

The Rajasthan Intoxicating Spirituous Preparations, Import, Export, Transport, Possession and Sales Rules, 1989

RAJASTHAN

India

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Rule

THE-RAJASTHAN-INTOXICATING-SPIRITUOUS-PREPARATIONS-IMP **of 1989**

- Published on 6 November 1989
- Commenced on 6 November 1989
- [This is the version of this document from 6 November 1989.]
- [Note: The original publication document is not available and this content could not be verified.]

The Rajasthan Intoxicating Spirituous Preparations, Import, Export, Transport, Possession and Sales Rules, 1989Published vide Notification No. G.S.R 24, dated 6-11-1989G.S.R 24. - In exercise of the powers conferred by Section 41 of the Rajasthan Excise Act, 1950 (Rajasthan Act II of 1950), the State Government hereby makes the following rules and orders with reference to the proviso to sub section (3) of the said section, that previous publication of these rules is dispensed with, as the State Government considers that they should be brought into force at once, namely:-

1.

These rules may be called the Rajasthan Intoxicating Spirituous Preparations, Import, Export, Transport, Possession and Sales Rules, 1989.

2.

They shall extend to the whole of the State of Rajasthan.Definition

3.

In these rules, unless the context otherwise requires-(a)"Act" means the Rajasthan Excise Act, 1950 (Act II of 1950);(b)"Excise Commissioner" means the Excise Commissioner appointed by the State

Government under the Act;(c)"District Excise Officer" means the Officer appointed as such under the Act;(d)"Form" means a form appended to these rules;(e)"Homeopathic Practitioner" for the purpose of these Rules means a practitioner whose name is for the time being entered in the Register of practitioners; prepared and maintained by Rajasthan Board of Homeopathic Medicine, Rajasthan under the Rajasthan Homeopathic Medicine Act, 1969 or has been incorporated as a 'listed' member on a separate register maintained by the said Board;(f)The Expressions, "Import, Export, and Transport" shall have the same meaning as are assigned to them under the Act;(g)"Intoxicating Spirituous Preparations" means the spirituous preparations notified as liquor by the Government from time to time;(h)"Licensee" means a person licensed to possess, manufacture or for dispensing or for selling intoxicating spirituous preparations;(i)"Prescription" means a prescription given by a registered medical practitioner to a bonafide patient;(j)"Private medical practitioner" means a medical practitioner of modern system of medicines holding a licence under the Drug and Cosmetic Act, 1940 and the Rules made thereunder;(k)"Registered Practitioner" means a medical practitioner registered in any State in India under any law for the registration of medical practitioners;(l)"Ayurvedic or Unani Practitioner" means a practitioner registered under any law for the registration of Indian systems of medicine for the time being in force in any State.B. Possession

4.

No person shall have except to the extent permitted by rule 5, in his possession any quantity of any intoxicating spirituous preparations except under the authority and in accordance with the terms and conditions of a licence or permit granted under these rules.

5.

The following intoxicating spirituous preparations may be possessed without a licence or permit by the persons and to the extent noted against each:-(1)Allopathic Preparations(a)A patient on the authority and upto the extent of a prescription issued by a registered practitioner;(b)a registered practitioner upto 900 Millilitre of each such preparation at any one time;(c)a registered practitioner as Manager or Supervisor of a hospital, dispensary or clinic run either by private individual/s or organisation/s or Government or Municipal council/Board or any other local body upto the requirement of such hospital/dispensary/clinic for a period of 12 months.(d)A private medical practitioner may keep in his possession at any time such intoxicating spirituous preparations as mentioned in his Drug licence to the extent of 900 ml. of each preparation for the purpose of dispensing his own prescriptions;(2)Homeopathic Preparations(a)A patient on the authority and upto the extent of a prescription issued by a homeopathic practitioner;(b)A homeopathic practitioner upto 550 ml. of each such preparation at any one time;(c)A homeopathic practitioner as Manager or Supervisor of a homeopathic hospital/dispensary/clinic run either by private individual/s or organisation/s or Government or Municipal council/Board or any other local body upto the requirement of such hospital/dispensary/clinic for a period of 12 months;(3)Ayurvedic and Unani preparations(a)A patient on the authority and upto the extent of a prescription issued by an Ayurvedic or Unani Practitioner;(b)An Ayurvedic or Unani Practitioner upto 900 millilitres of each such preparations at any one time;(c)An Ayurvedic or Unani practitioner as Manager or Supervisor

