

**{176} G.N.R.D. No. 3469/49 dated 3rd May, 1950.
(B.G.PT.IV-B.P.803-A)**

Subject : Prescribing licence for the sale of rotten Gur or/and rotten dates.
Cancelled by G.O., H.D. No. BPA 1062/9842-III dated 25th July 1962
(M.G., Pt. IV-B, p. 2580)

**{177} G.O.H.D. LAG 1094/108890/CASSU-235/EXC-3 dated 30th June, 2003.
(Superseded by G.O.H.D. dated 25th March 2008.)**

{178} G.O.H.D. No. MIS-1108/CR-7/EXC.-3, dated 25th March, 2008.

1. Amended by G. O., H. D., No. MIS.1108/CR-7/EXC-3, dated 12th February 2009 (M. G., Pt. IV-B., p.186-189)

In exercise of the powers conferred by sub-section (1) read with sub-section (2) of Section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and all other process enabling it in this behalf and in supersession of the Government Order, Home Department, No. LAQ. 1094/108890/(Assu-235). EXC-3, dated the 30th June, 2003, the Government of Maharashtra is hereby pleased to make the following Order, namely :—

1. *Short title.*—This order may be called the Bombay Prohibition (Closure of licence on Resolution by *Gram Sabha* or representation by Voters in the Ward of Municipal Council/ Corporation) Order, 2008.

2. *Definitions.*—In this Order, unless the context requires otherwise,—

(a) “Act” means the Bombay Prohibition Act, 1949 (Bom. XXV of 1949);

(b) “Block Development Officer” means a Block Development Officer as defined under clause (5) of Section 2 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962);

(c) “Chief Officer” means a Chief Officer as defined under clause (5) of Section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965);

(d) “Collector” means Collector as defined under clause (4) of Section 2 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949);

(e) “Corporation” means a Corporation under the Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949), the Bombay Municipal Corporation Act (Bom. III of 1888), or the City of Nagpur Corporation Act, 1949 (C. P. and Berar II of 1959);

(f) “Deputy Commissioner” means a Deputy Commissioner as appointed under Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949);

(g) “*Gram Sabha*” means the *Gram Sabha* under the Bombay Village Panchayats Act, 1958 (Bom. III of 1959);

(h) “Inspector of State Excise” means an Inspector of State Excise as authorised by notification under Section 5 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949);

(i) “Licence” means a licence for the retail sale of country liquor in Form CL-III, permit room in Form FL-III, beer bar in Form E, retail sale of foreign liquor in Form FL-II granted under the Act;

(j) “Municipal Council” means a Municipal Council under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965);

(k) “Resolution” means a Resolution passed by the *Gram Sabha* in the concerned village;

(l) “Secretary” means Secretary of a Panchayat as defined under clause (20) of Section 3 of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959);

(m) “Superintendent of State Excise” means a Superintendent of State Excise as authorised by notification under Section 5 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949).

3. *Resolution by Gram Sabha for closing down liquor shop.*—(1) The Collector shall closed down such liquor shop if not less than fifty per cent of the total voters or women voters present in the *Gram Sabha* pass the resolution by a simple majority for closing down the liquor shop. Any such resolution shall be passed in accordance with the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) and rules made thereunder. The voters shall produce their photo identity before the *Gram Sabha* for verification as the voter is resident of the same village. If photo identity is not produced, under such circumstances the Secretary of Panchayat shall certify regarding the bona fide of voters. The voters, those produce such proofs, shall be allowed to participate in *Gram Sabha*.

(2) The verification of voters shall be done by the Block Development Officer alongwith the Inspector of State Excise of the area. The *Gram Sabha* shall be held in the presence of these two officers and representative of the liquor licence holder. There shall be video shooting of such *Gram Sabha* and said shooting shall be used as an evidence.

(3) The Collector shall not take into consideration the resolution passed by the *Gram Sabha* for reopening a shop at least one year from the date of passing resolution for closure of shop. If the *Gram Sabha* fails to pass the resolution for closure of liquor shop then at least one year, *Gram Sabha* shall not pass any such resolution for closure of shop.

