

Chapter VIII

Orders relating to Foreign Liquor

Sections

- XXXV Foreign liquor other than denatured spirit
A- Classification and Nomenclature of foreign liquor
B- Refund of export duty
C- Vend of foreign liquor
- XXXVI Denatured spirit

SECTION XXXV-FOREIGN LIQUOR OTHER DENATURED SPIRIT

A- CLASSIFICATION AND NOMENCLATURE

FOREIGN LIQUOR

(1) SPIRITS

399.(a) Brandy:-The medical name is Spiritus vine Gallici. It contains 43 to 57% of absolute alcohol by weight or 60 percent at an average by volume . It is an ardent spirit distilled from grape wine and is also held to include any spirit prepared so as to posses the colour, odour , taste, of Brandy. The minimum strength ;has been fixed at42.8% alcohol v/v.

(b) *Whisky*:- The medical name is Spiritus Frumenti. It contains 51 to 59 percent of absolute alcohol by weight or 50 percent at an average by volume. It is a spirit made by the distillatioin of the fermented extract from malted and unmalted cereals, potatoeos or any starch yielding material . The best qualities are made from m alted barley alone or from a mixed grist of barley malt and dried barley and oats. The term also includes all spirits prepared so as to possess the distinctive colour, osour and taste of whisky. The chief products are those of Scotland and Ireland known respectively as Scotch Whisky and Irish Whisky. The minimum strength has been fixed 42.8% alcohol.

(c)*Rum*:- It contains about 51to 59 percent of absolute alcohol by weight or 50 percent at an average by volume . It is spirit distilled from the fermented juice of sugar-cane or from one of its various products such as molasses, candy, etc. Better qualities of rum are made in Jamaica and

Dremerara and are known after the names of these places Imitation Rums are also made from other bases and are coloured and flavoured so as to resemble genuine Rums. In India Rums are manufactured in the distillery at Rosa. in Shahjahanpur. The minimum strength has been fixed at 42.8% alcohol v/v.

(d)*Gin*:- It contains about 51 to 59 percent of absolute alcohol by weight or 47 percent at an average by volume. It is distilled from g rain or other bases such as barley rye or maize. It is flavoured with juniper berries or other flavouring agents so as to produce the characteristics odour and taste of gin. It is a colourless spirit either sweetened. It is also known by the name of Geneva or Holland.

(2) WINES

In order to obtain wines the fruits are first pulped and then allowed to ferment naturally with help of yeasters on the skin of the fruit. The fermented liquors is strained and casked for use:

(a) *Port*:- It contains about 8.5to 15 percent of absolute by weight or 15 percent at an average volume. The medical names is spiritus Vini Rubri. It is fermentation of fruits. The term port covers all wine shipped from oporto in Portugal. It is of a dark red colour.

(b) *Claret*:- It contains 8 to 12 percent of absolute alcohol by weight or byvolume 10 to 15 percent. It is obtained by the fermentation of fruits. It is of red colour, but it also includes the the dark red wine produced in Bordeaux.

(c) *Vermouth*:- It contains 17 to 20 percent of alcohol by volume. It is a mild cordeal consisting of white wine flavoured with wormwood. It is used as a stimulant for the arbetite

(d)*Sherry*:- The medical name is Vinum Xericum. It is so called because it comes from Xeriz or Jerez near Cadiz in Spain. It contains about 16 to 22 percent of absolute alcohol by weight or 15 to 25 percent by volume. It is obtained from fermentation of fruits and is of pale yellowish, brown colour.

(e) *Champagne* : - It contains about 10 to 13 percent of absolute alcohol by weight or about 10 to 15 percent by volume. It is obtained from the fermentation of fruits. This is a French wine coming from Champagne in France. It is a light sparkling wine.

(f) *Burgundy* : - It contains about 9 to 13 percent of absolute alcohol by weight and 10 to 15 percent by volume. It is a generous French red wine and is so called from Burgundy, the district where it is made.

(g) *Cider* : - It contains about 5 to 9 percent of absolute alcohol by weight . It is made from apple and is a drink prepared from it by fermentation .

(h) *Perry* :- It is an agreeable beverage made by fermentation the Juice of pears.

(3) BEERS

It is prepared by steeping malted grain in water. The solid matter is thrown off and the strained liquid is mixed with hop and boiled. The hop is again thrown off and the strained liquid is fermented by adding yeast. After fermentation it is strained off and asked ready for use :

(a) *Beer* :- It is an alcoholic beverage prepared from the fermentation of malted barley flavoured with hops. It includes all the classes named below. There are several varieties such as Lager Beer, Pilsener Beer, Black Munich Beer and Ginger Beer.

(b) *Ale* :- A beverage made from an infusion of malt by fermentation. It contains about 3 to 5 percent of alcohol by weight . By infusion is meant the soaking of anything in hot or cold water but no process of boiling is involved. There are several varieties of it such as pale ale, mild ale, old ale, tavern ale, light better ale and Indian made pale ale. Mild ale is stronger and contains less hops than the others.

