The Telangana Prohibition Act, 1995

Act Act No.17 of 1995. 46 sections. Bare Act with the official footnotes.

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Every section online, with the old and new law side by side and exam questions:
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CHAPTER - I PRELIMINARY

Section 1. Short title, extent and commencement

This Act may be called the [1]Telangana Prohibition Act, 1995.

(2) It extends to the whole of the State of [1]Telangana.

(3) It shall come into force on such date as the Government may, by notification, appoint.

[1] Substituted by G.O.Ms.No.6, Revenue (Excise-II) Department, dated 06.01.2016.

Section 2. Definitions

In this Act, unless the context otherwise requires,-

[1][(1) 'arrack' means country liquor including arrack brewed, coloured, flavoured or spiced;]

[2][(1A)] 'buy' or 'buying' includes any receipts including gift;

(2) 'Collector' means the Collector of a district and includes the joint Collector or any person appointed by the Government to exercise the powers and perform the functions of a Collector under this Act;

(3) 'Commissioner' means the Commissioner of Prohibition and Excise appointed under section 3 of the [3]Telangana Excise Act, 1968;

(4) 'foreign liquor' includes every liquor imported into India, other than [4][Indian Made Foreign Liquor];

(5) 'Government' means the State Government;

(6) [4]'[Indian made Foreign Liquor]' means liquor produced, manufactured or compounded in India after the manner of gin, brandy, whisky or rum imported from foreign countries and includes 'milk punch' and other liquors consisting of or containing any such spirits, but does not include foreign liquor;

[5][(7) 'liquor' includes,-

(a) spirits of wine, denatured spirits, methylated spirits, rectified spirits, wine, beer, toddy and every liquid consisting of or containing alcohol; and

(b) any other intoxicating substance which the Government may, by notification, declare to be liquor for the purposes of this Act;]

(8) 'local body' means any Municipal Corporation Municipality, Notified Area, Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad, Township or a Cantonment constituted under the relevant law for the time being in force;

(9) 'notification' means a notification published in the [6]Telangana Gazette and the term 'notified' shall be construed accordingly;

(10) 'place' includes an open place, a house, club, shed, enclosure, building, shop, tent, vessel, raft and vehicle;

(11) 'police station' includes any place which the Government may, by notification, declare to be a police station for the purpose of this Act;

(12) 'prescribed' means prescribed by rules made under this Act;

(13) 'Prohibition Officer' means the Commissioner, a Collector or any Officer or other person to whom the Commissioner or the Collector delegates his powers or functions under section 6;

(14) 'sale' or 'selling' includes any transfer including gift;

[7][(15) [XXX]]

(16) words and expressions used in this Act but not defined shall have the meanings assigned to them in the [8]Telangana Excise Act, 1968.

[1] Inserted by Act No.5 of 1997.
[2] Renumbered as (1A) by Act No.5 of 1997.
[3] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.
[4] Throughout the Act for the words "Indian Liquor" the words "Indian Made Foreign Liquor" substituted by Act No.17 of 2006.
[5] Substituted by Act No.5 of 1997.
[6] Substituted by G.O.Ms.No.6, Revenue (Excise-II) Department, dated 06.01.2016.
[7] Omitted by Act No.35 of 1995.
[8] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.

CHAPTER - II ESTABLISHMENT AND CONTROL

Section 3. Appointment of Commissioner

The Commissioner of Prohibition and Excise for the State appointed under section 3 of the [1]Telangana Excise Act, 1968 shall, subject to the general or special orders of the Government in this behalf, be, the Chief controlling authority in all matters connected with the administration of this Act.

[1] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.

Section 4. General control of Commissioner over Collectors

The Collector shall exercise the powers and perform the functions assigned by or under this Act subject to the general control of the Commissioner.

Section 5. Officers and staff

The officers and staff referred to in section 5 of the [1]Telangana Excise Act, 1968 shall be deemed to be officers and staff appointed also for the purposes of giving effect to this Act and for this purpose it shall be competent for the Government to give such directions and to make such rules as they may deem fit with regard to their powers and functions.

[1] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.

Section 6. Delegation

For purposes of giving effect to this Act, the Commissioner, [1][the Collector, the Assistant Commissioner of Prohibition and Excise] or the Prohibition and Excise Superintendent may, by order, delegate to any officer subordinate to him any of the powers conferred on or functions entrusted to the Commissioner, [1][the Collector, the Assistant Commissioner of Prohibition and Excise] or the Prohibition and Excise Superintendent by or under this Act, subject to such restrictions and control as may be prescribed, and subject all of such limitations and conditions, if any, as may be specified in the order of delegation.

