

Punjab Intoxicants Licence and Sales Orders, 1956

HARYANA

India

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Rule

PUNJAB-INTOXICANTS-LICENCE-AND-SALES-ORDERS-1956 of 1956

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Punjab Intoxicants Licence and Sales Orders, 1956 Re-published vide Punjab Notification No. GSR 190/PA-1/14/Ss. 5, 58 and 64 dated 18th August 1964

1.

The limits specified below shall be the limit of retail sale of intoxications in the whole of Punjab except the prohibition area in respect of items (1), (2) and (3) :-

Name of Intoxicant	Limit of retail sale
(1) (a) Foreign liquor whether imported or made in India	One bottle of 757 millilitres
(b) Brandy whether imported or made in India	One bottle of 757 millilitres
(c) Beer whether imported or made in India	4.5 litres or six bottles each of the capacity of 757 millilitres
*(d) Cider (liquor manufactured by fermentation of the juice of any fruit)	4.5 litre of six bottles each of the capacity.

Sweets and wines whether imported or made in India.

*Legislative Supplement Part III dated 4.2.1972. Provided that -(a) the above restrictions shall not apply to -(i) Church authorities in Punjab for sacramental purposes; and (ii) the possession of foreign liquor by the Governor of Punjab and to that of imported liquor by the diplomatic staff of a foreign embassy located in the State of Punjab; (iii) [the possession of liquor by a member of the Defence Forces on duty or leave [and an ex-serviceman entitled to get liquor from service canteens] [Legislative Supplement Part III dated 15.2.72.] provided that :-(a) such liquor is in possession of a member under an authorisation of purchase through the Canteen Stores Department only issued by

the Officer Commanding of the Unit or an officer empowered by the Defence Department in this behalf:(b)the authorisation in this behalf shall not be exceed the quantity approved by the Defence Department for his rank; and(iv)identity card and authorisation, shall be shown to the police or Excise Officer on demand](b)[a person may, for bona fide consumption by him, the members of his family or his guests, purchase, transport and possess foreign liquor upto twelve bottles each of the capacity of 750 millilitres on the authority of a permit in form L-50 prescribed under rule 22-A of the Punjab Liquor Permit and Pass Rules, 1932.] [Clause (b) of the proviso substituted vide Haryana Government Notification No. GSR16/16/PA1/14/S.5,6,24 and 58/87 dated 25.2.1987.]

(2) Country Spirit

[Four]* bottles each of the capacity of 750 millilitres;

[Provided that a person may, for bona fide consumption by him,the members of his family or his guests, on any special occasion,purchase, transport and possess country spirit upto 24 bottleseach of the capacity of 750 millilitres or 18 litres on theauthority of a permit in form L-42 prescribed under rule 22(c) ofthe Punjab Liquor Permit and Pass Rules,

1932.]

(3) Country fermented liquor

Four bottles each of the capacity of 750 millilitres.

(4)Bhangor any preparation or admixture thereof

100 grams.

One bottle of the capacity of 378.5 millilitres but for bottledrectified spirit imported from overseas the limit is 455millilitres.

(5) Rectified Spirit

Nil.

(6) Denatured Spirit

* Substituted for "Six" vide Haryana Government Notification No. S.O.40/P.A.1/1914/Ss. 5, 6, 24 and 58/2003 dated 31.3.2003.Any sale of larger quantities shall be deemed to be sale by wholesale.# Substituted vide Notification NO. G.S.R. 18/P.A.1/14/Ss. 5, 6, 24 & 58 (Amd. (1) 96, dated 20.3.1996.

1A. [[Legislative Supplement Part III dated 23.12.1981.]

Notwithstanding anything contained in clause (4) of Order I, the possession for oral consumption of Bhang or any admixture thereof is prohibited in the State with effect from the 1st April, 1965;Provided that the above prohibition shall not apply to bhang possessed by.(a)any person under a license granted under -(i)The Punjab Supply and Sale of Bhang Rules, 1955;(ii)The Punjab Manufactured Drugs Rules, 1959;(iii)The Medicinal and Toilet Preparation (Excise Duties) Act, 1955;(iv)any other law for the time being in force.(b)any officer of the Central or State Government while acting in the due discharged of his official duties;(c)any person requiring bhang for scientific purposes who has been issued a permit to transport bhang in Form H-21, prescribed under the Punjab Hemp Cultivation and Bhang Permit and Pass Rules, 1955].No. G.S.R. 32/P.A.I/14/Ss. 5, 6, 24 and 58/95. - Whereas in pursuance of the proviso to sub-section (3) of section 58 of the Punjab Excise Act, 1914, the State Government considers that the amendment in the Punjab Intoxicants