(c) *Stout* : - This is another name for strong Porter. It contains 7 to 8 percent of alcohol by volume.

(d) *Porter* :- It contains about 3 to 5 percent of absolute alcohol by weight . It is a black beer. it is so called because it is a favourite drink with the London porters.

(4) LIQUEURS

These are artificially flavoured spirits and are as a rule imported. They are compounded with a variety of flavouring, colouring or sweetening agents. The methods of production are usually trade secrets. Many British made liqueurs are commonly known as "Cordials ". Bitters are spirits compounded with bitter flavouring agents.

(5) UNENUMERATED SPIRITS

There are commonly known as : "silent" spirits because they give no indication of their origin whereas the enumerated spirits (viz. Whisky, Brandy, Rum and Gin) retain a distinctive flavour of the base from which they are originally made.

Rectified spirit, absolute alcohol , denatured spirit and perfumed spirit are classed under unenumerated spirit. The first three spirits, viz. rectified spirit, absolute alcohol and denatured spirit have already been defined and their specifications laid down in notification given in Part III of this Volume.

perfumed spirit- These are scented spirits, usually of very high strength. They are taxed at the rate given in Part III of this Volume.

B- REFUND OF EXPORT DUTY

400. Refund of duty on export- The duty, other than export duty on foreign liquor manufactured at any distillery in Uttar Pradesh and exported therefrom on prepayment to duty of any State or Union Territory of India shall be credited by book transfer to the Government of the importing State or Union Territory after the close of the excise year.

Registration claims for refund on export of Indian-made foreign liquor - By the 10th of January / April/July/October each year every distiller making exports of Indian-made foreign liquor to other States, shall submit a statement showing all such exports made during the proceeding quarter , in Form P.D.31 to the Excise Commissioner, duly varified by the Officer incharge distillery despatching simultaneously a copy thereof to the Assistant Excise Commissioner of the charge. For this purpose he should

send statements in Form P.D.31 in quadruplicate to the Excise Inspector Incharge of the Distillery who shall verify the entries made therein . The Excise Inspector concerned shall return three varified copies of the statement to the distillers and retain the fourth copy for his own use.

Register of refunds against exports of Indian-made foreign liquor-
The Excise Inspector incharge of the distillery shall enter all the details given by the distillers in the statement in Form P.D.31, in a register to be maintained by him in Form P.D.31-A. As and when refunds are allowed by the Excise Commissioner, he shall make entries about refund in this register in relevant columns under his signature. Similar entries shall also be made by the office of the Assistant Excise Commissioner concerned , on the copies of P.D. 31 statement received from the exporters, and be initiated by the Assistant Excise Commissioner after verification.

C- VEND OF FOREIGN LIQUOR

(1) F.L.2 Licences

&

F.L.2 B Licences

401. १. पूर्व की भॉति एफ०एल० २ तथा एफ०एल० २-बी अनुज्ञापन जिलाधिकारी द्वारा आबकारी आयुक्त, उत्तर प्रदेश की पूर्व अनुमति के पश्चात् स्वीकृतकर जारी किये जायेंगे ।

२. एफ०एल० २ (विदेशी मदिरा तथा बियर के अनुज्ञापन) एवं एफ०एल० २-बी (केवल बियर के अनुज्ञापन) वित्तीय वर्ष में कभी भी दिये जा सकते हैं , जो उक्त वित्तीय वर्ष के ३१ मार्च को समाप्त हो जायेंगे ।

३. एफ०एल० २ अनुज्ञापन केवल न्हीं व्यक्तियों को स्वीकार किये जाए, जिनके पास उस जनपद में विदेशी मदिरा की फुटकर बिक्री का अनुज्ञापन एफ०एल० ५ हो । जनपद में भी उस एफ०एल० ५ दुकानों के समूह के अनुज्ञापनी को वरीयता दी जाय , जिसकी दुकानों के समूह का आकार बड़ा हो और जिससे अधिक लाइसेंस फीस प्राप्त हुई हो ।

४. एफ०एल० २ अनुज्ञापन हेतु आवेदक के पास कम से कम ५.०० लाख रुपये का हैसियत प्रमाण-पत्र एवं एफ०एल० २-बी अनुज्ञापन हेतु आवेदक के पास कम से कम २.०० लाख रुपये का हैसियत प्रमाण-पत्र होना चाहिए । यदि आवेदक के पास सम्पत्ति कर देने का प्रमाण-पत्र है , तो उस प्रमाण-पत्र को हैसियत प्रमाण-पत्र के स्थान पर स्वीकार किया जा सकता है ।

५. अनुज्ञापन उसी व्यक्ति अथवा संस्था को दिया जा सकता है , जो आबकारी राजस्व की बकायेदार नहीं है , और न ही वह आबकारी अथवा अन्य किसी अजमानती अपराध में सजायापता

