

Punjab Liquor Import, Export, Transport and Possession Order, 1932

HARYANA

India

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Rule

PUNJAB-LIQUOR-IMPORT-EXPORT-TRANSPORT-AND-POSSESSION- of 1932

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Punjab Liquor Import, Export, Transport and Possession Order, 1932Originally published vide Punjab Notification No. 5999-ES dated 12th November 1932. Re-published vide Haryana Government Notification No. GSR 197/PA1/14/s.16(b), 17, 18, 24 and 58(2)(d)/76 dated 27th August 1976

1.

Nothing in these orders shall apply to liquor imported, exporter or transported-(a)for private consumption and not for sale in any quantity not exceeding that prescribed in the Punjab Intoxicants, License and Sale Orders as the maximum quantity which may be sold by retail, or(b)by or on behalf of any officer of Government acting in his official capacity.[-] [Proviso omitted and word 'further' deleted from second proviso by Punjab Government Notification No. GSR110/PA1/14/63 dated 29-4-1963.][Provided that :-(1)Foreign liquor and beer (whether imported or made in India) when Imported under clause (a) shall not exceed in quantities of [6] bottles of foreign liquor (whether imported or made in India) each of the capacity of 750 millilitres and 12 bottles/cans of beer (whether imported or made in India) each of the capacity of 650 millilitres or 15 bottles/cans each of the capacity of 500 millilitres or 23 bottles/cans each of the capacity of 330 millilitres or 24 bottles/cans each of the capacity of 325 millilitres.(2)the privilege in clause (b) shall be subject to the provisions contained in Order 4 below and will not apply to denatured spirit.]

2.

All export of liquor is subject in addition to the provisions of these orders to all regulations for its import into the State or Union Territory concerned.[3. Medicinal and other preparations containing rectified spirit manufactured in any other State may be imported from that State into the State of Haryana.] [Substituted by Haryana Notification No. SO35/PA1/14/S.16,17,18,24 and 58/Amd(1)/76 dated 19-3-1976.]

3A.

No medicinal or other preparations containing rectified spirit manufactured in India on which the prescribed rate of duty has not been paid shall be exported or transported. Provided that such preparations may be exported in bond without payment of duty from the bonded warehouse of an approved manufacturer in [Haryana] [Substituted for 'Punjab' by Haryana Adoption of Laws Order, 1968.] to any other State in India. Provided also that such preparations shall be transported or exported without payment of duty from the premises of approved manufacturers for use in Government and Charitable hospitals and dispensaries approved for the purpose by the [Haryana] [Substituted for 'Punjab' by Haryana Adoption of Laws Order, 1968.] Government.

4.

With reference to section 18 of the Punjab Excise Act, no liquor shall be imported, exported or transported, except under a pass issued in accordance with the rules for the time being in force in the Haryana for such import, export and transport, and with reference to the first proviso to the said section, the Haryana Government (Ministry of Agriculture) is pleased further to direct that such passes shall not be dispensed with in the case of any duty-paid foreign liquor whether manufactured in India or imported from overseas. Provided that for the import and export of medicinal or other preparations containing rectified spirit a pass shall be required if the quantity exceeds, [455 millilitres] [Substituted for '1 Ounce' by Punjab Notification No. GSR110 dated 29th April 1963.]; and Provided further that no such preparations shall be issued from the premises of approved manufactures unless it is covered by the necessary pass.

5.

The import of country fermented liquor is prohibited.

6. [[Substituted vide Haryana Notification No. SO.31/Pa/Ss.17,18,24 and 58/98. dated 27.3.1998.]

Indian made foreign spirit may be imported from any place in India.] [Substituted vide Notification No. G.S.R. 31/P.A. 1/14/Ss. 16, 17, 18 and 58/95, dated 31.3.1995.]

7.

Country spirit shall not be imported from any place outside Haryana except with the special sanction of the Financial Commissioner [Haryana] [Substituted for 'Punjab' by Haryana Adoption of Laws Order, 1968.].

