



## **Legislative Assembly of Goa**

# **The Goa Excise Duty (Amendment) Bill, 2001**

(Bill No. 28 of 2001)

<sup>As</sup>  
~~To~~ be introduced in the Legislative Assembly of Goa)

**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PANAJI  
MARCH, 2001.**

# The Goa Excise Duty (Amendment)

Bill, 2001

(Bill No. 28 of 2001)

A

BILL

*further to amend the Goa, Daman and Diu Excise Duty Act, 1964.*

Be it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa Excise Duty (Amendment) Act, 2001.

(2) It shall come into force at once.

2. Amendment of long title and preamble.— In the Goa, Daman and Diu Excise Duty Act, 1964 (Act 5 of 1964) (hereinafter referred to as the "principal Act"),—

(i) in the long title, the figure and words, "Daman and Diu" shall be omitted;

(ii) in the preamble, for the expression "Union Territory of Goa, Daman and Diu", the expression "State of Goa" shall be substituted.

3. Amendment of section 1.— In section 1 of the principal Act,—

(i) in sub-section (1), the figure and words "Daman and Diu" shall be omitted;

(ii) in sub-section (2), for the expression "Union Territory of Goa, Daman and Diu", the expression "State of Goa" shall be substituted.

4. Amendment of section 2.— In section 2 of the principal Act,—

(i) in clause (a), after the word "porter" and before the words "and any other", the figure and words, "Keg beer" shall be inserted;

(ii) in clause (b), for the words "other vessel", the expression "other vessel/tanker" shall be substituted;

(iii) after clause (c), the following clause shall be inserted, namely:—

"(cc) 'dealer' means any person dealing in excisable articles, and foreign liquor, either for monetary consideration or gratuitously and includes, licence holders, permit holders, tenderers, bidders, toddy tappers, distributors, sale promoters, lease holders engaged in transactions of liquor, directly or indirectly;"

(iv) in clauses (dd), (j) and (o), the figure and words, "Daman and Diu", wherever they occur, shall be omitted;

(v) in clause (ff), after sub-clause (iii), the following sub-clause shall be inserted, namely:—

"(iv) 'foreign liquor';";

(vi) for clause (h), the following shall be substituted, namely:—

"(h) 'export' with its grammatical variations and cognate expressions, means to take out of the State to the rest of India or take to a place outside India;"

(vii) for clause (k), the following shall be substituted, namely:—

"(k) 'import' with its grammatical variations and cognate expressions, means to bring into the State from the rest of India or from any place outside India;"

(viii) in clause (kk), after the word and figure "rum", and before the words "milk punch", the word and figure "vodka", shall be inserted;

(ix) for clause (1), the following shall be substituted, namely:—

"(1) 'liquor' includes—

(a) spirits of wine, methylated or denatured spirits, spirits, wines, toddy, beer, fenny and all liquids consisting of or containing alcohol, wash, other than medicinal and toilet preparations;

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

(x) in clause (m), the word "includes" appearing after the word "also" and before the word "re-distillation" shall be omitted;

(xi) after clause (m), the following clause shall be inserted, namely:—

"(mm) 'molasses' means the heavy, dark coloured viscous liquid produced in the final stage of the manufacture of gur or sugar containing in solution or suspension, sugar which can be fermented, and includes the solid form of such liquid and also any product formed by the addition to such liquid or solid of any ingredient which does not substantially alter the character of such liquid or solid; but does not include any article which the Government, may, by notification, declare not to be molasses, for the purposes of this Act;"

(xii) after clause (s), the following clause shall be inserted, namely:—

"(ss) 'rules' means rules made under this Act;"

(xiii) after clause (u), the following clause shall be inserted, namely:—

"(uu) 'tap' means to prepare or manipulate the spathe or other part of any toddy producing tree with the object to abstracting toddy therefrom.

