

OFFICE OF THE EXICSE COMMISSIONER,
EXCISE AND TAXATION COMPLEX,
RAIL HEAD COMPLEX, JAMMU

Subject: -Jammu and Kashmir Excise Act, Svt. 1958 - Zonal Excise Officers.

Order No. 39 EC of 2020

Dated: 13.06.2020

Whereas, vide Council Order No. 898-C of 1945 dated 18.09.1945 as per sub section (2) of Section 20 of the Jammu and Kashmir Excise Act, Svt. 1958, the Government has initially authorized the Excise Commissioner **to frame Rules for the control of import, manufacture and export of and traffic in country liquors and of cultivation**, manufacture, import and export of and traffic Charas and opium and further to grant licences and permits under the said Act, lay down terms and conditions subject to which such licences or permits shall be issued and to prescribe their forms and other particulars;

Whereas, the Government under clause (a) sub section (2) of Section 3 of the Jammu and Kashmir Excise Act, Svt. 1958, appointed the Excise Commissioner as the Commissioner under the said Act vide SRO 617 of 1971 dated 23.12.1971, and further reiterated the same vide SRO 301 of 1982 dated 26.07.1982 under section 4 of the Jammu and Kashmir Excise Act, Svt. 1958;

Whereas, the Government further vide SRO 274 of 1974 dated 11.06.1974 under section 5 and 6 of Jammu and Kashmir Excise Act, Svt. 1958, empowered the Commissioner **to issue permits for import or export of liquor or intoxicating drugs himself or by any other Officer duly authorized by him in writing in this behalf;**

Whereas, the cultivation of poppy in the State has been banned in Jammu and Kashmir w.e.f 31st of March, 1959 and the practice of granting licence to the cultivators was dispensed with;

Whereas, as per section 33 of the Act, officers of Police and Revenue Department including village Headmen and Chowkidars are **bound to assist the**

Excise and Taxation Officer in carrying out the provisions of the Act. Section 33 of the Act is reproduced as under:

“All officers of the Police and Revenue Departments and village Headmen and Chowkidars shall be legally bound to assist any [Excise and Taxation Officer] in carrying out the provisions of this Act.”

Whereas, further under Section “34” of the Act, every officer employed by the State other than an Excise and Taxation Officer shall be bound to give every information to an ETO of all breaches of any of the provisions of this Act which may come to his/her knowledge, and all such officers shall be bound to take all reasonable measures in their power to prevent the Commission of any such breaches which they may know or have reasons to believe or about or likely to be committed;

Whereas, under section 35, further, all Zamindars, Proprietors, Tenants, under-tenants and cultivators who own or hold land on which there shall be manufacture of liquor, growth of poppy or hemp plant or manufacture of intoxicating drugs not licenced under the Act or in accordance with the conditions shall be in absence of reasonable excuse, be bound to give notice of the same to a Magistrate or an Excise and Taxation Officer;

Whereas, under section 30 of the Act any Police officer or other person arresting any person without warrant for an offence under Section 48, 50 or 50-A or making seizure of any liquor or a drug or article under the Act under sub section (2) of Section 30 has to produce the same to the nearest Inspector Excise who shall further produce the same to the Excise and Taxation Officer for further enquiry as mandated under the Act, and for such enquiry, the Excise and Taxation Officers has to maintain day-to-day proceedings;

Whereas, in view of the mandate of the Act and other statutory provisions, vide Order No. 14-E of 1959 dated 08.04.1959, all officers of the Forest Department not below the rank of Assistant Conservator of Forest (ACF) have also been appointed by the Government as Excise and Taxation Officers with additional powers of Inspectors under section 27 to 30 with respect to removal, destruction and extraction of Charas from Bhang plants growing in the areas under the control of Forest Department. Similarly vide Order No. 52-E of 1959

dated 27.11.1959, all Police Officers incharge of Police Stations or attached to them not below the rank of Sub-Inspector, have been delegated the powers of Excise Inspectors under the said Act;

Whereas, there is further a provision in the Act under section 22 that the licence has to be cancelled or suspended by the Commissioner, if the holder thereof is found to have violated any terms and conditions of the licence or has been found to have been convicted of any offence against this Act or any other law for the time being in force relating to excise revenue or any cognizable or non-bailable offence. Further, under Section 50-B, the penalty to be imposed second time to the convict under the Act for any non-bailable offence relating to the Act is more stringent and under sub section (2) of Section 56 the punishment is double for every subsequent offence in order to deter the offenders of the Act and the Rules. This is so as the overall mandate of the Act is specific in character to be dealt by the Excise officers only and to keep track of the habitual offenders enabling the Government to identify, track and rehabilitate the addicts under the Act and the Policy;

Whereas, in view of the Government's priority to control the drug menace and its ill effects, the implementation of the provisions of the Act in its true sense is inevitable. However, it has been observed that the procedure contained in the Act is not being followed as per section 30 and 40 of the Act, and this office is not in a position to even keep track of the cases occurring across the jurisdiction of the Union Territory. Persons arrested are not being produced before the Excise and Taxation Officers or the Deputy Commissioners Excise resulting in non-availability of data base with the Department.

In view of the above, it is ordered as under:-

1. All Excise Inspectors whether on permanent basis or under delegation of powers viz. Incharge Police Stations, shall strictly follow procedure as mandated under Section 30 of the Act and the Deputy Commissioner Excise shall be immediately intimated of any Excise offence under the Act within 24 hours.
2. Excise and Taxation Officers shall take periodic review of all Excise/NDPS related offences on monthly basis by holding meeting with all Excise Inspectors (including Incharge Police Stations).



