

**DELHI INTOXICATING SPIRITUOUS PREPARATIONS,
IMPORT, EXPORT, TRANSPORT, POSSESSION AND SALE
RULES, 1952**

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**DELHI INTOXICATING SPIRITUOUS PREPARATIONS,
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DELHI INTOXICATING SPIRITUOUS PREPARATIONS, IMPORT,
EXPORT, TRANSPORT, POSSESSION AND SALE RULES, 1952

1. Definitions :-

In these rules, unless the context otherwise requires

(a) "Act" means the Punjab Excise Act, 1914 (1 of 1914), as in force in the ¹Union Territory of Delhi;

(b) ²"Lt.Governor" means the Lt. Governor of Delhi;

(c) "District Excise Officer" means the officer appointed as such under the Act;

(d) "Form" means a form appended to these rules;

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(e) "Homoeopathic Practitioner", for the purpose of these Rules means a practitioner whose name is for the time being entered in the Register of Practitioners prepared and maintained by the Board of Homoeopathic System of Medicine, Delhi under the Delhi Homoeopathic Act, 1956 or has been incorporated as a 'listed' member on a separate register maintained by the said Board;

(f) The expressions "Import, Export and Transport" shall have the same meaning as are assigned to them under the Act;

(g) "Intoxicating Spirituous Preparations" means the Spirituous preparations declared as liquor by the ⁴Lt. Governor's Notification No. F. 10(27)/61-Fin (E)(i) dated the 7th December, 1961, as subsequently amended vide corrigendum No. F. 10(27)/61-Fin (E) (i) dated the 13th December, 1961 and shall include all such preparations as the Lt. Governor may declare as such from time to time;

(h) "Licensee" means a person licensed to possess, manufacture or for dispensing or for selling intoxicating spirituous preparations;

(i) "Prescription" means a prescription given by a registered medical practitioner to a bonafide patient;

(j) "private medical practitioner" means a medical practitioner of modern system of medicines holding a licence under the Drug Act, 1940 and the Rules made thereunder;

(k) "registered practitioner" means a medical practitioner registered in any State in India under any law for the registration of medical practitioners;

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(kk) "Ayurvedic or Unani Practitioner" means a practitioner registered under any law for the registration of practitioner of Indian systems of medicine for the time being in force in any State;

(l) "Superintendent of Medical Services" means the Superintendent, Medical Services, Delhi and also includes the Asstt. Drugs Controller, Delhi.

1. Substd. vide Constitution Amendment Act, 1956.

2. Substd. for the words "Chief Commissioner" vide Govt. of India, M.H.A. Notfn. No. 41/2/66, dated 7.9.1966.

3. Substd. vide Delhi Admn. Notfn. No.10(163)/71-Fin (G) dated 22.4.1972.

4. Added vide Delhi Admn. Notfn. No.10(97)/65-Fin (E) dt. 15.1.66.

2. . :-

Deleted.

3. . :-

No person shall have, except to the extent permitted by rule 3A, in his possession any quantity of any intoxicating spirituous preparations except under the authority and in accordance with the terms and conditions of a licence or permit granted under these rules.

3A. . :-

The following intoxicating spirituous preparations may be possessed without a licence or permit by the persons and to the extent noted against each:

(1) Allopathic Preparations

(a) A patient on the authority and upto the extent of a prescription issued by a registered practitioner and dispensed either by the registered practitioner himself or by a licensee;

(b) A registered practitioner upto 900 mililitres of each such preparation at any one time;

(c) A registered practitioner in managing or supervising charge of a hospital or dispensary or clinic run by 5 private individuals or organization or Government, Municipal Corporation or other local body, or a charitable organisation upto the requirement of such hospital or dispensary or clinic for 12 months;

(d) A private medical practitioner who may keep in his possession at any time such intoxicating spirituous preparations as mentioned in his Drug licence to the extent of 550 ml. of each for the purpose of dispensing his own prescriptions.

