

## **KARNATAKA EXCISE (MANUFACTURE OF WINE FOR SACRAMENTAL PURPOSES) RULES, 1970**

### **CONTENTS**

1. Title, extent and commencement
2. Definitions
3. Application for licence
4. Licence
5. Manufacture of Sacramental Wine
6. Levy of Excise Duty
7. Payment of excise duty
8. Sale etc., of sacramental wine
9. Licensee to maintain accounts etc.
10. Registers etc. to be handed over to Excise Officer after expiry of licence
11. Inspection
12. Repeal and Savings

## **KARNATAKA EXCISE (MANUFACTURE OF WINE FOR SACRAMENTAL PURPOSES) RULES, 1970**

Whereas a draft of the Karnataka Excise (Manufacture of Wine for Sacramental Purposes) Rules, 1970 was published as required by sub-section (1) of Section 71 of the Karnataka Excise Act 1965 (Karnataka Act, 21 of 1966) in Notification No. GSR 130 (HD 21 PES 69), dated 16th April, 1970 in Part IV, Section 2C(i) of the Karnataka Gazette, dated 23rd April 1970 inviting objections and suggestions from all persons likely to be affected thereby on or before 20th May, 1970. And, whereas the said draft has been made available to the public on 23rd April 1970. And, whereas no objections or suggestions have been received on the said draft; Now, therefore, in exercise of the powers conferred by Section 71 read with Sections 13, 17 and 22 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules, namely:

### **1. Title, extent and commencement :-**

- (1) These rules may be called the Karnataka Excise (Manufacture of Wine for Sacramental Purposes) Rules, 1970.
- (2) They shall extend to the areas of the State of Karnataka in

which the Karnataka Excise Act, 1965 is in force.

(3) They shall come into force at once.

## **2. Definitions :-**

In these rules unless the context otherwise requires,

(1) "Act" means the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966);

(2) "Form" means a Form appended to these rules;

(3) "Licence" means a licence granted under these rules;

(4) "Licensee" means a person who has been granted a licence under Rule 4;

(5) "Manufactory" means the room or building where in the manufacture of sacramental wine is permitted under a licence;

(6) "Officer in charge" means an officer appointed for the purpose of supervising the operations at a manufactory;

(7) "Sacramental wine" means that kind of liquor required for use at Holy Sacrifice of Mass in a Christian Church or for use by any person for sacramental purposes and prepared from raisins or fresh grapes at a manufactory in accordance with the provisions of these rules.

## **3. Application for licence :-**

Any regional head of a religion or religious sect or any other person-in-charge of a Church desiring to manufacture and supply sacramental wine shall make an application in Form S.W. 1 in triplicate to the Deputy Commissioner for a licence. Explanation. For the purpose of this rule, the regional head of a religion or a religious sect shall include a Bishop.

## **4. Licence :-**

(1) On receipt of the application the Deputy Commissioner may make such enquiries as he may deem necessary, and if he is satisfied that the manufactory and the apparatus are suitable for the manufacture of sacramental wine and that there is no objection to grant the licence he shall 'grant' a licence to the applicant in Form S.W. 2 on payment of a fee of twenty five rupees. He shall retain the original application and forward the duplicate thereof with a copy of the Licence to the Officer-in-charge concerned and

return the triplicate to the licensee, after affixing his seal and signature to the duplicate and triplicate.

(2) No licence shall be granted for a period of more than one year at a time and in no case shall such period extend beyond the 30th June next following the date of commencement of the licence.

(3) A licence may be granted for such quantity as may be fixed by the Deputy Commissioner, but not exceeding the quantity specified by the applicant in his application.

(4) The licensee shall carry out all the operations connected with the manufacture of sacramental wine at the manufactory under the supervision of the Officer-in-charge.

## **5. Manufacture of Sacramental Wine :-**

(1) The licensee shall use only raisins or fresh grapes which are clean and in good condition as base for manufacture of sacramental wine;

(2) The licensee shall, if raisins are used, manufacture sacramental wine in the following manner namely,

(a) put washed raisins into a cask and cut them into two halves;

(b) the proportion of water to raisins shall not be less than fifty litres to every forty five kilograms of raisins;

(c) Leave the raisins in the water and crush them after forty eight hours;

(d) put the raisins in the cask for fermentation. No fermenting agents, sugar or alcohol or any other ingredient shall be added at any stage whatsoever without the written permission of the Excise Commissioner;

(e) shall not allow fermentation to continue for a period exceeding twenty days;

(f) filter the finished product properly with a white sack-cloth, before it is put into a cask for ageing;

(g) if the cask containing wine for ageing is not full to the brim, burn some sulphur in empty space.

