

**THE JAMMU & KASHMIR LIQUOR LICENSE  
&  
SALE RULES, 1984**

**SRO – 679 --- In exercise of powers conferred by section 3A, 12, 20 and 25 of J&K Excise Act, Samvat, 1958, the Government hereby make the following rules, namely :-**

1. **Short title:** - These Rules may be called the Jammu and Kashmir Liquor license and sale Rules, 1984.
2. **Commencement:** - These rules shall come into force on the 1st day of January, 1985.

Provided that for the purpose of holding auction for any period commencing on or after the 30<sup>th</sup> day of November, 1984, they shall be deemed to have come into force on the date of publication in the official Gazette.

3. **Definition :-** In these Rules unless there is anything repugnant to the provision of J& K Excise Act 1958, or any other Act for the time being in force in the state :-

**1) Country liquor means:-**

All liquor other than rectified spirit, denatured spirit and perfumed spirit not included in the definition of "foreign liquor" and includes the Jammu and Kashmir Excise liquor of the strength of 40 degree under proof normally manufactured from neutral spirit and demineralised water with added caramel essences, etc. and also "lahan".

**2) Foreign liquor means :-**

- a) All liquor other than country liquor, rectified spirit, denatured spirit and perfumed spirit, imported into India on which Customs duty leviable under the Indian Tarrif Act 1934 or the Customs Act, 52 of 1962.
- b) All liquor manufactured in India (other than rectified spirit, denatured spirit and perfumed spirit) on which duty at a rate higher than that levied on country liquor is leviable.
- c) All beer (including ale, porter, stout and cider and all other fermented liquor usually made from malt manufactured in India or abroad.
- d) All sacramental wine prepared from pure dried grapes by a process of fermentation only without the addition of alcohol or any other ingredient.

**3) Liquor includes :-**

a) Spirituous preparations, namely:-

- i) Spirit Anisi.
- ii) Spirit Auranti Comp.
- iii) Spirit Cinnamon.
- iv) Spirit Aetheris.
- v) Tincture Aurenti.
- vi) Tincture Cinnamin.
- vii) Tincture Levandula Co.
- viii) Tincture Limois Conc.
- ix) Tincture Zingiberis Mitis.
- x) Tincture Card Co.
- xi) Tincture Carminative.
- xii) Tincture Capsici.
- xiii) Tincture Cinnamon Co.
- xiv) Tincture Zingirberis Fort.
- xv) Tincture Calendules.
- xvi) Spirit Aethris Nitrosi.
- xvii) Tincture Krameria.
- xviii) Tincture Gulanchal
- xix) Tincture Auristilla.
- xx) Aqua Anisi Concentrate.
- xxi) Tincture Myrh.
- xxii) Tincture Curcuma.
- xxiii) Aqua Foenicull Cone.
- xxiv) Tincture Chinesis.

**4) State means:** - State of Jammu and Kashmir.

4. **Classes of Licences:** - There shall be the following classes of licences. Their mode of grant and the authorities to grant and renew them shall be as noted against each :-

| 3<br>Authority Empowered to<br>Form | Nature  | Mode of<br>Grant                         | Grant<br>↓          | Renew<br>↓   |
|-------------------------------------|---|--|---------------------|--|
| 1                                   | 2   | 3  | 4                   | 5  |
|                                     | 1. FOREIGN LIQUOR   |  |                     |  |
| JKEL 1                              | Wholesale vend of foreign liquor to the trade only  | Fixed fee or auction or private contract | Excise Commissioner | Excise Commissioner (Not renewable if the licence is granted by auction or private contract) |
| \$JKEL-1A                           | Wholesale vend of foreign liquor to the manufacturer outside the state for sale to JKEL-1                           | --do--                                   | --do--              | --do--   |
| JKEL 2                              | Retail vend of foreign liquor to the public only.   | Fixed fee or auction or private contract | --do--              | --do--   |
| JKEL 3                              | Retail vend of foreign liquor in hotel.   | Fixed fee and assessed fee               | --do--              | --do--   |
| JKEL 4                              | Retail vend of foreign liquor in bar attached to a restaurant or cinema or theatre or dak-bungalow.                 | Fixed fee and assessed fee               | --do--              | --do--   |
| #JKEL 4A                            | Retail vend of Foreign Liquor to the public in a bar attached to a hotel or restaurant in Leh and Kargil Districts. | --do--                                   | --do--              | --do--   |
| JKEL 5                              | Wholesale and retail vend of foreign liquor in a military canteen including   | Fixed fee/ free                          | --do--              | --do--   |

unit run military canteen or those run by para military forces.

|   |          |  |                            |        |       |
|---|----------|--|----------------------------|--------|-------|
|   | JKEL 6   | Bottling of foreign liquor   | Fixed fee                  | --do-- | --do— |
|   | JKEL 7   | Licence for the retail vend of foreign liquor at a club.                 | Fixed fee and assessed fee | --do-- | --do— |
| • | JKEL 7-A | Licence for retail Vend of Beer (bottled, tinned, draught beer in a bar) | Fixed fee and assessed     | --do-- | --do— |

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- Inserted vide SRO 136 of 23<sup>rd</sup> April of 1998.  
 \$ Inserted vide SRO 82 of 30<sup>th</sup> March 2000. # Inserted vide SRO 62 of 22<sup>nd</sup> March 1994.

4

2. Country Liquor

|  |         |   |  |                     |  |
|--|---------|---|--|---------------------|--|
|  | JKEL 8  | Wholesale vend of country liquor  | Fixed fee or auction or private contract | Excise Commissioner | Excise Commissioner (Not renewable if the licence is granted by auction or private contract) |
|  | JKEL 9  | Retail vend of country liquor for consumption "off" the premises          | Auction or private contract              | --do--              | --do—  |
|  | JKEL 10 | Retail vend of country liquor for consumption "off" and "on" the premises | Auction or private contract              | --do--              | --do—  |
|  | JKEL 11 | Bottling and sale of country liquor                                       | Fixed fee                                | --do--              | --do—  |

3. DENATURED SPIRIT

|  |         |  |           |                     |                     |
|--|---------|--|-----------|---------------------|---------------------|
|  | JKEL 12 | Vend of denatured spirit, wholesale and / or retail / possession and use of denatured spirit | Fixed fee | Excise Commissioner | Excise Commissioner |
|--|---------|--|-----------|---------------------|---------------------|

**4.** RECTIFIED SPIRIT

|  |         |  |           |                     |                     |
|--|---------|--|-----------|---------------------|---------------------|
|  | JKEL 13 | Possession and use of rectified spirit | Fixed fee | Excise Commissioner | Excise Commissioner |
|--|---------|--|-----------|---------------------|---------------------|

|         |   |           |                     |                     |
|---------|---|-----------|---------------------|---------------------|
| JKEL 14 | Possession and use of absolute alcohol. | Fixed fee | Excise Commissioner | Excise Commissioner |
|---------|---|-----------|---------------------|---------------------|

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**B – REGULATIONS GOVERNING THE GRANT AND RENEWAL OF LICENCES.**

5. The authority given by these rules to grant and renew licences is, in each case, subject to the restrictions contained in these rules as to the localities for which licences may be granted and the number of licences which may be granted in any local area and to such reservations as the State Government may notify under section – 20 of the Jammu and Kashmir Excise Act. Svt. 1958.

5

6. Every licence for the sale of liquor shall be granted in only such locality and area as the Excise Commissioner may from time to time direct.
7. Every licence shall be granted to a particular licensee in respect of particular premises \*blue prints whereof shall be got approved by the Excise Commissioner. The premises so approved shall have only one entrance without window/ventilator."
8. A licence may only be granted to :-

- (a) an individual .
- (b) a body incorporated under the companies Act, 1956.
- (c) a society registred under the Jammu & Kashmir Cooperative Societies Act.
- (d) a partnership or a firm.

9. When a licence is granted, to a company or society referred to in rule 8 (b) or 8 (c) above it must show the name of an individual as agent acting on behalf of the licensee who is amenable in full to the Criminal Courts in India. On the application of the company or society the representative licensee may be changed by the authority competent to renew the licence.

10. When a licence is granted to a partnership or firm, not incorporated under any Act, all the individuals comprising the partnership of firm should be specified in the licence.
11. On the application in writing of all the original partners, a partner may, at any time, be added by the authority competent to renew / grant the licence provided the proposed partner is eligible under these rules in which case he shall be responsible for all obligations incurred or to be incurred under the licence during the period of its currency as it had originally been granted or renewed in his name.

12. On the application in writing of all the original partners, a partner may, at any time, be removed by the authority competent to renew / grant the licence.
13. A licence granted to a partnership is determined by the dissolution of the partnership subject to the liability of the partners jointly and severally, for any loss caused to the Government thereby and for the performance of all obligations to Government incurred by the partnership.
14. A licence is said to be renewed when it is continued after the period of its expiry by the same licensee in respect of the same premises, and whenever a licence has been determined by reason of surrender, cancellation or order of non-renewal or other cause, or where it is proposed to issue a licence in respect of premises or persons not previously licenced, a new licence is required.

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- Added vide SRO 82 of 30<sup>th</sup> March 2000.

Provided that :

- (a) a new licence is not required on account of the addition or removal of a partner on the application of all the partners or the change of representative of a company or society:
- (b) a licence continued in favour of the legal representative of a deceased licensee for the remaining period of the licence shall not be deemed to be new licence:
- (c) if the premises of a licence are changed during the period of its currency, the authority competent to grant the licence may direct and the licence may be continued for the remaining period of the term on existing fee :
- (d) a licence may be transferred by the authority competent to grant it for the remainder of its currency to a new licensee.

15. All applications, for the grant or renewal of licences, which require the orders of the Excise Commissioner under these rules should be received through the proper channel in the Excise Commissioner's office before the end of October in each year.

Provided that applications for the grant of licences in form JKEL 3 or JKEL 4 may in urgent case, where they do not adversely affect any existing licence, be submitted at any time during the year.

16. No person to whom a licence has been granted shall be entitled to claim as a matter of right any renewal thereof and no claim shall lie for damages or otherwise in consequence of any refusal

to renew a licence on the expiry of a period for which it remains in force.

