



**MANUAL UNDER THE RIGHT TO INFORMATION ACT, 2005
(Central Act No.22 of 2005)**

**PROHIBITION AND EXCISE WING
OF
HOME, PROHIBITION AND EXCISE DEPARTMENT
SECRETARIAT, FORT ST. GEORGE,
CHENNAI 600 009.**

**PROHIBITION AND EXCISE WING
OF
HOME, PROHIBITION AND EXCISE DEPARTMENT**

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INTRODUCTION

- 1.1. In order to promote transparency and accountability in the working of every public authority and to empower the citizens to secure access to information under the control of each public authority, the Government of India has brought out an Act, namely, "**The Right to Information Act, 2005**", (RTI Act), which came into force during the year 2005. In accordance with the provisions of section 4(1)(b) of this Act, the Prohibition and Excise Wing of Home, Prohibition and Excise Department, Government of Tamil Nadu brings out this manual for information and guidance of the stakeholders and the general public.
- 1.2. The purpose of this manual is to inform the general public about this Department's organizational set-up, functions and duties of its officers and employees, records and documents available with the Department.
- 1.3. This manual is aimed at the public in general and users of the services and it provides information about the schemes, projects and programmes being implemented by the Prohibition and Excise Wing of Home, Prohibition and Excise Department and the organizations under its administrative control.
- 1.4. The Prohibition and Excise Wing of Home, Prohibition and Excise Department has designated Tmt.G. Kanchana, B.A., Under Secretary (Excise) to Government as its Assistant Public Information Officer and Selvi.L.Radha, M.A., Deputy Secretary to Government as its Public Information Officer (PIO) for all matters concerning the wing. The contact address of the Assistant Public Information Officer and Public Information Officer are as follows:-

1. Tmt.G. Kanchana, B.A.,
Under Secretary (Excise) to Government,
Prohibition and Excise Wing of Home,
Prohibition and Excise Department, Chennai - 600 009.

2. Selvi.L. Radha, M.A.,
Deputy Secretary to Government,
Prohibition and Excise Wing of Home,
Prohibition and Excise Department, Chennai - 600 009.
Telephone No.25674235

1.5. A person requiring any information regarding the Prohibition and Excise Wing under the Act may contact the above officer.

1.6. The procedure and fee structure for getting information are as under:-

(a) A request for obtaining information under sub-section (1) of section 6 of the RTI Act shall be made in writing or through electronic means either in person or by post to the Public Information Officer mentioned in paragraph 1.4 above and accompanied by an application fee of Rs. 10/- by cash or by demand draft or banker's cheque.

The applicant may also remit the fee under the above head of account through Treasury / Pay and Accounts Office / State Bank of India / Reserve Bank of India and produce the Chalan to the Public Information Officer as an evidence for having remitted the fee.

(b) For providing information under sub-section (1) of section 7 of the Right to Information Act, 2005 the request shall be made as at (a) above and the fee will be as follows, which may be paid as per the mode at (a) above.

- (i) Rupees two for each page (in A-4 or A-3 size paper) created or copied;
- (ii) Actual charge or cost price of a copy in larger size paper
- (iii) Actual cost or price for samples or models; and
- (iv) For inspection of records, no fee for the first hour; and a fee of Rs. 5/- for each fifteen minutes (or fraction thereof) thereafter.

(c) For providing the information under sub-section (5) of section 7 of the RTI Act, 2005, the request shall be made as at (a) above and the fee will be as

follows, which may be paid as per the mode at (a) above.

- (i) For information provided in diskette or floppy, @ Rs. 50/- (fifty) per diskette or floppy; and
- (ii) For information provided in printed form, at the price fixed for such publication.

1.7. The Department has designated Tmt.M. Sundari, B.A., Joint Secretary to Government as Appellate Authority under section 19(1) of the Act. The contact address of the Appellate Authority is as follows: -

Tmt.M. Sundari, B.A.,
Joint Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai –600 009.
Telephone No. 25670349

**PARTICULARS OF HOME, PROHIBITION AND EXCISE DEPARTMENT ITS
ORGANIZATION, FUNCTIONS AND DUTIES**

(under section 4(i)(b)(i) of the Right to Information Act,2005)

**2.1 OBJECTIVE OF THE PROHIBITION AND EXCISE WING OF HOME,
PROHIBITION AND EXCISE DEPARTMENT.**

The Objectives of this department are:-

1. Administration of the Tamil Nadu Prohibition Act, 1937 and Rules made there under.
2. Enforcement of Prohibition.
3. Administration of Drugs and Narcotic Laws.
4. Administration of Tamil Nadu Act 14 of 1982.