of a Ayurvedic or Unani hospital/dispensary/clinic run either by private individual/s or organisation/s or Government or Municipal Council/Board or any other local body upto the requirement of such hospital/dispensary/clinic for a period of 12 months;(4)Toilet preparationsA bonafide consumer, upto 275 millilitres of each variety.(5)Essences(a)A bonafide consumer upto 110 millilitres of each variety.(b)A manufacturer of aerated water, upto 4.5 litres of each variety at any one time.(6)All kinds of Intoxicating Spirituous preparationsAn excise officer of the Government, acting in his official capacity, upto any quantity.C. Import, Export and Transport

6.

A licensee, registered practitioner, homeopathic practitioner, private medical practitioner. Ayurvedic or Unani practitioner or a permit holder may, subject to rule 5 above, import, export or transport intoxicating spirituous preparations on the authority of a permit or a pass under these rules.

7.

A registered practitioner or a homeopathic practitioner or an Ayurvedic or a Unani practitioner as Manager or Supervisor of a hospital/dispensary/clinic run either by private individual/s or organisation/s or Government or Municipal Council/Board or any other local body may import and transport such quantity of intoxicating spirituous preparations as may be specified on the indent but not exceeding the requirements for 12 months, the indent shall be valid only when countersigned by the Chief Medical and Health Officer for allopathic preparations, by the District Ayurvedic Officer for Homeopathic, Ayurvedic and Unani preparations. Indent for veterinary hospitals/dispensaries will be countersigned by the District Animal Husbandry Officer. A copy of the indent shall be furnished, in advance, to the District Excise Officer for record and for such action as he may deem expedient in relation to the indent in regard to the quantity to be imported or transported.

8.

A permit holder may import such quantity of intoxicating spirituous preparations as may be authorised under the permit granted to him.

9.

Subject to the provisions of rule 5 and 7, every consignment of intoxicating spirituous preparations imported, exported or transported shall be accompanied by a permit or pass issued under these rules.D. Sale

10.

A manufacturer shall subject to the conditions of his licence, sell intoxicating spirituous preparations to:-(a)a registered practitioner:(b)a homeopathic practitioner:(c)Ayurvedic or Unani

Practitioner;(d)a licensee;(e)a permit holder; or(f)a private medical practitioner;only in such quantity and for such purpose, as he may be authorised under the rules and/or as may be specified in his licence or permit.

11.

A licensee shall, subject to the conditions of his licence, sell intoxicating spirituous preparations to:-(a)a registered practitioner or a homeopathic practitioner or an Ayurvedic or a Unani practitioner or a private medical practitioner;(b)a registered or homeopathic practitioner or an Ayurvedic or a Unani practitioners in-charge of a hospital/dispensary/clinic:(c)another licensee;(d)a permit holder:(e)a person holding a prescription of a registered practitioner/homeopathic practitioner a private medical practitioner or an Ayurvedic or Unani practitioner in accordance with such prescription; and(f)to any person in any quantity which he is permitted to possess without permit/licence under rule 5 and rule 26.

12.

A registered practitioner or a homeopathic practitioner or an Ayurvedic or a Unani practitioner shall sell intoxicating spirituous preparations only for dispensing his own prescription or the prescription of another registered practitioner, a homeopathic practitioner or an Ayurvedic/Unani practitioner.

13.

A private medical practitioner shall sell intoxicating spirituous preparations only for dispensing his own prescriptions.

14.

