

OA-7/39

ODISHA ACT 7 OF 1939

THE ODISHA PROHIBITION ACT, 1939

(5th January 1939)

n officer

articles

AN ACT TO INTERDUCE AND EXTEND THE PROHIBITION OF THE MANUFACTURE, SALE AND CONSUMPTION OF LIQUORS, TARI AND INTOXICATING DURGS IN THE PROVINCE OF ODISHA

procedure

Preamble.

WHEREAS it is expedient as early as possible to bring about the prohibition, except for medicinal, scientific, industrial or such like purposes, of the production, manufacture, possession, export, import, transport, purchase, sale and consumption of liquor, *tari* and intoxicating drugs in the Province of Orissa.

is Act.

And whereas it is desirable to give effect to the above-mentioned policy by introducing it in certain selected areas in the said Province and utilizing the experience gained therein for extending it to the other areas thereof;

It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Orissa Prohibition Act, 1939.

(2) It extends to the whole of the Province of Orissa.

(3)(a) This section and section 3 shall come into force in the whole of the Province of Orissa at once.

(b) The remaining provisions of this Act shall come into force in any local area in the Province of Orissa on such date as the Provincial Government may, by notification, appoint and different dates may be appointed for different areas.

Repeals.

2. From the date on which any of the provisions of this Act, other than sections 1 and 3 comes into force in any local area, the enactments mentioned in the Schedule shall cease to be in force in such area to the extent specified in the fourth column of the Schedule:

Provided that the Provincial Government may, by notification, declare that the provisions of this Act shall cease to be in force in any local area on such date as may be specified in the notification, and thereupon the enactments mentioned in the Schedule with any subsequent statutory modification thereof shall revive and come into force in such area with effect on and from such date.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

“bottle”.

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

“buy” or
“buying.”

(2) “buy” or “buying” includes any receipt including gift;

“Collector”.

(3) “Collector” means a Collector of land revenue or a Deputy Commissioner or any person

specially empowered by the Prohibition Commissioner under clause (a) of sub-section (1) of section 22 to exercise all or any of the powers and to perform all or any of the duties of a Collector under this Act ;

"cultivation."

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

"export."

- (5) "export" means—
 (a) to take out of any local area in which this Act is in force to any other local area in the Province of Orissa in which this Act is not in force, or

(b) to take out of the Province of Orissa ;

"import."

- (6) "import" means—
 (a) to bring into any local area in which this Act is in force from any other local area in the Province of Orissa in which this Act is not in force, or

(b) to bring into the Province of Orissa ;

"institution".

- (7) 'institution' includes clubs, restaurants, hotels and shops where liquor, intoxicating drugs or article containing liquor or drug is sold under licence ;

"intoxicating drug."

- (8) "intoxicating drug" means—
 (i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis Sativa L*) including all forms known as *bhang*, *siddhi* or *ganja* ;

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

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

(iv) any other intoxicating or narcotic substance which the Provincial Government may, by notification, declare, to be an intoxicating drug, such substance not being opium, cocaleaf or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, II of 1930. 1930 (II of 1930);

"liquor".

(9) "liquor" means intoxicating liquor and includes spirits of wine, methylated spirits, spirits, wine, beer and all liquids consisting of or containing alcohol but does not include *tari* or sweet *tari*;

"local body".

(10) "local body" means a district or local board or union committee constituted under the Bihar and Orissa Local Self-Government Act, 1885, or a union board constituted under the Bihar and Orissa Village Administration Act, 1922, or a district council constituted under the Central Provinces Local Self-Government Act, 1883, or a panchayat constituted either under the Central Provinces Village

Bengal Act
III of 1885.

B. and O.
Act III of
1922.

I of 1883.

Sanitation Act, 1902, or the XI of 1902.
 General Provinces Village
 Panchayat Act, 1920, Or C. P. Act V
 a municipality or notified area of 1920.
 committee constituted or appointed under the Bihar and Orissa
 Municipal Act, 1922, or any B, and O,
 municipality constituted under Act VII of
 the Madras District Municipalities Act, 1920, or any local 1922,
 board constituted under the Madras Act
 Madras Local Boards Act, 1920; Madras Act
 XIV of 1920.