2.2 The portfolio of Prohibition and Excise is held by the Hon'ble Chief Minister of Tamil Nadu.

2.3 ORGANIZATION STRUCTURE

The Secretary to Government, Home, Prohibition and Excise Department heads the Prohibition and Excise Wing of Home, Prohibition and Excise Department in Secretariat. The Secretary to Government is assisted by one Additional Secretary to Government in Prohibition and Excise Wing, apart from other supporting staff. The following are the three important establishment under the control of this Department:

1. Commissionerate of Prohibition and Excise
2. Prohibition Enforcement Wing
3. Tamil Nadu State Marketing Corporation Limited (TASMAC)

2.4 ACTS AND RULES

1. Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937)

Section 54(1) of Tamil Nadu Prohibition Act, 1937, empowers the Government to make rules for the purpose of carrying into effect the provisions of this Act on the following matters:

- (a) Issue of licences and permits
- (b) Prescribing penalty for wastage or shortage of spirits in excess of the prescribed limits
- (c) Procedure as to denature spirit.
- (d) Disposal of Articles confiscated and of the proceeds thereof
- (e) For collection of Duties on all kinds of liquor/drugs
- (f) Exemption from or suspension of the operation of any rule made under this Act.
- (g) Authorizing any officers or persons to exercise any power or perform any duty under this Act.

RULES

- 1 The Tamil Nadu Neera and Padaneer Rules, 1939
- 2 The Tamil Nadu Molasses Control and Regulation Rules, 1958.
- 3 The Tamil Nadu Denatured Spirit, Methyl alcohol and Varnish (French Polish) Rules, 1959
- 4 The Tamil Nadu Spirituous Essence Rules, 1972
- 5 The Tamil Nadu Disposal of Articles (Confiscated under Tamil Nadu Prohibition Act, 1937) Rules, 1979
- 6 The Tamil Nadu Distillery Rules, 1981
- 7 The Tamil Nadu Indian Made Foreign Spirit (Manufacture) Rules, 1981
- 8 The Tamil Nadu Liquor (Licence and Permit) Rules, 1981
- 9 The Tamil Nadu Liquor Transit Rules, 1982
- 10 The Tamil Nadu Indian Made Foreign Spirit (Supply by Wholesale) Rules, 1983
- 11 The Tamil Nadu Brewery Rules, 1983
- 12 The Tamil Nadu Prohibition Appeal and Revision Rules, 1983
- 13 The Tamil Nadu Mass Wine Rules, 1984
- 14 The Tamil Nadu Chloral Hydrate Rules, 1984
- 15 The Tamil Nadu Spirituous Preparation (Control) Rules, 1987
- 16 The Tamil Nadu Rectified Spirit Rules, 2000
- 17 The Tamil Nadu Liquor (Retail Vending) Rules, 2003
- 18 The Tamil Nadu Wine (Manufacture) Rules, 2006

2.5 THE TAMIL NADU PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, FOREST OFFENDERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS, SAND OFFENDERS, SLUM-GRABBERS AND VIDEO PIRATES ACT, 1982 (TAMIL NADU ACT 14/1982)

The Tamil Nadu Act 14 of 1982 was enacted to prevent the dangerous activities of anti-social elements like Bootleggers, Drug-Offenders, Forest Offenders, Goondas, Immoral Traffic offenders, Sand offenders, Slum

grabbers and Video Pirates in the State of Tamil Nadu in order to maintain public order and public health in general. As this is an Act providing for preventive detention of said offenders for a period of one year, in order to prevent them from doing their dangerous activities, utmost caution is shown in invoking the provisions of this Act.

2.6. According to section 9 of the said Act the State Government shall whenever necessary constitute one or more Advisory Boards, for the purpose of this "Act". Every such Board shall consist of a Chairman and two other Members who are or have been judges of any High Court or who are qualified under the Constitution of India to be appointed as Judges of a High Court.

