

Bombay wine Manufacturing Rules, 1946

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Bombay wine Manufacturing Rules, 1946

In exercise of the powers conferred by sections 30, 35 and 64-A of the Bombay Abkari Act, 1878 (Bom. V of 1878), and of all other powers enabling it in this behalf the Government of Bombay is pleased to make the following rules, namely:-

1. Short title :-

These rules may be called the Bombay wine Manufacturing Rules, 1946.

2. Definitions :-

Unless there is anything repugnant in the subject or context.-

- (a) "Act" means the Bombay Abkari Act, 1878;
- (b) "Collector" means in the Town and Island of Bombay, the Collector of Bombay, and elsewhere, the Collector of the district;
- (c) "Commissioner" means the Commissioner of Excise, Bombay;
- (d) "Inspector" means an Inspector or Assist. Inspector of Excise in charge of the Taluka or Division in which the manufactory is situated;
- (e) "Licensee" means a person who has been granted a licence for the manufacture of wine;
- (f) "Manufactory" means a building or part of a building specified in

the licence and used for manufacture of wine;

(g) ' Officer-in-charge" means an Abkari Officer appointed by the purpose of supervising the operations at manufactory;

(h) "Wine" means, the fermented juice of grapes or other fruits, with or without the addition of sugar or jaggery, the fermentation being produced by the yeast naturally present on the skin of fruit.

3. Conditions precedent to grant of licence :-

(1) Any person desiring to manufacture wine on a commercial basis shall, first make an application to the Commissioner through the Collector for permission to manufacture wine on an experimental basis specifying the premises in which the operations of manufacturing wine are to be carried on.

(2) On being satisfied of the bona fides of the applicant the Commissioner may recommend to the Provincial Government that the applicant be granted permission to manufacture wine on an experimental basis; provided the applicant agrees to abide by the following conditions, namely:-

(i) that the premises where wine is to be manufactured shall be open to inspection, at any time, by any Abkari Officer of the Excise Department of the Government of Bombay;

(ii) that the experiments in connection with the manufacture of wine shall, as far as possible, be carried on in one room securely partitioned off from the rest of the premises;

(iii) that the process of manufacture shall be explained to the Inspector and notes kept of the different processes, such as fermentation and of the dates on which each process is started;

(iv) that the kinds and quantities of fruits used, together with the quantities of water and sugar or jaggery added to them shall be, reported to the Inspector, before the process of fermentation is started;

(v) that during the period of fermentation of the fruits, no process of extracting wine or juice shall be undertaken except with the cognisance of the Inspector;

(vi) that accounts shall be maintained of the quantities of each kind of fruit, water and sugar or jaggery used in the experiment, and of the quantity of wine manufactured;

(vii) that samples of wine manufactured shall be made available for chemical analysis, as and when required by the Commissioner and no samples passed out of the room in which the experiment has been carried out without permission of the Commissioner.

(viii) that the residue of the lease used in the experiment shall be destroyed after the extraction of wine in the manner required by an Abkari Officer duly empowered in this behalf.

(3) On the grant of permission by the Provincial Government, the applicant shall be allowed to carry out experiments in the manufacture of wine for a period not exceeding six months, at the end of which he shall forward two bottles of one pint each of the wine manufactured as samples to the Commissioner for the purpose of chemical analysis and sampling by experts.

(4) On the samples of wine being found on chemical analysis to be free from deleterious matter, and on the Commissioner being satisfied that the wine is of the standard of wines imported into India, the applicant shall be asked to make an application for a licence under rule 4.

4. Application for licence :-

An application for a licence to manufacture wine shall be made in writing to the Commissioner through the Collector. The application shall be accompanied by-

(a) a description and plan in triplicate of the manufactory in which the wine is proposed to be manufactured;

(b) a statement in triplicate specifying the number, size and description of the ferment filtering and settling vessels and other permanent apparatus which are proposed to be used in the manufacture of wine; and

(c) statement in triplicate showing the maximum, quantity of wine proposed to be manufactured at the manufactory during the currency of the licence.

5. Arrangement of manufactory :-

(1) Separate rooms or compartments having their grills embedded in cement shall be provided for the following purposes in every manufactory and no such room or compartment shall be used for more than one of the said purposes, namely:-

(a) fermentation process;

(b) storage of wine in bulk, and bottling operations; and

(c) storage of wine in sealed bottles, casks, barrels and other receptacles.

(2) Every room or compartment in the manufactory shall be well ventilated and all the windows thereof shall be securely barred and wire-netted the net having a mesh of not more than one inch. Every such room or compartment shall bear on the outside a signboard on which shall be legibly painted in oil colour the purpose for which the room or compartment is used. At the close of each working day the manufactory and every room or compartment therein shall be locked by the licensee and the Officer-in-charge with separate locks.

(3) The licensee shall provide such office accommodation, with sanitary arrangements, for the use of the Excise staff within the premises of the manufactory as the commissioner may consider necessary.

(4) After a licence has been granted under rule 7 no addition to, or alteration in any room or compartment or any of the permanent fixtures of the manufactory shall be made without the previous approval in writing of the Commissioner.

(5) No smoking and no use of any naked lights or fires shall be allowed within the premises of the manufactory.

6. Keeping of deposit :-

Every applicant shall, before the grant of a licence to him under rule 7 deposit with the Collector such amount as the Commissioner may prescribe under section 35-A of the Act.

7. Grant of licence :-

(1) If the Commissioner is satisfied that the premises in which the applicant proposes to manufacture wine and the apparatus he proposes to use are suitable the Commissioner may, if he so thinks fit, with the previous approval of the Provincial Government grant a licence to the application.

(2) The Commissioner shall retain the original of the description, plan, and statements referred to in rule 4, forward the duplicate thereof to the officer-in-charge duly stamped with the seal of the

Commissioner and return the triplicates to the licensee.

8. Conditions of licence :-

(1) Every licence shall, as far as possible, be in Form A hereto appended and shall take effect from the date specified therein and remain in force until the 31st March next following unless the Provincial Government in any particular case directs otherwise. It may, on application made to the Commissioner on or before the '28th day of February in each year, be renewed for the following year:

Provided that in the event of the renewal of the licence being refused, permission may be granted to continue operations temporarily for a reasonable time pending an appeal against the order of refusal.

(2) A fee of rupees two hundred (Rs. 200) per annum shall be charged for every licence.

9. Transport of wine :-

(1) Wine manufactured at a manufactory shall not be removed from the manufactory except under a transport pass issued under section 13 of the Act by the Officer-in-charge duly empowered in this behalf.

(2) A licensee desiring to remove wine from the manufactory shall make an application in Form B hereto appended and pay therewith the excise duty and vend pass fee in respect of wine proposed to be removed from the manufactory to the Officer-in-charge of a Government Treasury and obtain a challan for such payment.

(3) On production of the challan, the Officer-in-charge shall make out a transport pass in the form, prescribed by the Commissioner under section 30 of the Act, in triplicate, one copy of the pass (counterfoil) shall be retained at the manufactory on the record of the Officer-in-charge the duplicate sent to the Collector concerned and the triplicate given to the licensee.

10. Rule :-

The Commissioner may appoint such excise staff as in his opinion is necessary for the proper supervision of the operations performed in the manufactory, and the licenses shall play to the Provincial Government in advance at the beginning of each calendar month the cost of such excise staff as may be fixed by the Commissioner.

