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ANDHRA PRADESH ARRACK (MANUFACTORY, POSSESSION, TRANSPORT AND EXPORT) RULES, 1971

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ANDHRA PRADESH ARRACK (MANUFACTORY, POSSESSION, TRANSPORT AND EXPORT) RULES, 1971

In exercise of the powers conferred by Section 72 read with Sections 12, 13, 14, 15, 16, 17, 18, 28, 29, 52 and 53 of the Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act No. 17 of 1968) the Governor of Andhra Pradesh hereby makes the following rules the draft of the same having been previously published as required by sub-section (1) of the said Section 72 and no objections or suggestions thereto having been received.

1. Short title and application :-

- (1) These rules may be called the Andhra Pradesh Arrack (Manufactory, Possession, Transport and Export) Rules, 1971.
- (2) These rules shall apply to all licences issued under the Andhra Pradesh Excise Act, 1968 for the production, manufacture, storage, blending, maturing, fortifying, diluting, colouring or flavouring of arrack whether ordinary, coloured, flavoured or spiced.

2. Definitions :-

In these rules, unless the context otherwise requires.-

- (a) "Act" means the Andhra Pradesh Excise Act, 1968;
- (b) "arrack" means country liquor manufactured as per the specifications of the Commissioner, including the arrack coloured, flavoured or specified, either in loose quantity or in sealed bottles;
- (c) "Excise Superintendent" in relation to these rules includes the Superintendent for Distilleries and Assistant Superintendent for Distilleries appointed under sub-section (2) of Section 7 of the Act;
- (d) "form" means the forms appended to these rules;
- (e) "guage" means the process of determining the quantity of spirit contained or taken from any cask or receptacle, or the capacity of a cask or receptacle;
- (f) "licence" means a licence granted for the construction and working of the manufactory, under Sections 13 and 16 of the Act : and the word 'licensed' shall be construed accordingly;
- (g) "manufactory" means any distillery, brewery or other place where spirit is stored, blended, matured, fortified, diluted, coloured or flavoured to produce arrack, whether ordinary, coloured, flavoured or spiced and includes a place for bottling such arrack; but does not include a manufactory where wine, or Indian liquors, beer or toddy is manufactured;
- (h) "manufactory officer" in relation to any manufactory means the Excise Officer-in-Charge of such manufactory, not below the rank of Sub-Inspector of Excise;
- (i) "spiced spirit" means spirit distilled after addition of colours or spices to plain spirit;
- (j) "spirit" means rectified spirit of strength of more than proof spirit.

3. Application for grant of a manufactory licence :-

An application for the grant of a licence to construct and work a manufactory shall be in Form M-1 and shall be addressed to the Commissioner, and shall also be accompanied by,-

(i) a description of the site and plan of the building in which the manufactory is proposed to be established by the applicant specifying the number, size and description of the plant and apparatus, proposed to be installed therein;

- (ii) an authorisation from local authority concerned that there is no objection for the construction and working of the manufactory on the proposed site and in the buildings shown in the plan, and
- (iii) a certificate of approval from the Chief Inspector of Factories under the Factories Act, 1948.

4. Conditions for grant of licence :-

No licence shall be granted unless:

- (a) prior approval of the Government is obtained for the sanction of*{a licence} by the Commissioner;
- (b) the applicant deposits as security for the fulfilment of all the conditions of the licence such sum as may be fixed from time to time, which shall not be less than Rs. 5,000; and
- (c) the applicant satisfies the Commissioner that the proposed building, plant and apparatus to be used in connection with storing, blending and issuing of spirits are built in accordance with the relevant regulations applicable thereto and that due precaution has been taken against the fire.

5. Grant of licence :-

- (1) Where the Commissioner is satisfied that the applicant fulfils the conditions specified, he may grant the licence to the applicant.
- (2) Every licence granted under these rules shall be in Form M-2 and for the period ending with the 30th September and shall be issued in the name of the applicant, not being transferable.

6. Payment of fee :-

The licensee shall pay the licence fee of Rupees one thousand only (Rs.1,000) per annum or part thereof for each licence in advance before a licence is issued and it shall not be refundable under any circumstances.

