

(1978) 08 SC CK 0022

In the Supreme Court Of India

Case No : Writ Petition No"s. 4154 and 4209, etc. of 1978

Sham Lal

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-08-1978

Acts Referred:

Punjab Excise Act, 1914 — Section 59(f)(v)

Citation : AIR 1978 SC 1484 : (1979) 1 SCR 159

Hon'ble Judges : V. R. Krishna Iyer, J;O. Chinnappa Reddy, J;D. A. Desai, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

Krishna Iyer, J.—The State of Haryana, like the other States of India, has on its statute book a legislation for liquor regulation and fiscal levy. In fact, it is the same as the Punjab Excise Act, 1914. To bring in progressive restriction in the sale of alcohol, Rule 37 was amended in Haryana making the 1st and the 7th of every month a holiday for liquor shops. This rule and the statutory source of power to make rules, namely, Section 59(f)(v) of the Punjab Excise Act, 1914, have been challenged before us on a variety of grounds and we have heard counsel on both sides. The arguments being identical with those already considered by us in the Punjab batch of writ petitions that judgment governs these cases also, and therefore we annex it to this judgment and we do not think it necessary to launch on any additional discussion.

2. A few other submissions, which hardly merit mention were made we do not deal with them.

3. One cautionary signal we would like to sound. Haryana and Punjab are neighbouring States and unless identical days of teetotalism for the liquor shops are declared in both States, the exercise in prohibition will prove futile, at least in the border districts. If the days are different in the two States, there will be a massive trek of the drinking population from the border districts of one State to

the other, thus defeating the statutory purpose. We hope that liquor lobby notwithstanding, the State, will streamline the 'dry' days in both the States.

4. For reasons given in writ petition Nos. 4021-4022 of 78 etc., we dismiss the present batch of writ petitions with costs. (One hearing fee).