

## Chapter X

### Sections

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### SECTION XXVII

#### Vintnery

OFFICE OF THE EXCISE COMMISSIONER, UTTAR PRADESH, ALLAHABAD

June 15, 1961

No. 7470/II-931- In exercise of the powers conferred by the section 41 of the U.P. Excise Act, 1910 (U.P. Act. No. IV of 1910), the Excise Commissioner, Uttar Pradesh, Allahabad, with the previous sanction of the Governor of Uttar Pradesh, is pleased to make the following rules relating to vintnery:

#### THE U.P. VINTNERY RULES, 1961<sup>1</sup>

**Rule 1- Title-** These rules shall be called the Uttar Pradesh Vintnery Rules, 1961.

**Rule 2- Definitions-** In these rules, unless there is anything repugnant in the subject or context-

- (a) "Excise Year" means the period from April one to March thirty-one following;
- (b) "Fortification" means the addition of brandy or some neutral spirit to wine or to the must, for preventing wine from turning sour;
- (c) "Less" means the residue left on straining off wine after completion of the process of fermentation;
- (d) "Must" means the juice of crushed grapes as expressed for wine-making before fermentation thereof and includes the juice of pulp of any other fruit for production of wine;
- (e) "Vintner" means a person licensed to work a wine-manufactory;

- (f) "Vintnery" means a wine-manufactory;
  - (g) "Wine" means the product obtained on alcoholic fermentation of grape juice or pulp or juice of any other fruit, natural or fortified, the alcoholic content whereof does not exceed 42 percent proof spirit;
  - (h) "Young Wine" means the fermented unmaturred wines product obtained immediately after straining off the less;
  - (i) "Officer-in-charge" means the Excise Inspector appointed as such by the Collector for the purpose of supervising work in a vintnery.
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1. Published in U.P. Gazette, PArt 1-A dated June 24, 1961.

### **A- Estabeshument of vistnery**

**Rule 3<sup>1</sup>** – Any person desiring to establish a vintnery in the State shall apply for a licence to the Excise Commissioner, Uttar Pradesh, through the Collector of the district in which the vintnery is proposed to be set up. The application in Form V-3 shall be accompanied by a plan and full description of the premises where the manufacture would be caries on. The plan shall be drawn to scale on tracing cloth indicating the number and full description of fermenting and storage vessels and the exact position and description of each vessel proposed t be used. The collector shall after such enquiry, as he may deem necessary, forward the application with his recommendation, to the Excise Commissioner, Uttar Pradesh.

**Rule 4<sup>1</sup>** – (1) Application for licence in Form V-3 shall be granted or refused by the Excise Commissioner having regard to the actual consumption of wine within the state and its export and availability of supervisory staff.

(2) If the Excise Commissioner is satisfied, he shall subject, to such conditions as the State Government deem fit to impose , authorise the establishment of a vintnery and issue a licence in the appended Form V-1. The fee for such a licence shall be Rs. 2,500 (Rupes Two Thousand Five Hundred only) payable in advance for the year or part thereof for which the licence is granted.

(3) The aforesaid licence shall be valid, unless specifically extended, for a period of one year only from the date of issue within which period the holder thereof of shall arrange to secure the land, building, plant, machinery and other equipment required for the establishment of the vintnery. This licence shall not confer any right to privilege for the grant of licence for the manufacture of wine and it is liable to be revoked or withdrawn at any time in the public interest. No compensation for damage or loss shall be payable when the licence is so revoked or withdrawn.

**Rule 5<sup>1</sup>**- (1) No wine shall be manufactured and no person shall use, keep or have in his possession any material, still, utensil, implement and apparatus whatsoever, for the purpose of manufacturing wine except under the authority and subject to the terms and conditions of a licence granted in Form V-2 by the Collector, with the previous approval of the Excise Commissioner.

(2) An application for the grant of a licence under sub rule (1) shall be in Form V-4 and shall be submitted to the Excise Commissioner with the period of validity of the licence in Form V-1.

(1) Before according approval to the grant of a licence in Form V-2 a Excise Officer duly authorised by the Excise Commissioner shall inspect the premises, all apparatus and fermenting and storage vessels, compare the same with the particulars furnished and certify the same if found to be in order.

