

The U.P. Transport and Possession of Notified Restricted Spirituous Preparations (Prevention of Misuse) Rules, 1978

UTTAR PRADESH

India

The U.P. Transport and Possession of Notified Restricted Spirituous Preparations (Prevention of Misuse) Rules, 1978

Rule

THE-U-P-TRANSPORT-AND-POSSESSION-OF-NOTIFIED-RESTRICTED of 1978

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The U.P. Transport and Possession of Notified Restricted Spirituous Preparations (Prevention of Misuse) Rules, 1978 Published vide Notification No. 9251-E/13-564-77, dated September 14, 1978, U.P. Gazette, Extraordinary, dated September, 1978, Pages 21-28 (See Section 40 of U.P. Excise Act, 1910) In exercise of the powers under sub-section (1) and (2) and provision to sub-section (3) of section 40 of the U.P. Excise Act, 1910 (U.P. Act No. IV of 1910) the Governor is pleased to make the following rules with a view to regulating the transport and possession of notified Restricted Spirituous Preparations used as an ingredient of medicinal and toilet preparations:

1. Short title and commencement.

- (i) These Rules may be called the Uttar Pradesh Transport and Possession Notified Spirituous Preparations (Prevention of Misuse) Rules, 1978. (ii) They shall extend to areas specified or as the State Government may, from time to time specify under sub-section (4) of section 37-A of the U.P. Excise Act, 1910. (iii) They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context: -(i) "Doctor's permit" means an annual permit in Form F.L. 15-C (Appendix-III) granted to a registered medical

practitioner for the purchase, transport and possession of any notified Restricted Spirituous Preparation for use and ingredient of a mixture dispensed only on his own prescription;(ii)"notified Restricted Spirituous Preparation" means a medicinal or toilet preparation containing alcohol which is capable of being misused as ordinary alcoholic beverage or spirituous preparation, and which has been or is declared to be liquor by the State Government under sub-section (1) of section 4 of the U.P. Excise Act, 1910 whether or not included in the Scheduled to the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956;(iii)"Officer-in-charge" means an Excise Inspector authorised by the Excise Commissioner to supervise the work in a bonded manufactory or bonded warehouse;(iv)"Proper Officer" means an Excise Inspector posted to the preventive excise circle in which the non-bonded manufactory or wholesale shop is situated;(v)"registered medical practitioner" means a person registered under the U.P. Medical Act, 1917 (U.P. Act No. III of 1917) or the U.P. Indian Medicine Act, 1939 (U.P. Act No. X of 1939) or the U.P. Homeopathic Medicine Act, 1951(U.P. Act No, VIII of 1952) or under any other corresponding State or Central Act of India;(vi)"retail dealer" means a person holding a licence in Form F.L. 15-B (Appendix II) for the sale of any notified Restricted Spirituous Preparation in a quantity not exceeding the limit of individual possession fixed from time to time by the Excise Commissioner of Uttar Pradesh;(vii)"unrestricted preparation" means any medical or toilet preparation containing alcohol other than restricted preparation;(viii)"wholesale dealer" means a person holding a licence in Form F.L. 15-A (Appendix I) for the sale of any notified Restricted Spirituous Preparation in quantity exceeding the limit of individual possession fixed from time to time by the Excise Commissioner of Uttar Pradesh.

3. Classification of spirituous medicinal and toilet preparations.

(1)For the purpose of these rules, medicinal and toilet preparations containing alcohol are classified in two categories : namely, Restricted Preparation and Unrestricted Preparations. A list of restricted preparations is given in the Schedule appended to these rules. All other preparations will be treated as an-restricted unless otherwise declared by the State Government under section 4 of the U.P. Excise Act, 1910.(2)If any of the Un-restricted Preparation is found to be used as ordinary alcoholic beverage or Spirituous Preparation or if any of the restricted items of preparation is later on found to be not capable of being misused as an alcoholic beverage or Spurious Preparation, the State Government may, on the advice of the Drugs Controller and the Excise Commissioner, declare such preparations as restricted or un-restricted, as the case may be.(3)Any new medicinal and toilet preparation containing alcohol, which is manufactured after the commencement of these rules, shall be presumed to be a Restricted Preparation unless and until it is declared to be the contrary by the State Government. The Excise Commissioner in consultation with the Drugs Controller, shall report to the State Government such instances of new preparations together with his recommendations for their classification.(4)(i)If any manufacturer has any complaint on the classification of his preparation he may represent the matter to the state Government thorough the Excise Commissioner together with two samples of 200 millimeters each of that preparation and the receipt for the same.(ii)The state government shall, after considering the recommendations of the Excise Commissioner, made in consultation with the Drugs Controller, pass appropriate and the for the representation.