[1] Substituted by Act No.35 of 1995.

CHAPTER-III PROHIBITION AND PENALTIES

Section 7. Prohibition of selling, buying and consumption of liquor

The selling, buying being in possession and consumption of liquor, otherwise than in accordance with the provisions of this Act, or as the case may be, the [1]Telangana Excise Act, 1968 is hereby prohibited.

[1] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.

Section 7A. Prohibition of production etc., of arrack

[1][The production, manufacture, storage, possession, collection, purchase, sale and transport of arrack is hereby prohibited.]

[1] Substituted with marginal heading by Act No.5 of 1997.

Section 8. Punishment for buying, selling, consumption of liquors

Whoever,-

(a) [1][xxx] consumes any liquor except [2][in accordance with the provisions of this Act or the [3]Telangana Excise

Act, 1968] or the terms of any rule, notification, order, licence or permit issued thereunder shall be punished with imprisonment for a term which may extend upto six months or with fine which may extend upto one thousand rupees or with both;

(b) [4][possesses, collects, buys,] [2][sells, transports, produces or manufactures any liquor other than arrack except in accordance with the provisions of the [3]Telangana Excise Act, 1968 or the terms of any rule, notification, order, licence or permit issued thereunder] shall be punished,-

(i) where the liquor involved in the offence is less than such quantity as may be notified in this behalf with imprisonment for a term which shall not be less than six months but which may extend upto [5][three years or] [6][with fine which shall not be less than rupees ten thousand or shall not be less than thrice the value of the liquor involved in the offence whichever is higher but which may extend upto six times the value of such liquor, such value being arrived at in the manner prescribed], [7][or with both;]

(ii) where the liquor involved in the offence is not less than the quantity notified as aforesaid with imprisonment for a term which shall not be less than one year but which may extend upto five years and [6][with fine which shall not be less than rupees twenty thousand or shall not be less than thrice the value of the liquor involved in the offence whichever is higher but which may extend upto six times the value of such liquor, such value being arrived at in the manner prescribed;]

[8][XXX]

[9][(iii) where the commission of any offence either under sub-clause (i) or sub-clause (ii) is abetted, the abettor shall be liable for punishment [6][with imprisonment of either description and with fine as provided therein.]]

(c) having obtained a licence or permit granted under the [10]Telangana Excise Act, 1968, [11][sells any liquor other than arrack] otherwise than in accordance with the provisions of this Act or terms or any rule, notification, order, licence or permit issued thereunder shall be punished with imprisonment for a term which may extend upto six months or with fine which may extend upto rupees one thousand or with both;

(d) allows consumption of [12][arrack] upon premises in his immediate possession shall be punished with imprisonment for a term which may extend upto [13][three years or with fine which may extend upto ten thousand rupees] or with both.

[14][(e) contravenes the provisions of section 7A shall on conviction be punished with imprisonment for a term which shall not be less than one year but which may extend upto five years and with fine which shall not be less than rupees ten thousand but which may extend upto rupees one lakh.]

[1] Omitted (buys) by Act No.35 of 1995.
[2] Substituted by Act No.5 of 1997.
[3] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.
[4] Substituted by Act No.35 of 1995.
[5] For "three years and with fine" substituted "three years or with fine" by Act No.17 of 2000.
[6] Substituted by Act No.10 of 1996.
[7] Substituted by Act No.17 of 2000.
[8] Proviso added by Act No.10 of 1996 is omitted by Act No.17 of 2000.
[9] Sub-clause (iii) inserted by Act No.35 of 1995.
[10] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.
[11] Substituted by Act No.5 of 1997.
[12] Substituted by Act No.5 of 1997.
[13] Substituted by Act No.35 of 1995.
[14] Clause (e) added by Act No.35 of 1995.

Section 9. Punishment for being found in a state of intoxication

Whoever is found in a state of intoxication in and public place [1][otherwise than as permitted under any law] shall be [2][punishable with imprisonment which shall not be less than two months but which may extend upto [3][one year or with fine] which may extend upto two thousand rupees] or with both.

[4][Explanation:- For the purposes of this section "intoxication" means a state of mind and behaviour in which a person is incapable of knowing the nature of his actions or incapable of judging the consequences thereof by reason of intoxication.]

