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Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 11th July 2024 and is hereby published for general information:—

ACT No. 34 OF 2024.

An Act further to amend the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 2024.

(2) It shall come into force at once.

Amendment to section 3(14).

2. In section 3 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (hereinafter referred to as 'the principal Act'), in clause (14),—

Tamil Nadu Act 58 of 1961.

(1) in sub-clause (i), for the expression "minor sons and unmarried daughters," the expression "minor children", shall be substituted;

(2) in sub-clause (ii), for the expression "minor grandsons and unmarried grand-daughters", the expression "minor grand-children" shall be substituted.

(By order of the Governor)

S. GEORGE ALEXANDER,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 11th July 2024 and is hereby published for general information:—

ACT No. 35 OF 2024.

An Act further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 2024. Short title and commencement.

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

Tamil Nadu Act X of 1937.

2. In section 3 of the Tamil Nadu Prohibition Act, 1937 (hereinafter referred to as the principal Act), for clause (12), the following clause shall be substituted, namely:— Amendment of section 3.

“(12) “place” includes also a house, shed, enclosure, building, shop, tent, booth, vehicle, cart and vessel;”.

3. In section 4 of the principal Act,—

Amendment of section 4.

(1) in sub-section (1),—

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

“(k) being the owner of, or in-charge of, or having the management of, or in control of, or in possession of, a place, allows any of the acts specified in clauses (a) to (jj) upon such place;”.

(b) after clause (k), for the expression “shall be punished—” and clauses (a) to (c) thereunder, the following expression and clauses shall be substituted, namely:—

“shall be punished, in the case of offences—

(A) falling under clauses (aaa), (b), (f), (h) and (i), with rigorous imprisonment for a term not less than three years, which may extend to seven years and with fine which shall not be less than two lakh rupees but which may extend to three lakh rupees;

(B) falling under clauses (aa) and (k), with rigorous imprisonment for a term not less than two years, but which may extend to five years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees;

(C) falling under other clauses, with imprisonment for a term not less than one year, but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees:

Provided that notwithstanding anything contained in clause (A), clause (B) and clause (C) above, offences relating to the transport, possession and consumption of any liquor specified by the State Government under sub-clause (i) of clause (j) which are manufactured and sold in accordance with the provisions of this Act and the rules made thereunder, shall be punished with imprisonment for a term which may extend to one year or with fine which shall not be less than twenty five thousand rupees but which may extend to fifty thousand rupees or with both:”

(c) in the existing proviso, for the expression "Provided that", the expression "Provided further that" shall be substituted;

(2) in sub-section (1-A), for clauses (i) and (ii), the following clauses shall be substituted, namely:—

"(i) if death has ensued due to its consumption, with rigorous imprisonment for life and with fine which shall not be less than ten lakh rupees; and

(ii) in any other case, with rigorous imprisonment for a term not less than five years, but which may extend to ten years and with fine which shall not be less than five lakh rupees but which may extend to ten lakh rupees."

Amendment of section 5.

4. In section 5 of the principal Act, for the expression "rigorous imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees", the expression "rigorous imprisonment for a term not less than three years but which may extend to seven years and with fine which shall not be less than two lakh rupees but which may extend to three lakh rupees" shall be substituted.

Insertion of section 5-A.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

"5-A. Sealing of unlicensed places used for consumption of liquor.— (1) No person, being the owner of, or in-charge of, or having the management of, or in control of, or in possession of, any place shall, without obtaining a licence under this Act or the rules made thereunder, allow consumption of liquor in that place.

(2) Where any place not licensed for consumption of liquor under this Act or the rules made thereunder, is allowed to be used for consumption of liquor, then, that place shall be sealed by the Prohibition Officer concerned or by an officer not below the rank of Tahsildar, as may be authorised by the District Collector concerned. The owner of, or the person in-charge of, or having the management of, or in control of, or in possession of, such place shall provide security for the place so sealed under this sub-section.

(3) After sealing a place under sub-section (2), the owner of, or the person in-charge of, or having the management of, or in control of, or in possession of, such place shall be given a notice in writing within forty eight hours, informing him of the grounds on which the said place was sealed and he shall also be given an opportunity of making a representation in writing, to the officer who has sealed the place, within such time as may be specified in that notice. Such representation shall be considered by the officer concerned and a suitable order shall be passed thereon on merits within a period of seven days.

(4) The place so sealed under sub-section (2) may continue to be under seal for a period of not more than three months, as may be ordered.

(5) No person shall break the seal unless and until the order of sealing is revoked under sub-section (3) or sub-section (6).

(6) Any person aggrieved by an order passed under sub-section (3) may, within a period of thirty days from the date of receipt of a copy of such order, make an appeal to the District Collector concerned, who shall, after giving an opportunity of making a representation to the appellant, pass suitable order on such appeal as he deems fit within a period of thirty days."

6. In section 6 of the principal Act, for the expression “with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both”, the expression “with rigorous imprisonment for a term not less than two years, but which may extend to five years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees” shall be substituted.

Amendment of section 6.

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

Substitution of section 7.

“7. Punishment for conspiracy.— When two or more persons agree—

(i) to commit or cause to be committed any offence punishable under clause (A), clause (B) and clause (C) of sub-section (1) of section 4 except the first proviso thereto, sub-section (1-A) of section 4 or section 5; or

(ii) to evade or nullify the provisions of this Act,

each of such person shall, notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof, be punished in the case of any offence under clause (i), be punished with the punishment provided for the commission of such offence and in the case of any offence under clause (ii), be punished with imprisonment for a term not less than one year but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees.”.