4. Restriction on possession and transport.

- No person shall possess or transport a notified restricted spirituous preparation except as provided hereinafter.

5. By a private individual.

- An individual may possess any notified Restricted Spirituous Preparation from time to time as the limit of individual possession or, if no such quantity is fixed, then only such quantity as may be an ingredient of a mixture prepared in accordance with the prescription of a registered medical practitioner or as may be ingredient of a patent medicine. Note - Mixture may include pigments paints or lotion or the like made in accordance with the prescription of a registered medicinal practitioner.

6. By a registered medical practitioner holding Doctor's permit in Form F.L. 15-C.

- (i) A registered practitioner, holding Doctor's permit in Form F.L. 15-C may possess at one time for his professional use and for issue under his own prescription the notified Spirituous Preparation up to the limit specified in the table given below:

Class of Medical Practitioner	Quantity of notified Restricted Spirituous Preparations allowed to be possessed at any one time
1. Allopathic Medical Practitioner	... One litre of each preparation.
2. Homeopathic Medical Practitioner	... One-tenth of a litre of each Homeopathic preparation.
3. Medical Practitioner in Indian Medicine	... Three lines of each Ayurvedic preparation.

(ii) If any such medical practitioner is in charge of a public or private charitable institution, such as a hospital, dispensary, or maternity home and if the quantity prescribed above is not sufficient, the State Government may on the recommendations of the Chief Medical Officer of the district and the Excise Commissioner, relax the limit and allow such quantity as may be appropriate.

7. Transport by private individual.

- Subject to such restrictions as are or may be imposed under the spirituous Preparations (Inter-State Trade and Commerce). Control Act, 1955 and the rules made thereunder, a private individual may transport any notified restricted Spirituous preparation up to and quantity is fixed, then only such quantity as may be an ingredient of a mixture prepared in accordance with the prescription of a registered medical practitioner or as may be an ingredient of a patent medicine.

8. Transport by a wholesale dealer.

- A wholesale dealer, holding licence in form F.L. 15-A may transport notified Restricted. Spirituous Preparations from a bonded or a non-bonded manufactory or a bonded warehouses or from the licensed premises of another wholesale dealer subject to the following conditions:(i)The wholesale dealer shall apply to the Collector or District Excise Officer of his district for the grant of a permit in Form R.M.P. -5 in triplicate. One copy of the permit shall be handed over to the applicant who shall send it to the manufacturer or dealer from whom the purchase is made. The duplicate copy shall be sent by post to the Officer-in-charge of the bonded manufactory or bonded warehouse shop, to the Collector of the District wherefrom the purchase is to be made and the Collector shall forwarded the same to the proper officer concerned. The third copy of the permit shall be retained in office for record.(ii)On receipt of the consignment of the notified Restricted Spirituous Preparations, the consignee shall return his copy of the pass to the Officer-in-charge or the proper officer, as the case may be after comparing the same with the copy of the pass accompanying the consignment and sign it in taken of verification stating discrepancy of any.(iii)The Collector of the district of destination shall send his copy of the pass to the proper Officer of the Officer-in -charge concerned for necessary verification and return.(iv)Should the consignee fail to return his copy of the pass to the Officer-in-charge or proper Officer, as laid down in sub-clause (ii) above within three months of the receipt of the consignment, further issue of transport passes, in his favour may be discontinued.

