Officer not below the rank of sub-Inspector of Police, and any person authorised in this behalf by the State Government who has reason to believe, from personal knowledge or from information received from any person that any liquor material, utensil, implement or apparatus in respect of which an

offence punishable under this Act or the rule is kept or concealed in any building, vessel, or enclosed place, may, between sunrise and sunset:

- (a) enter into any such building vessel or place;
- (b) in case of resistance break open any door and remove any other obstacle to such entry;
- (c) seize such liquor, material, utensil, implement or apparatus, and any document or apparatus, or other articles which may furnish evidence of the commission of the offence;
- (d) detain, search and arrest any person whom he has reason to believe to have committed an offence against this Act relating to such liquor, material, utensil, implement or apparatus :

Provided that if such officer has reason to believe that a search warrant cannot be obtained without affording opportunity for the concealment of evidence or facilitate the escape of an offender, he may, after recording the grounds of his belief, enter and search such buildings, vessel or enclosed place at any time between sunset and sunrise.

- (2) Where an officer receives down any information under sub-section (1) or records grounds for his belief under the provisions thereof, he shall forthwith send a copy thereof to his immediate official superior.

37. Power of Seizure and Arrest in Public Places:-

Any officer of any of the Department referred to in section 36 may

- (a) Seize, in any public place or in transit any liquor, material, utensil, implement or apparatus in respect of which he has reasons to believe that an offence punishable under this Act or the rules made thereunder, has been committed, and along with it, any document or other article which may furnish evidence of the commission of the offence, and
- (b) detain, search and arrest any person whom he has reason to believe to have committed an offence against this Act.

38. Mode of Executing Warrants:-

The provisions of the Code of Criminal Procedure, 1973 shall in so far as they are applicable, apply to warrants and making of searches, arrests and seizures under this Act.

39. Report of Arrest and Seizure:-

Any Officer making an arrest or seizure under this Act shall, within twenty-four hours of such seizure and arrest, make a full report of all the particulars of such arrest or seizure to his immediate official superior, and produce the arrested person before a magistrate.

40. Disposal of Articles Seized:-

When anything has been seized under the provisions of this Act by a Prohibition Officer or by an Officer-in-charge of a Police Station, or has been sent to him in accordance with the provisions of this Act, such Officer, after such inquiry as may be deemed necessary.

- (a) If it appears that such thing is required as evidence in the case of any person arrested, shall forward it to the Magistrate to whom such person is forwarded for his appearance or by whom bail has been taken,
- (b) If it appears that such thing is liable to confiscation but is not required as evidence as aforesaid, shall send, it with a full report of the particulars of seizure to the Director.
- (c) if no offence appears to have been committed shall return it to the person from whose possession it was taken.

41. Confiscation of Articles:-

Where in the Opinion of the Court an offence, has been committed under this Act, the Court shall pass an order that the liquor, material, utensil, implement or apparatus in

respect of, or by means of which the offence has been committed be confiscated whether or not any person has been put on trial or convicted along with all receptacle, packages, vessels animals, carts or other vehicles used or employed, to contain or carry the same, unless for sufficient reasons to be recorded in writing the court directs otherwise.

Provided that any person having lawful claim to any such commodity, articles, animals, or other things aforesaid may file, before the Court a claim in respect thereof within thirty days of such order of confiscation, and if the claim made out to the satisfaction of the Court, the order of confiscation shall be cancelled and the liquor or other things shall be returned to such claimant.

42. Offence to be Reported:-

42. Every officer of the State Government, and every officer or servant of a local authority, and the Gaon Hurrah or Assistant Gaon Hurrah of a village shall be bound;
- (a) to give immediate information at the nearest Police Station or to any officer or person authorised in this behalf of the commission of any offence and of the intention or preparation to commit any offence under this Act which may come to his knowledge;
 - (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed.

43. Cognizance of Offence:-

No Court shall take cognizance of an offence under this Act unless a complaint in this regard is made by the Director of Prohibition or any officer authorised by him.

44. PENALTY FOR ILLEGAL IMPORT, ETC. OF LIQUOR:-

Whoever, in contravention of the provision of this Act, or of any rule, regulation or order made or of any pass, permit or authorisation granted thereunder.

