

KARNATAKA PROHIBITION (LIQUOR) RULES, 1965

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KARNATAKA PROHIBITION (LIQUOR) RULES, 1965

In exercise of the powers conferred by Section 124 of the Karnataka Prohibition Act, 1961 (Karnataka Act 17 of 1962) read with Sections 27, 29, 30, 32, 33 and 44 of the said Act and all other powers enabling it in this behalf, the Government of Karnataka hereby makes the following rules, the draft of the said rules having been previously published on pages 615 to 715 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 3rd June, 1965, as required by sub-section (3) of Section 124 of the Karnataka Prohibition Act, 1961 (Karnataka Act 17 of 1962), namely

1. . :-

These rules may be called the Karnataka Prohibition (Liquor) Rules, 1965.

2. . :-

These rules shall extend to all the areas of the State of Karnataka, where the Karnataka Prohibition Act, 1961 is in force.

3. Definitions :-

In these rules, unless the context otherwise requires.

(a) "Act" means the Karnataka Prohibition Act, 1961;

(b) "Club licensee" means a person holding a club licence under these rules;

(c) "Duty paid liquor" means liquor on which duty leviable under the Indian Tariff Act, 1934 or the Customs Act, 1962 (Central Act 52 of 1962) or the Excise or countervailing duty under the Act, has been paid and include liquor which is exempted from such duty;

(d) "Excise Supervision" means the supervision by the members of the staff of the Prohibition or Excise Department appointed in that behalf by the authority competent to appoint them;

(e) "Liquor" includes Foreign or Indian made liquors of the following kinds, namely. (i) Spirits (ii) Wines and (iii) Fermented Liquors;

(i) "Spirits" include brandy, whisky, gin, liquors and milk punch and such other spirits as the State Government may by notification in the Official Gazette specify;

(ii) "Wines" means champagne, moselle, burgundy, chianti, white wines, clarets, hocks, riesling, madeira, ginger wine, porttype port, vermouth, sherry and such other wines as the State Government may by notification in the Official Gazette specify;

(iii) "Fermented Liquors" means ale, beer, milk stout, stout, porter, cider and such other fermented liquors as the State Government may by notification in the Official Gazette specify.

(f) "Form" means a form appended to these rules;

(g) "Licensed premises" means premises in respect of which a licence has been issued under these rules;

(h) "Licensee" means a person who has been granted a licence under these rules;

(i) "Permit holder" means a person holding a permit granted under these rules;

(j) "Prescription" means a prescription issued by registered medical practitioner;

(k) "Privileged person" means a person to whom special permits are granted under Section 34;

(l) "Sale by wholesale" means sale to licensed retailers or wholesalers;

(m) "Section" means a section of the Act;

(n) "State" means the State of Karnataka;

(o) "Temporary resident" means a person falling under clause (b) of sub-section (1) of Section 31;

(p) "Testing Instruments" means (i) Cassellas Hydrometers consisting of 5 glass stems graduated from 0 to 20, 20 to 40, 40 to 60, 60 to 80 and 80 to 100 respectively; (ii) Cassellas single stem pocket Hydrometer graduated from 60 to 90; (iii) An immersion thermometer; (iv) Sikes tables as revised by Col. Bedford; (v) A glass cylindrical jar capable of containing about 3/4 of a litre of liquids;

(q) "Unit" means the quantity of liquor equivalent to (i) one reputed quart bottle of spirits or (ii) three quart bottles of wines or vermouth or (iii) [eighteen] quart bottles of fermented liquors.

PART 1

Trade and Import Licences

4. Application for Licences :-

Any person desiring to import and to sell liquor by wholesale shall apply to the Deputy Commissioner for a trade and import licence in that behalf. The application shall contain the following particulars, namely.

(a) Name and address of the Applicant;

(b) Location of the shop or premises where he wants to sell liquor, with the number of house or building, name of the street and name of City or Town;

(c) Whether to his knowledge any liquor was sold at such shop or premises in the past and if so the period during which it was sold;

(d) Whether the applicant held any trade and import licence in the past and if so the year and period during which it was held.

5. Grant of Licence :-

On receipt of the application, the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for, he may with the previous sanction of the 1[Commissioner] grant the applicant a licence in Form L.I. on payment of a fee of Rs. 1,500 per annum and of such security deposit, if any as may be prescribed by the Commissioner by regulations made under Section 126.

6. Duration of Licences :-

No licence under Rule 5 shall be granted for a period beyond the 31st March next following the date of the commencement of the licence: Provided that for licences sanctioned between 1st April and 30th September, full licence fee for the year shall be levied and for licences sanctioned on or after the first day of October only half of the licence fee shall be levied.

7. Removal from Customs Manufactory, etc :-

No liquor (a) brought to any port in the State (b) brought to the boundary of the State for import into any part of the State from any other part of India or (c) manufactured in a manufactory, distillery or brewery in the State shall be transported by any trade or import licenses from such port, boundary, manufactory, distillery or brewery, as the case may be, to his licensed premises or his warehouse except under a transport permit issued by an Officer duly authorised in that behalf and on payment of such fee or duty as may be notified.

8. What liquor shall not be kept or sold :-

A trade and import licensee shall not receive or keep in his licensed premises or in his warehouse any liquor which has not been lawfully removed from a customs barrier or imported or transported.

9. A trade and import licensee :-

(1) shall exhibit at his licensed premises, a list supplied by the Commissioner from time to time showing the names and addresses of persons holding licences for the sale of liquor;

(2) shall not sell liquor to any person unless such person holds a licence for the sale of liquor or for the possession and use of liquor for the manufacture of medicinal toilet or other preparations to which Section 16 applies and produces a transport permit issued by

an Officer duly authorised in that behalf;

(3) shall not sell liquor to ships going abroad except out of his stock in bond, if any;

(4) shall not sell any liquor unless the buyer produces valid transport or export permit issued by the Deputy Commissioner;

(5) shall not sell liquor at prices exceeding those fixed from time to time by the Commissioner.

10. Liquor bottles to be banderolled :-

No bottle containing liquor shall be sold to any person for consumption in the State unless it is banderolled in such manner as the Commissioner may, from time to time, direct.

11. Check It :-

No drinking on Licensed premises. A trade and import licensee shall not permit the consumption of any liquor in or on the licensed premises or in his warehouse or in any premises connected therewith that may be in his possession or under his control.

12. Racking, etc., not permitted :-

No liquor shall be racked, bottled, blended, reduced, flavoured or coloured by a trade and import licensee except in accordance with the provisions of the Act and the rules, regulations and orders made thereunder.

13. Adulterated and Spurious Liquor not allowed :-

No trade and import licensee shall adulterate or in any manner cause to deteriorate any liquor or knowingly receive or keep on licensed premises or in the warehouse or sell liquor which is or has been adulterated or which has deteriorated or has been allowed to deteriorate. He shall also not receive, keep or sell spurious liquor of any kind.

14. Working days and hours :-

The licensee shall not on any day carry on his business after 9.30 p.m. I.S.T. or before 9.30 a.m. nor shall he carry on the said business on such days as may be notified by the Commissioner.

15. Transaction under Excise Supervision :-

All transactions pertaining to receipt, storage, purchase and sale of liquor shall be carried out under the supervision of such Excise or Prohibition authorities as the Commissioner may direct.

16. Appointment of Staff for Excise Supervision :-

The ¹ [Commissioner] may appoint such Excise or Prohibition Staff at the licensed premises for supervision as he deems necessary.

1. Substituted for the words "Prohibition Commissioner" by GSR 420, dated 18-9-1967, w.e.f. 21-9-1967

17. Combination of other Business not permitted :-

The trade and in port licensee shall not in any case combine the business of sale of liquic with any other business in or at the licensed premises.

18. Liquor to be sold in Sealed Bottles :-

Liquor shall not, save with th permission of the Commissioner, be kept or sold by a trade or import licensee except in full corked bottles sealed or capsuled.