Explanation.— The attaching of pots shall not be necessary to constitute the act;"

(xiv) for clause (v), the following clause shall be substituted, namely:—

"(v) 'State' means the State of Goa including the space within the limits of territorial waters appertaining to it;"

(xv) for clause (x), the following clause shall be substituted, namely:—

"(x) 'transport' means to move from one place or custom station to another place within the State;"

(xvi) after clause (x), the following clauses shall be inserted, namely:—

"(y) 'wash' includes fermented wort and a dilute solution of sugar from which spirit is distilled;"

"(z) 'wort' means the liquor obtained by exhaustion of malt or grain or by the solution of saccharine matter in the process of brewing."

5. Amendment of section 3A.— In section 3A of the principal Act, the existing provision shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

"(2) The members of the staff performing duties by wearing the prescribed uniform shall be imparted requisite training at the police training center in consultation with the police Department."

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

"4 Import of excisable articles.— (1) No excisable article shall be brought into the State from the rest of India or a place outside India except on the authority of a permit issued by the Commissioner indicating that the duty or fee, if any, imposed by or under this Act has been paid or bond has been executed for the payment thereof in the prescribed form and manner.

(2) No foreign liquor shall be imported into the State from custom stations situated outside the State except on the authority of a permit or no objection certificate issued by the Commissioner indicating that the fees or cess, if any, imposed by or under this Act has been paid.

4A Export of excisable articles.— No excisable article shall be exported from the State to any place within India or outside India except on the authority of a permit or no objection certificate, as the case may be, issued by the Commissioner indicating that the fees or cess, if any, imposed by or under this Act has been paid:

Provided that when the excisable articles are to be exported from the State to any place outside India, the exporter or his authorized agent shall present the excisable articles together with duplicate copy of the document issued by the Commissioner to the Customs Collector, Border Examiner or any officer of

Customs or Land Customs duly appointed by the competent authority."

7. Amendment of sections 5, 9, 13 and 21.— In sections 5, 9, 13 and 21 of the principal Act, for the word "Territory", wherever it occurs, the word "State" shall be substituted.

8. Amendment of section 6.— For section 6 of the principal Act, the following shall be substituted, namely:—

"6. REMOVAL OF EXCISABLE ARTICLES FROM BONDED WAREHOUSES OF DISTILLERIES, ETC.— No excisable article shall be removed from bonded warehouse of any distillery, brewery, winery, pot still, warehouses of licensed wholesale dealers, warehouse or other place of storage established or licensed under this Act unless the duty, fee, surcharge on duty, cess, if any, payable under this Act has been paid or unless a bond has been executed for the payment thereof in the prescribed form and manner."

9. Amendment of section 7.— In section 7 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) A licence granted under this section shall extend to and include servants and other persons employed by the licensee and acting on his behalf."

10. Amendment of sections 10, 15 and 42.— In sections 10, 15 and 42 of the principal Act, for the expression "Goa, Daman and Diu", wherever it occurs, the words "the State" shall be substituted.

11. Amendment of section 11.— In section 11 of the principal Act, after clause (c), the following Explanation shall be inserted, namely:—

"Explanation.— Any warehouse authorized to be established within the licensed premises of the distillery, brewery or winery, as the case may be, shall constitute as private bonded warehouse of the said manufacturing units".

12. Insertion of new section.— After section 13 of the principal Act, the following section shall be inserted, namely:—

"13A. Payment of fees for grant of licence or permit, etc.— Instead of or in addition to any excise duty leviable under section 12, the Government may, levy such fee as may be prescribed, in consideration of grant of any licence or permit or both by or under this Act, and not covered by section 15."

13. Amendment of section 18.— In section 18 of the principal Act, the existing provision shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

"(2) The manufacturer of excisable articles licensed under this Act shall not use or make use of vessels, tanks, receptacles, vats or any other equipment in the process of manufacture/blending or for storage of raw materials, blends, alcohol or any permissible ingredient without obtaining proper calibration from the competent authority."

14. Amendment of section 30.— In section 30 of the principal Act, for the expression "two thousand rupees", the expression "ten thousand rupees" shall be substituted.

