

**ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು**

ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ	1039
ಮಾನ್ಯ ಸದಸ್ಯರ ಹೆಸರು	ಶ್ರೀ ಅರವಿಂದ ಕುಮಾರ್ ಅರಳಿ (ವಿಧಾನ ಸಭೆಯಿಂದ ಚುನಾಯಿತರಾದವರು)
ಉತ್ತರಿಸಬೇಕಾದವರು	ಅಬಕಾರಿ ಸಚಿವರು
ಉತ್ತರಿಸಬೇಕಾದ ದಿನಾಂಕ	14.12.2023

ಕ್ರ. ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ	ರಾಜ್ಯದಲ್ಲಿರುವ 2021-22 ರಿಂದ 2023-24ನೇ ಸಾಲಿನಲ್ಲಿ ಹೊಸದಾಗಿ ಎಷ್ಟು ಮದ್ಯಪಾನ ಅಂಗಡಿಗಳಿಗೆ ಪರವಾನಗಿ ನೀಡಲಾಗಿದೆ;	ರಾಜ್ಯದಲ್ಲಿ 2021-22 ರಿಂದ 2023-24ನೇ ಸಾಲಿನವರೆಗೆ ಹೊಸದಾಗಿ ಒಟ್ಟು 1303 ಸನ್ನದುಗಳಿಗೆ ಮಂಜೂರಾತಿ ನೀಡಲಾಗಿದ್ದು, ವಿವರಗಳನ್ನು ಅನುಬಂಧ-1ರಲ್ಲಿ ಇರಿಸಿದೆ.
ಆ	ಈ ಸಾಲಿನಲ್ಲಿ ಮದ್ಯಪಾನದ ವಿವಿಧ ಹಂತದ ಅಂಗಡಿಗಳನ್ನು ಹಾಗೂ ಎಷ್ಟು ಮಳಿಗೆಗಳನ್ನು ಸ್ಥಳಾಂತರಿಸಲಾಗಿದೆ; ಪರವಾನಗಿ ಹಾಗೂ ಸ್ಥಳಾಂತರಗಳಿಗೆ ಇರುವ ನಿಬಂಧನೆಗಳೇನು;	<p>ರಾಜ್ಯದಲ್ಲಿ 2021-22ನೇ ಸಾಲಿನಿಂದ 2023-24ನೇ ಸಾಲಿನವರೆಗೆ ಒಟ್ಟು 852 ಸನ್ನದುಗಳನ್ನು ಸ್ಥಳಾಂತರಿಸಲಾಗಿದೆ. ವಿವರಗಳನ್ನು ಅನುಬಂಧ-2ರಲ್ಲಿ ಇರಿಸಿದೆ.</p> <p>ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ 5ರಲ್ಲಿ ವಿಧಿಸಿರುವ ನಿಬಂಧನೆಗಳನ್ನು ಪಾಲಿಸಿ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ 23 ರನ್ವಯ ಸನ್ನದು ಸ್ಥಳಾಂತರದ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಳ್ಳಲಾಗುತ್ತಿದೆ.</p> <p>ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ 23 ರನ್ವಯ ಸನ್ನದುಗಳನ್ನು ಸ್ಥಳಾಂತರಗೊಳಿಸಲು ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ಸರ್ಕಾರದ</p>