19. Regulation of Business of Licensee :-

(1) No person shall be recognised as partner of the trade and import licensee for the purposes of hi licence unless the partnership has been declared to the Deputy Commissioner before the licence is granted and the names of the partners have been entered jointly in the licence, or, if the partnership is entered into after the granting of license, unless the Deputy Commissioner agrees, on applicator made to him to alter the licence, and to add the name or names of the partner or partners in the licence,

(2) A trade and import licensee shall carry on his business under the licence either personally or by an agent or servant duly authorised by him in that behalf by a written Nowkarnama signed by himself and countersigned by a Prohibition Officer: Provided that any such Nowkarnama signed by the licensee shall be valid until countersignature is refused. If for any reason the Prohibition Officer shall order the withdrawal of any Nowkarnama issued by the licensee, the Nowkarnama shall be withdrawn forthwith. For every Nowkarnama issued by him and countersigned by the Prohibition Officer the licensee shall pay a fee of Re. 1. No Nowkarnama shall be issued to any person under 18 years of age and no such Nowkarnama if issued shall be valid,

(3)

(a) A trade and import licensee shall keep in the licensed premises and also in his warehouse, an up-to-date list showing the names of all his approved agents or servants.

(b) The licensee shall keep in the licensed premises in a bound book paged and stamped with the seal of the Deputy Commissioner such accounts as may be prescribed by the Commissioner. The accounts shall be clearly and correctly written up-to-date daily. With these accounts shall be filed the transport passes under cover of which liquor was received, sold or transported. These accounts shall be open to inspection by the Deputy Commissioner or any other Officer empowered under Sections 99 and 101.

(c) The licensee shall periodically submit such returns as may be prescribed by the Commissioner.

(d) The licensee shall keep a complete set of testing instruments for testing liquor.

(4) The licensed premises and the warehouse of a trade and import licensee and all liquor contained in such premises or warehouse shall at all time be open to inspection by the Deputy Commissioner and the Prohibition Officers empowered under Sections 99 and 101.

(5) The licensee shall when called upon by any Prohibition Officer give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises and shall answer all reasonable questions to the best of his knowledge and belief. He shall also on demand, allow an inspecting officer to take without payment samples not exceeding 1/8 litre for analysis.

(6) The licensee shall keep an inspection book paged and stamped with the seal of the Deputy Commissioner always available to inspecting officers to enable them to record their remarks. All inspecting officers should record in the inspection book, the time and date of their inspection and other remarks relating to the inspection. The licensee shall on the termination of the period of his license, deliver the inspection book, the account book and the license to the Prohibition Officer and may retain the verified and cancelled permits.

(7) Except with the permission of the Deputy Commissioner, the licensee shall not sell, transfer or sublease the right conferred upon him by this license nor shall he in connection with the said right enter into any agreement or arrangement which in the opinion of the Deputy Commissioner is in the nature of a sub-lease. If any dispute arises, whether any agreement or arrangement is in the nature of a sub-lease or not the decision of the Deputy

Commissioner in the matter shall be final and binding on the licensee.

20. Licensee to abide by the Provisions of the Act, etc :-

(1) Every trade and import licensee shall comply promptly with all orders or directions issued from time to time under the Act, and the rules and regulations and orders made thereunder.

(2) Every licensee shall give an undertaking to the Deputy Commissioner, at the time of taking delivery of the license, in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the license.

(3) The licensee or his successors or assigns shall have no claim whatsoever to the continuance or renewal of the trade and import license after the expiry of the period for which such license was granted.

(4) When a trade or import license is suspended or cancelled during the currency of the license period or is not renewed after its expiry, the licensee shall forthwith intimate to the Deputy Commissioner the quantity of liquors in stock with him. On receipt of such intimation, the Deputy Commissioner shall instruct the Prohibition Officer or other authorised officer to verify the stock and seal up the premises where the stock is stored. The stock will however be deemed to be in the custody of the ex-licensee who will make arrangements and will be responsible for its safety. The stock may only be sold with the permission of the Deputy Commissioner to other licensees; the licensee will not however be allowed to receive fresh stock after his license expires or is suspended or cancelled, except those stocks for which transport or import permits have already been issued and which are in transit. The permission to sell the stock to other licensees will be subject to the condition that all sums due to the State Government will first be paid out of the sale proceeds:

Provided that if there is no demand for the liquor in stock or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

21. Suspension or cancellation of License :-

All licenses granted under Rule 5 may be suspended or cancelled in

accordance with the provisions of Sections 45 and 47.

PART 2

Retailers Licences for sale of Liquor

22. Application for Licence :-

Any person desiring to sell liquor by retail to persons holding licenses or permits for its possession, consumption or use shall apply to the Deputy Commissioner for a retailer's license on that behalf. The application shall contain the following particulars.

(a) Name and address of the applicant;

(b) If the applicant is a firm or a company, the names and addresses of all the partners and Directors of the firm or company as the case may be;

(c) Location of the premises where the applicant intends to conduct the business under the license;

(d) Whether any liquor was sold to the knowledge of the applicant at the above place in the past, and if so the year, and period during which it was sold.

23. Grant of Licence and Payment of fee :-

On receipt of the application the Deputy Commissioner may make enquiries for verification of the details of the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the license applied for he may, with the previous sanction of the Commissioner grant the applicant a retailer's license in Form L. II on payment of the fee of Rs. 3,000 per annum and of such deposit, if any, as may be prescribed by the Commissioner by regulation made under Section 126.

24. Duration of Licences :-

No license under Rule 23 shall be granted for a period beyond the 31st of March next following the date of the commencement of the license:

Provided that for licenses sanctioned between 1st April and 30th September full license fee for the year shall be levied and for licenses sanctioned on or after the first day of October only half the license fee shall be levied.

25. Transactions at the Licensed Premises :-

The licensee shall not transact any business on such days, if any, as may be notified by the Commissioner.

26. Appointment of Staff for Supervision :-

The Deputy Commissioner may with the approval of the Commissioner appoint such Excise or Prohibition staff at the licensed premises for supervision as he deems necessary.

27. Kinds of Liquor authorised for sale :-

No liquor other than those authorised by the Deputy Commissioner shall be received, brought, held in stock or sold at the licensed premises.

28. Sources of Supply :-

Liquor required for sale under the licence shall be obtained from a person holding a trade and import licence under these rules or from a distillery or a manufactory or a brewery 1[or] with the special permission of Deputy Commissioner from any other source or place. All such liquor shall be transported to the licensed premises under a valid transport or import permit.

29. What liquor should not be kept or sold :-

(1) No liquor other than that obtained under Rule 28 shall be received, kept or sold at the licensed premises.

(2) No adulterated, deteriorated or spurious liquor shall be received, kept or sold at the licensed premises.

30. To whom Liquor shall or shall not be sold :-

(1) The licensee may sell liquor to holders of permits or authorisations.

(2) No liquor shall be sold to any permit holder unless the permit holder has a corresponding balance of units remaining unpurchased under his permit during the currency of the month of such sale to him. The licensee shall on each occasion enter in the permit of the permit holder, the details of sale of such liquor and sign his name and note his licence number below such entry.

31. Liquor bottles to be banderolled :-

No bottle containing liquor shall be sold from the licensed premises unless it is banderolled in accordance with the instructions, if any, issued by the 2[Commissioner].

32. No Drinking in the licensed premises :-

The licensee or his agent or servant in charge of the licensed premises shall not permit liquor to be consumed in such premises.

33. Working hours, etc :-

The licensed premises shall be kept open for business between the hours of 9.30 a.m. and 9.30 p.m. on all days.

34. Combination of business :-

Except with the special permission of the Deputy Commissioner, the business of selling liquor at the licensed premises shall not be combined with any other business in the licensed premises.

35. Liquor to be sold in sealed bottles :-

Liquor shall not be kept or sold at the licensed premises except in corked bottles, sealed, or capsuled.

36. Transport permits for liquor :-

Unless permitted under a permit or licence no liquor sold from the licensed premises shall be transported except under a valid transport permit.