है और जो प्रस्तर ३३८ आबकारी मैनुअल खण्ड प्रथम के प्रावधानों के अनुसार अर्ह है । आवेदक को अपने जिले के जिलाधिकारी द्वारा निर्गत चरित्र प्रमाण-पत्र भी प्रस्तुत करना होगा ।

६. आवेदक के पास एफ०एल० २ अथवा एफ०एल० २-बी अनुज्ञापन हेतु प्रस्तावित परिसर होना चाहिए , जो अनुज्ञापन निर्गत किये जाने के पूर्व आबकारी अधिकारी द्वारा अनुमोदित हो ।

७. अनुज्ञापन निर्गत करने से पूर्व अनुज्ञापी को निर्धारित अनुज्ञापन शुल्क तथा उसके साथ ही एफ०एल० २ अनुज्ञापन हेतु रू० ५०,०००.०० की प्रतिभूति एवं एफ०एल० २-बी अनुज्ञापन हेतु रू० १५,०००.०० की प्रतिभूति अतिरिक्त रूप से जिलाधिकारी को प्रतिश्रुति करके जमा करनी होगी । यह प्रतिभूति शेड्यूल्ड बैंक के सावधि जमा रसीद अथवा अल्प बचत प्रमाण-पत्र अथवा पोस्ट आफिस -सेविंग बैंक खाते की पास बुक के रूप में जमा की जा सकती है ।

८. जिला आबकारी अधिकारी से प्राप्त एफ०एल० २ तथा एफ०एल० २ -बी अनुज्ञापनों के प्रार्थना पत्रों की समुचित जांच के उपरान्त उप आबकारी आयुक्त , संबंधित जिले के जिलाधिकारी को प्रस्तुत करेंगे , एवं जिलाधिकारी , आबकारी आयुक्त की पूर्व अनुमति प्राप्त कर आवेदक को उपरोक्तानुसार अनुज्ञापन स्वीकृत कर निर्गत करेंगे ।

९. एफ०एल० २ तथा एफ०एल०२-बी अनुज्ञापन का कार्यक्षेत्र केवल जनपद स्तर तक ही सीमित रहेगा जो जनपद में स्थित समस्त एफ०एल० ५ ,एफ०एल० ६,६-ए, एफ०एल० ७,७-ए, ७ बी तथा ७ सी अनुज्ञापियों को विदेशी मदिरा एवं बियर तथा जनपद के समस्त देशी शराब के अनुज्ञापियों को कम तीव्रत वाली रम एवं बियर की आपूर्ति करेगा । ड्राफ्ट बियर की आपूर्ति केवल एफ०एल० ६, एफ०एल० ६-ए एफ०एल० ७ , एफ०एल० ७-ए, ७-बी, तथा ७-सी अनुज्ञापियों को ही की जायेगी ।

१०. एफ०एल० २ तथा एफ०एल० २-बी अनुज्ञापन हेतु निम्नलिखित अनुज्ञापन- शुल्क देय होगा ।

क्रमांक	जनपद की विदेशी मदिरा एफ०एल० ५ का कुल अनुज्ञापन शुल्क	एफ०एल०२ का अनुज्ञापन शुल्क	एफ०एल० २-बी का अनुज्ञापन शुल्क
१	२	३	४
१.	रू० ४,००,००,००० से अधिक	८,००,००० /-	३,००,००० /-
२.	रू० १,००,००,००० से लेकर रू० ४,००,००,००० तक	५,००,००० /-	२,००,००० /-
३.	रू० १,००,००,००० से कम	३,००,००० /-	१,००,००० /-

११. एफ०एल० २ अनुज्ञापनों से विदेशी मदिरा , कम शक्ति वाली रम तथा बियर की निकासी हेतु एवं एफ०एल० २-बी अनुज्ञापनों से केवल बियर की निकासी हेतु एफ०एल० ३६ पास निर्गत करने की व्यवस्था को समाप्त करके उसके स्थापना पर पास बुक के अन्तर्गत निकासी दिये जाने की व्यवस्था की गई है । जिला आबकारी अधिकारी प्रत्येक एफ०एल० ५ , एफ०एल० ६, ६-ए, एफ०एल० ७,७-ए, ७-बी,, ७-सी तथा देशी शराब के

अनुज्ञापियों को एक-एक विदेशी मदिरा के परिवहन हेतु पास बुक निर्गत करेंगे। पास-बुक के मुख्य पृष्ठ पर उक्त दुकान का नाम एवं पता अंकित होगा , जिसके पक्ष में यह पास बुक निर्गत की गई है । पास बुक के प्रथम पृष्ठ पर जिला आबकारी अधिकारी द्वारा इस आशय का प्रमाण-पत्र अंकित किया जायेगा कि पास-बुक में कुल कितने पृष्ठ हैं । पास-बुक के समस्त पृष्ठ क्रमांकित होंगे, एवं पास-बुक के प्रथम पृष्ठ के अतिरिक्त अन्य पृष्ठों पर निम्नांकित स्तम्भ अंकित होंगे :-