(2) Homoeopathic Preparations

(a) A patient on the authority and upto the extent of a prescription issued by a homoeopathic practitioner and dispensed either by the homoeopathic practitioner himself or by a homoeopathic chemist holding a licence;

(b) A homoeopathic practitioner upto 2550 milliliters of each such preparation at any one time;

(c) A homoeopathic practitioner in managing or supervising charge of a

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(2A) Ayurvedic and Unani Preparations

(a) A patient on the authority upto the extent of a prescription issued by an Ayurvedic or Unani Practitioner and dispensed either by the Ayurvedic or Unani Practitioner himself or by a licensee;

(b) An Ayurvedic or Unani Practitioner upto 900 millilitres of each such preparation at any one time;

(c) An Ayurvedic or Unani Practitioner in managing or supervising charge of a hospital or dispensary, or a clinic run by private individuals or organizations or by Government, Municipal Corporation or other local body, or by a charitable organisation upto the requirement of such hospital or dispensary or clinic for 12 months.

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(3) Toilet Preparation A bonafide consumer, upto 275 millilitres of each variety.

(4) Essences

(a) A bonafide consumer upto 140 millilitres of each variety;

(b) A manufacturer of aerated water, upto 4.5 litres of each variety at any one time.

(5) ALL kinds of Intoxicating Spirituous Preparations An Excise

Officer of the Government, acting in his official capacity, upto any quantity.

1. Inserted vide Delhi Admn. Notfn. No.10(97)/65-Fin (E)(i) dated 12.3.67.
2. Substd. vide Delhi Admn. Notfn. No.10(97)/65-Fin (E)(I)(i) dt. 12.3.67.
3. Insetted vide Delhi Admn. Notfn. No.10(27)/61-Fin (E)(ii) dated 13.12.61.
4. Substd. vide Delhi Admn. Notfn. No.10(97)/65-Fm (E)(I)(i) dated 12.3.1961.

4. . :-

¹A licensee, registered practitioner, homoeopathic practitioner, private medical practitioner, ²Ayurvedic or Unani Practitioner or a permit-holder may, subject to rule 3 above, import, export or transport intoxicating spirituous preparations on the authority of a permit or a pass under these rules. ³ Provided that no permit or pass under these rules shall be separately issued for import, export and transport of intoxicating spirituous preparations wherever they are being issued in form L-34 under M.C. 12 licence or in bond under Medicinal and Toilet Preparations (Excise Duties) Rules.

1. Deleted vide Delhi Admn. Notfn. No.10(16)/62-RandJ dated 9.9.1953.
2. Omitted vide Delhi Admn. Notfn. No.10(27)/61-Fin (E)(ii) dated 13.12.1961
3. Substd. vide Delhi Admn. Notfn. No.F-10(27)/61-Fin (E)(ii) dated 13.12.1961.

5. . :-

A registered practitioner, or a homoeopathic practitioner or any Ayurvedic or a Unani Practitioner in managing or supervising charge of a Government, Municipal Corporation, or other local bodies, or charitable hospital, dispensary or clinic or that run by private individuals or organisation(s) duly approved by the Collector, may import and transport such quantity of intoxicating spirituous preparations, as may be specified OR the indent (not exceeding the requirements for 12 months) duly countersigned by the Director of Health Services, Chairman, Board of Homoeopathic System of Medicine, Delhi, or the President, Board of Unani and Ayurvedic Systems of Medicines, Delhi, as the case may be, and in the case of veterinary hospitals and dispensaries by the Deputy Superintendent of Civil Veterinary hospital. A Copy of the indent shall be furnished, in advance, to the Collector for record and for such action as he may deem expedient in relation to the indent in regard to the

quantity to be imported or transported.

5A. . :-

A permit-holder may import such quantity of intoxicating spirituous preparations, as may be possessed by him under the permit granted to him 2under these rules.

6. . :-

Deleted.

7. . :-

Subject to the provisions of rules 3A and 5A, every consignment of intoxicat- ing spirituous preparations imported, exported or transported shall be accompanied by a permit or pass issued under these rules.

8. . :-

Omitted.

8A. . :-

Omitted

9. . :-

A manufacturer shall, subject to the conditions of his licence, sell intoxicating spirituous preparations to:

- (a) a registered practitioner;
- (b) a homoeopathic practitioner; ¹
- (bb)Ayurvedic or Unani Practitioner;
- (c) a licensee;
- (d) a permit holder; or

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(e) a private medical practitioner; only in such quantity and for such purpose, as he may be authorised under the rules and/ or as may be specified in his licence or permit.