The Excise and Taxation Officer incharge of excise range shall lay before the Deputy Excise Commissioner by the 10<sup>th</sup> of January each year a list of all licences requiring renewal . The list shall be accompanied in the case of licences granted on assessed fee, by a certificate of sales, in the case of bottling licences by a similar certificate showing litres (london proof) bottled upto December, 31.

17. No licence, under these rules, except a licence for the vend of denatured spirit and possession and sale of rectified spirit / absolute alcohol / denatured spirit in the forms JKEL 12, JKEL 13 and JKEL 14 respectively shall be combined with any licence for any dealings with any dangerous drug as defined in section 2(h) of the Dangerous Drugs Act, 1930 (central Act No.2 of 1930) without the specific sanction of the Excise Commissioner.

18. No licence shown in column 2 of the sub-joined table shall be held by persons holding or in any way connected in interest with the persons holding any of the licences shown against them in column 3 except where

it has been specifically provided that it may be held with the special sanction of the Excise Commissioner.

| <i>*S.No.</i> | <i>A licence in form</i>                 | <i>May not be held in conjunction with</i>                  |
|---------------|--|---|
| 1.            | JKEL- 1                                  | A licence in form JKEL-1A, JKEL-2,JKEL-3,JKEL-4 and JKEL-7. |
| 2.            | JKEL-1A                                  | No other licence.   |
| 3.            | JKEL- 2                                  | JKEL-1A,JKEL-1,JKEL-12, JKEL-13 and JKEL-7.                 |
| 4.            | JKEL-2, JKEL-3,<br>JKEL-4 AND JKEL-7     | A licence in form JKEL-1, JKEL-1A.                          |
| 5.            | JKEL- 8, JKEL- 9,<br>JKEL-10 and JKEL-11 | A licence in form JKEL-1,JKEL-1A,JKEL-12,JKEL-13and JKEL    |

14.

6. JKEL-12

A licence for any dealings in country liquor or for the vend of foreign liquor of rectified spirit.”

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19. \*(1) No person holding a licence for a distillery may hold any licence under these rules except a licence in form JKEL-8.
- (2) No person holding a licence for a brewery shall hold any licence under these rules”.

20. A list of all JKEL-1,\*”JKEL-1A”, JKEL-2, JKEL-3 and JKEL-4 licences shall be drawn up in each excise range by the Excise and Taxation Officer in April, each year and supplied to the Managers of the distilleries, breweries, bonded warehouses and trade licences in Jammu and Kashmir by 15<sup>th</sup> of April.

21. A licence in the form JKEL-5 may be granted on the recommendations of the competent authority of military or para military forces only for the sale of foreign liquor in military units, and in Battalions of para military forces as the case may be. All canteens including unit run military canteens or those run regimentally on club lines or run by para military forces shall be required to take out this licence.

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\* Substituted vide SRO 82 of 30<sup>th</sup> March 2000.

22. The maximum number of licences for the wholesale vend of country liquor fixed for each district shall not be exceeded without the sanction of the Government.

23. The limits specified below shall be the limit of retail sale of liquor in the whole of Jammu and Kashmir :-

| <u>Name of liquor</u>   | <u>Limit of retail sale</u>   |
|---|---|
| 1. (a) Foreign liquor including cider whether imported, or made in India. | 1.5 bulk litres or two bottles each of the capacity of 750 millilitres. |
| (b) Beer whether imported or made in India.                               | 4 bulk litres or six bottles each of the capacity of 650 millilitres.   |

Provided that :

A. the above restrictions shall not apply to :-

(i) Church authorities, in Jammu and Kashmir for sacramental purposes :

(ii) the possession of foreign liquor imported into India from abroad on which duty under the Indian Tariff Act, 1934 or the Customs Act, 52 of 1962 is levied, and foreign liquor made in India, by the Government of Jammu and Kashmir;

(iii) the possession of foreign liquor imported from abroad by the Diplomatic Staff of a foreign Embassy located in the State of Jammu & Kashmir or brought into the State of Jammu and Kashmir by the members of the Diplomatic staff of a Foreign Embassy in India for their personal use during their stay in the State ;

(iv) the possession of liquor by a member of the Defence Forces on duty or leave provided that :-

(a) such liquor is in possession of member under an authorisation of purchase through the Canteen Stores Department only, issued by the Defence Department in this behalf :

(b) the authorisation in this behalf shall not exceed the quantity approved by the Defence deptt. For his rank :

(c) identity card and authorisation shall be shown to an Excise or Police Officer on demand.

B. The foreign tourists having in their possession letter of introduction from the Tourism Department / Tourism Development Corporation of Jammu and Kashmir shall on application, be issued a permit in form E-10 appended hereto, free of charge, for the purchase, transport and possession of foreign liquor and beer whether imported or made in India up to twelve bottles each of the capacity of 750 millilitres.

|    | <u>Name of liquor</u> | <u>Limit of retail sale</u>   |
|----|-----------------------|---|
| 2. | Country liquor        | 1.5 bulk litres or two bottles each of the capacity of 750 millilitres. |
| 3. | Methylated            | 6 bulk litres or nine bottles each of the capacity of 650 millilitres.  |

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

25. No person not being a licenced manufacturer or licenced vendor of liquor shall possess or transport liquor in excess of the quantities specified in Rule 23.

26. Licences for the vend by wholesale and retail of any liquor may only be given for a period of one year from the 1st of April to the 31st March following, provided that :-

- (a) a licence may be given from any date to the 31<sup>st</sup> March following :
- (b) the Excise Commissioner, may sanction for shorter periods such licences or classes of licences as he thinks fit ;
- (c) the Excise Commissioner, may by order, direct that the subject to such conditions and limitations as may be mentioned in such order, the period of any class of licences shall be extended for a period not exceeding one month.

27. All licences shall unless it is otherwise provided determine on the 31<sup>st</sup> of March next following the grant.

28. The number of liquor vends which may be licenced in local area shall be the number which the Excise Commissioner considers necessary.

29. A licence for the vend of liquor may not be given –

- (a) to any person, who has been finally convicted of any non-bailable offence by a criminal court ;
- (b) to any person, whether a former licensee or not who has been convicted, or reasonably suspected of committing or conniving at the commission of any non-bailable offence under the Jammu and Kashmir Excise Act, svt. 1958 or the Opium Act, or the Dangerous Drugs Act, 1930 ;
- (c) to any person who does not produce a valid clearance certificate about the tax / duty leviable under the Jammu and Kashmir General Sales Tax Act, 1962, Central Sales Tax Act and Jammu and Kashmir Excise Act Svt. 1958.

30. 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 and off the premises in case of fixed fee leviable licences).

1. When it is proposed to grant a licence for the retail vend of liquor consumption on / of any premises, which were not licensed in the preceding year, the Deputy Commissioner of the province 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.
2. The Deputy Excise Commissioner shall cause a notice posted of the proposal at or near the site proposed for the new licence.
3. If the proposed premises are in a Municipal area or a Town Area, or Notified Area, the Deputy Excise Commissioner shall lay the proposal, in writing before the committee of the Municipality , Town Area or Notified Area.
4. The Deputy Excise Commissioner shall also ask for the opinion of the District Magistrate.
5. If the site of the proposed licence is near a Railway Station, an Educational institution, a hospital or any large factory, mill or workshop, the Deputy Excise Commissioner shall ask for the opinion of the Railway, Educational or Hospital authorities or commercial firms concerned.
6. If any objection is preferred to the proposal within two months from the date of the notice and reference, referred to in sub-rule 2 of this rule, the Deputy Excise

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

7. The final report, together with the opinion of the Committee of the local Bodies concerned and the District Magistrate provided this opinion is furnished within two months from the date of the reference mentioned in sub-rule 3 and 4 of this rule, shall be forwarded by the Deputy Excise commissioner to the Excise Commissioner.

### **C-FEES**

31. The fees payable in respect of licences under these rules are of the following kinds :-

- (a) Fixed and assessed fee.
- (b) Fees determined by auction or private contract.

### **FIXED AND ASSESSED FEE**

32. \$[The following scale of fixed fees is hereby provided :-
- |                                     |  |
|-------------------------------------|--|
| (i) For a licence in Form JKEL 1    | Rs. 1.00 Lac<br>(One lakh)   |
| (ii) For a licence in Form JKEL-1A  | Rs. 1.50 lac.<br>(One & half lakhs)  |
| (iii) For a licence in Form JKEL 2  | Rs. 3.00 Lac<br>(Three lakhs)  |
| (iv) For a licence in Form JKEL-3   | Rs. 1.00 Lac<br>(One lakh)   |
| (v) For a licence in Form JKEL-4    | Rs. 1.00 Lac<br>(One lakh)   |
| (vi) For a licence in Form JKEL-4A  | Rs.1.00 lac<br>(One lakh)  |
| (vii) For a licence in Form JKEL-5  | Free   |
| (viii) For a licence in Form JKEL-7 | Rs. 10,000<br>(Ten thousand)   |
| (ix) For a licence in Form JKEL-12  | Rs. 200 per annum<br>for a licence to<br>possess a quantity not<br>exceeding 2000 BL,<br>at one time and if it<br>exceeds the quantity<br>of 2000 BL the fees<br>shall be Rs. 300. |

- (x) For a licence in Form JKEL- 13      Rs.1.00 Lakhs
- (xi) For a licence in Form JKEL-14      Free]
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\$ Added vide SRO 82 dated 30/03/2000.

33. The assessed fee chargeable on the retail sale of foreign liquor is as specified against each.

(applicable only to fixed fee licences) :-

- i) 750 ML bottle of IMFL      

|        |
|--------|
| Rs. 10 |
|--------|
- \* ii) 750 ML bottle of foreign      Rs. 18  
liquor imported from abroad.
- \* (iii) Beer, Cider, Sherry imported      Re. 1  
from abroad and 

|                    |
|--------------------|
| Beer made in India |
|--------------------|

  
per bottle of 650 ML.

34. a) The Excise Commissioner may demand a security of any amount not exceeding Rs. 10,000 to be furnished by a licensee in cash or in the shape of saving certificates duly pledged in favour of the Excise Commissioner or in the shape of bank guarantee of a scheduled bank before grant of renewal of licence.

a) The licensee shall pay the assessed fee quarterly, half yearly or yearly or in advance as may be prescribed by the Excise Commissioner.