Handwritten signature and date: 12/6

3. The Deputy Commissioner Excise shall maintain data-base of all Excise/NDPS offences with specific list of habitual offenders/licencees.
4. The Deputy Commissioner Excise shall also maintain data of the cases disposed of by him/her in appeal and submit the same to the Commissionrate on monthly basis. Any case of transfer of enquiry from one Officer to other under section 30(2) shall also be shared with the Commissionrate on fortnightly basis.
5. For better monitoring of the field work and with the purpose of arresting bootlegging, illicit distillation, illicit cultivation of Poppy/Bhang, drug trafficking and violation of the Excise Act and Rules, there shall be 27 zones (sub-ranges) to be headed by minimum Sub-Inspector Excise and two Excise Guards. These Zones (sub-ranges) shall be as follows:-

S.No.	Name of the Zone	Zone Code	Excise Range
1.	NORTH ZONE-1	01	CITY EXCISE RANGE NORTH, JAMMU
2.	NORTH ZONE-2	02	CITY EXCISE RANGE NORTH, JAMMU
3.	SOUTH ZONE-1	03	CITY EXCISE RANGE SOUTH, JAMMU
4.	SOUTH ZONE-2	04	CITY EXCISE RANGE SOUTH, JAMMU
5.	SAMBA ZONE	05	SAMBA EXICSE RANGE
6.	KATHUA ZONE-1	06	KATHUA EXCISE RANGE
7.	KATHUA ZONE-2 (BASOHLI)	07	KATHUA EXCISE RANGE
8.	KISHTWAR ZONE	08	DODA-KISHTWAR-RAMBAN EXCISE RANGE
9.	RAMBAN ZONE	09	DODA-KISHTWAR-RAMBAN EXCISE RANGE
10.	DODA ZONE-1	10	DODA-KISHTWAR-RAMBAN EXCISE RANGE
11.	DODA ZONE-2	11	DODA-KISHTWAR-

[Handwritten signature]
17/11

	(BHADERWAH)		RAMBAN EXCISE RANGE
12.	POONCH ZONE	12	RAJOURI-POONCH EXCISE RANGE
13.	RAJOURI ZONE-1	13	RAJOURI-POONCH EXCISE RANGE
14.	RAJOURI ZONE-2 (SUNDERBANI- NOWSHERA)	14	RAJOURI-POONCH EXCISE RANGE
15.	UDHAMPUR ZONE	15	UDHAMPUR-REASI EXCISE RANGE
16.	REASI ZONE	16	UDHAMPUR-REASI EXCISE RANGE
17.	SRINAGAR ZONE	17	SRINAGAR- GANDERBAL-BADGAM EXCISE RANGE
18.	GANDERBAL ZONE	18	SRINAGAR- GANDERBAL-BADGAM EXCISE RANGE
19.	BUDGAM ZONE	19	SRINAGAR- GANDERBAL-BUDGAM EXCISE RANGE
20.	ANANTNAG ZONE	20	ANANTNAG- PAHALGAM-SHOPIAN- KULGAM EXCISE RANGE
21.	PULWAMA ZONE	21	ANANTNAG - PAHALGAM-SHOPIAN- KULGAM EXCISE RANGE
22.	SHOPIAN ZONE	22	ANANTNAG - PAHALGAM-SHOPIAN- KULGAM EXCISE RANGE
23.	KULGAM ZONE	23	ANANTNAG - PAHALGAM-SHOPIAN- KULGAM EXCISE RANGE
24.	BARAMULLA	24	BARMULLA-KUPWARA-

13/4

	ZONE-1		BANDIPORA EXCISE RANGE
25.	BARAMULLA ZONE-2 (SOPORE)	25	BARMULLA-KUPWARA-BANDIPORA EXCISE RANGE
26.	KUPWARA ZONE	26	BARMULLA-KUPWARA-BANDIPORA EXCISE RANGE
27.	BANDIPORA ZONE	27	BARMULLA-KUPWARA-BANDIPORA EXCISE RANGE

6. The staff deployed in these Zones (sub-ranges) shall remain permanently stationed and shall not ordinarily leave the territorial jurisdiction without the approval of the Excise and Taxation Officer of the concerned Range.
7. The Additional Secretary (Legal), Excise Department/Law Officer shall compile the data of all F.I.R's registered under the Act and the Challans produced in the Competent Court(s). He/She will also maintain records of convictions awarded by the Hon'ble Court(s) under the Act.

(Rajesh Kumar Shavan) KAS
Excise Commissioner, J&K


No. EC/Exc/2020-21/630-46

Dated: 13.06.2020

Copy to the:

1. Financial Commissioner, Finance Department, J and K for information.
2. Director General of Police, J&K, Jammu for information.
3. Divisional Commissioner, Jammu/Kashmir for information.
4. Principal Chief Conservator of Forest, J&K Jammu for information.
5. Inspector General of Police, Jammu/Kashmir for information.
6. Inspector General of Police, Narcotics, Jammu/Kashmir for information.
7. Chief Conservator of Forest, Jammu/Kashmir for information.

8. District Magistrate (All) _____ for information.
9. Senior Superintendent of Police (All) _____ for information and necessary action.
10. Regional Director NCB, Chandigarh for information.
11. Deputy Excise Commissioner, Accounts, Jammu for information.
12. Deputy Excise Commissioner, Executive, Jammu/Kashmir for information and necessary action.
13. Deputy Excise Commissioner, Distilleries, Jammu for information.
14. Principal Training Institute, Nagrota for information.
15. General Manager, J&K Ranbir Press, Jammu for publication.
16. Additional Secretary, (Legal) Excise for information.
17. All Excise and Taxation Officers for compliance.


13.6.20