(3) If fresh grapes are used for manufacture of sacramental wine they shall be squeezed and no water shall be added but the

instructions in clauses (a) and (d) to (g) of sub-rule (2) shall be followed.

(4) The licensee shall maintain a register in Form S.W. 3 wherein the details, relating to manufacture shall be indicated.

(5) The licensee shall, before proceeding with the manufacture of sacramental wine, send an intimation in Form S.W. 4 to the Officer-in-charge and shall forward copy thereof to the Excise Inspector and the Deputy Commissioner of the District.

(6) The Officer-in-charge may, for reasons to be recorded in writing, require samples to be taken for analysis free of cost, of (i) the raisins, (ii) the grapes (iii) the water used, (iv) "Must", and (v) sacramental wine manufactured at the manufactory and on such request the licensee shall permit samples to be taken.

(7) The licensee shall destroy in accordance with the orders of the Deputy Commissioner all sacramental wine which, on analysis, is found to be deteriorated or unfit for human consumption. The destruction shall be carried out in the immediate presence of the Officer-in-charge.

(8) The licensee shall keep the manufactory, the vessels, the apparatus and the premises connected therewith in a neat and clean condition.

(9) The licensee shall not manufacture sacramental wine of a strength exceeding twenty per cent of London Proof Spirit.

#### **6. Levy of Excise Duty :-**

(1) The licensee shall not issue any quantity of sacramental wine unless he has paid an excise duty thereon at the rate of twenty paise per litre.

(2) Save as provided in sub-rule (1), notwithstanding anything contained in any other rule, regulation or order made or issued under the Act, no other kind of duty, fee or cess shall be levied or collected in respect of sacramental wine manufactured by a licensee.

#### **7. Payment of excise duty :-**

The Excise duty payable on sacramental wine under Rule 6 shall be credited into the treasury and the licensee shall present to the Officer-in-charge a copy of the challan in token of the payment of

such duty.

**8. Sale etc., of sacramental wine :-**

The licensee shall not issue, distribute or sell to any person at a time sacramental wine in excess of the quantity which he is authorised to possess.

**9. Licensee to maintain accounts etc. :-**

(1) The licensee shall maintain accounts in Form S.W. 5 and an inspection book in Form S.W. 6.

(2) Both the account and inspection books shall be paged and stamped with the seal of the Deputy Commissioner.

(3) The licensee shall maintain at the manufactory a chart in Form S.W. 7 showing the monthly out-turn etc.

**10. Registers etc. to be handed over to Excise Officer after expiry of licence :-**

(1) The licensee shall hand over the register referred to in sub-rule (4) of Rule 5 and the account book, inspection book and the chart referred to in Rule 9 to the Excise Officer concerned on the expiry of the licence or on the cancellation or suspension of the licence as the case may be.

(2) In case the licence is suspended or cancelled during the period the licence is in operation or is not renewed on its expiry, the licensee shall forthwith intimate the Officer-in-charge and the Deputy Commissioner of the quantity of sacramental wine in stock with him. On receipt of such intimation the Deputy Commissioner shall instruct the Officer-in-charge or other authorised Officer to verify the stock and seal up the room of the manufactory where the sacramental wine is stored. The stock however will be deemed to be in the custody of the ex-licensee, who will make arrangements and will be responsible for its safety. The stock may be sold only with the permission of the Deputy Commissioner subject to the condition that all sums due to the State Government shall first be paid out of the sale proceeds.

**11. Inspection :-**

The accounts, the chart, the stock of wine and the manufactory shall be open for inspection by any Excise Officer or any other Officer authorised in this behalf between 8 a.m. and 6 p.m.

**12. Repeal and Savings :-**

All rules corresponding to the foregoing rules framed\\ under any enactment repealed by Section 72 of the Act are hereby repealed:

Provided that any pass or licence made or issued under any of the repealed rules shall so far as it is not inconsistent with the provisions of these rules, be deemed to have been made or issued under the corresponding provisions of these rules, and shall continue to be in force accordingly, unless and until it expires or is superseded by anything done or any action taken under the Act or these rules as the case may be.