
KARNATAKA PROHIBITION (POSSESSION, TRANSPORT, IMPORT AND EXPORT OF INTOXICANTS) RULES, 1966

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KARNATAKA PROHIBITION (POSSESSION, TRANSPORT, IMPORT AND EXPORT OF INTOXICANTS) RULES, 1966

In exercise of the powers conferred by Section 124 of the Karnataka Prohibition Act, 1961 (Karnataka Act 17 of 1962) and in supersession of all rules, orders and notifications on the subject made or issued under any enactment repealed by sub-section (1) of Section 129 of the said Act, the Government of Karnataka hereby makes the following rules, the draft of the same having been previously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 as required by sub-section (3) of Section 124 of the said Act in Notification No. HD 33 EFL 64, dated 25th September, 1965 published as GSR 703 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 25th September, 1965, namely.-

1. Title and commencement :-

(1) These rules may be called the Karnataka Prohibition (Possession, Transport, Import and Export of Intoxicants) Rules, 1966.

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

(3) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires.-

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

(b) "Bonded Warehouse" means a licensed private bonded warehouse or part of a public bonded warehouse established under clause (d) of Section 8 of the Karnataka Prohibition Act, 1961 ;

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

(d) "License" means a license granted under any of the rules made under the Act;

(e) "Permit" means and includes a pass and an authorisation;

(f) "Section" means a section of the Act;

(g) "Verification" means.-

(i) examining the seals of the cask, drum or other receptacle forming the consignment of intoxicants to verify that they are not tampered with during transit;

(ii) ascertaining that the number and marks on the casks, drums or packages tally with those shown on the reverse of the permit;

(iii) ascertaining that the quantity transported tallies with the quantity mentioned in the permit and includes in the case of spirit the real strength of which can be ascertained by the Hydrometer examining the contents by drawing samples from the cask of drum or other package in order to find out that the strength of the spirit corresponds to that shown on the reverse of the permit; and

(iv) satisfying that the duty etc., required to be paid under the rules have been correctly levied and credited.

3. Transporter to apply for permit :-

Any person holding a license, or permit for the possession, consumption and/or sale of any intoxicants and desiring to transport the same from any licensed premises to his place of residence or licensed premises shall apply to the Deputy Commissioner of the District to which the intoxicant is to be conveyed for a transport permit.

4. Issue of permit :-

The Deputy Commissioner shall after verifying the application and after making such enquiries as he may consider necessary issue a transport permit in quadruplicate in Form MP (T).

5. Disposal of four parts of permit :-

(1) Part I of the permit shall be kept on the record in the Deputy Commissioner's Office; Part II of the permit shall be sent by post to the Deputy Commissioner or Chief Prohibition and/or Excise Authority of the District from where the intoxicant is to be transported; Part III shall be handed over to the transporter or to the person authorised by him to receive it; and Part IV shall be sent to the Prohibition and/or Excise Officer having jurisdiction over the place to which the intoxicant is to be transported.

(2) The transporter or his agent at the place from which the intoxicant has to be transported shall present his copy of the transport permit with an application to the Deputy Commissioner having jurisdiction over the licensed premises (in case such licensed premises are situated in a different District) from which the intoxicants have to be transported. On receipt of this application the Deputy Commissioner if he sees no objection, will after comparing it with the copy of transport permit received by him authorise the transport of the intoxicants mentioned in the transport permit by making suitable endorsement on the copy of the permit presented by the transporter. In cases where the transport is from one place to another place in the same District, Part II of the permit shall be sent to the Prohibition and/or Excise Officer having jurisdiction over the place from which the intoxicant is to be transported, and he will endorse on the transporter's copy of the permit his permission approving the transport after comparing the transporters copy of the transport permit with the copy received by him.

6. Delivery of the Intoxicants to the Transporter :-

The transporter shall, unless he holds a Bonded Warehouse license

after payment of duty, if any, in the manner prescribed produce a challan showing such payment to the Officer-in-charge of the Distillery, Brewery, or Bonded Warehouse. On production of the challan, if any, and or the transport permit duly endorsed in the manner prescribed in Rule 5, the officer or the licensee shall issue the intoxicants mentioned in the transport permit. The issuing officer or the licensee shall seal each cask, drum, package or other receptacles containing the intoxicants issued and shall return to the transporter or his agent his copy of the transport permit after filling in the particulars on the reverse thereof.

7. Transporter to give intimation of the arrival of the Consignment :-

Immediately after the consignment covered by the transport permit is received, the transporter shall intimate the local Prohibition and/or Excise Officer or the Officer-in-charge of the warehouse of the arrival of the consignment. On receipt of such intimation the Prohibition and/or Excise Officer or the Officer-in-charge of the warehouse shall verify the consignment.

8. Verification, etc :-

After verifying the consignment the Prohibition and/or Excise Officer or the Officer-in-charge shall then permit the sale or consumption or warehousing of the intoxicants, as the case may be.

9. Application for an import permit :-

Any person holding a license, or permit for the possession, consumption and/or sale of any intoxicants and desiring to import the same shall apply to the Deputy Commissioner of the District or other authorised officer who granted him the license, or permit, for the grant of an import permit.

10. Particulars of application :-

Every application under Rule 9 shall contain the following particulars, namely.-

- (a) Name of the importer, his address and license number;
- (b) Name and place of the distillery or bonded warehouse or customs house or other place from which intoxicants are to be imported;
- (c) Descriptions of the intoxicants to be imported;
- (d) Quantity of each kind of intoxicant to be imported;

- (e) The alcoholic or other strength of the intoxicant;
- (f) Number and nature of receptacles or packages containing intoxicants;
- (g) Purposes for which intoxicants are to be imported; and
- (h) Route by which the intoxicants are to be imported.

