

Powers, Duties and Responsibilities various Officers **under the Abkari Act, I of 1077**

Abkari Act delegates various powers to Government and duties and responsibilities to officer at different levels, of Excise, Police and Revenue department for the enforcement of the provisions of the act. 'Abkari Inspector' and 'Abkari Officer' are defined under the act which denotes common terminology indicating group of officers at the various levels of department vested with powers under the Act.

Abkari Inspector means an officer appointed under Sec.4(d) of the Act. As per SRO No.234/67 dated 10/08/1967, all officers not below the rank of Excise Inspector are vested with powers under Sec. 40 to 53. However as per SRO No. 361/2009, Assistant Excise Inspectors were also empowered to exercise all the powers and to perform all duties of Excise Inspector. Hence as on now all officers of and above the rank of Assistant Excise Inspector in Excise Department is vested with powers of Abkari Inspector.

In accordance with SRO No. 321/96, the Government has appointed all Police Officers of and above the rank of Sub Inspector of Police in charge of law and order and working in General Executive Branch of Police department and all Revenue Officers of and above the rank of Deputy Collectors under their respective jurisdiction to be Abkari Officer, for the purpose of sections 31, 32, 33, 34, 35, 38, 59 and all vested with power of Abkari Inspector.

Abkari Officer with regard to Excise Department means the Commissioner of Excise or any officer or other persons lawfully appointed or invested with powers under section 4 and 5. Hence various levels of officers appointed in the Excise Department from the cadre of Civil Excise Officers to Excise Commissioner are Abkari Officers.

As such the powers vested with lower level offices as Abkari Officer and Abkari Inspector will concurrently vested with all the higher level officer, subject to the control of Excise Commissioner.

Specific Powers of Government under the Abkari Act

- 4(a). Power to appoint officer to control the administration of Excise Department.
- 4(g). Power to delegate any Abkari Officer, all or any of their powers under the Act.
- 5A. Power to authorise officers to admit persons arrested to bail.
- 9. Prohibition of transport of liquor from any local area into any other local area.
- 13A. Prohibition of possession of any liquor by any person or class of person, either throughout the State or any local area.
- 10, 13. Notify the limit of possession and transportation of liquor, without a permit or license.
- 12(1). To direct that in any local area, it shall not be necessary to take out a license for the manufacture of liquor for bona-fide home consumption.
- 17, 18A, 24. Fixing duty on liquor and rental, fees etc., for licence under the Act.
- 29. Power to make rules.
- 54A. Sanction for prosecuting or to sue Abkari Officer for any act done under the Act.
- 71. Government can exempt any liquor or intoxicating drug from the provisions of the Act.

Specific Powers of Magistrate under the Abkari Act

- 30. Authorised to issue search warrant on application.
- 50A. To receive final report and to commit to Court of Sessions if the offence is not triable by magistrate court.
- 53A. Certification of inventory for disposal of seized liquor.
- 53B. Temporary release of articles seized, by executing bond by way of cash security.
- 54. For closing of license shop for the sake of public peace. When a riot or unlawful assembly is apprehended, any Magistrate present at the vicinity has power to require such shop to be kept closed.

Specific Powers of Mechanical Engineer of Excise or Asst. Executive Engineer of PWD under the Abkari Act

- 53B. Valuation of seized vehicles.

Powers of Excise Commissioner under the Abkari Act

Specific Powers

- 4(a). To be the Commissioner of Abkari Revenue to exercise all the powers conferred under the Abkari Act, to have the control of Administration of the Excise Department and collection of Abkari Revenue, throughout the State.
- 6,7. Permission for import, export etc.
- 12A, 12B. Fixing the quantity for manufacture of medicinal preparation and limit for utilization of liquor or intoxicating drug for manufacture.
- 14. Establishment and control of distilleries, breweries, warehouses etc.

- 14,15. Issue Licence for manufacture and sale.
26. To cancel or suspend any licence or permit, granted under the Act.
30. To issue search warrant.
- 67(1). To impose fine, as may be prescribed in the rules, on any person holding a licence or permit issued under the Act
- 67(2). To impose fine of Rs.3 Lakh for violation by way of reconstitution, alteration or modification of any deed without permission.
- 67F. Revisionary power on an order passed under sec. 67B or 67E of the Act.

