



Government of Goa
Department of Finance (Revenue & Control)
Secretariat, Porvorim
Bardez - Goa. 403521

No. 1/9/2016-Fin(R&C)(c) 1746 Dated:- 24/07/2018

Read:

- (1) Order No. 1 / 9 / 2016 - Fin (R&C)(b) dated 07/02/2017.
- (2) Order No. 1 / 9 / 2016 - Fin (R&C)(c) dated 27/03/2017.
- (3) Order No. 1 / 9 / 2016 - Fin (R&C)(c) dated 05/04/2017.
- (4) Order No. 1 / 9 / 2016 - Fin (R&C)(c) dated 14/07/2017.
- (5) Order No. 1 / 9 / 2016 - Fin (R&C)(c) dated 11/09/2017.

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 implement the directives of the Hon'ble Supreme Court, a Plan of Action was prepared and issued vide Order dated 07/02/2017 (read at (1) above).

AND WHEREAS, vide Order dated 27 / 03 / 2017 (read at (2) above), certain directions were given by the Government in order to modify the coverage of the Plan of Action dated 07 / 02 / 2017 as prepared by the Committee headed by the Chief Secretary and approved by the Government, viz: —

1. In regards to advertisement / signages indicating availability of liquor, the same need to be removed within 500 meters from the edge of the highways or service lanes, as the case may be. Further, in rest of the area of State, the God Excise Duty Act, 1964 prohibits alcohol advertisement and the same be enforced;
2. In regards to wholesale license, as they are not permitted to sell to a consumer and only stock material for purpose of sale to another licensee, they do not fall within the purview of the decision, provided they do not display any advertisement / signage;
3. In regards to bars & restaurants and taverns, in view of the legal advice tendered, the same are not covered by the judgment and therefore their licenses be renewed. However, the renewal is subject to any further directives of the Apex Court; and
4. All shops / vends, i.e. retail sale of liquor in packed / sealed bottles, however being explicitly covered under Supreme Court decision, within distance of 500 meters radius; cannot be permitted and therefore license shall not be renewed.

AND WHEREAS, the Hon'ble Supreme Court of India vide its Orders dated 31 / 03 / 2017 in IA Nos. 4-6, 7-9, 10-12, 13-15, 16-18, 19-21, 22-24, 25-27, 28-30, 31-33, 34-36, 37-39, 40-42 in Civil Appeal Nos. 12164-12166 of 2016 has further clarified and issued revised directions in respect of the judgment dated 15.12.2016 in Civil Appeal Nos. 12164-12166 of 2016, issued certain directions under Article 142 of the Constitution of India, mainly to prohibit sale of liquor along the national and state highways w.e.f. 01st April, 2017.

AND WHEREAS, vide Order dated 05 / 04 / 2017 (read at (3) above), certain directions were further given by the Government to modify the

coverage of the Plan of Action, in view of revised orders dated 31 / 03 / 2017 of the Hon'ble Supreme Court of India which further clarifies the judgment dated 15 / 12 / 2016 and covers retail sale of liquor for the purpose of consumption on the premises i.e. in bars & restaurants and in case of areas comprised in local bodies with a population of 20,000 people or less, where the distance of 500 meters shall stand reduced to 220 meters; viz. :-

(i) Sr. No. (3) of the instructions in order dated 27/03/2017 (read at (2) above) stands deleted; and

(ii) The Commissioner (Excise) shall proceed to renew the licenses of the retail sale of liquor to the licensees located beyond 220 metres from the outer edge of the state and national highways, except in the areas comprising the census towns of Curchorem, Margao, Mormugao, Panaji, Mapusa & Ponda and Village Panchayats of Taleigao, Sancoale and Curti-Khandepar having a population of over 20,000.

AND WHEREAS, vide Order dated 14 / 07 / 2017 (read at (4) above), certain directions were further given by the Government to modify the coverage of the Plan of Action dated 07 / 02 / 2017 (as amended from time to time); whereby in the Order dated 27 / 03 / 2017 (read at (2) above), the direction no. (4), was substituted, namely: -

"4. If a person has to travel by road from the outer edge of the highway to reach the shop / vend, i.e. retail sale of liquor in packed / sealed bottles, and the distance from such highway to the shop / vend is more than the prohibited distance, then the same shall not preclude the Authorities from granting necessary permissions and / or renewal of the licence, subject to the condition that the shop / vend i.e. retail sale of liquor is not visible nor directly accessible."

