

Bombay foreign Liquor Bottling Rules

CONTENTS

1. Short title.
2. Definitions.
3. Restrictions on the grant of licence to bottle foreign liquor.
4. Application for licence.
5. Arrangement of Private warehouse.
6. Grant of Licence.
7. Fees for the grant of licence.
8. Conditions to be observed by the licensee.
9. Rent of Warehouse.
10. Cost of Excise Staff.
11. Fee for examination of samples.
12. Notice for discontinuing bottling operation.
13. What spirits may be bottled.
14. Account and storage.
15. Procedure before starting bottling operations
16. Cleaning of bottles and bottling of liquor.
17. Cleaning of premises.
18. Sample for analysis.
19. Saving

Bombay foreign Liquor Bottling Rules

In exercise of the powers conferred by sub-clause (iv) of clause (a) and clauses (a), (d) and (f) of section 35-A of the Bombay Abkari Act, 1878 (Bom. V of 1878) and in supersession of his notification No. 81/10/26, dated the 29th October 1926, the Commissioner of Excise, Bombay, is pleased to make the following rules, namely:

1. Short title. :-

These rules may be called the Bombay Foreign Liquor Bottling Rules.

2. Definitions. :-

In these rules there is anything repugnant in the subject or context.-

(a) "Act" means the Bombay Abkari Act, 1878,

(b) "Foreign liquor" means Indian-made foreign liquor and duty-paid foreign liquor imported into British India, other than denatured

spirit;

(c) "Indian-made foreign liquor" means liquor produced or manufactured in India which has been declared by the Provincial Government under the proviso to clause (8) of section 3 of the Act to be foreign liquor for the purposes of the Act;

(d) -'Indian-made spirit" means spirit manufactured in a distillery in India under the supervision of Government and includes brandy, whisky, gin or rum manufactured out of such spirit and declared by the Provincial Government to be foreign liquor under the proviso to clause (8) of section 3 of the Act;

(e) "Licensee" means a person who has been granted a licence to bottle foreign liquor;

(f) "Warehouse" means a warehouse established or licensed under clause (d) of section 15 of the Act or any premises specially approved for the purpose of these rules and includes a distillery established under clause (a) of the said section 15;

(g) "Warehouse Officer" means an Abkari Officer in charge of a warehouse;

(h) words and expressions used in the Act but not defined in these rules shall have the meanings assigned to them in the Act.

3. Restrictions on the grant of licence to bottle foreign liquor. :-

(i) Foreign liquor shall not be bottled except at a warehouse.

(2) No person shall be granted a licence to bottle foreign liquor unless he holds-

(a) a licence for the manufacture of Indian-made foreign liquor, or

(b) a Foreign Liquor Trade and Import Licence, or

(c) a Foreign Liquor retail 'off' licence, in the mofussil.

(3) No person shall be granted a licence to bottle fermented foreign liquor unless he holds-

(a) a Trade and Import Licence,

(b) a Retail 'Off' Licence,

(c) a Hotel licence,

- (d) a Refreshment Room licence,
 - (e) a Railway Refreshment Room licence,
 - (f) a Military Canteen Tenent System licence, or
 - (g) a Restaurant licence in the Town and Island of Bombay.
- (4) The Commissioner may in any particular case relax the restrictions laid down in sub-rules (1), (2) and (3).

4. Application for licence. :-

A person, holding any licence specified in rule 3 and desirous of obtaining a licence to bottle foreign liquor may make an application to the Collector specifying the warehouse in which the operation of bottling foreign liquor is to be carried on, together with a detailed plan thereof, if such warehouse is a private one.

5. Arrangement of Private warehouse. :-

(1) Separate rooms or compartments having their grilles embedded in cement shall be provided in every private warehouse in which bottling operations are intended to be carried on. Each such room or compartment shall be used only for one of the purposes specified below, namely:-

- (i) the storage of liquor in bulk before bottling;
- (ii) the carrying on of bottling operations; and
- (iii) the storage of liquor in sealed bottles.

(2) Every room or compartment in the warehouse shall be well ventilated and all the windows thereof shall be securely barred and wirenetted, the net having a mesh of not more than one inch. Every such room or compartment shall bear on the outside a sign board on which shall be legibly painted in oil colour the purpose for which the room or compartment is issued. At the close of each working day the warehouse and every room or compartment therein shall be locked by the licensee and the Warehouse Officer, which separate locks.

