

## **KARNATAKA PROHIBITION (MANUFACTURE AND USE OF WINE FOR SACRAMENTAL PURPOSES) RULES, 1963**

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## **KARNATAKA PROHIBITION (MANUFACTURE AND USE OF WINE FOR SACRAMENTAL PURPOSES) RULES, 1963**

In exercise of the powers conferred by Section 124 read with Section 36 of the Karnataka Prohibition Act, 1961 (Karnataka Act 17 of 1962), and in supersession of rules, orders, and notifications, on the subject made or issued under any enactment repealed by

sub-section (1) of Section 129 of the said Act, the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published in the Karnataka Gazette, dated the 1st November, 1962 in Notification No. PHS 48 EFL 62, as required by sub-section (3) of Section 124 of the said Act, namely.

**1. . :-**

(1) These rules may be called the Karnataka Prohibition (Manufacture and Use of Wine for Sacramental Purposes) Rules, 1963.

(2) They shall extend to all the areas of the State of Karnataka where the Karnataka Prohibition Act, 1961 is for the time being in force.

(3) They shall come into force at once.

**2. In these rules, unless the context otherwise requires. :-**

(1) "Act" means the Karnataka Prohibition Act, 1961 ;

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

(3) "Household" means a group of persons residing and messing jointly as the members of one domestic unit;

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

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

(6) "Manufactory" means the room or building wherein the manufacture of sacramental wine is permitted under a licence;

(7) "Officer-in-charge" means a prohibition or other Officer appointed for the purpose of supervising the operations at a manufactory;

(8) "Sacramental Wine" means that kind of liquor required for offering the Holy Sacrifice of Mass in a Roman Catholic Church or

(9) Words and expressions not defined in these rules shall have the meanings respectively assigned to them in the Act.

**3. . :-**

(1) Any regional head of a religion or religious sect or any other person desiring to manufacture and supply sacramental wine shall

make an application in triplicate to the Deputy Commissioner for a licence. The application shall contain the following particulars namely.

- (i) Name and address of the applicant;
  - (ii) Place where sacramental wine is to be manufactured;
  - (iii) Description and plan in duplicate of the manufactory;
  - (iv) A statement in triplicate specifying the number, size and description of the fermenting, and settling vessels and such other permanent apparatus as are proposed to be used in the manufactory;
  - (v) A statement showing the maximum quantity of sacramental wine proposed to be manufactured at the manufactory in a year
  - (vi) A statement showing the District or region to which sacramental wine will be distributed after manufactured and the quantity of sacramental wine proposed to be distributed in each region,
  - (vii) Whether sacramental wine was manufactured by the applicant previously and if so, the period during which it was manufactured, the quantity manufactured, the number and the names of persons and places and quantities of sacramental wine distributed to them.
- (2) The applicant shall give an undertaking to the effect that he will abide by the provisions of the Act, rules, regulations and orders made thereunder and the conditions of the licence.

Explanation. For the purposes of this rule, the head of a religion or a religious sect shall include a bishop.

#### **4. . :-**

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. (1) on payment of a fee of Rs. 50. He shall retain the originals of the application, description, plan and statements referred to in Rule 3 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.

**5. . :-**

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 31st March next following the date of commencement of the licence.

**6. . :-**

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.

**7. . :-**

The licensee shall use only raisins as base for the manufacture of sacramental wine.

**8. . :-**

(1) The licensee shall manufacture wine only out of raisins which are clean and in good condition.

<sup>1</sup> [(2) The proportion of water to raisins should not be less than fifty litres to every forty-five kilos or raisins.]

(3) No fermenting agents or alcohol or any other ingredient should be added at any stage whatsoever without the written permission of the Prohibition Commissioner.

(4) The fermentation period should not exceed twenty days.

(5) The finished product should be properly filtered if necessary before the wine is put into a cask for ageing.

(6) If the cask containing wine for ageing is not full to the brim sulphur may be burnt in the empty space.

(7) The licensee will maintain a register of manufacture in Form S.W. (3) wherein all the details of manufacture, the quantity of ingredients, the period of fermentation, date of filtering if any period of ageing, the date of bottling and the batch number shall be shown.

1. Sub-rule (2) substituted by GSR 423, dated 12-9-1967, w.e.f. 21-9-1967

**9. . :-**

The licensee shall, before proceeding with the manufacture of sacramental wine, send intimation in Form A, to the Officer-in-

charge and shall forward a copy thereof to the Deputy Commissioner of the District.

**10. . :-**

The Officer-in-charge may for reasons, to be recorded in writing, require samples to be taken for analysis free of cost, of the raisins, of the water used, of 'Must' and sacramental wine manufactured at the manufactory and on such request the licensee shall permit samples to be taken.

**11. . :-**

(1) 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.

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

**12. . :-**

The licensee shall not issue any quantity of sacramental wine unless he has paid an excise duty thereon at one rupee per litre.

**13. . :-**

The excise duty payable on sacramental wine under <sup>1</sup> [Rule 12] 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.