¹[(3A) If, not less than Twenty-five per cent of the women voters or total voters in any village give a representation in writing to the concerned Superintendent of State Excise and demand to close down the liquor shop in a village, such application shall be verified by the Superintendent of State Excise. After verification of authenticity of signature on the representation and its genuinity, the Collector shall direct the concerned Tahasildar, to take secret poll fearlessly by utilizing a specimen balot paper appended herewith. Thereafter, the concerned Tahsildar shall declare place, date and time of election at least seven days in advance. The latest list of voters shall be used for such election. The election process of voters of that concerned village shall be completed by secret ballot under the supervision of the concerned Tahsildar or an Officer not below the rank of Naib Tahsildar, authorised by him. The representative of Superintendent not below the rank of Inspector of State Excise and the liquor license shall be allowed to remain present during the poll. If, in such election more than fifty per cent, of the women voters or total voters of the concerned village vote for closing down the liquor shop, the Collector shall pass an order for closing down such liquor shop.”]

4. If, not less than twenty-five per cent of the women voters of total voters in any ward of Municipal Council or Corporation give a representation in writing to the concerned Superintendent of State Excise and demand to close down the liquor shop in the area of the ward, such application shall be verified by the Superintendent of State Excise. After verification of truth's of signature on the representation and if found correct then the Collector shall direct the concerned Chief Officer/Deputy Commissioner, as the case may be, to take secret poll fearlessly by utilizing a specimen ballot paper appended herewith. Thereafter, the Chief Officer/Deputy Commissioner, as the case may be shall declare place, date and time of election at least seven days in advance. The latest list of voters shall be used for such election. The election process of voters of that ward shall be completed by secret ballot under the supervision of Chief Officer/Deputy Commissioner or an Officer not below rank of Deputy Chief Officer or Assistant Commissioner, respectively, authorised by the Chief Officer or Deputy Commissioner, as the case may be. The representative of Superintendent not below the rank of Inspector of State Excise and the liquor licensee shall be allowed to remain present during the poll. If in such election more than fifty percent of the women voters or total voters of that ward vote for closing down the liquor shop, the Collector shall pass an order for closing down such liquor shop.

1. Ins. by G. N. 12/2/2009.

5. *Time for completion of action on resolution under clause ¹[(3) or representation under clause(3A) and (4) received.]*—After receiving the resolution by *Gram Sabha* under clause (3) or ¹[representation from village or ward of Municipal Council or Corporation under clause (3A) and (4)] above for closing down the liquor shop, the Collector shall complete the necessary final action within three months from the date of receipt of such resolution or representation. If for any reason action is not completed within a period of three months, the Collector shall obtained prior permission from the Commissioner of Prohibition and Excise as appointed under the Bombay Prohibition Act, 1949, for extending the period.

6. *Selection of place of voting under clause (4).*—The Chief Officer/Deputy Commissioner as the case may be, shall select and fix the place of voting on the norms on which the place for voting for elections of Municipal Council/Municipal Corporation is to be selected.

7. *Declaration of the place, date and time of poll.*—(1) If the Collector was decided to take secret poll to close down the liquor shop in any ward of Municipal Council or Corporation, the place, date and time of the poll shall be published on the notice board of the ward office and the Head Office of concerned Municipal Council or Municipal Corporation at least seven days in advance of the date of election.

(2) The voting time shall be from 8.00 a.m. to 2.00 p.m.

8. *Declaration of the place, date and time of counting.*—(1) The Chief Officer/Deputy Commissioner, as the case may be shall publish the place, date and time of counting on the notice board of the ward office concerned, and also Head Office of the Municipal Council or Municipal Corporation concerned, at least seven days in advance of the date of election.

(2) Counting shall be started at 4.00 p.m. on the date of election.

(3) Counting process shall be completed under the supervision of the Chief Officer/Deputy Commissioner or an officer not below the rank of Deputy Chief Officer/Assistant Commissioner respectively authorised by the Chief Officer or Deputy Commissioner, as the case may be.

(4) The Chief Officer/Deputy Commissioner, as the case may be, shall declare the result after completion of the counting of votes and shall submit the report to the Collector immediately.

9. *Specimen of Ballot Paper* :—

(1) ¹ [Name of the (villager or) Ward in case of Municipal Corporation/Municipal Council.]
Name of the CL.III/FL-II/FL-III
(2) Form-E-Licensee/Name of Firm.
(3) Date and Time of Voting.
Licence to be continue.
Licence not to be continue.

Signature of the Polling Officer.

1. Sub. by G. N. 12/2/2009.