Unless otherwise mentioned on the prescription by a Registered practitioner or a Homeopathic practitioner or an Ayurvedic or Unani practitioner, the licensee or the Registered practitioner or Homeopathic practitioner or Ayurvedic or Unani practitioner shall sell the intoxicating spirituous preparations only once. After noting the date of sale Seal & Designation on the prescription and making an entry in the sale register, the prescription shall be returned to that patient or his representative.E. Approval, Authorisation, Licences, Passes and Permits

15.

The District Excise Officer on the recommendations of the Excise Inspector concerned may grant a licence in form I.S.P. 1 to-(a)any chemist and/or druggist holding a licence under the drugs control Act;(b)a homeopathic chemist or homeopathic practitioner (for homeopathic preparations only); or(c)any person engaged in sale of general stores or toilet preparations and/or essences, or Ayurvedic or Unani medicines.

16.

The licence fee shall be annual and as fixed by the Excise Commissioner Rajasthan from time to time subject to the approval of the Government.

17.

A person desirous of obtaining a licence may apply in form I.S.P. 2 to the District Excise Officer. The District Excise Officer, may, for reasons to be recorded in writing refuse to grant the licence.

18.

The District Excise Officer on the recommendations of the Excise Inspector concerned shall be competent to grant a licence for the possession and sale of intoxicating spirituous preparations.

19.

(1) No permit for the possession of a intoxicating spirituous preparations in excess of the quantities specified in rule 5 shall be granted except in respect of such kinds thereof, as are described in column 1 of the Schedule below to the persons specified in column 2, to the extent specified in column 3 and for the purpose specified in column 4 of the said Schedule:-

(1) Allopathic Medicinal preparations	(i) Manufacturer of Homeopathic dilutions	2.25 litre each	For manufacturing some other preparations.
	(ii) Any person	550 ml. each	For private home consumption
(2) Toilet preparation	(i) Institution	2.25 litres each	For external use
	(ii) Any person	550 ml. each	For private Home consumption
(3) Essences	(i) Manufacturer of aerated water	9 litres each	
	(ii) Manufacturer of Ice-creams	2.25 litres each	
	(iii) Any person for bonafide private consumption	550 ml. each	
(4) Intoxicating spirituous preparations	(i) Institutions	As fixed by the Excise Commissioner	For bonafide home consumption
	(ii) Any person		

(2)A permit in form I.S.P. 2A may be granted by the District Excise Officer to any person mentioned in sub-rule (1) on payment of a fee of Rs. 5/-.

20.

The District Excise Officer shall grant permits in form I.S.P. 3 for the import or transport of intoxicating spirituous preparations.

21.

The District Excise Officer shall issue export and transport passes in Form I.S.P. 4.

22.

(1)The licensee shall maintain correct account of his daily transaction in form I.S.P. 5 and submit a monthly return in Form I.S.P. 6 to the District Excise Officer concerned:Provided that the Excise Commissioner, in his discretion may relax in full or in part, the provisions for the maintenance of accounts in form I.S.P. 5 in the case of an individual or certain class of licensees.(2)The permit holder shall maintain a correct account of receipt and consumption of intoxicating spirituous preparations under his permit.

23.

The Excise Commissioner, Rajasthan, may, by special order, authorise any officer of the Excise Department to issue export passes for the export of the Intoxicating Spirituous Preparations.

24.

(i)The licensee, shall, in addition to these rules, be bound to observe all the rules under the Act applicable to his licence.(ii)Any infringement of the provisions of these rules would be an offence under section 54 of the Act;Provided that if the licensee or permit holder infringes or causes or permits any person to infringe any of these rules or any of the conditions of his licence/permit the District Excise Officer may without prejudice to the remedy of prosecuting the offender, revoke the licence/permit:Provided further that if the infringement is of a minor nature, the licence or permit; as the case may be, may be restored on payment of such sum not exceeding Rs. 500/- as the District Excise Officer may determine.

25.