- "manufacture". (11) "manufacture" includes every process whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced, prepared or blended and also re distillation and every process for rectification of liquor;
- "Officer in charge of police-station". (12) "officer in charge of a police-station" has the same meaning as in the Code of Criminal Procedure, 1898, and includes V of 1898.
 any person or an officer in charge of a police-station under section 24;
- "Place". (13) "place" includes house, shed, enclosure, space, building, shop, tent, vessel, booth, rath and vehicle;
- "Police-station". (14) "police-station" has the same meaning as in the Code of V of 1898.
 Criminal Procedure, 1898;
- "prescribed". (15) "prescribed" means prescribed by rules under this Act.
- "Prohibition Commissioner". (16) "Prohibition Commissioner" means the Revenue Commissioner of Orissa or such other officer as the Provincial Government may, by notification, appoint;

"Prohibition
Officer".

(17) "Prohibition Officer" means any person designated by the Prohibition Commissioner to be a Prohibition Officer under clause (b) of sub-section (1) of section 22;

"Prohibition
authority".

(18) "Prohibition authority" means the Prohibition Commissioner, a Collector or a Prohibition Officer;

"rectification".

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

"sale" or "selling".

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

"spirit".

(21) "spirit" means any liquor containing alcohol and obtained by distillation (whether it is denatured or not);

Explanation.—"Denatured" means subjected to a process prescribed by the Provincial Government by notification for the purpose of rendering unfit for human consumption;

"sweet *tari*".

(22) "sweet *tari*" means juice drawn into receptacles treated with lime or any other prescribed substance or in any prescribed method or manner so as to prevent any fermentation;

"*tari*".

(23) "*tari*" means the fermented or unfermented juice drawn from a cocoanut, palmyra, date or any other kind of palm tree and does not include sweet *tari*;

"transport".

(24) "transport" means to move from one place to another within any local area to which this Act applies.

Prohibition and
penalties for the
manufacture of
traffic in and
consumption of
liquor, *tari* and
intoxicating dru

CHAPTER II.

PROHIBITION AND PENALTIES.

Prohibition and penalties for the manufacture of, traffic in and consumption of liquor, *tari* and intoxicating drugs.

4. Whoever,—

- (a) imports, exports, transports or possesses liquor, *tari* or any intoxicating drug; or
- (b) manufactures liquor or any intoxicating drug; or
- (c) except in accordance with the rules made by Provincial Government in that behalf, cultivates the hemp plant (*Cannabis Sativa*); or collects any portion of such plant from which an intoxicating drug can be manufactured; or
- (d) taps any *tari*-producing tree or taps without a licence any tree for sweet *tari* or permits or abets any such tapping of trees belonging to him or in his possession; or
- (e) draws *tari* from any tree or permits or abets the drawing of any *tari* from any tree belonging to him or in his possession; or
- (f) constructs or works any distillery or brewery; or
- (g) uses or keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the manufacture of liquor or intoxicating drug; or
- (h) bottles any liquor or *tari* for sale; or
- (i) sells liquor, *tari* or sweet *tari* without a licence or any intoxicating drug; or
- (j) consumes or buys liquor, *tari* or intoxicating drug; or

(k) knowingly allows any of the acts aforesaid, upon the premises in his possession;

shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both:

Provided that nothing contained in this section shall apply to any act done under, and in accordance with, the provisions of this Act or the terms of any rule, notification, order, licence or permit issued thereunder.

5. It may be presumed until the contrary is proved—

(a) that a person accused of any offence under clauses (a) to (j) of section 4 has committed such offence in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of tari and the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarily used in the tapping of tari or the manufacture of liquor or any intoxicating drug for the possession of which he is unable to account satisfactorily; provided that, in the case of the said materials, they have undergone any process towards the manufacture of any liquor or intoxicating drug or any liquor or intoxicating drug has been manufactured from or with them and

(b) that a person accused of any offence under clause (k) of section 4 has committed such offence if an offence is proved to have been committed in the premises in his immediate

Presumption on prosecution.