(4) No licence shall be granted unless and until the applicant has –

(a) satisfied the Excise Commissioner that the building and the plant have been built accordance with the prescribed regulation and the due precaution against fire has been taken, and

(b) Deposited as security a sum of Rs. 2,500 (Rupees Two Thousand Five hundred only) in Government Promissory Notes or other Government securities of equivalent market value, for due fulfilment of all conditions of licence and for the payment of all sums which may become due to Government by way of duties, penalties, fines and taxes under the provisions of his licence or to which the vintner may be liable by law or by rules having the force of law or under any engagement into which he may have entered. The notes of other securities shall, on deposit be endorsed to the Collector of the district in which the vintner is set up, by designation. The vintner shall allowed to draw, as it falls due, the interest accruing on them.

(c) deposit a licence fee of Rs. 500 (Rupees Five hundred only) payable in advance for the year or part thereof for which the licence is granted.

**Rule 6<sup>1</sup>**- The licence shall be valid for the Excise year for which it is issued and shall require renewal annually. The application shall be made to the Collector on or before February 28, every year for the renewal of the licence for the Excise year following. If there has been no alteration, a certificate to this effect from the officer-in-charge should be attached with application for the renewal of the licence. A licence fee of Rs. 500 (Rupees Five hundred only) for a year or part thereof shall be payable in advance for such renewal.

**Rule 7<sup>1</sup>**- The licence fee shall be deposited in the Government Treasury at the time an application for grant or renewal of the licence is made and proof of such deposit shall be furnished to the Collector with the application.

**Rule 8- Additional licence** – The vintner shall also obtain a bottling licence in Form F.L. 3 for bottling of wine produced in his vintner and a licence in Form F.L. 1 or F.L. 2 for wholesale vend of the same.

## B – General Arrangement And Management

**Rule 9-** Establishment charges of permanent staff- (a) The Excise Commissioner may post to a vintnery such number of Excise constables as in his opinion the needs of the vintnery may require.

- (a) The pay of the constables, posted to a vintnery under sub-rule (1) shall be borne by the State Government :

Provided the total amount on this account does not exceed ten percent of the total excise duty realised on the issues of wines from the vintnery to the districts within the State. Where the total amount of the pay constables exceeds ten percent of the total excise duty referred to above, the excess shall be realized from the vintners concerned.

**Rule 10 – Supply of quarters and office furniture-** The vintner shall provide: -

- (a) the constables posted at the vintnery under Rules 8, rent-free quarters in the vicinity of the vintnery; and  
(b) the officer-in-charge of the vintnery, necessary accommodation in the vintnery to be used as office by him and suitable office furniture.

**Rule 11- Supervising Staff-** The vintner shall a week prior to the date on and from which wine is proposed to be manufactured intimate the Collector of his intention so to do whereupon the Collector shall depute an Excise Inspector for supervising the initial operation of wine manufacture.

**Rule 12-** Prior approval of Excise Commissioner necessary regarding material to be used- The vintner shall obtain prior approval of the Excise Commissioner as regards materials to be used for manufacturing wine.

**Rule 13- General outlay of building-** The vintnery building shall have brick walls and a proof of fire-resisting materials. It shall consist of a fermentation room, a bottling room and at least one storeroom for finished preparations. All the rooms shall be well-ventilated and all the windows shall be securely barred and wire-netted with a net of not more than one inch mesh. Every room shall bear on the outside, a board on which shall be legibly painted, in oil colour, the name of the room. The bottling room and store room for finished preparations shall have one entrance each and shall be separately locked by the officer-in-charge and the vintner.

**Rule 14- Unauthorised alterations in building or fixtures not to be made-** No additions and alterations to the vintnery or to the permanent fixtures therein shall be made without the previous sanction of the Excise Commissioner:

Provided that minor additions and alterations urgently required may, on presentation of a fresh plan of the vintnery, be allowed by the assistant Excise Commissioner concerned subject to the subsequent approval of the Excise Commissioner.

**Rule 15 – Precaution against fire –** A sufficient number of chemical fire extinguisher and fire buckets shall be maintained by the vintner in the premises. Smoking and use of naked lights within the vintnery shall be prohibited. A notice to this effect shall be conspicuously displayed in the vintnery building.

**Rule 16- Twenty-four hours notice, necessary: Extra charges for overtime work-** (a) The vintner shall not keep the vintnery open for more than eight hours on any working

day, or between sunset and sunrise except with the prior permission of the officer-in-charge.