निकासी की तिथि	मदिरा का प्रकार	ब्राण्ड का नाम	बैच नं०	मदिरा (स्प्रिट्स) की मात्रा (पेटियों में)	बियर की मात्रा (पेटियों में)			
				७५० एम० एल० की बोतलें	३७५ एम० एल० के अद्धे			
				१८० एम० एल० की बोतलें	७५० एम० एल० के अद्धे			
				३२५ एम० एल० की बोतलें	१६२ एम० एल० के अद्धे			
१	२	३	४	५	६	७	८	९
ड्राफ्ट कन्टेनर में	बियर का समय	निकासी दिया गया	परिवहन के लिए समय का नाम	परिवहनकर्ता विक्रेता के हस्ताक्षर	अनुज्ञापी अथवा अधिकृत			
१०	११	१२	१३	१४				

१२. पास-बुक पर केवल अनुज्ञापी अथवा जिला आकारी अधिकारी द्वारा अनुमोदित विक्रेता ही हस्ताक्षर करेगा , जिनके हस्ताक्षर के नमूने जिला आबकारी अधिकारी के पास सुरक्षित रहेंगे ।

१३. एफ०एल०२/एफ०एल २-बी अनुज्ञापी के लिये यह अनिवार्य होगा कि वह अपने अनुज्ञापित परिसर से बेची जाने वाली समस्त मदिरा का नाम तथा उसके मूल्य की एक सूची चार्ज के उप आबकारी आयुक्त के पास भेजें , और बिना आबकारी आयुक्त की अनुमति के वित्तीय वर्ष में अपरिहार्य कारणों को छोड़कर उक्त मूल्य में कोई परिवर्तन नहीं करेंगे ।

१४. अनुज्ञापी के लिए अनिवार्य होगा कि वह उपरोक्त ब्राण्ड लिस्ट तथा रेट लिस्ट अपने अनुज्ञापित परिसर पर इस प्रकार प्रदर्शित करें कि प्रत्येक ग्राहक उसे देख सके । अनुज्ञापी को बिना आबकारी आयुक्त की पूर्व अनुमति के उक्त रेट लिस्ट में कोई फेर - बदल करने का अधिकार नहीं होगा ।

१५. जिस जनपद में कोई एफ०एल० ५ अनुज्ञापी विदेशी मदिरा थोक बिक्री का अनुज्ञापन एफ०एल० २ न लेना चाहे , तो उस जनपद के एफ०एल० ५ अनुज्ञापी को उप आबकारी आयुक्त , प्रभार के द्वारा चार्ज के किसी भी जनपद के एफ०एल० २ अनुज्ञापन से विदेशी मदिरा की निकासी की सुविधा दे दी जायेगी ।

१६. उप आबकारी आयुक्त, प्रभार को अधिकार होगा , कि वह जनपद के एफ०एल० २ अनुज्ञापन अथवा चार्ज के एफ०एल० २ अनुज्ञापनों में मदिरा की किसी ब्राण्ड की अनुपलब्धता पर उस ब्राण्ड की आपूर्ति अन्य चार्ज अथवा डिस्टिलरी से करा सकेंगे।

१७. एफ०एल० २ तथा एफ०एल० २-बी अनुज्ञापनों के नवीन प्रारूप संलग्न हैं , कृपया वर्ष १९६३-६४ के लिये निर्गत किये जाने वाले समस्त लाइसेंस नये प्रारूप में ही निर्गत करने का कष्ट करें ।

१८. यदि किसी कारण से किसी जनपद में एफ०एल० २ / एफ०एल० २-बी अनुज्ञापन के व्यवस्थापन में विलम्ब होता है , तो उप आबकारी आयुक्त उस जनपद के एफ०एल० ५ , एफ०एल० ६, ६-ए, एफ०एल० ७, ७-ए, ७-बी, ७-सी तथा देशी शराब के अनुज्ञापियों को अपने चार्ज के किसी अन्य जनपद से विदेशी मदिरा / बियर लेने की स्थायी अनुमति दे दें , जो उक्त जनपद में एफ०एल० २ / एफ०एल० २-बी अनुज्ञापन निर्गत होते ही स्वतः समाप्त हो जायेगी ।

