

Sham Lal Etc vs Iunion Of India And Others on 16 August, 1978

Equivalent citations: 1978 AIR 1484, 1979 SCR (1) 159

Author: V.R. Krishnaiyer

Bench: V.R. Krishnaiyer, D.A. Desai, O. Chinnappa Reddy

PETITIONER:

SHAM LAL ETC.

Vs.

RESPONDENT:

IUNION OF INDIA AND OTHERS

DATE OF JUDGMENT16/08/1978

BENCH:

KRISHNAIYER, V.R.

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KRISHNAIYER, V.R.

DESAI, D.A.

REDDY, O. CHINNAPPA (J)

CITATION:

1978 AIR 1484

1979 SCR (1) 159

ACT:

Punjab Excise Act 1914-Section 59(f)(v). Punjab Liquor Licence Rules 1956 Rule37-Effect of Amendment by State Haryana-Desirability of neighbouring states to follow uniform policy in regard to prohibition.

HEADNOTE:

Rule 37 of the Punjab Liquor Licence Rules 1956 as amended by The State Haryana, made the 1st and 7th of every month a holiday for liquor shops. The petitioners assailed its validity.

Dismissal of the writ petitions:

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HELD: As Haryana and Punjab are neighboring States, identical days of teetotalism have to be declared in both States failing which the exercise in prohibition will prove futile, at least in the border districts. If the days are different in the two States a massive trek of the drinking population from the border districts of one State to the other would ensue, thereby defeating the statutory purpose. [

159H, 160A-B]

P. V. Kaushal etc. v. Union of India etc. [1979] 1 SCR

122, followed.

(For appearance refer to pages 125-126).

The Judgment of the Court was delivered by

JUDGMENT:

KRISHNA IYER, J. The State of Haryana, like the other States of India, has on its statute book a legislation for liquor regulation and fiscal levy. In fact, it is the same as the Punjab Excise Act, 1914. To bring in progressive restriction in the sale of alcohol, rule 37 was amended in Haryana making the 1st and the 7th of every month a holiday for liquor shops. This rule and the statutory source of power to make rules, namely, s. 59(f) (v) of the Punjab Excise Act, 1914, have been challenged before us on a variety of grounds and we have heard counsel on both sides. The arguments being identical with those already considered by us in the Punjab batch of writ petitions that judgment governs these cases also, and therefore we annex it to this judgment and we do not think it necessary to launch on any additional discussion.

A few other submissions, which hardly merit mention were made we do not deal with them.

one cautionary signal we would like to sound. Haryana and Punjab are neighbouring States and unless identical days of teetotalism for the liquor shops are declared in both States, the exercise in prohibition will prove futile, at least in the border districts. If the days are different in the two States, there will be a massive trek of the drinking population from the border districts of one State to the other., thus defeating the statutory purpose. We hope that liquor lobby notwithstanding, the State, will streamline the 'dry' days in both the States.

For reasons given in writ petition Nos. 4021-4022 of ` 78 etc., We dismiss the present batch of writ petitions with costs. (One hearing fee) .

N.V.K.

Petitions dismissed.