37. Regulation of business of licence :-

(1) No person shall be recognised as partner of the holder of a retailers licence for the purposes of his

(2) A holder of a retailer's licence shall carry on his business under the licence either personally or by an agent or servant duly authorised by him in this behalf by a written Nowkarnama signed by himself and countersigned by a Prohibition Officer:

Provided that any such Nowkarnama signed by the licensee shall be valid until countersignature is refused. If for any reason the Prohibition Officer shall order the withdrawal of any Nowkarnama issued by the licensee, such Nowkarnama shall be forthwith withdrawn. For every Nowkarnama issued by the licensee and countersigned by the Prohibition Officer a fee of Re. 1 shall be charged. No Nowkarnama shall be issued to any person under 18 years of age and no such Nowkarnama, if issued, shall be valid.

(3)

(a) The licensee shall keep in the licensed premises an up-to-date list showing the names of all his authorised agents and or servants.

(b) The licensee shall keep in the licensed premises in a bound book, paged and stamped with the seal of the Deputy Commissioner, such accounts as may be prescribed by the Commissioner. The accounts shall be clearly and correctly written

up-to-date daily. With these accounts shall be filed the transport passes under cover of which liquor was received, sold or transported. These accounts shall be open to inspection by the Deputy Commissioner or any other Officer empowered under Sections 99 and 101.

(c) The licensee shall submit such returns as may be prescribed by the Commissioner.

(d) The licensee shall keep a complete set of testing instruments for testing liquor.

(4) The licensed premises and all liquor contained therein shall at all times be open to inspection by the Deputy Commissioner and Prohibition Officers empowered under Sections 99 and 101.

(5) The licensee shall, when called upon by any Prohibition Officer give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises and shall answer all reasonable questions to the best of his knowledge and belief. He shall also, on demand, allow an inspecting officer to take without payment samples not exceeding 1/2 litre or one pint for analysis free of cost.

(6) The licensee shall keep an inspection book, paged and stamped with the seal of the Deputy Commissioner always available to inspecting officers to enable them to record their remarks. All inspection officers should record in the inspection book the time and date of their inspection, and other remarks relating to the inspection. The licensee shall on the termination of the period of his licence deliver the inspection book, the account book and the licence to the Prohibition Officer and may retain the verified and cancelled permits.

(7) Except with the permission of the Deputy Commissioner the licensee shall not sell, transfer or subject the right conferred upon him by this licence nor shall he in connection with the said right enter into any agreement or arrangement which in the opinion of the Deputy Commissioner is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the Deputy Commissioner on such question shall be final and binding on the licensee.

38. Licensee to abide by the Act, etc :-

(1) Every licensee shall comply promptly with all orders or directions issued from time to time under the Act and the rules and regulations and orders made thereunder;

(2) Every licensee shall give to the Deputy Commissioner, at the time of taking delivery of the licence an undertaking in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the licence.

(3) The licensee or his successors or assigns shall have no claim whatsoever to the continuance or renewal of the licence after the expiry of the period for which such licence was granted.

(4) When the licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith intimate the Deputy Commissioner of the quantity of liquor in stock with him. On receipt of such intimation the Deputy Commissioner shall instruct the Prohibition Officer or other authorised officer to verify the stock and seal up the premises where the stock is stored. The stock will however be deemed to be in the custody of the ex-licensee who will make arrangements and will be responsible for its safety. The stock may only be sold with the permission of the Deputy Commissioner to other licensees. The licensee will not however be allowed to receive fresh stock after his licence expires or is suspended or cancelled except the stocks for which transport or import permits have been issued and which are in transit. The permission to sell the stock to other licensees will be subject to the condition that all sums due to the State Government will first be paid out of the sale proceeds:

Provided that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated, the Deputy Commissioner may order its destruction.

39. Check It :-

Suspension or cancellation of Licence.VII licences granted under Rule 23 may be suspended or cancelled in accordance with the provisions of Sections 45 and 47.

40. Liquor depot in charge of Officers :-

(1) The State Government may establish depots for the sale of liquor to persons holding permits for its possession, consumption or

use and locate, such depot in any suitable place and entrust the business of such depots to such officers as it deems fit.

(2) No licence shall be necessary for the possession and sale of liquor in the depot by the officer referred to in sub-rule (1).

(3) Subject to the provision of sub-rule (2) above the Officer-in-charge of the depot shall abide by the rules in this part and shall also comply with all orders and instructions issued by the 1[Commissioner], Deputy Commissioner, Prohibition Officer and other Officers duly empowered in this behalf in connection with the management of the business relating to the depot.

PART 3

Hotel Licence

41. Application for a Hotel Licence :-

Any manager or proprietor of a Hotel, desiring to sell foreign liquor by retail to permit holders residing or boarding at his hotel, may apply to the Deputy Commissioner for a hotel license. The application shall contain the following particulars.

(a) Name and address of the applicant.

(b) Name of the hotel, its location with the number of the house or building, name of street and name of city or town as the case may be.

(c) Whether the hotel held any hotel licence in the past and if so the period during which it was held.

(d) Average number of permit holders residing or boarding at the hotel per day separately. The average shall be calculated on the total number of such permit holders during the six months immediately preceding the date of the application.

(e) Number of the room assigned for sale and consumption of liquor.

42. Grant of licence and its duration :-

(1) On receipt of an application under Rule 41, the Deputy Commissioner may make enquiries for verification of the particulars given in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the license applied for, he may grant the applicant, with the previous sanction of the [Commissioner] a license in Form L. III on payment

of a fee of Rs. 2,000 only per annum and of such deposit as may be prescribed by the Commissioner by regulation under Section 126.

(2) No licence under this rule shall be granted for a period beyond the 31st March next following the date of the commencement of the licence: Provided that for licences sanctioned between 1st April and 30th September full licence fee shall be levied and [for] licences sanctioned on or after the first day of October only half of the licence fee shall be levied.

43. Admission of Partners :-

No person shall be recognised as a partner of a hotel licence unless the partnership has been declared to the Deputy Commissioner before such license is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of licence, unless the Deputy Commissioner agrees on application made to him to alter the licence and to add the name or names of the partner or partners in the licence.

PART 4

Club Licence

44. Application for a club licence :-

The Secretary of a club or any person duly authorised in that behalf by the club may, if it is intended to sell liquor at such club, apply to the Deputy Commissioner for a club licence. The application shall contain the following particulars, namely.

- (a) Name and the club.
- (b) Location of the club, with the number of the house or building, name of street and name of city or town as the case may be.
- (c) Objects of the club.
- (d) Name of the Secretary or other person authorised by the club to be its principal executive officer.
- (e) Number of members.
- (f) Rules of the club relating to the election of members, terms of subscription, entrance fee, if any, and hours of opening.
- (g) Whether the club held any licence in the past and if so, the year and period during which it was held.
- (h) Average number per day of resident members, if any, the average should be calculated on the basis of total number of such

residential members during the six months immediately proceeding the date of the application.

(i) Number of the room assigned for sale and consumption of liquor.

45. Check It :-

Grant of licence and its duration.(1) On receipt of an application under Rule 44, the Deputy Commissioner, may make enquiries for verification of the particulars furnished in the application and such other enquiries as he deems necessary, and if he is satisfied that there is no objection to grant the licence applied for, he may with the previous approval of the 1[Commissioner] grant a licence in Form L. IV to the Secretary or other authorised person on payment of a fee of Rs. 300 per annum and of such deposit as may be prescribed by the Commissioner by regulation made under Section 126.

(2) No licence shall be granted for a period beyond 31st March next following the date of commencement of the licence:

Provided that for licences sanctioned on or between 1st April and 30th September full licence fee for the year shall be levied and for licences sanctioned on or after the first day of October only half of the licence fee shall be levied.

PART 5

Common Rules for Hotel and Club Licences

46. Employment of Servants :-

(1) The business of selling foreign liquor at a hotel or club shall be carried on by the licensee personally or by an agent or servant duly authorised by him in this behalf, by a written Nowkarnama signed by himself and countersigned by a Prohibition Officer: Provided that any such Nowkarnama signed by the licensee shall be valid until such countersignature is refused.