402. Licence in Form F.L.4 has been discontinued.

(२) विदेशी मदिरा के रिटेल लाइसेंस

४०३. (।द्ध बार लाइसेंसों एफ एल ६ एवं एफ एल ७ की स्वीकृति — बार अनुज्ञापन मुख्यतः पर्यटकों / यात्रियों को होटलों / रेस्टोरेन्ट में मद्यपान की सुविधा हेतु प्रदान किये जाते हैं। अतः पर्यटन एवं औद्योगीकरण की दृष्टि से महत्वपूर्ण स्थानों के लिए बार अनुज्ञापनों के सृजन / पुर्नव्यवस्थापना की आवश्यकता है । बार अनुज्ञापन के सृजन / पुर्नव्यवस्थापना की संस्तुति करने के पूर्व इस बात का ध्यान रखा जाना आवश्यक है कि इससे आबकारी राजस्व प्रभावित न होने पावे तथा कानून एवं शान्ति व्यवस्था की स्थिति का उल्लंघन न हो । जिस होटल / रेस्टोरेन्ट विशेष के लिए होटल — बार अनुज्ञापनों की संस्तुति की जाय उसके संबंध में यह भली प्रकार परीक्षण कर लिया जाय कि संबंधित होटल रेस्टोरेन्ट में बार अनुज्ञापन की सभी अर्हतायें उपलब्ध हों तथा होटल / रेस्टोरेन्ट का अनुज्ञापी आबकारी नियमों के अनुसार अन्यथा अनुपयुक्त न हो ।

उपरोक्त के परिप्रेक्ष्य में शासन द्वारा निर्णय लिया गया है कि फिलहाल शासन स्तर पर केवल तीन, चार व पाँच तारा श्रेणी के होटल / रेस्टोरेन्ट अथवा उच्च श्रेणी के होटल रेस्टोरेन्ट के संबंध में प्रत्येक जनपद में मंडलायुक्त की अध्यक्षता में निम्नलिखित सदस्यों की समिति गठित कर उसकी संस्तुति प्राप्त कर निर्णय लिया जाये :-

(१) संबंधित मंडल के मंडलायुक्त	—	अध्यक्ष
(२) संबंधित जिले में जिलाधिकारी	—	संयोजक
(३) संबंधित जिले के पुलिस अधीक्षक / वरिष्ठ पुलिस अधीक्षक	—	सदस्य
(४) संबंधित चार्ज के उप आबकारी आयुक्त	—	सदस्य
(५) पर्यटन विभाग का क्षेत्रीय अधिकारी	—	सदस्य

४०३. ;ठद्ध एफ०एल० ६ व एफ० एल० ७ अनुज्ञापी की मृत्यु की दशा में उसे वैधानिक उत्तराधिकारियों (मृतक की पत्नी , पुत्र, माता, पिता तथा अविवाहित पुत्री) द्वारा आवेदन किये जाने पर , यदि वे अन्यथा अनुपयुक्त न हों तो उनके नाम पूर्व में स्वीकृत एफ एल ६ व एफ एल ७ अनुज्ञापनों का नियमानुसार म्युटेशन कर किया जाय ।

होटल विशेष के क्रय-विक्रय तथा प्रबन्ध व स्वामित्व परिवर्तन की दशा में होटल के नाम पूर्व में स्वीकृत एफ एल ६ व एफ एल ७ अनुज्ञापनों को उस नये अध्यासियों , यदि वे अन्यथा अनुपयुक्त न हों , तो उनके नाम म्यूटेशन कर दिया जाय ।

४०४ ळतंदज वसपबमदबम पद थवतउ थरु ळी इममद कपेबवदजपदनमकूपजी मॉमिबज तिवउ ।चतपस १ ए १६४६ नदकमत वतकमते वळवअमतदउमदज ष

४०५. सेवा निवृत्त सैनिकों को वेलफेयर एसोसिएशन द्वारा संचालित "गोल्डेन फिश कैन्टीनों " को एफ एल ६ तथा एफ एल ६-ए अनुज्ञापन उपलब्ध कराने के उद्देश्य से शासन ने यह निर्णय लिया है कि भारतीय सेना के सेन्ट्रल कमाण्ड एवं अन्य क्षेत्रीय मुख्यालयों कमाण्ड की संस्तुति पर सेवा-निवृत्त सैनिकों के कल्याण संगठनों द्वारा संचालित गोल्डेन फिश कैन्टीन" को भारतीय निर्मित विदेशी मदिरा तथा रम की बिक्री हेतु एफ०एल० ६ तथा एफ० एल०-६ (ए) अनुशासन निम्नलिखित शर्तों पर जिलाधिकारियों द्वारा आबकारी आयुक्त की पूर्व अनुमति से स्वीकृत किया जा सकता है :-

(१) केवल ऐसे जनपद जहाँ पर भारतीय सेवा के किसी ईकाई की कैन्टीन नहीं है केवल वहाँ पर सेवा-निवृत्त सैनिकों की वेलफेयर एसोसिएशन द्वारा चलायी जा रही " गोल्डेन फिश कैन्टीन " को उपरोक्त अनुज्ञापन दिये जाने पर विचार किया जाये ।