- (a) imports or exports any liquor
- (b) manufactures any liquor
- (c) constructs or works any distillery or brewery;
- (d) bottles liquor;
- (e) sells or buys any liquor;
- (f) uses, keeps or has in his possession any materials, utensils, implements or apparatus for the purpose of manufacturing any liquor.

shall on conviction, be punished for each such offence with imprisonment for a term which may extend to three years and also with fine;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court-

- (i) for the first offence, such imprisonment shall not be less than six months, and fine shall not be less than five hundred rupees;
- (ii) for a second offence, such imprisonment shall not be less than nine months, and fine shall not be less than one thousand rupees;
- (iii) for a third or subsequent offences, such imprisonment shall not be less than one year and fine shall not be less than two thousand rupees.

45. Penalty For Alteration or Attempting to Alter Denatured Spirit:-

- (1) Whoever in contravention of section 6 alters or attempts to alter any denatured spirit or has in his possession any spirit in respect of which he knows or has reason to believe that any such alteration or attempt has been made shall on conviction be punished with imprisonment for a term which may extend to one year and fine which may extend to one thousand rupees;

Provided that in the absence of special and adequate reason to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than three months and fine shall not be less than hundred rupee.

- (2) In prosecutions under this section, it shall be presumed, until the contrary is proved that the alteration or attempt to alter any denatured spirit was done with the intention that such spirit may be used for human consumption as liquor.

46. Penalty or Alteration or Attempting to Alter Denatured Spirituous Preparation:-

- (1) Whoever in contravention of section 7 alters or attempts to alter any denatured spirituous preparation or has in his possession any such preparation in respect of which he knows or has reason to believe that any such alteration or attempt has been made shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may be extended to one thousand rupee;

Provided that 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 fine shall not be less than five hundred rupees.

- (2) In prosecutions under this Section it shall be presumed, until the contrary is proved, that the alteration or attempt to alter any denatured spirituous preparation was done with the intention that it may be used for human consumption as liquor.

47. Penalty For Contravention of Provision Regarding Prescriptions;-

Whoever-

- (a) not being a registered medical practitioner issues a prescription for intoxicating liquor or
- (b) being a registered medical practitioner.
- (i) prescribes liquor in contravention of the provisions of section 8 or
- (ii) fails, without reasonable excuse, to State in the prescription for liquor the particulars required by Section 8 to be Stated therein, or
- (iii) fails to preserve such prescription, or a copy thereof, for the period for which it is required by that section to be preserved, shall on conviction, 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.

48. Penalty For Manufacturing Article Mentioned in Section 4 in Contravention of the Provisions of Section 33:

- (1) Whoever in contravention of the provisions of section 33,
- (a) manufactures, imports or exports any article mentioned in section 4, or
- (b) sells, uses or disposes of any liquor other than an ingredient of any article mentioned in section 4 or
- (c) uses more alcohol in the manufacture of any of the articles mentioned in section 4 than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of such article, or,
- (d) knowingly sells any such article for being used as liquor or sells any such article under circumstances from which it might reasonably deduce the intention of the purchaser to use them for such purpose, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.
- (2) No person who has been convicted for any offence under this Act or has paid any sum of money under this Act by way of composition for such offence shall be entitled to manufacture, import or to sell any article mentioned in section 4 for a period of one year from the date of such conviction or payment, and any person who imports, manufactures or sells any such article in contravention of this Sub-section shall be liable to the same punishment as is provided for an offence punishable under section 44

49. Penalty For Failure to Satisfy the Director Under Section 33:

- (1) If the manufacture of any of the articles mentioned in section 4 fails to show to the satisfaction of the Director that the article corresponds to the descriptions and limitations provided in section 33 his licence for the purchases, use or possession of liquor for the manufacture of such article shall be revoked.
- (2) Any person who fails to comply with any requisition made by the Director under sub-section (2) of section 34 shall, on conviction, be punished with imprisonment for a term which may be extended to one year or with fine or with both.

50. Penalty For Possessing etc., Denatured spirit or its Preparations in Contravention of Provision of Section 11 and 12:

Whoever-

- (a) in contravention of the provisions of section 11 possesses, without a permit, any denatured spirit or its preparation in excess of the quantity prescribed under that section, or
- (b) in contravention of the provisions of section 12 manufactures, sells, bottles for sale or imports, exports or transports any denatured spirit or its preparation, or drinks any denatured spirituous preparation, shall on conviction, be punished-
 - (i) for the first offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees

Provided that 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 five hundred rupees:

- (ii) for a second offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees:

Provided that, 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 the fine shall not be less than one thousand rupees;

- (iii) for a third or subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees;

Provided that, 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 nine months and fine shall not be less than one thousand rupees.