Licence and Sale Orders, 1956, is required to be brought in force at once i.e. with effect from 1st April, 1995. Now, therefore, in exercise of the powers conferred by sections 5, 6, 24 and sub-sections (1) and (2) of Section 58 of the Punjab Excise Act, 1914, and all other powers enabling him in this behalf, the Governor of Haryana, hereby makes the following orders further to amend the Punjab Intoxicants Licence and Sale Orders, 1956, in their application to the State of Haryana, namely :-

1.

(1) These orders may be called the Punjab Intoxicants Licence and Sale First Amendment) Orders, 1995. (2) They shall come into force with effect from 1st April, 1995. [2. In the Punjab Intoxicants Licence and Sale Orders, 1956, in Order 1, in Clause (1) for sub-clause (b) and entries there against, the following sub-clause and entries there against shall be substituted, namely] [Haryana Government Excise and Taxation Department Notification The 31st March, 1995.] :-

"(b) Beer whether imported or made in India	7.8 litres or 12 bottles/cans 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."
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B - Periods for which Licences may be granted

2.

Licences for the vend by wholesale and retail of any intoxicant may only be given for a period of one year from 1st April to the 31st of March following provided that :- (a) a licence may be given from any date to the 31st March, following :- (b) the Financial Commissioner may sanction shorter periods for such licences or classes of licences as he thinks fit; (c) the Financial Commissioner may by general or special order direct that any licence or class of licences of which the fees are not fixed by the auction or tender shall be granted for any period upto three years; (d) temporary licences may be given to provide for the sale of liquor on such special occasions as the Financial Commissioner may with the approval of the State Government determine; (e) licences for the vend by whole sale and sale of any intoxicant in Lahaul and Spiti district may be given for a period of one year from the 1st of July to the 30th of June following.

3.

All licences, other than temporary licences, shall, unless under it is otherwise provided, determine on the 31st of March next following the grant. C - Localities for which Licences may be granted

4.

Shops may be licenced for the sale of liquor and intoxicating drugs in any such villages and in such wards or quarters of towns as the Financial Commissioner shall subject to the control of the State Government, from time to time direct.

5.

No licence for the sale of liquor or drugs may be given unless either there is an ascertained demand for such liquor or drugs in the locality concerned, or it is granted to counteract the illicit supply of liquor or drugs in that locality, nor in the case of liquor licences for on consumption without the inquiry prescribed by order 8 to 15 of these orders.D - Number of Licences

6.

The number of liquor and drug shops, which may be licensed in any local area, shall be the number which the Financial Commissioner, subject to the control of the State Government considers necessary to meet the reasonable requirements of the population. Shops will neither be so sparse to give the licensee any one shop a practical monopoly in a particular area, nor so numerous as to provoke excessive competition.E - Person to whom licences may not be granted

7.

A licence for the vend of liquor or drugs may not be given :-(a)to any person, who has been finally convicted of any non-bailable offence by a criminal court;(b)to any person, whether a former licensee or not, who has been convicted, or reasonably suspected of committing or conniving at the commission of any offence under the Punjab Excise or the Opium Acts or the East Punjab Opium Smoking Act, 1948, or the East Punjab Molasses, (Control) Act, 1948, or the Indian Power Alcohol Act, 1948, or the Dangerous Drugs Act, 1930.(c)to any person who has held a licence in Punjab for the sale of any intoxicant has had that licence cancelled for failing to pay his licence fees, and has subsequently not paid the arrears demanded, unless he has been especially exempted by an order of the Financial Commissioner.F - Procedure to be followed and matter to be ascertained before any licence is granted for the retail vend of liquor for consumption on the premises

8.

When it is proposed to grant a licence for the retail vend of liquor for consumption on any premises which were not licenced in the preceding year, the Collector shall take all reasonable steps to ascertain the opinion of person, who reside or have property in the neighbourhood and are likely to be affected by the proposal.

9.

The Collector shall paste notice of a proposal at or near the site proposed for the new licence and shall cause the proposal to be made known in the neighbourhood by beat of drum.

10.