(2) Such Nowkarnama shall be forthwith withdrawn by the licensee if so ordered by the Prohibition Officer for any reason. For every Nowkarnama issued by him and countersigned, by the prohibition officer of the licensee shall pay a fee of Re. 1.

(3) No Nowkarnama shall be issued to any person under 18 years of age and no Nowkarnama if issued shall be valid.

47. Source of supply :-

Liquor required for a licensed hotel or a club shall not be bought

except from a person holding a trade and import licence and shall not be transported except under a transport permit issued by the Deputy Commissioner or other Authorised Officer.

48. Check It :-

(1) A hotel or club licensee shall not keep or sell in the licensed premises, liquor of any kind which he is not authorised to buy under the licence or keep or sell liquor in any place except in the licensed premises.

(2) No adulterated, deteriorated or spurious liquor of any kind shall be received, stored or sold by the licensee.

49. Manner of sale :-

Liquor may be sold in millilitres of 100 or 50 capacity at a hotel or club for consumption only in the room assigned for that purpose. However a club licensee may also sell liquor in sealed boules.

50. Maintenance of accounts and inspection thereof :-

(1) There shall be maintained in the licensed premises accounts of daily transactions. Such accounts shall be kept in a bound book, paged and stamped with the seal of the Deputy Commissioner. The licensee will also submit every month before the tenth of the month's brief returns of the accounts relating to the previous month.

(2) The licensed premises and the liquor stored therein and all accounts and registers and books maintained in respect of such liquor by the licensee shall at all times be open for inspection by any officer empowered under Sections 99 and 101. The licensee shall give an explanation to such officer in respect of any irregularities noticed by him during inspection.

(3) The licensee shall, when called upon by any Prohibition Officer give an explanation in writing, regarding any irregularity detected at the licensed premises and shall furnish any information regarding the management of the licensed premises and answer all reasonable questions to the best of his knowledge and belief. The licensee shall also, on demand, allow; an Inspecting Officer on written requisition to take without payment samples for analysis, not exceeding 1/8th litre or 4 ozs. free of cost.

(4) The licensee shall keep an inspection book, paged and stamped with the seal of the Deputy Commissioner always available to

inspecting officers to enable them to record their remarks. All inspecting officers should record in the inspection book, the time and date of their inspection and other remarks relating to their inspection. The licensee shall on the termination of the period of his licence deliver up the inspection book, account book and the licence to the Prohibition Officer and may retain the verified and cancelled permits.

51. Appointment of staff for supervision :-

The Deputy Commissioner may appoint such staff for supervision at the licensed hotel or club premises as he deems necessary.

52. Closure of premises :-

(1) A hotel or club licensee shall close the licensed premises on such days and during such hours as may be notified by the 1[Commissioner] under the Act.

(2) The licensee may also, of his own accord, close the licensed premises during riot or disturbance or epidemics in the neighbourhood thereof.

(3) The licensee shall not be entitled to claim any compensation on account of the closure of the licensed premises under this rule.

53. Prohibition regarding drunkenness, etc :-

No drunkenness or gambling in or near the room which has been assigned for the sale of liquor shall be permitted by the licensee nor shall any disorderly persons be allowed to remain therein

54. Sale to permit holders :-

(1)

(a) A licensee shall not sell liquor to any person except a permit holder residing or boarding at the hotel or in the case of a club, to its resident member holding a permit. No sale of liquor shall be made to a permit holder unless a permit holder has got a corresponding balance of units remaining unpurchased under his permit during the month of such sale to him.

(b) All licensees shall enter the details of sale of liquor to any permit holder in the permit of such permit holder..

(2) A licensee shall not sell or serve liquor except between 10 a.m. and 11 p.m.

(3) A licensee shall not sell or supply or attempt to sell or supply any, liquor to or for the use of a permit holder who is insane or is known or believed to be intoxicated.

55. Licensee to abide by the Act, Rules, etc :-

A licensee shall abide by all the conditions of the licensee and the provisions of the Act and the rules, Substituted for the words "Prohibition Commissioner" by GSR 420, dated 18-9-1967 w.e.f. 21-9-1967 regulations and orders made thereunder and shall give to the Deputy Commissioner at the time of taking delivery of the licence an undertaking in the form of a counterpart agreement on a duly stamped paper to that effect.

56. No claim to renew a Licence :-

A licensee or his successors or assigns shall have no claim whatsoever to the continuance or renewal of the licence as the case may be after the expiry of the period for which such licence was granted.

57. Cancellation of Licence :-

All licences may be suspended or cancelled in accordance with the provisions of Sections 45 and 47.

58. Unsold Liquor :-

When a licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith intimate the Deputy Commissioner of the quantity of liquor in stock with him. On receipt of such intimation the Deputy Commissioner shall instruct the Prohibition Officer or other authorised officer to verify the stock and seal up the premises where the stock is stored. The stock will, however, be deemed to be in the custody of the ex-licensee who will make arrangements and will be responsible for its safety. The stock may only be sold with the permission of the Deputy Commissioner to other licensees. The licensee will not however be allowed to receive fresh stock after his licence expires, or is suspended or cancelled, except the stocks for which transport or import permits have been issued and which are in transit. The permission to sell the stock to other licensees will be subject to the condition that all sums due to the State Government will first be paid out of the sale proceeds:

Provided that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

PART 6

Permits for Possession, Use and Consumption of Liquor

59. Description of permits :-

Permits of the following kinds for the possession, use and consumption of liquor may be granted under these rules, namely.

- (a) Temporary resident's ¹ [Foreigner's] permits
- (b) Health permits
- (c) Emergency permits
- (d) Special permits for privileged persons
- (e) Tourist permits
- (f) Interim permits.

1. Substituted for the words "Prohibition Commissioner" by GSR 420, dated 18-9-1967 w.e.f. 21-9-1967

59A. Area of operation of permits :-

¹ Any of the aforesaid permits shall be valid through out the areas in which the Act is in operation or in such area or areas as may be specified by the authority granting the permit.]

1. Substituted for the figures "100" by GSR 822, dated 25-1-1966, w.e.f. 27-1-1966

60. Temporary Residents (Foreigners) permits :-

(1) Any temporary resident desiring to possess, use and consume liquor may apply to the Deputy Commissioner in Form L(A)1. The form may be obtained from the office of the Deputy Commissioner on payment of a fee of Re. 1.

(2)

(a) On receipt of the application, the Deputy Commissioner shall satisfy himself that the applicant is not a minor, is a temporary resident and that he fulfils the other conditions of Section 31.

(b) The Deputy Commissioner shall make such other enquiries as he deems necessary.

(3) If the Deputy Commissioner on making the necessary enquiries is satisfied that there is no objection, he may in consultation with the District Prohibition Officer of the District and in conformity with the orders, if any, of the State Government and the

1[Commissioner] grant the applicant on payment of a fee of Rs. 2[20] in Form L.V a permit for the possession, use and consumption of liquor.

(4) No permit shall be granted for a period beyond the 31st March next following the date of its commencement: Provided that for permits granted between the 1st April and 30th September full fee for the year shall be charged and for permits granted on or after the 1st day of October half the fee shall be charged.

(5) The permits shall be granted for such monthly quantity not exceeding ¹ [six] units as the Deputy Commissioner may fix in each case.

(6) The permit holder shall not possess at any one time any quantity of liquor exceeding that fixed in his case by the Deputy Commissioner under sub-rule 4[(5)].

(7) The privileges of purchase and possession of liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(8)

(a) Liquor permitted for consumption under the permit shall not be obtained except with the permission of the Deputy Commissioner from any place other than a Government depot or a licensee.

(b) The permit holder shall get all purchases of liquor entered in his permit by the Officer-in-charge of the Government depot or the licensee as the case may be.