General Powers

To be Abkari Officers in relation to the functions assigned to them by virtue of their respective post, or designation, for the purposes of sections 31, 32, 34, 35, 38, 39 and 53 of the Act and to exercise all the powers conferred and to perform all the duties assigned on Abkari Officers under the sections aforesaid, throughout the State.

To perform, the acts and duties mentioned in sections 40 to 53 of the Act.

General Powers of Additional Excise Commissioner (Administration)

To exercise all the powers and perform all the duties of the Commissioner under the Abkari Act, concurrently with, and subject to the control of Commissioner, throughout the State.

To be Abkari Officers in relation to the functions assigned to them by virtue of their respective post, or designation, for the purposes of sections 31, 32, 34, 35, 38, 39 and 53 of the Act and to exercise

all the powers conferred and to perform all the duties assigned on Abkari Officers under the sections aforesaid, throughout the State.

To perform, the acts and duties mentioned in sections 40 to 53 of the Act.

Powers of Additional Excise Commissioner (Enforcement)

Specific Powers

67E. Appellate authority in the case of order issued by the authorised officer under section 67B.

General Powers

To exercise all the powers and perform all the duties of the Commissioner under the Abkari Act, concurrently with, and subject to the control of Commissioner, throughout the State.

To be Abkari Officers in relation to the functions assigned to them by virtue of their respective post, or designation, for the purposes of sections 31, 32, 34, 35, 38, 39 and 53 of the Act and to exercise all the powers conferred and to perform all the duties assigned on Abkari Officers under the sections aforesaid, throughout the State.

To perform, the acts and duties mentioned in sections 40 to 53 of the Act.

General Powers of Joint Commissioner of Excise

To exercise all the powers and perform all the duties of the Commissioner under the Abkari Act, concurrently with, and subject to the control of Commissioner, within the area for which they are appointed.

To be Abkari Officers in relation to the functions assigned to them by virtue of their respective post, or designation, for the purposes of sections 31, 32, 34, 35, 38, 39 and 53 of the Act and to exercise all the powers conferred and to perform all the duties assigned on Abkari Officers under the sections aforesaid, within their respective jurisdiction. (with reference to sections 31 and 34, there shall be no limit of jurisdiction within the State)

To perform, the acts and duties mentioned in sections 40 to 53 of the Act.

Powers of Deputy Commissioner of Excise

Specific Powers

To exercise all the powers and perform all the duties of the Commissioner under the Abkari Act, concurrently with, and subject to the control of Commissioner, in respect of:-

6. Issue of permit for import, within the area for which they are appointed.
7. Issue of permit for export, within the area for which they are appointed.
11. Issue of special permits (for transport), throughout the State.
- 12,13,15. Issue of licence for manufacture, possession and sale, within the area for which they are appointed.

The supervision and management of licensed distilleries, breweries, wineries or other manufactories or warehouses, within the area for which they are appointed.

Stay of Abkari cases and release of accused involved in Abkari cases, within the area for which they are appointed.

- 53A. Disposal of seized liquor, intoxicating drugs and articles.
- 67A. To compound certain bailable offences under section 10, 13, 15A, 15B, 15C, 55(d), 55(e), 56, 56A(2) and 57(aa).
- 67B. Authorised officer for confiscation of seized properties.

General Powers

To be Abkari Officers in relation to the functions assigned to them by virtue of their respective post, or designation, for the purposes of sections 31, 32, 34, 35, 38, 39 and 53 of the Act and to exercise all the powers conferred and to perform all the duties assigned on Abkari Officers under the sections aforesaid, within their respective jurisdiction. (with reference to sections 31 and 34, there shall be no limit of jurisdiction within the State)

To perform, the acts and duties mentioned in sections 40 to 53 of the Act.