51. Penalty For Opening etc. of Common Drinking House;

Whoever, being the owner or occupier or having, the use of any house, room enclosures, space, vessel, vehicle or place, knowingly permits it to be used for the commission, by any other person, of an offence punishable under this Act or the Rules made thereunder, shall be punished with imprisonment for a term which may extend to six months but not less than one month and with fine which may extend to five hundred rupees but not less than fifty rupees:

52. Penalty For Printing or Publishing Advertisement in contravention of Provision of Act, etc. :

Whoever, in contravention of the provisions of this Act, or of any Rule, Regulation or Order made thereunder prints, or publishes in any newspaper, news sheet, book, leaflet, booklet, or any single or periodical publication or otherwise displays or distributes any advertisements of other matte.

- (a) which solicits the use of or offers any liquor, or
- (b) which is calculated to encourage or incite any individual or class of individuals or the public generally to commit an offence under this Act, or to commit a breach of, or to evade the provisions of, any, rule, regulation or order made thereunder or of the conditions of a permit, pass or authorization granted thereunder, shall, on conviction, 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.

53. Penalty For Inciting or Encouraging Certain Offence etc.

53. Whoever, in contravention of the provisions of this Act. or any Rule, Regulation or Order made thereunder,

- (a) solicits the use of or offers any liquor, or
- (b) does ,any act which is calculated to incite or encourage any individual or a class of individuals or the public generally to commit an offence under this Act or to commit a breach of any Rule. Regulation or Order made thereunder or con-ditions of a permit pass or authorisation granted thereunder, shall on conviction, 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.

54. Penalty For Contravention or Provisions of Section 18:

Whoever, in contravention of provisions of section 18.

- (a) drinks in a public place or an institution to which the public may have access,
- (b) allows the use or consumption of any quantity of I liquor possessed by him to any other person, shall, on consumption, be punished for every such of-fence with imprisonment which may extend to six months or with fine which may extend to two thousand rupees, or with both.

55. Penalty For Neglect to Keep Measures, etc.:

Whoever, in contravention of the provisions of this Act, rule or regulation or order or condition of any permit or pass granted under this Act,:

- (a) neglects to supply himself, with measures and weights for measuring and weighing any liquor or with instruments for testing the strength of liquor or keep the same in good condition, or
- (b) refuses to measure, weight or test any liquor in his possession or to have it, weighed, measured or tested shall, on conviction, he punished for each offence with fine which may extend to two hundred rupees.

56. Penalty For Misconduct By Permit Holder:

Whoever, being the holder of a permit, pass or authorization granted under this Act. or a person in the employ of such holder or acting with his ,express or implied permission on his behalf;

- (a) fails to produce, permit, pass or authorisation on demand by a Prohibition Officer or any other officer duly empowered if such, permit, pass Or authorisation is in his possession or control, or
- (b) wilfully does or omits to do anything in contravention of any rule, regulation or order made under this Act, shall, on conviction, be punished for each such offence with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

57. Liability For Acts of Servants:

The holder of a permit, pass or authorization granted under this Act shall be responsible as well as the actual offender, for any offence committed by any person in his employ or acting with his express or implied permission on his behalf under the provisions of this Act as if he himself had committed the same, unless he shall establish that all due and reasonable precaution were exercised by him to prevent the commission of such offence:

Provided that no person other than the actual offender shall be punished with imprisonments except in default of payment of fine.

58. Penalty For Attempts or Abetment:

Whoever, attempts to commit or abets the commission of an offence under this Act shall, on conviction, be punished for such attempt or abetment with the same punishment as is provided for the principal offence.