8. to 9.

Omitted

10.

Rectified spirit and denatured spirit not be imported from outside [Haryana] [Substituted for 'Punjab' by Haryana Adoption of Laws Order, 1968.] except with the special sanction of the Financial Commissioner [Haryana].

10A.

[Omitted by Punjab Government Notification No. 4251-E&T (VI)-57/552, dated 3rd March 1958.]

11.

No spirit and no medicinal or other preparations containing rectified spirit shall be imported into the [Haryana] [Substituted for 'Punjab' by Haryana Adoption of Laws Order, 1968.] unless the prescribed rate of duty has been paid on it at a rate not lower than that fixed for such spirit or preparation in the [Haryana]. Exceptions -(1) Rectified may be imported in bond without payment of duty of the licensed premises of approved manufacture. (2) Medicinal preparations containing rectified spirit required for use in Hospitals and dispensaries including veterinary hospitals and dispensaries managed by Government, or by Local Bodies or in such other charitable hospitals and dispensaries as have been approved for the purpose by the [Haryana] [Substituted for 'Punjab' by Haryana Adoption of Laws Order, 1968.] Government may be imported without payment of duty from licensed distilleries, bonded warehouses and bonded factories in India. (3) Omitted. (4) Medicinal preparations containing rectified spirit may be imported by the Medical Stores Depot; [Karnal] [Substituted for 'Lahore Cantonment' by Punjab Notification No. 4251-E&T (VI)/57/552 dated 3.3.1958.], without payment of duty from any (State or Union Territory), but such preparations shall not be re-issued from the said Depot to any individuals or institutions other than those mentioned in sub-paragraph (2), of paragraph 10. 31 of the Punjab Excise Manual Volume III.

12.

(1) No liquor on which the prescribed rate of duty has not been paid shall be exported or transported. Exceptions (a) [Country spirit, Indian made foreign spirit (including Beer), and rectified

spirit may be exported in bond without payment of duty from any licensed distillery [or brewery](b)Rectified spirit may be transported in bond without payment of duty from any licensed distillery in the Haryana to the licensed premises of approved manufacturers.(c)Spirit manufactured in licensed distillery in the [Haryana] [Substituted for 'Punjab' by Haryana Adoption of Laws Order, 1968.] may be transported in bond without payment of duty to any other distillery so licensed.(d)Rectified spirit issued from the Haryana distilleries to or imported from outside Haryana, by Government, Local Fund, Mission, Veterinary or Railway hospitals and dispensaries in the Haryana State, on a certificate signed by the Director, Health Services, Haryana, the Director Veterinary Services, Haryana, or the Divisional Medical Officer Northern Railway Delhi and Ferozepur, may be transported without payment of duty. Similarly subsidized dispensaries in Haryana may transport duty-free rectified spirit not exceeding 15.0 litres in any financial year, from the Haryana distilleries or from outside Haryana on a certificate signed by the Director, Health Services, Haryana.(e)Rectified spirit may be transported without payment of duty from licensed distilleries in the Haryana or from outside Haryana by Educational institutions allowed, to receive such supplies by the Financial Commissioner, Haryana.(f)With the sanction of the Financial Commissioner, country spirit, Indian Made Foreign Spirit, and rectified spirit may be removed from any licensed distillery in the Haryana on the deposit of security and on the execution by the distillers of a bond to pay such duty monthly in arrears.(g)Medicinal preparations containing rectified spirit required for use in hospitals and dispensaries including veterinary hospitals and dispensaries managed by Government or by Local Bodies, or in such other charitable hospitals and dispensaries as have been approved for the purpose by the Haryana Government, may be transported or exported from a bonded warehouse in the Haryana.Note; [Deleted by Punjab Notification No. GSR110 dated 29th April 1963.](2)[Omitted by Punjab Government Notification No. 4251 E&T(VI)57/552 dated 3.4.1958.](3)The following procedure shall be observe when spirit and beer are to be exported from the distilleries and breweries licensed in Haryana to countries outside India : -(a)The manager of the export distillery or brewery shall be required to execute a bond in form L-37, binding himself to pay double the amount of duty leviable under the Punjab Excise Act, in respect of the consignment of liquor to be despatched and to produce a certificate of shipment at a port in India (and or a certificate of import in the case of export to Ceylon) to the Collector of the district in which the distillery or brewery is situated.(b)After satisfying himself that the required bond has been executed the Collector shall grant an export-in-bond authorisation in form L-36.(c)On receipt of the aforesaid authorisation the distillery or brewery Inspector shall prepare a pass in form D-20 or L-34 (as the case may be). The consignment shall then be securely sealed and immediately despatched to the port for transshipment.(d)The consignment shall travel by such route and to such port as may be specified in the pass. The route and the port shall be previously approved by the Collector.(e)The manager shall within three months from the date of despatch produce before the Collector of the district, the certificate of shipment of the consignment at the port (and or a certificate of import in the case of export to Ceylon).(1)if the certificate shows that--(i)the consignment of spirit has been shipped in full with no greater deficiency than the transit wastage permitted rule 16 of the Punjab Liquor Permit and Pass Rules; or(ii)the wastage in the case of beer does not exceed 10 per cent of the quantity as is issued from the brewery.the Collector shall order that the bond in respect of the consignment has been discharged.(2)If the certificate is not produced within the specified period, unless the omission is satisfactorily explained, the Collector shall call upon the manager to deposit the amount specified in the bond executed by him in respect of the consignment.(3)If the certificate