Penalty for attempt to commit offence.

Punishment for rendering or attempting to render denatured spirits fit for human consumption.

Punishment for vexatious search, seizure or arrest, etc.

possession in respect of any liquor or *tari* or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of *tari* or the manufacture of liquor or *tari* or any intoxicating drug, or any such materials as are ordinarily used in the tapping of *tari* or the manufacture of liquor or *tari* or any intoxicating drug.

Penalty for attempt to commit offence.

6. Whoever attempts to commit any offence punishable under this Act, shall be liable to the punishment provided for such offence.

Punishment for rendering or attempting to render denatured spirits fit for human consumption.

7. Whoever renders or attempts to render fit for human consumption any spirit, whether manufactured in British India or not, which has been denatured or has in his possession, any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both. For the purpose of this section, it shall be presumed, until the contrary is proved, that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit.

Punishment for vexatious search, seizure or arrest, etc.

8. Any officer or person exercising powers under this Act, who—

- (a) without reasonable ground of suspicion, searches or causes to be searched any 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) in any other way maliciously exceeds or abuses his lawful powers;

shall be punished with fine which may extend to five hundred rupees.

Punishment for offences not otherwise provided for.

9. 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 punished with fine which may extend to two hundred rupees.

Things liable to confiscation.

10. When an offence has been committed against this Act, the liquor, *tari*, intoxicating drug, materials, still, utensils, implements or apparatus in respect of or by means of which the offence was committed, shall be liable to confiscation along with the receptacles, packages, covering, animals, vessels, vehicles or conveyances of any kind used to hold or carry the same :

Provided that no animal, vessel or vehicle as aforesaid, shall be liable to confiscation unless the owner thereof is proved to have been implicated in the commission of the offence.

Confiscation how ordered.

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

(2) When an offence against 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 case shall be enquired

Offences u
Act to be
cognizable

Exemption
bona fide r
purposes a
bona fide
and lawfu
consigned

into and determined by the Magistrate or any Prohibition authority having jurisdiction and the Magistrate or such Prohibition authority may order such confiscation :

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

Offences under the Act to be cognizable.

12. All offences under this Act except those mentioned in section 8 shall be cognizable, and, subject to the provisions of this Act, the provisions of the Code of Criminal Procedure, 1898, with V of 1898. respect to cognizable or non-cognizable offences, as the case may be, shall apply to them. A Prohibition Officer specially empowered in that behalf by the Provincial Government shall have all the powers of a Police officer under that Act in regard to such offences.

CHAPTER III.

EXEMPTIONS AND LICENCES.

Exemptions for bona fide religious purposes and of bona fide travellers and lawful consignments.

13. The provisions of this Act shall not apply—

- (1) to liquor, *tari* or intoxicating drugs in such quantity, to such an extent and under such conditions as may be prescribed by the Provincial Government, intended to be used for sacramental purpose in connection with bona fide religious rites; or
- (2) unless the Provincial Government by notification otherwise directs, to

- (a) liquor, intoxicating drugs or *tari* in such quantity, to such an extent and under such conditions as may be prescribed by the Provincial Government in the possession of bona fide travellers coming from an area in which this Act is not in force and going to an area in which this Act is not in force, while such travellers are passing through any area in which this Act is in force, if such liquor or intoxicating drugs or *tari* are intended for the personal use of such travellers:

Provided that a person shall not be deemed to be a traveller for the purpose of this clause, if he remains in an area in which this Act is in force for a period exceeding forty-eight hours exclusive of the time taken in travelling through such area; and

- (b) lawful consignments of liquor or intoxicating drugs or *tari* carried by a railway administration or by any steamer, or ferry or other means of transport through or into any area in which this Act is in force.

Power to notify exemptions.

14. (1) The Provincial Government may, by notification and subject to such conditions or licences as may be prescribed,—

- (a) exempt *tari*, any specified liquor or intoxicating drug or article containing such liquor, *tari* or drug from the observance of all or any of the provisions of this Act on the ground that such

Licences for bona fide medical or other purposes.

tari, liquor, intoxicating drug or article is required for a medicinal, scientific, industrial or such like purpose including the use of it as fuel ;

- (b) exempt, either wholly or partially, any person or class of persons from all or any of the provisions of this Act, or of all or any of the rules made thereunder either throughout the province or in any specified area generally or for any specified period or occasion in respect of any kind of *tari*, liquor or intoxicating drug or article.