11. Procedure for payment of duty if any, and grant of an import permit :-

On receipt of an application under Rule 10, the Deputy Commissioner or any other authorised officer shall after making such enquiries, as he deems fit and if he is satisfied that there is no objection to grant the import permit applied for, in all cases where the importer does not have a bonded warehouse license, calculate the duty leviable on the different kinds of intoxicants intended to be imported at the rates in force for the time being. He shall then communicate the same to the applicant who shall prepare the required challans in respect of the amount payable by him or if the applicant can himself correctly calculate the duty payable by him he may with a view to save time, calculate the duty and prepare the challans. The applicant shall then credit the amount to the Treasury or Bank, as the case may be, and produce the challan to the Deputy Commissioner or other Authorised Officer for the grant of an import permit who shall thereupon prepare the import permit in Form MPI in four parts.

12. Disposal of the four parts of the permit :-

Part I of the permit shall be kept on the record of the Deputy Commissioner or other Authorised Officer issuing the permit;

Part II shall be sent by post to the Chief Prohibition and/or Excise Authority of the State from where the intoxicant is to be imported or to the Collector of customs in case the import is from ship;

Part III shall be handed over to the importer or to the person authorised by him to receive it; and

Part IV shall be sent to the Prohibition and/or Excise Officer having jurisdiction over the place to which the intoxicant is to be imported or the Officer-in-charge in case of a Bonded Warehouse.

13. Importer to give intimation of the arrival of the consignment :-

Immediately after the consignment covered by the import permit is received, the importer shall intimate the authority to whom Part IV of the permit has been sent of the arrival of the consignment. On receipt of such intimation the Prohibition and/or Excise Officer or Officer-in-charge shall verify the consignment.

14. Verification of the Consignment :-

After verification the Prohibition and/or Excise Officer or Officer-in-charge shall then permit the sale, consumption, warehousing of imported intoxicants as the case may be.

15. Exporter to apply for permit :-

Any person holding a license for the possession and sale of intoxicants and desiring to export the intoxicants from his licensed premises shall apply to the Deputy Commissioner of the District where his licensed premises is situated for the grant of an export permit. The application shall be accompanied by an import permit granted by the Chief Prohibition and/or Excise Authority of the State to which the intoxicants have to be exported.

16. Particulars of Application :-

Every such application shall contain the following particulars.-

- (a) Name of the exporter and his address;
- (b) Name of the importer and his address, including the nature of license held by him;
- (c) Description of intoxicants to be exported;
- (d) Quantity of each kind of intoxicants to be exported; the nature of license held by him;
- (e) The alcoholic or other strength of intoxicant;
- .
- (f) Number and nature of receptacles or packages containing intoxicants; and
- (g) Route by which intoxicants are to be exported.

17. Grant of export permit :-

On receipt of an application under Rule 15, the Deputy Commissioner or other Authorised Officer after making such enquiries as he deems fit and if he sees no objection, may grant, an export permit in Form MP(E) subject to the following

conditions.-

(i) That the exporter executes a bond with or without sureties for the payment of duty on the intoxicants covered by the export permit at the rates for the time being in force;

(ii) That the exporter pays and produces the challan for having credited the export duty, if any, on the intoxicants at the rates for the time being in force;

(iii) That the bond will be in force till a report of verification of the consignment from the Chief Excise or Prohibition Officer or other Authorised Officer of the place of import has been received.

18. Disposal of the four parts of the permit :-

Part I of the permit shall be kept on the record of the Office of the Deputy Commissioner; Part II of the export permit shall be sent by post to the Chief Excise and/or Prohibition Authority of the State to which the intoxicants have to be exported; Part III shall be handed over to the exporter; and Part IV shall be sent to the Officer-in-charge of the Bonded Warehouse or to the officer within whose jurisdiction the licensed premises of the exporter is situated.

19. Export of the Intoxicants :-

The exporter shall after executing the bond and after paying the export duty, if any, in the prescribed manner produce the challan, export permit and bond before the Officer to whom Part IV of the permit was sent. On presentation of these, the Officer-in-charge shall issue the intoxicants mentioned in the export permit. The officer shall seal each receptacle or package containing the intoxicants and return to the exporter the copy of his permit after duly endorsing thereon the issue of intoxicants.

20. Cancellation of the Bond etc :-

After receipt of a report of either payment of duty or warehousing of the intoxicants in the importing State the bond executed by the exporter shall be cancelled by the Deputy Commissioner and the Officer-in-charge of the warehouse or other officer shall also note the verification in the registers of the exporters. In cases where the report of verification of the consignment or warehousing of the intoxicants in the importing state has not been received within the stipulated time then the duty on the intoxicants shall be collected from the exporter and the sureties.

20A. Rules not to apply in certain cases :-

1 Nothing contained in these rules shall apply to the possession or transport of liquor by persons who have been granted permits under R.60 of the Karnataka Prohibition (Liquor) Rules, 1965, R.61 of the Karnataka Prohibition (Liquor) Rules, 1965, R.62 of the Karnataka Prohibition (Liquor) Rules, 1965, R.63 of the Karnataka Prohibition (Liquor) Rules, 1965, r.64 of the Karnataka Prohibition (Liquor) Rules, 1965, r.65 of the Karnataka Prohibition (Liquor) Rules, 1965 and r.66 of the Karnataka Prohibition (Liquor) Rules, 1965, in the areas covered by such permits.

1. Rule 20-A inserted by GSR 1081, dated 6-8-1966, w.e.f. 11-8-1966

21. Repeal and savings :-

All rules corresponding to the foregoing rules framed under any enactment repealed by sub-section (1) of Section 129 of the Karnataka Prohibition Act, 1961 are hereby repealed:

Provided that any permit, pass, licence or authorisation 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.