15. Amendment of section 31.— In section 31 of the principal Act, for the expression "one thousand rupees", the expression "ten thousand rupees" shall be substituted.

16. Amendment of section 32.— In section 32 of the principal Act, for the expression "one thousand rupees", the expression "ten thousand rupees" shall be substituted.

17. Amendment of section 33.— In section 33 of the principal Act, for the expression "two thousand rupees", the expression "ten thousand rupees" shall be substituted.

18. Amendment of section 35.— In section 35 of the principal Act, for the expression "two thousand rupees", the expression "ten thousand rupees" shall be substituted.

19. Amendment of section 38.— For section 38 of the principal Act, the following section shall be substituted, namely:—

"38 Limits of confiscation and or penalty.— Without prejudice to the limits of fines/ penalties provided hereinbefore in every case in which, under this Act, anything is liable to confiscation and or liable to penalty, as the case may be, such confiscation and/or penalty or with both may be ordered,—

(a) without limit by the commissioner; or

(b) upto confiscation of goods not exceeding ten thousand rupees and imposition of penalty not exceeding one thousand rupees by such other Excise Officer as the Government may, from time to time, empower in that behalf.

Explanation.— Penalty construed herein shall be in relation to the nature and gravity of offence committed by the licensee in person or by his/her agent acting on his/her behalf and includes violation of condition of licence or of a bond."

20. Amendment of section 39A.— In section 39A of the principal Act, in sub-section (1), for the expression "two thousand rupees", the expression "five thousand rupees" shall be substituted.

21. Amendment of section 42.— In section 42 of the principal Act, sub-section (2) thereof shall be omitted.

## Statement of Objects and Reasons

In the year 1987, the Goa district was de-linked from the district of Daman and Diu forming the part of the then Union Territory of Goa, Daman and Diu and elevated to the status of a State. Now, the Goa district is known as State of Goa. One important legislation passed by the Legislative Assembly in 1964, namely the Goa, Daman and Diu Excise Duty Act, 1964 (Act 5 of 1964) have not been changed by nomenclature. It is therefore, desirable to delete the words "Daman and Diu" wherever occurring in the said Act.

The Government was pleased to prescribe the pattern of uniform to various categories of executive staff vide Notification No. 1-9-78/Fin (R&C) dated 22/4/80, published in the Official Gazette, Series I, No. 9, dated 29-5-80. The Fire arm/pistol is an integral part of the uniform. Due to increase in the number of licences, both for manufacture of liquor, as well as sale of liquor, it is desirable to constitute squads to control evasion of duty and prevent the violation of the provisions of the said Act and rules framed thereunder. On two occasions, an unruly mob attacked the executive staff while carrying out nocturnal raids. Keeping in view the nature of duties to be performed under the Narcotic Drugs

and Psychotropic Substances Act, 1985 (Central Act 61 of 1985), it has been decided to give training to the officials of the Department at the Police Training School, Valpoi, where Police Constables, as well as, Police Sub-Inspectors are trained.

The Government of India, pursuant to W.T.O. Agreement, is contemplating to remove the Quantitative Restriction on import of alcoholic beverages with effect from 1-4-2001. In order to safeguard the interest of domestic liquor industries and also to plug the apprehended leakages in the State excise revenue it has been decided to carry out suitable amendments to the existing provisions of the Act. It has been proposed to insert new section "13-A", enabling the Government to collect additional fees on licences, permits, etc, issued under the Act. In addition, it has been decided to increase the amount of fine from Rs.2000/- and Rs. 1000/- to Rs. 10,000/- at a stretch under penal provisions of the Act. It has further been proposed to enhance the fine of composition of offence under section 39-A from Rs.2000/- to Rs. 5000/-. It is also proposed to delete the provisions of sub-section (2) of section 42, as the said provision has become obsolete. Otherwise the continuity of the said sub-section may hamper the legislation in respect of the removal of Quantitative Restrictions.

