

## **Andhra Pradesh Prohibitions (Amendment) Act, 1997**

**5 of 1997**

**[28 March 1997]**

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### PREAMBLE

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PROHIBITION ACT, 1995.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India as follows:-

\* Received the assent of the Governor on 28th March, 1997. For Statement of the Objects and Reasons, please see the A.P Gazette Part IV-A Extraordinary dated 26th March, 1997 at P-7.

### **1. Short title and commencement :-**

(1) This Act may be called the Andhra Pradesh Prohibition (Amendment) Act, 1997.

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

## **2. Amendment of Long title :-**

In the Andhra Pradesh Prohibition Act (Act 17 of 1995) 1995 (hereinafter referred to as the principal Act), for the long title, the following, shall be substituted, namely:-

"An Act to introduce Prohibition of the manufacture, sale and consumption of arrack and regulation of the manufacture, sale and consumption of other intoxicating liquors in the State of Andhra Pradesh and for matters connected therewith or incidental thereto"

## **3. Amendment of the Preamble :-**

In the Preamble to the principal Act, for Para 2, the following shall be substituted, namely:-

"AND WHEREAS, there is urgent need in public interest to bring about the prohibition of the manufacture, sale and consumption of arrack and regulation of the manufacture, sale and consumption of other intoxicating liquors in the State of Andhra Pradesh."

## **4. Amendment of section 2 :-**

In section 2 of the principal Act,

(i) before the existing clause (1), the following shall be inserted,

"(1) arrack means country liquor including arrack brewed, colored, flavored or spiced."

(ii) the existing clause (1) shall be renumbered as clause "(IA)".

(iii) for clause (7), the following shall be substituted, namely:-

"(7) liquor includes,-

(a) spirits of wine, denatured spirits, mentholated 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,".

## **5. Substitution of section 7A :-**

For section 7A of the principal Act, the following section shall be substituted, namely:-

7A."Prohibition of production etc., of arrack.--

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

## **6. Amendment of section 8 :-**

In section 8 of the principal Act,--

(i) in clause (a), for the words "in accordance with the provisions of this Act, " the words "in accordance with the provisions of this Act or the Andhra Pradesh Excise Act 1968(Act 17 of 1968)," shall be substituted;

(ii) in clause (b),

(a) in the opening portion, for the words "sells or transports any liquor without any license or permit granted under the Andhra Pradesh Excise Act 1968 (Act 17 of 1968)", the words "sells, transports, produces or manufactures any liquor other than arrack except in accordance with the provisions of the Andhra Pradesh Excise Act 1968(Act 17 of 1968), or the terms of any rule, notification, order, license or permit issued there under" shall be substituted;

(b) in the proviso to item (ii), for the words "of any liquor of a quantity of", the words "of any liquor other than arrack of a quantity of" shall be substituted;

(iii) in clause (c), for the words "sells any liquor", the words "sells any liquor other than arrack" shall be substituted;

(iv) in clause (d), for the word liquor, the word "arrack" shall be substituted.

## **7. Amendment of section 9 :-**

In section 9 of the principal Act, for the words "and whoever, not having been permitted to consume any liquor in pursuance of this Act, is found in a state of intoxication at any private place," the words "otherwise than as permitted under any law" shall be substituted.

## **8. Substitution of new Chapter for Chapter IV :-**

For Chapter IV of the principal Act, the following Chapter shall be substituted, namely:-

"CHAPTER IV

Regulation of manufacture, trade etc. of liquor.

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 there-with shall be, regulated in accordance with the provisions of the Andhra Pradesh Excise Act 1968(Act 17 of 1968) or the Andhra Pradesh (Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) Act 1993(Act 15 of 1993), as the case may be and the rules and notifications and orders issued there

under."

**9. Amendment of section 19 :-**

In Section 19 of the principal Act, in clause (a) after the words "for sale or stored", the following words shall be added, namely:-

"other wise than in accordance with the provisions of the Andhra Pradesh Excise Act 1968(Act 17 of 1968), and the rules made there under".

**10. Amendment of section 25 :-**

In section 25 of the principal Act, for the proviso, the following shall be substituted, namely:-

"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(Central Act 2 of 1974)."

**11. Omission of section 27 :-**

Section 27 of the principal Act shall be omitted.

**12. Amendment of section 32 :-**

In section 32 of the principal Act, after clause (c), the following explanation shall be added, namely:-

"Explanation:- Liquor for the purposes of this section does not include arrack."