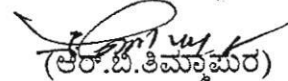
	<p>ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಆಇ 4 ಪಿಇಎಸ್ 98(II),  ದಿನಾಂಕ:17.04.1998 ರಂತೆ ಜಿಲ್ಲೆಯ ಅಬಕಾರಿ ಉಪ  ಆಯುಕ್ತರುಗಳಿಗೆ ನೀಡಲಾಗಿರುತ್ತದೆ.</p> <p>ಮುಂದುವರೆದು, ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ  ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ 23 ರಲ್ಲಿ “ಎ,  ಬಿ, ಸಿ ಮತ್ತು ಡಿ” ಎಂದು ವರ್ಗೀಕರಿಸಲಾಗಿರುವ  ಪ್ರದೇಶದಿಂದ “ಇ” ವರ್ಗಕ್ಕೆ ಸಿಎಲ್-2 ಮತ್ತು ಸಿಎಲ್-9  ಸನ್ನದುಗಳನ್ನು ಸ್ಥಳಾಂತರಿಸಿಕೊಳ್ಳಬಹುದು. ಆದರೆ, “ಇ”  ವರ್ಗದ ಪ್ರದೇಶದಿಂದ “ಎ, ಬಿ, ಸಿ ಮತ್ತು ಡಿ” ವರ್ಗದ  ಪ್ರದೇಶಗಳಿಗೆ ಸಿಎಲ್-2 ಮತ್ತು ಸಿಎಲ್-9 ಸನ್ನದುಗಳನ್ನು  ಸ್ಥಳಾಂತರಿಸಲು ನಿಯಮದಲ್ಲಿ ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ಸದರಿ  ನಿಯಮದ 2ನೇ ಪರಂತುಕದಲ್ಲಿ ಒಂದು “ಇ” ವರ್ಗದ  (ಗ್ರಾಮಾಂತರ) ಪ್ರದೇಶದಿಂದ ಇನ್ನೊಂದು “ಇ” ವರ್ಗದ  (ಗ್ರಾಮಾಂತರ) ಪ್ರದೇಶಕ್ಕೆ ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಸಿಎಲ್-2  ಮತ್ತು ಸಿಎಲ್-9 ಸನ್ನದುಗಳನ್ನು ಸ್ಥಳಾಂತರಿಸಿಕೊಳ್ಳಲು  ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ. ಸಿಎಲ್-2 ಸನ್ನದನ್ನು  ಸ್ಥಳಾಂತರಿಸುವಾಗ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ದೇಶಿ ಮತ್ತು  ವಿದೇಶಿ ಮದ್ಯ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968ರ ನಿಯಮ  12ರ ಪ್ರಕಾರ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಕೋಟಾ ನಿಯಮವನ್ನು  ಪಾಲಿಸಬೇಕಾಗಿರುತ್ತದೆ.</p> <p>ಸನ್ನದು ಮಂಜೂರು ಮಾಡಲು ಕೆಳಕಂಡ ನಿಯಮಗಳನ್ನು  ಪಾಲಿಸಲಾಗುತ್ತಿದೆ:</p> <p>1992ನೇ ಸಾಲಿನಿಂದ ಹೊಸದಾಗಿ ಸಿಎಲ್-2 ಮತ್ತು ಸಿಎಲ್-  9 ಸನ್ನದನ್ನು ನೀಡಲು ಸರ್ಕಾರ ನಿರ್ಬಂಧಿಸಿರುವುದರಿಂದ  ಇಲಾಖೆಯಿಂದ ಹೊಸದಾಗಿ ಸಿಎಲ್-2 ಮತ್ತು ಸಿಎಲ್-9  ಸನ್ನದುಗಳ ಮಂಜೂರಾತಿ ನೀಡಲಾಗುತ್ತಿಲ್ಲ.</p>
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	<p>ಸಂಖ್ಯೆ:12164-12166/2016 ರ ದಿನಾಂಕ:31.03.2017ರಲ್ಲಿ ಆದೇಶಿಸಿದಂತೆ 20,000ಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 500 ಮೀಟರ್ (ಸರ್ವಿಸ್ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವಿಸ್ ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ/ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡುವಂತಿಲ್ಲ. 20,000ಕ್ಕಿಂತ ಕಡಿಮೆ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 220 ಮೀಟರ್ (ಸರ್ವಿಸ್ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವಿಸ್ ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ/ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡುವಂತಿಲ್ಲ.</p> <p>ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಎಸ್.ಎಲ್.ಪಿ (ಸಿವಿಲ್) ಸಂಖ್ಯೆ:10243/2017ರಲ್ಲಿನ ದಿನಾಂಕ:11.07.2017ರ ಆದೇಶದಲ್ಲಿ ನೀಡಿದ ಸ್ಪಷ್ಟೀಕರಣದಂತೆ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ನಗರ ಪಾಲಿಕೆ, ನಗರಸಭೆ, ಪುರಸಭೆ ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಗಳಲ್ಲಿ ಹಾದು ಹೋಗುವ ರಾಜ್ಯ ಮತ್ತು ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಗಳ ಇಕ್ಕೆಲಗಳಲ್ಲಿರುವ ಸನ್ನದುಗಳನ್ನು ನಿಯಮಾನುಸಾರ ನವೀಕರಿಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ.</p> <p>ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ: ಆಇ 36 ಇಡಬ್ಲ್ಯೂಪಿ 2018, ದಿನಾಂಕ:06.08.2020ರಲ್ಲಿ 2011ರ ಜನಗಣತಿಯನ್ವಯ 5000 ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಜನಸಂಖ್ಯೆಯುಳ್ಳ ಗ್ರಾಮ ಪಂಚಾಯತಿ/ಸ್ಥಳೀಯ ಪ್ರದೇಶಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಹಾದು ಹೋಗುವ ರಾಷ್ಟ್ರೀಯ ಮತ್ತು ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳ ಇಕ್ಕೆಲಗಳಲ್ಲಿ ಹೊಸದಾಗಿ ಸಿಎಲ್-6ಎ ಮತ್ತು ಸಿಎಲ್-7 ಸನ್ನದುಗಳಿಗೆ ಮಾತ್ರ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ (5)ರಡಿಯಲ್ಲಿ</p>
