

**HIMACHAL PRADESH INTOXICANTS LICENSE AND SALE ORDERS, 1965.**

GOVERNMENT OF HIMACHAL PRADESH  
EXCISE & TAXATION DEPARTMENT

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NO.1-17/64-E&T

Dated Shimla-4, the 2.9.1965

August, 1965

Bhadra, 1887.

**NOTIFICATION**

In supersession of this department previous notification No.7(3)-J-57/49, dated 10<sup>th</sup> February, 1949, in this behalf and in exercise of the powers conferred by section 5 and clauses (e)(f)(g) and (j) of sub-section (2) of Section 58 of the Punjab Excise Act, 1914 (1 of 1914) as applied to Himachal Pradesh and all other powers enabling him in this behalf, the Lieut., Governor (Administrator) Himachal Pradesh is pleased to make the following order after previous publication vide this department notification of even number dated 18<sup>th</sup> May, 1965, published in the Himachal Pradesh Rajpatra dated 19<sup>th</sup> June, 1965:-

**SHORT TITLE & COMMENCEMENTS**

1. (i) These orders may be called the Himachal Pradesh Intoxicants License and Sale Orders, 1965.
- (ii) These shall come into force at once.

**(2-A. Limit of retail possession.**

2. The following are the maximum quantities of intoxicants which can be sold in each transaction in retail sale under the Excise Act in whole of the Himachal Pradesh, provided that all the dry area shall stand excepted:-

<sup>1</sup> (1) Foreign spirit	One bottle of 2000 mls or Two bottles each of the capacity of 1000 mls or Two bottles of 750 ml
(2) Beer whether imported or made in India.	Twelve bottles each of the capacity of 650 ml
(3) Cider (liquor manufactured by fermentation of fruit) whether imported or made in India.	Six quart bottles.
(4) Country Liquor	Two bottles each of the capacity of 750 ml.
(5) Country fermented liquor.	Six quart bottles.
(6) Bhang	100 grams.
(7) Rectified Spirit	One Pint of 375 ml.
(8) Rectified Spirit	One bottle of 650 mls.

***Note:-The limit of transportation mentioned at item No.(1)&(2) above shall be alternative with the limit mentioned at item No.(4)***

Provided that a person may, **for bonafide** consumption by him, the members of his family, or his guests purchas,transport and possess foreign spirit upto 18 bottles of the capacity of 750 ml.each inclusive of imported spirit and 36 bottles of the capacity of 650 ml.each of Beer on the authority of a permit in Form L-50 granted by the Excise Officer, holding the charge of the District, on payment of a permit fee according to the following scale for a financial year or part thereof:-

**Quantity**

<sup>2</sup> [Exceeding six bottles of IMFS of 750 Mls and 36 bottles of 650 ml.each of Beer but not exceeding 18 bottles of IMFs and 36 bottles of Beer.]	Rs.150/-for one year Rs.300/- for three years Rs.2500/- for life time.
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**Note:-**The possession limit by one family living in a separate and distinct premises will be six bottles of IMFS of 750 mls/ 4 bottles of 1000 mls/2 bottles of 2000 mls of IMFL (pack/bottles each of 2000 mls, 1000 mls and 500 mls of IMFL shallbe converted into unit of 750 mls.) and 24 bottles of Beer of 650 mls each at one time. Imported liquor will be considered as part of stock of IMFS and bottles of foreign liquor which may be of one litre or two litres will be converted, for this limits prescribed for IMFS in 750 ml bottles:

Provided further that in case of possession and purchase of denatured spirit for industrial purposes, a permit may be obtained from the Excise Officers of the 1<sup>st</sup> Class as declared by the State Government.

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1. Substituted vide notification No.EXN-F(1)4/76 dated 29<sup>th</sup> March, 2007
  2. Substituted vide notification No.7-41/2002-EXN-5584-5631 dated 31.3.2003.

**1(3-A).** The members of the Defence Forces on duty or on leave and on Ex-servicemen shall be entitled to get the liquor from service canteen as under:-

- (i) The serving personnel shall draw the quantity of liquor as authorized by the Defence Department according to their rank;
- (ii) An ex-servicemen and widows of serving officers including Hony. Commissioned officers/parents of unmarried deceased officers shall draw the quantity of liquor per month as under:-

