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DEPARTMENT OF EXCISE PANAJI Inward No. <u>12918</u> Date: <u>09/02/2017</u>
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No. 1/9/2016 - Fin (R&C)(b)  
Government of Goa,  
Office of the Chief Secretary,  
Secretariat, Porvorim - Goa.

Date: 07/02/2017.

ORDER

WHEREAS, the Hon'ble Supreme Court of India vide its Judgment dated 15/12/2016 in Civil Appeal Nos. 12164-12166 of 2016 [Arising out of SLP (C) No.14911-14913 of 2013] has issued the following directions under Article 142 of the Constitution of India, viz. :

- (i) All States and Union Territories shall forthwith cease and desist from granting licences for the sale of liquor along national and state highways;
- (ii) The prohibition contained in (i) above shall extend to and include stretches of such highways which fall within the limits of a municipal corporation, city, town or local authority;
- (iii) The existing licences which have already been renewed prior to the date of this order shall continue until the term of the licence expires but no later than 1 April 2017;
- (iv) All signages and advertisements of the availability of liquor shall be prohibited and existing ones removed forthwith both on national and state highways;
- (v) No shop for the sale of liquor shall be (i) visible from a national or state highway; (ii) directly accessible from a national or state highway and (iii) situated within a distance of 500 metres of the outer edge of the national or state highway or of a service lane along the highway.
- (vi) All States and Union Territories are mandated to strictly enforce the above directions. The Chief Secretaries and Directors General of Police shall within one month chalk out a plan for enforcement in consultation with the state revenue and home departments. Responsibility shall be assigned inter alia to District Collectors and Superintendents of Police and other competent authorities. Compliance shall be strictly monitored by calling for fortnightly reports on action taken.
- (vii) These directions issue under Article 142 of the Constitution.

AND WHEREAS, in order to comply with the aforesaid directions of the Hon'ble Supreme Court it is necessary to, -

- (i) Identify all licences for sale of liquor along the National highways, State highways and service lanes along the highways, which contravene the

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aforesaid directions and to ensure that all such licences do not continue to operate after 1<sup>st</sup> April 2017.

- (ii) Identify all signages and advertisements of the availability of liquor, both on National and State highways and ensure that the same are removed forthwith and prohibit all such advertisements and signages.

NOW, THEREFORE, it is expedient to issue the following directions to the concerned Departments / Authorities concerned to carry out the specific work / task related to their respective sphere of jurisdiction and to other line Departments for providing support and assistance to these Departments / Authorities for total compliance of the directions issued by the Hon'ble Supreme Court; viz. :

1. The precise alignment and width of every highway or service lane along the highway, along its entire stretch indicating the survey numbers (by taking into consideration the definition of the highway, its category and actual boundaries) is necessary to be identified and delineated on the Survey Plans by the Public Works Department (PWD). After marking the alignment of the highways and indicating the survey numbers of the roads according to their respective width and category, the plans of all the State and National Highways shall be submitted to the Directorate of Settlement and Land Records (DSLRL).  
The Principal Chief Engineer, PWD shall issue necessary directions and constitute teams of the required personnel as may be necessary and also seek the assistance from other Departments for the purpose of carrying out the above work / task.
2. The Director, DSLR on receipt of the plans as above from the PWD shall further process these plans and prepare talukawise plans of the highways and their service lanes (on 1:4000 scale) indicating the length and width of all National highways, State highways and service lanes along the highways, on which the reference line of 500 metres from the outer edge of the National or State highway or of a service lane along the highway, shall be delineated.
3. The Commissioner of Excise shall compile the details of all licenses issued in the State of Goa for sale of liquor alongwith details of the survey numbers of land in which the licensed premises is located and submit the details to the Director (DSLRL).
4. The Commissioner of Excise in consultation with the Departments concerned shall constitute Taluka Level Teams (TLT) headed by the Joint Mamlatdar

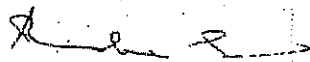
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and comprising of the Taluka Excise Inspectors, Assistant Engineer (PWD), Inspector of Survey and Land and Circle Inspector of the Office of the Mamlatdar. These teams will obtain the Talukawise survey plans prepared by DSLR and demarcate the 500 metres line at loco and also identify and demarcate on the plans, the affected licensed premises for sale of liquor after obtaining the details of all licensed premises for sale of liquor from the Commissioner of Excise.