2.7 **COMMISSIONARATE OF PROHIBITION AND EXCISE**

The Commissioner of Prohibition and Excise is the Head of the Department. The Commissioner is assisted by two Joint Commissioners, one Financial Controller (in the cadre of Joint Secretary to Government, Finance Department) and four Assistant Commissioners in the headquarters. The Commissioner is vested with authority for granting the privileges and licences to establish a distillery for the manufacture of alcohol for human consumption with the prior approval of the Government. The Commissioner of Prohibition and Excise has also been empowered to grant the privileges and licences with prior approval of the Government, for the establishment of Indian Made Foreign Spirit and Beer manufacturing units.

2.8 **PROHIBITION ENFORCEMENT WING (PEW)**

The Prohibition Enforcement Wing is headed by one Inspector General of Police (Enforcement) and he/she is assisted by four Superintendents of Police

viz., the Superintendent of Police, Central Investigation Unit and Superintendent of Police, Enforcement at Chennai, Salem and Madurai.

2.9 The Inspector General of Police (Enforcement) exercises control over the Prohibition Enforcement Wing units/offices through the respective District Superintendent of Police/Commissioner of Police.

2.10. **THE TAMIL NADU STATE MARKETING CORPORATION LIMITED (TASMAC)**

The Tamil Nadu State Marketing Corporation Ltd., is a wholly owned Government company incorporated under the Companies Act, 1956 on 23.5.1983. TASMAC is vested with the exclusive privilege of wholesale supply of Indian Made Foreign Spirits as per the policy decision of the Government. The TASMAC is also entrusted with the retail supply of Indian Made Foreign Spirit and Beer for the whole State of Tamil Nadu with effect from 29.11.2003. The Secretary to Government, Home, Prohibition and Excise Department is the Chairman of the Tamil Nadu State Marketing Corporation Limited.

There are 5 Regional offices at Chennai, Coimbatore, Madurai, Salem, and Tiruchirapalli headed by senior Regional Managers. There are 33 District Managers Offices, 3 at Chennai, 2 at Coimbatore and the balance 28 at the rate of one per district. The Corporation distributes the stock through its 41 Indian Made Foreign Spirit depots, situated through out the State. Each depot is headed by a Depot Manager in the cadre of Tahsildar.

Wine is being imported from other States/Countries for consumption. In order to facilitate setting up of wineries in Tamil Nadu, the Government have formulated a new set of rules called "***The Tamil Nadu Wine (Manufacture) Rules, 2006***".

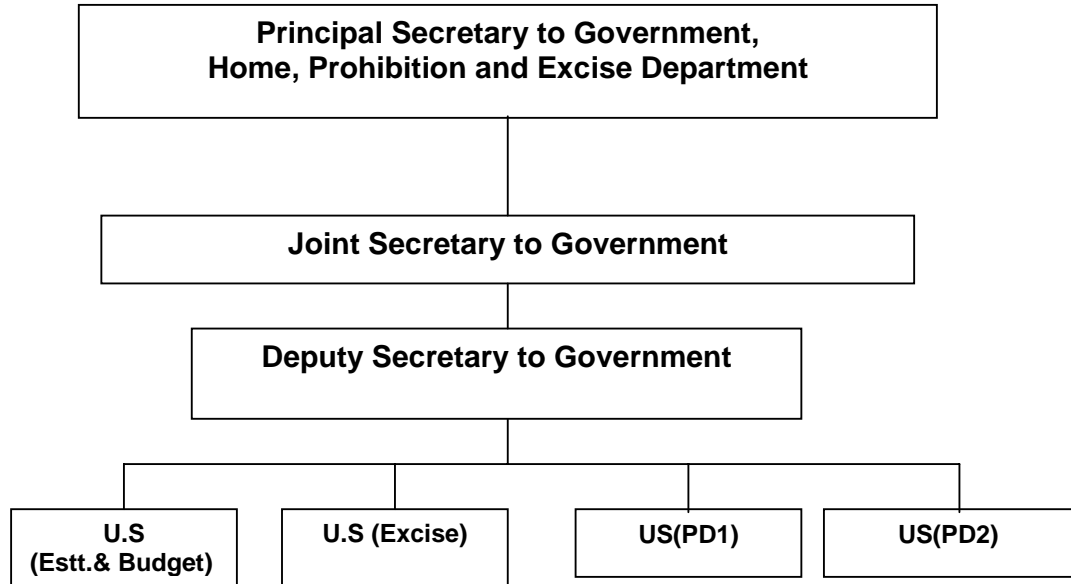
2.11 NARCOTICS INTELLIGENCE BUREAU (NIB)