(2) When issuing a notification under clause (a) or (b) of sub-section (1) the Provincial Government shall have power to provide that a breach of any of the conditions subject to which the exemption is granted shall be punishable with imprisonment of either description which may extend to six months, or with fine which may extend to one thousand rupees or with both.

(3) The Provincial Government may delegate their powers under sub-section(1) to the Prohibition Commissioner who may also delegate with the previous sanction by the Provincial Government such powers to any other person as he may deem fit.

Licences for
bona fide medicinal
or other purposes.

15. The Prohibition Commissioner or, subject to the control of the Prohibition Commissioner, the Collector may issue licences to any person or in respect of any institution, whether under the management of the Provincial Government or not, for the manufacture, export, import, transport, sale or possession of any liquor, *tari*, intoxicating drug or article containing such *tari*, liquor or drug on the ground that such liquor, *tari*, drug or

article is required by such person or in respect of such institution, for bona fide medicinal, scientific, industrial or such like purposes including the use of it as fuel:

Provided that when liquor, *tari*, intoxicating drug or article containing such liquor, *tari* or drug has been obtained by any person for a bona fide medicinal purpose from any person or institution licensed to sell the same under this section, it shall not be necessary for such person to obtain a licence or permit for possession of the same.

Licences for tapping sweet *tari* or for sale of it.

16. Subject to the control of the Prohibition Commissioner, the Collector or any person empowered by the Prohibition Commissioner may issue licences for the tapping of any trees for sweet *tari* or for the sale of it.

Permits and licences.

17. The Prohibition Commissioner or any person empowered by him in this behalf may grant—

- (a) permits authorising any person to consume and possess for personal consumption liquor, *tari* or intoxicating drug;
- (b) licences to any institution to possess liquor and issue it to such of its members as hold permits under clause (a);
- (c) licences to any person in charge of restaurants or dining cars attached to a railway train, steamer or ferry to possess liquor and serve it to bona fide passengers travelling by such train, steamer or ferry; and
- (d) licences to any person or persons for the manufacture, import, transport, possession or storage of liquor, *tari* or intoxicating

Fees etc.
granting
or permit

Counter-
agreement
executed
licences.

Power to
or suspension
or permits

drug for supply to those who are authorised or privileged to possess or use it or for export.

Fees etc. for granting licence or permit.

18. Every licence or permit granted under section 15, 16 or 17 shall—

- (1) be granted on payment of such fees, if any, for such period, and subject to such restrictions and limitations and on such conditions; and
- (2) be in such form and contain such particulars as the Provincial Government may direct either generally or in any particular case.

Counterpart agreement to be executed by licencees.

19. Every person taking out licence or permit under section 15, 16 or 17 shall execute a counterpart agreement in conformity with the tenor of his licence or permit, and shall give, if required, security for the performance of his agreement as the authority granting the licence or permit may direct.

Power to cancel or suspend licencees or permits.

20. (1) The Collector may cancel or suspend any licence or permit granted under section 15, 16 or 17—

- (a) if any fee payable by the holder thereof is not duly paid; or
- (b) in the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit; or
- (c) if the holder thereof is convicted of any offence against this Act, or of any cognizable and non-bailable offence, or

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

(2) The Prohibition Commissioner may cancel or suspend any such licence or permit without assigning any reasons therefor.

Penalty for breach of the conditions of licences and permits.

21. In the event of any breach by the holder of any licence or permit granted under section 15, 16 or 17 or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit, such holder shall, in addition to the cancellation or suspension of the licence or permit granted to him be punishable with imprisonment of either description which may extend to six months, or with fine which may extend to one thousand rupees, or with both, unless he shall establish that all due and reasonable precautions were exercised by him to prevent any such breach.

Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence or permit, be liable to the same punishment.

CHAPTER IV.