59. Breach of Licence, Permit, etc. to be an Offence:

- (1) In the event of any breach by the holder of any permit, pass or authorisation granted under this Act or by his servants or by any person acting with his express or implied permission on his behalf of any of the terms or conditions of such permit, pass or authorization such holder shall, in addition to the cancellation or suspension of the permit, pass or authorisation granted to him, be punished on conviction with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both unless it is proved that all due and reasonable precautions were exercised by him to prevent such breach.
- (2) Any person who commits any breach shall, whether he acts with or without the permission of the holder of the permit, pass or authorisation be liable to the same punishment,

60. Penalty For Conspiracy:

When two or more persons agree-

- (a) to commit or cause to be committed any offence under this Act, or
- (b) to commit a breach of a condition of a permit, pass or authorisation, each of such persons shall on conviction be punished with imprisonment for a period which may extend to two years or with fine which may extend to two years or with fine which may extend to one thousand rupees or with both.

61. Penalty For Being Drunk And For Disorderly Behaviour:

- (1) Whoever on any street or through fare or public place or in any place to which the public have or are permitted to have access is drunk and incapable of taking care of himself, or behave in a disorderly manner under the influence of drink, shall on conviction
 - (a) for the first offence be punished with imprisonment for a term which any extend to, one month and with fine which may extend to two hundred rupees;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgments of the Court, such imprisonment shall not be less than seven days and fine twenty five rupees; and

- (b) for subsequent offence be punished with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgments of the Court, such imprisonment shall not be less than one month and fine shall not be less than one hundred rupees;

- (2) In prosecution for an offence under sub-section (1), it shall be presumed until the contrary is proved that the person accused of the said offence has drunk liquor for the purpose of being intoxicated and not for medicinal purpose.

62. Penalty For Chemist, Druggist or APO Thecary For Allowing his Premises to be Used For Purpose of Consumption of Liquor:

A chemist, druggist, apothecary or keeper of a dispensary who allows any liquor, which has not been bonafide medicated for medicinal purpose according to the prescription of a registered medical practitioner or any intoxicating drug to be consumed on his business premises by any person, shall on conviction 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.

63. Penalty For Issuing False Prescription:

If a registered medical practitioner issue a prescription with the intention that such prescription shall be used by the person to whom it is issued for the purpose of consuming liquor, in contravention of the provision of this Act, or Rule, Regulation or

Order made thereunder or any permit pass or authorisation granted under this Act, he shall, on conviction, 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.

64. Penalty For Maliciously Giving False Information:

Any person who maliciously and falsely gives information to any person exercising powers under this Act leading to a search, seizure, detention or arrest shall, on conviction 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.

65. Penalty For Offences Not Otherwise Provided For:

65. Whoever is guilty of any wilful act or intentional omission in contravention of the provisions of this Act, or any Rule, Regulation or Order made thereunder or of any permit, pass or authorization granted under this act, and if such act or omission is not otherwise made an offence under this Act, shall, on conviction, be punished, with the imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

66. Demand For Security For Abstaining From Commission of Certain Offences:

- (1) Whenever any person is convicted of an offence punishable under this Act, the Court convicting such person may, at the time of passing the sentence on such person, order him to execute bond for a sum proportionate to his means with or without sureties to abstain from the commission of offences punishable under the provisions of this Act during such period not exceeding three years as it may direct.
- (2) The bond shall be in such form as may be provided under the provisions of the Code of Criminal procedure, 1973 and the provisions of the said Code shall, in so far as they are applicable, apply to all matters connected with such bonds as if it were a bond to keep the peace ordered to be executed under section 106 of the said Code.
- (3) If the conviction is set aside in appeal the bond so executed shall become void.

67. Demand of Security for Good Behaviour:

- (1) Whenever a Deputy Commissioner, Additional Deputy Commissioner or of Sub-Divisional Officer (Civil) receives information that any person within the local limits of his jurisdiction habitually commits or attempts to commit or abets the commission of an offence punishable under this Act, such Magistrate may require such person to show cause as to why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate may direct.
- (2) The provisions of the Code of Criminal Procedure, 1973, shall in so far as they are applicable apply to proceedings under sub section (1) as if the bond referred to therein was a bond required to be executed under section 110 of the said Code.

68. Execution of Bonds in Respect of Minors:

If any person in respect of whom a bond is ordered to be executed under sections 66 or 67 is a minor, the bond shall be executed by his guardian.

