

The Rajasthan Excise (Closure of Country Liquor Shop by Local Option) Rules, 1975

RAJASTHAN

India

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Rule

THE-RAJASTHAN-EXCISE-CLOSURE-OF-COUNTRY-LIQUOR-SHOP-B of 1975

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The Rajasthan Excise (Closure of Country Liquor Shop by Local Option) Rules, 1975Published vide Notification No. GSR 230/F. 2(3) FD/Ex./73, dated 16-12-1975, published in Rajasthan Gazette Part 4-C(I), dated 8-1-76In exercise of the powers conferred by clauses (e) and (f) of section 41 of the Rajasthan Excise Act, 1950 (Rajasthan Act II of 1950) the State Government hereby makes the following rules, namely: -

1. Short title and commencement.

(a)These rules may be called the Rajasthan Excise (Closure of country Liquor Shop by Local Option) Rules, 1975.(b)They shall come into force on their publication in the Rajasthan Gazette.

2. Definitions.

- (A) In these rules, unless the context otherwise requires:-(a)"Collector" means Collector of the district;(b)"Liquor shop" means a shop for retail sale of country liquor and includes its sub-shop;(c)"Panchayat" means a Panchayat established under the [Rajasthan Panchayat Act, 1994;] [Substituted 'Rajasthan Panchayat Act, 1953' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).](d)"Panchayat Circle" means the local area over which a [Panchayat] [Substituted 'Nyaya Panchayat' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] exercises jurisdiction;(e)"Sub-Divisional-Officer" and "Tahsildar" means officers appointed to hold charge of a revenue Sub-Division and Tahsil respectively;(ee)["Urban Local Body" means any Municipality or Municipal Council or Municipal Corporation, as the case may be, established under Rajasthan

Municipal Act, 2009;] [Inserted by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).](f)"Voter" means a person whose name is entered in the electoral roll of the Panchayat [/Urban Local Body] [Inserted by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] for the time being in force;(ff) ["Ward" means ward of Municipality or Municipal Council or Municipal Corporation, as the case may be; and] [Inserted by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).](g)"Year" means a financial year commencing on 1st April and ending on 31st March next following.(B)words and expressions not defined in these rules but defined in the Rajasthan Excise Act, 1950 would have the same meaning as assigned under the aforesaid Act.

3. [Option of closure by voters of Panchayat/word of Urban Local Body. [Substituted by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).]

- A liquor shop in any Panchayat or in Ward of Urban Local Body shall be closed if the voters of the Panchayat Circle or the Ward of Urban Local Body opt for such closure [with voters exceeding fifty percent of total numbers of voters] of the Panchayat Circle or the Ward of Urban Local Body voting for closure of the shop in the manner specified in these rules. Such shop shall be closed from the first day of commencement of the year immediately following the day on which such voting takes place.]

4.

An application in Form-1 may be made by voters of any Panchayat Circle to the concerned Sub-Divisional Officer for ascertaining public opinion on the question of closure of any or all liquor shops or sub-shops, functioning in the [Panchayat Circle or ward of Urban Local Body:] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] Provided that no such application shall be entertained unless not less than [twenty percent] [Substituted 'one-tenth' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] of the total number of voters of the Panchayat Circle have signed/affixed their thumb impressions on the application in support of the demand.

5.

On receipt of such an application, the Sub-divisional Officer shall make on the spot enquiry and if he is satisfied that the number of applicants who are voters of the [Panchayat Circle or Ward of Urban Local Body, as the case may be,] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] and who have actually signed/affixed their thumb impressions on the application, is not less than [twenty percent] [Substituted 'one tenth' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] of the total number of voters of the [Panchayat Circle or Ward of Urban Local Body, as the case may be,] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] he shall send the application to the Excise Commissioner with his endorsement thereon to this effect.

6.

On receipt of the application along with the report of the Sub-divisional Officer under rule 5, the Excise Commissioner shall, unless he considers that the application is not in accordance with the provisions of these rules or he deems it necessary to call for further report from the Sub-Divisional Officer, ask the Collector concerned to ascertain the public opinion in the [Panchayat Circle or Ward of Urban Local Body, as the case may be,] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] on the question of closure of the liquor shop as demanded in the application by holding a poll: Provided that if in the opinion of the Excise Commissioner the application is not in accordance with the rules, he shall send a report to the Government whose decision will be final and will be communicated to the [Panchayat or Urban Local Body, as the case may be,] [Substituted 'Panchayat' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] for informing the applicants.

7.

The Collector shall thereupon issue a public notice of intended poll in Form-2 and shall publish it on the Notice Board of the [Panchayat or Urban Local Body] [Substituted 'Panchayat' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] and such other places in the [Panchayat Circle or Urban Local Body, as the case may be] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] as he deems fit. The Collector shall allow a period of at least fifteen days to intervene between the date of publication of the public notice in the [Panchayat Circle or Urban Local Body, as the case may be] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] and the date of the poll.