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	<p>ಪ್ರಸ್ತುತ ಸಿಎಲ್-4, ಸಿಎಲ್-6ಎ, ಸಿಎಲ್-7, ಸಿಎಲ್-8, ಸಿಎಲ್-7ಎ, ಸಿಎಲ್-11ಸಿ, ಫಾರ್ಮ್ ಸಿಎಲ್-16, ಫಾರ್ಮ್ ಸಿಎಲ್-17 ಮತ್ತು ಫಾರ್ಮ್ ಸಿಎಲ್-18 ಸನ್ನದುಗಳನ್ನು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ದೇಶಿ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯಗಳ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968ರ ನಿಯಮ 3 ಮತ್ತು 5 ರಡಿ ಸನ್ನದು ಮಂಜೂರಾತಿ ಪ್ರಾಧಿಕಾರಿಗಳಾದ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ನಿಯಮ 3 ಮತ್ತು 5 ರಡಿ ಸನ್ನದುಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು ಪೂರ್ವಾನುಮತಿಗಾಗಿ ಅಬಕಾರಿ ಆಯುಕ್ತರಿಗೆ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸುತ್ತಾರೆ. ಪೂರ್ವಾನುಮತಿ ದೊರೆತ ನಂತರ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಸನ್ನದುಗಳನ್ನು ಮಂಜೂರು ಮಾಡುತ್ತಾರೆ. ಸದರಿ ಸನ್ನದುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ದೇಶಿ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯ ಮಾರಾಟ) ನಿಯಮಗಳು 1968ರ ನಿಯಮ 8, 8(ಎ) ರಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವ ಸನ್ನದು ಶುಲ್ಕ ಮತ್ತು ಹೆಚ್ಚುವರಿ ಸನ್ನದು ಶುಲ್ಕಗಳನ್ನು ಅರ್ಜಿದಾರರಿಂದ ಪಾವತಿಸಿಕೊಂಡು ಅರ್ಜಿ ಪಡೆಯಲಾಗುತ್ತದೆ.</p> <p>ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ 5ರನ್ವಯ ಉದ್ದೇಶಿತ ಸನ್ನದಿನ 100 ಮೀಟರ್ ಅಂತರದೊಳಗೆ ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳು, ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು, ಆಸ್ಪತ್ರೆಗಳು (30 ಬೆಡ್ ಗಳನ್ನು ಹೊಂದಿರುವ ಆಸ್ಪತ್ರೆಗಳು) ಪರಿಶಿಷ್ಟ ಜಾತಿ ಅಥವಾ ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳ ಕಾಲೋನಿಗಳು ಇರುವಂತಿಲ್ಲ. ಯಾವುದೇ ರಾಜ್ಯ ಸರ್ಕಾರದ / ಕೇಂದ್ರ ಸರ್ಕಾರದ ಕಛೇರಿಯಾಗಲೀ ಅಥವಾ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಕಛೇರಿಯಾಗಲೀ ಅವುಗಳ ಮುಖ್ಯಸ್ಥರು ಗ್ರೂಪ್ "ಎ" ಅಥವಾ ಗ್ರೂಪ್ "ಬಿ" ಅಧಿಕಾರಿಯಾಗಿದ್ದಲ್ಲಿ ಆ ಕಛೇರಿಯು ಆಕ್ಷೇಪಣಾ ಸ್ಥಳವೆಂದು ಪರಿಗಣಿಸಲ್ಪಡುತ್ತದೆ.</p> <p>ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಸಿವಿಲ್ ಅಪೀಲು</p>
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ಇ)	ಕರ್ನಾಟಕ ಅಬಕಾರಿ ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳಾವುವು ಮತ್ತು ಇರುವ ನಿಯಮಗಳೇನು?	<p>ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ಪ್ರಮುಖ ನಿಯಮಗಳು ಕೆಳಕಂಡಂತಿದ್ದು, ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು ಅನುಬಂಧ-3ರಲ್ಲಿ ಇರಿಸಿದೆ.</p> <ul style="list-style-type: none"> <li>• Rule 5- Restrictions in respect of location of shops.</li> <li>• Rule 17-A- Transfer in the event of death.</li> <li>• Rule 17-B- Transfer of licensee in other cases.</li> <li>• Rule-23-Shifting of shops.</li> </ul>
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ಆಇ 81 ಇಎಲ್‌ಕ್ಯೂ 2023