The District Police, the Railway Police, the Prohibition Enforcement Wing, the Narcotic Intelligence Bureau, CID are under the control of the State Government and the Narcotics Control Bureau, the Collector of Customs and the Director of Revenue Intelligence are under the Control of the Union Government. Both the Central and State Governments are enforcing the Narcotics Laws.

2.12 REHABILITATION PROGRAMME

Rehabilitation Committees are functioning in the districts with a view to provide alternative means of livelihood to those prohibition offenders willing to reform themselves. These Committees are headed by the District Collectors.

**ORGANISATION CHART OF PROHIBITION AND EXCISE WING
OF
HOME, PROHIBITION AND EXCISE DEPARTMENT, (IN SECRETARIAT)**



- | | |
|--------|--------------------------------|
| □ D.S. | Deputy Secretary to Government |
| □ U.S. | Under Secretary to Government |
| □ Estt | Establishment |
| □ PD | Preventive Detention |

POWERS AND DUTIES OF OFFICERS AND EMPLOYEES
(Under Section 4 (1) (b) (ii) of Right to Information Act, 2005.)

This Department is headed by the Secretary to the Government of Tamil Nadu, who is a senior IAS officer. The Secretary is the administrative head of the Department. The Secretary is assisted by Additional Secretary/ Joint Secretary / Deputy Secretary as the case may be and Under Secretaries. The powers and duties of the officers in the Prohibition and Excise wing of Home, Prohibition and Excise Department of Secretariat are indicated below:-

A) The Secretary to Government

The Secretary is the head of office. The Secretary to Government is responsible for the careful observance of the Business Rules and the Secretariat Instructions in the transaction of the business in the department. The Secretary exercises general supervision and control over the staff under him / her including Additional Secretary / Joint Secretary / Deputy Secretary as the case may be and Under Secretary and is responsible for seeing that the member of the staff do the work allotted to them efficiently and expeditiously. Policy matters and all important matters should be dealt with in consultation with the Secretary who will be in over all charge of the Department.

B) Additional Secretary / Joint Secretary / Deputy Secretary

The Additional Secretary / Joint Secretary / Deputy Secretary, as the case may be, will deal with cases relating to the subjects allotted and submit to Secretary such cases as may be specified. They can send cases for orders direct to the Minister with reference to the general directions of the Secretary. The Additional Secretary / Joint Secretary / Deputy Secretary as the case may be also exercises

control over the sections placed in her / his charge, both in regard to transaction of business and in regard to discipline.

C. Under Secretary

The Under Secretary exercises, control over the sections placed in his/her charge both in regard to transaction of business and in regard to discipline.

2) This Department consists of 16 Sections. They are listed below:-

1. Home, Prohibition and Excise (OP) Section
2. Home, Prohibition and Excise (Bills) Section
3. Home, Prohibition and Excise (II) Section
4. Home, Prohibition and Excise (III) Section
5. Home, Prohibition and Excise (V) Section
6. Home, Prohibition and Excise (VI) Section
7. Home, Prohibition and Excise (VII) Section
8. Home, Prohibition and Excise (VIII) Section
9. Home, Prohibition and Excise (IX) Section
10. Home, Prohibition and Excise (X) Section
11. Home, Prohibition and Excise (XI) Section
12. Home, Prohibition and Excise (XII) Section
13. Home, Prohibition and Excise (XIII) Section
14. Home, Prohibition and Excise (XIV) Section
15. Home, Prohibition and Excise (XV) Section
16. Home, Prohibition and Excise (XVI) Section

PROCEDURE FOLLOWED IN DECISION MAKING PROCESS

(under section 4(1)(b)(iii) of the Right to Information Act, 2005)

The Department, as part of the Government Secretariat, follows the procedure laid down in the Secretariat Office Manual and the Tamil Nadu Government Business Rules and Secretariat Instructions. Apart from this, the provisions in the Tamil Nadu Financial Code, the Tamil Nadu State and Subordinate Service Rules and the Tamil Nadu Government Servants' Conduct Rules, 1973 are also followed wherever applicable.

