

DELHI INTOXICANTS LICENCE AND SALE RULES, 1976

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DELHI INTOXICANTS LICENCE AND SALE RULES, 1976

These rules may be called the Delhi Intoxicants License and Sale Rules, 1976. These rules shall come into force at once.

1. . :-

The maximum quantities of intoxicants specified below which for the purposes of the Punjab Excise Act may be sold by retail in the Union Territory of Delhi, shall be as follows:

Provided that the above restrictions shall not apply in respect of sales to:

(i) the members of the Diplomatic Missions in India, staying in Delhi, and foreign tourists;

(ii) the Hospitality Organisations, Government of India, Ministry of External Affairs.

Provided further that the Bishop of Delhi may, for bonafide Church

use for sacramental purpose, purchase transport and possess sacramental Wines upto 91 litres.

(iii) any person specially permitted by the Lt. Governor, Delhi, by order in writing, to possess intoxicants in such quantities in excess of the above limits and subject to such conditions as may be specified in the order. (Lt. Governor of Delhi exempted the Defence personnel passing through the Union territory of Delhi on leave, possession limits as provided under section 24 of the Punjabi Excise Act, 1914 to the extent as given below:

		Whisky/Brandy	Wine	Beer
		Gin & Rum		Cider
	1	2	3	4
1.	Lt. General and their equivalent	8	2	48
	in the Navy and Air force.			
2.	Major General & thier equivalent	4	2	48
	in Navy; Air force.			
3.	Brigadier and their equivalent in	4	2	48
	the Navy & Air force.			
4.	Other Officers	3	2	15
5.	JCOS and their equivalent in the	2 Rum only		
	Navy & Air force			
6.	Other ranks	2 Rum only		

(v) All intoxicating spirituous preparations declared as liquor are exempt from t provisions of section 29 of the Punjab Excise Act, 1914 (1 of 1914), as in for in the Union Territory of Delhi.

(2) Counrry liquor 13 litres

(3) Country fermented liquor in any quantity is prohibited.

(4) Bhang or any preparation or admixture thereof

(5) The possession of charas or any preparation or admixture thereof in any quant is prohibited.

(6) Rectified spirit. 0.5 litres except in case bottled rectified spirit ported from overseas, which the limit is 455 ml.

(7) Denatured spirit when sold to:

(a) an individual for private home consumption 0.5 litres

(b) Goldsmiths holding licence from the Central Excise Department

.2 litres]

(c) (c).....(d).....;.....

2. . :-

(1) Unless the Lt. Governor otherwise directs, licences shall be ordinarily given for a period of one year from the 1st April to 31st March.

(2) Temporary licences may be given to provide for the sale of liquor on special occasions in such cases and on such occasions, as the Lt. Governor may prescribe.

3. . :-

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

4. . :-

Shops may be licensed for sale of liquor and drugs in only such villages and in such wards or quarters of the town, as the Lt. Governor shall, 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 counter-act the illicit supply of liquor or drugs in that locality, nor in the case of liquor licences for 'on' consumption without the enquiry prescribed under these rules. 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 Lt. Governor considers necessary to meet the reasonable requirement of the population. Provided that the Lt. Governor may, at any time, in public interest or for implementation of policy of prohibition, order the transfer of any licensed liquor or drug shop from one locality to another. E Persons to whom the licences may not be granted

1. A licence for the vend of liquor or drugs shall not be given to

(a) any person who has been declared insolvent by any court in India or who is insane or who is below 25 years of age.

(b) any person who has been convicted by a criminal court of any

non-bailable

(c) any person, whether a former licensee or not who has been convicted of any offence punishable under the Punjab Excise Act, 1914, as in force in Delhi, the Opium Act 1879, the Punjab Opium Smoking Act, 1948, as in force in Delhi, the Dangerous Drugs Act, 1930 or the Medicinal and toilet Preparations (Excise Duties) Act, 1935 during a period of five years preceding the date of application, or who in the opinion of the licensing authority is reasonably suspected of committing or conniving at the commission of any such offence;

(d) any person who holds or who has interest in the business of the holder of any licence, under the Punjab Excise Act, 1914 as in force in Delhi, the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 or the Dangerous Drugs Act, 1930; orders be cancelled, and not ordered to be restored subsequently, during a period of five years preceding the date of application;

(e) any person who held or who was interested in the business of the holder of any licence under any of the Acts referred to in clause (d) above, if any moneys are recoverable from the licences under the provisions of any of the said Acts unless he has been specially exempted by an order of the Lt. Governor.