  
 (ಆರ್.ಬಿ.ತಿಮ್ಮರ)  
 ಅಬಕಾರಿ ಸಚಿವರು

ಅನುಬಂಧ-1

2021-22 ರಿಂದ 2023-24 ನೇ ಸಾಲಿನವರೆಗೆ ಹೊಸದಾಗಿ ಮಂಜೂರು ಮಾಡಿರುವ ಸನ್ನದುಗಳ  
ವಿವರಗಳು

ಕ್ರ.ಸಂ	ಸನ್ನದಿನ ವಿಧ	ವರ್ಷ			ಒಟ್ಟು
		2021-22	2022-23	2023-24 (ನವೆಂಬರ್- 2023 ರ ಅಂತ್ಯಕ್ಕೆ)	
01	ಸಿಎಲ್-4(ಕ್ಲಬ್‌ಗಳು)	07	12	02	21
02	ಸಿಎಲ್-6ಎ (ಸ್ಪಾರ್ ಹೋಟೆಲ್‌ಗಳು)	06	02	02	10
03	ಸಿಎಲ್-7 (ಹೋಟೆಲ್ ಮತ್ತು ವಸತಿಗೃಹ)	340	401	151	892
04	ಸಿಎಲ್-8, 8A & 8B (ಮಿಲಿಟರಿ ಕ್ಯಾಂಟೀನ್ ಮಳಿಗೆ)	01	02	01	04
05	ಸಿಎಲ್-11ಸಿ (ಎಂ.ಎಸ್.ಐ.ಎಲ್. ಶಾಪ್)	80	38	09	127
06	ಸಿಎಲ್-16, 17 & 18 ( ವಿಮಾನ ನಿಲ್ದಾಣ ಪರವಾನಿಗಿ)	0	0	16	16
07	ಹೊಂದಿಕೊಂಡಂತೆ ಆರ್ ವಿ ಬಿ	49	65	43	157
08	ವೈನ್ ಟಾವರ್ನ್	15	30	10	55
09	ವೈನ್ ಬೋಟಿಕ್	05	04	01	10
10	ಮೈಕ್ರೋ ಬ್ರಿವರಿಸ್	01	06	04	11
ಒಟ್ಟು		504	560	239	1303

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ಅನುಬಂಧ-2

2021-22 ರಿಂದ 2023-24 ನೇ ಸಾಲಿನವರೆಗೆ ಸ್ಥಳಾಂತರ ಮಾಡಿರುವ ಸನ್ನದುಗಳ ವಿವರಗಳು

ಕ್ರ.ಸಂ	ಸನ್ನದಿನ ವಿಧ	ವರ್ಷ			ಒಟ್ಟು
		2021-22	2022-23	2023-24 (ನವೆಂಬರ್- 2023 ರ ಅಂತ್ಯಕ್ಕೆ)	
1.	ಸಿಎಲ್-2 (ಚಿಲ್ಲರೆ ಮದ್ಯ ಮಾರಾಟ)	157	143	48	348
2.	ಸಿಎಲ್-4(ಕ್ಲಬ್‌ಗಳು)	0	1	1	2
3.	ಸಿಎಲ್-7 (ಹೋಟೆಲ್ ಮತ್ತು ವಸತಿಗೃಹ)	3	6	0	9
4.	ಸಿಎಲ್-7ಎ/7ಬಿ/7ಸಿ	1	1	0	2
5.	ಸಿಎಲ್-8, 8A & 8B (ಮಿಲಿಟರಿ ಕ್ಯಾಂಟೀನ್ ಮಳಿಗೆ)	1	1	1	3
6.	ಸಿಎಲ್-9 (ಬಾರ್ & ರೆಸ್ಪೋರೆಂಟ್)	139	150	58	347
7.	ಸಿಎಲ್-11ಸಿ (ಎಂ.ಎಸ್.ಐ.ಎಲ್. ಶಾಪ್)	21	17	7	45
8.	ಸಿಎಲ್-16, 17 & 18 ( ವಿಮಾನ ನಿಲ್ದಾಣ ಪರವಾನಿಗಿ)	0	0	5	5
9.	ಸ್ವತಂತ್ರ ಆರ್ ವಿ ಬಿ	6	3	3	12
10.	ಹೊಂದಿಕೊಂಡಂತೆ ಆರ್ ವಿ ಬಿ	33	31	12	76
11.	ವೈನ್ ಬೋಟಿಕ್	1	1	1	3
ಒಟ್ಟು		362	354	136	852