7. Report on the completion of building :-

The licensee shall within three months from the date of grant of licence, report to the Commissioner the date on which the construction of the building and installation of the plant and machinery is completed and the date from which its working will be started.

8. Commencement of working the manufactory :-

The manufactory shall not start working unless the buildings

constructed and the plant and apparatus installed are inspected by the Commissioner or his nominee, and a written permit is issued therefor, before the expiry of the period of three months from the date of grant of licence.

9. Failure to complete the construction and commence work :-

If the licensee fails to complete the construction of the building as per the plan and start the working of the manufactory within the period of three months from the date of grant of licence, the licence granted shall be liable for cancellation without compensation for any damage or loss:

Provided that if the Commissioner is satisfied that there is sufficient cause for the licensee for not installing the plant and machinery and for not commencing the working of the manufactory within that period, he may, for reasons to be recorded in writing extend the said period by such further period or periods, not exceeding one year, in the aggregate as he may deem fit.

10. Issue of Arrack Produced in the Manufactory :-

- (1) The entire quantity of arrack produced in the manufactory shall be at the disposal of the Commissioner or his nominee, and shall be issued to the licensee of arrack shop or group of shops, his agent or Nowkar on production of indent duly signed by the Excise Superintendent or Assistant Excise Superintendent in accordance with the A.P. Excise (Arrack Retail Sale Special Conditions of Licences) Rules, 1969.
- (2) The licensee of the Arrack Manufactory shall be paid the cost of arrack supplied under sub-rule (i) at such price as may be agreed upon or in case of disagreement as may be fixed by the Government.

11. Furnishing of security for the Arrack Manufactured :-

The licensee before commencing the working of the manufactory, furnish security to the satisfaction of the Commissioner in the form of a bank guarantee from any scheduled or nationalised bank or in such other form as the Commissioner may specify, for a sum which shall not be less than Rs.25,000/- and also furnish thereafter such additional security, from time to time as may be required with reference to the increase, if any, in the monthly production of the arrack, provided that the total security shall not exceed rupees one lakh.

12. Furnishing of duplicate copies of the Plant etc., to the Excise Superintendent :-

Where the licence is granted the licensee shall furnish a duplicate copy of the description of the plant and apparatus together with such other documents as are approved by the Commissioner to the Excise Superintendent concerned for record in his office.

13. Alteration to be made with permissions :-

No alterations in or additions to the building in which the manufactory is established, or the plant or apparatus installed for working therein shall be made without the prior permission of the Commissioner. But the manufactory officer may permit minor alterations to be made in such building, plant or apparatus, subject to the final approval of the Commissioner.

14. Commencement and period of the licence :-

Every licence granted under these rules shall be valid for a period of one year commencing on the 1st day of October of the year in which it is granted and ending with the 30th September of the next following year:

Provided that the Commissioner, may fix in any particular case a different period, but where a period longer than one year is fixed, the licensee shall deposit the fee specified for each year or a part of the year comprising such period.

15. Renewal of the Licence :-

Every licence may be renewed on application to the Commissioner and on the payment in advance of the licence fee for a period of one year at a time, or for such other period as the commissioner may fix.

16. Hypothecation of manufactory prohibited :-

The licensee shall not hypothecate the whole or any part of the manufactory without the previous sanction of the Commissioner in writing.

17. Fee payable on application for licence or its renewal :-

Every application for the grant of renewal of the licence shall bear a court fee stamp of the value of Rs.2 or any other value which may be specified by the Government from time to time.

18. Inspection of manufactory :-

The licensee shall permit at any time the Commissioner or any

other officer authorised by him in that behalf, to inspect the manufactory or the warehouse connected therewith and to examine the spirit stored therein and shall afford to the Commissioner or the said officer, all proper assistance in making such inspection or examination.

19. Payment for the cost of supervisory staff posed at the manufactory :-

The licensee shall execute an agreement for the payment of costs, charges and expenses (including the salaries and allowances of such excise staff as may be determined by the Commissioner or his nominee, to be posted at the manufactory of the licensee) which the Government may incur in connection with the supervisions to ensure compliance with the provisions of the Act, these rules and the terms and conditions of the licence. The staff shall be under the supervision and control of the Commissioner or his nominee.