## Financial Memorandum

The Bill deals with the amendment of nomenclature of the Goa, Daman and Diu Excise Duty Act, 1964 (Act 5 of 1964) and imparting training to the Executive staff which are uniform officers. There are no financial implication involved.

### Memorandum Regarding Delegated Legislation.

Proposed sub-clause (b) of clause (l) and clause (m) of section 2, empowers the Government to issue notification, for the purposes specified therein.

These delegations are of normal character.

Panaji-Goa.  
19 March, 2001.

MANOHAR PARRIKAR  
Chief Minister

Assembly Hall,  
Porvorim-Goa  
19 March, 2001.

R. KOTHANDARAMAN,  
Secretary (Legislature)



ANNEXURE

Extract of preamble and sections 1, 2, 3A, 4, 5, 6, 7, 9, 10, 11, 13, 15, 18, 21, 30, 31, 32, 33, 35, 38, 39A, 42 of the Goa, Daman and Diu Excise Duty Act, 1964 (Act 5 of 1964).

An Act to consolidate and amend the law relating to the levy of a tree tax and of a duty of excise on certain articles in the Union Territory of Goa, Daman and Diu and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Fifteenth year of the Republic of India as follows :

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa, Daman and Diu Excise Duty Act, 1964.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be notified for different areas. (vide Annexure I)

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "beer" includes ale, stout, porter and any other fermented liquor usually made from malt;

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

(bb) 'cashew liquor' means liquor manufactured from cashew fruit in any part of India;

(c) 'country liquor' means liquor manufactured in any part of India other than Indian Made Foreign Liquor;

(d) 'denatured' means effectually and permanently rendered unfit for human consumption;

(dd) "Chief Secretary" means the Chief Secretary to the Government of Goa, Daman and Diu;

(e) "Commissioner" means the Commissioner appointed under sub-section (1) of section 3;

(f) "duty" means the duty of excise imposed by or under this Act in any of the ways indicated in section 13, and in the case of imports, the countervailing duty mentioned in entry 51 of List II in the Seventh Schedule to the Constitution ;

(ff) "excisable article" means—

(i) liquor, other than foreign liquor,

(ii) intoxicating drug, or

(iii) opium,

but does not include any medicinal and toilet preparations containing alcohol, opium, Indian hemp and other narcotic drugs and narcotics ;

(g) "Excise Officer" means the Commissioner appointed under sub-section (1) of section 3 or any other Officer appointed under sub-sections (2) and (3) of section 3 ;

(h) "export" means take out of the Territory to any place in India beyond the limits of the Territory;

(i) "Foreign liquor" means any liquor (other than rectified spirit, denatured spirit and perfumed spirit) imported into India and on which a duty of customs is leviable under the Indian Tariff Act, 1934 (Central Act 2 of 1934) or the Customs Act, 1962 (Central Act 52 of 1962) ;

(j) "Government" means the Government of Goa, Daman and Diu ;

(k) "import" means bring into the Territory from any place in India beyond the limits of the Territory ;

(kk) "Indian made foreign liquor" means brandy, whisky, gin, rum, milk punch, wines or beer manufactured in India and such other liquor as may be declared by the Government as Indian made foreign liquor; (Vide Annexure III);

(kkk) "intoxicating drugs" means—

(i) the leaves, small stalks and flowering on fruiting top of the Indian hemp plant;

(ii) bhang, sidhi or ganja;

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

(iv) Coca leaf, that is to say, the leaf of coca plant ( which means the plant of any species of the genus

erythroxylon), except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed;

(v) Coca derivative, that is to say,—

(a) Crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;

(b) Ecgonine, having the chemical formula  $C_9H_{15}NO_3$  and all the derivatives of ecgonine from which it can be recovered;

(c) Cocaine, that is methylester of benzoyl ecgonine having the chemical formula  $C_{17}H_{21}NO_4$  and its salts; and

(d) All preparations containing more than 0.1 percent cocaine;

(vi) Any mixture, with or without neutral materials, of any of the intoxicating drugs mentioned in above sub-clauses;