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Annexure-3

**THE  
KARNATAKA  
EXCISE (GENERAL CONDITIONS OF LICENCES)  
RULES, 1967**

(As amended by GSR 171, dated 6-5-1969; GSR 384, dated 4-11-1969; GSR 432, dated 12-12-1969; GSR 107, dated 18-3-1970; GSR 359, dated 3-12-1975; GSR 50, dated 12-2-1976; GSR 223, dated 27-7-1976; GSR 141, dated 5-5-1977; GSR 215, dated 17-7-1978; GSR 250, dated 24-8-1979; GSR 142, dated 24-5-1980; GSR 282, dated 23-9-1980; GSR 143, dated 25-6-1983; GSR 99, dated 30-3-1985; GSR 16, dated 6-2-1990; GSR 26, dated 5-2-1992; GSR 4, dated 8-1-1993; GSR 127, dated 21-6-1993; GSR 24, dated 6-12-1993; Notification No. FD 22 PES 93(ii), dated 9-5-1994; GSR 119, dated 19-7-1994; GSR 132, dated 12-8-1994; GSR 156, dated 22-9-1994; GSR 184, dated 28-11-1994; GSR 64, dated 23-5-1995; GSR 58, dated 17-4-1996 Notification Nos. FD 5 PES 2000, date 28-4-2000; FD 9 PES 99, dated 27-11-2000; FD 28 PES 2001, dated 8-1-2002; FD 27 PES 2001, dated 19-2-2002; FD 8 PES 2002, dated 6-5-2002; FD 6 PES 2003, dated 30-6-2003; FD 10 PES 96(II), dated 6-4-2004; FD 25 PES 2003, dated 20-6-2006; FD 03 PES 2007(2), dated 25-5-2007; FD 7 PES 2008(II), dated 15-1-2009; FD 11 PES 2009, dated 9-2-2010; FD 05 PES 2013(1), dated 28-2-2013; FD 03 PES 2014(V), dated 28-2-2014; FD 08 PES 2011, dated 6-8-2014; FD 08 PES 2014, dated 21-11-2014; FD 16 PES 2015, dated 4-11-2016; FD 11 PES 2015, dated 19-5-2017; FD 17 PES 2017(1), dated 20-1-2018 and FD 02 (1) PES 2019, dated 17-12-2019.)

**GSR 469.**—In exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published, as required by sub-section (1) of Section 71 of the said Act, in Notification GSR No. 434 in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 30th September, 1967, namely.—

**1. Title, extent and commencement.**—These Rules may be called the [Karnataka Excise (General Conditions of Licences)] Rules, 1967.

(2) They shall extend to all the areas of State of Karnataka, where the Karnataka Excise Act, 1965, is in force.

(3) They shall come into force at once.

**2. Application.**—These rules shall apply to all licences issued under the Karnataka Excise Act, 1965 for sale of liquors and every such licence shall be deemed to include the conditions prescribed by these rules as general conditions.

1. Published in the Karnataka Gazette, Extraordinary, dated 19-10-1967, vide Notification No. HD 76, EFL 67, dated 19-10-1967.
2. Substituted for the words and brackets "Karnataka Excise Licences (General Conditions)" by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016



<sup>1</sup>[3. **Definitions.**—In these rules unless the context otherwise requires.—

- (1) "Educational Institution" means a Pre-Primary, Primary or Secondary School <sup>2</sup>[or college or institution] owned or managed or recognised by any local authority, State or Central Government or any College affiliated to or established or managed by any University established by law.
- (2) "Licensee" means a person to whom a licence to sell Liquor is granted.
- (3) "Religious Institution" means a temple, mutt, mosque, church, synagogue, agiary or other place of public religious worship which is as the case may be, established or managed or owned by a public trust, the Religious and Charitable Endowments Commissioner or a Society registered under the Societies Registration Act or Wakf Board Act.
- (4) "Shop" means the licenced premises where liquor is sold].

**4. Commencement of business.**—Licensee shall commence his business on the 1st July or such date as may be notified by the Excise Commissioner and shall keep open on every day during such hours as may be fixed by the Excise Commissioner.

**Explanation.**—Any shop shall be deemed to be open when in the case of liquor shop so much of stock is always kept in the shop so as to meet the requirements for a week and in case of toddy shops to the extent of daily requirements.

<sup>3</sup>[4-A. **Closure of shops on certain occasions.**—(i) A licensee may after intimation to the Excise Inspector of the jurisdictional range, close the shop on the following occasions, namely.—

- (a) on the day of marriage in his family; or
- (b) on the day of the occurrence of a death or accident on his family; and

(ii) A licensee may with the prior permission in writing of the Deputy Commissioner of Excise close the shop for renovation or repair of licensed premises for a period not exceeding fifteen days in an excise year.]