8. In section 11 of the principal Act, for the expression “imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both”, the expression “imprisonment for a term not less than one year but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees” shall be substituted.

Amendment of section 11.

9. In section 13-A of the principal Act, in clause (1), for the expression “apparatus”, the expression “apparatus and other movable properties” shall be substituted.

Amendment of section 13-A.

10. In section 14 of the principal Act,—

Amendment of section 14.

(1) in the proviso to sub-section (2), for the expression “cart or other vehicle” occurring in two places, the expression “cart, vehicle or other movable properties” shall be substituted;

(2) in sub-section (4), for the expression “cart or other vehicle” occurring in five places, the expression “cart, vehicle or other movable property” shall be substituted;

(3) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) Where any property has been confiscated under this section, such property shall vest with the Government free from all encumbrances.”.

11. In section 14-A of the principal Act, including the marginal heading, for the expression “cart or other vehicle”, the expression “cart, vehicle or other movable property” shall be substituted.

Amendment of section 14-A.

Substitution of
section 15-C

11-A. For section 15-C of the principal Act, the following section shall be substituted, namely:-

“15-C. Offences to be non-bailable.—(1) The offences punishable under this Act with rigorous imprisonment for a term which may extend to three years and upwards shall be non-bailable and the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), with respect to non-bailable offences, shall apply to those offences:

Provided that notwithstanding anything contained in the Code of Criminal Procedure 1973 (Central Act 2 of 1974), no person accused of an offence punishable under section 4(1-A)(i) of this Act shall, if in custody, be released on bail or on his own bond, unless—

(a) the Public Prosecutor has been given an opportunity to oppose the application of such release; and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:

Provided further that nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence punishable under section 4(1-A)(i) of this Act.

(2) Nothing contained in sections 27,28,29, 32, 38 and 39 shall be construed as enabling a person to be admitted to bail if the offence alleged to have been committed by such person is one referred to in sub-section (1).”.

Amendment of
section 24-D.

12. In section 24-D of the principal Act, for the expression “offence under clauses (aaa), (b), (f) and (h) of sub-section (1) and offence punishable under sub-section (1-A) of section 4 and offences under section 6 and section 52-E by way of composition of such offence a sum of money not exceeding ten thousand rupees but not less than one thousand rupees.”, the following expression shall be substituted, namely:-

“offences punishable under clause (A), clause (B) and clause (C) of sub-section (1) of section 4 except the first proviso thereto, sub-section (1-A) of section 4, sections 5, 6, 7 and 52-E, by way of composition of such offence an amount not exceeding twenty five thousand rupees, but not less than ten thousand rupees.”.

Insertion of
section 52-AA.

13. After section 52-A of the principal Act, the following section shall be inserted, namely:—

“52-AA. Security for maintaining good behaviour from habitual offenders.—(1) When an Executive Magistrate receives information that within his local jurisdiction there is a person convicted under clause (A), clause (B) and clause (C) of sub-section (1) of section 4, sub-section (1-A) of section 4, section 5 and section 7 and he habitually commits or attempts to commit, or abets the commission of offences punishable under the aforesaid sections which involves a breach of peace, the Executive Magistrate may, in the manner provided in sections 111 to 116 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), require such person to show cause as to why he should not be ordered to execute a bond with sureties, for the good behaviour for such period not exceeding three years, as the Executive Magistrate thinks fit.

(2) If, upon such inquiry, it is proved that for maintaining the good behaviour, it is necessary that the person in respect of whom the inquiry is made, should execute a bond, with sureties, the Executive Magistrate shall make an order accordingly:

Provided that—

(a) no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the show cause notice issued under sub-section (1);

(b) the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive;

(c) when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

(3) The bond shall be in the format provided in Schedule II to this Act, and the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall insofar as they are applicable, apply *mutatis mutandis* to all matters connected with such bond as if it were a bond for maintaining good behaviour ordered to be executed under section 117 of that Code.

(4) If any person ordered to give security under sub-section (2) does not give such security on or before the stipulated date or if such person has, in the opinion of the Executive Magistrate or his successor-in-office, has committed breach of the bond, necessary action may be initiated against such person in the manner as provided in section 122 of the said Code as if the bond was executed under section 117 of the said Code.”.

14. In section 52-E of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:- Amendment of section 52-E.

“(1) When any person having been—

(i) previously convicted at least twice for an offence punishable under clause (A), clause (B) or clause (C) of sub-section (1) of section 4; or

(ii) previously convicted of an offence punishable under sub-section (1-A) of section 4 or section 5 or section 7,

the Court may, either on its own motion at the time of passing the sentence of imprisonment on such person or on an application made to it within a period of two months from the date of conviction by the Prohibition Officer or the Investigation Officer concerned by an order, also direct such person to remove himself after the expiry of such sentence of imprisonment, from the place in which he ordinarily resides or operates, to any other place in any other district as the Court may specify in such order.

15. In the Schedule II to the principal Act,—

Amendment of Schedule II.

(1) for the expression “(See section 52-A)”, the expression “(See sections 52-A and 52-AA)” shall be substituted;

(2) for the expression “any offence under sections 4(1)(a), 4(1)(aa), 4(1)(aaa), 4(1)(b), 4(1)(d), 4(1)(e), 4(1)(f), 4(1)(g), 4(1)(h), 4(1)(i) and 4(1)(jj)” occurring in two places, the expression “any offence punishable under clause (A), clause (B), clause (C) of sub-section (1) of section (4), sub-section (1-A) of section 4, section 5, section 7” shall be substituted.

(By order of the Governor)

S. GEORGE ALEXANDER,
Secretary to Government,
Law Department.