

ASSAM ACT No. XI OF 1963

THE ASSAM LIQUOR PROHIBITION (AMENDMENT) ACT,  
1963.

(As passed by the Assembly)

(Received the assent of the Governor on the 29th April 1963)

[Published in the *Assam Gazette*, Extraordinary, dated the 2nd May 1963]

An  
Act

further to amend the Assam Liquor Prohibition Act, 1952.

Preamble. Whereas it is expedient further to amend the Assam Liquor Prohibition Act, 1952, hereinafter called the principal Act, in the manner hereinafter appearing:

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Assam Liquor Prohibition (Amendment) Act, 1963.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Insertion of  
section 3A  
in the Assam  
Act I of  
1953.

2. After section 3 of the principal Act, the following shall be inserted as section 3A, namely:—

“Presump-  
tion as the  
state of  
drunkenness.

3A. Whenever any person is found in a state of drunkenness within a prohibited area, the Court shall presume that the person has consumed liquor within the prohibited area.”

Substitution  
of Section  
4 of the  
Assam Act I  
of 1953.

3. For section 4 of the principal Act, the following shall be substituted, namely:—

“Punish-  
ment for  
contraven-  
tion.

4. Whoever contravenes the provisions of section 3 of this Act, shall be punished with imprisonment for a term which may extend to two years but not less than three months and also with fine which may extend to one thousand rupees but not less than one hundred rupees:

Provided that a person, who is under 21 years of age and against whom no previous conviction is proved, may be awarded a sentence of less than three months and a fine less than one hundred rupees for reasons to be recorded in the judgment that in consideration of the age, character and antecedents of the person concerned, a lesser sentence has been awarded."

Amendment  
of section 5  
of the Assam  
Act I of  
1953

4. In section 5 of the principal Act—

(i) for the words and full stop (.) "of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both" the words and colon (:) "for a term which may extend to six months but not less than one month and also with fine which may extend to five hundred rupees but not less than fifty rupees" shall be substituted ;

(ii) at the end of the section the following proviso shall be inserted, namely:—

"Provided that a person, who is under 21 years of age and against whom no previous conviction is proved, may be awarded a sentence of less than one month and a fine less than fifty rupees for reasons to be recorded in the judgment that in consideration of the age, character and antecedents of the person concerned, a lesser sentence has been awarded."

"Amend-  
ment  
of  
section 6 of  
the Assam  
Act I of  
1953,

5. In section 6 of the principal Act—

(i) the full stop at the end shall be deleted and the words and the colon (:) "but not less than six months" shall be inserted ;

(ii) at the end, the following proviso shall be inserted, namely:—

"Provided that a person, who is under 21 years of age and against whom no previous conviction is proved, may be awarded a sentence of less than six months for reasons to be recorded in the judgment that in consideration of the age, character and antecedents of the person concerned, a lesser sentence has been awarded."

insertion of sections 21A, 21B, 21C, 21D, in the Assam Act I of 1953.

6. After section 21 of the principal Act, the following shall be inserted as sections 21A, 21B, 21C and 21D, namely:—

“Special permits to foreign dignitaries, etc.

21A. The State Government may grant special permits on such conditions and for such period as may be prescribed, for the use or consumption of foreign liquor in a prohibited area to any person who is—

- (a) a Sovereign or Head of a foreign State ;
- (b) an Ambassador, Diplomatic Envoy or Consul, Honorary Consul or Trade, Commerce or other representative of a foreign State ;
- (c) a member of the staff appointed by or serving under any person, specified in clause (a) or (b), provided that such member is a national of foreign State ;
- (d) the consort of any person specified in clause (a), (b) or (c) or any relation of such person (dependent upon him) ; and
- (e) a foreign national employed by or otherwise engaged in any firm or any other concern in the prohibited area.

Exemption to Tourists. 21B. Notwithstanding anything contained in this Act tourists from any foreign State having all India Tourists' permits may use or consume liquor in the prohibited area without taking any permit under this Act.

Permission to use or consume foreign liquor in messes or canteens of Armed Forces.

21C. The State Government may, on such conditions as may be specified by a general or special order, permit—

- (i) the sale of liquor to,
- (ii) the purchase, use or consumption of such liquor in a prohibited area by—
  - (a) the members of the Armed Forces in messes and canteens, and
  - (b) the crew of Warships or Troopships and the members of the Armed Forces thereon.

Regulation of use or consumption of foreign liquor by certain permit holders. 21D. (1) No holder of a permit granted under any of the provisions of this Act shall drink in a public place or in the room of a hotel or institution in a prohibited area to which the public may have access.

(2) No holder of a permit granted under sections 20, 21A and 21C and no tourist entitled to use or consume liquor as provided in section 21B, shall allow the use or consumption of any part of the quantity of liquor held by him to any other person not so authorised to use or consume liquor under this Act."