2. The decisions are taken based on the merits of the issues, relative priorities and availability of funds etc., in accordance with the documented procedures/laid down procedures/defined criteria/rules detailed above. The process of examination is initiated by the Assistant Section Officer and passes through the Section Officer, Under Secretary and Deputy Secretary/Joint Secretary/Additional Secretary to the Secretary. If need be, other departments are consulted. In case of matters involving funds, Legal issues Finance Department and Law Department are invariably consulted. Wherever the Business Rules require circulation of files to the Minister or Chief Minister or Governor, orders are obtained in circulation.

NORMS SET FOR THE DISCHARGE OF FUNCTIONS
(under section 4(1)(b)(iv) of the Right to Information Act, 2005)

For the discharge of functions allocated to the Prohibition and Excise Wing of Home, Prohibition and Excise Department, the provisions contained in "The Secretariat Office Manual" are followed. The day-to-day administrative functions are governed by various Acts and Rules and instructions issued by the Government from time to time. Some of the commonly used Acts, Rules / Manuals are listed as per section 4(1) b (v) of the Right to Information Act, 2005.

**RULES, REGULATIONS, INSTRUCTIONS, MANUALS AND RECORDS
FOR DISCHARGING FUNCTIONS**

(Under Section 4 (1) (b) (v) to Right to Information Act, 2005)

1. The business in the department is carried out with reference to the provisions contained in the following Rules and Regulations and Manuals.
 - (i) The Tamil Nadu Government Business Rules and Secretariat, Instructions, 1978
 - (ii) The Tamil Nadu Secretariat Office Manual.
 - (iii) The Tamil Nadu Budget Manual
 - (iv) Tamil Nadu State and Subordinate Service Rules.
 - (v) The Tamil Nadu Civil Services (Discipline and Appeal) Rules
 - (vi) Tamil Nadu Government Servants Conduct Rules, 1973
 - (vii) Tamil Nadu Pension Rules
 - (viii) The Fundamental Rules
 - (ix) The Tamil Nadu Financial Code
 - (x) Tamil Nadu Account Code
 - (xi) The Tamil Nadu Treasury Code
 - (xii) Guidelines issued by the Government of India
 - (xiii) Tamil Nadu Leave Rules
 - (xiv) Tamil Nadu Basic Service Rules
 - (xv) Tamil Nadu Secretariat Service Rules
 - (xvi) Tamil Nadu General Service [Class – XII & XIIA]
 - (xvii) Tamil Nadu General Subordinate Service (Class XXII)
 - (xviii) The Tamil Nadu Public Service Commission Regulations, 1954.

The documents mentioned in items (i) to (xviii) except items (xii) are available with the Director of Stationery and printing for sale to the public on payment of cost. Item (xii) is intended only for official use and it is not available for sale.

**A STATEMENT OF THE CATEGORIES OF DOCUMENTS THAT ARE HELD BY
OR UNDER THE CONTROL OF THE WING**

(under section 4(1)(b)(vi) of the Right to Information Act, 2005)

Sl. No.	Category of the Document	Name of the Document and its introduction in one line	Procedure to obtain the document	Department
1	Important G.O.s are available in following the web-site: http://www.tn.gov.in	Issued by the Prohibition and Excise Wing of Home, Prohibition and Excise from time to time	Application to PIO	Home, Prohibition and Excise Department

**PARTICULARS OF ARRANGEMENT THAT EXISTS FOR CONSULTATION
WITH, OR REPRESENTATION BY THE MEMBERS OF THE PUBLIC RELATION
TO THE FORMULATION OF ITS POLICY OR IMPLEMENTATION THEREOF**
(under section 4(1)(b)(vii) of the Right to Information Act, 2005)

At present, there is no formal mechanism to seek consultation/participation of public in formulation of policies of this Department. The suggestions and views on policy matters and programmes received from the Public/Non-Governmental Organizations are given due weightage by this Department, in formulating policies and programmes. The recommendations/observations made by the Comptroller and Auditor General of India, Personnel and Administrative Reforms (Inspection) Department, Public Accounts Committee/Public Undertakings Committee/Assurance Committee/Petitions Committee, Estimate Committee etc., of the Legislative Assembly are also acted upon by the Head of the Department concerned expeditiously.