shows a deficiency greater than that allowed under these orders, then unless the deficiency is satisfactorily explained, the Collector shall obtain the Financial Commissioner's Order as to the amount of duty to be recovered from the manager of the distillery.(f)Forms L-36, L-37 and L-38 shall be used for an export-in bond authorisation, agreement covering removal in bond and the certificate respectively, mutatis mutandis.(g)[The procedure stated in clauses (a) to (c) above will apply mutatis mutandis to export of spirit and beer to foreign countries by land subject to the provision that the manager shall furnish a customs clearance certificate in place of the certificate of shipment. [Clause (g) and (h) inserted by Punjab Notification No. 6043E&T 53//176 2nd February 1954.](h)All exports of spirit and beer to countries outside India will be subject to such conditions and restrictions as might be placed by the Government of India from time to time.](4)The following procedure shall be observed when beer is to be exported one to another State in India from a brewery or a bonded warehouse licensed in Haryana namely:-(a)Whenever the manager of the brewery or of a bonded warehouse receives a requisition for the export in bond of beer to any other State, he shall obtain from the person importing such beer [an] [Substituted by Punjab Notification No. GSR110 dated 29th April 1963.] import in bond permit signed by the Collector or Chief Excise Authority of the district of State of destination for the supply of such beer.(b)The manager of the brewery or of the bonded warehouse concerned shall execute a bond in form L-37 binding himself in respect of the consignment to be despatched to produce a certificate in form L-38 before the Collector of the district of issue and to pay such duty in respect of the consignment as may be demanded from him by the Collector.(c)After satisfying himself that the required bond has been executed, the Collector shall grant an export in bond authorisation in form L-36.(d)On receipt of the aforesaid authorisation the brewery Inspector or the Officer-in-Charge of the bonded warehouse, shall prepare a pass in form L-34. The manager of the brewery or of the bonded warehouse shall act as an agent for the supply of such beer and shall consequently be shown as the consigner and an authorised officer of the district or State of destination as the case may be, as the consignee. The consignment shall be securely sealed and immediately despatched to the consignee. A copy of the pass shall be sent simultaneously to the authority granting the import in bond permit.(e)(i)The manager of the brewery or the warehouse within a reasonable time not exceeding two months shall produce before the Collector of the district of issue a certificate in form L-38.(ii)If the certificate shows that the consignment of beer has been received in full with on greater deficiency than 6 per cent, the Collector shall order that the bond in respect of the consignment has been discharged.(iii)If the certificate is not produced within the specified period, the Collector, shall unless the omission is satisfactorily explained, call upon the manager concerned to deposit the amount specified in the bond executed by him in respect of the consignment.(iv)if the certificate shows deficiency greater than that allowed above, then unless the deficiency is satisfactory explained, the Collector shall obtain the orders of the Financial Commissioner as to the amount of duty to be recovered from the manager concerned.(f)Forms L-36, L-37 and L-38 shall be used mutatis mutandis for the export in bond authorisation agreement concerning the removal in bond and the certificate of arrival of Consignment at the destination, respectively.