(9) Whenever a permit holder leaves the State for more than 3 months during the currency of the permit period, he shall, before leaving the State deposit with the Deputy Commissioner, his permit and stock of liquor then held by him thereunder and obtain a receipt therefor. The stock so

(10) A permit holder shall give to the Deputy Commissioner at the time of taking delivery of the permit granted under sub-rule (3) above, an undertaking in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and the rules, regulations and orders made thereunder.

(11) A permit may be cancelled or suspended in accordance with the provisions of Sections 45 and 47.

(12) Where the permit is cancelled or suspended during the currency of the permit period or is not renewed after its expiry, the permit holder shall surrender forthwith the whole of the unconsumed stock of liquor to the Deputy Commissioner. The stock so surrendered shall be sold by the Deputy Commissioner in such manner as he thinks fit and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the permit holder: Provided that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

1. Substituted for the figure "4" by GSR 1133, dated 5-9-1966, w.e.f. 22-9-1966

61. Health permit :-

1

(1) Any person not being a minor desiring to possess, use and consume liquor for the preservation or maintenance of his health, shall where he is below 30 years of age make an application in Form L(A). 2 to the Deputy Commissioner and shall appear before the Medical Board for medical examination and where he is not below 30 years of age make a similar application to the Deputy Commissioner or any officer authorised in this behalf and send it to the Deputy Commissioner or the authorised officer along with a certificate in Form M.C. from any Registered Medical Practitioner. The applicant shall obtain the form of application from the Office of the Deputy Commissioner or the Officer authorised in this behalf on payment of a fee of Re. 1.

(2) An applicant who is below 30 years of age shall pay such other sums as have to be paid by him under the Karnataka Prohibition (Health and Drug Permits) Medical Board Rules, 1966.

(3) On receipt of the application, the report of the medical examination, the record connected therewith and the certificate of the Medical Board in respect of persons who are below 30 years of age and from the Registered Medical Practitioner in respect of others who are not below 30 years of age, the Deputy Commissioner or the authorised officer shall satisfy himself;

(a) that the applicant is not a minor;

(b) that the applicant requires liquor for preservation or maintenance of his health.

(4) If the Deputy Commissioner or the authorised officer is satisfied there is no objection, he may in conformity with the orders of the State Government, Commissioner and the Karnataka Prohibition (Health and Drug Permits) Medical Board Rules, 1966, and after taking into consideration the recommendation of the Medical Board or the Registered Medical Practitioner, as the case may be, grant the applicant on payment of a fee of Rs. 20 per annum, a permit in Form L. VI for the possession, use and consumption of liquor, for the preservation or maintenance of his health.

(5) Permits to persons who are below 30 years of age shall be valid for one year only at a time. Permits to persons who are not below 30 years of age may be made valid for two years at a time, after recovering fees at Rs. 20 per annum.

(6)

(a) A permit holder who is below 30 years of age desiring to renew the permit after the expiry of the period, for which it was granted, shall make a fresh application. The provisions relating to examination by a Medical board shall apply to such applicant.

(b) A permit holder who is not below 30 years of age desiring to renew the permit after the expiry of the period, for which it was granted, shall make a fresh application along with a certificate from a Registered Medical Practitioner. The provisions of sub-rules (1) and (3) of this rule shall apply to such applicant.

(7) No permit under this rule shall be granted for a quantity exceeding that recommended by the Medical Board or the Registered Medical Practitioner, as the case may be:

Provided that such quantity shall not exceed.

(a) 2 units to permit holders aged below 30 years of age;

(b) 3 units to permit holders aged not below 30 years of age but below 40 years of age; and

(c) 4 units to permit holders aged not below 40 years of age. In case of difference of opinion between the members of the Board as to the quantity in respect of persons below 30 years of age, the

Deputy Commissioner may grant the quantity recommended by the majority of the members.

(8) The privileges of purchase and possession of liquor granted under the permit shall be extended only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permits.

(9) The liquor purchased under the permit shall be used or consumed by the permit holder solely by himself and shall not be sold or given to or allowed to be used or consumed by any other person.

(10)

(a) Liquor permitted for use and consumption under a permit granted under this rule shall not be obtained from a place other than a Government Depot or a licensed hotel or club or a shop holding a retailer's licence.

(b) The permit holder shall get all purchase of liquor entered in his permit by the Officer-in-charge of the Government Depot or the licensee as the case may be.

(11) The permit holder shall not at any time during the currency of any permit possess any quantity of liquor exceeding that which he is permitted to use and consume during any month.

(12) The permit holder shall give to the Deputy Commissioner or the authorised officer at the time of taking delivery of the permit an undertaking in the form of a counterpart agreement on a duty stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the permit.

(13) A permit may be suspended or cancelled in accordance with the provisions of Sections 45 and 47. Where a permit is suspended or cancelled during its currency or is not renewed on its expiry, the permit holder shall forthwith surrender the whole unconsumed liquor to the Deputy Commissioner or the authorised officer. The stock so surrendered shall be sold by the Deputy Commissioner or the authorised officer in such manner as he thinks fit. And the proceeds of the sale shall, after deducting the expenses and any sum due to Government be returned to the permit holder:

Provided that if there is no demand for such liquor or if it is found

to be unfit for human consumption or adulterated the Deputy Commissioner or the authorised officer may order its destruction.

1. Rule 61 substituted by GSR 822, dated 25-1-1966, w.e.f. 27-1-1966

62. Health Permits to Visitors :-

(1) Notwithstanding anything contained in Rule 61 a licence in Form L. VI may be granted by the Deputy Commissioner or an officer authorised in this behalf for such period as he deems fit, on the application of any visitor not being a minor from any other State in India on payment of a fee of Rs. 10 per month or portion of a month:

Provided the applicant is in possession of a similar permit in the State from which he comes:

Provided further that the quota of liquor to be permitted to be consumed under the licence in Form L. VI does not exceed the unpurchased quota under the original permit.

(2) Notwithstanding anything contained in Rule 61, a temporary licence in Form L. XIII valid for not more than 30 days from the date of issue may be granted by the Deputy Commissioner or an officer authorised in this behalf to a person coming from an area where the Karnataka Prohibition Act, 1961, is not in force and who does not hold a permit issued in any State in India, to be in force during the period of stay in the area where Karnataka Prohibition Act is in force, after recovery of a licence fee of Rs. ¹[2]: ²

Provided that the grantee shall be above twenty-one years of age the grantee shall give a declaration or affirmation that.

(a) he is coming from an area where the Act is not in force;

(b) he is habituated to the use of liquor; and

(c) he requires the liquor for the preservation and maintenance of his health:

Provided further that where the duration of stay of such visitor exceeds a week, the grantee shall produce a Medical Certificate from a Registered Medical Practitioner that he requires liquor for the preservation maintenance of his health].]

³ [(3) The Commissioner or an Officer authorised in this behalf,

may grant a health permit to a person not being a minor, residing in an area where the Act is not in force, and who frequently visits an area where the Act is in force, on payment of a fee of rupees twenty per annum. The provision of Rule 61 shall apply mutatis mutandis to the grant of such health permit.]

1. Substituted for the figures "10" by GSR 1014, dated 28-6-1966, w.e.f. 28-6-1966
2. Provisos substituted by GSR 1014, dated 28-6-1966, w.e.f. 28-6-1966
3. Sub-rule (3) inserted by GSR 1133, dated 5-9-1966, w.e.f. 22-9-1966

63. Emergency Permit :-

(1) Any person desiring to possess Brandy, Rum or Champagne, for his own use or for the use of his household as medicine on emergent occasions may apply to the Deputy Commissioner in Form L(A) 3. He may obtain such form from the Office of the Deputy Commissioner on payment of a fee of Re. 1.

(2) On receipt of the application, the Deputy Commissioner may make such enquiries as he deems necessary and if he is satisfied that there is no objection, grant the applicant on payment of a fee of Rs. 5 a permit in Form L. VII for the possession of Brandy, Rum or Champagne, as the case may be, for medicinal use on emergent occasions: Provided that the applicant is not a minor and no permit shall be granted to more than one person of a household at any one time.

