

MEGHALAYA ACT 14 OF 1976

THE MEGHALAYA INTOXICATING LIQUOR (PROHIBITION OF PUBLICATION OF ADVERTISEMENTS) ACT, 1976

(As passed by the Assembly)

[Received the assent of the Governor on the 5th October, 1976]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 9th October, 1976)

An

Act

To prohibit the advertisement of liquor by cinematographic exhibition and on walls, buildings and hoardings in public places, and to provide for matters connected therewith

Be it enacted by the Legislature of Meghalaya in the Twenty-seventh Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Meghalaya Intoxicating Liquor (Prohibition of Publication of Advertisements) Act, 1976.
- (2) It extends to the whole of Meghalaya.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires:-
 - (a) "advertisement" includes any printed, cyclostyled, type-written, hand-written or painted matter or a design or pictorial representation and also includes the distribution or display of such matter, design or representation on any wall, building or hoarding in a public place or any announcement by means of producing or transmitting light or sound, whether by cinematographic exhibition, neon signs or otherwise ;
 - (b) "intoxicating liquor" does not include a drug as defined in the Drugs and Cosmetics Act, 1940 ;
 - (c) "officer of the Excise Department" means any officer of the Excise Department appointed under Section 8 of the Meghalaya Excise Act (Eastern Bengal and Assam Act I of 1910 as adapted and amended by Meghalaya).

Prohibition of advertisements relating to liquor.

3. No person shall publish or cause to be published any advertisements which solicit the use of, or offers for sale, any intoxicating liquor.

Explanation:- A sign-board on any premises in which intoxicating liquor is manufactured or sold or offered for sale indicating merely that such liquor is manufactured, or sold or offered for sale in those premises, and any catalogue or price list of such liquor kept or maintained in such premises, shall not amount to the publication of such an advertisement.

Presumption.

4. Where any advertisement relating to any intoxicating liquor has been published in contravention of Section 3, it shall be presumed, unless the contrary is proved, that the person on whose behalf it purports to have been published is the person who has published it or caused it to be published.

Power of the inspection and seizure of material object containing published advertisements.

5. (1) Subject to the provisions of any rules made in this behalf, any officer of the Excise Department not below the rank of Excise Inspector may –

(a) enter and search at all reasonable time with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence punishable under this Act has been or is being committed ;

(b) seize and detain any article used for purposes of an advertisement which he has reason to believe contravenes any of the provisions of this Act ;

(c) examine any record, register, document or any other material object found in any place mentioned in clause (a) and seize the same, if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

(2) Where any officer seizes any property under sub-section (1) such seizure shall be reported to a Magistrate forthwith, and the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973, shall apply to the custody and disposal thereof as they apply to property referred to therein.

- Penalty
6. Any person who contravenes the provisions of Section 3 shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.
- Investigation of offence.
7. (1) An officer of the Excise Department not below the rank of Excise Inspector may investigate any offence under this Act committed within the limits of the area in which he exercises jurisdiction and shall have in respect of such investigation the same powers as an officer-in-charge of a police station has in a cognizable case under the provisions of Chapter XII of the Code of Criminal Procedure, 1973 and may, in particular, make such investigation without an order of a Magistrate.
- (2) In other respects, the provisions of the said Code or in areas where the Code does not apply the spirit of the Code relating to arrests, searches, search warrants, production of persons arrested and investigation of offences shall, so far as may be, apply to all actions taken in these respects under this Act.
- Protection of action taken in good faith.
8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.
- Power to compound offences.
9. (1) The Deputy Commissioner of the district may accept from any person, against whom a reasonable suspicion exists that he has committed any offence punishable under this Act, such sum of money, not being less than five hundred rupees, as he thinks fit by way of composition for the offence which such person is suspected to have committed.
- (2) On the payment of such sum of money to the Deputy Commissioner, the suspected person, if in custody, shall be discharged and no other proceedings shall be taken against him.
- (3) The provisions of this Section shall apply also where a prosecution or an appeal against conviction of an offence under this Act is pending, and in such a case the composition of such an offence under this Section shall have the effect of acquittal of an accused with whom the offence has been compounded.
- Power to make rules.
10. The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.