1. Substituted for the word and figures "Rule 13" by GSR 423, dated 12-9-1967, w.e.f. 21-9-1967

**14. . :-**

The licensee shall not use, distribute or sell sacramental wine manufactured at the manufactory to any person who does not hold an authorisation granted under these rules.

**15. . :-**

The licensee shall not issue sacramental wine in excess of the quantity which he is authorised to hold.

**16. . :-**

(1) Except as permitted under an authorisation, sacramental wine shall not be removed except under a transport pass in Form S.W.

(2).

(2) The transport pass shall be made out in quintuplet which shall be dealt with as follows.

(i) Part I shall be retained by the Officer-in-charge; and

(ii) Parts II, III and IV shall be given to the licensee.

(3) The licensee shall retain Part II for his record and forward Parts III and IV along with the consignment to the person receiving the consignment. The person receiving the consignment shall retain Part IV and return Part III with his acknowledgement after verification by the Excise or Prohibition Officer having jurisdiction over his place and through him to the Officer-in-charge of the manufactory, <sup>1</sup> [Part V will be directly sent to the Excise or Prohibition Officer or the place of destination by the officer-in-charge of the manufactory by post who will retain this part for his office records, after verification of the consignment.]

1. Added by GSR 423, dated 12-9-1967, w.e.f. 21-9-1967

**17. . :-**

(1) The licensee shall maintain accounts in Form S.W. (4). He shall also maintain an inspection book in Form S.W. (5) for recording the remarks of Inspecting Officers.

(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. (6) showing the monthly out-turn and issue of sacramental wine in each year.

**18. . :-**

The licensee shall hand over the accounts maintained by him, the manufacturing register, the chart and the inspection book to the Prohibition or Excise Officer of the area of the manufactory on the expiry of the licence period or on the cancellation or suspension of his licence.

**19. . :-**

The accounts, the chart, the stock of wine and the manufactory shall be open for inspection between 8 a.m. 2[and] 6 p.m. by Prohibition Officer or other Authorised Officer.

**20. . :-**

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

**21. . :-**

<sup>1</sup>[(1)] Any person who according to the religious tenets of the community to which he belongs is required to use wine for sacramental purposes and who desires to possess, consume or use wine for such purposes shall make an application in Form S.W. (A) for an authorisation in that Section 36 of the Karnataka Prohibition Act, 1961 , or where there is no such religious head of the community by a member of a community to which the applicant belongs and who is approved by the State Government under Section 36 of the Karnataka Prohibition Act, 1961 . If the applicant is himself such religious head or the person approved under Section 36 of the Karnataka Prohibition Act, 1961 , he shall make an application direct to the Deputy Commissioner stating that he is such religious head or the person approved under Section 36 of the Karnataka Prohibition Act, 1961 .

<sup>2</sup><sup>3</sup> [(2) x x x x x.]

1. Rule 21 renumbered as sub-rule(1) thereof by GSR 430, dated 2-3-1965

2. Sub-rule (2) inserted by GSR 430, dated 2-3-1965

3. Sub-rule (2) omitted by GSR 502, dated 5-5-1965, w.e.f. 6-5-1965

**22. . :-**

On receipt of the application and the certificate of recommendation, the Deputy Commissioner may make such enquiries as he may deem necessary and if he is satisfied that there is no objection to grant the authorisation applied for, he may grant an authorisation in Form S.W. 3[(7)].

**23. . :-**

No authorisation shall be granted to any applicant for a quantity exceeding that specified in the certificate of recommendation.

**24. . :-**

No authorisation shall be granted for a period of more than one year at a time and in no case shall it extend beyond the 31st March next following the date of the commencement of the authorisation.

**25. . :-**

Wine required by a person holding an authorisation under Rule 22 shall not be obtained except from a Government depot or licensed retailer, vendor or from a licensed manufacturer of sacramental wine.

**26. . :-**

A person holding an authorisation shall get all purchases of wine entered in his authorisation by the seller or his authorised servant or agent.

**27. . :-**

The privilege of purchase, transport and possession of wine granted under the authorisation shall extend only so far as it is incidental to the use or consumption of such wine, in accordance with these rules and the conditions of the authorisation.

**28. . :-**

Any wine purchased under an authorisation shall be used solely for sacramental purposes.

**29. . :-**

No licence, permit, pass or authorisation shall be necessary for the consumption or use by any person in the same household, of wine for sacramental purposes, if such wine is given to him by a person holding an authorisation under Rule 22 in accordance with the conditions of the authorisation.

**30. . :-**

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 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 Prohibition or 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 only be sold with the permission of the Deputy Commissioner. The licensee however will not be allowed to manufacture fresh stock after his licence expires or is suspended or cancelled. The permission to sell the stock is subject to the condition that all sums due to the State Government will first be paid out of the sale proceeds.



**31. . :-**

In case any authorisation is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the whole stock or Sacramental Wine in balance with the licensee on the date of such suspension or cancellation or non-renewal on its expiry, shall be surrendered by him to the Deputy Commissioner in accordance with the provisions of Rule 30.