(3) No permit under sub-rule (2) shall be granted for a period beyond 31st March next following the date of the commencement of the permit and for a quantity exceeding 1/5th of litre of Brandy, or Rum for six months or 2/5th of litres of champagne for 6 months.

(4) A permit holder desiring to renew his permit shall make a fresh application in that behalf and the provisions of sub-rules (1) to (3) of this rule shall apply to such application.

(5) No Brandy, Rum or Champagne shall be purchased or obtained by a permit holder who renews his permit under Rule [4] if he has already in his possession, the maximum quantity of liquor permitted under sub-rule (3).

(6) The privileges of purchase, transport, and possession of Brandy,

Rum or Champagne granted under the permit shall extend only so far as they are incidental to its use of consumption in accordance with these rules and the conditions of the permit.

(7) The liquor purchased under the permit shall be used solely by the permit holder and the members of his household:

Provided that the permit holder may allow the use or consumption of liquor in respect of which the permit has been granted, to any other person who requires the use thereof for medicinal purpose on emergent occasions: Provided further that when the permit holder so allows the use or consumption of liquor held by him under the permit to any other person he shall intimate the said fact in writing to the Officer-in-charge of the nearest Police Station within 24 hours of such use or consumption.

(8) The permit holder shall not obtain Brandy, Rum or Champagne except from a Government Depot or from a holder of a retailer's licence. He shall get all purchases of such liquor entered in his permit by the Officer-in-charge of the Government Depot or the holder of a retailer's licence as the case may be.

(9) The permit holder shall abide by the conditions of the permit and the provisions of the Act, Rules, regulations and orders made thereunder and shall give an undertaking to that effect.

(10) The permit may be suspended or cancelled in accordance with the provisions of Sections 45 and 47.

(11) In case the permit is suspended or cancelled during its currency or is not renewed on its expiry, the permit holder shall surrender forthwith the whole of the unused stock of liquor to the Deputy Commissioner. The stock so surrendered shall be sold by the Deputy Commissioner and the proceeds of sale shall after deducting the expenses and any sum due to the State Government be returned to the permit holder:

Provided that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated, the Deputy Commissioner may order its destruction.

64. Special permit for privileged persons :-

(1) Any privileged person desiring to possess, use or consume liquor shall apply either himself or through his representative to the State Government or an officer authorised by the State

Government to grant permits under Section 34 of the Act in Form L (A)4 which shall be supplied to him free of cost.

(2) On receipt of the application the authority receiving the application shall, after satisfying itself, grant the applicant a permit in Form L. VIII for the possession, use and consumption of liquor.

(3) The permit may be granted for a period not extending beyond the 31st of March next following the date of commencement of the permit.

(4) The permit may be granted without restriction as to the quantity.

(5) The privileges of purchase and possession of liquor granted under the permit shall extended only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit. ¹

(6) Liquor permitted for consumption under the permit shall ordinarily be obtained by the permit holder from his own stock in customs, bond or from the stock in customs bond of a trade and import licensee:

Provided that the authority granting the permit may permit the perm holder to obtain liquor from any other source or place.

(7) The permit holder shall on relinquishing charge of his office or on his ceasing to be a person falling under any of the categories mentioned in sub-rule (1) above, surrender his permit together with the stock of liquor held by him thereunder to the Deputy Commissioner. The stock of liquor so surrendered may with the permission of the Commissioner be handed over to the permit holder's successor in office or shall be disposed of in such manner as the Commissioner may direct:

Provided that nothing in the sub-rule shall apply to any person falling under clause (a) or his consort and clause (b) or his consort in Section 34 of the Act.

(8) The permit holder shall enter in his permit the quantity of liquor obtained by him from time to time, if it is obtained from his own stock in customs bond and if it is obtained from any other place the quantity of liquor so obtained shall be entered in the permit by the liquor licensee concerned.

(9) In the event of any permit holder going out of the State for more than two months, the stock of liquor held by him under the permit shall be disposed of in such manner as the ¹ [Commissioner] may direct.

1. Substituted for the words "Prohibition Commissioner" by GSR 420, dated 18-9-1967, w.e.f. 21-9-1967

65. Tourist Permit :-

(1) Any tourist holding Tourist Introduction card or Tourist visa and visiting the State of Karnataka may if he desires to possess, use or consume liquor, apply to the Deputy Commissioner or any other officer authorised in this behalf in Form L (A) 7, which form shall be supplied to him free of cost.

(2) On receipt of the application, the Deputy Commissioner or the authorised officer shall satisfy himself that the applicant is a Tourist and if he sees no objection grant him a permit in Form L(A)8 for the possession, use and consumption of liquor free of charge:

Provided that no such permit shall be granted to a minor.

(3) The permit shall be granted for the period of the applicant's intended stay in the State of Karnataka, but not exceeding two months in any case.

(4) The permit shall be granted for a quantity not exceeding one unit per week.

(5) The permit holder shall not possess at any one time any quantity of liquor in excess of the quantity specified in the permit.

(6) The privileges of purchase, transport and possession of liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and conditions of the permit.

(7) The liquor permitted for consumption under the permit shall not except with the previous permission of the Commissioner be obtained from any place other than a Government depot or a holder of a licence.

(8) The permit holder shall get the details entered in his permit of all liquor obtained by him from time to time by the Officer-in-charge of the Government depot or a holder of a licence as the case may be or by the officer issuing the permit in any other case.

(9) The permit shall be liable to suspension or cancellation in accordance with the provisions of Sections 45 and 47.

(10) Where a permit is suspended or cancelled during its currency, the permit holder shall surrender forthwith the whole of the unused stock of liquor to the Deputy Commissioner. The stock so surrendered shall be sold by the Deputy Commissioner and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the permit holder:

Provided that if there is no demand for such liquor or it is found to be unfit for human consumption or adulterated, the Deputy Commissioner may order its destruction.

66. Interim Permit :-

(1) Any person who is eligible for a temporary resident's 1[foreigner's] permit, health permit or special permit, for privileged personages and desires to possess or use or consume liquor, may apply to the Deputy Commissioner or any other Officer authorised in this behalf in Form L(A)5 for an interim permit, while applying for a regular permit under any of the said rules.

(2) On receipt of the application, the Deputy Commissioner or the Authorised Officer shall satisfy himself, (i) that such applicant is not a minor and (ii) that the applicant is prima facie eligible for a permit under Sections 31,32 and 34 as the case may be.

(3) If the Deputy Commissioner or the officer authorised under sub-rule (1) is satisfied that there is no objection to grant an interim permit pending the disposal of the application for a regular permit applied for under subrule (1) above, he may grant the applicant a permit in Form L.IX, for the possession, use and consumption of liquor on payment of a fee of Rs. 5.

(4) No such permit shall be granted for a period exceeding one month.

(5) The permit shall be granted for such monthly quantity of liquor as the Deputy Commissioner may fix:

Provided that such quantity shall not exceed 2 units of liquor per month if the application is for a health permit to 4 units of liquor per month in other cases except with the sanction of the ¹ [Commissioner].

(6) The permit holder shall not possess at any one time any quantity of liquor exceeding that which has been fixed in his case by the Deputy Commissioner or other authorised officer under sub-rule (5).

(7) The privileges of purchase and possession of liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(8) Liquor permitted for consumption under the permit shall not except with the previous permission of the 2[Commissioner] be obtained from any place other than a Government depot or a hotel or club licensee or a holder of a retailer's licence as the case may be.

(9) The permit holder shall abide by the conditions of the permit and the provisions of the Act and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

(10) The permit may be suspended or cancelled in accordance with the provision of Sections 45 and 47.