20. Provision of accommodation for the superviory Staff :-

The licence shall if required by the Commissioner, provide at the premises of the manufactory or at such other nearby place as may be approved by the Excise Commissioner, accommodation, for the office and residence of the excise staff posted under Rule 19, on payment of rent or other charges for such accommodation.

21. Deposit towards salaries etc. of the staff posted :-

The licensee shall, if required by the Commissioner deposit in the Government treasury, such amount as may be specified by him towards the salaries and allowances including over-time charges, of the excise staff posted at the manufactory and shall not make any direct payment to any member of the staff.

22. Taking samples for analysis :-

The licensee shall when required by an order of the Commissioner or any officer authorised by him, permit samples of spirit used or arrack manufactured in the manufactory, to be taken for analysis by the Excise Superintendent or by the manufactory officer.

23. Assistance to the manufactory officer to be given :-

The licensee shall afford all reasonable assistance to the manufactory officer in carrying out his duties.

24. Appointment of Managers to be notified :-

Where a licensee appoints a person as manager, to act as his agent or on his behalf, intimation of every such appointment shall be given to the Commissioner through the Excise Superintendent.

25. Search of persons leaving the manufactory :-

Every person shall on leaving the manufactory be liable to be searched under the orders of the manufactory officer.

26. Prohibition of issue of arrack on holiday etc. :-

The licensee shall not issue arrack from the manufactory on Sundays and other public holidays and other days between 6 p.m. and 6 a.m. without the permission of the Excise Superintendent concerned.

27. Prohibition against closure of manufactory on working days :-

The manufactory shall not be kept closed and issues refused on any working day except during the hours specified in Rule 26, without the written permission of the Excise Superintendent concerned.

28. Permission to be obtained for working beyond normal working hours and on holidays :-

Where a licensee intends to work the manufactory during any period specified for closure under Rule 26 he shall give prior notice to the manufactory-officer in that behalf and also obtain the written permission of the Excise Superintendent concerned.

29. Naked lights not to be used :-

Naked lights of any description shall not be used within the manufactory.

30. Stocks of Spirit to be kept in sufficient quantities :-

The licensee shall always keep such stock of spirit in the warehouse, subject to the quantities approved by the Commissioner as may be sufficient for the preparation of arrack for issue for a minimum period of 15 days at the maximum rate of issue per month during the previous year.

31. Arrack to be issued in the presence of Manufactory Officer:

Arrack shall be issued from the manufactory only in the presence of the manufactory-officer and after taking his orders.

32. Spirit to be obtained by the licensee by himself :-

If the licensee requires spirit for use in the manufactory for blending it into arrack, he may transport the same from any distillery of his choice after taking the necessary permit from the Commissioner.

33. Spirit required for laboratory use :-

If the licensee requires spirit for use in the laboratory attached to manufactory, he shall be entitled to remove spirit from the manufactory to the laboratory, duty free from the spirit store, to the extent of one litre per month.

34. Verification of spirit received at the warehouse :-

As soon as spirit is received from the distillery, at the warehouse, the quantity of spirit transported shall be verified by the manufactory-officer and a verification report shall be sent to the concerned distillery officer in Form-M-3. The licensee shall be responsible to account for the variation, if any in transporting the spirit from the distillery to the warehouse.

35. Removal of spirit from the warehouse :-

- (1) If the licensee requires spirit from the warehouse for use in the laboratory the licensee shall submit an indent to the manufactory-officer in Form M-4.
- (2) If the licensee requires to remove spirit from the warehouse for blending it into arrack he shall submit an indent to the manufactory officer in Form M-5.
- (3) On receipt of the indents, the manufactory-officer shall pass the indent and issue them in Form M-6 to the licensee for removing spirit.

36. Payment for arrack supplied :-

Payment shall be made to the licensee, for the arrack supplied to the nominees of the Commissioner, as per the procedure laid down and at such intervals as may be stipulated by the commissioner.