#### **FEE DETERMINED BY AUCTION OR PRIVATE NEGOTIATION**

35. The following licences may be granted on the fee fixed or by auction. The competent authority may if no bid is forthcoming in respect of a vend or a group of vends or if the situation otherwise warrants or it is expedient to do so, grant these licences by contract through negotiations in respect of Indian made foreign liquor and run departmentally \*\*\* or in any other manner" in respect of country liquor.

- i) A licence in Form JKEL 2 for retail vend of foreign liquor to the public for consumption off the premises.
- ii) A licence in Form JKEL 9 for retail vend of country liquor for consumption off the premises.
- iii) A licence in Form JKEL 10 for retail vend of country liquor for consumption 'on and off ' the premises.

36. Proposal regarding opening, shifting or closure of vend, if any, shall be submitted by the Deputy Excise Commissioner to the Excise Commissioner well before the auction.

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\* Ammended vide SRO 122 of 31/03/1990

\*\* Ammended vide SRO 82 of 30/03/2000.

37. The following procedure is prescribed for the grant of licences by auction :-

1. Subject to any direction made by the Excise Commissioner in this behalf the Deputy Excise Commissioner shall each year before the annual auction determined ;

- i) In respect of licences in Form JKEL 2 the licence fee at which each vend may be reasonably licenced ; and
- ii) In respect of country liquor vends the quantum of quota in proof litres for the period form which licence is to be granted and on the basis thereof the minimum annual licence fee at which each may reasonably be licenced;
- iii) The quota of country liquor in proof litres fixed for each vend of country liquor shall be announced by the Deputy Excise Commissioner or any other officer herein-after referred to as the presiding officer before such vend is put to auction.

2. The auction shall be held by the Deputy Excise Commissioner on the dates fixed by the Excise Commissioner provided that the Excise commissioner may in this discretion authorise any Gazetted Officer to hold such auction.

3. The Deputy Excise Commissioner will give timely notice of the date and place of the auction :-

- a) the number and situation of the shops to be licenced for the sale of country liquor and IMFL vends to be licenced;
- b) the occasions, if any, on which the shops will be closed.
- c) any other information which may be of use to the intending bidders.

4. Before the auction begins, the Presiding Officer will read out the notice and conditions to which the auction shall be subject.

5. He will then proceed to put up each vend to auction after carefully explaining its locality. The auction shall normally be of each vend separately but the Deputy Excise Commissioner or the Presiding Officer, as the case may be with the approval of Excise Commissioner auction more than one vends in a group keeping the exigencies of a particular situation and Government interest in view.

6. No person shall be allowed to bid for any licence who is not under rule 18 permitted to hold one or he is associated in interest with a person not so permitted.

7. No person shall be allowed to bid for any other whether he is partner or not unless he holds a duly executed power of attorney enabling him in this behalf, permitted to hold one or if he is associated in interest with a person not so permitted.

8. a) No person shall be allowed to bid unless he has deposited a non refundable registration fees as prescribed by the Government from time to time in a Government treasury, or deposits the aforesaid fees at the time of auction with the Presiding Officer. In lieu of the said deposit he shall be issued a receipt in form E-1.

b) No person shall be allowed to bid for any vend unless he has deposited a refundable / adjustable amount, as prescribed by the Government from time to time in the shape of a bank draft as earnest money with the Presiding Officer, before the commencement of the auction. The earnest money so deposited shall be adjustable in the 10% of the bid to be deposited on spot by the successful bidder and in case of unsuccessful bidders that said deposited amount shall be refunded by the Presiding Officer within seven days of the auction.

9. No person whose name is on the list of persons debarred from holding licences for the sale of any intoxicant in Jammu and Kashmir, Punjab, Delhi, Haryana, Union Territory of Chandigarh or Himachal Pradesh shall be allowed to bid at an auction.

10. The Presiding Officer shall in consultation with other members of the auction committee refuse to accept any bid by an excluded person or any bid which he has reason to believe is made in the interest of any excluded persons.

11. The Presiding Officer may in consultation with other members of the auction committee further exclude from bidding any person on account of his notorious bad character, or for any other sufficient reasons to be recorded.

12. The Presiding Officer shall record the name of each person making a bid and the amount of bid.

13. Auction bid shall be in terms of money and where the bidding exceeds Rs. 1000 no bid shall be accepted unless it is multiple of Rs. 500.

14. Bids of licence fee shall be received for the whole period for which licence is to be granted. The auction committee shall not be bound to accept the highest or any bid. When the highest bid is refused the Auction Committee shall record the reasons for accepting the another bid.

15. (i) In order to check speculative and excessive bids, the Excise Commissioner and the Presiding Officer shall get the Sarkari boli, the minimum acceptable bid and the speculative bid with respect to the each vend or group of vends approved by the Administrative Department before the auction every year.

(ii) (a) If the Presiding Officer during the course of the auction is of the opinion that any bid is speculative since it has exceeded the level for speculative bids fixed for that particular vend / group of vends by the Administrative Department, he may announce that if any higher bid is offered he will demand a minimum deposit equivalent to 1/4<sup>th</sup> of the whole amount of bid. If such an order is made all subsequent bids shall be deemed to have been made subject to this condition.

(b) the amount of security deposit under this clause shall be counted towards the payment of the last installment or installments of the licence fee.

16. If the lowest annual fee mentioned in clause (1) of this rule is not bid for any shop, the Deputy commissioner may in his discretion accept a lower bid provisionally, but in forwarding the results of the auction to Excise commissioner under clause (17) of this rule, the Deputy Excise Commissioner shall call special attention to the case of any vend or vends for which he has provisionally accepted the lower bid and shall state in regard to each vend whether he recommends that the vend may be

- (a) closed either permanently or until a person willing to take it up at the minimum annual licence fee comes forward, or
- (b) carried on by a vendor who will work it for a commission on sales; or
- (c) resold at another auction ; or
- (d) sold for the lower bid provisionally accepted; or
- (e) in case of any country liquor vends, run departmentally.

17. The Deputy Excise Commissioner shall forward to the Excise Commissioner statements in forms E-7 and E-8 showing the locality of each shop sold and the probable sales in proof litres during the period for which the licence has been granted, the licence fee determined under clause (1) of this rule, the name of the persons to whom the shop has been sold, the amount for which it has been sold compared to that of the preceding year and in any case in which the shop has been sold for the highest bid, a short statement of the reasons rejecting the same. The Excise and Taxation Officer of the Excise Range shall forward a list of

licensees and the shops obtained by them to the Managers of all the distilleries, breweries, bonded warehouses and the trade licences in Jammu and Kashmir state.

18. (i) A person to whom a liquor vend has been sold shall deposit security equivalent to fifteen percent of the total licence fee viz. ten percent at the spot at the fall of hammer and five percent within seven days of the date of auction or by

the last date of the month in which the auction takes place, whichever is earlier. Provided that the Government may for reasons to be recorded in writing extend the date for payment of security of 5% by such period as it may deem fit in respect of a bidder or a class of bidders who is / or prevented by sufficient cause from making the payment within the stipulated period. The aforesaid amount of security shall be refundable to him at the end of the period for which the licence is granted unless the same or any part thereof is forfeited or adjusted against any amount of fee, duty or penalty due from him in respect of his licence. In the event of the amount of security deposit or any part thereof being forfeited or adjusted as aforesaid the deficiency shall be made good by him within seven days of the happening of such an event failing which the licence shall be liable to cancellation by the authority by which it was granted.

(ii) The successful bidder who is granted a licence for retail vend of country liquor shall pay the whole amount of licence fee in twenty four equal fortnightly installments, each installment being payable by the 15<sup>th</sup> and the last day of each month subject to the conditions that 80% of the total licence fee shall be payable in eighteen equal fortnightly installments beginning from the month of April and the remaining 20% of the total licence fee shall be payable in six fortnightly equal installments beginning from the month of January;

Provided that if the licence is granted for a period of less than one month, the whole amount of licence fee shall be paid in lump sum immediately after the bid is accepted.

Provided further that if the 15<sup>th</sup> of the last day of month happen to be holiday the licensee shall pay the licence fee on the next working day.

(ii) a licensee may at any time pay the whole amount of licence fee due from him, if he so desires.

19 (a) In the event of failure to pay the installment of installments along with the interest, if any, by the due date, the vend shall cease to be in operation on the 15<sup>th</sup> day of same month and shall ordinarily be sealed by the Deputy Excise Commissioner or the Excise and Taxation Officer of the Excise Range and he may

recommend to the Excise Commissioner for cancellation of the licence.

(b) If any person whose bid has been accepted by the Presiding Officer at the auction, fails to make deposit of the amount of security due from him, or if he refuses to accept the licence, or is found to be suffering from any of the disabilities mentioned in Rule 29 of these rules, the Deputy Excise Commissioner may resell the licence by public auction or private contract or in case of country liquor vends recommend to the Excise Commissioner that such country liquor vends may be run departmentally and any deficiency in the licence fee and all expenses for such resale or attempted resale or departmental management shall be recoverable from the defaulting bidder in the manner laid down in section 24 of the J&K Excise Act, Svt. 1958.

20. When the licence has been cancelled the Deputy Excise Commissioner or any Gazetted Officer authorised by the Excise Commissioner in this behalf may resell it by public auction or by private contract in accordance with the procedure laid down in this rule or in case of country liquor vends run departmentally and any deficiency in the licence fee and all expenses of such resale or attempted resale or departmental management shall be recoverable from defaulting licensee in the manner laid down in section 24 of the J&K Excise Act, Svt. 1958. The Deputy Excise Commissioner shall communicate the result of such resale in statement in form E-9 to the Excise Commissioner in the same manner as annual auction results. The Excise and Taxation Officer incharge of Excise Range shall communicate the change in the list of licensee to the Manager of the Distilleries. Bonded Warehouse, Trade licenses whom a list of such licenses has already been supplied. If the amount realised from the original licensee together with the amount bid by the incoming licensee is less than the amount previously bid by the original licensee, the deficiency together with the expenses, if any, resale or departmental managements shall be recovered from the original licensee. If, however, these amounts together are more than the amount previously bid, no refund shall be allowed to the original licensee.