(11) Where a permit is suspended or cancelled, during the currency of the permit period the permit holder shall surrender forthwith the whole of the unconsumed stock of liquor to the Deputy Commissioner and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the permit holder:

Provided that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

1. Substituted for the words "Prohibition Commissioner" by GSR 420, dated 18-9-1967, w.e.f. 21-9-1967

PART 7

Possession and use of Brandy and Rum by Industrial, Educational, Scientific, Research or such other Institutions or by a Pilot of an aircraft or by a person in charge of an Ambulance or a First-aid Station for Rendering First-aid for Medicinal Purpose in any Emergency

67. Application for License :-

Any person in charge of an Industrial, Educational, Scientific, Research or such other Institution or a pilot of an aircraft or any person in charge of an ambulance or a first-aid station desiring to

possess and use Brandy and Rum for rendering first-aid or for emergent medicinal purpose shall apply to the Deputy Commissioner in Form L(A)6. He may obtain such form from the Deputy Commissioner on payment of a fee of Re. 1. Explanation."First aid Station" means any place recognised as such by the State Government.

68. Grant of licence :-

On receipt of an application, the Deputy Commissioner may make such enquiries as he deems necessary and if he is satisfied that there is no objection, he may in conformity with the orders of the State Government and the Commissioner if any issued in that behalf, grant the applicant, on payment of a fee of Re. 1 a licence in Form L. X.

69. Limit of Possession and Purchase :-

The Deputy Commissioner may fix the quantities of Brandy or Rum or both (a) which the licensee may possess at any one time and (b) which he may purchase during a calendar month:

Provided that without the previous sanction of the Commissioner, the quantity which he may possess at any one time shall not exceed litre each of Brandy and Rum and the quantity which may be purchased during a month shall not exceed one litre each of Brandy and Rum.

70. Duration of licence :-

No licence under Rule 68 shall be granted for a period beyond 31st March next following the date of the commencement of the licence.

71. Source of Supply :-

A licensee shall not obtain Brandy or Rum except from a Government Depot or from a holder of a retailer's licence:

Provided that the Commissioner may permit him to obtain it from any other place.

72. Use :-

The Brandy or Rum purchased under the licence shall not be used except for rendering first-aid or for medicinal purpose in any emergency. The licensee may use or consume such Brandy or Rum and also allow consumption or use of such Brandy or Rum by any person urgently requiring it on bona fide medical grounds or for rendering first aid.

73. Register of Use :-

The licensee shall maintain a register of use of Brandy and Rum in which he shall enter day-to-day particulars in respect of the following.

- (a) Date, month and year;
- (b) Opening balance of Brandy and Rum;
- (c) Quantity purchased of Brandy and Rum;
- (d) Total quantity of Brandy and Rum;
- (e) Total quantity of Brandy and Rum used during the day;
- (f) Closing balance of Brandy and Rum;
- (g) Name and addresses of persons to whom Brandy and Rum was administered during the day;
- (h) Quantity of Brandy or Rum administered to each person (to be shown against his name);
- (i) Reasons in details which necessitated administration of Brandy or Rum (to be shown against the name of each person);
- (j) Signature of the licensee.

74. Unused Stock :-

The licensee shall on the termination of his licence, deliver the quantity of Brandy and/or Rum remaining unused with him, the register maintained under Rule 73, and the licence to the Deputy Commissioner. The quantity of Brandy and Rum so delivered shall be sold by the Deputy Commissioner and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee:

Provided that the unconsumed stock or liquor is, in the opinion of the Deputy Commissioner fit for consumption and unadulterated: Provided further tha' if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

75. Licensee to abide by the provisions of the Act etc :-

- (1) The licensee shall comply with all orders or directions issued from time to time by the Commissioner, Deputy Commissioner, Prohibition Officer or any other Authorised Officer.

(2) Every licensee shall give to the Deputy Commissioner, at the time of taking delivery of the licence an undertaking in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the license.

PART 8

Consumption and Sales of Liquor on Steamers

76. Bringing of liquor by passengers on coastal ships on steamers etc :-

(1) No passenger on Board any vessel, boat, launch, ship, steamer, plying on the coast of the State shall possess any liquor while such vessel, boat, launch, ship and steamer is in the territorial waters of the State unless such possession is covered by a valid permit.

(2) The stock of liquor in all coastal ships or steamers shall be sealed by the Captain, or any one authorised by the Captain before the ship or steamer touches any harbour in the State and no sale or consumption from such stock should be made while such steamer is in any port in the State.

(3) No license or permit shall be required for sale, purchase, possession, use or consumption of liquor on board of such steamer or ship when the steamer or ship is beyond the territorial waters of India.

(4) The captain of the steamer or ship shall be responsible for the observance of the above rules.

77. Foreign Steamers and Through Steamers :-

(1) The stock of liquor in any foreign steamer or through steamer or with any through passengers or crew thereof, if it touches any harbour in the State shall be sealed in consultation with the customs authority as soon as it enters the territorial waters of the State.

(2) No sale or consumption from such stock should be made while such steamer is in any port of the State and visitors and disembarking passengers are on board the steamer.

(3) After the disembarking passengers and visitors have left the steamers, the sealed stock of liquor shall be released for consumption by through passengers and the crew.

(4) No person other than the through passenger or the crew shall possess, use or consume liquor on board such steamer.

(5) No licence or permit shall be required for sale, purchase, possession, use or consumption of liquor on board such steamer if it is in accordance with the above rules.

(6) If the steamer terminates its voyage at any port in the State, the stock of liquor in the Bar of the steamer shall be sealed by the customs authorities and shall not be released until the steamer leaves the port on outward voyage.

(7) Sale and consumption of liquor on such steamer shall not be permitted after the steamer enters any port nor before it leaves that port. The Captain of the steamer as well as the Proprietor or the Manager of the Bar shall be responsible for the observance of the rule. Explanation. In this rule, steamer includes any ship or other vessel but does not include any man of war or other public vessel sailing under a foreign flag.

PART 9

Possession, Consumption, Use and Sale of Liquor on Prescriptions

78. Application for Licence to dispense Brandy or Rum on prescription :-

Any registered medical practitioner or chemist, druggist, apothecary or dealer in medicinal preparations desiring to dispense brandy or rum on prescription may apply to the Deputy Commissioner for a license in that behalf and may dispense brandy or rum after the grant of a license under Rule 79 of these rules. The application shall contain the following particulars, namely.

(a) Name and address of the applicant;

(b) Location of the premises where brandy or rum will be dispensed with, the name of the building, street, city, town or village as the case may be;

(c) If the applicant is a registered medical practitioner, the number of registration and the year in which he was registered;

(d) Kinds of licenses held, if any, by the applicant under the Karnataka Prohibition Act, 1961 and the Dangerous Drugs Act, 1930.

79. Grant of Licence :-

(1) On receipt of the application under Rule 78, the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the license, he may grant the license in Form L. XI on payment of a fee of Rs. 10 if the applicant is a registered medical practitioner and of Rs. 20 if the applicant is a chemist, druggist, apothecary or dealer in medicinal preparations.

(2) The Deputy Commissioner may fix the quantities of brandy or rum or both (1) which the licensee may possess at any one time and (2) which he may purchase during a month: Provided that except with the previous permission of the Commissioner, the quantity which may be possessed at any one time shall not exceed one litre bottle each of brandy and rum and the quantity which may be purchased during a month shall not exceed two litres of each of brandy and rum.

80. Duration of license :-

No license under Rule 79 shall be granted for a period beyond 31st March next following the date of the commencement of the license.

81. Source of supply :-

(1) No person holding a license in Form L. XI shall obtain brandy or rum except from a Government Depot or from a holder of a retailers license.

(2) The licensee shall preserve cash memos and permits relating to the purchases of brandy or rum received by him during the period of the licence.

82. What Brandy or Rum shall not be kept :-

The licensee shall not receive or keep in his licensed premises any brandy or rum which has not been obtained or transported in accordance with the provisions of the Act or the rules, regulations or orders made thereunder.

83. Dispensing on Prescriptions only :-

(1) The licensee shall not dispense brandy or rum to any person except on prescription issued in the, name of such person and except as one of the ingredients of the medicine given under the prescription:

¹ [Provided that a registered medical practitioner shall not prescribe

or dispense brandy or rum for his own use or consumption on a prescription issued by him in his own name.]