1. Inserted vide Delhi Admn. Notfn. No.10(97)/65-Fin-(E) dated 15.1.1966.

2. Inserted vide Delhi Admn. Notfn. No.10(97)/65-Fin (E)(i) dated 12.3.1967.

10. . :-

A licensee shall, subject to the conditions of his licence, sett

intoxicating spirituous preparations to:

- (a) a registered practitioner or a homoeopathic practitioner ¹or an Ayurvedic or a Unani practitioner ¹or a private medical practitioner;
- (b) a registered or homoeopathic practitioner ²or an Ayurvedic or a Unani Practitioner in-charge of a Government, Municipal Corporation or other local bodies, charitable hospital, or dispensary or a clinic;
- (c) another licensee;
- (d) a permit-holder;
- (e) a person holding a prescription of a registered practitioner/homoeopathic practitioner ¹a private medical practitioner ¹or an Ayurvedic or Unani practitioner in accordance with such prescription; and
- (f) ⁴ (****)to any person in any quantity which he is permitted to possess without permit/licence under rule 3A 2and rule 24(iii).

1. Deleted vide Delhi Admn. Notfn. No.10(16)/52-R and J dated 9-9-53.

2. Substd. vide Delhi Admn. Notfn. No.10(27)/61-Fin(E)(ii) dated 13-12-1961.

4. Inserted vide Notfn. No. F. 10(27)/61-Fin(E)(ii)dt.13-12-61.

11. . :-

A registered practitioner¹or a homoeopathic practitioner² or an Ayurvedic or Unani practitioner shall sell intoxicating spirituous preparations only for dispensing his own prescription or the prescription of another registered practitioner, 5a homoeopathic practitioner or an Ayurvedic or Unani practitioner.

1. Deleted vide Delhi Admn. Notfn., No.10(97)/65-Fin(E)(I)(i) dated 12-3-1967.

2. Schedule sub. vide Delhi Admn. Notfn. No.10(97)/65-Fin(E) dt.15.1.66.

11A. . :-

A private medical practitioner shall sell intoxicating spirituous preparations only for dispensing his own prescriptions.

12. . :-

Unless the prescription bears an indication by registered practitioner or ¹a homoeopathic practitioner ²or an Ayurvedic or Unani practitioner that it is to be repeated and at what interval of

time it is to be repeated and how many times it is to be repeated, the licensee or the registered practitioner or homoeopathic practitioner or an Ayurvedic or a Unani practitioner shall sell the intoxicating spirituous preparations only once on the prescription. After noting the date on the prescription and making an entry in the sale register, the prescription shall be returned to the patient or his representative. If the prescription bears an indication as aforesaid, the licensee or the registered practitioner ³ or a homoeopathic practitioner ² or an Ayurvedic or a Unani practitioner dispensing the prescription shall enter on the prescription the date of sale and shall sign and affix his seal to the prescription and return the prescription to the patient or his representative.

1. Inserted vide Notfn. No. F. 10(27)/61-Fin(E)(ii)dt.13-12-61.

2. Schedule sub. vide Delhi Admn. Notfn. No.10(97)/65-Fin(E) dt.15.1.66.

3. Deleted vide Delhi Admn. Notfn., No.10(97)/65-Fin(E)(I)(i) dated 12-3-1967.

13. . :-

Omitted.

14. . :-

The Collector (xxxx) may grant a licence in form I.S.P. 1 to

(a) any chemist and/or druggist holding a licence under the Drugs Control Act;

(b) a homoeopathic chemist or homoeopathic practitioner (for homoeopathic preparations only); or

(c) any person engaged in sale of general stores, and/or toilet preparations and/or essences, or an Ayurvedic or Unani medicines.

15. . :-

The licence fee shall be annual and as afixed by the Excise Commissioner, Delhi, from time to time, subject to the approval of the Lt. Governor.

16. . :-

A person desirous of obtaining a licence may apply in form I.S.P. 2 to the Collector, provided that the Collector may, for reasons to be recorded in writing, refuse to grant the licence.

17. . :-

The Collector is competent to grant a licence for the possession and sale of each kind of intoxicating spirituous preparation not

exceeding in aggregate to 1one thousand litres in a year. The Excise Commissioner, Delhi 2(xxxx) is competent to grant a licence for the possession and sale of intoxicating spirituous preparations or any class of such preparations in any quantity, whatever.

