

## **Punjab Intoxicants Licence and Sales Orders, 1956**

**Published vide Punjab Notification No. GSR 190/PA-1/14/Sections 5, 58 and 64 dated 18th August 1964.**

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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
(a)(i) Foreign Liquor whether imported from abroad	Two bottles
(ii) Indian Made Foreign Liquor (including Rum and Gin)	Two quarts
(b) Brandy	One quart.
(c) Beer	Not exceeding 7.8 bulk litre in bottles or cans
Ready to drink beverages	Not exceeding 1.5 litre

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:

[Provided further that there shall not be any size restriction in respect of the bottles of imported foreign liquor.]

[(b) a permit in Form L-50 for possession up to 24 Quarts of IMFL of 750 millilitres including brandy and imported liquor (i.e. up to 18 litres in any size, 48 bottles of beer of 650 millilitres (i.e. up to 31.2 litres in any size) and 24 bottles of wine of 750 millilitres (i.e. up to 18 litres in any size), will be issued on permit fee of Rs. 500/- for one year by the Assistant Excise and Taxation Commissioner incharge of the district and permit for life time will be granted one payment of lump sum permit fee of Rs. 5,000/- with the approval of the Collector, for consumption by the permit holder for his guests or the members of his family. However, for grant of annual and lifetime license in Form L-50, two passport size photographs of the applicant would be required to be submitted along with the application. One photograph shall be pasted on the permit and the other shall be retained in the

office of the Assistant Excise and Taxation Commissioner, Incharge of the district for record. In case of holders of L-50 for lifetime as on 31st March, 2004, the enhancement of possession limit shall be allowed after the payment of the differential amount between Rs. 5,000/- and the amount already paid before the grant of the previous permit in Form L-50 for lifetime.]

[(bb) A special permit for the purchase, transport and possession of Imported Foreign Liquor and Indian Made Foreign Liquor in any quantity shall be issued in Form L-50A for a specified period, not exceeding 24 hours on payment of the following permit fee :-

(i)	Corporation cities and areas falling within 2 km. of their outer boundaries..	Rs. 1,000
(ii)	All types of Municipal Committees and areas falling within 2 km. of their outer boundaries..	Rs. 500
(iii)	Other areas..	Rs. 250

[A permit holder shall be allowed to purchase the liquor from any retail vend of foreign liquor in the excise circle of his area.]

(c) the foreign tourists, having in their possession letter of introduction from the Traffic Advisory Committee, shall, on application, be issued the above mentioned permit free of charge, for the purchase, transport and possession of foreign liquor, beer and cider;

(d) a liquor permit issued to any foreign tourist by visa issuing officers of Indian Missions overseas or the Director or Assistant Director of the Government of India. Tourist Officer in Bombay, Calcutta, New Delhi or Madras shall be valid throughout the State of Punjab; and

(e) a person may substitute three bottles of beer or three bottles of cider for each bottle of foreign liquor or brandy, each of the capacity of 757 millilitres.

[(f) the Financial Commissioner may by order direct that subject to such conditions and limitations as may be nominated in such order the period of any class of licenses shall be extended for a period not exceeding one month]

*[(2) Punjab Medium Liquor of fifty degree or Rum or Gin or whisky of sixty five degree or Rum or Gin of whisky of seventy five degree	Two bottles each of the capacity of 757 millilitres].
(3) Country fermented liquor	Four bottles each of the capacity of 757 millilitres.
(4) Bhang or any preparation or admixture thereof.	100 grams.

(5) Rectified Spirit	One bottle of the capacity of 378.5 millilitres but for bottled rectified spirit imported from overseas the limit is 455 millilitres.
(6) Denatured Spirit	4.5 liters.

See Legislative Supplement Part III dated 30.3.1994 and Notification Dated 27.3.1998.

Any sale of larger quantities shall be deemed to be sale by wholesale.

[1A. Notwithstanding anything contained in clause (4) of Order 1, 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 licence granted under -

(i) The Punjab Supply and Sale of Bhang Rules, 1955;

(ii) The Punjab Manufactured Drug 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 discharging 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.

