

STATE ELECTION COMMISSION, MAHARASHTRA

No. SEC. 1095/CR-1/95/Desk-3,
New Administrative Building,
Opposite Mantralaya,
Madame Cama Road, Bombay 400 032.
Dated the 7th March 1995.

To,

The Chief Secretary to the Government of Maharashtra,
Mantralaya, Bombay 400 032.

Subject.—Prohibition on sale of liquor.

DIRECTION

Whereas, the superintendence, direction and control of all elections to the Panchayats and the Municipalities in the State are vested in the State Election Commission, Maharashtra in accordance with the provisions of Articles 243-K and 243-ZA of the Constitution of India ;

And Whereas, as envisaged in the provisions made by the Constitution (Seventy-third) Amendment Act, 1992 and the Constitution (Seventy-fourth) Amendment Act, 1992, it is intended *inter alia* to ensure regular, timely and also free, fair and in efficient manner, all elections to the Panchayats and the Municipalities under the superintendence, direction and control of the State Election Commission ;

And Whereas the provisions with regard to the elections to the Panchayats and the Municipalities made in the relevant State Acts under which Panchayat and the Municipalities are constituted do not, in all the Acts, provide for the prohibition on sale of liquor, during an election to a Panchayat or a Municipality ;

And Whereas, it is necessary and expedient in the interest of maintaining purity of elections to a Panchayat or a Municipality and in the interest of conduct of such elections in a free, fair, peaceful and efficient manner, to provide for prohibition on sale of liquor during any election to a Panchayat or the Municipality including any bye-election ;

And Whereas, the State Election Commission has ordered holding of general elections to over about 14,000 Village Panchayats throughout the State and fixed the programme therefor in two stages according to which the dates of poll fall on the 20th April 1995 and the 19th May 1995 and those of counting on the 20th or 21st April 1995 and the 19th or 20th May 1995 ;

Now, Therefore, in exercise of the powers conferred by Articles 243-K and 243-ZA of the Constitution of India, read with sub-section (4) of section 18A of the Bombay Municipal Corporation Act (Bom. III of 1888), sub-section (4) of section 9B of the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950), sub-section (4) of section 14 of the Bombay

भाग एक-अ] महाराष्ट्र शासन राजपत्र, असाधारण मार्ग २७, १९९५/फाल्गुन २९, शके १९९६

Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949), sub-section (4) of section 10A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, sub-section (4) of section 10A of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), the Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), and of all other powers enabling me in this behalf, and in relation to holding of elections under these provisions under the supervision, direction and control of the State Election Commission, I, D. N. Chaudhari, State Election Commissioner, Maharashtra hereby direct as follows :—

1. The sale of liquor and intoxicants is banned on the day immediately before the day of poll, on the day of poll, and also on the day of counting of votes. Such a ban is considered imperative for the proper maintenance of public order and also to prevent the possibility, not too indistinct in social culture, of the use of intoxicants as an inducement to colour the judgement of the voter at the time of poll and also disturbing public order. This also has indirect impact on the reduction of illegal election expenses.
2. No liquor shops, hotels, restaurants, clubs and other establishments selling/serving liquor; shall be permitted to sell/serve liquor to any one whatsoever, on the aforesaid days.
3. Non-proprietary clubs, Star Hotels, restaurants, etc and hotels run by anyone even if they are issued different categories of licences for possession and supply of liquor, should also not be permitted to serve liquor on these days.
4. The storage of liquor by individuals shall be curtailed during the above period and the restrictions provided in the Prohibition and Excise laws on the storage of liquor in unlicense premises shall be vigorously enforced.
5. Steps shall also be taken to prohibit sale of liquor in adjoining areas of the concerned Panchayat or Municipality so that there are no chances of clandestine movement of liquor from those areas, had the restrictions not been in operation.
6. The authorities concerned of the State Government shall declare and notify "dry days" under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) on the days referred to in direction 1 hereinabove.
7. The State Government shall strictly implement the above measures and issue detailed and comprehensive standing instructions to all the authorities concerned to take appropriate and legally effective steps in that behalf and assist the election authorities in the peaceful and smooth conduct of free and fair poll. A copy of the instructions so issued should be endorsed to the State Election Commission.
8. These directions shall apply at all other/future general or bye-elections to any Panchayat or Municipality in the State;

D. N. CHAUDHARI,
State Election Commissioner, Maharashtra.

Copy forwarded for information to—
All the Divisional Commissioners.
All the Municipal Commissioners.
All the Collectors of Districts.
All the Chief Executive Officers of the All Zilla Parishad.

300