Further, the Commissioner (Excise) was directed to consider individual request being made by the affected licensee for re-measurement of the distance as per above guidelines and proceed to renew the licence, provided the directions above and other conditions of grant / renewal of licence, are fully met.

AND WHEREAS, vide Order dated 11/09/2017 (read at (5) above), in view of the specific directions of the Hon'ble Supreme Court of India dated 11/07/2017 in SLP (Civil) No. 10243 of 2017, clarifying its directions dated 15/12/2016 Civil Appeal Nos. 12164-12166 of 2016, in respect of prohibiting licensed establishments within municipal areas; the Government directed further modification of the coverage of the Plan of Action dated 07/02/2017 (as amended from time to time), namely: -

(i) The Commissioner (Excise) shall proceed to renew the licenses of the retail sale of liquor to the licensees located within municipal areas comprising of the Municipal Councils of Valpoi, Sanguelin, Bicholim, Mapusa, Ponda, Curchorem-Cacora, Sanguem, Margoa, Mormugao, Cuncolim & Canacona and the City Corporation of Panaji, which were earlier not renewed on or after 31st March, 2017, on account of the directions of the Hon'ble Supreme Court in the judgment dated 15/12/2016 and Orders dated 31/03/2017, provided other conditions of grant / renewal of licence, are fully met.

AND WHEREAS, the Hon'ble Supreme Court of India vide its Order dated 23/02/2018 (in MA Nos.489-491/2018, 366-368/2018, 392-394/2018, 395-397/2018, 388-390/2018, 1543-1545/2017, 1546-1548/2017 and 1549-1551/2017 in Civil Appeal Nos. 12164-12166 of 2016), has clarified its directions in the judgement dated 15/12/2016 and its Order dated 11/07/2017. Para (7) and para (8) of the Order dated 23/02/2018, reads as follows: —

“ 7. In the Order passed by this Court on 11 July, 2017, it was observed that the purpose of the directions contained in the order dated 15 December 2016 is to deal with the sale of liquor along and in the proximity of highways properly understood, which provide connectivity between cities, towns and villages. Having regard to this object it was noted that the order does not prohibit licensed establishments within municipal areas. Indeed, in order to ensure that the order is uniformly understood across the country, this court clarified that it will govern other municipal areas as well. In the subsequent order of this Court dated 13 December 2017, liberty has been granted to the licence holders to submit a representation to the state government that the same principle should apply to the licensed establishments of the petitioners, as they apply to municipal areas/MIDC developed areas (in relation to the State of Maharashtra).

8. Having regard to these directions, we are of the view that the state governments would not be precluded from determining whether the principle which has been laid down by this Court in the order dated 11 July 2017 in **Arrive Safe Society** (supra) should also apply to areas covered by local self-governing bodies and statutory development authorities. We are inclined to allow the state governments to make this determination since it is a question of fact as to whether an area covered by local self-governing body is proximate to a municipal agglomeration or is sufficiently developed as to warrant the application of the same

principle. In deciding as to whether the principle which has been set down in the order dated 11 July 2017 should be extended to a local self-governing body (or statutory development authority) the state governments would take recourse to all relevant circumstances including the nature and extent of development in the area and the object underlying the direction prohibiting the sale of liquor on national and the state highways. The use of the expression 'municipal areas' in the order dated 11 July 2017 does not prevent the state governments from making that determination and from taking appropriate decisions consistent with the object of the orders passed by this Court. We leave it open to individual licensees to submit their representations to the competent authorities in the state governments if they are so advised upon which appropriate decisions may be taken by the state governments. We have issued this general direction to obviate both litigation before the High Courts and repeated recourse to applications to this Court."

