

**THE TAMIL ANDU DISPOSAL OF ARTICLES (CONFISCATED UNDER THE
TAMIL NADU PROHIBITION ACT) RULES, 1979**

(G.O.Ms.No.1104, Home, P&E (IV), dated 8th April 1980)

In exercise of the powers conferred by clause (1) of sub-section (2) of section 54 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), the Governor of Tamil Nadu hereby makes the following rules.

1. Short title and commencement:- These rules may be called the Tamil Nadu Disposal of Articles (Confiscated under the Tamil Nadu Prohibition Act) Rules 1979.

2. Definitions:- In these Rules, unless there is anything repugnant in the subject of context-

(a) **“Act”** means the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) .

(b) **“Commissioner”** means the Commissioner of Prohibition and Excise; (c)

“Competent Authority” mean the Court, Collectors, Prohibition Officers or other Officers authorised by the State Government in this behalf;

(d) **“Government”** means the Government of Tamil Nadu;

(e)

“Officer in charge” means of Officer authorised by the Government to take action for the disposal of confiscated articles.

* **3. Confiscations:** When an order is received from a competent authority for the Confiscation of anything seized or detained under the Act, it shall be disposed of by the competent authority in the manner specified in the table below:-

THE TABLE

Confiscated articles	Manner of disposal
(1)	(2)
1. Arrack, toddy, country liquor, etc. 2. Indian Made Foreign Spirits/Beer/ Wine in open bottles or in bottles whose labels and capsules are not intact or where sedimentation is found. 3. Foreign spirits in open bottles or in bottles whose label and capsules are not intact or where sedimentation is found.	The liquor shall be destroyed by the competent authority adjudging the confiscation and the empty receptacles, if fit for sale, shall be sold in auction after clearing all traces of liquor.

4. Foreign liquor in unopened bottles with their labels and capsules intact 5. Indian Made Foreign Spirits/Beer/Wine in unopened bottles with their labels and capsules intact.	The competent authority adjudging the confiscation shall send the bottles to the Deputy Commissioner / Assistant Commissioner (Excise) of the concerned district. The Deputy Commissioner / Assistant Commissioner (Excise) concerned shall consult the Director of the Tamil Nadu Forensic Science Department whenever, there is doubt or suspicion in regard to the quality or fitness for consumption of the stock so seized. The Director of the Tamil Nadu Forensic Science Department shall report to the concerned Deputy Commissioner / Assistant Commissioner (Excise), the full details of the liquor found fit for consumption. The Deputy Commissioner / Assistant Commissioner (Excise) concerned shall arrange
	to hand over the stocks, which are in good condition, to the nearest Tamil Nadu State Marketing Corporation Limited Depot. In case of stocks, which have been certified by the Director, Tamil Nadu Forensic Science Department as unfit for consumption, shall be destroyed by the Deputy Commissioner / Assistant Commissioner (Excise) concerned in the presence of not less than two independent witnesses and the empty receptacles, if fit for sale shall be sold in auction after clearing all traces of liquor.
6. Denatured Spirit or methyl alcohol. 7. Spirituous preparations containing denatured spirit.	These shall be destroyed by the competent authority adjudging the confiscation and empty receptacles, if fit for sale, shall be sold in auction after clearing all traces of liquor.

8. Rectified Spirit	The Competent authority adjudging the confiscation shall hand over the rectified spirit to the Assistant Commissioner (Excise) concerned. The Assistant Commissioner (Excise) shall sell the rectified spirit to the licensees under the Tamil Nadu Rectified Spirit Rules, 2000 in auction, provided it is certified by the Director, Tamil Nadu Forensic Science Department that such rectified spirit is fit for use. If such rectified Spirit is unfit for use as so certified by the Director, Tamil Nadu Forensic Science Department or if there is no such licensee to purchase such rectified spirit even after conducting auctions for not less than three times, such Rectified Spirit shall be destroyed by the Assistant Commissioner (Excise) in the presence of not less than two independent witnesses.
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2. (a) When an order is received from the competent authority for confiscation of vehicle, the vehicle so confiscated shall be disposed of by the committee constituted for the purpose in each district comprising of the following officers, namely:-

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| 1) Collector of the District | Chairman |
| 2) Superintendent of Police and Commissioner of Police
(of the District / Corporation concerned) | Convener |
| 3) Zonal Superintendent of Police, Enforcement Wing
(of the Chennai / Salem / Madurai zone) | Member |
| 4) Additional Superintendent of Police (Headquarters) (of the District) | Member |
| 5) Deputy Commissioner (Excise) / Assistant Commissioner
(Excise) | Member |
| 6) Automobile Engineer of the Government Automobile
Workshop, Motor Vehicle Maintenance Department (of
the District) | Member |
| 7) In all cities, other than Chennai City, Deputy
Commissioner of Police (Law and Order) | Member |
| 8) In Chennai City, Additional Deputy Commissioner of
Police (Enforcement) | Member |

The Committee shall dispose of the confiscated vehicle in any one of the manners specified in column (1) of the Table below, as deemed fit, by following the procedure specified in the corresponding entries in column (2) thereof:-