<sup>4</sup>[5. **Restriction in respect of location of shops.**—(1) No licence for sale of liquor shall be granted to a liquor shop or premises selected within a distance of 100 metres from any religious or educational institution or Hospital or any Office of the State Government or Central Government or Local Authorities or in a residential locality, where the inhabitants are predominantly belonging to Scheduled Castes or Scheduled Tribes or within a distance of 220 metres from the middle of the State Highways or National Highways:

1. Rule 3 substituted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.
2. Inserted by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016
3. Rule 4-A substituted by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016
4. Rule 5 substituted by GSR 127, dated 21-6-1993, w.e.f. 21-6-1993.

[Provided that where a shop is sanctioned to a village the population of which is less than two thousand five hundred, such shop shall be located outside the residential locality of the village.]

[Explanation.—<sup>3</sup>(1) For the purpose of this rule "National Highway" or "State Highway" shall not include such parts of the National Highway or State Highway as are situated within the limits of a Municipal Corporation, City or Town Municipal Council, or such other authority having a population of twenty thousand or more.]

[Explanation.—(2) For the purpose of this rule, the expression "Hospital" means any Government Hospital, Primary Health Centre or Primary Health Unit and includes a Private Hospital or a Private Nursing Home which has the facility of a minimum of thirty beds for treatment of inpatients.

[Explanation.—(3) For the purpose of this rule the expression "Office of the State Government or Central Government or Local Authority" means and includes any State or Central Government Office headed by Group 'A' or B grade officers and the main Administrative Offices of Local Bodies like City Corporation, City Municipal Council, Town Municipal Council, Town Panchayat, Zilla Panchayat, Taluk panchayat and Grama Panchayat and such other offices of the State Government, Central Government or Local Authorities as may be specified by the Government from time to time.]

(2) The Deputy Commissioner of Excise shall after making such enquiry as he deems fit approve the premises of liquor shop so selected and thereafter the description of the premises of liquor shop shall be entered in the Licence to be issued:

Provided that the Deputy Commissioner of Excise may, with the prior approval of the Excise Commissioner and for reasons to be recorded in writing, permit the location of any shop within a distance of 100 metres, but not less than 70 metres from the institutions, hospital, office or locality specified in sub-rule (1) within the City Municipality or City Corporation limits.

[Provided further that the Deputy Commissioner of Excise may grant licence to locate any liquor shop in a premises situated within a distance of 200 metres from the middle of a State Highway or a National Highway if such premises is located in a predominantly inhabited area, or extension of a town, village, or area the population of which is more than two thousand five hundred and where a licence to locate shop in such premises was granted or was existing during the period commencing from 1st July, 1992 and ending on "[30th June, 1994].]

Proviso inserted by GSR 24, dated 6-12-1993, w.e.f. 6-12-1993.

Explanation to sub-rule (1) inserted by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.

Explanation to sub-rule (1) renumbered as Explanation (1) by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.

Explanations (2) and (3) inserted by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.

Second proviso inserted by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.

Read for the words and figures "30th June, 1992." by GSR 132, dated 12-8-1994.

<sup>1</sup>[Provided also that, nothing in sub-rule (1), shall be applicable to the licensed premises located within a distance of 100 meters from any religious or educational institution or hospital or any office of the State Government or Central Government or Local Authorities, renewed or existed as on 1st July, 2016.]

<sup>2</sup>[(2-A) Notwithstanding anything, contained in sub-rules (1) and (2) the Deputy Commissioner of Excise may with a view to secure, convenience, morality, tranquility, decency or safety of the public or for any other reason, reject the application for licence to a liquor shop or premises after recording the reasons therefor.]

(3) For the purpose of this rule while measuring the distance specified in this rule, the distance shall be measured along the nearest path by which the pedestrian ordinarily reaches, adopting the mid-point of the entrance of the shop and the mid-point of the nearest gate of the institution, hospital or office if there is a compound wall and if there is no compound wall, the mid-point of the nearest entrance of the institution of the office.

(4) The Deputy Commissioner may, by order after giving the licence an opportunity of being heard, direct such licence to shift the location of any shop, —

- (a) With a view to secure the convenience, morality, tranquility, decency or safety of the public <sup>3</sup>[or compliance] of the provisions of these rules; or
- (b) where after the issue of a licence, any religious institution or educational institution is established <sup>4</sup>[or any office of the State Government or Central Government or Local Authorities or a Hospital is opened] within the limits specified in this rule;

to any other suitable place, within such period, not exceeding three months as he may specify.]

<sup>5</sup>[(5) The Excise Commissioner may at his discretion and for reasons to be recorded in writing exempt from the application of these rules in the case of distributor licences referred to in clause (11) of Rule 3 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968.]