(i)In the matter of duty to be paid on intoxicating spirituous preparations and not leviable under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, the provisions of the Rajasthan Excise Act, 1950 shall apply.(ii)In all other matters not specified in these rules the provisions of Rajasthan Excise Rules, 1956 shall apply mutatis mutandis.

26.

These rules shall not apply to the intoxicating spirituous preparations:-(i)As are considered by the Excise Commissioner from time to time to be incapable of being misused for potable purposes and declared as such by him by issue of notification.ToThe District Excise

Officer,.....Through : Excise

Inspector.....Subject. - Issue of I.S.P. licence for the sale of Ayurvedic Drugs.Dear Sir,I am enclosing herewith the following documents for the issue of ISP-I licence for the sale of Ayurvedic Drugs. I/We hope that you will find the documents in order and favour me/us by issuing the ISI Licence at an early date.

1. Application in the Form ISP-II.

2. Site Plan of the Shop (Two copies).

3. Bank Draft for Rs. 1,000/- in favour of the District Excise Officer.....

4. Rent Receipt/proof of ownership of the property.

Thanking you,Yours faithfully,Form of application for the grant of licence for the sale of Intoxicating Spirituous preparation.

1. Name of the Applicant
2. Father's name
3. Resident of
- (1) House
- (2) Ward
- (3) Town or City
- (4) Police Station
4. Brief History of the Previous Business
5. Locality of the premises to be licensed (Full particulars to be given)
6. Name of the shop or establishment (Whether firm society,partnership or company)
7. If convicted for any offence, details thereof
8. Details of criminal cases pending against the applicant, if any
9. Details of the sale of Intoxicating Spirituous Preparations made during the three years prior to application
10. Particulars of the Intoxicating Spirituous Preparations for which licence is required and quality of each such preparations

I do hereby declare that I shall abide by the laws in force in respect of the Import, Export, Transport, possession and sale of intoxicating spirituous preparation.Dated.....Signature of the

Applicant. Form I.S.P. I [See Rule 15] Licence for the Sale of Intoxicating Spirituous Preparations
No. of licence..... Date.....

Licence for the sale of intoxicating spirituous preparations mentioned on the reverse is granted to
Shri..... proprietor/manager of M/s..... having place of business at..... for the period
from..... to 31st March, 198..... on payment of annual fee of Rs..... paid into the treasury
on..... This licence is granted subject to the Rajasthan I.S.P. Import, Export, Transport,
possession and Sale Rules, 1989 and to the terms and conditions specified below. Description of the
licensed premises..... Dated..... (Licensing Authority) Conditions

- 1. On the termination or the cancellation of the licence, the licensee shall surrender the license, stock and account books to the competent authority. The Distt. Excise Officer or any other licensing authority may, after such enquiry as may be deemed necessary, direct any licensee to whom the stock is transferred, to pay such price of the stock, as he/it may deem fit. The stock, unfit for human consumption, shall be liable to destruction at the cost of the licensee whose license is terminated or cancelled.**
- 2. The licensee shall permit the Excise Officer of the Excise Dept. to enter the premises and examine the stock and accounts connected with the licence.**
- 3. The licensee shall not import from other Station any I.S.P. except under an import permit granted by the competent excise authority of Rajasthan. Such an import permit will, however, not be necessary in case supplies I.S.Ps. are obtained in bond, from a licensed manufactory or bonded warehouse in accordance with the Medicinal and Toilet preparations (Excise Duty), Rules, 1956.**
- 4. As soon as the consignment of the I.S.Ps. is received by the licensee, he shall inform the said competent authority, who shall depute an officer of the Department to check and verify the contents with the pass covering the consignment. The licensee shall then enter the receipt in his sales register before making sale of it.**
- 5. The licensee shall maintain all permits, passes and copies of the prescriptions and produce them before the inspecting officer in order to enable him to check the receipts and sales of such preparations.**

6. The licensee shall keep the stock of such preparations separately at the licensed premises and nowhere else.

7. The licensee shall maintain accounts in the prescribed form and shall submit the prescribed returns monthly.

8. The licensee shall not possess and sell, any I.S.Ps. except the following:

Name of Intoxicating Spirituous preparations	Quantity allowed to be possessed and sold during the year.
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.....