21 (i) A country liquor licensee shall not be entitled to any compensation or claim for damages if the supplies of country liquor to him fall short of the quota fixed in respect of his vend or vends. He will however be entitled to the refund of the proportionate licence fee in such a contingency provided he establishes to the satisfaction of the Excise Commissioner that such a short fall in supplies did not occur because of any fault on the part of the licensee himself. Such claims for refund shall

be preferred and considered only after the close of the financial year for which the licence is held.

(ii) " A country liquor licensee shall be entitled to the supply of sale of country liquor of the strength of 60 degree proof as fixed for his vend provided that subject to availability and genuineness of the demand of the area concerned the Excise commissioner may allow an additional quota of country liquor to the licensee upto a maximum of 10% of the basic quota fixed for his vend on payment of additional licence fee at such rates as may be determined by the government from time to time in respect of the vend in question."

\* "Provided that if the Excise Commissioner is satisfied on the basis of report furnished by the Deputy Excise Commissioner (Executive) that the basic quota of country liquor in a particular vend has been fully sold and that there is a genuine demand of country liquor in that area. The Excise Commissioner may sanction such additional quantity of country liquor on such reduced rate for that particular vend on monthly or quarterly or annual basis as may be approved by the Government."

#### **GENERAL CONDITIONS APPLYING TO ALL LICENCES**

38. Every licence under these rules is granted subject to the conditions set forth in this rule.

#### **GENERAL**

1. The licensee shall observe all rules under the J&K Excise Act Samvat 1958 applicable to this licence and the general and special conditions of his licence.

#### **CONDITIONS DEALING WITH LICENSED PREMISES.**

2. The licensee shall not carry on any business connected with his license or store any liquor to be sold or otherwise dealt with under his license except in the premises specified in his license , hereinafter called the licensed premises.
3. When a licensee has more licenses than one, sale or other business under each license shall be carried on each separate premises and liquor to be sold on each license shall

be stored separately and the accounts of each license shall be kept separately.

4. Licensed premises shall be premises either owned by or leased out in favour of the licensee.

5. The licensee shall keep his licensed premises neat and clean and shall comply with any orders issued to him by the Deputy Excise Commissioner for the removal of defects in them.

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\* Substituted vide SRO 437 of dated 26/10/1989

6. The licensee shall not exhibit at the licensed premises pictures and photographs of Mahatma Gandhi, Jenab Sheikh Mohd. Abdullah, past and present Presidents, past and present Prime Ministers of India and other prominent leaders of the country.

7. The licensee shall not display liquor in glass windows at the licensed premises.

8. The licensee shall display anti-drinking slogans as and when required by the Jammu and Kashmir Excise Department.

9. The licensee shall maintain on the main outer door of the licensed premises a signboard exhibiting in conspicuous letters his name and class of license held by him in English and urdu.

#### **CONDITIONS DEALING WITH LICENSED HOURS**

10. ( i ) Every licensee for the sale of liquor shall keep his shop closed on Shiv Ratri, Mahamata Gandhi Birthday, Janam Ashtami, 15<sup>th</sup> August, Guru Nanak Birthday and Ram Navmi in Jammu Division and on Shiv Ratri, Mahatma Gandhi Birthday, Janam Ashtami, 15<sup>th</sup> August, Id-ul-Fitre, Id-ul-Zuha and Id-I-Milad in Kashmir Division and on such days not exceeding three days during a year as may be declared by the Government in this behalf.

( ii ) He shall observe the licensed hours as may be notified by the Excise Commission from time to time.

11. A licensee shall not sell liquor :-

(a) to any soldier of the rank of non-commissioned officer or under when in uniform, or when not in uniform, if the

licensee knows, or has reason to believe , that he is a soldier of that rank.

(b) to any person whom the licensee knows or has reason to believe to be member of the family of a soldier mentioned in (a) above.

(c) to any person whom the licensee knows , or has reason to believe , to be a follower (the term "follower" meaning a person enrolled but not attested under the Indian Army Act).

Provided that :-

(i) in premises especially approved for this purpose by the Excise Commissioner , such liquor as the Excise Commissioner may approve (by specification in the license of the vendor ) may be sold to any such soldier , member of his family or follower. In granting approval under this provision the Excise Commissioner shall act, in consultation with the local Military Commander and

(ii) the restrictions laid down in clauses (a) , (b) & (c) of this sub- rule shall not apply to the sale of liquor to a

soldier or member of his family or a follower when he is absent on leave from his regiment.

(d) to any person whom he knows, or has reason to believe to be a policeman/Excise Officer or Railway servant on duty ;

(e) to any person in the custody or under the escort of the police;

(f) to any person who is in a state of intoxication;

(g) to any insane person;

(h) to any person apparently below the age of twenty one years; or

(i) to any person whom he knows or has reason to believe to be a student (the term "student" meaning person undergoing instruction in some branch of learning in an educational institution.)

12. No licensee shall employ to assist him in his business in any capacity whatsoever :-

(i) any man under the age of 21 years or any women;

(ii) any person whom he knows or has reason to believe to have been convicted of any non-bailable offence under the Jammu and Kashmir Excise Act ;

(iii) any person whose employment the Deputy Excise Commissioner has, in the interest of the general public forbidden, or any person suffering from any infectious or contagious disease.

**CONDITIONS RELATING TO THE CONDUCT OF  
BUSINESS**

13. The licensee shall not give to any customer any free dole of liquor nor shall be given any customer any perquisite or dasturi on the price of liquor sold.

14. Any transaction of the nature of a gift or loan between the licensee and the Excise Officer is prohibited.

15. The licensee shall not permit any professional entertainment , or dancing or the playing of musical instruments or singing by professionals to be carried on his licensed premises.

Exception : This condition shall not apply to hotel or restaurant licensed in Form JKEL 3 and JKEL 4 respectively except in so far as it is imposed by the Excise Commissioner by general or special orders.

16. Every licensee shall maintain the accounts and registers prescribed for the class of business carried on by him and on the expiry of the period of his licence shall make them over to the Excise and Taxation Officer incharge of the Excise Range.

17. The licensee shall not permit the resort to his licensed premises of persons, whom there is reason to believe to be habitual

criminal ; he shall prevent gaming and disorderly conduct therein and shall give information to the nearest Magistrate or Police Officer of the resort to his licensed premises of any person suspected of having committed an offence, or of habitually committing of offences for which under the Criminal Procedure Code, warrants would ordinarily issue, and of every irregularities committed therein tending to disturb public peace.

18. The licensee shall at any time produce for inspection on demand of any Excise Officer not below the rank of Inspector his licence and his accounts and shall allow the inspection of his registers, stock and premises by the said officer.

19. The licensee shall maintain an inspection note-book with the page numbered consecutively and duly authenticated by the Excise and Taxation Officer incharge of the Excise Range and hand it over on demand to any Excise Officer not below the rank of Inspector. Any punishment or warning incurred by the

licensee, without forfeiture, or cancellation of his licence, shall be recorded in the book.

**CONDITIONS RELATING TO SALE AND STORAGE OF LIQUOR**

20. The licensee shall not sell or store in his licensed premises for sale or other purposes :

(a) any class of liquor other than that permitted by his license : and

(b) liquor of any character or brand forbidden by the Excise Commissioner.

21. The licensee shall not sell or keep on his licensed premises any chloral hydrate, butyl-chloral-hydrate or paraldehyde.

22. The licensee shall not sell or keep on his licensed premises, any caramel , or colouring matter or any essence or material used for flavouring beverages or rectified spirit nor shall he mix any of the above substances with any liquor sold or kept by him, nor shall he compound blend , colour , flavour or rectify any liquor sold by him or stored in his licensed premises unless he is a licensee licensed in form JKEL 6 or JKEL 11.

23. The licensee shall not keep any printed label, cork, capsule or seal in his licensed premises unless he is a licensee licensed in form JKEL 6 or JKEL 11.

24. The licensee shall not alter or tamper with the labels and capsules or bottles containing liquor purchased by him for sale.

25. The licensee shall not adulterate or deteriorate any liquor to be sold by him or sell the same knowing it to have been adulterated

or deteriorated , or store or permit to be stored in his license premises any liquor in an adulterated or deteriorated state.

26. If any licensee is found violating the provisions of clauses 20 to 25 of this rule an Excise Officer not below the rank of Excise and Taxation Officer may without prejudice to any other legal action, seal such licensed premises and recommend the case to the Excise Commissioner for cancellation of the license.

27. No sale of liquor whether wholesale or retail shall be made by any measure other than standard stamped measures approved by the Deputy Excise Commissioner. The standard measure shall be the proof litre or bulk litre and the multiple thereof, and the licensee shall keep such stamped standard fractional measures of proof or bulk litres as are available in the market and have been approved by the Deputy Excise Commissioner.

28. Where a licensee is permitted to make peg sale of liquor, standard measure shall be a peg or half of peg of 60 millilitres, or 30 millilitres respectively.

29. The licensee shall not employ any person in his licensed premises unless the name of such person has been approved by the Deputy Excise Commissioner.

30. Subject to the provisions of these rules every licensee shall in respect of any article which he is licensed to sell, meet the demand of every customer, entitled to be served, who tenders payment for what is required by him and the licensee shall maintain a sufficient stock of all articles for which he is licensed to deal to meet the probable demand.

31. The licensee shall not sell spirit, except under the following conditions :-

(a) In the case of a licensee for country liquor the strength of country liquor shall be 40 degree under proof and it shall be bottled in accordance with the rules for bottling licences contained in these rules.

\* "Provided that sale of country liquor in pouches upto 250 ML capacity shall be allowed".

(b) If a licence is for the sale of foreign liquor:-

\* (i) he shall not sell imported foreign liquor of a strength less than 25 degrees under proof in the case of brandy, whisky or rum or vodka or of the spirit intended to pass as brandy, whisky rum or vodka, of a strength less than 25 or 35 degree under proof in the case of gin or of spirit intended to pass as gin.

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\* Inserted vide SRO 136 of 23/04/1998

He shall also be permitted to sell wines and liquors including champagnes, sherry, port, vermouth, cinnzano, peach or coconut drinks, like malibu, arches compari, martiney or cream

liquors which may have less strength than mentioned in respect of whisky, brandy, rum, gin or vodka above.