#### CASE LAW

**R. 5** — Amendment of *vide* Notification No. FD 20 PES 92, dated 21st June, 1993 — Constitutional validity of amended Rule 5 challenged — Rule placing restrictions regarding location of shops — Whether unreasonable and arbitrary, thereby offending Article 14 of the Constitution?

1. Third proviso inserted by Notification No. FD 11 PES 2015, dated 19-5-2017, w.e.f. 19-5-2017
2. Sub-rule (2-A) inserted by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
3. Substituted for the words "and compliance" by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
4. Inserted by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
5. Sub-rule (5) substituted by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016

period during which she has been wrongfully prevented from carrying on the business by the impugned order. — *Geetha v State of Karnataka and Others*, 2000(2) Kar. L.J. 383.

[17-A. Transfer in the event of death.—In the event of death of the licensee or the lessee [x x x x], the Deputy Commissioner may on an application by the legal heirs of the deceased with the previous sanction of the Excise Commissioner, transfer the licence or the lease as the case may be, in their favour.]

#### CASE LAW

**Rule 17-A — CL-2 Licence —** Petitioners being legal heirs seeking transfer of licence of the deceased husband of 1st petitioner and father of other petitioners — Daughter of deceased raising objections — Held — In the absence of agreement between all the legal heirs, direction to transfer licence to one legal heir cannot be granted — Parties at liberty to avail remedies in accordance with law.

*A.S. Bopanna, J., Held:* Insofar as the contention that is put forth by the learned Counsel for the petitioners by placing reliance on Rule 17-A of the Rules, 1967, a perusal of the Rule no doubt would indicate that the legal heirs of the deceased licensee may make an application to the Deputy Commissioner of Excise for transfer and such application could be considered for transfer of licence with the previous sanction of the Excise Commissioner in favour of such legal heirs. If in that light, the petitioners have sought for transfer relying on the said provision and if the wife of respondent 4 who is the daughter of the deceased licensee has objected with regard to the transfer of licence, neither the Deputy Commissioner of Excise, the Excise Commissioner nor this Court in a writ proceedings can decide with regard to the appropriate person to be considered as the legal heir if all the legal heirs by themselves do not unitedly seek for transfer of licence and raise an *inter se* dispute. . . . . Therefore, in that light, if the provision is taken into consideration unless there is an agreement between the legal heirs to seek transfer of licence jointly in all their names or in the name of any one person with the consent of the others, this Court at this juncture cannot direct that the licence be transferred in the name of any one person where there are more than one legal heir. . . . . That apart, when Court already indicated that if there are more than one legal heir, it can only be in the joint names or in the name of one person as agreed by the others, in the absence of such agreement between the legal heirs, a direction in the writ petition to transfer the licence to one legal heir would not be possible. . . . . Insofar as the claim as made by respondent 4 under a *Will*, certainly the right of respondent 4 also cannot be adverted to in the instant writ petition since it is for the Competent Court to decide all these aspects of the matter. Therefore in such circumstance, the *mandamus* as sought cannot be issued. The parties are at liberty to avail their remedies in accordance with law. — *Smt. Hamsamma and Others v The Excise*

1. Rule 17-A inserted by GSR 141, dated 5-5-1977, w.e.f. 12-5-1977.

2. The words "during the currency of the licence or lease" omitted by Notification No. FD/08/PES 2014, dated 21-11-2014, w.e.f. 21-11-2014

## CASE LAW

**Rule 21** — Criminal Procedure Code, 1973, Section 482 — Prayer — For quashing of FIR — Offences — Under the Karnataka Excise Act, 1965 — Search conducted without recording the grounds for his belief — That such an offence committed — Held, such probable defence is available only at the time of trial, thus writ petition is dismissed.

*N. Ananda, J., Held:* Search conducted by an officer, without recording of the grounds for his belief that an offence under the Act was likely or being committed would vitiate entire proceedings and investigation of first information would be abuse of process of law. . . . . It is not possible to take into consideration the probable defence that may be available to petitioner during trial. At this stage, it is not possible to hold that there was violation of the provisions of Section 54 of the Act. Such contention can be raised only after final report is filed against petitioner. — *Smt. Mahananda v State of Karnataka*, 2013(1) Kar. L.J. 178.

**22. Conviction entails cancellation of all licences.**—Where a licensee holds more than one licence and he is convicted for breach of conditions of any one of such licences, the other licences also may be cancelled.