(2) The licensee shall not dispense brandy or rum to any person other than the person in whose name the prescription is issued and in any quantity exceeding that specified therein:

Provided that the licensee may deliver the medicine so dispensed by him to a person other than the person specified in the prescription if such other person is authorised by the medical practitioner or the person in whose name the prescription is issued to take delivery of the medicine and endorse such other person's name on the cash memo referred to in sub-rule (6) of this rule.

(3) The licensee shall not dispense brandy or rum on a prescription! unless the prescription is in writing and is dated and signed by a registered medical practitioner with his full name, registration number, qualifications and address and the name and address of the person to whom it is issued and the total quantity of brandy or rum to be dispensed as one of the ingredients of medicine is specified in such prescription.

(4)

(a) No brandy or rum shall be dispensed by he licensee not being a registered medical practitioner unless the prescription is marked with words "not to be repeated":

Provided that brandy or rum may be dispensed more than once to the same person in pursuance of a fresh prescription duly dated and signed by the registered medical practitioner in accordance with sub-rule (3) above.

(b) The licensee shall not, except with the previous sanction of the Deputy Commissioner, dispense brandy or rum to the same person for a period of more than ten consecutive days.

(5) The licensee shall mark on every prescription dispensed by him, his name and the locality of the premises wherein he carries on the business and the date on which it was dispensed.

(6) The licensee not being a registered medical practitioner shall, on each occasion on which he dispenses brandy or rum retain the original prescription on his record, give a cash memo in Form A.

(7) The licensee shall file and preserve all prescriptions for a period

of one year from the date of issue of prescription upon which brandy and rum has been dispensed by him, and shall produce such prescription along with the license and stock of Brandy or Rum which may be in his possession for inspection on demand by the Deputy Commissioner or any other officer empowered under Section 101.

1. Proviso substituted by GSR 420, dated 18-9-1967, w.e.f. 21-9-1967

84. Register of sale :-

(1) ¹ [A] licensee not being a registered medical practitioner, shall maintain a register, wherein, he shall from time to time, record the full name and address of the registered medical practitioner whose prescriptions prescribing brandy or rum were dispensed by him and of the persons in whose name such prescriptions were issued and also the quantity of brandy or rum dispensed by him by the prescriptions.

(2) The licensee who is a registered medical practitioner shall maintain a register wherein he shall from time to time record the full names and addresses of the persons in whose name the prescription prescribing brandy or rum was issued and also note the quantity of brandy or rum dispensed by him.

(3) The licensee shall also maintain a register wherein he shall write from day-to-day, true and proper accounts of the quantity of brandy or rum dispensed by him and the balance held by him in stock.

(4) The licensee shall before the 7th day of each calendar month furnish to the Deputy Commissioner or such other Officer as may be appointed in this behalf, a copy of the entries made by him in such register during the preceding calendar month.

1. Inserted by GSR 420, dated 18-9-1967, w.e.f. 21-9-1967

85. Transport without permit by Registered Medical Practitioner :-

If the licensee is a registered medical practitioner, he may, without a permit, carry with him from place to place within the State for the purpose of dispensing during the course of his practice, any quantity of Brandy or Rum not exceeding one-half litre of each.

86. Regulation of Business :-

(1)

(a) The licensee shall maintain an inspection book, paged and stamped with the seal of the Deputy Commissioner or with the seal of any Authorised Officer within whose jurisdiction the licensed premises are situated;

(b) The inspecting officers may record in the inspection book any remarks when inspecting the licensed premises.

(2) The licensee, shall, on the termination of the period of his license deliver up the quantity of brandy or rum remaining unsold with him, the inspection book, the accounts, registers and licenses to the Deputy Commissioner. The quantity of brandy or rum so delivered shall be paid by the Deputy Commissioner and the proceeds of the sale, shall after deducting the expenses and any sum due to the Government be returned to the licensee: Provided that the unconsumed stock is in the opinion of the Deputy Commissioner fit for consumption and unadulterated:

Provided further that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated, the Deputy Commissioner may order its destruction.

(3) No person shall be recognised as the partner of the licensee for the purpose of the license, unless the partnership has been declared to the Deputy Commissioner before the license is granted and the name or names of the partners have been entered Jointly in the licence, or if the partnership is entered into after the granting of the licence, unless the Deputy Commissioner agrees on application made to him to alter the licence and add the names of the partners in the license. Explanation. For the purpose of this sub-rule the term licensee shall not include a registered medical practitioner holding a licence under Rule 79.

87. Licensee to abide by the Provisions of the Act etc :-

(1) The licensee shall comply with all orders and directions issued from time to time by the Commissioner, Deputy Commissioner or any other Prohibition Officer.

(2) The licensee shall at the time of taking delivery of the licence give to the Deputy Commissioner an undertaking in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made

thereunder and that he agrees to abide by all the conditions of the licence.

88. Sale of champagne and Port Wine on prescription :-

(1) Champagne and Port Wine may be sold at any Government depot on the production of a prescription: Provided that where there is no Government Depot, Champagne and Port Wine may likewise be sold by any holder of a retailer's licence on obtaining a licence in that behalf under Rule 89.

(2) No licence shall be necessary for sale on prescription of champagne and Port Wine by the Officer in charge of the Government Depot. The officer in charge shall however abide by the rules in this part and shall also comply with all orders and instructions issued by the Commissioner, Deputy Commissioner, Prohibition Officer or any other officer duly empowered in this behalf. Explanation. For the purpose of this rule and Rules 89 and 90, a prescription shall mean a prescription issued in Form 'B' by a registered medical practitioner who is a family physician of the person for a period of not less than one year immediately preceding the date of such prescription.

89. Application for licence to sell champagne and port wine on prescription :-

(1) Subject to the provisions of Rule 88, any holder of a retailer's license in Form L. II desiring to sell Champagne and Part Wine on a prescription may apply to the Deputy Commissioner for a licence in that behalf and may dispense champagne and Port Wine after a licence under this rule is granted. The application shall contain the following particulars.

(i) Name and address of the applicant;

(ii) Number of the retailer's license held by the applicant;

(iii) Location of the premises in respect of which the applicant holds the retailer's licence.

(2) On receipt of the application, the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence, he may, grant the applicant license in Form L. XII on payment of a fee of Rs. 20.

(3) The licensee shall not sell Champagne or Port Wine to any person except on the production of a prescription. The provisions of Rules 80, 81, 82, 83, 84, 86 and 1[87] shall as far as may be apply in respect of a license granted in Form L 2[(XII)].

90. Possession of Brandy, Rum, Champagne, [x x x] Port Wine etc :-

1

(1) Any person may without a licence, permit or pass, buy, possess, transport, or consume or use.

(a) any medicine containing such quantity of Brandy or Rum as has been dispensed to him under a prescription; or

(b) any Champagne or Port Wine sold to him on a prescription in accordance with the provision of this part;

(2) The purchase, possession and transport of medicine containing brandy or rum or of champagne or port wine by a person on behalf of an infirm or invalid person or any other person who is not physically fit shall be permitted without a license, permit or pass provided that (1) the infirm or invalid or physically unfit person is a person in whose name a prescription prescribing medicine containing such brandy or rum or prescribing champagne or port wine has been issued; and (2) the name and address of the person purchasing, possessing or transporting are endorsed by the licensee on the original prescription as well as on the cash memo in Form A referred to in sub-rule (6) of Rule 83.

1. The word "or" omitted by GSR 420, dated 18-9-1967, w.e.f. 21-9-1967

91. Repeal and Savings :-

All rules corresponding to the foregoing rules framed under any enactment repealed by sub-section (1) of Section 129 of the Act are hereby repealed:

Provided that the repeal shall not affect.

(a) the previous operation of the rules so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any rule so repealed; or

(c) any penalty forfeiture or punishment incurred in respect of any

offence committed against any rule so repealed; or

(d) any investigation or legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such rules had not been repealed:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instructions or direction issued, form, certificate obtained, permit or licence granted or registration effected under any such rules shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the Act or these rules as the case may be.