(२) इस हेतु अनुज्ञापन प्रार्थना-पत्र पर सम्बद्ध सेना के मुख्यालय से संस्तुति के साथ-साथ यह भी सूचना प्राप्त की जाये कि सम्बन्धित जनपद में कुल कितने भूतपूर्व सैनिक हैं । जिन्हें विदेशी मदिरा तथा रम का क्रय स्वीकृत है । निर्धारित कोटे के अनुसार प्रारंभ में कुल भूतपूर्व सैनिकों के बने कार्ड की संख्या के ५०: तक के लिए विदेशी मदिरा अथवा रम आपूर्ति का कोटा अनुज्ञापन के साथ सुनिश्चित किया जाये ।

(३) संस्तुति करने वाले सम्बद्ध सैनिक कार्यालय की यह जिम्मेदारी होगी कि "गोल्डेन फिश कैन्टीन" जिन्हें अनुज्ञापन स्वीकृत किया जा रहा है उनके द्वारा मदिरा विक्रय नियमानुसार किया जाये ।

(४) अभिकर की दरें शासन द्वारा समय-समय पर सैनिकों की कैन्टीन के लिए जो निर्धारित की जायेंगी वह "गोल्डेन फिश कैन्टीन " पर भी लागू होंगी ।

(५) ऐसी सेना कैन्टीन जहाँ से सम्बन्धित भूतपूर्व सैनिक पूर्व में मदिरा प्राप्त कर रहे थे उन कैन्टीन के मदिरा आवंटन तदनुसार स्वीकृत कोटे के अनुपात में कमी कर दी जायेगी ।

406. Foreign Liquor shops under the fixed fee system - The fixed fee system is applied to the following classes on licences for the vend of foreign liquor :

- (a) Auctioner's licence in Form F.L. 10;
- (b) Occasional licence in Form F.L. 11;
- (c) Cinema and theatre bar licence in Form F.L. 12 ;
- (d) Licence for sale of rectified spirit by cheemists in Form F.L. 14;

Licence for sale of medicated wines in Form F.L.15 ;

Licences are granted by the Collector in all cases except cinema and theatre bar licence which should be granted with the previous sanction of the Excise Commissioner. The full prescribed fees should be levied in advance. But in the case of new licences granted during the course of a year the fees may be reduced by the Excise Commissioner, having regard to the portion of the period of currency of the licence which has already elapsed.

NOTE:- Grant of cinema and theatre bar licence in Form F.L.-12 has been discontinued with effect from April 1, 1947.

406-A THE UTTAR PRADESH FOREIGN LIQUOR BONDED WAREHOUSE RULES, 1983

(As Amended From Time to Time)

1- Short title and Commencement - (i) These rules may be called the Uttar Pradesh Foreign Liquor Bonded Warehouse Rules, 1993.

(ii) They shall come into force with effect from April 1, 1993.

2. Definitions - In these Rules unless there is anything repugnant in the subject or context-

(i) " The Act" means the U.P. Excise Act, 1910. (U.P. Act No. IV of 1910).

(ii) " Bonded Warehouse " means a warehouse licenced by the Excise Commissioner, Uttar Pradesh under section 18 (d) of the Act for the receipt and storage under bond of bottled foreign liquor of Indian manufacture, transported or imported into Uttar Pradesh from any place within the Indian Union as approved by the Government of Uttar Pradesh for its transport and sale within Uttar Pradesh to wholesale vendors of foreign liquor.

(iii) " District Excise Officer" means an officer of the Excise Department not below the rank of an Assistant Excise Commissioner or an officer of the Land Revenue Department not below the rank of Sub-Divisional Magistrate, duly appointed and invested with the powers contained u/s 10 (2) (b) of the U.P. Excise Act, 1910.

(iv) The expression import and Transport have the meaning as are assigned to them in section 3 (17) and 3 (19) of the Act.

(v) Licensee- means a person or a firm or a company which is a manufacturer of foreign liquor to whom a licence has been granted for establishing and running a Bonded Warehouse.

(vi) " Officer Incharge" - means an officer of the Excise Department to supervise work in the Bonded Warehouse.

(vii) Foreign liquor for the purpose of those rules shall mean-

(a) Spirit made in India and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India.

(b) Beer Brewed in India ; and

(c) Wines and liquors made in India.

(viii) State means State of Uttar Pradesh.

(ix) Excise Commissioner - means the Officer appointed by the State Government under section 10 sub section 2 clause (a)

3. Grant of licence - The licence to establish or licence a Bonded Warehouse of foreign liquor shall be granted by the Excise Commissioner, U.P. subject to the conditions and restrictions as laid down under these rules.

4. (i) The application for the grant of licence shall be made in writing in form BWFL-I and the licence shall be granted in Form BWFL-2 or BWFL-2B. The Excise Commissioner may grant the licence in BWFL-2 subject to deposit of the security of Rs. one lakh and in case of BWFL-2B licence security of Rs. 15000/- (Rs. Fifteen thousand) for the fulfilment of all the conditions of licence , and execution of a bond in Form BWFL-3 for such amount as may be fixed by Excise Commissioner.

