

THE KERALA ABKARI (AMENDMENT) BILL

An Act to give power to the District Magistrates to direct every licensee of a liquor shop or other public places of entertainment falling under Section 54 not to sell or serve or allow to carry home any alcohol, or other intoxicating drug or psychotropic substances on any festival day or holiday or wage disbursement day.

BE it enacted in the Fifty ninth year of the Republic.

- Short title extend and commencement.*—(1) This Act may be called The Kerala Abkari (Amendment) Act, —.
(2) It extends to the whole of State of Kerala.
(3) It shall come into force at once.

2. Amendment of Section 54 of the Kerala Abkari Act.—After Section 54 of the Abkari Act the following Section may be added as Section 54A and 54B.

“54A. (1) The District Magistrate shall direct every licensee of a liquor shop falling under Section 54, every club or hostel or other place of entertainment or hotel or restaurant not to sell or serve or consume or allow to carry home any alcohol, or other intoxicating drug or psychotropic substance for consumption on any festival day or holiday or wage disbursement day or such other days as may be considered as dry days.

(2) For the successful exercise of the above prohibition it shall be open to the District Magistrate or any police officer of and above the rank of Sub Inspector of Police to take any precautionary measure, conduct raid, enter any premises, examine the books and records of the licensee, with a view to ensure the effective implementation of the prohibition.
(3) No medical organization for whatever reason or any agency for tourism on whatever ground shall be provided with any exemption from the obligation to observe the ban imposed by the above provision.”

“54B. The Beverages Corporation or other liquor manufacturing organ run by the State or private agencies shall not do any act or omission which may facilitate or abet the violation of the provisions in Section 54 or 54A of the Abkari Act.

Explanation.—A dry day shall include any day of entertainment or sports, music concert or other event which in the opinion of District Magistrate is likely to be used for enjoyment by consumption of any of the above intoxicating substances.”

Statement of Objects and Reasons

Article 47 of the Constitution enjoins that the State shall endeavour to bring about prohibition of consumption of alcohol or other intoxicating drug or other psychotropic substance which are injurious to health except for medical purposes. In view of the fact that alcoholism and drug habits have disastrously spreading among the poor categories of people including even juveniles and women, it has become necessary to make provision for effective implementation of prohibition. Even medical certificates or authorization on the ground of promotion of tourism as a ground for liquor consumption shall not be allowed on dry days in view of the easy abuse under those guises.