8.

The Collector shall appoint a Presiding Officer not below the rank of the Tahsildar for conducting the poll and polling officers to assist him in the conduct of the poll.

9.

The polling shall be conducted in the manner laid down for election of Panchas in the rules prescribed under the Rajasthan Panchayat Act, 1953 Mutatis Mutandis.

10.

The ballot paper used for the purpose of poll shall be printed in Form-3.

11.

After the polling is over, the Presiding Officer shall count the number of votes polled for and against the closure of the liquor shop, declare the result and send a report in duplicate to the Collector in

Form 4 along with the record of the poll.

12.

The Collector shall forward one copy of the report to the Excise Commissioner with his remarks, if any.

13.

On receipt of the report of the Presiding Officer, the Excise Commissioner shall, [if voters exceeding fifty percent] [Substituted 'if not less than fifty one percent' by Notification No. S.O. 10, dated 19.5.2014 (w.e.f. 8.1.1976).] of the total number of voters of the two-third had voted for the closure of the shop, order the closure of the said shop in the [Panchayat Circle or Urban Local Body, as the case may be] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] from the commencement of the year next following the year in which the voting has taken place.

14.

If in any poll organised in the manner laid down above, not less than [voters exceeding fifty percent] [Substituted 'not less than fifty one percent' by Notification No. S.O. 10, dated 19.5.2014 (w.e.f. 8.1.1976).] of the total number of voters in the [Panchayat Circle or Urban Local Body, as the case may be] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] do not vote for a closure of any liquor shop or sub-shop, no application for ascertaining the public opinion in the [Panchayat Circle or Urban Local Body, as the case may be] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] for closure of the same shop or sub-shop shall be entertained before the expiry of a period of twelve months from the date on which such poll was last held.

15.

The record of the poll including the electoral rolls and ballot papers used and unused shall be preserved for a period of twelve months after the date of poll unless otherwise directed by the Government or any competent court. Form I[See rule 4 of the Rajasthan Excise (Closure of Country Liquor shops by Local Option) Rules, 1975]To the S.D.O. Sir, We, the following registered voters of the [Panchayat Circle/Ward of Urban Local Body] [Substituted 'Panchayat' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] Tehsil..... District..... demand that the Country/Liquor Shop..... Sub-shop..... [Panchayat/Ward of Urban Local Body, (Mention name of place)] [Substituted 'Nyaya Panchayat (Mention name of place) Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] should be closed. We request that poll may be held to ascertain public opinion in our [Panchayat/Ward of Urban Local Body] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] on the above demand. Yours faithfully

S.No.	Full name of Voter	No. in Electoral Roll at which the name appears	Signature/Left hand thumb impression of the voter
1	2	3	4

Form II[See rule 7 of the Rajasthan Excise (Closure of Country Liquor Shops by Local Option) Rules, 1975]Notice of PollNotice is hereby given that a poll is to be held in the office of the [Panchayat/Urban Local Body] [Substituted 'Panchayat' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] Tehsil.....District.....to ascertain the public opinion in the [Panchayat Circle/Ward of Urban Local Body] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] on the question of closure of Country Liquor Shop.....Sub-Shop.....situated in the [Panchayat Circle/Ward of Urban Local Body] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).] on between the hours of.Place.....Date.....Collector,District.....Form III[See rule 10 of the Rajasthan Excise (Closure of Country Liquor Shops by Local Option) Rules, 1975]Ballot Paper([xzke iapk;pr {ks= @ 'kgjh LFkkuh; fudk; ds okMZ [Substituted by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).]])Gram Panchayat kshetra me sthit deshi madira ki dukan up-dukan..... band kar di Jaye.

Yes No

Form IV[See rule 11 of the Rajasthan Excise (Closure of Country Liquor Shops by Local Option) Rules, 1975]ToThe Collector,Result of poll under the Rajasthan Excise (Closure of Country Liquor Shops by Local Option) Rules, 1975 for closure of Country Liquor Shop...../sub-shop.....situated in the [Panchayat Circle/Ward of Urban Local Body] [Substituted 'Panchayat Circle' by Notification No. G.S.R. 1, dated 1.4.2014 (w.e.f. 8.1.1976).]Tehsil.....District.

Date of Poll

- | | |
|--|-------|
| 1. Total number of registered voters in Panchayat Circleaccording to the electoral roll in force | |
| 2. Total number of votes cast | |
| 3. Total number of votes rejected | |
| 4. Total number of valid votes cast | |
| 5. Total number of votes cast in favour of closing of theCountry Liquor Shop | |
| 6. Total number of votes cast against closing the countryLiquor shop | |

Ballot Papers Account

	Serial No.	NumberFrom to	Remarks
1. Total number of ballot papers received
2. Total number of ballot papers cancelled
3. Total number of ballot papers is sued to voters
4. Balance

(Signature and Seal of Presiding Officer)Name and Designation ofthe Presiding Officer.....