(b) The vintner shall give in writing to the officer-in-charge at least twenty-four hours notice of his intention to keep the vintnery open for work beyond the normal eight working hours on any working day or days, stating clearly therein the operation to be carried out. Such a notice shall also be necessary for work to be done on any approved holiday.

(c) The vintner shall have to pay such overtime charges for work done on an approved holiday as the Excise Commissioner may prescribe.

### **C- Mode of working**

**Rule 17- Maintenance of accounts-** The vintner shall maintain a correct account of all the materials used in the manufacture of wine, items, together with the total quantity (in Imperial gallons) of the resultant liquor with its specific gravity taken means of a glass saccharometer, in a register to be maintained by him, and signed by him which should also be signed by the officer-in-charge.

**Rule 18 - Specific gravity and changes in the bulk of the must to be recorded-** Every morning, subsequent to the pitching of the must, vintner himself or his authorised agent record its specific gravity and the changes in bulk in the register under his own signature, till the liquor referred to in Rule 17 is ready for casking or racking, after straining off the less.

**Rule 19 - Specific gravities to be determined by the officer-in-charge -** The quantity of fruit juice placed in each fermenting vessel, the bulk of the fermented must therein and the original and final gravities shall be ascertained by the officer-in-charge. For the first two items he may rely on the figures furnished by the vintner. No fermented must shall be taken out of the vintnery or brought in from outside.

**Rule 20 - Finished wine to be sealed by the officer-in-charge -** The vintner shall request the Collector to direct the officer-in-charge to be present on the date of the transference of the strained liquid to be storage receptacle which should be capable of being properly sealed by the officer-in-charge.

The bulk and the final specific gravity of the fermented must shall be recorded after straining by the vintner in the register which will be maintained and signed by him and also by the officer-in-charge.

**Rule 21 - Power of Excise Commissioner to fix alcoholic strength discretionary -** The Excise Commissioner may if he deems it necessary, fix normal alcoholic strengths and allowable margins for the wines to be manufactured.

**Rule 22 - Samples for analysis -** The officer-in-charge shall take two samples of the young wine in quart bottles in the presence of the vintner or his agent and after duly sealing the same deposit one with the Collector and send the other to the Chemical Examiner to the Government, Uttar Pradesh, Agra, for report as to its real alcoholic strength, and also as to whether the wine is sparkling or of the other variety. The vintner shall pay the packing charges, freight and the examination fee of the samples to the Chemical Examiner.

### **D- Issue of Wines**

**Rule 23 - Wine to be released on being certified by the Chemical Examiner and after payment of duty** - The young wine shall remain in receptacle, sealed by the officer-in-charge and shall be released after the Chemical Examiner's report is received and the duty deposited together with the number and the date of the treasury challan shall be recorded, under the signatures of the Inspector together with the date of release of the wine.

**Rule 24 - Rates of duty** - Duty on the quantity of wine to be released shall be payable at the given against item 6 of Appendix B-II of Volume II of the Excise manual. The quantity of the wine to be released at one time shall not less than 5 imperial gallons. If duty-paid bandy or any neutral spirit is added for the purpose of fortification of young wine the duty is to be levied on the bulk of the wine before such addition.

**NOTE** - Wines operating more than 42 percent of proof spirit shall be charged at the rate given against item 4 (a) of Appendix B-II of Volume II of the Excise manual. In such cases duty shall be charged on the proof content of the wine deducting the duty already levied on brandy or any neutral spirit utilised in the formation thereof.

**Rule 25 - Sale to be made under F.L. 1 or F.L. 2 licence only** - The vintner may sell his duty paid wine to wholesale vendors in the State under F.L. 1 or F.L. 2 licence or to retain vendors (including F.L. 15) under 2 licence. All such sales shall be covered by a pass in Form F.L. 36 issued by the vintner.

**Rule 26 - Export** - Export to be made in accordance with the condition of licence in Form F.L. 1 or F.L. 2 - Duty-paid wine may be exported by the vintner from his wholesale licenced premises (F.L. 1 or F.L. 2) to other States or Union Territories in India. Such exports shall be covered by a pass in Form F.L. 23 issued by the vintner.

**Rule 27 - Rules of the importing States to be also observed** - Before and while exporting to other States or Union Territories in India, the vintner shall comply with the rules and regulations governing import of foreign spirits and wines into the States or Union Territories concerned.