**23. Shifting of shops.**—Subject to the restrictions specified in Rule 5, the Deputy Commissioner may permit a licensee to shift the location of his shop from one place to another within the limits of a Grama Panchayat or within the <sup>2</sup>[Municipal Area] or City Municipal Corporation] <sup>3</sup>[on payment of a fee equivalent to <sup>4</sup>[fifty per cent] of the licence fee charged on the licence in respect of such shop:]

<sup>5</sup>[x x x x x:]

<sup>6</sup>[<sup>7</sup>[Provided that] subject to Rule 5, in case of CL-2 <sup>8</sup>[and CL-9] licences, the Deputy Commissioner may permit a licensee to shift the location of his shop.—

- (a) within the limits of Municipal Area/Town Panchayat Area or City Municipal Corporation;
- (b) from category (a), (b), (c) and (d) areas to category (e) area of item 2 <sup>9</sup>[and item 9] of sub-rule (1) of Rule 8 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968 within the District;

1 Rule 23 substituted by Notification No. FD 22 PES 93(ii), dated 9-5-1994, w.e.f. 9-5-1994.  
 2 Substituted for the words "territorial division of Municipality" by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.  
 3 Inserted by Notification No. FD 5 PES 2000, dated 28-4-2000 and shall be deemed to have come into force w.e.f. 1-4-2000.  
 4 Substituted for the words "twenty-five per cent" by Notification No. FD 03 PES 2014(V), dated 28-2-2014, w.e.f. 1-7-2014.  
 5 First proviso omitted by Notification No. FD 08 PES 2011, dated 6-8-2014, w.e.f. 6-8-2014.  
 6 Second proviso inserted by Notification No. FD 7 PES 2008(II), dated 15-1-2009, w.e.f. 15-1-2009.  
 7 Substituted for the words "Provided further that" by Notification No. FD 17 PES 2017(1), dated 20-1-2018 and shall be deemed to have come into force w.e.f. 27-6-2017  
 8 Inserted by Notification No. FD 11 PES 2009, dated 9-2-2010, w.e.f. 9-2-2010.  
 9 Inserted by Notification No. FD 11 PES 2009, dated 9-2-2010, w.e.f. 9-2-2010.

- (c) <sup>1</sup>[from one category (e) area to another category (e) area] of item 2 <sup>2</sup>[and item 9] of sub-rule (1) of Rule 8 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968 within the District:]

<sup>3</sup>[Provided further that the following exemptions or relaxations shall be granted as a one-time measure during the period commencing from 27th day of June, 2017 and ending on 31st day of December, 2017 to those affected licences, and restricted to renewal of licences for the Excise year 2017-18, which are to be shifted in compliance with the judgment of the Hon'ble Supreme Court in Civil Appeal Nos. 12164 to 12166 of 2016 (Arising out of SLP (C) Nos. 14911 to 14913 of 2013) and Civil Appeal No. 12170 of 2016, dated 15-12-2016. —

- (i) the fee prescribed for shifting of licence is reduced by 50% to the aggrieved licensees to shift the affected licence.
- (ii) the maximum quota fixed as per Rule 12 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968, is relaxed in respect of shifting of affected CL-2 (Retail Shop) licences.
- (iii) the restrictions specified in the first proviso to this rule are relaxed and the Deputy Commissioners of Excise are empowered to pass shifting orders in respect of affected licences within the jurisdiction of the concerned district.]

<sup>4</sup>[Provided also that subject to Rule 5, in case of CL-11 (C) licence, the Deputy Commissioner of Excise may permit the licensee to shift the location of his shop. —

- (i) from the limits of one Grama Panchayat to the limits of another Grama Panchayat within the district, in respect of 463 CL-11 (C) licences sanctioned to the Mysore Sales International Limited (MSIL) (A Government of Karnataka Undertaking) *vide* Government Order No. FD/07/EFL/2008, dated 3-7-2009; and
- (ii) from the limits of one Grama Panchayat to the limits of another Grama Panchayat within the same Legislative Assembly constituency, in respect of additional 900 CL-11 (C) licences sanctioned to Mysore Sales International Limited (MSIL) (A Government of Karnataka Undertaking) *vide* Government Order No. FD/15/EFL/2015, dated 23-9-2016.

**24. Licensee not entitled to compensation.** — Where a licence is cancelled during the currency of the licence, the licensee shall not be entitled to any compensation of any kind.

1. Substituted for the words, letter and brackets "within category (e) area" by Notification No. FD 03 PES 2020, dated 26-8-2020, w.e.f. 26-8-2020
2. Inserted by Notification No. FD 11 PES 2009, dated 9-2-2010, w.e.f. 9-2-2010.
3. Second proviso inserted by Notification No. FD 17 PES 2017(1), dated 20-1-2018 and shall be deemed to have come into force w.e.f. 27-6-2017
4. Third proviso inserted by Notification No. FD 03 PES 2020, dated 26-8-2020, w.e.f. 26-8-2020