(a) COAS/CNS/CAS on retired list Field Marshals, Admiral of the Fleet/Marshal of Air Force, Army Cdr. On retired list and their equivalents in other two services.	No limit.
(b) All officers upto the rank of Lt.General and equivalents including Nursing Officers, DGBR, Hony. Commissioned Officers on retired list.	16 Units (any combination)
(c) JCO's, Warrant Officers (APS) CI-I and CI-II of Army Master Warrant Officer, Warrant Officer and JWO of Air Force, MCPO and CPO of Navy on retired list.	10 Units (any combination)
(d) NCO's and OR (L/NK/Sep.) of the Army, Sergeant, Corporal, LAC and AC or Air Force, Petty Officer, leading Seaman, Able Seaman, Ord Seaman of Navy on retired list.	6 Units (any combination)
(e) Widows of Service Officers including Hony. Commissioned Officers/Parent of Unmarried deceased officer.	6 Units (any combination)

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1. Substituted vide Notification No.11-35/74-E&T dated 29<sup>th</sup> July, 2002 published in RHP(E.O.) on dated 2<sup>nd</sup> August, 2002.

## **B. Periods for which licenses may be granted.**

3. Licenses for the vend for whole-sale and retail of any intoxicant may be given for a period of one year, or for shorter period as may be deemed expedient;

### **Provided that;-**

- (a) a year shall begin from the date which may be fixed by the Financial Commissioner, fro time to time, for such purposes;
- (b) a license may be given from any date to the close of the year as may be determined in order 3(a) above from time to time;
- (c) the Financial Commissioner may sanction shorter periods for such licenses or classes of licenses as he thinks fit;
- (d) the Financial Commissioner may by general or special order direct that any license or class of licenses of which fees are not fixed by auction or tender shall be granted for any period upto three years;
- (e) temporary licenses may be given to provide for the sale of liquor on special occasions in such cases and on such occasions, as the Financial Commissioner may prescribe.

## **C. Localities for which licenses may be granted.**

4. Shops may be licensed for the sale of liquor and drugs in only 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 license 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 licenses for on consumption without the procedure of enquiry prescribed by orders 8 to 13 of these orders:

Provided that a license for the sale of foreign liquor or country liquor may be granted at any place where there already exists a license for the sale of country liquor or foreign liquor if the Financial Commissioner so desires necessary without the procedure of enquiry prescribed above.

## **D. Number of Licenses**

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.

## **E. Persons to whom licenses may not be granted.**

7. A license for the vend of liquor or drug 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 Excise or Opium Acts, or the Punjab Opium Smoking Act or the Dangerous Drugs Act;
  - (c) to any person who has hold a license in Himachal Pradesh for the sale of any intoxicant has had that license cancelled for failing to pay his license fees and had 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 matters to be ascertained before any license is granted for the retail vend of liquor for consumption on the premises.**

8. When it is proposed to grant a license for the retail vend of liquor for consumption on any premises, which were not licensed in the preceding year, the Collector shall take all reasonable steps to ascertain the opinion of persons who reside or have property in the neighborhood and are likely to be affected by the proposal.
9. The Collector shall post a notice of the proposal at or near the site proposed for the new license, and shall cause the proposal to be made known in the neighborhood by beat of drum or in any manner the Collector may deem fit. If the proposed premises are a Municipal Area, or Small Town or Notified Area, the Collector shall lay the proposal in writing, before the Committee of the Municipality, Small Town or Notified Area and if in a rural area, before the Gram Panchayat.
10. The Collector shall also ask for the opinion of the Superintendent of Police.
11. If the site of the proposed license is near railway station, or any large factory, mill or workshop, the Collector shall ask for the opinion of the railway authorities or the commercial firms concerned.
12. If any objection is preferred to the proposal within 30 days from the date of the notice 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 will, if possible, be made on the spot. If it is not possible to make an enquiry on the spot, an enquiry will be made in a formal proceedings at which evidence tendered for or against the proposal would be recorded. The date and place of the enquiry would be published in the notice prescribed above and will be made known to the public concerned in the manner deemed necessary by the Collector.
13. The final report, together with the opinion of the local body concerned (provided this opinion is furnished within 5 weeks from the date of the reference mentioned in order 12 of these orders), will be forwarded by the Collector for the orders of the Financial Commissioner.

**14. 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 reasons to believe, that he is a soldier of that rank;
- (2) to any person whom the licensee knows, or has reason to believe, to be a member of the family of a soldier mentioned in clause(1);
- (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:-**

- (a) that in premises specially approved for this purpose by the Collector such liquor as the Collector may approve (by specification in the license of the vendor) may be sold to any such soldier, member of family or follower. In granting approval under this proviso the Collector shall act in consultation with the local military Commandar;
  - (b) that at any railway refreshment room or dak bungalow and in any railway dining car;-
    - (i) troops and followers under the command of an officer may be supplied, subject to the consent of the said officer; and
    - (ii) soldiers and their families traveling in small parties not under the command of an officer may be supplied with reasonable quantity; and
  - (c) that the restrictions laid down in sub-clauses (1),(2) and (3) of this order shall not apply to the sale of liquor to an Indian soldier or a member of his family or follower when he is absent on leave from his regiment;
- (4) to any person whom he knows, or has reason to believe, to be a Policeman, excise officer or railway servant on duty; or
  - (5) to any person in the custody or under the escort of the Police; or
  - (6) to any person who is in a state of intoxication; or
  - (7) to any insane person;
  - (8) to any person below the age of twenty one years; or
  - (9) to any person whom he knows, or has reason to believe, to be a student;
  - (10) to any person whom he knows or has reason to believe to be driver, conductor or any other official on duty in a public vehicle.

