

PUNJAB VIDHAN SABHA

Bill No. 22-PLA-2016

THE PUNJAB EXCISE (AMENDMENT) BILL, 2016

A

BILL

further to amend the Punjab Excise Act, 1914.

BE it enacted by the Legislature of the State of Punjab in the Sixty- Seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Excise (Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on and with effect from the 1st day of April, 2016.

2. In the Punjab Excise Act, 1914 (hereinafter referred to as principal Act), after section 26, a new section 26-A shall be inserted, namely :— Insertion of new Section 26-A in Punjab Act 1 of 1914.

“26-A (1) The location of the liquor vends shall be regulated by the Government :—

Location of the liquor vends.

Provided that this section shall be applicable only to liquor vends situated in areas adjoining the National Highways and State Highways for consumption, off the premises.

(2) No licence for sale of liquor shall be granted to a liquor to a vend situated within the road reservation of National Highways and State Highways and beyond road reservation neither the liquor vends nor their entry points shall be visible or directly accessible from the National Highways and State Highways.

Explanation.—(i) “Visibility” mean existence of any signboard, direction mark, display of stock of liquor, display of rates or any direct/indirect invitation to the commuter travelling on such Highway; and

(ii) “Directly Accessible” mean such liquor vend shall not be directly approachable from the National Highway and State Highway.

(3) The restrictions referred to in sub-section (2) shall not apply to the liquor vends situated in the areas adjoining to National Highway and State Highway, passing through the limits of Municipal Corporation/Municipal Council/Municipal Committee/Notified Area Committee/Nagar Council/Cantonment Board or any other Authority having a population of twenty thousand or more."

Amendment of section 31 of Punjab Act 1 of 1914.

3. In the principal Act, in section 31, after the word "duty" wherever occurring, the words " or extra license fee and other chargeable levies" shall be inserted.

[Faint, mirrored text from the reverse side of the page, including phrases like "The location of the liquor vends shall be regulated by the Government", "Provided that this section shall be applicable only to liquor vends situated in areas adjoining the National Highways and State Highways for consumption of the public", and "No license for sale of liquor shall be granted in a liquor vend situated within the road reservation of National Highways and State Highways and beyond road reservation within the liquor vend on non road points which is directly accessible from the National Highways and State Highways"]

STATEMENT OF OBJECTS AND REASONS

Section 26-A.— There has been some confusion on account of absence of specific provision with respect to location of the liquor vends in the Punjab Excise Act. It has resulted in multiple litigation also. The liquor contractors have been complaining of lack of clarity on this issue. It is the duty of the State Government to regulate the availability of liquor in such a manner that a proper balance is maintained between the availability of licensed liquor to public on one hand and prevention of sale of illicit, smuggled or unlicensed liquor by bootleggers on other hand. Most of the towns, cities, urban areas in the State of Punjab have come up on the highways in ribbon shape. State of Punjab has more than one highway passing through most of the towns, cities, urban areas. Thus, location of liquor vends need to be regulated in such a manner that licensed liquor is available to general public in cities, towns and areas without much hassle and at the same time it is not easily available/accessible to persons commuting from one city to other on highways.

Every year, in the Excise Policy, the State Government prescribes a limit prohibiting location of the liquor vends from the schools, colleges, religious places etc. In most of the cities, elevated highways have been constructed whereas the markets continue to exist there under. State Government has noticed spurt in availability of unlicensed liquor at Dhabas, teashops situated on the highways and such liquor is being sold without payment of excise duty. Even illicit liquor is being sold, resulting into huge loss of revenue to the State and it poses great danger to public health. In these circumstances, taking into consideration the entire situation, the State Government has decided to make amendments to the Punjab Excise Act, 1914 through this Bill so as to define location of the liquor vends, and bring clarity and certainty for the benefit of one and all.

Section 31.— Presently the excise duty is not leviable on liquor as per excise policy. However various fee and levies are being charged under different nomenclatures. In order to bring in clarity and to safeguard revenue of the State, the words 'or extra licensee fee and other chargeable levies are being proposed to be added in the Principal Act in Chapter V, in section 31.

Hence, these amendments to the Bill.

SUKHBIR SINGH BADAL,
Deputy Chief Minister, Punjab.

FINANCIAL MEMORANDUM

There is no direct financial implication in the proposed amendments in the Punjab Excise Act, 1914. These amendments would have an indirect positive impact on future excise revenue receipts of State exchequer.

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

CHANDIGARH :

The 21st March, 2016.

SHASHI LAKHANPAL MISHRA,

Secretary.

N.B.— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 21st March, 2016 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).