General Powers and Duties of Assistant Excise Commissioner

To be Abkari Officers in relation to the functions assigned to them by virtue of their respective post, or designation, for the purposes of sections 31, 32, 34, 35, 38, 39 and 53 of the Act and to exercise all the powers conferred and to perform all the duties assigned on Abkari Officers under the sections aforesaid, within their respective jurisdiction. (with reference to sections 31 and 34, there shall be no limit of jurisdiction within the State)

To perform, the acts and duties mentioned in sections 40 to 53 of the Act.

Powers and Duties of Circle Inspector of Excise / Excise Inspector

Specific Powers

11. To exercise all the powers and to perform all the duties of the Commissioner in respect of issue of special permits, concurrently with the Commissioner and subject to the control of the Commissioner, throughout the State.
27. To Measure or weigh any liquor or intoxicating drug or to test any liquor in the possession of a licensee.
- 30A. To investigate offence under the Act.

General Powers

To be Abkari Officers in relation to the functions assigned to them by virtue of their respective post, or designation, for the purposes of sections 31, 32, 34, 35, 38, 39 and 53 of the Act and to exercise all the powers conferred and to perform all the duties assigned on Abkari Officers under the sections aforesaid, within their respective jurisdiction. (with reference to sections 31 and 34, there shall be no limit of jurisdiction within the State)

To perform, the acts and duties mentioned in sections 40 to 53 of the Act.

40. To receive the articles seized under section 31 or 34, and the persons arrested under section 31, 34 or 35, without unnecessary delay.
41. To release persons on bail with sufficient bail, if the offence is bailable and in case of non-bailable offence produce before the Magistrate without further delay.

42. To release on bail in the case of bailable offence, by executing bond.
43. To compel payment of penalty in case of default of appearance by person bailed.
44. To summon witness.
45. To require appearance in the stated time and place.
46. For examination of witness.
47. To proceed, in certain cases, to the residence of a witness and to require him to answer such questions.
48. To summon persons suspected of any offence.
49. To make applicable the law in force as to summons.
50. To submit final report after investigation, before a Magistrate.
51. To cause attendance of witness before Magistrate.
52. To produce accused or suspected person committed an offence, before a Magistrate within 24 hours.
53. To deliver all articles seized under the Act to the Officer in charge of Police Station.

General Powers and Duties of Assistant Excise Inspector

To exercise all the powers and to perform all the duties of the Excise Inspector, subject to the control of the Excise Inspector, within the area for which they are appointed.

General Powers and Duties of Preventive Officer

To be Abkari Officers in relation to the functions assigned to them by virtue of their respective post, or designation, for the purposes

of sections 31, 32, 34, 35, 38, 39 and 53 of the Act and to exercise all the powers conferred and to perform all the duties assigned on Abkari Officers under the sections aforesaid, within their respective jurisdiction. (with reference to sections 31 and 34, there shall be no limit of jurisdiction within the State)

31. To search houses without warrant.
32. To enter and inspect place of manufacture and sale, except licences under Foreign Liquor Rules.
34. To arrest offenders without warrant and to seize and detain contraband liquor, vehicles, etc., in any public thoroughfare or open place.
35. To arrest any suspected or accused persons, refusing to give name or giving false name.
38. To give information of an offence either to his immediate official superior or to an Abkari Inspector.
39. To get information from land holders with regard to any manufacture of liquor not licensed.
53. To accompany articles seized and kept in safe custody of Police, pending orders of a Magistrate or an Abkari Inspector.

General Powers and Duties of Civil Excise Officer

To be Abkari Officers in relation to the functions assigned to them by virtue of their respective post, or designation, for the purposes of sections 34, 35, 38, 39 and 53 of the Act and to exercise all the powers conferred and to perform all the duties assigned on Abkari Officers under the sections aforesaid, within their respective

jurisdiction. (with reference to section 34, there shall be no limit of jurisdiction within the State)

34. To arrest offenders without warrant and to seize and detain contraband liquor, vehicles, etc., in any public thoroughfare or open place.
35. To arrest any suspected or accused persons, refusing to give name or giving false name.
38. To give information of an offence either to his immediate official superior or to an Abkari Inspector.
39. To get information from land holders with regard to any manufacture of liquor not licensed.
53. To accompany articles seized and kept in safe custody of Police, pending orders of a Magistrate or an Abkari Inspector.