

**Government of Jammu and Kashmir  
Civil Secretariat Finance Department**

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Notification,  
Jammu, the 5<sup>th</sup> April, 2005

SRO 98.- In exercise of the powers conferred by Section 3-A, 12, 20 and 25 of the Jammu and Kashmir Excise Act, Samvat 1958, the Government hereby directs to make the following amendments in the Jammu and Kashmir Liquor License and Sale Rules, 1984:-

I Rule 8 shall be substituted by the following:-

"A License may be granted to:-

- a/ an individual subject to the condition that for retail vending of liquor he/she either exclusively or in partnership with his/her mother, father, son, brother, sister or daughter, does not hold a license for similar purpose;
- b/ A body incorporated under the Indian Companies Act, 1956;
- c/ A society registered under the Jammu and Kashmir cooperative societies Act;
- d/ A partnership or a firm if it does not hold the license for retail vending of liquor;

"Provided that the licensee holding the licence in JKEL-2 shall be physically and mentally fit to vend the liquor himself and shall not vend it through any other person by proxy or otherwise except in case of lady licensee who shall have it vend through her blood relations, duly authorized by her with the approval of the Licensing Authority."

II. Rule 14 shall be substituted by the following:-

"Every license issued under the provisions of the Jammu and Kashmir Excise Act and the rules framed thereunder shall be renewed before the expiry of its period of validity if the Licensing Authority approved the continuation of license through the same licensee and in respect of the same premises. A new license shall, however, be required where a licence has determined by reasons of surrender, cancellation or order of non-renewal or for any other reason or where it is proposed that a license in respect of premises or persons not previously licensed, should be issued;

Provided that no licence shall be deemed to have been renewed on its expiry unless the Licensing Authority issues the express orders for its continuation;

Provided further that:

- a/ a new license 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 license continued in favour of the legal representative of a deceased licensee for the remaining period of the licensee shall not be deemed to be a new license;
- c/ if the premises of a license are changed during the period of its currency the license may be continued for the remaining period of the term on existing fee on the direction of the authority competent to grant such license;

d/ the authority competent to grant the license can for good and sufficient reasons, transfer the license in favour of a legal heir of the licensee for remaining period of the term."

III. "Rule 34(a) for the letters and figures "Rs 10,000/-" the letters, words and figures "Rs 1.00 Lacs" shall be substituted.

IV At the end of rule 38(3) the following words shall be added:-

"This is, however, not applicable in respect of individuals or partnership firms holding license in form JKEL-2 who are not authorized to have more than one such license."

V Rule 38(3) (iv) shall be substituted by the following:-

" The licensee shall not sell Indian Made Foreign Liquor or Foreign Liquor at a rate more than the maximum price fixed by Excise Commissioner from time to time for different brands of such liquor."

By order of the Government of Jammu and Kashmir.

Sd/

Principal Secretary to Government,  
Finance Department

Dated:- 5 -04-2005

No.ET-E/19/2000

Copy to the:-

1. Commissioner/Secretary to Govt, Law Department (W.7.S.C.).
2. Excise Commissioner, J&K Jammu.
3. Dy. Excise Commissioner (Executive) Jammu/Kashmir.
4. Stock file.

05.4.05  
Under Secretary to Government  
Finance Department

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