9. Transport by a registered medical practitioner holding Doctor's permit in Form F.L. 15-C.

- A registered medical practitioner holding Doctor's permit in Form F.L. 15-C may transport the notified Restricted Spirituous preparations up to the quantities permissible under Rule 6 from a bonded or non-bonded manufactory bonded warehouse wholesale shop subject to the following conditions -(i)when the purchase are made in the same town where the Doctor carries on his practice, he shall produce his permit in Form F.L. 15-C before the supplier, who shall make the necessary entries in the permit.(ii)(a)when purchases are made from places other that the town wherein the carries on his practice, the registered medical practitioner shall mention the number of his permit in Form.F.L. 15-C for being entered in the pass R.M.P. 6 (Appendix V) to be issued by the officer-in-charge or the proper officer, as the case may be, and conditions (i) to (iv) specified in Rule 8 shall, mutatis mutandis apply.(b)within three days of receipt of the consignment by him, the registered medical practitioner concerned shall send his permit in From F.L. 15-C to the District Officer of his district for endorsement of the notified Restricted Spirituous Preparation in appropriate columns in the said permit.

10. Transport by a retail dealer.

- The provisions governing the transport of the notified Restricted Spirituous Preparations by wholesale dealers given in Rule 8 shall mutatis mutandis apply to the transport of such preparations by retail dealers holding licence in Form F.L. 15-B.

11. Transport by persons and institutions specially authorised by medical officer or the Excise Commissioner.

- Persons and institutions, specified in sub-causes (ii) and (iii) of Rule 2 of the Uttar Pradesh Sale of Spirituous Preparations (Prevention of misuse) Rules, 1978, any transport the notified Restricted Spirituous Preparations purchased from a bonded or non-bonded manufactory up to the quantity allowed under a transport pass R.M.P. 6 granted by the officer-in-charge or the proper officer as the case may be, and the conditions specified under Rule 8 shall, mutatis mutandis, apply.

12. Grant and renewal of licence.

(1) Licence for the wholesale vend of notified restricted spirituous medicinal preparations in Form F.L. 15-A (Appendix I) and licence for the retail vend of notified Restricted Spirituous Medicinal Preparations in Form 15-B (Appendix - II) shall be granted by the Collector of the district to bona fide chemists and druggists who may make an application for the same giving details of held Drugs Cosmetics Acts, 1940 and the Central Drugs and Cosmetics Rules, 1945. (2) The Doctor's permit in form F.L. 15-C (Appendix III) shall be granted by the Collector of the district to Registered Medical Practitioners who may apply for the same. (3) The aforesaid licences shall be renewable from year to year subject to the condition that licensees may not have violated any condition of their licences or may not have been convicted of any offence under the U.P. Excise Act, 1910 the Opium Act, 1857 or the Drugs and Cosmetics Act, 1940. (4) (i) The fee for the grant or renewal of licence in Form F.L. 15-A or F.L. 15-B as the case may be shall be Re. 1 per annum payable in advance. (ii) There shall be no fees for the grant or renewal of the Doctor's permit in Form F.L. 15-C but the cost of the permit Book shall be Re. 1 which shall be deposited in the treasury by the registered Medical Practitioner under head "0-39 Rajys Abkari Shulk-ja- Anya Prattian-Anga-Any Maden." Appendix I Form F.L. 15-A [See Rule 2] Licence granted to a wholesale dealer for the wholesale vend of Notified Restricted Spirituous Preparations Licence for the wholesale vend of notified spirituous preparations at the premises known as..... is granted to..... at..... in the district of on the following conditions : Conditions (1) That he shall pay to Government in advance a fee of Re. 1 for the year or for any lesser period. (2) That he shall not transfer this licence to any other person. (3) That he shall sell under this licence the Notified Restricted Spirituous Preparations in untampered original packing and not in fractional quantities to- (i) another wholesale dealer holding a similar licence in Form F.L. 15-A; or (ii) a retail dealer holding licence in Form F.L. 15-B. (iii) a Registered Medical Practitioner holding Doctor's permit in Form F.L. 15-C up to the quantity allowed. (4) That he shall get no supplies of Notified Spirituous Preparations except under a permit in Form R.M.P. 5 and against a pass issued by a proper authority. (5) That all sales made shall be covered by a transport pass in Form R.M.P. 6 duly got signed by the Excise Inspector of the circle/ proper officer. (6) That he shall keep a correct daily account showing receipt, sale and the balance for each day for the articles covered under this licence, separately. (7) That he shall produce this licence and the account maintained by him at once on demand by the Collector, the District Excise Officer or any officer of the Excise Department not below the rank of an Excise Inspector exercising jurisdiction in the area. (8) That he shall permit any officer duly authorised in this behalf to enter and inspect his shop at any hour of the day or at night. (9) That he shall store all stock of Notified Restricted Spirituous Preparations covered by his licence and pertaining to his shop in the premises for which he holds