\*(ii) he shall not sell Indian Made Foreign Liquor of any strength, except 25 degree under proof in the case of whisky, brandy, rum or vodka or spirit intended to pass as whisky, brandy, rum or vodka of a strength of 25 or 35 degree under proof in the case of gin or of spirit intended to pass as gin. He shall also be permitted to sell wines and liqueurs including champagnes, sherry, port, vermouth, cinnzano, peach or coconut drinks, like malibu, arches compari, martiney or cream liquors which may have less strength than mentioned in respect of whisky, brandy, rum, gin or vodka above.

\* (iii) he shall not sell Indian Made Foreign Liquor in bottles unless the bottles are of following sizes :-

- (a) bottles of capacity of 1000 millilitres.
- (b) bottles of capacity of 750 millilitres.
- (c) bottles of capacity of 375 millilitres.
- (d) bottles of capacity of 180 millilitres.

(iv) the licensee shall not sell Indian Made Foreign Liquor at less than the minimum price fixed by the Excise Commissioner from time to time of different brands of Indian Made Foreign Liquor.

#### **CONDITIONS RELATING TO THE DETERMINATION OF LICENCES.**

32. If any person who has held a licence under these rules, has in his possession on the expiry of determination of his licence, any liquor which he is unable to dispose of, he shall surrender the same to the Excise and Taxation Officer of the Excise Range. The Excise and Taxation Officer shall inform the Deputy Excise Commissioner regarding the stock taken over by him, giving the name and other details. The Deputy Excise Commissioner may transfer this stock so surrendered to the incoming licensees or any other licensee within the division who is licensed to sell the liquor of the kind surrendered :

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\* Inserted vide SRO 136 of 23/04/1998

Provided that :-

- (j) the stocks transferred to the incoming licensee shall not exceed the quantity which he is likely to sell within two months :
- (ii) if any such liquor or any part thereof be declared by the Civil Surgeon or any other qualified officer to be unfit for use, the Deputy Excise Commissioner shall cause the same to be destroyed.

33. A licensee to whom any liquor is transferred in the previous sub-rule shall be bound to pay such price for the same as may be determined by the Dy. Excise Commissioner keeping in view the actual amount spent thereon or prevailing market price, as the circumstances may justify.

34. The Deputy Excise Commissioner shall tender the price paid to him in the proceeding sub-rule to the outgoing licensee by whom the liquor was surrendered after deducting therefrom any amount recoverable from the licensee in respect of his licence.

35. When a sole licensee dies and the Excise Commissioner does not continue the licence to the representative of the licence or other person for the remainder of the period on the same conditions, the licensee shall be dealt with in the following manner.

#### **LICENCES DISPOSED BY AUCTION.**

36. A (i) If a licensee dies after having paid 15% of the total licence fee under rule 34 in respect of any country spirit licence and any other installments that may have become due his estate shall forfeit the sum paid and it shall not be liable for any other payment. If on the date of his death, the last date for the payment of any installment has expired and the installment has not been paid, his estate shall be liable for the payment of such instalment or installments, even if the payment of these has been suspended by the competent authority.

(ii) If before his death the licensee has paid any installment, the last date for the payment of which was more than one calendar month after the date of his death, his estate shall be entitled to a refund to any such installment.

(iii) In event of a loss on resale, the estate of the deceased shall only be liable to the extent laid down above.

(iv) In the event of a gain on resale, the estate of the deceased shall not be entitled to any refund save as laid down above.

### **LICENCES DISPOSED OTHERWISE THAN BY AUCTION.**

36.B (i) If the fee is payable in single payment, the estate of the deceased shall not be entitled to any refund of the fee paid and if the

payment has not been made, the estate shall be liable for the payment of the fee.

(ii) If the fee is payable in installments, the estate shall be entitled to a refund of any sums remaining out of the installments paid after deducting one-twelfth of the total fee assessed, for the year, for each month of the year, during which the licensee was alive e.g. if a licensee has to pay Rs. 1200 for the whole year but has paid Rs. 600 in April, and dies in the month of June, his estate will be entitled to a refund of Rs. 300.

(iii) If the licensee dies before he has paid any installments, his estate shall only be liable to the extent laid down above.

### **IMPOSITION OF ADDITIONAL FEE AND CANCELLATION AND REVOCATION OF LICENCE.**

37. If a licence becomes liable to cancellation under any law for the time being in force, or these rules, the competent authority may cancel the licence and make such arrangements as he may think fit for carrying on the business for such licence was granted any fee paid or deposit made in respect thereof shall be forfeited to Government but if any loss has to be made good, the deposit shall be taken into account in calculating the amount of that loss; or

38. On the cancellation or determination of any licence, the licensee or his representative shall cease to carry on his business under it and shall return his licence to the Excise Commissioner or any other officer not below the rank of Excise and Taxation Officer.

### **CONDITIONS RELATING TO COMPENSATION**

39. No Compensation shall be due to any licensee for any closure made under section 47 of the J&K Excise Act.

40. No compensation shall be due to any licensee on account of the opening of the new excise vend or the issue of any special excise licence during the currency of his licence

41. No compensation shall be due to any licensee on account of any change, during the currency of his licence, in the rate at which Excise Duty is charged on liquor or in any other matter connected with the Excise Administration and dealt with under the powers conferred by the J&K Excise Act.

### **PROHIBITION OF ADVERTISEMENTS OF LIQUOR**

42. No person shall print or publish in any newspaper, book, leaflet, booklet or any other publication or otherwise display or distribute any advertisement or other matter commanding or soliciting the news of any liquor or intoxicating drug such as is likely to encourage or incite any individuals or class of individuals or the public generally to commit an offence under the Act or to commit a breach or evade the provisions of any rules or orders made thereunder or of the conditions of any licence, permit or pass obtained thereunder.

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

44. The newspaper, book, leaflet, booklet or other publication containing any advertisement or matter of the nature described in sub rules 42 and 43 of this rule shall be confiscated and forfeited to the State Government and such confiscated articles shall be disposed of in such manner as the Excise Commissioner may decide.

39. The licences shown in this rule are granted subject to the special conditions noted under each in addition laid down in rule 35.

1. Licences in forms JKEL -1, \*JKEL-1A", JKEL-2, JKEL-3, JKEL-4, JKEL-6, JKEL-7, JKEL-8, JKEL-9, JKEL-10, JKEL-11 and JKEL-12.

- (a) The licensee shall not change or alter his licensed premises without the prior approval of the Excise Commissioner.
  - (b) The licensee shall, if so required deliver the licence to the Excise Commissioner or any other officer not below the rank of Excise and Taxation Officer for amendments and issue of a fresh one when it is cancelled or suspended.
  - (c) The licensee shall transport the liquor purchased by him for sale at the licensed premises under a proper transport pass.
  - (d) The licence must be hung up in a conspicuous place with in the licenced premises so as to be open for general public scrutiny.
  - (e) The licensee shall issue in respect of each transaction of sale, wholesale or retail sale a cash memorandum in form E-11 and E-12 as the case may be, serially numbered bearing name of vend, date of sale, particular and quantity of liquor sold and sale price thereof and shall preserve a carbon copy of cash memorandum till the close of the financial year in which cash memo is issued.
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\* Inserted vide SRO 82 of 30/03/2000.

#### **LICENCE IN FROM JKEL- 1.**

2 (i) The licensee shall maintain regular and proper accounts of receipt and sales in form E-13 and shall at the end of each month prepare and submit to the Excise and Taxation Officer incharge Excise Range, a monthly true abstract of receipts and sales in form E-19. He shall also maintain a brand- wise register.

(ii) The liquor shall be sold in sealed / capsuled bottles only and in no case shall these be opened or sold in part by the licensee nor shall he allow consumption of liquor of any kind on the licensed premises.

#### **LICENCE IN FORM JKEL – 2**

3 (i) The licensee shall maintain regular and proper accounts of receipts and sales in form E-14 and shall at the end of each month prepare and submit to the Excise and Taxation Officer incharge Excise Range, a monthly true abstract of receipts and

sales in form E-19. He shall also maintain a brand wise receipts in form E-12.

\* (ii) "The liquor shall be sold in sealed / capsuled bottles only, Beer in bottles and / or mettalic canes and in no case shall these be opened or sold in part by the licensee nor shall he allow consumption of liquor of any kind on the licensed premises."

(iii) No liquor other than foreign liquor and beer shall be sold by the licensee.

(iv) The licensee shall not store in the licensed premises, for sale or for any other purpose whatsoever, Country Liquor or liquor imported into or purchased within the State free of duty or on payment of duty at concessional rates or otherwise from the Canteen Stores Department (India) Depot., the canteens run by any Army authority or para military units or any other similar organisation.

#### **LICENCE IN FORM JKEL – 3 AND JKEL – 4.**

4 (i) The licensee shall maintain regular and proper accounts of receipts and sales in form E-14 and shall at the end of each month prepare and submit to the Excise and Taxation Officer incharge Excise Range, a monthly true abstract of receipts and sales in form E-19. He shall also maintain a brand wise receipts.

(ii) No liquor other than foreign liquor / beer shall be sold by the licensee.

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\* Ammended vide SRO 71 of dated 15/02/1996

(iii)The licensee shall sell foreign liquor including beer in retail for consumption on the licensed premises only and no liquor shall be removed from the licensed premises for any purpose whatsoever.

(iv) Liquor shall not be sold at the licensed premises out of the time schedule prescribed by the Excise Commissioner.

(ii) The licensee shall not store in the licensed premises for sale or for any purpose what- so- ever country liquor or liquor imported into or purchased within the State free of duty or on payment of duty on concessional rate or otherwise from the Canteen Stores Department (India) Depot, the Canteen run by Army units or paramilitary units or any similar organisation.

**LICENCE IN FORM JKEL – 5**

5. (i) The licensee shall sell foreign liquor including beer to units run by canteen or persons of the unit in favour of whose commanding officer, this licence is granted or to those who are duly authorised by the competent army authority to use the canteen of the unit aforesaid.

(ii) No liquor shall be issued under any circumstances whatsoever, to any person other than those mentioned in clause (i) above.

(iii) No liquor other than foreign liquor / beer shall be sold by the licensee.

(iv) The licensee may establish separate place of sale without taking out separate licences there for in areas where a portion of unit is detached for training or other purposes or is left behind.