THE TABLE

Mode of disposal of confiscated vehicles	Procedure to be followed for the disposal of vehicles
(1) Induction for use of Government departments	a) The Committee shall order the vehicle to be inducted for use of Government departments, if the vehicle is certified to be fit and appropriate for induction by the Automobile Engineer of the Government Automobile Workshop (Motor Vehicles Maintenance Department) in the District.
	b) The Chairman of the Committee, namely, the District Collector shall report to the Director, Motor Vehicles Maintenance Department, Chennai, the full details of the vehicle, including the number and type of vehicle.
	c) The Director, Motor Vehicles Maintenance Department on receipt of the report shall order the vehicle to be kept in safe custody in a Government Automobile Workshop and shall include the vehicle in the list of vehicles available under the common pool and circulate it to the Government Departments.
	d) The department which requires the vehicle shall intimate the Director, Motor Vehicles Maintenance Department. The expenses for the registration of the said vehicle in the name of the Government shall be borne by the department concerned.
(2) Auctioning of the confiscated vehicle.	In case of a vehicle which is road worthy but has not been certified as being fit and appropriate for induction for use of Government Departments:-
	a) The Committee shall have the value of the confiscated vehicle fixed by the concerned Automobile Engineer of the Government Automobile Workshop of the Motor Vehicle Maintenance Department in the district.

	b) The Additional Superintendent of Police (Headquarters) of the district, shall arrange for the vehicle to be disposed by inviting sealed tenders or through public auction and shall also provide wide publicity for inviting offers through sealed tenders or public auction, following the guidelines issued in this regard by the Government from time to time. c) The Committee shall dispose of the vehicle to the best advantage of the Government, provided it shall not be disposed at a rate less than that fixed by the Government Automobile Workshop. (d) The Convener of the committee shall report to the Additional Director General of Police (Enforcement) and Commissioner of Prohibition and Excise once in three months, details as to the number and the type of vehicles ordered for confiscation by the competent authority, the value fixed for the said vehicles by the Government Automobile Workshop, the amount it fetched through sealed tender or public auction and the amounts that have been deposited in the relevant head of account containing date of remittances etc. The Additional Director General of Police (Enforcement) shall send a consolidated report to the disposal of confiscated vehicles to the Government once in three months.
(3) Destruction of the confiscated vehicle.	In the case of a vehicle which is certified to be unfit for induction for use of Government departments and for auctioning, by the Automobile Engineer of the Government Automobile Workshop (Motor Vehicles Maintenance Department) in the district, the Committee shall order the vehicle to be destroyed and the vehicle shall be destroyed in the presence of all the members of the committee or their representatives by drawing the destruction proceedings.

*** 4. Sale of Animal, Vassal, Cart or any other movable property:-** (1) The animal, Vessel, cart or any other movable property confiscated shall be sold by public auction to the highest bidder.

(2) No sale of any perishable articles, ordered to be confiscated, shall be postponed on account of the preferring of an appeal against the order of confiscation. The sale of any animal, vessel, cart or package or receptacle or covering or any other movable property ordered to be confiscated shall not be postponed on such account unless the owner thereof or his agent deposits with the competent authority ordering the confiscation, such sum as such competent authority may consider sufficient for keeping, the sale custody of such animal, vessel, cart or other movable property, as the case may be, pending the result of such appeal. If the order for confiscation is reversed on such appeal, the owner shall be entitled to receive back the whole of the sum, so deposited.

* (Amended as per G.O. (Ms) No. 39, H,P&E (VIII) Dept., dated: 22.10.2019)

5. Sale proceeds.- If any order, that any article be confiscated, is reversed on appeal such articles, if it has not been sold before such reversal, comes to the knowledge of the Officer-in-charge thereof, or if it has been sold, the sale proceeds thereof, shall be dealt with under Rules 6 to 9 inclusive.

6. Things ordered to be released.- Things ordered to be released or the proceeds thereof, if they have been sold shall at once be given up or paid, as the case may be, by the Officer in-charge thereof to the owner or his agent.

7. Notice to the owner.- Should no one appear to receive a thing ordered to be released or the proceeds of the sale thereof, the Officer-in-charge thereof shall do his best to give notice to the owner of the order of release of the thing or the proceeds of the sale, as the case may be and shall also cause a notice of such order to be affixed in a conspicuous place in the village where the seizure of the thing was effected and in the office of the Tahsildar of the Taluk and in the nearest Police Station to such village.

8. Unclaimed articles.- If, within two calendar months from the date of service or publication of the notice, no person entitled to receive a thing ordered to be released claims the same or pays all charges incurred on its keeping in safe custody after the date on which the order for its release was notified hereinbefore directed, it shall be sold; the amount of all charges so incurred shall be credited to State Revenue and the net proceeds shall be placed in deposit. The same course shall be followed with reference to the proceeds of a thing ordered to be released which has been sold before the receipt of the order of release.

9. Unclaimed amount.- If no person appears to receive the sum so placed in deposit during a further period of two calendar months, it shall be credited to State Revenues.

10. Remittance of sale proceeds.- The sale proceeds of all confiscated articles shall be paid into the nearest Government Treasury / Reserve Bank of India, as the case may be, without delay.

Explanation.- The sale proceeds of the articles confiscated under the Act shall be credited to "039 AJ. – State Excise – Other receipts – 04. Miscellaneous" (D.P. Code No. 039 A AJAA 0406) or any other head of account adopted from time to time.

11. Disposal of the articles purchased.- The purchaser of the articles sold under these rules may, if such articles are intoxicating drugs, be permitted to export the articles so purchased by him to places outside this State under cover of export permits issued by the Commissioner of Prohibition and Excise, Chennai, subject to such conditions as he may impose.

12. Ganja or Bhang.- Notwithstanding anything contained in the preceeding rules, any Ganja or Bhang confiscated under the Act, shall be destroyed either by the Collector or by one of his Personal Assistant or any other Deputy Collector authorised by the Collector without getting the consignment examined by the Director of Tamil Nadu Forensic Science Laboratory. The Collector shall collect all the consignments of confiscated stuff and verify the weights, once in a quarter and destroy the entire quantity after obtaining the orders of the Commissioner of Prohibition and Excise, Chennai.