[Provided that the possession limit in respect of the serving and retired Defence Service Personnel shall be in accordance with the Army Orders.]

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 up to 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.

[(f) The Financial Commissioner may, by order, direct that subject to such conditions and limitation as may be mentioned in such order, the period of any class of licenses shall be extended for a period not exceeding one month at a time.]

[(g) consequent upon the extension of period of any class of licenses, as envisaged under clause (f), the licensee shall be required to pay the appropriate license fee for the extended period :

Provided that if such a licensee is not willing to extend his period of license, then in such a situation, the Collector may negotiate for the grant of license for the extended period by inviting applications in such form as may be specified by him :

[Provided further that if more than one application are received for a particular class of licenses, then the Collector may decide the matter by draw of lot.]

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 vends except vends licenced in form L-2 for the wholesale and retail sale of foreign liquor to the public only and drugs shops, which may be licenced in any local area, shall be the number which the Financial Commissioner, subject to the control of State Government considers necessary. The number of L-2 vends, which may be licenced in any local area, shall be the number of such licences granted by the Collector under the rules.]

#### 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- bail able 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 Act, 1914 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 Narotics Drugs and Psychotropic Substances Act, 1985.]
- (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.
- [(d) to any person who does not produce a valid income tax clearance certificate and a valid clearance certificate about the tax leviable under the Punjab General Tax Act, 1948.]

7A. [Omitted in 1987]

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. An application for the grant of liquor licenses for the retail vend of liquor for consumption 'on' the premises shall be accompanied by the following documents :-

1. Eligibility affidavit as provided in Order 7 above.
2. Income Tax Clearance Certificate, -
  - (a) If assessee - copy of PAN; or copy of last return; or clearance certificate.
  - (b) If not assessee - an affidavit to this effect.
3. Sales Tax/VAT clearance certificate.
4. Proof of ownership of the firm -
  - (a) For Proprietor - An affidavit to this effect.
  - (b) For Hindu Undivided Family (HUF) - An affidavit to this effect.
  - (c) For Partnership firm - Copy of partnership deed.
  - (d) For Companies - Memorandum of articles.
5. Proof of land use, -
  - (a) Proof of ownership; or
  - (b) Rent Deed; or
  - (c) Rent Receipt; or
  - (d) NOC from the landlord or an affidavit.
6. [Three copies of the Site Plan of the proposed premises.]

8A. [The Collector shall take all reasonable steps to ascertain the opinion of persons, who reside or have property in the neighbourhood and are likely to be affected by the proposal to grant the above type of license.]

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.

[11A. For grant of license in form L-3 a minimum two star classification certificate from the Department of Tourism shall be necessary and for grant of Pub License in form L-5B, the consent of a brewery shall be necessary.

11B. For the grant of licenses in form L-4 and L-5, there should be seating arrangement for 40 persons with covered area of more than 400 sq. ft., adequate air conditioning, uniform for all service providing and administrative staff, toilet facility. However, for the grant of these licenses at a place other than multiplexes, shopping malls and a Hotel with a minimum two star classification certificate, there should also be a minimum annual sales turnover of Rs. 30 lacs, reasonable parking facility, complete generator backup, either a triple sink unit or a commercial dish washer provided in dish washing with separate sinks for pot washing, adequate storing capacity for perishables, dry groceries, Liquor, Geyser hot water point, Adequate refrigeration in the Kitchen, Kitchen should be equipped with proper exhaust hoods and exhaust equipment :

[Provided that the requirements of Orders 9, 10, 11 and 11-A and 11-B, shall not be necessary for multiplexes, shopping malls or pub licenses.]

[12. If the site of the proposed licence is near a railway station, educational institution, hospital or any large factory, mill or workshop the Collector shall ask for the opinion of the railway, educational or hospital authorities or commercial firms concerned.]

13. If any objection is preferred to the proposal within [fifteen days] 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 two months from the date of the reference mentioned in orders 10and 11 of these orders) shall be forwarded by the Collector to the Financial Commissioner for the Orders of the state Government.

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 [11th December, 1968]

G - 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, commanding 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 commanding 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.