(v) The licensee shall maintain regular and proper accounts of all receipts and sales in form E-14 and at the end of each quarter prepare and submit to the Deputy Excise Commissioner (Executive) a true abstract of receipts and sales in form E-19.

**LICENCE IN FORM JKEL –6 .**

6. The licensee shall comply with all the provisions of the Jammu and Kashmir Distillery Rules in so far they are applicable to the bottling and maintenance of accounts of Indian Made Foreign Liquor.

**LICENCE IN FORM JKEL –7**

7.(i) The licensee is authorised to sell foreign liquor including beer in retail for consumption on the premises only to persons who are members of the club or to their bonafide guests. Liquor sold under this license shall be served and consumed at the licensed premises

only and no liquor shall be removed from the licensed premises for any purpose whatsoever.

(ii) Liquor shall not be sold at the club outside the time schedule prescribed by the Excise Commissioner.

(iii) The licensee shall maintain regular and proper accounts of all receipts and sales in form E-14 and shall at the end of each month prepare and submit to the Excise and Taxation Officer

incharge of Excise Range a monthly true abstract of receipts and sale in form E-19 .He will also maintain a brandwise register.

### **LICENCE IN FORM JKEL – 8**

8. (i) The licensee is authorised to sell country liquor in wholesale to trade only viz the persons possessing license issued by the Excise Commissioner in forms JKEL-9 and JKEL-10.

(ii) Country liquor shall be sold in sealed / capsuled bottles only, and in no case shall these be opened or sold in part by the licensee nor shall the licensee allow the consumption on the licensed premises.

(iii) No liquor other than the country liquor of 60 degree proof shall be sold by the licensee.

(iv)The licensee shall maintain regular and proper accounts of all receipts and sales in form E-15 and shall at the end of each month prepare and submit to the Excise and Taxation Officer incharge of Excise Range, a monthly true abstract of receipts and sales in form E-20.

### **LICENCE IN FORM JKEL –9**

9.(i) The licensee is authorised to sell country liquor in retail to genuine individual consumers for consumption off the premises.

(ii) Liquor shall be sold in sealed/capsuled bottles only and in no case shall these be opened or sold in part by the licensee nor shall the licensee allow the consumption of any kind on the licensed premises.

(iii) No liquor other than the country liquor of 60 degree proof shall be sold by the licensee.

(iv) The licensee shall maintain regular and proper accounts of all receipts and sales in form E-16 and shall at the end of each month prepare and submit to the Excise and Taxation Officer incharge of Excise Range, a monthly true abstract of receipts and sales in form E-20.

### **LICENCE IN FORM JKEL –10**

10. (i) The licensee is authorised to sell country liquor to be served and consumed at the licensed premises or taken for consumption off the premises.
- (ii) No liquor other than the country liquor of 60 degree proof shall be sold by the licensee.
- (iii) The licensee shall maintain regular and proper accounts of all receipts and sales in form E-16 and shall at the end of each month prepare and submit to the Excise and Taxation Officer incharge of Excise Range, a monthly true abstract of receipts and sales in form E-20.

**LICENCE IN FORM JKEL –11**

11. (i) The licensee shall comply with the provisions of the Jammu and Kashmir Distillery rules in so far as they apply to the bottling accounts and sale of country liquor.

(ii) The licensee shall not bottle and sell country liquor in bottles other than the bottles of the following capacity or the capacity prescribed by the Excise Commissioner from time to time.

- (i) 750 ML.
- (ii) 500 ML.
- (iii) 375 ML.
- (iv) 250 ML.

**LICENCE IN FORM JKEL –12**

- 12.(i) The privilege conferred by this licence extends to the possession and use / sale of methylated spirits which has been rendered effectually and permanently unfit for human consumption.
- (ii) The licensee shall obtain his supplies of methylated spirit by direct import from a licensed distillery or by purchase from a licensed vendor.
- (iii)The licensee shall on no account mix methylated spirit with any other spirit
- (iv) The licensee shall not have in his possession of methylated spirit exceeding 2000 litres at any one time permitted for the period from -----, in case he has paid license fee of Rs.200 per annum.
- (v) The licensee shall maintain regular and proper accounts of all receipts and sales in form E-17 and shall at the end of each month prepare and submit to the Excise and Taxation Officer incharge of Excise Range, a monthly true abstract of receipts and sales in form E-17.

**LICENCE IN FORM JKEL –14**

13. (i) The privilege conferred by this licence extends only to the possession and use and not to the sale of absolute alcohol.

(ii) The licensee shall obtain his supplies of absolute alcohol by direct import from a licensed distillery outside the state.

(iii) The Licensee shall not have in his possession at any time during the year absolute alcohol exceeding 200 bulk litres. The Excise Commissioner however permit possession of a larger quantity on such terms as he may deem fit.

(iv) Absolute alcohol shall be kept in the licensed premises only and shall be used exclusively for medical / scientific purposes only.

(v) The licensee shall maintain regular and proper daily accounts of all receipts, stocks and issues. The licensee shall also produce for inspection stocks, registers and other documents demanded from him by any officer of the Excise Department or above the rank of an Inspector.

**LICENCE IN FORM JKEL – 13**

14(i) The privilege conferred by this licence extends only to possession and use, and not to the sale of rectified spirit.

(ii) The licensee shall obtain his supplies of rectified spirit by direct import from a licensed distillery in the State.

(iii) The licensee shall not have in his possession at any one time of rectified spirit exceeding 100 (one hundred) bulk litres of rectified spirit during a year. The Excise Commissioner may however permit possession of a large quantity on such terms as he may deem fit.

(iii) The rectified spirit shall be kept in the licenced premises only and shall be used exclusively for medical / scientific / industrial purposes only.

(iv) The licensee shall maintain daily accounts of all receipts, stocks and issues. The licensee shall also produce for inspection stocks, registers and other documents demanded from him by any officer of the Excise Department of/ or above the rank of an Inspector.

**\*[LICENCE IN FORM JKEL-1A**

15 (i) The licensee shall maintain regular and proper accounts of receipt and sales in Register Form E-13 and shall at the end of each month prepare and submit to the Excise and Taxation Officer incharge Excise Range , a monthly true abstract of receipts and sales in Register Form E-19. He shall also maintain a brand-wise register.

(ii) The liquor shall be sold in sealed/ capsuled bottles only and in no case shall these be opened or sold in part by the licensee nor shall he allow consumption of liquor of any kind on the licensed premises.

(iii) The liquor shall be sold to JKEL-1 licensee only.]

40. Infringement of any of the conditions mentioned in rules 38 and 39 of these rules by the licensee or by any person in his employ or working on his behalf shall render the licence liable to suspension or cancellation at the discretion of the Excise Commissioner.

41. All the notifications issued from time to time on the subject are hereby repealed.

Provided that any thing done or any action taken under the notifications so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.

By order of the Government of Jammu and Kashmir.

(Sd.)  
Commissioner /  
Secretary to Government,  
Finance Department,  
J&K, Jammu.

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\* Amended vide SRO 82 of 30/03/2000.

**GOVERNMENT OF JAMMU AND KASHMIR,**  
**CIVIL SECRETARIATE,**  
**FINANCE DEPARTMENT.**

**NOTIFICATION**  
**JAMMU THE 31/12/1998**

**SRO 357-** In exercise of the powers conferred by Section 16 read with clause (a) of section 17 of the Jammu and Kashmir Excise Act, Samvat 1958 and in supersession of all notifications / orders issued on the subject, the government hereby direct that the excise duty on I.M.F.L / Beer in respect of Army shall be levied and paid at the rates as shown against each :

| <b><u>S.No</u></b> | <b><u>Kinds</u></b>   | <b><u>Excise duty</u></b> |
|--------------------|---|---------------------------|
| 1                  | 2   | 3                         |
|                    | a)  | Rs. 70/ per LPL           |
|                    | All kinds of IMFL including Rum imported/ purchased within the state by the canteen stores department for bonafied consumption of the armed force / para military force including CRPF, project SAMPARK, HJMANK, BECON Etc. for the bonafied consumption of personal os such organisation stationed in the state. |                           |
|                    | b)  | Rs. 5/- per bottle        |
|                    | Different contents of Beer purchased / imported within the state by the canteen stores department for bonafied consumption  |                           |

of Armed force para military force including CRPF, project SAMPARK, HJMANK, BECON Etc. stationed in the state.

By order of the Government of Jammu and Kashmir

Additional Chief Secretary,  
Finance Department,

**GOVERNMENT OF JAMMU AND KASHMIR,**  
**CIVIL SECRETARIATE,**  
**FINANCE DEPARTMENT.**

**NOTIFICATION**  
**JAMMU THE 31/12/1998**

**SRO 358** - In exercise of the powers conferred by Section 16 read with clause (a) of section 17 of the Jammu and Kashmir Excise Act, Samvat 1958 and in supersession of all notifications / orders issued on the subject, the government hereby direct that the excise duty on I.M.F.L / Beer in respect of Civilian shall be levied and paid at the rates as shown against each :

| <b><u>S.No</u></b> | <b><u>Kinds<br/>Import</u></b>  | <b><u>Excise duty</u></b> | <b><u>Excise<br/>Duty</u></b> | <b><u>Addl.<br/>*Fee</u></b>      | <b><u>Export<br/>*Fee</u></b>     |
|--------------------|---|---------------------------|-------------------------------|-----------------------------------|-----------------------------------|
| 1                  | 2   | 3                         | 4                             | 5                                 | 6                                 |
| 1.                 | (a) All kinds IMFL<br>including Rum<br>Per LPL<br>for Civilian population | Rs. 90/-<br><br>Per LPL   | Rs. 10/-<br><br>Per LPL       | Rs. 1/-<br><br>Per LPL<br>on IMFL | Rs. 5/-<br><br>Per LPL<br>on IMFL |

|                       |            |            |
|-----------------------|------------|------------|
| (b) Beer for Civilian | Rs. 5/-    |            |
| Rs. 5/-               |            |            |
| population            | Per bottle | Per bottle |

By order of the Government of Jammu and Kashmir

Additional Chief Secretary,  
Finance Department,

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\* Ammended by SRO 84 of 1999.