[1] Substituted by Act No.5 of 1997.
[2] Substituted by Act No.35 of 1995.
[3] Substituted for "one year and with fine" by Act No.17 of 2000.
[4] Added by Act No.35 of 1995.

Section 10. Punishment for abetment of escape of persons arrested, etc

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

(a) unlawfully releases or abets the escape of any person arrested under this Act, or [1][XXX]

(b) acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything where by any of the provisions of this Act may be evaded or broken [1][XXX] shall be punished with imprisonment which may extend upto six months or with fine which may extend up to five hundred rupees or with both.

[1] Omitted by Act No.35 of 1995.

Section 11. Punishments for offences not otherwise provided for

Whoever is guilty of any wilful act or intentional omission in contravention of any of the provisions of this Act or of any rule, notification or order made thereunder and not otherwise provided for in this Act, shall be punishable with fine which may extend upto five hundred rupees.

Section 11-A. Grant of bail

[1][Notwithstanding anything contained in the Code of Criminal Procedure, 1973 no Court shall grant any bail to any person accused of an offence under sub-clause (i) or sub-clause (ii) or sub-clause (iii) of clause (b) or under clause (e) of section 8 unless the prosecuting officer is given an opportunity to oppose the application and the Court shall record reasons while granting the bail.]

[1] Section 11-A inserted with marginal heading by Act No.35 of 1995.

Section 11-B. Compounding of Offences

[1][(1) The Collector or any Prohibition and Excise Officer specially empowered in that behalf may accept from any person who is reasonably suspected of having committed an offence falling under clause (a) or sub-clause (i) of clause (b) or the proviso to sub-clause (ii) of clause (b) as it was in force, of section 8 or section 9, a sum of money as may be prescribed but not exceeding the maximum fine which can be imposed for the offence under the provisions of the Act, by way of compensation for the offence which may have been committed and in all cases in which any property has been seized as liable for confiscation under this Act, may release the same on payment of the value thereof as estimated by such officer:

Provided that where the property so seized is a liquor produced or manufactured in contravention of this Act, such liquor shall not be released but shall be disposed of in such manner as may be prescribed:

Provided further that such sum of money shall not be accepted from any person who is reasonably suspected of having committed an offence under sub-clause (i) of clause (b) of section 8 without the prior approval of the Commissioner of Prohibition and Excise.

(2) On the payment by the person the sum of money or the value or both, as the case may be, such person, if in custody shall be set at liberty, and all the property seized may be released and no proceedings shall be instituted or continued against such person in any Criminal Court. The acceptance of compensation shall be deemed to amount to an acquittal and in no case any further proceedings be taken against such person or property with reference to the same act.]

[1] Inserted with marginal heading by Act No.17 of 2000.

Section 12. Things liable to confiscation

Without prejudice to the powers of the Excise Officers under section 46 of the [1]Telangana Excise Act, 1968 in case in which an offence has been committed against this Act, liquor by means of which the offence has been committed shall be liable to confiscation along with the receptacles, package, coverings, animals, vessels, carts or other vehicles used to hold or carry the same.

[1] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.

Section 13. Confiscation of things by Prohibition and Excise Officers in certain cases

[1][(1) Notwithstanding anything contained in this Act or in any other law for the time being in force where, anything liable for confiscation under section 12 is seized and detained under the provisions of this Act, the officer seizing and detaining such property shall without any unreasonable delay, produce the said seized property before the Deputy Commissioner of Prohibition and Excise who has jurisdiction over the area.

(2) On production of the said seized property under sub-section (1), the Deputy Commissioner of Prohibition and Excise if satisfied that an offence under this Act has been committed may whether or not a prosecution is instituted for the commission of such an offence, order confiscation of such property:

[2][Provided that the Deputy Commissioner of Prohibition and Excise specially empowered in that behalf may accept such sum of money as may be prescribed in lieu of confiscation and release the animals or vessels or carts or other vehicles reasonably suspected of involvement in any offence falling under sub-clause (i) of clause (b) of section 8 of this Act.]

(3) while making an order of confiscation under sub-section (2), the Deputy Commissioner of Prohibition and Excise may also order that such of the properties to which the order of confiscation relates which in his opinion need not be preserved; or are not fit for human consumption be destroyed.

(4) Where the Deputy Commissioner of Prohibition and Excise after passing an order of confiscation under sub-section (2) is of the opinion that it is expedient in public interest so to do, he may order the confiscated property or any part thereof to be sold by public auction or dispose of departmentally.