this licence.(10)That he shall not allow any person to conduct sale in his licensed premises unless the name of such person has been previously submitted to the Collector for approval and duly endorsed on the licence.(11)That this licence shall have effect from toA breach of any of the above conditions will render the licensee liable to the penalties prescribed under the U. P. Excise Act, 1910 (Act No. IV of 1910), as well as to the forfeiture of this licence.CollectorDistrictDated 19. Appendix II Form F.L. 15-B[See Rule 2]Licence granted to a retail dealer for the retail vend of Notified Restricted Spirituous Preparations Licence for the retail vend of Notified Spirituous Preparations at the premises known as is granted to at in the district of on the following conditions :Conditions(1)That he shall pay to Government in advance a fee of Re. 1 for the year or for any lesser period.(2)That he shall not transfer this licence to any other person.(3)That all sales of Notified Restricted Spirituous Preparations shall be covered by a cash or credit memo, issued in Form R.M.P. 7 (Appendix VI).(4)That he shall not sell on any one day any of the Notified Restricted Spirituous Preparation as such to any person in excess of the quantity fixed by the Excise Commissioner from time to time as the limit of private possession, or as an ingredient of a mixture prepared in accordance with the prescription of a Registered Medical Practitioner, or as an ingredient of a patent medicine.Note.-Mixture may include pigments, paints or lotions, or the like made in accordance with the prescription of Registered Medical Practitioner.(5)That he shall get no supplies of Notified Spirituous Preparations except under a permit in Form R.M.P. 5 and against a pass in Form R.M.P. 6 issued by a proper authority.(6)That he shall keep a correct daily account showing receipt, sales and the balance for each day for each of the articles covered under this licence, separately.(7)That he shall produce this licence and the account maintained by him at once on demand by the Collector, the District Excise Officer or any officer of the Excise Department not below the rank of an Excise Inspector exercising jurisdiction in the area.(8)That he shall permit any officer duly authorised in this behalf to enter and inspect his shop at any hour of the day or at night.(9)That he shall store all stock of Notified Restricted Spirituous Preparations covered by his licence and pertaining to his shop in the premises for which he holds this licence.(10)That he shall not allow any person to conduct sale in his licensed premises unless the name of such person has been previously submitted to the Collector for approval and duly endorsed on the licence.(11)That this licence shall have effect from to ...A breach of any of the above conditions will render the licensee liable to the penalties prescribed under the U. P. Excise Act, 1910 (Act No. IV of 1910), as well as to the forfeiture of this licence.Collector.DistrictDated 19...Appendix III Form F.L. 15-C[See Rule 2]Annual permit granted to Registered Medical Practitioners for the purchase, transport and possession of any Notified Restricted Spirituous Preparation for use as an ingredient of a mixture or of a patent medicine dispensed only on his own prescription

1. Name of Registered Medical Practitioner

2. (A) Registration no.....and the name of the Act under which registered.

(B)Whether paying sales tax

3. Locality

MohallaHouse No.....Police Station

4. Name of authorised salesman

5. Particulars of the purchases made :

Name of notified restricted spirituous preparations	Quantity allowed per month	Date of purchase	Name of wholesale dealer or manufacturer from whom purchase is made (with his initial or stamp if purchase is made from the same town)
1	2	3	4
Quantity sold	Endorsement of the District Excise Officer if purchase is made from places other than the town wherein the Doctor practices		
5	6		7
			Remarks

The monthly quota for doctor paying sales tax may be 50 per cent more than those not paying sales-tax :[Provided that where the total quantity of homoeopathic dilutions possessed by a Registered Medical Practitioner at one time does not exceed 10 (ten) litres instead of particulars of the purchases made, as in Column 5 the following shall be deemed substituted :

1. Name and address of the patient.

2. Age of the patient.

3. Treatment given].

General Conditions

1. The Notified Restricted Spirituous Preparations shall not be sold neat as such but only as an ingredient of a mixture or a patent medicine dispensed in accordance with the Doctor's own prescription.