(ii) The security shall be furnished in cash or in interest bearing securities , Government Promissory notes, National Savings Certificates, Post Office Saving , Bank Pass Book or Post Office Cash Certificate or in Fixed Deposit Receipts of the State Bank of India or in any other scheduled Bank duly pledged to the Excise Commissioner.

(iii) The licence to establish and run a Bonded Warehouse of foreign liquor shall be granted to a person or a firm or a Company who is a manufacturer of foreign liquor.

5. Period of licence - The licence may be granted or renewed on the payment of Rs. 6,00,000/- (Rs. Six lakh) as licence fees for IMFL & Beer and for Beer only Rs. 5,00,000/- (Rs. Five lakh) , the period not exceeding one year and ending on the 31st March following the date of grant.

6. Foreign liquor may be obtained in bond without payment of duty from any distillery or bonded warehouse in Uttar Pradesh or outside on a permit issued by the Excise Commissioner under following rules.

7. Import of Foreign liquor into bonded warehouse - The import of foreign liquor in bond shall be governed by the rules given in paragraph 609 to 613 of the Excise Manual, Uttar Pradesh , Volume 1.

8. Transport of foreign liquor - Transport of foreign liquor manufactured at a distillery within the State shall be governed by rules relating to issues from distilleries.

9. No liquor shall be received in the bonded warehouse unless accompanied by a pass from the Officer Incharge of the distillery or Bonded Warehouse from which it has been imported or transported.

10. Immediately on arrival of a Bonded Warehouse the Officer Incharge shall be informed and consignment shall not be opened until the same has been examined and verified with the pass by the Officer Incharge who shall also note the result in the Register maintained for the purpose and also on the pass covering the consignment. One copy of the pass with initial of the Officer incharge shall be immediately returned to the officer, who issued the pass , and the second copy with entries thereon shall be kept for record.

11. Loss in transit or storage- no allowance shall be given for the destruction loss or damage by fire,accident,theft or any other cause whatsoever occurring to any foreign liquor stored in bonded warehouse or during its transit to the Bonded Warehouse. the losses in transit or storage shall be issue from the Bonded ware house and duty will be payable accordingly.

12. Unless the Excise Commissioner shall give special order to the contrary all liquor shall be stored in the Bonded Warehouse in sealed bottles.

13. Issue- No liquor shall be removed from the bonded Ware house unless the duty has been paid on it at the prescribed or a bond has been excuted for payment of the same by the license.

14. (i) foreign liquor may be issued in bond to any other Bonded Warehouse in the state in accordance with the rules governing the trandport of foreign liquor.

(ii) Issues from the Bonded Warehouse on payment of duty shall be made only to the wholesle vendors of foreign liquor of the state. An account of issues of liquor from the Bonded Warehouse shall be maintained in Register form BWFL-6. All issues shall be made only on application accompanied with Treasury challan evidencing payment of prescribed duty by the licensee. the application shall be in form B.W.F.L.5.

(iii) No liquor shall be removed from the Warehouse untill it has been checked by the officer Incharge and a pass in form B.W.F.L . 7 has been granted by him. the pass shall be prpared in triplicate one copy of the permit shall be made over to the wholesale vendor of the foreign liquor ,second copy shall be forwarded to the

district Excise Officer of the district where wholesale shop is situated and the third copy shall be kept for record.

15.(i) The licensee shall provide building and all articles connected with the supply, storage, handling and issue of foreign liquor in the bonded warehouse. The premises of Bonded Warehouse shall be approved by the Collector of the district in which it is situated.

(ii) Building of the Bonded Warehouse- The building or rooms of the Bonded Warehouse shall be constructed masonry or brick work. The windows of the building or rooms shall be fitted with malleable ironbars not less than 20 millimeters in thickness and not more than 110 millimeters apart and fixed in the masonry or brickwork to depth of atleast 50 millimeters at each end. On the inside of each window, there shall be securely fastened to the bars a stout wirenetting the apertures in which shall not exceed 25 millimeters in diameter. There shall be only one entrance to the building or main room of the warehouse and to each store room respectively which must open into the warehouse enclosure, and the door of each shall be secured by an excise lock :

Provided that the Excise Commissioner may, in special cases relax any of the requirements laid down in this rule on such conditions and to such extent as he may specify.

16. House of Attendance - The hours of attendance of the Officer Incharge deputed to look after the work of a Bonded warehouse shall be fixed by the Deputy / Assistant Excise Commissioner of the charge.

17. Control of the Bonded Warehouse - (i) The Bonded Warehouse shall be opened only for the entrance and exit of persons who have business inside them. No one except Officers of the Excise Department, Superior Officers of the land Revenue Department Licensee, his Agents or servants shall be allowed to enter the Bonded Warehouse.