69. Punishment For Vexatious Search, Seizure or Arrest:

Any Officer or person exercising powers under this Act, who-

- (a) maliciously enters or searches or causes to be entered or searched, any building or house or similar dwelling place or
- (b) vexatiously and unnecessarily seizes the property of any person in the pretence so seizing or searching for anything liable to confiscation under this Act; or
- (c) vexatiously and unnecessarily details searches or arrest any person; or

- (d) in any other way maliciously exceeds or abuses his lawful powers, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

70. Things Liable to Confiscation:

- (1) whenever any offence punishable under this Act has been committed.
- (a) Any liquor, materials, utensil, implement or apparatus, in respect of which the offence has been committed, or
- (b) Where, in the case of an offence of illegal import, export or transport, the offender has attempted to import, export or transport any liquor or denatured spirit, in contravention of the provisions of this Act, rule, regulation or order or in breach of a condition of a permit, pass or authorisation, the whole quantity of such liquor denatured spirit which he has attempted to import-export or transport.
- (c) Where, in the case of an offence of illegal sale, the offender has in his lawful possession any liquor, other than in respect of which an offence has been committed, the whole of such other liquor, shall be confiscated by the order of the Court.
- (2) Any receptacle package or covering in which any of the articles liable to confiscation under sub-section (1) is found and the other contents of such receptacle, package or covering and the animals, carts, vessels or other conveyances used in carrying any such article shall like-wise be liable to confiscation by the order of the Court,

71. Return of things Liable to Confiscation to Bonafide Owners:

When during the trials of a case for an offence under this Act, the Court decides that anything is liable to confiscation under the foregoing section, the Court may, after hearing the person, if any, claiming any right thereto and the evidence if any, which he produce in support of his claim, order confiscation or in the case of any article other than liquor give the owner an opinion to pay fine as the court deems fit in lieu of confiscation:

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

72. Procedure on Confiscation:

When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act is found or seized, the Director, or Deputy Commissioner or any other officer authorised by the State Government in this behalf may make an inquiry and if after such inquiry he is satisfied that an offence has been committed may order the thing found to be confiscated :

Provided that no such order shall be made before the expiry of one month form the date of seizure, or without hearing the person if any, who claim any right thereto and the evidence, if any, which he produces in support of his claim.

73. Power of Director etc., to Order Sale or Destruction of Articles:

If the thing in question is liable to speedy and natural decay, or if the Director, Court or the officer authorised by the State Government in this behalf is of opinion that the sale would be for the benefit to the owner, the Director, Court or the officer may, at any time, direct it to be sold and the provisions of section 24 shall apply so far as may be to the net proceeds of the sale:

Provided that, where anything is liable to speedy and natural decay, or is of trifling value, the court or the Officer concerned may order such thing to be destroyed, if in its or his opinion such order is expedient in the circumstances of the case.

74. Forfeiture of Publication Containing Advertisement, Soliciting Use of Liquor:

- (1) Where any newspaper, news-sheet, book, leaflet, booklet or other publication wherever printed or published appears to the State Government contain any advertisement soliciting the use of, or offering any liquor, the State Government may, by notification in the Official Gazette, declare every copy of such newspaper, news-sheet, book, leaflet, booklet or other publication to be forfeited to the State Government, and there upon any Police Officer may seize the same wherever found in the State. Any Magistrate may, by warrant authorize any Police Officer not below the rank of Sub-Inspector to enter upon and search for the same In any premises where any copy of such issue or any such newspaper, news-sheet, book, leaflet booklet or other publication may be or may be reasonably suspected to be. Every warrant issued under this section shall be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1973.
- (2) The declaration of the State Government under this Section shall be final and shall not be questioned in any Court.

75. Presumption to the Commission of Offence in Certain cases:

- (1) In prosecutions under any of the provisions of this Act,. it shall be presumed without further evidence, until the contrary is proved, that the accused person has committed an offence under this Act in respect of liquor, or any still, utensil, implement or apparatus, whatsoever for the manufacture of liquor or any materials which have undergone any process towards the manufacture of any liquor has been manufactured, for the possession of which he is unable to account satisfactorily.
- (2) Where in any trial for an offence of manufacture liquor and using a still for such purpose in contravention of the provisions of this Act, it is proved that the accused person was present by the side of the Still while it was working or that he was the owner or occupier having the care wherein such still was used, then the burden of proving that the accused person had not used, or had not abetted in using the still for manufacturing liquor shall be on the accused person and the Court shall, in the absence of such proof presume to the contrary.