5. For the purpose of physical demarcation on loco, a physical identifiable landmark, abutting the Highways, at or near a distance of 500 metres will be identified in the first instance. The licensed premises which can be easily identified within the prohibited area will be demarcated in the first phase, followed by those which are closer to the 500 metres reference line, in which case physical survey and mapping will be carried out to identify the exact location.
6. While carrying out the above exercise and taking into consideration the large number of licenses and the vast length of the roads involved, the survey process shall be prioritized as follows:
  - (i) The survey will be initiated from the State border points of the National Highway and proceed accordingly. The State highways will be taken up thereafter.
  - (ii) Vulnerability points, viz. (a) accident prone spots, (b) intersections and crossings, and (c) increased density of traffic; will also be surveyed simultaneously.
7. On completion of the above exercise the complete Talukawise plans alongwith the respective survey report shall be submitted to the DSLR by the TLT's. The DSLR shall countersign all the Taluka level survey plans and reports received from the TLT's and forward the same to the Commissioner of Excise for further action.
8. The Commissioner of Excise shall on receipt of the aforesaid plans from the Director, DSLR wherein all the affected licensed premises for sale of liquor have been clearly demarcated, initiate action under the Goa Excise Duty Act & Rules 1964 for stopping the operation of all the affected licenses in the area and ensure that all such licences are not renewed and cease to operate from 1<sup>st</sup> April 2017.

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9. The Director of Panchayats and the Director of Municipal Administration shall issue immediate directions to all the local bodies to forthwith identify and remove all signages and advertisements of the availability of liquor along the National and State highways and ensure that no permission is granted by the local bodies for such signages and advertisements.
  
10. In case any dispute is raised by any affected licensee as to the measurement of the distance of his licensed premises from the edge of the highway or of a service lane along the highway, than in such cases the Commissioner of Excise shall refer the matter to the Director, DSLR; who shall arrange for site measurement of the distance through the respective TLT in the presence of the licensee and such measurement shall be final and accepted as the correct distance by the Commissioner of Excise while deciding the matter.
  
11. The State Revenue Authorities i.e. The District Collectors as well as the Law Enforcement Authorities i.e. Director General of Police through the Superintendents of Police of the District; shall provide the required assistance to the above authorities in carrying out the task by their respective Departments for expeditious compliance of the directions of the Hon'ble Supreme Court and within the time frame as directed.
  
12. The progress of the compliance of the above directions shall be monitored by the Core Committee constituted for monitoring the implementation of the Order of the Hon'ble Supreme Court which shall submit its fortnightly report on the progress to the undersigned from the date of issue of this order.

  
 (Dharmendra Sharma)  
 Chief Secretary

To

1. Director General of Police, Panaji - Goa.
2. Commissioner of Excise, Panaji - Goa.
3. Principal Chief Engineer, PWD, Panaji, Goa.
4. Director, Directorate of Settlement and Land Records, Panaji - Goa.
5. District Collector, North Goa District, Panaji - Goa.
6. District Collector, South Goa District, Margao - Goa.
7. Superintendent of Police, North Goa District, Porvorim - Goa.
8. Superintendent of Police, South Goa District, Margao - Goa.
9. Director of Municipal Administration, Panaji - Goa.
10. Director of Panchayats, Panaji - Goa.

Copy to,

1. Finance Secretary, Secretariat, Porvorim - Goa.
2. O.S.D. to Hon'ble Chief Minister, Ministers Block, Secretariat, Porvorim - Goa.