(5) The Deputy Commissioner of Prohibition and Excise shall submit a full report of all particulars of confiscation to the Commissioner of Prohibition and Excise within twenty four hours of such confiscation.

(6) The Deputy Commissioner of Prohibition and Excise shall, for purposes of this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when making enquiries under this section in respect of the following matters, namely:-

(a) receiving evidence on affidavits;

(b) summoning and enforcing the attendance of any person and examining him on oath; and

(c) compelling the production of documents.

[1] Section 13 substituted with sections 13 to 13F along with marginal headings by Act No.35 of 1995.
[2] Added by Act No.17 of 2000.

Section 13A. Issue of show cause notice

No order of confiscation of any property shall be made under section 13 unless the person from whom the said property is seized,-

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate such property; and

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice.

Section 13B. Order of confiscation in the absence of offender

When an offence under this Act has been committed but the offender is not known or cannot be found, or when anything liable to confiscation under this Act, and not in the possession of any person cannot be satisfactorily accounted for, the Assistant Commissioner of Prohibition and Excise or the Prohibition and Excise Superintendent may by order confiscate such property:

Provided that no such order shall be made until the expiration of one month, from the date of seizing the goods intented to be confiscated.

Section 13C. Appeal

Any person aggrieved by an order passed by the Deputy Commissioner of Prohibition and Excise under section 13 may, within sixty days from the date of passing such order, appeal to the Commissioner of Prohibition and Excise, who may after giving reasonable opportunity to the appellant pass such orders as he deems fit.

Section 13D. Order of confiscation not to interfere with other punishments

The order of confiscation under sub-section (2) of section 13 or section 13B shall not prevent from initiation of criminal proceedings against the accused under this Act. The result of criminal proceedings either acquittal or conviction or otherwise under the provisions of this Act, will have no bearing on the order of confiscation passed under this Act.

Section 13E. Bar of jurisdiction

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 when the Deputy Commissioner of Prohibition and Excise or the appellate authority is seized with the matter under this Act, no Court shall entertain any application in respect of liquor, any receptacle, package, covering, any animal, cart, vehicle or other conveyance used in carrying such liquor as far as its release, or confiscation is concerned and the jurisdiction of the Deputy Commissioner of Prohibition and Excise or the appellate authority with regard to the disposal of the same shall be exclusive.

Section 13F. Property confiscated when to vest in Government

When an order for confiscation of any property has been passed under section 13 or section 13B and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, as the case may be, shall vest in Government free from all encumbrances.]

Section 14. Police to take charge of article seized

[1][All officers in charge of police stations shall take charge of and keep in safe custody under seal all articles seized under this Act along with samples which shall also be sealed with the seal of the officer in charge of the police station. The seized property including vehicles involved shall be produced before the Deputy Commissioner of Prohibition and Excise having jurisdiction, to take action in accordance with the procedure specified in section 13.]

[1] Substituted with marginal heading by Act No.35 of 1995.

[CHAPTER- IV Regulation of manufacture, trade etc. of liquor.

Section 15. Regulation of liquor other than arrack

The production, manufacture, storage, possession, collection, purchase, sale and transport of liquor other than arrack and all other matters connected therewith shall be regulated in accordance with the provisions of the [1]Telangana Excise Act, 1968 or the [2]Telangana (Regulation of Trade in [3][Indian Made Foreign Liquor], Foreign Liquor) Act, 1993, as the case may be and the rules and notifications and orders issued thereunder.]

[1] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.

[2] Adapted in G.O.Ms.No.7, Revenue (Excise-II) Department, dated 06.01.2016.

[3] Throughout the Act for the words "Indian Liquor" the words "Indian Made Foreign Liquor" substituted by Act No.17 of 2006.

CHAPTER-V DETECTION, INVESTIGATION AND TRIAL OF OFFENCES.

Section 17. Issue of Search Warrants

[1][(1) If any Collector, Prohibition Officer or Magistrate upon information obtained after such inquiry as he thinks necessary, has reason to believe that an offence under section 7, section 7A or section 8 has been committed, he may issue a warrant for a search for any liquor, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed. Any person who has been entrusted with the execution of such a warrant 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 Act and also seize and detain any excisable or other articles which he has reason to believe to be liable to confiscation under this Act.]

[1] Section 17 substituted with marginal heading by Act No.35 of 1995.