(ii) The licensee unless personally supervises shall be bound to appoint a competent person as his Agent, whose appointment shall be subject to the approval of Deputy/ Assistant Excise Commissioner of the Charge.

(iii) The licensee shall furnish to the Officer Incharge a list containing the names of Agent and all the employees whose duties require them to enter the Bonded Warehouse.

(iv) The Officer Incharge shall maintain a list in Form B.W.F.L. 5 containing the particulars of all employees in the warehouse as furnished by the licensee and shall forward a copy thereof to the Deputy / Assistant Excise Commissioner of the charge and the licensee shall not employ on such duty persons to whom the Deputy / Assistant Excise Commissioner of the charge objects.

(v) All persons entering the Bonded Warehouse shall be under the orders of the Officer- Incharge in respect of their conduct and proceedings within the warehouse and shall be liable to search on there quitting the premises at the discretion of the Officer Incharge .

(vi) If it comes to the knowledge of a licensee that any person employed by him has committed any such breach of the provisions of the Act, and the Rules made thereunder or of the engagements entered into by him, it shall be his duty to report the matter to the Deputy / Assistant Excise Commissioner and to comply with the directions of the latter Officer regarding the continued employment of such person.

(vii) The Officer Incharge of a Bonded Warehouse may reject and exclude from the premises any person who has committed or is about to commit any breach of the provisions of the Act and the rules made thereunder or who is intoxicated or disorderly. All actions under this rule shall forthwith be recorded by him in writing in his official diary for the information of his superiors.

(viii) The licensee shall be bound by all the general rules for the management of the Bonded Warehouse for the issue of foreign liquor therefrom which may already be in force or which may hereafter be prescribed under the existing excise laws or under any law which may hereafter be enacted and by all special orders issued by the Excise Commissioner with regard to individual Bonded Warehouse, and shall cause all persons employed by them in the storage, issue etc. of liquor to obey all such rules.

18. If the licensee or his Agent infringes or abets the infringement of any of the conditions of the licence the Excise Commissioner may revoke and determine the licence and forfeit to Government the whole or any part of the Security deposit.

19. Stock taking and wastage- On the last working day of every month after all the transactions for that day are made, the Officer Incharge shall take the stock of the foreign liquor stored in the Bonded Warehouse and enter into the prescribed registers in Form B.W.F.L.9. A copy of the monthly abstract of Warehouse ledger in respect of transactions in the Bonded Warehouse shall be submitted to the Deputy/ Assistant Excise Commissioner of the charge on the first day of every month in Form B.W.F.L.10.

20. The licensee shall also prepare an exhaustive list of all the brands and the rates to be charged for sale to wholesalers (F.L.2 licensees) and shall furnish a copy of the list of brands and the rate chart to the Excise Commissioner before the commencement of the Excise year. No change in price shall be allowed during the year unless especially permitted by the Excise Commissioner.

SECTION XXXV1-DENATURED SPIRIT

407. No denatured spirit in excess of limit of retail sale be imported exported or transported except under a pass as provided for in sections 15 and 16 of the Act.

408. Denatured spirit governed by special rules- Denatured spirit though classed as foreign liquor is governed by special rules. There are three varieties of denatured spirit at present permitted for use in Uttar Pradesh. A full description of the process of denaturation is given in rules on the subject in part II of this volume. The ordinary variety for general use commonly known as methylated spirit is so called from the fact that originally spirit was denatured by the addition of methyl alcohol only. This variety alone may be imported transported or exported for sale or private use and the rules in part II about denatured spirit refer to this variety only. The two special varieties are intended only for use in the manufacture of shop.

409. In the case of grant of a new licence in any of the Forms F.L.16 or F.L.17 or whenever an existing licence any of these categories is vacated (Including the cases of mutation of names) and its continuance and settlement with some other party is considered necessary, the case should be first referred to the State Government, with full justification for the same for their approval. After receipt of Government's approval further action may be taken for the selection of the personnel of the said licences strictly in accordance with the rules on the subject:

Provided that in the case of grant of a new licence in Forms F.L.16 and F.L.17 in a 'wet' district and provided the particular case as within the number of licence of that category allotted for the district the Excise Commissioner may sanction the grant without reference to the Government. The collector may take further necessary action in the matter.

नोट—जनपद में डिनेचर्ड स्पिरिट की फुटकर बिक्री हेतु अनुज्ञापन एफ०एल०१७ के सृजन/व्यवस्थित करने का अधिकार जिला स्तर पर हर रूप में डेलीगेट कर दिया जाय कि भविष्य में एफ०एल०-१७ लाइसेंस रजिस्टर्ड केमिस्टों को ही अनुम्य हो और कोई भी रजिस्टर्ड केमिस्ट यदि आवेदन करे और अन्यथा अनुपयुक्त न हों तो उसे एफ०एल०१७ अनुज्ञापन प्रदान कर दिया जाय ।