13.

Country fermented liquor shall not be transported except within the district in which it is made.

14.

No person except a licensed vendor may import, and no one but a licensed distiller, brewer or vendor may export or transport liquor. Exceptions - (a) Omitted. (b) Any person holding a permit for the possession of rectified or denatured spirit may import or transport any quantity, not exceeding the amount which under the permit he is permitted to possess. (c) Indian-made foreign spirit and country spirit may be imported, exported transported from any licensed distillery for the use of troops. (d) Any person may import, export or transport medicinal and other preparations containing rectified spirit.

15.

(i) The import, export or transport of liquor in conformity with those rules is subject to such rules as the Financial Commissioner may by notification make under section 59 of the Punjab Excise Act 1 of the 1914. (ii) Rules and Orders for the time being in force for the regulations of import, export, transport or possession of Indian made foreign liquor shall apply mutatis mutandis to import, export transport of possession of "Sweets" as defined in the Punjab Sweets (Manufacturer) Rules.

16.

The Haryana Government are pleased to prohibit the possession of lahan except by a person licensed under section 21 of the said Act to work in a distillery.

16A.

The import and possession of perfumed or toilet preparations prepared with mythlalchol or denatured spirit is prohibited in the [Haryana] [Substituted for 'Punjab' by Haryana Adoption of Laws Order, 1968.]. Soap manufactured with special denatured spirit under a permit in form L-42-C, referred to in clause (f) of rule 22 of the Punjab Liquor Permit and Pass Rules is exempt from the prohibition.

17.

The [Haryana] [Substituted for 'Punjab' by Haryana Adoption of Laws Order, 1968.] Government are pleased to prohibit the possession of spirit of a strength above 85 degree of London except in the case of --- (a) Imported foreign spirit, (b) rectified spirit, (c) denatured spirit, (d) perfumed spirit, (e) country spirit possessed by the holders of reducing licenses in form L-16 authorised by (the Haryana Liquor License Rules) in accordance with the conditions of their licenses; and (f) Indian made foreign spirit possessed by holders of licenses for wholesale and retail vend of foreign liquor to the trade only and for wholesale and retail vend of foreign liquor to the public form L-1 and L-2 authorised the (Haryana Liquor Licence Rules) in accordance with the conditions their licences.

18.

No permit for the possession of liquor in excess of the quantity prescribed in the Punjab Intoxicants Licence and Sale orders as the maximum quantity which may be sold by retail shall be given except in respect of the kinds of liquor described in column 1 of the Scheduled below, to the persons described in column 2, to the extent mentioned in column 3, on the occasion mentioned in column 4 and subject to the condition that the liquor shall be only used for the following purposes-Country liquor -- For private home consumption. Rectified spirit -- For medicinal, scientific or manufacturing purposes. Denatured spirit -- For manufacturing purposes.