Section 18. Powers of entry without search warrant

Whenever, a Collector, any Prohibition Officer or any Police Officer, [1][not below the rank of a Sub-Inspector], any officer in charge of a Police Station, has reason to believe that an offence under [1][section 7, section 7A or section 8] has been committed and that the delay occasioned by obtaining search warrant under section 17 will prevent the execution there of, he may, after recording the 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 Act; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act and also seize and detain any excisable or other article which he has reason to believe to be liable to confiscation under this Act.

[2][XXX]

[1] Substituted by Act No.35 of 1995.

[2] Proviso omitted by Act No.35 of 1995.

Section 19. Power of entry and inspection

The Collector, any Prohibition Officer or any Police Officer, [1][not below the rank of a Sub-Inspector] may enter and inspect at any time by day or by night, any place in which it is reasonably suspected,-

(a) that any liquor is kept for sale or stored [2][otherwise than in accordance with the provisions of the [3]Telangana Excise Act, 1968, and the rules made thereunder]; or

(b) that an offence under [1][section 7, section 7A or section 8] is being committed;

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

[1] Substituted by Act No.35 of 1995.

[2] Added by Act No.5 of 1997.
[3] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.

Section 20. Power to use force in case of resistance to entry

If any officer empowered to make an entry under sections 17, 18 and 19 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.

Section 21. Arrest of offenders and seizure of contraband liquor and articles without warrant

Any Prohibition Officer or any Police Officer, [1][not below the rank of a Sub-Inspector],-

(a) may arrest without warrant any person found committing an offence punishable under [1][section 7, section 7A, section 8 or section 9];

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

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

[1] Substituted by Act No.35 of 1995.

Section 22. Arrest of persons refusing to give name or giving false name

Any person, who may be accused or reasonably suspected of committing an offence under this Act, and who on demand made by any Prohibition Officer or any Police Officer [1][not below the rank of a Sub-Inspector] refuses to give his name and residence or who gives a name or residence which such officer has reason to believe to be false, may be arrested by such Officer in order that his name and residence may be ascertained.

[1] Substituted by Act No.35 of 1995.

Section 23. Arrest, search etc., how to be made

Any person arrested under this Act, shall be informed, as soon as may be of the grounds for such arrest and save as otherwise expressly provided in this Act, the provisions of the Code of Criminal Procedure, 1973, relating to arrests, detention in custody, searches, summons, warrants of arrests, search warrants, the production of persons arrested and the disposal of things, seized shall apply, as far as may be, to all actions taken in these respects under this Act.

Section 24. Power to Prohibition and Excise Officer in matters of investigation

(1) Any Prohibition and Excise Officer [1][not below the rank of a Sub-Inspector] may, as regards offences under this Act, exercise within such area as may be notified in this behalf, powers conferred on an Officer incharge of a police station by the provision of Code of Criminal Procedure, 1973:

Provided that any such power shall be subject to such restrictions and modifications, as may be prescribed.

(2) For the purposes of section 156 of the said Code the area in regard to which a Prohibition and Excise Officer is empowered under sub section (1) shall be deemed to be a police station and such officer shall be deemed to be the officer-in-charge of such station.

[1] Substituted by Act No.35 of 1995.

Section 25. [1][Cognizance and trial of offences.]

Notwithstanding anything contained in the code of Criminal Procedure 1973, all offences under this Act, shall be cognizable and provisions of the said code with respect to cognizable offences shall apply to them:

[1][Provided that the offences punishable with imprisonment for a term not exceeding two years under this Act shall be tried in accordance with the procedure prescribed in Chapter XXI of the Code of Criminal Procedure, 1973.]

[1] Marginal heading substituted and proviso added to section 25 by Act No.10 of 1996. The said proviso is substituted by Act No.5 of 1997.

Section 25A. Enhanced punishment after previous conviction

[1][If any person after having been previously convicted of an offence punishable under this Act, subsequently commits and is convicted of an offence punishable under this Act, he shall be liable upto twice the punishment which might be imposed on the first conviction under this Act.]

[1] Section 25A inserted with marginal heading by Act No.10 of 1996.

Section 26. Punishment for vexatious search of arrest

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

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

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

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

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

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

shall be punished with imprisonment which may extend upto six months, or with fine which may extend upto five hundred rupees or with both.

CHAPTER - VI MISCELLANEOUS

Section 27.

[1][[XXX]]

[1] Omitted by Act No.5 of 1997.

Section 28. Duty of officials of all Departments and local bodies to assist

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

Section 29. Offences to be reported, etc.,

Every Official employed by the Government or by any local body other than a Police or, any Prohibition and Excise Officer shall be bound to give immediate information at the nearest police station or to a Prohibition and Excise Officer of all breaches of any of the provisions of this Act 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.

