

U.P. Number and Location of Excise Shop Rules, 1968

UTTAR PRADESH

India

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Rule

U-P-NUMBER-AND-LOCATION-OF-EXCISE-SHOP-RULES-1968 of 1968

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1. Short title and commencement.

- These rules may be called the Uttar Pradesh Number and Location of Excise Shops Rules, 1968.

2. [[Substituted by Notification No. 1626E-2/XIII-2020-16-2011, dated 4.8.2020 (w.e.f. 25.3.1968).]

In these rule,-(a)"Shop" means a retail shop or model shop for vend of country liquor, foreign liquor, beer and bhang;(b)"Sub-shop" means a retail shop for vend of country liquor to be opened by a grantee of exclusive privilege for retail sale of country liquor under Section 24 of the United Provinces Excise Act, 1910 within the area and during the currency of the Excise Year of his contract;(c)"Location" any village, Mohalla, Ward etc. specified for a shop;(d)"Site" means boundaries approved for the premises of a shop.]

2. Determination of the distribution and location of shops.- Subject to the control of the State Government and of the Excise Commissioner and to the limitations expressed in these rules, the distribution and general location of retail shops shall be determined by the Collector provided that in military cantonments the Collector shall exercise this power only with the consent of the Officer Commanding the station.

3. Principles to be observed in fixing the number of shops.

- In determining the number of shops to be licensed the Collector shall, as far as possible, be guided by the principles that no more shop shall be allowed than are necessary to meet the normal requirements of the consuming classes.

4.

No shop shall be licensed for the sale of liquor or any other excisable article at fairs and exhibitions. Explanation. - For the purposes of this rule, the term 'fair' shall also include Bazars, markets and Hats.

5.

The following principles shall be observed in determining the location and the sites for retail shops : (1) The locations and the sites of all shops shall be decided by the Collector. (2) [No change in the site of any shop or sub-shop shall, except for very cogent reasons to be recorded in writing, shall be permitted during the currency of a settlement. The location of all shops and sub-shops shall be clearly defined at settlement in order to prevent any shifting of sites: [Substituted by Notification No. 1626E-2/XIII-2020-16-2011, dated 4.8.2020 (w.e.f. 25.3.1968).] Provided that no change in the location of any shop shall be permitted without prior approval of Excise Commissioner or Divisional Commissioner after giving an opportunity of hearing to the licence holders of the proposed location: Provided further that change in the site of any shop shall be done by licensing authority only after due consideration.] (3) The sites of all shops shall be selected with regard to police control especially in a case of cities, towns and large villages and traffic regulation needs. (4) No new shop shall be licensed in close proximity to a place of public resort, school, hospital, place of worship or factory, or to the entrance to a bazar or a residential colony. All objections to the licensing of a shop made by persons affected, shall receive full consideration. (5) No shop shall be located outside the inhabited site of a village, town or city. (6) In the case of existing shops, periodical enquiry shall be made as to whether their position is in conformity with policy under these rules. If their location is found to be objectionable, such steps as are possible shall be taken to select a more suitable site and to arrange for its removal. (7) No new shop be opened within a quarter mile of a railway station without previous intimation of the site to the railway administration concerned. If any objection is raised by that administration, which is not accepted by the licensing authority as a sufficient reason for refusing the licence, the question shall be referred for the views of the Excise Commissioner. The same procedure shall be adopted when complaints are made by railway administration with regard to an existing shop. (8) In urban areas, no new shop shall be opened without notice to the Nagar Mahapalika, Nagar Palika, Town Area or Notified Area as the case may be. In rural centres, notice of the intention to open a new shop shall be given to the Zila Parishad and published in the vicinity. Any objection which may be brought forward shall receive due consideration. (9) [No licence for the retail sale of liquor within five Kilometres of the border of another district shall be granted except when the Collectors of both the districts concur. If they fail to concur, the matter shall be referred to the Excise Commissioner whose decision, thereon, shall be final.] [Substituted by Notification No. 720-E-2/13-97-101-85, dated 21st March, 1997, published in U P. Gazette, Extraordinary; dated 21st

March, 1997.]