76. Compounding of Offence:

- (1) All offence under this Act shall be compoundable.
- (2) No offence shall be compounded if by reason of previous conviction liable either to enhanced punishment or to punishment of different kind for such offence.

77. Appeals:

- (1) All orders passed by any Prohibition Officer other than the Director under this Act, shall be appeal able to the appeal able to the Director at any time within sixty days from the date of the order complained of.
- (2) All orders passed by the Director shall be appeal able to the State Government at any time within ninety days from the date of the order complained of:
Provided that no appeal shall lie against on order passed by the Director on appeal,
- (3) Subject to the foregoing provisions, the rules which the State Government may make in this behalf shall apply to appeals under this section.

78. Revision:

The State Government may call for and examine the record of any proceeding before any Prohibition Officer, including that relating to the grant or refusal of a permit or authorization under this Act, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed and as to the regularity of, any such proceeding and may, when calling for such record, direct that the order be not given effect to pending the examination of the record. On examining the record, it may either annul, reverse, modify or confirm such order, or pass such other order as it may deem fit.

CHAPTER V

79. Repeal And Saving

- (1) The provisions of the Nagaland Excise Act, 1967, in so far as they are inconsistent with the provisions of this Act shall stand repealed.
- (2) All powers, rights and duties given by this Act shall be in addition to and not in derogation of any other powers, rights and duties conferred by any Act, Law or Custom and all such other powers, rights and duties may be exercised and put in force in the same manner by the same authority as if this Act has not been passed.

80. Power of the State Government to Make Rules:

- (1) The State Government may make rules for the purpose of carrying out the provisions of this Act,
- (2) In particular and without prejudice to the generality of the foregoing powers the State Government may make rules.
 - (i) Regulating the delegation of any powers by the Director, or by any other Prohibition Officer;
 - (ii) Regulating the import, export, transport, collection, sale, purchase, bottling, consumption, use or possession of liquor or denatured spirit or its preparation;
 - (iii) Regulating the manufacture of denatured spirituous preparation;
 - (iv) Regulating the grant, suspension or cancellation of permits, passes or authorizations for the import, export, transport, collection, sale purchase, possession, manufacture, bottling consumption, use of any of the above mentioned articles.
 - (v) Regulating the periods and localities for which the permit may be granted for the wholesale or retail vend of any of the above articles mentioned.
 - (vi) Prescribing the restrictions under which and the conditions on which any permit, pass or authorization may be granted including:
 - (a) the prohibition of the admixture with any liquor of any substance deemed to be noxious or objectionable;
 - (b) the prohibition of sale of denatured spirit denatured spirituous preparation, except for cash;
 - (c) the prescription of the days and hours during which any premises mayor may not be kept open and provisions for the closure of such premises.
 - (d) the prescription of the accounts to be maintained and the returns to be submitted by permit holders;
 - (e) the regulation or prohibition of the transfer of permit
 - (vii)
 - (a) declaring the processes by which spirits shall be denatured;
 - (b) for causing such spirits to be denatured through the agency or under the supervision of the Government Officers and for the payment of charge for such supervision.
 - (c) for ascertaining whether such spirits have been denatured.
 - (viii) Prohibiting and regulating the employment by the permit holder of any persons to assist him in his business in any capacity whatsoever,
 - (ix) Prescribing the persons or classes of persons to whom any liquor or denatured spirituous preparation, mayor not be sold or who may not be allowed to sell, purchase or use any of these articles:
 - (x) Prescribing the mount of security to be deposited by the holder of any permit, pass or authorization for the due performance of the conditions for the same.
 - (xi) Providing for the maintenance by the holders of permits, passes or authorization of the registers of sales, purchase, possession, consumption or use and the particulars to be entered in the register;

- (xii) Regulating the grant of rewards or expenses to officers, or persons giving information or assistance in the detection or investigation of offences under this Act, and of compensation to persons charged with offences punishable under this Act and acquitted;
 - (xiii) Prescribing the constitution of committees, and Boards and the procedure regarding their work;
 - (xiv) Prescribing the powers, functions and duties of Prohibition officers, Boards and Committees. The fees and allowance payable to the members of the Boards, and committees.
 - (xv) Prescribing conditions of through transport under section 19.
 - (xvi) Prescribing the fees payable in respect of any privilege, permit, pass or authorization granted or issued under this Act.
- (3) Every rule made under this section shall be laid as soon as may be, after it is made, before the Nagaland Legislative Assembly while it is in session for a total period or of seven days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, the Nagaland Legislative Assembly decide to make any modification in the rule or the Nagaland Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form, or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

81. Officers And Persons Acting Under this Act to be Public Servants:

All officers and persons empowered to exercise any power or to perform any functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

82. Bar of Proceedings:

No suit or proceedings shall lie against the Government or against any person empowered to exercise powers or to perform functions under this Act, for anything in good faith done or purporting to be done under this Act.