AND WHEREAS, several representations were received by the Government pursuant to this Order of the Hon'ble Supreme Court dated 23/02/2018, seeking relief and exclusion from the earlier directions of non-renewal of licences in the areas along the national and state highways, covered by the judgment and orders of the Hon'ble Supreme Court dated 15/12/2016 and 31/03/2017. In order to examine the decision of the Hon'ble Supreme Court and to recommend the parameters based upon which the other areas concerned, could be declared as similar to municipal towns or being sufficiently developed, Government constituted a three member Committee of Cabinet Ministers vide Order No. 1/9/2016-Fin(R&C)(d) dated 22/03/2018, comprising of Hon'ble Minister for Urban Development and Law as its Chairman, with Hon'ble Ministers for Agriculture and Revenue as its Members.

AND WHEREAS, the Committee, held deliberations and discussions in its meetings held on 28/03/2018, 04/04/2018 and 11/04/2018, and submitted its Report on 18/04/2018 to the Government. The recommendations of the Committee are at para (13) of the Report. Para (13) of the Report reads as follows: —

" 13. Therefore following are the recommendations of the Committee on the basis of deliberations and the guiding principle set by Hon'ble Supreme Court in its order dated 23 February 2018:

(A) To consider all villages categorized as Census Towns, Out Growth and Urban Agglomeration in the Census of India 2011 data for the State of Goa as 'Sufficiently Developed Areas' and all non-renewed licences can be renewed in these villages by treating them as Municipal Areas and by

applying the same principle which was applied in the Order dated 11 July 2017 of Hon'ble Supreme Court.

(B) To consider those villages or the part of that village which falls within the area covered in Outline Development Plan of 3 agencies of North Goa Planning & Development Authority (NGPDA), South Goa Planning & Development Authority (SGPDA) and Mormugao Planning & Development Authority (MPDA), being 'Sufficiently Developed Areas' and all non-renewed licences can be renewed in these villages by treating them as Municipal Areas and by applying the same principle which was applied in the Order dated 11 July 2017 of Hon'ble Supreme Court.

(C) To consider all villages falling within the area of Mopa Airport Planning Development Area and adjoining villages with geographical proximity to the Mopa Airport Planning Development Authority Area being 'Sufficiently Developed Area' and all non-renewed licences can be renewed in these villages by treating them as Municipal Areas and by applying the same principle which was applied in the Order dated 11 July 2017 of Hon'ble Supreme Court.

(D) To grant the same exemptions to the villages whose boundaries are contiguous to the boundaries of an existing Municipal Corporation/Municipal Council and renew all non-renewed licences by treating them as Municipal Areas and by applying the same principle which was applied in the Order dated 11 July 2017 of Hon'ble Supreme Court.

(E) To consider all other Revenue villages not falling under above categories i.e. A, B, C, D, on case to case basis and if Town & Country Planning Department or Urban Development Department certifies a particular village to be 'Sufficiently Developed' then that village also can be treated as 'Sufficiently Developed Area' and all non-renewed licences can be renewed in these villages by treating them as Municipal Areas and by applying the same principle which was applied in the Order dated 11 July 2017 of Hon'ble Supreme Court."

AND WHEREAS, the recommendations of the Committee made in its Report dated 18/04/2018 were duly examined by the Government, and the Government decided to accept, the recommendations as made out by the Committee in its Report dated 18/04/2018 as at para (13) (A), (B), (D) and (E) only, as detailed above.

NOW, THEREFORE, in view of the directions of the Hon'ble Supreme Court of India dated 23/02/2018, and the recommendations of the Committee constituted by the Government in its Report dated 18/04/2018 (as accepted by the Government); the Government of Goa hereby directs modification of the coverage of the Plan of Action dated 07/02/2017 (as amended from time to time) as follows: —

(i) The Commissioner of Excise shall proceed to renew the licences of the retail sale of liquor to the licencees located within the Village jurisdiction as indicated in the **Annexure-I** appended herewith; which were earlier not renewed on or after 31st March, 2017, on account of the direction of the Hon'ble Supreme Court in the judgement dated 15/12/2016 and order dated 31/03/2017; provided other conditions of grant/renewal of licences, are fully met.