**H. Rules prohibiting the employment by any license holder of certain persons and classes of persons to assist in his business.**

15. No licensee shall employ to assist him in his business in any capacity whatsoever, an, person whose employment the Collector has, in his discretion, forbidden, or any person suffering from an infectious or contagious disease.

By orders  
(V.S.Sharma,I.A.S.)  
Joint Secretary, Excise & Revenue

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In the existing Orders.-

1. The existing order 8 shall be substituted by the following :-

“ When it is proposed to grant a license for the retail vend of liquor for consumption on any premises, which were not licensed in the preceding year, the Collector shall take all reasonable steps to ascertain that there is no objection to open such vend in that locality.

For this purpose he may obtain No Objection Certificate from the following:-

1. Deputy Commissioner.
2. Superintendent of Police.
3. Local Bodies.

However, the Government may dispense with the requirement of N.O.C. in respect of any category of license it may deem fit.

2. The existing Orders No. 9,10,11,12, & 13 shall be omitted.



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*[Authoritative English Text of this Department Notification No.EXN-F(1)1/93] dated .....as required under Article 348(3) of the Constitution of India].*

GOVERNMENT OF HIMACHAL PRADESH  
EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Shimla-2, the                      th April, 2007

No.EXN-F(1)1/93.-- In exercise of the powers conferred by clause (f) of sub-section (2) of section 58 of the Punjab Excise Act, 1914 ( 1 of 1914) as in force in the territories comprised in Himachal Pradesh immediately before 1<sup>st</sup> November, 1966 and all other powers enabling him in this behalf, the President of India is pleased to order the following amendment in the Himachal Pradesh Intoxicants License and Sale Orders, 1965, notified vide Department Notification No.1-17/64-E&T, dated 2.9.1965 as amended from time to time with immediate effect :-

AMENDMENT

In the existing Orders.-

1. The existing order 8 shall be substituted by the following :-

“ When it is proposed to grant a license for the retail vend of liquor for consumption on any premises, which were not licensed in the preceding year, the Collector shall take all reasonable steps to ascertain that there is no objection to open such vend in that locality.

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However, the Government may dispense with the requirement of N.O.C. in respect of any category of license it may deem fit.

2. The existing Orders No. 9,10,11,12, & 13 shall be omitted.

Principal Secretary(E&T) to the  
Government of Himachal Pradesh  
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1. Deputy Commissioner.
2. Superintendent of Police.
3. Local Bodies.

However, the Government may dispense with the requirement of N.O.C. in respect of any category of license it may deem fit.

2. The existing Orders No. 9,10,11,12,14,,15 and 16 shall be omitted.

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*[Authoritative English Text of this Department Notification No.EXN-F(1)1/93] dated .....as required under Article 348(3) of the Constitution of India].*

GOVERNMENT OF HIMACHAL PRADESH  
EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Shimla-2, the                      th April, 2007

No.EXN-F(1)1/93.-- In exercise of the powers conferred by clause (f) of sub-section (2) of section 58 of the Punjab Excise Act, 1914 ( 1 of 1914) as in force in the territories transferred to Himachal Pradesh immediately under section 5 of the Punjab Re-organisation Act, 19¼1914 dk 1½ 66 (31 of 1966), the President of India is pleased to further amend the Punjab Intoxicants License and Sale Orders, 1956 (hereinafter called "the said orders") as applicable to Himachal Pradesh, and as amended from time to time with immediate effect :-

*AMENDMENT*

1. The existing order 8 shall be substituted by the following :-

“ When it is proposed to grant a license for the retail vend of liquor for consumption on any premises, which were not licensed in the preceding year, the Collector shall take all reasonable steps to ascertain that there is no objection to open such vend in that locality.

For this purpose he may obtain No Objection Certificate from the following:-

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3. Local Bodies.

However, the Government may dispense with the requirement of N.O.C. in respect of any category of license it may deem fit.

2. The existing Orders No. 9,10,11,12,14,,15 and 16 shall be omitted.

Principal Secretary (E&T) to the  
Government of Himachal Pradesh  
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