Note.-Mixture may include pigment, paints or lotions, or the like made in accordance with the prescription of a Registered Medical Practitioner.

- 2. The purchase of the notified restricted spirituous preparations shall only be made from licensed wholesale dealers or manufacturers.**
- 3. The permit is personal to the doctor to whom it is granted and shall not be transferred.**
- 4. The Registered Medical Practitioner, when purchasing the preparations in the same town in which he practices, shall produce his permit (F.L. 15-C) before the supplier. In case of purchase from other places, the Registered Medical Practitioner shall mention the number of his F.L. 15-C permit and the supplier shall get a pass in Form R.M.P. 6 issued mentioning the number of F.L. 15-C permit of the Registered Medical Practitioner concerned and shall send, within three days of the receipt of the consignment by him, his F.L. 15-C permit to the District Excise Officer of the district for endorsement of the Notified Restricted Spirituous Preparations in appropriate column in the sale permit. The manufacturer or the wholesale dealer shall enter the particulars of each of the Notified Restricted Spirituous Preparations sold by him in appropriate columns of the permit.**
- 5. The permit is granted with effect from.....and shall expire on 31st March, unless renewed for the ensuing year.**
- 6. The cost of the permit-book will be Re. 1 which shall be paid by the Registered Medical Practitioner and deposited in a Government Treasury.**

Collector.DistrictDated 19....Appendix IVForm R.M.P. 5[See Rule 8]Original/Duplicate/TriplicatePermit for the purchase of Notified Restricted Spirituous PreparationsDated 19.No.....Current till(1)Name of consignor(2)Name of consignee(3)Place for which issues are required(4)Particulars of notified restricted spirituous preparations required :

Name of the preparation Quantity (in lbs. or Bulk gallons)

1	2	3
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DistrictDated 19.....Collector/District Excise Officer.Appendix VForm R.M.P. 6[See Rule 9]Original/Duplicate/Triplicate/QuadruplicatePass covering issues of Notified Restricted Spirituous PreparationsDated 19,No.....Current till(1)Name of consignor(2)Name of consignee(3)Place for which issued(4)Number and date of permit against which issued(5)Particulars of Notified Restricted Spirituous Preparations issued :

Name of the preparation Batch No. Quantity issued (in lbs. or Bulk gallons)

1	2	3
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District.....Dated.....19.....

*Bonded Manufactory*OfficerIncharge*Bonded
Warehouse*Proper Officer in-chargeExcise Circle

*Strike-off whichever is not applicable. Appendix VI Form R.M.P. 7 [See Appendix II] Original/Duplicate Cash/Credit Memo issued for sale of Notified Restricted Spirituous Preparations Name and address of Licensee

Serial No..... Dated.....19.....

Number and date of prescription	Name and Registration No. of Medical Practitionerissuing the prescription	Name of Preparation sold	Quantity sold	Price
1	2	3	4	5

Signature of the Licensee or his Agent. Name and address of the Purchaser
The Schedule[See Rule 3 (i)]List of Restricted Preparations

1. Medical Preparations -

(i)Allopathic Preparations:

1. Spirituous Aetheris

2. Spirituous Aetheris Nitrosi

3. Spirituous Chloroformi

4. Spirituous Menthae piperitac

5. Tinctura Aristolochae

6. Tinctura Aurantii

7. Tintura cordononi Composita

8. Tinctura Chinesi

9. Tinctura Scillac

10. Tinctura Tolutana

11. Tinctura Limonis

12. Tinctura Uriginae

13. Tinctura Zingiberis

14. Tinctura Chiratae Composita

15. Tinctura Columabae

(ii) Homeopathic Preparations: All Homeopathic Dilutions Containing alcohol. (iii) Ayurvedic and other Preparations

1. Mrit Sanjiwani

2. Mrit Sanjiwani Sura

3. Mrit Sanjiwani Sudha.

(Draksharista) Given in the Hindi (Drakshasava) version of the Gazette. [Inserted by Notification No. 4496-E/XIII-564-77, dated 24th May, 1979.]