(ii) Further, the Commissioner of Excise shall in terms of para 13 (E) of the Committee Report dated 18/04/2018, make a reference to the Chief Town Planner, Department of Town & Country Planning and the Director, Directorate of Municipal Administration, to certify whether the Villages indicated in **Annexure-II** appended herewith, can be said to 'Sufficiently Developed' so as to treat the same as 'Sufficiently Developed Area' for the purpose of renewal of licences of retail sale of liquor which were earlier not renewed on or after 31st March, 2017, on account of the direction of the Hon'ble Supreme Court in the judgement dated 15/12/2016 and order dated 31/03/2017. The reference report alongwith comments shall be submitted to the Government, within a period of one month from the date of issue of this Order.

**By Order and in the name of the
Governor of Goa**



(Daulat Hawaldar, IAS)
Finance Secretary

To:

1. Director General of Police, Panaji – Goa.
2. Commissioner of Excise, Panaji – Goa.
3. Principal Chief Engineer, Public Works Department, 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. Chief Secretary, Secretariat, Porvorim – Goa.
2. O.S.D. to Hon'ble Chief Minister, Ministers Block, Secretariat, Porvorim – Goa.

Annexure - I

Sr. No.	Name of villages	Name of the Taluka
1	Malpe	Pernem
2	Naibag	do
3	Colvale	Bardez
4	Guirim	do
5	Pilerne	do
6	Penha-de-Franca	do
7	Salvador do Mundo	do
8	Socorro	do
9	Bastora	do
10	Tivim	do
11	Corlim	Tiswadi
12	Chimbel	do
13	Calapor	do
14	Bambolim	do
15	Goa Velha	do
16	Mercurim (Agassaim)	do
17	Curca	do
18	Ella	do
19	Carambolim	do
20	Morambi-o-Grande (Merces)	do
21	Carapur	Bicholim
22	Pale	do
23	Mulgao	do
24	Sarvona	do
25	Harvalem	do
26	Kudnem	do
27	Onda	Sattari
28	Podocem	do
29	Porlem	do
30	Priol	Ponda
31	Bandora	do
32	Curti	do
33	Quela	do
34	Borim	do
35	Usgao	do
36	Betora	do
37	Chicalim	Mormugao
38	Sancoale	do
39	Cortalim	do
40	Dabolim	do
41	Verna	Salcete
42	Nuvern	do
43	Raia	do
44	Curtorim	do

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Sr. No.	Name of villages	Name of the Taluka
45	Sao Jose de Areal	Salcete
46	Davorlim	do
47	Navelim	do
48	Chinchinim	do
49	Hodar	Quepem
50	Balli	do
51	Sanvordeim	Sanguem
52	Cotarli	do
53	Uguem	do
54	Shristhal	Canacona

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Annexure - II

Sr. No.	Name of Revenue Villages	Name of the Taluka
1	Dargalim	Pernem
2	Tamboxem	do
3	Torxem	do
4	Amerem	do
5	Porascodem	do
6	Virnoda	do
7	Khajne	do
8	Uguem	do
9	Sircaim	Bardez
10	Assonora	do
11	Nanora	Bicholim
12	Dodamarg	do
13	Surla	do
14	Velguem	do
15	Morlem	Sattari
16	Querim	do
17	Bhuipal	do
18	Sonus-Vonvoliem	do
19	Gonteli	do
20	Siridao	Tiswadi
21	Adcolna	Ponda
22	Borna	do
23	Velinga	do
24	Cundaim	do
25	Candepar	do
26	Shiroda	do
27	Panchavadi	do
28	Chandor	Salcete
29	Carnurlim	do
30	Cavorim	do
31	Dramapur	do
32	Guirdolim	do
33	Loutulim	do
34	Nagoa	do
35	Sirlim	do

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Sr. No.	Name of Revenue Villages	Name of the Taluka
36	Telaulim	Salcete
37	Pale	Mormugao
38	Assolda	Quepem
39	Barcenn	do
40	Cordem	do
41	Xelvona	do
42	Bandoli	Dharbandora
43	Codli	do
44	Dudal (Dabal)	do
45	Darbandora	do
46	Mollem	do
47	Pilem	do
48	Lollem	Canacona
49	Poinguinim	do