If the proposed premises are in a municipal area, or notified area or gram panchayat area, the Collector shall lay the proposal in writing before the committee of the Municipality or notified area or gram panchayat, if in a rural area, before the District Board and Gram Panchayat of the local area.

11.

The Collector shall also ask for the opinion of all Superintendent of Police.

12.

If the site of the proposed license is near a railway station or any large factory mill or workshop the Collector shall ask for the opinion of the railway, authorities or commercial firms concerned.[13. If any objection is preferred to the proposal within [seven days] [Haryana Legislative Supplement Part III dated 19.4.1988.] from the date of the notice and reference, referred to in orders 9 and 10 of these orders, the Collector or a gazetted officer deputed by him shall enquire into it. The enquiry shall, if possible, be made on the spot. If it is not possible to make an inquiry on the spot, an enquiry shall be made in a formal proceeding at which evidence tendered for or against the proposal shall be recorded. The date and place of the inquiry shall be published in the notice prescribed above.]

14.

The final report, together with the opinion of the committee of the local body concerned and Superintendent of Police (provided this opinion is furnished within fifteen days from the date of the reference mentioned in orders 10 and 11 of these orders) shall be forwarded by the Collector to the Financial Commissioner.[-] [Words 'of the State Government' omitted by Haryana Notification No. G.S.R. 86/P.A.I./14/Ss. 5, 6, 24 and 58/99, dated 5.8.1999.]

15.

The procedure laid down in orders 8 to 14 is subject to and may be restricted by the exercise of their powers by the local bodies empowered under Section 3 of the Punjab Local Option Act, 1923 and by Gram Panchayats empowered under Section 26 of Punjab Gram Panchayat Act, 1952 and nothing shall be done which conflicts with the exercise of such powers.

16.

Order 16 omitted on 11th December, 1968G - Rules prohibiting the sale of liquor to certain persons and classes of persons

17.

A licensee shall not sell liquor :-(1)to any soldier of the rank of non-commissioned officer or under, when in uniform, or, when not in uniform, if the licensee knows, or has reason to believe, that he is a soldier of that rank;(2)to any person whom the licensee known, or has reason to believe to be member of the family of a soldier mentioned in (1) above;(3)to any person whom the licensee knows, or has reason to believe, to be a follower (the term "follower" meaning a person enrolled but not attested under the Indian Army Act):Provided that -(a)in premises specially approved for this purpose by the Collector such liquor as the Collector may approve (by specification in the licence of the vendor) may be sold to any soldier, member of his family or follower. In granting approval under this proviso the Collector shall act in consultation with the local military Commander, and(b)the restrictions laid down in clauses (1), (2) and (3) of this order shall not apply to the sale of liquor to a soldier or a member of his family or a follower when he is absent or on leave from his regiment.(4)to any person whom he knows or has reason to believe to be a policemen, excise officer or railway servant on duty;(5)to any person in the custody or under the escort of the police;(6)to any person who is in a state of intoxication;(7)to any insane person;(8)to any person below the age of twenty-five years; or(9)to any person whom he knows, or had reason to believe, to be student (the term "student" meaning person undergoing instruction in some branch of learning in an educational institution).H - Rules prohibiting the employment by any licence holder of certain persons and classes of persons, to assist in his business.

18.

No licensee shall employ to assist him in his business in any capacity whatsoever, any person whose employment the Collector has in the interest of the general public, forbidden, or any person suffering from an infectious or contagious disease.I - Rules prohibiting printing, publishing and selling of any newspapers, books, leaflet, booklet or other publication, containing any advertisement, commending or soliciting the use of any intoxicant etc.

19.

No person shall print or publish in any newspaper, book, leaflet or any other publication or otherwise display or distribute any advertisement or other matter commending or soliciting the use of any liquor or intoxicating drug such as is likely to encourage or incite any individual or class of individuals or the public generally to commit an offence under the Act or to commit a breach or evade the provisions of any rules or orders made thereunder or of the conditions of any licence, permit or pass obtained thereunder.

20.

No person shall circulate, distribute or sell any newspaper, book, leaflet, booklet; or other publication printed or published outside the State, which contains any advertisement or matter of the nature described in the preceding order.

21.

The newspaper, book, leaflet, booklet, or other publication containing any advertisement or matter of the nature described in orders 19 and 20 above shall be confiscated and forfeited to the State Government and such confiscated articles shall be disposed of in such manner as the Financial Commissioner may decide.