37. All plant and machinery and storage to be within the Manufactory :-

All buildings, plant and machinery used for the storage of spirit and manufacture or storage of arrack shall be situated within the manufactory premises, and no other business except that of storage, manufacture and issue of arrack shall be carried on the premises.

38. Manufactory premises to be enclosed :-

Manufactory premises shall be enclosed by a compound wall with sufficient protection to prevent undue access from outside into manufactory premises.

39. Building, plant and machinery to be maintained properly:-

Buildings, plant and machinery specified in the licence shall be maintained properly and cleanly to the satisfaction of the Commissioner or his nominee.

<u>40.</u> Buildings used for manufactory to conform to specifications:-

- (a) The buildings used for the manufactory or warehouse shall be constructed with brick or stone and the roof provided should be flameproof.
- (b) All the windows and ventilators provided in the building shall be fitted with rods not more than 10 centimetres apart, centre to centre. All the windows and ventilators in the warehouse and store room shall be covered with galvanised wire net or square mesh, not more than 1/2 centimetre apart. All the sky-lights provided shall also be similarly covered.
- (c) All the doors which are to be fitted with Excise ticket locks shall be free from tampering of the binges from outside.
- (d) All the doors fitted to the building shall open outwards.
- (e) There shall be no thatched building within the manufactory premises or warehouse compound.
- (f) All the openings in the external walls intended for the efflux of waste water, shall be covered with grills affixed to the wall.

41. Containers for spirit and arrack should be kept clean: All the containers for storing, blending or maturing the spirit or arrack shall be kept clean and free from dust.

42. Blending of spirit into arrack, its storage and issue :-

- (a) Spirit shall be blended into arrack only by mechanical means taking care to see that no impurities are added to it.
- (b) Arrack after blending shall be mature in such fashion and for such period as stipulated by the Commissioner, before it is issued.
- (c) All the pipes conveying spirit or arrack shall be fixed at a sufficient height. All the flanges on these pipes shall be kept in sealed position with lead seals.
- (d) All the manholes and cocks and other opening of store vessels

and arrack vats shall be closed and fixed with abkari locks to be provided by the Commissioner.

- (e) The licensee shall provide for use or measuring spirit or arrack in the manufactory at the time of issue, such measures, guages, weighing machine or other appliances as the Commissioner may direct him to provide.
- (f) Arrack shall be blended to such strength as may be specified by the Commissioner.
- (g) Arrack shall be coloured or flavoured as per the specifications issued by the Commissioner, from time to time.

<u>43.</u> Power of the Commissioner to stop working of the Manufactory:-

Where the Commissioner is not satisfied with the maintenance of the building, plant or machinery including measures and other appliances, he may require the licensee to stop working the manufactory within a week, from the date of communication of the Commissioner oof the notice to that effect.

<u>44.</u> Power of the Commissioner to direct replacement of defective apparatus :-

Where any vat, pipe or other part of the plant, is at any time found to be defective or leaky and the Commissioner may order the discontinuance of its use, and the licensee shall not use it unless it has been repaired to the satisfaction of the Commissioner or his nominee.

45. Conveying pipe etc., to be leak proof :-

The licensee shall so arrange his vats and mixtures that the spirit is conveyed through closed pipes from the vats into the mixtures and from the mixtures into the store vats and he shall be responsible for preventing any leakage from these pipes and for arranging facility to examine the spirit conveyed through the pipes throughout the entire length.

46. Pipes used to be painted :-

All the conveying pipes and drains shall be coloured indicating the substances they are intended for conveying, as shown below :

<u>47.</u> Keeping or using of unwanted vessels in the manufactory prohibited :-

(a) Except to the extent permitted by the manufactory officers the

licensee shall not use or permit to be used bottles or other vessels having a capacity of less than 20 litres each, in the manufactory premises.