(f) any person who is not assessed to income tax.

(g) any person interested in the business of any firm registered under the Law relating to Sales Tax in Delhi and dealing in any intoxicant if such firm is defaulter of dues under the said law.

Explanation: For the purposes of this rule, "person interested in the business of the holder of a licensee or a firm" include every person interested in such business as a member, director, partner or agent
F Procedure to be followed and matters 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 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 neighbourhood and are likely to be affected by the proposal.

9. . :-

The Collector will paste notice of the proposal at or near the site proposed for the new licence, and will cause the proposal to be made known in the neighbourhood by means of a loud speaker.

10. . :-

The Collector will also ask for the opinion of the Addl. District Magistral concerned.

11. . :-

" No liquor shop for consumption 'on' the premises shall be located within a distance of 75 metres from the following, namely:

(i) Any industrial estate and other major construction site,

(ii) Major educational institutions,

(iii) Religious places,

(iv) Hospitals, and

(v) Colonies of Labourers and Harijans.

12. . :-

If any objection is preferred to the proposal, the Collector or a gazetted officer deputed by him, will enquire into it. The enquiry will, if possible, be made on the spot. If it is not possible to make the enquiry on the spot, an inquiry will be made in a formal proceeding at which evidence tendered for or against the proposal will be recorded. The date and place of the enquiry will be published in the notice prescribed above.

13. . :-

The final report will be forwarded by the Collector for the orders of the Governor. G Rules prohibiting the sale to certain persons and classes of persons

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 reason to believe that he is such soldier;

(2) to any person whom the licensee knows, or has reason to believe, to be a member of the family of such soldier;

(3) to any person whom the lipensee 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 in premises specially 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 such soldier, member of family or follower. In granting approval under this proviso, the Collector shall act in consultation with the local commander.

Provided that in premises specially under section 28 of the Act by the Officer Commanding of a cantonment, such liquor as is approved by the Officer Commanding in consultation with the Collector, and is specified in the licence of the vendor, may be sold to any such soldier, member of family or follower.

Provided also that any railway refreshment room or dak bungalow and in any railway dinning car

(a) troops and followers under the command of an officer may be supplied, subject to the consent of such officer; and

(b) soldiers and their families travelling in small parties, not under the command of an officer, may be supplied with a reasonable quantity if the men are sober; and Provided further that the restriction laid down in sub-clauses (1), (2) and (3) of this clause 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 policeman, excise officer or railway servant on duty;

(5) to any person in the custody or under the escort of Police;

(6) to any insane person.

15. . :-

No licensee shall employ to assist him in his business in any capacity, whatsoever, any person whose employment, the Collector has in his discretion forbidden and no licensee shall employ any person suffering from an infectious or contagious disease. I Rules prohibiting the printing, publishing, circulating and selling of any newspaper, book, leaflet, booklet or other publication containing any advertisement or soliciting the use of any intoxicant and display of liquor in show window

16. . :-

No person shall print or publish in any newspaper, book, booklet, leaflet or any other publication or otherwise display or distribute any advertisement or other matter soliciting the use of or offering any liquor or intoxicating drug.

17. . :-

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

18. . :-

The provisions of rules 16 and 17 shall not be applicable to any newspaper, book, or magazine printed or published outside India.

19. . :-

No licensee shall display any bottle containing liquor or any empty liquor-bottle or any specimen thereof in a show window.

20. . :-

Any bottle containing liquor displayed in a show window and any newspaper book, leaflet, booklet or other publication printed, published or otherwise displayed Or distributed in contravention of the provision of these orders shall be forfeited to State Govt. and such forfeited articles shall be disposed of in such manner as the Excise Commissioner may direct. Repeal and Savings. The Delhi Intoxicants Licence and Sale Orders published in this Administration notification No. 3239 Commerce dated 27-4-1933 and as subsequently amended are hereby repealed. Provided that as respects things done, proposed to be done before such repeal and every licence or permit granted under any such rules, insofar as they are not inconsistent with the provisions of these rules will have the same force and effect as if they have been respectively done or granted under these rules and by the authority empowered in that behalf.