(l) "liquor" includes spirits of wine, methylated or denatured spirits, spirits, wines, toddy, beer, feni and all liquid consisting of or containing alcohol other than medicinal and toilet preparations;

(m) "manufacture" includes every process, whether natural or artificial, by which any excisable article is produced or prepared wholly or partly and, in relation to liquor, also includes re-distillation and every process for the rectification, reduction, flavouring, blending or colouring thereof;

(n) "notification" means notification published in the Official Gazette ;

(o) "Official Gazette" means the Goa, Daman and Diu Government Gazette;

(oo) "opium" means—

(i) the capsules of the poppy (*Papaver somniferum* L), whether in their original form or cut, crushed or powdered, and whether or not juice has been extracted therefrom;

(ii) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport; or

(iii) any mixture, with or without neutral materials, of any of the above forms of opium, and includes any derivatives of opium;

(p) "place" includes a house, building, shop, tent, vehicle, vessel, boat, raft or enclosure;

(q) "prescribed" means prescribed by rules made under this Act;

(r) "proof litre" means a litre of a mixture of ethyl alcohol and distilled water which at the temperature of 51 degrees Fahrenheit weighs exactly twelve-thirteenths(12/13) parts of an equal measure of distilled water at the same temperature;

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

(t) "sale" with its grammatical variations and cognate expressions includes every transfer otherwise than by way of gift;

(u) "spirits" means any liquor containing alcohol and obtained by distillation, whether it is denatured or not;

(v) "Territory" means the Union Territory of Goa, Daman and Diu;

(w) "toddy" means fermented or unfermented juice drawn from coconut, cajuri or any kind of palm-tree;

(x) "transport" means to move from one place to another within the Territory.

3A. *Uniforms.*— Such members of the staff appointed to perform duties under the Act shall wear such uniform which shall be supplied to them free of cost and shall be entitled to such allowances as may be prescribed. (Vide Annexure XXVIII).

4. *Import and Export of excisable article.*— No excisable article shall be imported into or exported from the Territory except on the authority of a permit issued by the Commissioner indicating that the duty, if any, imposed by or under this Act has been paid or a bond has been executed for the payment thereof in the prescribed form and manner.

5. *Transport of excisable article.*— No excisable article exceeding such quantity as the Government may, from time to time, prescribe by notification either for the whole of the Territory or for any local area thereof, shall be transported within the Territory except on the authority of and in accordance with the conditions, if

any, in a permit issued by the Commissioner: (Vide Annexures IX and XIV):

Provided that unless the Government by notification otherwise directs with respect to any local area, no such permit shall be required when foreign liquor is transported for genuine private consumption or for sale at any place at which the sale of such liquor is duly licensed or permitted under the provisions of this Act.

6. *Removal of excisable article from distillery, etc.*.— No excisable article shall be removed from any distillery, brewery, pot still, warehouse or other place of storage established or licensed under this Act unless the duty, if any, payable under this Act has been paid or unless a bond has been executed for the payment thereof in the prescribed form and manner.

7. *Manufacture of liquor*.— (1) No excisable article shall be manufactured or produced, no liquor shall be bottled, no tree shall be tapped for toddy and no juice shall be drawn from any tree or from cashew fruit except under the authority of a licence issued under this Act.

(2) No person shall use, keep or have in his possession any material, still, utensil, implement, or apparatus for the purpose of manufacturing any excisable article and no distillery, brewery or pot still shall be constructed or worked, save under the authority of a licence issued under this Act in this behalf.

9. *Sale of excisable article or foreign liquor*.— No excisable article or foreign liquor shall be sold except under the authority of a licence issued under this Act;

Provided that the Government may, by notification, direct that a licence for sale granted under any other law for the time being in force in the Territory may, subject to such conditions as may be specified in the notification be deemed to be a licence granted under this Act.