17A. . :-

(1) No permit for the possession of intoxicating spirituous preparations in excess of the quantities specified in rule 3 A 4(xxx) shall be granted except in respect of such kinds thereof, as are described in column 1 of the Schedule below to the persons specified in column 2, to the extent specified in column 3, and for the purpose specified in column 4 of the said Schedule:

SCHEDULE

(1) Allopathic Medicinal Preparations	(i) Manufacturer of homoeopathic dilutions	2.25 litres each	For Manufacturing some other preparations.
	(ii) Any person	550 ml. each	For private home consumption.
(2) Toilet Preparations	(i) Institution	2.25 litres each	For external use.
	(ii) Any person	550 ml. each	For private home consumption.
(3) Essences	(i) Manufacturer of aerated water	9 litres each	
	(ii) Manufacturer of ice creams	2.25 litres each	
	(iii) Any person for	550 ml. each	
	Bonafide private consumption.		
(4) intoxicating Spirituos	(i) Institution	As fixed by	For bonafide home
	(ii) Any person	Collector	consumption.

(2) A permit in form I.S.P. 2-A may be granted by the Collector, District Excise Officer (xxxx) to any person mentioned in sub-rule (1) on payment of a fee of Rs. 5.00.

Provided that no such fee shall be payable if the permit is required for personal use.

18. . :-

The Collector ¹ (xxxx) shall grant permits in form I.S.P. 3 for the import or transport of intoxicating spirituous preparations.

1. Deleted vide Notfn. No. 10 (163)/71-Fin(G) dt. 22-4-72.

19. . :-

The Collector ¹ (xxxx) shall issue export and transport passes in form I.S.P.4.

1. Deleted vide Notfn. No. 10 (163)/71-Fin(G) dt. 22-4-72.

20. . :-

(1) The licensee shall maintain correct account of his daily transaction in form I.S.P. 5 and submit a monthly return in form I.S.P. 6 to the Collector. ¹Provided that the Excise Commissioner, in his discretion, may relax in full or in part, the provisions for the maintenance of accounts in form I.S.P. 5 in the case of an individual or certain class of licences.

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(2) The permit-holder shall maintain a correct account of receipt and consumption of intoxicating spirituous preparations under his permit.

1. Inserted vide Delhi Admn. Notfn. No.10(27)/61 -Fin(E)(ii) dt. 13.12.1961.

2. Added vide Delhi Admn. Notfn. No.10(27)/61-Fin(E)(ii) dt. 13.12.1961.

21. . :-

The Excise Commissioner, Delhi may, by special order, authorise any officer of the Excise Department to issue export passes for the export of intoxicating spirituous preparations.

22. . :-

(i) The licensee shall, in addition to these rules, be bound to

observe all the rules under the Act applicable to his licence.

(ii) Any infringement of the provisions of these rules would be an offence under section 61 of the Act. ¹

Provided that if the licensee or permit-holder infringes causes or permits any person to infringe any of these rules or any of the conditions of his licence/permit, the Collector ²(xxxx) may, without prejudice to the remedy of prosecuting the offender, revoke and determine the licence/permit.

Provided further that if the infringement is of a minor nature, the licence or permit, as the case may be, may be restored on payment of such sum not exceeding Rs. 500/- as the Collector ² (xxxx) may determine.

1. Added vide Delhi Admn. Notfn. No.10(27)/61-Fin(E)(ii) dt. 13.12.1961.

2. Deleted vide Notfn. No. 10 (163)/71-Fin(G) dt. 22-4-72.

23. . :-

(i) In the matter of duty to be paid on intoxicating spirituous preparations, and not leviable under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, the Delhi Excise Fiscal Orders, published with the Chief Commissioner's notification No. F. 10 (97)/61-Fin(E) dated the 31st March, 1962, as subsequently amended shall apply mutatis mutandis.

(ii) In all other matters not specified in these rules, the Delhi Liquor Licence Rules, published with Chief Commissioner's Notification No. 8058-Commerce, dated the 3rd October, 1935, as subsequently amended, shall apply mutatis mutandis except in regard to working hours and closed days.

24. . :-

These rules shall not apply to the intoxicating spirituous preparations: ¹

(i) imported into India,

¹

(ii) Ayurvedic or Unani Preparations in which alcoholic content is self-generated and not added as such.

(iii) as are considered by the ³ Excise Commissioner from time to

time to be incapable of being misused for potable purposes and declared as such by him by issue of notification.

1. Substd. vide Delhi Admn. Notfn. No. 10(97)/65-Fin(E) dated 15.1.195.

3. Substd. for the words 'Chief Commissioner' vide Notfn. No. F. 10(97)/65-Fin(E)(I) dated 12.3.1967.