**GOVERNMENT OF JAMMU AND KASHMIR,**  
**CIVIL SECRETARIATE,**  
**FINANCE DEPARTMENT.**

**NOTIFICATION**  
**JAMMU THE 31/12/1998**

**SRO 360** - In exercise of the powers conferred by Section 11 of the Jammu and Kashmir Excise Act, Samvat 1958 the Government hereby direct that the distillery shall be charged Rs 500/- (Rupees five hundred) per day or part thereof for functioning during Sundays or Holidays.

By order of the Government of Jammu and Kashmir

Additional Chief Secretary,  
Finance Department,

**GOVERNMENT OF JAMMU AND KASHMIR,**  
**CIVIL SECTT., FINANCE DEPARTMENT**

**Subject**:- Import / Marketing of Beer in Metallic Can of 375 ML Capacity.

GOVERNMENT ORDER NO :- 103-F OF 1999.

D A T E D 25-06- 1999.

In exercise of the powers conferred by clause (b) of section 5 of Jammu and Kashmir Excise Act , Samvat , 1958 and in partial modification of Government Order No: 89-F of 1995 dated 15-12-1995, the Government hereby direct that Beer in Metallic Can of 375 ML volume shall also be imported into the State.

The Government further in exercise of the powers conferred by section 16 of the said Act, direct that Excise Duty on the import of beer in Metallic can of 375 ML shall be levied as under :-

“ Rs. 2.88 per Metallic can of 375 ML Beer having more than 5% but less than 8% alcoholic content.”

By order of the Government of Jammu and Kashmir.

(Naseema Lanker)

Director

Finance Department.

**CIVIL SECTT., FINANCE DEPARTMENT**

**NOTIFICATION,**  
**JAMMU, the 1st April, 1998.**

**SRO - 112** In exercise of the powers conferred by Section 25 of the Jammu and Kashmir Excise Act, Samvat 1958 and all other powers enabling it in this behalf, the Government hereby makes the following amendment in the Jammu and Kashmir Liquor Licence and Sales Rules, 1984, namely :-

In rule 32 of the said rules –

Items (ii), (iv) and (vi) shall respectively be substituted by the following, namely :-

(ii) For a licence in Form JKEL –2 Rs. 3.00 lakhs (Rs. Three Lakhs)  
for retail vend

(iv) For a licence in Form JKEL –4 Rs. 1.00 Lakh (Rs. One Lakh)

(v) For a licence in Form JKEL –7 Rs. 10,000.00 (Rs. Ten thousand)

Provided the balance amount of licence fee in respect of JKEL –2 on account of current demand shall be recovered by imposition of additional Excise duty to be notified separately.

By order of the Government of Jammu and Kashmir.

Department

Finance

**GOVERNMENT OF JAMMU AND KASHMIR,**  
**CIVIL SECTT., FINANCE DEPARTMENT**

**NOTIFICATION,**  
**JAMMU, the 29th March , 1995.**

**SRO - 69** In exercise of the powers conferred by Section 17 of the Jammu and Kashmir Excise Act, Samvat 1958 and all other powers enabling it in this behalf, the Government hereby direct that the licence fee of Bond Licences shall be charged @ Rs. 1.50 Lakh (non-refundable) per annum with effect from 1-4-1995.

By order of the Government of Jammu and Kashmir.

Sd/- (Sushma Choudhary)  
Commissioner/Secretary  
to Government,  
Finance Department.

**GOVERNMENT OF JAMMU AND KASHMIR,**  
**FINANCE DEPARTMENT**

**NOTIFICATION,**  
**JAMMU, the 31st March , 1990.**

**SRO - 122** In exercise of the powers conferred by Section 16 read with clause (c) and (d) of section 17 of the Jammu and Kashmir Excise Act, Samvat 1958 and in supersession of notification SRO 407 dated 30.07.1983 and 147 dated 31.03.1989, The Government hereby direct that the imported liquor and beer shall be assessed at the rate of Rs. 18/- per bottle of 750 ML and Rs. 1/- respectively w.e.f. 1.4.1990 for consumption off the premises and in Bar.

By order of the Governor.

(P.L. Raina)  
Special Secretary to Govt.,  
Finance Department.

**OFFICE OF THE EXCISE COMMISSIONER,**  
**JAMMU AND KASHMIR.**

Licence for possession and retail sale of Foreign Liquor and Indian Made Foreign Liquor (including Beer) for consumption off the premises.

Licence No. ....

(1) Name and other particulars of the licensee

.....  
.....  
.....

(2) Particulars of the licenses premises

.....  
.....At.....  
.....

as per approved Blue Prints one copy attached with this licence

.....  
.....

(3) Period for which the licence is granted

.....

(4) Amount of licence fee

1<sup>st</sup> Installment .....  
2<sup>nd</sup> Installment .....

(5) Amount of cash security Rs.....

(6) Amount of personal surety Rs. ....

This licence is issued subject to the conditions recorded below.

Excise Commissioner,

Jammu and Kashmir Govt.

Jammu / Srinagar.  
Date of issue

**CONDITIONS**

1. The licensee is authorised to sell Foreign Liquor including Indian Made Foreign Liquor and Beer in retail to genuine individual consumers for consumption off the premises.
2. Liquor shall be sold in sealed / capsuled bottles only and in no case shall these be opened or sold in part by the licensee, nor shall the licensee allow consumption of any kind on the licensed premise.
3. No liquor other than foreign Liquor, Indian Made Foreign Liquor or Beer shall be sold by the licensee.
4. This licence is non-transferable. No change in proprietorship or consumption of the licensee form shall be made without the prior knowledge and approval of the Excise Commissioner.
5. No change or alteration in or addition to the licensed premises shall be made without the prior approval of the Excise Commissioner.
6. Liquor shall not be sold at the licensed premises outside the time schedule shown below. The schedule may however, be revised by order in writing by the competent authority.
  - (a) Summer (i.e 15<sup>th</sup> April to 14<sup>th</sup> October).  
.....A.M to .....P.M
  - (b) Winter (i.e 15<sup>th</sup> October to 14<sup>th</sup> April)  
.....A.M to .....P.M

7. The licensee shall not

- (a) sell liquor of a less strength than 25<sup>o</sup> under proof in case of Brandy, Whisky or Rum or of Spirit intended to pass as Brandy, Whisky or Rum or of a less strength than 35<sup>o</sup> under proof in case of Gin, or of spirit intended to pass as Gin :
  - (b) alter either the nature or quality of the liquor purchased or nature or description the labels pasted or seals / capsules affixed on the bottled containing it ;
  - (c) introduce into his licensed premises
    - (i) Rectified Spirit for use or sale or for any other purpose whatsoever.
    - (ii) Denatured Spirit for sale or use or for any other purpose whatsoever except such quantity there of as with the prior approval of the Excise Commissioner the licensee may temporarily require for polishing etc. of the premises or the furniture therein.
8. Storage, purchase or import of spirit in casks by the licensee is prohibited.
9. Liquor to be sold by the licensee shall be stored in licensed premises only, unless permission from the Excise Commissioner has been obtained for storing it elsewhere.
10. The licensee shall transport the liquor purchased by him for sale at the licensed premises under a proper Transport Pass.
11. Engagement of females at the licensed premises is prohibited.
12. No male under 21 years of age shall be engaged at the licensed premises.
13. Liquor shall not be sold to any person who is under 21 years of age.
14. The licensee shall maintain regular and proper account of all receipts, stocks and sales. All sales shall be supported by regular and numbered cash memos. Returns of purchases sales, etc. with abstract thereof shall be sent to the Deputy Excise Commissioner (Executive) monthly. The licensee shall also produce for inspection, stocks, registers and other documents demanded from him by any Officer of the Excise Department or above the rank of an Inspector.

15. The licensee shall pay the assessed fee monthly, quarterly, half-yearly or yearly or in advance as may be prescribed by the Excise Commissioner.
16. The licensee shall be bound by the laws, rules, instructions, orders, and directions that are in force now or may be made / issued hereafter.
17. The licensee shall, if so required, deliver up this licence to the Excise Commissioner or to any officer authorised by him for amendment or issue of a fresh one or when it is cancelled or suspended.
18. The Excise Commissioner may restrict or regulate the sale of any particular brand of liquor in such manner as he may deem fit.
19. Disorderly conduct and gambling or harbouring of disorderly or riotous persons in the licensed premises is prohibited.
20. The names of persons employed or engaged by the licensee to work at the premises shall be got approved by the Deputy Excise Commissioner (Executive). Such persons shall during the absence from the licensed premises of the licensee be responsible among other things for production of stocks, registers, account and documents for inspection.
21. Sale or transport of liquor by persons suffering from leprosy or any other contagious disease or employment of any such persons as aforesaid in the said premises is prohibited.
22. Sale under different licences if any held by the licensee shall be conducted in different premises. The possession upon the licensed premises of any liquor other than that to which this licence relates is prohibited.
23. A sign board must be affixed to the front of the licensed premises showing the nature of business carried on the premises and the name of the licensee.
24. This licence must be hung in a conspicuous place within the licensed premises so as to be open for general public scrutiny.
25. The licensed premises shall be kept open as per time schedule prescribed under clause (6) above unless the temporary closure thereof is authorised by the Excise Commissioner.

- 26. The licensee shall maintain and stock such minimum supply of liquor, if any, as the Excise Commissioner may consider sufficient or necessary to meet to local requirements.
- 27. The licensee shall not sell or store in the licensed premises for sale or any other purpose whatsoever country liquor or liquor imported into or purchased within the State free of duty, on payment of duty at concessional rates, or otherwise by the Canteen Stores Department (India) Depot, the canteens run by any army authorities or units, the Beacon Project, the Border Security Force, the Jammu and Kashmir Militia or any other similar organisation.
- 28. Infringement of any of the conditions of this licence either by the licensee or by any person in his employ or working on his behalf shall render the licence liable to suspension or cancellation at the discretion of the Excise commissioner. The licence may be cancelled if the licensee is convicted of any offence which in the Excise Commissioner's opinion renders him unfit to hold the same. It may also be revoked at any time for good and sufficient reasons.

Excise Commissioner,  
J&K Government.

Dated Srinagar / Jammu the .....  
.....