10. *Prohibition or restriction of import, export, transport, possession, manufacture or sale of excisable articles*.— Notwithstanding anything contained in this Act, the Government may, if it considers necessary in the public interest so to do, by notification, prohibit or restrict the import, export, transport, possession, manufacture or sale of any or all excisable articles within Goa, Daman and Diu or any part thereof. (Vide Annexures XXV, XXVII, XXX & XXXI)

11. *Establishment of distilleries and warehouses*.— The Commissioner may with the previous approval of the Government:-

(a) establish a public distillery, or authorize the establishment of one or more private distilleries, in which liquor may be manufactured under a licence granted under this Act;

(b) establish a public warehouse, or authorize the establishment of one or more private warehouses, wherein excisable article may be deposited and kept without payment of duty; and

(c) discontinue any public or private distillery or warehouse so established.

13. *Mode of levy.*— The duty on any excisable article leviable under this Act may be levied in one or more of the following ways, namely:—

(a) by way of a duty on the quantity of such excisable article manufactured in or passed out of any place of manufacture or storage including a distillery, brewery or warehouse licensed or established under this Act; and

(b) by way of a duty on the quantity of such excisable article imported into the Territory.

15. *Licences and permits.*— (1) Every licence or permit under this Act shall be granted,—

(i) by such officer,

(ii) for such period,

(iii) subject to such conditions or restrictions, and

(iv) In such form and containing such particulars, as may be prescribed:

Provided that the Government may, if it considers necessary in the public interest so to do, by order, published in the Official Gazette, direct that no licence shall be granted for manufacture or sale of any or all excisable articles and foreign liquors within Goa, Daman and Diu or any part thereof.

(2) No licence or permit under this Act shall be granted or no licence shall be transferred from one licensed premises to another or from one licensee to another person or no label shall be recorded/renewed except on payment of fees at such rates as may be fixed by the Government, from time to time, by notification published in the Official Gazette:

Provided that if any person seeks transfer of licence in his name and subsequently intends to transfer the same to some other licensed premises under the provisions of the Act and rules made thereunder or vice - versa, the transfer fees will be applicable in such case as one transaction only.

18. *Measures, weights and testing instruments.*— Every person who manufactures or sells any excisable article or sells any foreign liquor is bound—

(a) to equip himself with such measures, weights and instruments as the Commissioner may require and to keep the same in good condition; and

(b) on the requisition of any Excise Officer duly empowered in that behalf, at any time to measure, weigh or test any excisable article or foreign liquor in his possession in such manner as such Officer may require.

21. *Transitional.*— (1) Every stockist, dealer or vendor of Liquor shall give a declaration in writing to the Commissioner or an Officer nominated by him in this behalf, containing detailed particulars and account of the various categories of liquor in his possession or control on the date of coming into force of this Act.

(2) No such liquor shall be sold by him except on payment of duty equal in amount to that leviable on liquor of a like kind if manufactured in, or, as the case may be, imported into the Territory after the commencement of the Act and on the grant of permission to sell the same by the Commissioner or his nominee.

(3) The Commissioner may permit the sale of the whole or part of any such stock of liquor on the deposit of a suitable amount pending the payment of the duty leviable or on executing a bond therefor in the form and manner prescribed.

30. *Penalty for contravention of provisions.*—Whoever, in contravention of this Act, or of any rules or orders made thereunder, or of the conditions in any licence or permit obtained under this Act,—

(a) imports, exports, transports or possesses any excisable article; or

(b) manufactures or produces any excisable article or bottles liquor ; or

(c) constructs or works any distillery, brewery or pot still; or

(d) uses, keeps, or has in his possession any materials, still, utensils, implements or apparatus whatsoever for the purpose of manufacturing any excisable article; or

(e) sells any excisable article or foreign liquor; or

(f) draws toddy from any tree,

shall, on conviction before a Magistrate, be punished for each such offence with—

(i) rigorous imprisonment which may extend to seven years, with or without fine, if the offence relates to intoxicating drug or opium as defined in clauses (kkk) and (oo) respectively, of section 2;

(ii) a fine which may extend to two thousand rupees or imprisonment for a term which may extend to two years or with both, if the offence relates to any other matter:

Provided that in respect of any offence under clause (f), the amount of fine may be such lower figure as may be prescribed.