ESTABLISHMENT AND CONTROL.

Prohibition authorities and prohibition Committees.

22. (1) The Prohibition Commissioner subject to the control of the Provincial Government, shall superintend the administration of the provisions of this Act and may by notification—

(a) empower a person other than a Collector of land revenue, to exercise all or any of the powers

Revision of Prohibition authority.

and to perform all or any of the duties of a Collector under this Act in such area and in such a manner as may be prescribed ;

- (b) designate any person as Prohibition Officer who shall exercise and perform in the prescribed areas prescribed powers and duties ;
- (c) prescribe the relation of the Prohibition authorities subordinate to him, to each other ;
- (d) delegate to the Collector of a district powers or duties as may be imposed on him by or under this Act.

(2) (i) Subject to the approval of the Prohibition Commissioner, the Collector or other Prohibition authority in charge of a district may constitute Prohibition committees for any portion or portions thereof.

(ii) Such Prohibition committees shall—

- (a) exercise and perform the prescribed powers and duties and
- (b) generally assist the Collector or other Prohibition authority in charge of the district, as the case may be, in carrying out the objects of this Act.

Revision of order
of Prohibition
authority.

23. An order passed by a Prohibition authority other than the Prohibition Commissioner, under any of the provisions of this Act, may be revised by the prescribed authority in the prescribed manner.

CHAPTER V.

POWERS, DUTIES AND PROCEDURE OF OFFICE, ETC.

Prohibition authorities may be vested with powers of an officer in charge of a police station.

24. The Provincial Government may, by notification, invest any of the Prohibition authorities mentioned in section 22 of this Act with all or any of the powers or duties conferred or imposed by the Code of Criminal Procedure, 1898, on the officer in charge of a police-station in respect of investigations, arrests, searches, seizures and detention in custody for offences under this Act, and may in such notification specify the area within which such authority shall exercise such powers: V of 1898.

Provided that such powers shall not be conferred on any officer whose rank is lower than that of a Sub-Inspector.

Issue of search warrants.

25. If a Collector, Magistrate or Prohibition Officer of such rank as the Provincial Government may by notification direct, upon information obtained and after such enquiry, if any, as he thinks necessary, has reason to believe that an offence under clauses (a) to (i) of section 4 has been committed he may issue warrant for the search of any liquor, *tari*, intoxicating drug, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed. Any person entrusted with the execution of such a warrant may detain and search at any time during day or night 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.

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

26. Any Prohibition Officer or any officer of the police department or any other person authorised in that behalf and to the extent of such authorisation—

(a) may arrest without warrant any person found committing an

Power to be held.

Duty of all dep and loc assist.

Offence reports

offence punishable under clauses (a) to (i) of section 4;

(b) may seize and detain any liquor, *tari*, intoxicating drug or other article which he has reason to believe to be liable to confiscation under this Act, and shall, when he so seizes such articles, give the person from whom the article is seized a receipt for the same if demanded; and

(c) may search any person, vessel, vehicle, conveyance, package or covering in which he may have reasonable cause to suspect any such liquor, *tari*, intoxicating drug or other article to be or to be concealed.

Person arrested
to be admitted on
bail.

27. If the officer making an arrest under the two preceding sections be not empowered to admit the person arrested to bail, he shall forward him without any unnecessary delay, with a report of the circumstances in which the arrest was made, to the nearest officer in charge of the police-station, whose duty is to admit such person to bail, if sufficient bail be tendered for his appearance before the Collector, Magistrate or Prohibition Officer as the case may be.

Duty of officials of
all departments
and local bodies to
assist.

28. Every officer of the Crown and every officer or servant of a local body and every member of a Panchayat appointed under the Village Chaukidari Act (Bengal Act VI of 1870) shall be

Bengal Act
VI of 1870.

legally bound to assist any Prohibition authority or police officer in carrying out the provisions of this Act.

Offences to be
reported.

29. Every village *chaukidar* and *dajadar* and every such officer as may be prescribed by Government, shall be bound to give information at the nearest police-station or to a Prohibition authority of

any breach of any of the provisions of this Act which may come to his knowledge; and all such officers and servants shall be bound to take all reasonable measures in their power to prevent the commission of any of such breaches which they may know or have reason to believe are about or likely to be committed.