**OFFICE OF THE EXCISE COMMISSIONER, JAMMU AND KASHMIR.**

**RESTAURANT WITH BAR LICENSE.**

License for possession and retail sale of Foreign Liquor and Indian Made Foreign Liquor at a Bar in a Restaurant.

License No.....

- 1. Name and other particulars of the license  
.....  
.....
- 2. Particulars of the licensed premises  
.....  
.....
- 3. Period for which the license is granted  
.....  
.....
- 4. Amount of license be paid  
.....
- 5. Amount of security furnished  
.....

This license is issued subject to the conditions recorded overleaf.

Jammu/Srinagar  
Date of issue

Excise Commissioner,  
Jammu and Kashmir Government.

**CONDITIONS OF BAR LICENCES.**

- 1. The licensee is authorised to sell Foreign Liquor including Indian Made Foreign Liquor and Beer in retail to for consumption on the premises only to persons taking taking meals or snacks in the licensed premises. Liquor sold under this licence shall be served and consumed at the licensed premises only and no liquor shall

- be removed from the licensed premises for any purposes whatsoever.
2. This licence is non-transferable. No change in proprietorship shall be made without the prior knowledge and approval of the Excise Commissioner.
  3. Liquor shall not be sold at the Restaurant / Bar outside the time schedule shown below. The schedule may however, be revised by order in writing by the competent authority.
    - (d) Summer (i.e 15<sup>th</sup> April to 14<sup>th</sup> October).9 A.M to 9. P.M
    - (e) Winter (i.e 15<sup>th</sup> October to 14<sup>th</sup> April) 9. A.M to 9. P.M
  4. The licensee shall not
    - (a) sell liquor of a less strength than 25<sup>o</sup> under proof in case of Brandy, Whisky or Rum or of Spirit intended to pass as Brand, Whisky or Rum or of a less strength than 35<sup>o</sup> under proof in case of Gin, or of spirit intended to pass as Gin :
    - (b) alter either the nature or quality of the liquor purchased description the labels pasted or seals / capsules affixed on the bottled containing it ;
    - (c) introduce into his licensed premises any rectified for sale or sale therein;
    - (d) provide bedroom accommodation for guests in his licensed premises ; and
    - (e) use or maintain at the licensed premises any unstandard measures except a metric standard measure of 60 millilitre capacity for a peg and of 30 millilitre capacity for half a peg.
  5. Liquor to be sold on the premises shall be stored in the licensed premises only, unless written permission from the excise commissioner has been obtained for storing it elsewhere.
  6. The licensee shall transport the liquor purchased by him for sale at the licensed premises under a proper Transport pass.

7. No change, or alteration in or addition to the licensed premises shall be made without the prior approval of the Excise Commissioner.
8. Engagement of females at the licensed premises is prohibited.
9. No male under 21 years of age shall be engaged at the licensed premises.
10. Liquor shall not be sold to any person who is under 21 years of age.
11. The licensee shall maintain regular and proper brandwise accounts of all receipts, stocks and sales. All sales shall be supported by regular and numbered cash memos. Return of purchases and sales etc. with abstract shall be sent to the Deputy Excise Commissioner (Executive) monthly. The license shall also produce for inspection stocks, registers and other documents demanded from him by any officer of the Excise Department of or above the rank of an Inspector.
12. The license shall pay the assessed fee monthly quarterly, half yearly or yearly or in advance as may be prescribed by the Excise Commissioner.
13. The licensee shall be bound by the laws, rules, instructions, order and directions that are in force now or may be made/issued hereafter.
14. The licensee, so all if so, required, deliver this license of the Excise Commissioner or to any officer authorised by him or amendment or issue of a fresh one when it is cancelled or suspended.
15. Drunkenness at the bar or other public place in the licensed premises, and disorderly conduct and gambling or harboring of disorderly or riotous persons in the licensed premises is prohibited.
16. The Excise Commissioner may restrict or regulate the sale of any particular brand of liquor in such manner as he may deem fit.
17. The names of persons employed or engaged by the licensee to work at the bar shall be got approved by the Dy. Excise Commissioner (Executive). Such persons during the absence from the licensed premises of the licensee be responsible among other things for production of stocks registered accounts and documents or inspection.

18. Sale or transport of liquor by person suffering from leprosy or any other contagious disease or employment of any such persons as aforesaid in the said premises is prohibited.

19. The licensed premises shall be kept clean and hygienic.

20. Infringement of any of the conditions of this license either by the licensee or by any person in his employ or working on his behalf shall render the license liable to suspension or cancellation at the discretion of the Excise Commissioner. The license may be forfeited if the licensee is convicted of any offence which in the Excise Commissioner's opinion renders him unfit to hold the same. It may also be revoked at any time, for good and sufficient reasons.

Dated Jammu/Srinagar  
The.....

Excise Commissioner,  
J & K Government.

**OFFICE OF THE EXCISE COMMISSIONER ,**  
**JAMMU AND KASHMIR**

Licence for possession and wholesale of Foreign Liquor and Indian Made Foreign Liquor (including Beer) to the Retail Licence only.

Licence No. ....

(1) Name and other particulars of the licensee

.....  
.....  
.....

(2) Particulars of the licensed premises

.....  
.....At.....  
.....

as per approved Blue Prints one copy attached with the licence.

.....  
.....

(3) Period for which the licence is granted

.....

(4) Amount of licence fee

1<sup>st</sup> Installment .....

2<sup>nd</sup> Installment .....

(5) Amount of cash security Rs.....

(6) Amount of personal surety Rs. ....

This licence is issued subject to the conditions recorded below.

Excise Commissioner,  
Jammu and Kashmir Govt.

Jammu / Srinagar.  
Date of issue

### **CONDITIONS**

1. The licensee is authorised to sell Foreign Liquor including Indian Made Foreign Liquor and Beer wholesale to retail licence viz. the persons possessing a licence issued by the Excise Commissioner for sale of such liquor. No sale in favour of any other person will be conducted under any circumstances.
2. Liquor shall be sold in sealed / capsuled bottles only and in no case shall these be opened or sold in part by the licensee, nor shall the licensee allow consumption of liquor of any kind on the licensed premise.
3. No liquor other than Foreign Liquor, or Indian Made Foreign Liquor and Beer shall be sold by the licensee.
4. This licence is non-transferable. No change in proprietorship shall be made without the prior knowledge and approval of the Excise Commissioner.
5. No change or alteration in or addition to the licensed premises shall be made without the prior approval of the Excise Commissioner.
6. Liquor shall not

- (a) sell liquor of a less strength than 25<sup>o</sup> under proof in case of Brandy, Whisky or Rum or of Spirit intended to pass as Brandy, Whisky or Rum or of a less strength than 35<sup>o</sup> under proof in case of Gin, or of spirit intended to pass as Gin :
  - (b) alter either the nature or quality of the liquor purchased or nature, quality or description the labels pasted or seals / capsules affixed on the bottled containing it ;
  - (c) introduced into his licensed premises any
    - (i) Rectified Spirit for use or sale or for any other purpose whatsoever.
    - (ii) Denatured Spirit for sale or use or for any other purpose whatsoever except such quantity thereof as with the prior approval of the Excise Commissioner the licensee may temporarily require for polishing etc. of premises or the furniture therein.
7. The import of spirit in casks is prohibited.
  8. Liquor to be sold by the licensee shall be stored in licensed premises only, unless written permission from the Excise Commissioner has been obtained for storing it elsewhere.
  9. The Excise Commissioner may restrict or regulate the sale of any particular brand of liquor in such manner as he may deem fit.
  10. Engagement of females at the licensed premises is prohibited.
  11. No male under 21 years of age shall be engaged at the licensed premises.
  12. Liquor shall not be sold to any person who is under 21 years of age.
  13. The licensee shall stock and sell the bottled liquor in the same condition as he received it, from the distilleries etc. without any addition to the bottles etc. by way of any additional wrappers or applying seals at the licensed premises.
  14. The licensee shall not sell liquor to clubs unless specially authorised by the Excise commissioner.

15. The licensee shall maintain regular and proper brand wise account of all receipts, stocks and sales in the premises. All sales shall be supported by regular and numbered cash memos. Returns of purchases and sales, etc. with abstract thereof shall be sent to the Deputy Excise Commissioner (Executive) monthly. The licensee shall also produce for inspection, stocks, registers and other documents demanded from him by any officer of the Excise Department not below the rank of an Inspector.
16. The licensee shall be bound by the Laws, Rules, Instructions, Orders, and Directions that are in force now or may be made issued hereafter.
17. The licensee shall, if so required, deliver up this licence to the Excise Commissioner or to any officer authorised by him for amendment or issue of a fresh one when it is cancelled or suspended.
18. Disorderly conduct and gambling or harbouring of disorderly or riotous persons in the licensed premises is prohibited.
19. The names of persons employed or engaged by the licensee to work at the premises shall be got approved by the Deputy Excise Commissioner (Executive). Such persons shall during the absence from the licensed premises of the licensee be responsible among other things for production of stocks, registers, account and documents for inspection.
20. Sale under different licences if any held by the licensee shall be conducted in different premises. The possession upon the licensed premises of any liquor other than that to which this licence relates is prohibited.
21. A sign board must be affixed to the front of the licensed premises showing the nature of business carried on the premises and the name of the licensee.
22. This licence must be hung in a conspicuous place within the licensed premises so as to be open for general public scrutiny.
23. Sale or transport of liquor by persons suffering from leprosy or any other contagious disease or employment of any such persons as aforesaid in the said premises is prohibited.

24. The licensee shall not sell or store in the licensed premises for sale or any other purpose whatsoever country liquor or liquor imported into or purchased within the State free of duty, on payment of duty at concessional rates, or otherwise by the Canteen Stores Department (India) the canteens run by any Army authority or units, the Beacon Project, the Border Security Force, the Jammu and Kashmir Militia or any other such organisation.
25. Infringement of any of the conditions of this licence either by the licensee or by any person in his employ or working on his behalf shall render the licence liable to suspension or cancellation at the discretion of the Excise commissioner. The licence may be forfeited if the licensee is convicted of any offence which in the Excise Commissioner's opinion renders him unfit to hold the same. It may also be revoked at any time for good and sufficient reasons.

Excise Commissioner,  
Jammu and Kashmir Govt.

Jammu / Srinagar.  
Date of issue