- (b) Vats made of wood shall ordinarily be used for the storage of spirit or blended arrack. Such number of casks as may be permitted by the Commissioner may be kept in the store room for the storage of spirit.
- (c) Vats used as receptacles, may be of any material approved by the Commissioner. Vessels shall be of regular shape. Large closed vessels shall be covered with mantles of a size approved by the Commissioner and every vessel shall be provided with proper and approved arrangement for guaging with rods, or glasses, and with scales and tables, showing number of litres contained in them when filled, to every tenth of a centimetre by either the wet or dry method of guaging according as the Commissioner decides to apply. When wet method of guaging is applied to any vessel, a permanent dipping rod of a pattern approved by the Commissioner shall be fixed in a manner approved by him to that part of the vessel where there is the greatest depth of liquid in it.
- (d) Each vessel shall have legibly painted on it in English and also in Telugu, its capacity and the use to which it is applied as certified and registered by the manufactory officer in a register.
- (e) Each vessel shall be so fixed as to permit proper examination of its contents and as to drain the contents entirely from the vessel without the vessel being moved.
- (f) No receptacle, the contents of which are estimated by guage rod, shall be used until it has been guaged and passed by the manufactory officer and a suitable table book has been prepared for it, if any such receptacle is repaired or removed, it shall not be used again until it has been reguaged and passed by the manufactory officer and a revised table book has been prepared for it.
- (g) No receptacle shall be used as spirit vat or water vat or arrack vat unless it has been guaged and the guaging has been checked by an excise officer posted at the manufactory not below the rank of an excise inspector.

48. Blending of arrack :-

- (a) Before receiving or draining spirit from the vat in store, the spirit contained in the vat shall be tested for its quantity and strength by the manufactory officer. Blending of spirit into arrack shall be done in the presence of the manufactory officer during the whole process of taking measured quantity of spirit from vat and adding water and blending. The quantity of spirit taken, water added and the strength and quantity of arrack finally produced shall be determined accurately by the manufactory officer and recorded.
- (b) Water used for blending shall be pure and potable water, fit for human consumption. It shall be got analysed by the licensee atleast once in a quarter year by the laboratory attached to the Board of Revenue (Excise) and declared fit for human consumption. The licensee shall undertake such process as the Commissioner may deem necessary to specify from time to time, for treating water properly and making it fit for human consumption.

49. Storage of arrack before Issue :-

- (a) Arrack shall be properly filtered and shall be free from all impurties before issue.
- (b) The vats in which arrack is stored shall be kept in room or building having single door and set apart separately for that purpose.
- (c) Every room or building in which spirit is stored or blended or arrack is stored or issued shall be provided with a double lock and key of the licensee and of the manufactory officer.
- (d) Before any spirit brought from outside into the manufactory for fortfication, compounding, storage or for any other purpose is stored in the warehouse its quantity and strength shall be accurately determined.
- (e) The licensee shall provide vats for storing arrack having an aggregate capacity equal to atleast one quarter of maximum quantity issued in any month during the previous year and where no such storage capacity is available it shall be determined by the Commissioner.
- (f) The separate store vat or vats may be kept and used for storage of blended spirit, spiced spirit, blended arrack, and spiced, matured or flavoured arrack.

- (g) Any vessel set apart and used for the storage of any one kind of spirit shall not be used for the storage of any other kind of spirit.
- (h) No blending or reduction of plain spirit shall be done in the * {store vat.} except in the presence and under the supervision of the manufactory officer. Any other blending or reduction may be done at the time of issue at the special issue room only.

50. Provision of spirit issue room :-

A spirit issue room shall be provided by the licensee near the spirit warehouse, for by the operations connected with the filling up vessels with and for the issue of spirit and arrack from the manufactory.

51. Issue of arrack :-

- (a) Arrack shall be issued to the licence holder only at the special issue room provided for by the licensee for the purpose and in the presence of the manufactory officer and the licence holder or his representative.
- (b) Colouring, blending or compounding of the arrack shall take place only at the time of issue and in the issue room. All the colouring, and compounding materials brought into the manufactory shall be checked by the manufactory officer and kept in a separate room and registered and the licensee shall not use any such materials as are disapproved by the Commissioner or his nominee.