Section 30. Protection of action taken under this Act

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

Section 31. Overriding effect

Save as otherwise provided, the provisions of this Act shall have effect, notwithstanding anything in consistent therewith contained in the provisions of the [1]Telangana Excise Act, 1968 and the rules made thereunder for the time being in force.

[1] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.

Section 31A. Power to remove difficulties

[1][(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may make such orders not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid down before the Legislature of the State.]

[1] Inserted with marginal heading by Act No.35 of 1995.

Section 32. Savings

Nothing in this Act shall be deemed to preclude,-

(a) the [1][Telangana State Beverages Corporation Limited / Agency] to carry on trade in liquor in accordance with rules made in this behalf;

(b) the buying and selling of liquor carried on by the military canteens in the State under any licence granted in accordance with the provisions of the [2]Telangana Excise Act, 1968 and the rule made thereunder; and

[3][(c) the consumption and utilization of medicines, toilet preparations and other food material containing alcohol.]

[4][Explanation:- Liquor for the purposes of this section does not include arrack.]

[1] Substituted by G.O.Ms.No.6, Revenue (Excise.II) Department, dated 06.01.2016.
[2] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.
[3] Substituted by Act No.35 of 1995.
[4] Added by Act No.5 of 1997.

Section 32A. Transitional provision

[1][(1) Notwithstanding anything contained in the [2]Telangana Prohibition Act, 1995, the Telangana Liquor (Issue of Permit and Licence) Rules, 1995, the Indian Contract Act, 1872 or the terms and conditions of any agreement entered into with the licensing authority under this Act or under the said rules, for the grant of all such permits and licences on health grounds on the recommendation of the notified medical authorities specified under the said rules shall stand cancelled in public interest; and accordingly no suit or other proceeding shall be entertained or continued in any court against such permitting or licensing authority or any person or authority what so ever for the enforcement of any terms and conditions of such permit or licence so terminated or for any damages or compensation on the ground that any loss is sustained by the termination thereof before its expiry.

(2) within a period of seven days from the date of commencement of this Act, every licencee shall surrender to the permitting or licensing authority, the entire stock of liquor on the date of such commencement, is in the possession of any holder of any permit or licence which stood terminated under sub-section (1) on such terms and conditions, as may be prescribed.

(3) All applications made for grant of permit or licence pending before the permitting or licensing authority on the appointed date and every action taken, or enquiry made in respect of such application, shall abate and all fees paid in connection therewith (including the application fee and licence fee, if any) already paid shall be refunded.]

[1] Section 32A added with marginal heading by Act No.35 of 1995.
[2] Substituted in G.O.Ms.No.6, Revenue (Excise.II) Department, dated 06.01.2016.

Section 33. Power to make Rules

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session, immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislature agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled 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.

Section 34. Amendment of Act 17 of 1968

In the [1]Telangana Excise Act, 1968,

(1) In section 1, for sub-section (2), the following shall be substituted, namely;

"(2) It extends to the whole of the State of Telangana:

Provided that on and from the date of commencement of the Telangana Prohibition Act, 1995 the provisions of this Act shall, in so far as they are inconsistent with the provisions of the said Act cease to operate.";

(2) In section 5, for sub-section (1) the following shall be substituted, namely:-

"(1) The Government may appoint such number of Additional Commissioners, Joint Commissioners, Deputy. Commissioners and Assistant Commissioners of Prohibition and Excise and District Prohibition and Excise Officers and such other officers as they think fit for the purpose of performing the functions respectively conferred on them by or under this Act";

(3) Throughout the Act for the words "Excise Officer" "Commissioner of Excise", "Additional Commissioners of Excise", "Deputy Commissioner of Excise", "Assistant Commissioner of Excise", "Excise Superintendent", "Assistant Excise Superintendent" and "Excise Department", the words, "Prohibition and Excise Officers", "Commissioner of Prohibition and Excise", "Additional Commissioner of Prohibition and Excise", "Deputy Commissioner of Prohibition and Excise", "Assistant Commissioner of Prohibition and Excise", "Prohibition and Excise Superintendent" "Assistant Prohibition and Excise and Superintendent" and "Prohibition and Excise Department" shall respectively be substituted.

[1] Adapted in G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.

Section 35.

[1][[XXX]]

[1] Omitted by G.O.Ms.No.6, Revenue (Excise.II) Department, dated 06.01.2016.

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