31. *Penalty for certain Acts or omissions by holders of licence.*—Whoever, being the holder of a licence or permit granted under this Act or being in the employ of such holder and acting on his behalf.—

(a) fails to produce such licence or permit on demand by any Excise Officer or any other officer empowered to make such demand; or

(b) willfully does or omits to do anything in breach of any of the conditions of his licence or permit not otherwise provided for in this Act; or

(c) willfully contravenes any rule made under section 22 of this Act; or

(d) permits drunkenness, disorderly conduct, riot or gambling in any place in which any liquor is sold or manufactured; or

(e) permits persons of notoriously bad character to meet or remain in any such place.

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to one thousand rupees or with imprisonment which may extend to six months or with both.

32. *Penalty for certain acts by holders of licence for sale or manufacture.*— Whoever, being the holder of a licence for the sale or manufacture of liquor under this Act, or being in the employ of such holder acting on his behalf,—

(a) mixes or permits to be mixed with the liquor sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength or to affect its purity;

(b) sells or exposes for sale foreign liquor or Indian made foreign liquor which he knows or has reason to believe to be country liquor;

(c). marks any bottle or its cork, or any case, package or other receptacle containing liquor manufactured from rectified spirit or country liquor with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor ,

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to one thousand rupees or with imprisonment which may extend to six months or with both.

33. *Penalty for possession of contraband excisable article.*— whoever, without lawful authority, has in his possession any quantity of excisable article knowing the same to have been unlawfully imported, transported or manufactured or knowing that the prescribed duty has not been paid thereon, shall , without prejudice to the provisions of section 30, on conviction before a Magistrate, be punished with fine which may extend to two thousand rupees or with imprisonment which may extend to one year or with both.

35. *Penalties for offences not otherwise provided for.*— Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any rule or order made under this Act, and not otherwise provided for therein shall be punished for each such act or omission with fine which may extend to two thousand rupees.

38. *Limits of confiscation.*— In every case in which, under this Act, anything is liable to confiscation and penalty, such confiscation and penalty may be ordered,—

(a) without limit by the Commissioner, or

(b) up to confiscation of goods not exceeding five hundred rupees and imposition of penalty not exceeding fifty rupees by such other Excise Officers as the Government may, from time to time, empower in that behalf.

39A. *Power of Commissioner to compound offences.*—

(1) Subject to such conditions, if any as may be prescribed, the Commissioner may accept from any person alleged to have committed an offence under this Act or under any rules made thereunder , other than an offence under section 34 or an offence relating to intoxicating drugs or opium as defined in clause (kkk) and (oo) of section 2, either before or after the commencement of any proceedings against such persons in respect of such offence, by way of composition for such offence, a sum not exceeding two thousand rupees.

(2) When compounding of an offence is accepted the power to confiscate the goods seized under this Act in respect of such offence shall be vested in the Commissioner.

(3) On payment in full of such sum as may be determined by the Commissioner under sub-section (1);—

(a) no proceedings shall be commenced against such person aforesaid; and

(b) if any proceedings have been already commenced against such person as aforesaid, such proceedings shall not be further proceeded with.

42. *Exemptions.*— (1) Where in the opinion of the Government reasonable grounds exists for doing so, the Government may by notification and subject to such conditions and restrictions as it may impose, exempt any person or class of persons or any excisable article or foreign liquor from all any of the provisions of this Act or of rules made thereunder either throughout Goa, Daman and Diu or in any specified part thereof or for any specified period or occasion. (Vide Annexures II, V, VI, VIII, XI, XIII, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII & XXVI).

(2) For the removal of doubts it is hereby declared that nothing in this Act shall apply to the import, export or possession of foreign liquor or other articles dealt with by any law relating to Customs or Central Excise.

Assembly Hall,  
Porvorim-Goa  
19 March, 2001.

R. KOTHANDARAMAN,  
Secretary (Legislature)