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- 1.
- 2.
- 3.
- 4.
- 5.

Form I.S.P. 2-A[See Rule 19(2)]Permit for the Possession of Intoxicating Spirituous Preparations
No. of permit..... Date of permit.....

Permit authorising the possession of intoxicating spirituous preparations in privileged quantities only in the premises herein specified viz.....and for the period from.....to 31st March, 19..... is granted to.....of.....in the district of.....subject to the provisions of the Rajasthan Intoxicating Spirituous Preparations Import, Export, Transport, Possession and Sale Rules, 1989 and the conditions specified below:-Conditions

1. The permit holder may possess such of the intoxicating spirituous preparations and in such quantities as are mentioned below:-

2. The permit-holder shall use in one year only such quantities of Intoxicating Spirituous Preparations as are mentioned against each.

3. The permit-holder shall, in regard to such matters as are not specifically prescribed, carry out the directions of the authority granting the permit or superior in rank.

4. The permit-holder shall keep an up-to-date account of receipt and consumption of intoxicating spirituous preparations and in such manner as may be required by the authority granting the permit.

5. The permit-holder shall permit the excise officers of the excise department to enter the premises and examine the stock and accounts connected with the permit.

Date.....(Authority granting the permit)Form I.S.P. 3[See Rule 20]Form of permit for Import/Transport of Intoxicating Spirituous preparationsNumber of permitDate of permitName of Licensee(or registered Medical practitioner)Licensed to sell Intoxicating spirituous preparations at.....in the..... district, is hereby permitted to Import/Transport the intoxicating spirituous preparations as below from Manufacturer/Licensee at.....to his vend premises.This permit is valid upto the.....day.....of.....19 ...District Excise Officer

Name of the Indicating spirituous preparations	Quantity	Rate of duty to be charged before issue (if any)	Remarks
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(To be prepared in duplicate, one copy to be given to the applicant.)Form I.S.P. 4[See Rule 21]Pass for the Export/Transport of Intoxicating Spirituous preparations

Pass No..... Dated the.....

For the export/Transport of the intoxicating spirituous preparations from the premises of.....at.....to the premises of M/s.....at.....on the authority of the permit

No.....dated.....signed by the competent authority of.....District.....

Serial No. Name of preparation Batch No. No. of containers

Quantity Strength Proof Gallon Contents Rate of Duty

Amount of duty Remarks District Excise Officer

This pass is valid upto the.....The Licensee shall not open the bulk unless it has been checked by an Officer of the Excise Department.(To be prepared in triplicate-one part will accompany the consignment, another will be sent to the Excise Officer of the district issuing the permit against which supply is being made, the counterfoil to be kept by the office issuing this pass).Form I.S.P. 5[See Rule 22]Register Showing the Stock of Each Kind of Intoxicating Spirituous PreparationsName of Licensee.....Particulars of the licensed premisesNumber of the License

Date	Opening Balance	Receipt
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No. and date of pass	Name of the licenses/manufacturer from whom purchased	Quantity
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Issue	Balance in hand (Quantity)	Initial of licensee	Remarks
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No. and date of pass if any	Particulars of the purchaser	Quantity sold
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Note. - Entries relating to each intoxicating spirituous preparation will be made on a separate page.Form I.S.P. 6[See Rule 22](Monthly return to be submitted to the District Excise Officer)Name of the LicenseeParticulars of licensed premises

Remarks

Name of the month	Total Quantity of intoxicating Spirituouspreparation in hand at the close of the preceding month	Total Quantity sold during the month	Total quantity received during the month	Balance in hand at the close of the month
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Date:Signature of the Licensee(To be submitted by the 7th of the following month)