
**KARNATAKA PROHIBITION (USE OF SPIRITS IN THE
MANUFACTURE OF MEDICINAL AND TOILET
PREPARATIONS) RULES, 1967**

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**KARNATAKA PROHIBITION (USE OF SPIRITS IN THE
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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of 1962) and in supersession of all rules, notifications and orders on the subject made or issued under any enactment repealed by sub-section (1) of Section 129 of the said Act, the Government of Karnataka hereby makes the following rules, the draft of the same having been previously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. GSR 177 (HD 2 EMT 63), dated 6th April, 1967 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 20th April, 1967, namely.

1. Title and extent :-

(1) These rules may be called the Karnataka Prohibition (Use of Spirits in the Manufacture of Medicinal and Toilet Preparations) Rules, 1967.

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

2. Definitions :-

In these rules unless the context otherwise requires.-

- (a) "Act" means the Karnataka Prohibition Act, 1961 ;
- (b) "Form" means a form appended to these rules;
- (c) "Licence" means a licence granted under these rules;
- (d) "Licensed premises" means the premises in respect of which the licence is granted under these rules;
- (e) "Licensee" means a person holding a licence under these rules.

3. Application for licence :-

Any person desiring to purchase, possess or use any spirits for the manufacture of any medicinal or toilet preparation may apply to the Deputy Commissioner for a licence in that behalf. The application shall contain the following particulars, namely.-

- (a) Name and address of the applicant;
- (b) Kind and quantity of spirits required per month together with its name, if any;
- (c) Kind of medicinal or toilet preparation or preparations for the manufacture of which the spirit is required together with the name or names of such preparation or preparations;
- (d) Place where the spirit will be kept and used;
- (e) Name and address of the person from whom the spirit is to be purchased and his licence number for the sale of spirit;
- (f) The period for which the licence is required; and
- (g) The number and date of the licence or licences obtained under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 , and the Drugs and Cosmetics Act, 1940 .

4. Grant of licence :-

On receipt of an application under Rule 3, the Deputy Commissioner shall make such enquiries as he may deem necessary and if he is satisfied that there is no objection to grant the licence applied for, he may, grant the applicant a licence in Form M.P.S. I

on payment of a fee of rupees twenty-five specifying therein the kind of spirits together with its specification, if any, permitted to be used and also the quantity allowed to be used during a month.

5. Duration of licence, etc :-

(1) No licence under these rules, shall be granted for a period beyond 31st March next following the date of the commencement of the licence.

(2) No licence shall be granted to a minor.

6. Use of spirits :-

The licensee shall not use or allow be used the spirits except in the licensed premises and except in his own presence or in the presence of any other person duly authorised under a written authority granted by him in this behalf.

7. Purpose of use :-

The licensee shall not use the spirits except for the purpose for which it is permitted to be used.

8. Accounts to be maintained :-

The licensee shall maintain accounts in Form M.P.S. II and submit returns in Form M.P.S. III.

9. Inspections :-

The licensed premises, the spirits kept therein and the accounts maintained in respect of such spirits shall, at all times be open to inspection by any officer empowered under Section 101 of the Karnataka Prohibition Act, 1961 .

10. Remarks of Inspection :-

The licensee shall keep in his licensed premises an inspection book paged and stamped with the seal of the Deputy Commissioner or any other officer authorised by him in this behalf, in which inspecting officers may record their remarks when inspecting the premises.

11. Licensee to execute agreement :-

The licensee shall abide by the provisions of the Act, and the rules, regulations and orders made thereunder and the conditions of the licence and shall at the time of taking delivery of the licence give an undertaking to that effect in the form of a counterpart agreement on appropriate stamp paper.

12. Suspension and cancellation of licence :-

Any licence may be suspended or cancelled in accordance with the provisions of Section 45 OF THE Karnataka Prohibition Act, 1961 or Section 47 of the Karnataka Prohibition Act, 1961 . MT .15"

13. Effect of suspension or cancellation :-

In all cases where a licence is cancelled or suspended during the currency of the period of the licence or is not renewed after the expiry of such period, the licensee shall surrender forthwith the whole of the unused stock of spirits to the Deputy Commissioner.

14. Procedure to grant transport pass :-

(1) Any licensee desiring to transport any spirit required by him for the purpose mentioned in his licence shall make an application to the local Prohibition Officer for a pass in that behalf specifying the following particulars, namely.-

- (i) name and address of the applicant;
- (ii) name and address of his licence for the possession and use of spirit;
- (iii) name, kind and quantity of spirit to be purchased;
- (iv) place to which the spirit is to be transported;
- (v) route by which the spirit is to be transported; and
- (vi) period for which the licence is required to be valid.

(2) If the said officer, on receiving the application is satisfied that there is no objection to grant the pass applied for, he may grant the applicant a pass in Form M.P.S. IV.

(3) The said transport pass shall be prepared in quadruplicate and one copy of it shall be retained by the local Prohibition Officer in his record, one copy shall be handed over to the applicant, one copy shall be sent to the person from whom the spirit is to be purchased and one copy shall be sent to the Prohibition Officer or Excise Officer of the place to which the spirit is transported.

15. Special Conditions :-

(1) Notwithstanding anything contained in these rules, no licence for the possession and use of rectified spirit or absolute alcohol or for the transport thereof shall be granted under these rules, unless the licensee holds a valid licence or permit for the aforesaid

purpose under the Karnataka Prohibition (Rectified Spirit) Rules, 1967.

(2) Except as provided in sub-rule (1) the provisions of these rules shall be in addition to and not in derogation of the provisions of the Karnataka Prohibition (Rectified Spirit) Rules, 1967, insofar as they relate to the matters dealt with in these rules.

16. 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.