Land-holders and others to give information.

30. All *zamindars*, proprietors, tenants, under-tenants and cultivators who are in actual occupation of land or house property on or in which there shall be a tapping for *tari* or manufacture of liquor or intoxicating drugs shall in absence of reasonable excuse be bound to give notice of the same as soon as may be to a Magistrate, Prohibition Officer or to an officer of the police department :

Provided that, in the case of waste lands and forest lands, the persons who are liable to give notice shall be those who actually manage such waste lands or forest lands.

When attendance of witnesses to be dispensed with and procedure in all such cases.

31. A police officer or any Prohibition authority vested with powers of an officer in charge of a police-station shall instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom, by reason of rank or sex, it may not be proper to summon, proceed to the residence of such person and thereto require him to answer such questions as he may consider necessary with respect to such enquiry; and such person shall be bound to answer accordingly.

Operation of the Code of Criminal Procedure.

32. Nothing contained in this Act shall affect the operation of the Code of Criminal Procedure, 1898.

CHAPTER VI.

RULES AND NOTIFICATIONS.

Power to make
rules.

33. (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Provincial Government may make rules—

- (a) for specifying the substance or the method or manner referred to in clause (22) of section 3;
- (b) for the issue and cancellation of licences and permits and the enforcement of the conditions thereof and the fees to be paid for such licences and permits;
- (c) prescribing the powers to be exercised and duties to be performed by persons appointed in furtherance of the objects of this Act;
- (d) determining the local jurisdiction of Prohibition authorities in regard to inquiries and the exercise of preventing and investigating powers;
- (e) prescribing the quantity, extent and conditions in respect of (i) liquor and intoxicating drugs intended to be used for sacramental purposes and (ii) liquor, intoxicating drugs and *tari* in the possession of bona fide travellers, as provided for in sub-section (2) of section 13;
- (f) for exempting any specified liquor, *tari*, drug or article or any class of persons under section 14;
- (g) for regulating the delegation of powers under section 14;

- (h) for regulating the cultivation of the hemp plant, the collection of those portions of such plant from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom;
- (i) declaring how denatured spirit shall be manufactured and what substances shall be deemed to be denaturants;
- (j) declaring by what authority, orders passed by any Prohibition authority other than the Prohibition Commissioner, may be revised and prescribing the time and manner of presenting application for revision under section 23 and the procedure for dealing therewith;
- (k) prescribing the powers and duties of Prohibition committees and the members thereof and the intervals at which the members of such committees shall make their reports;
- (l) declaring the officers who shall be bound to give information under section 29; and
- (m) for the disposal of articles confiscated and of the proceeds thereof.

Effect of rules on publication.

34. All rules made and notifications issued under this Act shall be published in *Orissa Gazette* and upon such publication shall have effect as if enacted in this Act.

Recovery of money due to Crown.

35. All money due to Crown, by any person on account of any licence or permit granted under this Act or rules made thereunder, may be recovered as arrears of land revenue.

CHAPTER VII.

LEGAL PROCEEDINGS.

Action ag inst
Crown.

36. No action shall be against the Crown or against Prohibition, police or other officer for damages in any Civil Court for any act done in good faith or ordered to be done in pursuance of this Act.

Sanction for
prosecution of
officers or persons
acting under this
Act.

37. No Court shall take cognizance of an offence committed or alleged to have been committed by any officer or person in regard to anything done under this Act until the sanction of the Collector having jurisdiction has been obtained.

Courts to take
judicial notice of
appointments.

38. All Courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Act.

THE SCHEDULE.

(See section 2.)

Year.	Number.	Enactments repealed.	Extent of repeal.
1915	II	The Bihar and Orissa Excise Act, 1915 and all enactments other than the Dangerous Drugs Act, 1930 amending the said Act.	The whole.
1930	II	The Dangerous Drugs Act, 1930.	So much of Schedule II as relates to the Bihar and Orissa Excise Act, 1915 and amendments to the said Act.