52. Bottling of arrack :-

- (a) Operation connected with the filling up of bottles with arrack, shall be conducted in bond under the supervision of the manufactory officer, in a separate room called the bottling room set apart for this purpose within the manufactory premises and near the spirit store.
- (b) Bottled arrack shall be stored in a separate room called "Bottled spirit store" set apart for this purpose within the manufactory premises near the bottling room. The bottling room and the bottled spirit store room shall be secured in such manner as the Commissioner may approve. In the bottling room, vats shall be erected and the spirits for bottling shall be stored therein.
- (c) No arrack shall be bottled except with the permission of the Commissioner and at such strength as may be specified by him

from time to time.

- (d) Bottling of arrack shall be done during the ordinary working hours of manufactory.
- (e) No bottle shall be filled with arrack except in the presence of the manufactory officer and of the licence holder or his representative.
- (f) Arrack required for bottling shall be matured, measured out and then pumped into the bottling room through permanently fixed pipes, having within the spirit store a cock and fastening for abkari lock or such other arrangements as may be approved by Commissioner.
- (g) Bottles of such capacity as may be approved by the Commissioner shall alone be used.
- (h) Every bottle shall bear such specifications etched on the glass and the mouth of every bottle shall be closed and sealed in such manner as may be specified by the Commissioner.
- (i) The capsule and lable used and the inscriptions thereon shall be as per the written instructions of the Commissioner from time to time.

53. Maintenance of accounts :-

The licensees shall maintain accounts,

- (i) For the spirit received in the spirit store and issued in Form M-6.
- (ii) for all the arrack manufactured and issued in Form M-7.
- (iii) for the arrack issued for bottling and bottled in Form M-8.
- (iv) for all the bottles filled with arrack in Form M-9.

54. Excise Duty payable on Wastages :-

The licensee shall account for the spirit received by him for manufacture of arrack once in three months or whenever so required by the Commissioner or Director of Distilleries. The licensee shall be liable to pay excise duty at the existing rate in terms of arrack on the wastage of spirit, duly recorded, in transit, in storage, in blending, in bottling and in issues; if such wastages exceeds half per cent of the total quantity of the spirit.

Explanation Wastage duly recorded from time to time for the purpose of collection of excise duty shall be calculated at the end of

every twelve months from the date on which the licence comes into force and when the licence is granted for a period less than twelve months, the wastage shall be calculated at the end of such period.

55. Measurement of arrack :-

- (a) Arrack to be issued may be measured in terms of approved measures or by weighment. In case a guaging machine is used, the Distillery Officer shall check up its correctness with the standard measure and verify it on every first day and 15th day of each month;
- (b) The licensee shall be responsible for securing the bungs or other openings of all casks and vessels filled and for preparing them for issue or if they are to be packed, for preparing the packages and getting them sealed by the manufactory officer in such way that they cannot be opened without damaging the seal.
- (c) The Distillery Officer whenever necessary, shall weigh the empty casks and the casks filled with spirit and record the weights in a register in Form M-10. If the check by weighment shows any excess or deficiency of more then two litres of liquor, the liquor should be remeasured.

56. Removal of Spirit or Arrack :-

No spirit or arrack manufactured or stored shall be removed except in accordance with the provisions of these Rules.

57. Minimum quantity to be issued :-

Arrack shall not be issued from a manufactory quantities less than 20 litres and no bottled arrack shall be issued in quantities less than 70 litres.

58. Issue of Transport Passes :-

- (a) No arrack shall be removed without a proper transport pass.
- (b) Every application for a transport pass for removal of the spirit or arrack shall be made in writing to the Distillery Officer/Manufactory Officer.
- (c) If the Distillery Officer/Manufactory Officer is satisfied that the applicant is entitled under these rules to remove spirit, he shall issue the permit in Form M-11, sending the duplicate copy of the permit to the Excise Superintendent of the District of destination.

59. Licensee bound by other conditions if any to be imposed

Every licensee shall be bound by all the additional rules for the construction, maintenance, and running of the manufactories, which may, hereafter be made under the Act, and by all the special orders or instructions issued by the Commissioner with regard to manufactories and shall cause all persons employed by him in his manufactory to comply with all such rules and orders.