(3) After a licence has been granted under rule 6 no additions to or alterations in any room or compartment or any of the permanent fixtures of the warehouse shall be made without the previous approval of the Collector.

(4) The licensee shall provide suitable office accommodation, with

sanitary arrangements, for the Warehouse Officer within the premises of the warehouse and shall also supply such furniture and other articles for the Warehouse Officer's use as the Collector may consider necessary.

(2) No smoking or naked lights or fires shall be allowed within the premises of the warehouse.

6. Grant of Licence. :-

If after making such inquiries as he may deem necessary the Collector is satisfied that the applicant is a fit person to hold the licence and that the warehouse in which he proposes to carry on the bottling operations is suitable, he shall, subject to the conditions hereinafter provided, grant the licence.

7. Fees for the grant of licence. :-

(1) The licence shall be granted for one year only and may be renewed for a period of one year at one time;

(2) (a) A fee of Rs. 100 per annum shall be charged for a licence to bottle foreign liquor.

(b) A fee of Rs. 100 per annum in the town and Island of Bombay and of Rs. 25 per annum in the mofussil shall be charged for a licence to bottle fermented foreign liquor.

8. Conditions to be observed by the licensee. :-

The licensee other than one holding a licence for the manufacture of Indian-made foreign liquor shall when the Commissioner so directs, observe the following condition namely:-

(1) he shall give three clear day's notice of his intention to bottle foreign liquor to the Warehouse Officer;

(2) he shall not carry on bottling operations except in the presence of the Warehouse Officer or such other officer as may be deputed in that behalf;

(3) he shall not carry on bottling operations more than four times month and except during the prescribed hours of sale of liquor at the warehouse.

9. Rent of Warehouse. :-

(1) If the warehouse in which the bottling operations are to be carried on is not a private warehouse, the licensee shall pay such

monthly rent for the portion of the warehouse placed in his possession as the Commissioner may fix.

(2) If the warehouse in which the bottling operations are to be carried on is not a private warehouse, the licensee shall remove from the warehouse the whole consignment of foreign liquor deposited therein for the purposes of these rules either in whole or in parts within a fortnight (excluding Sundays and Holidays) from the date of receipt thereof in the warehouse. If any liquor remains in the warehouse for a period exceeding a fortnight, the licensee shall pay rent at the rate of half anna per week per bulk gallon or at such other rate as may from time to time be prescribed by the Commissioner in this behalf in addition to the rent payable under sub-rule (1).

10. Cost of Excise Staff. :-

The licensee shall pay to Government in advance at the beginning of each calendar month such cost of the excise staff appointed by the Commissioner for the proper supervision of the bottling operations as may be fixed by him.

11. Fee for examination of samples. :-

The licensee shall pay such fee not exceeding Rs. 15, as the Commissioner may fix for each examination of a sample made by the Chemical Analyser to Government under these rules.

12. Notice for discontinuing bottling operation. :-

The licensee shall not discontinue the bottling operations unless he has given one clear month's notice of his intention to do so.

13. What spirits may be bottled. :-

(1) No spirit of a strength lower than 35° U.P. in the case of pin, and 25° U.P. in the case of other potable spirits or lower than such strengths as may from time to time be fixed by the Provincial Government for such spirits, shall be bottled: Provided that duty-paid foreign spirit which is of a strength lower than 25° U.P. and sold at a price of not less than Rs. 90 a gallon (or Rs. 180 a dozen quart bottles) or any liquors which are obscured in strength, may be bottled.

(2) No Indian-made spirit, the obscured strength of which is lower than 27° U.P. shall be bottled.

(3) No spirit, which has not been allowed to settle in a wooden vat

or receptacle for at least 36 hours after it has been finally compound- ed shall be bottled.

14. Account and storage. :-

(1) No foreign liquor shall be bottled unless an account of the quantity of the foreign liquor and, in the case of spirits also the strength thereof, has been taken by the Ware- house Officer.

(2) The licensee shall keep in a book in such form as may be prescribed by the Collector true accounts of the quantity of all foreign liquor used in the bottling operations, The account book shall remain in the custody of the Warehouse Officer who shall check the accounts at the end of each day's work.