A STATEMENT OF THE BOARDS, COUNCILS, COMMITTEES AND OTHER BODIES CONSISTING OF TWO OR MORE PERSONS

(under section 4(1)(b)(viii) of the Right to Information Act, 2005)

According to section 9 of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14/1982) the State Government shall whenever necessary constitute one or more Advisory Boards for the purpose of this "ACT"

Every such Board shall consist of a Chairman and two other Members who are or have been Judges of any High Court or who are qualified under the Constitution of India to be appointed as Judges of a High Court.

The details of present set up of Advisory Board are as follows:

Justice Thiru K.M.Natarajan <i>(Retired Judge, High Court of Madras)</i>	-	Chairman
Justice Thiru S.M.Sidickk <i>(Retired Judge, High Court of Madras)</i>	-	Member
Justice Thiru M.Maruthamuthu <i>(Retired Judge, High Court of Madras)</i>	-	Member

The State Government shall, within three weeks from the date of detention of a person under the detention order, place before the Advisory Board, under section 10 of the "Act", the grounds on which the order has been made and the representation, if any, made by the person affected by the order. The Advisory Board shall submit its report to the Government within seven weeks from the date of detention of the person concerned. If the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of the person, the State Government may confirm the detention orders and continue the detention of the person concerned for a period not exceeding twelve months from the date of detention. If the Advisory has reported that there is, in its opinion, no sufficient cause for the detention, the Government shall revoke the detention order and cause the person to be released forthwith.

**DIRECTORY OF OFFICERS AND EMPLOYEES WITH REMUNERATION
DETAILS**

(under section 4(1)(b)(ix) & 4(1)(b)(x) of the Right to Information Act, 2005)

<u>NAME OF DESIGNATION</u>	<u>PAY</u>	<u>Pay Band</u>	<u>Grade Pay</u>
JOINT SECRETARY TO GOVERNMENT	Rs.37400 - 67000	PB 4	8800
DEPUTY SECRETARY TO GOVERNMENT	Rs.15600 - 39100	PB 3	7600
UNDER SECRETARIES TO GOVERNMENT	Rs.15600 - 39100	"	6600
SECTION OFFICERS	Rs.15600 - 39100	"	5400
ASSISTANT SECTION OFFICERS	Rs. 9300 - 34800	PB 2	4600
ASSISTANT	Rs. 5200 - 20200	PB 1	2200
PERSONAL CLERK	Rs. 5200 - 20200	"	2800
TYPIST	Rs. 5200 - 20200	"	2000
DESPATCH ASSISTANT	Rs. 5200 - 20200	"	2000
DRIVER	Rs. 5200 - 20200	"	2000
RECORD CLERKS	Rs. 4800 - 10000	PB 1A	1400
OFFICE ASSISTANT	Rs. 4800 - 10000	"	1300

Note: The basic pay of the officers and the employees is fixed under the provisions contained in Rule 22 of Fundamental Rules. In addition to the basic pay, the officers and the employees are entitled to draw other allowances such as Dearness Pay, HRA, CCA etc. as per the orders in force.

NAME, DESIGNATIONS AND PARTICULARS OF OTHER PIOS
(under section 4(1)(b)(xvi) of the Right to Information Act, 2005)

The particulars relating to the Office of the Commissioner of Prohibition and Excise may be obtained from the

"The Office of the Commissioner of Prohibition and Excise,
Chepauk,
CHENNAI - 600 005."

The particulars pertaining to the Tamil Nadu State Marketing Corporation Limited may be obtained from

"The Managing Director,
Tamil Nadu State Marketing Corporation Limited
CMDA Tower - II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore,
CHENNAI - 600 008."

S.MALATHI
PRINCIPAL SECRETARY TO GOVERNMENT