

Chapter VI-A

SPECIAL PROVISIONS REGARDING PROHIBITION

Sections

37-A. [Prohibition of import, export transport, possession or consumption of intoxicants](#)

¹["**37-A Prohibition of import, export, transport, possession or consumption of intoxicants –**
(1) Subject to the provisions in sub-section (4), the import or export of any intoxicating into or from Uttar Pradesh or any part thereof or the transport of any intoxicant shall be prohibited.

(2) Notwithstanding anything contained in section 20, but subject to the provision of sub-section (4), the possession or consumption by any person or class of persons or subject to such exception, if any, as may be specified, b

- (a)
- (i) government ; or
- (ii) a seat of learning ; or
- (iii) a place of pilgrimage or of religious importance ; or
- (iv) hill area; or
- (v) an industrial area; or
- (vi) contiguous to dry area; or
- (vii) inhabited by Scheduled Castes of Scheduled Tribes; or

1. Chapter VI-A alongwith Section 37-A Ins: by Sec. 5 of U.P. Act No. 6 of 1972 (w.e.f. 22-1-1992) and subsequently after the decision of the Full Bench of the Allahabad High Court in *Sheo Kumar v. State*, AIR 1978 All I.J. 581 (FB) declaring Sec. 37-A ultra vires Sec. 37-A was substituted by Sec. 4 of U.P. Acto No. 30 of 1978 retrospectively (w.e.f. 1-5-1992), which received the assent of the President on Oct. 1978.

- (b) the general economic condition of the local population, including their level of nutrition and standard of living ; or
- (c) the local public opinion ; or
- (d) any other relevant factor which in the opinion of the State Government is material in the public interest :

Provided that nothing in this sub-section shall be construed to require the State Government to recite in its order, the considerations on the basis of which a particular area is selected at any time for the enforcement of prohibition.

(4) Subject to the provisions of sub-section (3), the area of which the prohibition on import, export or transport of any intoxicant under sub-section (1) and on possession or consumption of any intoxicant under sub-section (2) extends and the date on which the prohibition in any area comes into force, shall be such as the State Government may, from time to time, specify by notification.

(5) Notwithstanding anything contained in sub-section (4), in relation to any prohibition area, the State Government may, either by rules or by general or special order, make any exemption or relaxation in respect of the possession, consumption , import, export or transport of the intoxicants mentioned in the notification under sub-section (4) or any of such intoxicant by or for purposes of --

- (a) members of the defense service;
- (b) foreigners visiting or residing in the prohibition area;
- (c) travelers through the prohibition area;
- (d) district hospitals or medical colleges requiring any intoxicant for medicinal purposes ;
- (e) persons holding licences under sections 17, 18, 21 and 24;
- (f) consignment from, to or passing through the prohibition area by rail, road or air;

(g) industrial, scientific, educational, medicinal or religious purposes.

(6) In relation to any exemption or relaxation that may be made under sub-section (5), the State Government may either by rules or by general or special order, provide for the grant of pass permit by such authority as may be specified.

(7) Upon the issue of a notification referred to in sub-section (4), the authority granting a licence under this Act. May in so far as it relates to a prohibition area cancel it forthwith without notice, and it shall thereupon remit a sum equal to the amount of the fee payable in respect of the unexpired period of the licence, and refund any fee aid in advance or deposit made by the licensee in respect thereof, less the amount, if any, due to the State Government, but no compensation shall in respect of such cancellation be payable to the licensee, anything contained in section 35 notwithstanding.

(8) Where any licence is cancelled under sub-section 97) the licensee shall dispose of the intoxicants in his possession in such manner as the State Government of the Excise Commissioner maybe general or special order direct :

Provided that no act done or omission taking place during the period commencing on May 1, 1972 and ending with June 25, 1978 which would not be an offence but for such substitution shall constitute and offence punishable under the principal Act.]