Schedule

1	2	3	4
Ordinary			on any special
1. country spirit	Any person	As prescribed in the permit	occasion, such as a marriage, festival or religious gathering
2. Rectified spirit	Any chemist, medical practitioner or scientific body or Superintendent of a hospital	Ditto	At any time
3. Rectified spirit	Any educational institution	Ditto	Ditto
4. Rectified spirit	Any person	Ditto	Ditto
5. Rectified spirit	Any approved homoeopathic chemist or practitioner	Such quantity as may be prescribed by the Financial Commissioner	Ditto
6. Rectified spirit	Arsenals of the Ordinance Deptt.	As prescribed in the permit	Ditto
7. Denatured spirit	Any chemist, varnish maker or other person engaged in any business who requires large quantities of denatured spirit for the purpose of his business	Ditto	Ditto

18A.

Notwithstanding anything contained in the foregoing Order, a permit for the possession of the foreign spirit exceeding the limit of retail sale prescribed in the Punjab Intoxicants Licence and Sale order may be granted by the Collector up to the limit of 9 litres or 12 bottles each of the capacity of 750 millimetres under such conditions and on payment of such fees as the Financial Commissioner may impose and prescribe.

19.

No person shall keep or have in his possession country spirit or foreign liquor in any quantity on any premises used as restaurant in any of the places, unless such premises have been licensed for the consumption of liquor under the Punjab Excise Act, 1914 or rules thereunder or have been exempted by an order in writing from the operation of the order. This order shall have effect whether the quantity of liquor in the possession of the person is or is not in excess of the quantity declared by the State Government to be the limit of retail sale. Explanation :- For the purposes of this order "Restaurant" shall mean any place to which the public are admitted for the consumption of food or drink for consideration.

20. [[Substituted by Punjab Notification No. GSR110 dated 29th April 1963.]

Notwithstanding anything contained in the foregoing orders, the possession of country spirit in any quantity by any person travelling by a public service vehicle (as defined in the Motor Vehicles Act, 1939) tonga, bicycle, motorcycle, or on horse-back or by any other means of transport including Railway, while moving towards a municipality [Other than municipality of Sadhora in Naraingarh Tehsil, Ambala District] cantonment or notified area in the State of Haryana within a belt of five miles from the other limits of such municipality, cantonment or notified area, is prohibited, except under a permit granted under the Punjab Excise Act, 1914 (1 of 1914) and the rules made thereunder.]

21. [[Substituted by Punjab Notification No. GSR110 dated 29th April 1963.]

Notwithstanding anything contained in the foregoing orders, the members of the Diplomatic staff of a foreign embassy located in the State of Haryana shall be exempt from the provisions of these orders in respect of the import, transport and possession of imported liquor. Provided that this privilege shall be subject to the provisions contained in order 4.]

22.

The possession of liquor of any kind by any person restricted to the extent that it shall not be kept or possessed by or on behalf of such person of the premises of an unlicensed civilian club.

23.

Foreign liquor possessed by the Government of Haryana will be exempt from the provisions of these orders in so far as they relate to the import, transport and possession of liquor. [23A. (1) The foreign liquor possessed by a member of the Defence Force on duty or leave [and an ex-serviceman entitled to get liquor from service canteens] [Added by Haryana Notification No. GSR 33/PA1/14/S.16,17,18,58/Amd dated 11-2-1972.] will be exempt from the provisions of these Orders in so far as they relate to the import, export, transport and possession of liquor.] Provided that-(a) Such liquor is in possession of a member under an authorisation issued by the Officer

Commanding of the unit, or an officer empowered by the Defence Department in this behalf;(b)the quantity of liquor shall not exceed the quantity approved by the Defence Department for his rank; and(c)identity card and authorisation shall be shown to a police or excise officer on demand.

24.

Notwithstanding anything contained in the foregoing Orders, the import, export, transport and possession of intoxicating spirituous preparations declared to be liquor for the purposes of the Punjab Excise Act, (1 of 1914) shall be subject to the provisions of the Punjab Intoxicating Spirituous Preparations Import, Export, Transport, Possession and Sale Rules.