(3) The licensee shall store all foreign liquor intended for bottling in casks or containers. Each cask or container shall bear a serial number and a description of its capacity. No alteration shall be made in the casks or containers, nor any device be used which is likely to render the accounts of the liquor contained in any such cask or container unreliable or checking thereof by the Warehouse Officer difficult.

15. Procedure before starting bottling operations :-

(1) Before commencing the bottling operation, the licensee shall make an application in such form as may be prescribed by the Collector in this behalf to the Warehouse Officer giving a full description of the foreign liquors to be bottled.

(2) The Warehouse Officer shall, before the liquor is removed from the store room to the bottling room.-

(a) compare the marks stated in the application with those on the casks or containers containing the liquor to be bottled;

(b) record the quantity and strength so ascertained Oji the application.

(3) All the foreign liquors intended for bottling be removed from the store room to the bottling room in the presence of the Warehouse Officer and shall be bottled in the bottling room. No other operation shall be performed in the room at the same time.

(4) All the operations in the bottling room shall be performed in the presence of the Warehouse Officer.

16. Cleaning of bottles and bottling of liquor. :-

(1) The bottles to be used shall be cleaned and rinsed, immediately before bottling commences, with a freshly prepared solution of permanganate of potash in the proportion of one grain to one gallon of water, or any other disinfectant of such strength as may from time to time be prescribed by the Commissioner.

(I-A) Each bottle shall contain either 33 $\frac{1}{3}$ ozs., or 26 $\frac{2}{3}$ ozs., or 13 $\frac{1}{3}$ ozs., or 6 $\frac{2}{3}$ ozs., of foreign liquor.

(2) The bottle shall, as soon as they are filled, be corked and sealed or capsuled. Each bottle shall bear a label the design and superscription of which have been previously approved by the Commissioner and shall show.-

(a) the brand and description of the liquor contained therein;

(b) the country of origin or manufacturing;

(c) the fact that the compounding or blending if any, was done in India;

(d) the place of bottling;

(e) the full name of the licensee, and

(f) the full name of the manufacturer. No particulars other than those specified above shall be printed or shown on the same or any other label on the bottles.

(3) The labels or capsules shall not indicate that the foreign liquor has been bottled under excise or official supervision or in any way misdescribe the foreign liquor bottled under these rules:

Provided that in the case of foreign liquor bottled in a Government bonded warehouse the bottles may be labelled or capsuled as "Bottled in the Excise Bonded warehouse....."

(4) All bottles containing wines or spirits shall have either lead capsules properly fixed with a capsuling machine or paper capsules, or a pattern approved by the Commissioner which shall be gummed over the cork and round neck of the bottle. The Warehouse Officer shall see that the labelling and corking of bottles have not been done in contravention of the provisions of the Indian Merchandise Marks Act, 1889.

(5) The whole of the contents of a cask or container shall be bottled

in one operation. When the bottling operation is completed, the Warehouse Officer shall ascertain the quantities and, in the case of spirit, also the strength and adjust the licensee's accounts by writing off ullage and wastage.

(6) The bottles shall be packed immediately after filling. Each package shall contain half a dozen, a dozen or a multiple of a dozen of quart bottles and the bottles in each package shall be of uniform size. The Warehouse Officer shall satisfy himself that each package contains the appropriate number of bottles and see that the packages are closed at once and fastened.

(6-A) Rebottling shall not be carried out without the previous permission of the Commissioner.

(7) The Warehouse Officer shall record all the details of bottling operations in the Register kept for the purpose.

17. Cleaning of premises. :-

After each bottling operation, the warehouse shall be cleaned by the licensee to the satisfaction of the Warehouse Officer.

18. Sample for analysis. :-

The licensee shall allow samples, up to a quart bottle, of each kind of foreign liquor to be taken free of cost by the Warehouse Officer whenever required by him for being sent to the Chemical Analyser to Government for chemical analysis. The Warehouse Officer shall give the licensee a written acknowledgement of the sample or samples taken by him for analysis.

19. Saving :-

The provisions of these rules shall not apply to the bottling of fermented foreign liquor and milkpunch by licensed clubs on their town premises.