83. Limitation of Prosecutions or Suits Against Officers:

- (1) All prosecutions of any Prohibition, Police or other officers, or of any persons empowered to exercise powers or to perform functions under this Act, and all actions which may be lawfully brought against the Government or any of the aforesaid officers or persons, in respect of anything done or alleged to have been done in pursuance of this Act, shall be instituted within four months from the date of the act complained of and not afterwards; and any such action shall be dismissed;
 - (a) if the plaintiff does not prove that, previously to bringing such action, he has presented all such appeals allowed by this Act, or by any other law for the time being in force, as within the aforesaid period of four months it was possible to present, or
 - (b) in the case of an action for damage, if tender of sufficient amends shall have been made before the action was brought, or if after the institution of the action a sufficient sum of money is paid into Court with costs, by or on behalf of the defendant.
- (2) Subject to the provisions of section 197 of the Code of Criminal Procedure, 1973, no Court shall take cognizance of an offence committed or alleged to have been committed by any Prohibition, Police or other officer or any person empowered to exercise powers or to perform functions under this Act, in regard to anything done under this Act, unless a sanction is granted in accordance with the aforesaid provisions of section 197 of the Code of Criminal Procedure, 1973.

- (3) No suit shall lie against any Prohibition, Police or other officers for damages unless the same is instituted within four months from the time the cause of action arose.

84. Exemption From Operation of the Act:

Nothing in this Act shall apply-

- (1) in respect of any liquor, denatured spirit and their preparations which are the property and in the possession of the Government and
- (2) in respect of "Zu" and "Rohi" provided it is used for domestic purpose only.

85. Power to Remove Difficulties:

- (1) If any difficulty or doubt arises in giving effect to the provisions of this Act, the State Government may by order published in the Gazette, make such provisions, not inconsistent with the purpose of this Act as appears to it to be necessary or expedient for the removal of the difficulty or doubt; and the order of the State Government in such cases shall be final.
- (2) Every order made under this section shall be laid as soon as may be after it is made, before the Nagaland Legislative Assembly while it is in session for a total period of seven days which may be comprised in one session or in two successive sessions and if, before the expiry of the session immediately following the Nagaland Legislative Assembly agree in making any modification in the order or the Nagaland Legislative Assembly agree that the Order should not be made, the Order shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under this Order.

**THE NAGALAND LIQUOR, TOTAL PROHIBITION (FIRST AMENDMENT) ACT,
1995**

(THE NAGALAND ACT NO.3 OF 1994)

(Received the assent of the Governor of Nagaland on 23 September, 1994 and published in the Nagaland Gazette extraordinary dated 30th Sept, 1994)

An

Act

Further to amend the Nagaland Liquor Total Prohibition Act, 1989 (Act No.4 of 1990).
Whereas it is expedient to amend the Nagaland Liquor Total Prohibition Act, 1989 (Act No.4 of 1990) in the manner here in after appearing.

IT IS HEREBY ENACTED IN THE FORTY-FIFTH YEAR OF THE REPUBLIC OF INDIA AS FOLLOWS:-

1. Short title and commencement.

- (i) This Act may be the Nagaland Liquor Total Prohibition (First Amendment) Act 1994.
- (ii) It shall extend to the whole of Nagaland.
- (iii) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of Section 2 of Nagaland Act No; 4 of 1990

- (i) The Existing sub-section 5 of sec. 2 of the Nagaland Liquor Total Prohibition Act, 1989 shall be substituted by the following, namely;
- (5) "Para Military Force" means persons under Assam Rifles Act, 1941, Border Security Force Act, 1968, Central Reserve Police Force Act 1949, Central Industrial Security Force Act, 1968 and when posted in the State of Nagaland.