### **E- Bottling of Wine**

**Rule 28 - Bottling to be done under F.L. 3** - Bottling of wine shall be carried on in the wholesale premises of the vintner in accordance with the provisions of paragraph 645 of the Excise manual and conditions of licence in Form F.L. 3

**Rule 29 - Bottling account to be maintained** - The vintner shall maintain accounts of such bottling operations in the form prescribed under condition No. 7 of the licence in Form F.L. 3.

### **F- Miscellaneous**

**Rule 30 - Labelling of wine** - The vintner shall not give any name to his wine may give rise to any ambiguity or trade objection. He shall note on the labels of the containers of the wine "Made in India" and the name of his firm, the place of manufacture and the base from which the wine is manufactured.

**Rule 31 - Liability of Vintner for Loss** - The vintner shall be held strictly responsible for the safe custody and accounting of all alcoholic liquid under fermentation or other

process of manufactures, and of the finished wine at the licenced premises. He shall be liable to pay double the amount of duty on any loss or discrepancy in accounts which he is unable to explain and may be held further liable to penalty not exceeding Rs. 500 at the discretion of the Excise Commissioner.

N.B. - The licence shall maintain a daily accurate account of all transactions (including bottling) of the finished and unfinished wine.

Rule 32 - Signboard to be affixed - The vintner shall have a proper signboard affixed to the premises licensed for the manufacture of wine.

**Rule 33 - Inspection by Officers** - The vintner shall also allow all Excise Officers of and above the rank of an Excise Inspector to visit the vintnery, at all hours of day and night to inspect the premises, to check the accounts and pass books, to measure finished and unfinished wines and to ascertain their specific gravity.

Rule 34 - Only authorised persons to be allowed in the premises - The names of all persons engaged in the manufacture and disposal of wine shall be duly endorsed on the licence, on approval of the Collector.

**NOTE-** The U.P. Vintnery Rules 1961 have been amended by the following Rules: -

First Amendment - The U.P. Vintnery (First Amended ) Rules, 1974, published in U.P. Gazette, Extra, dated 19th April 1974.

## **(2) SACRAMENTAL WINE THE U.P. SACRAMENTAL WINE RULES, 1959**

**Rule 1- Short title** - these rules may be called the U.P. Sacramental Wine Rules, 1959.

**Rule 2 - Definitions** - Unless there is anything repugnant in the subject or context.

- (a) " Act" means the U.P. Excise Act, 1910 (Act No. IV of 1910);
- (b) "Bishop" means a priest of the Roman Catholic or Anglican Church consecrated as Governor of a Diocese;
- (c) "Manufactory" means the room or building specified in the licence for the manufacture of sacramental wine;
- (d) "Sacramental Wine " means required for offering the Holy Sacrifice of Mass in a Roman Catholic Church or Holy Communion in an Anglican Church in U.P. and prepared from raisins.

**Rule 3 - Restriction on grant of licence** - for the manufacturer of sacramental wine shall be granted unless the licence is a Bishop or a priest of a Roman Catholic or Anglican Church.

**Rule 4 - Application for licence** - (a) An application for a licence for the manufacture of sacramental wine shall be made in writing to the Excise Commissioner through the Collector of the district concerned.

(b) The application shall be accompanied by : -

- (i) Short description of the place where it is proposed to manufacture sacramental wine,
- (ii) approximate quantity of sacramental wine which is proposed to be manufactured and the names of the Diocese and Churches for which the wine shall be utilised.

**Rule 5 - Issue of licence** - The Excise Commissioner may grant licence in the prescribed form for a period not exceeding one year ending March 31 of the following year on the recommendation of the Bishop of the Diocese.

Rule 6 - Renewal of licence - Application for renewal of licence shall be submitted through the Collector concerned to the Excise Commissioner, U.P. at least one month before its expiry.

**Rule 7 - Transport of Sacramental wine** - (a) Sacramental wine manufactured under the licence so granted shall not be removed except under the authority of the Bishop of the concerned.

(b) In a prohibition district a priest may obtain a permit for the transport and possession of sacramental wine from the Collector and obtain it from any wet district.

Cf. EC's Notification  
10753/II-902  
dated June 29, 1959

**Rule 8 - Excise Duty** - No Excise duty shall be No.  
charge on sacramental wine which is  
manufactured under these rules.