

Punjab Intoxicating Spirituous Preparations Import, Export Transport, Possession and Sale Rules, 1952

PUNJAB

India

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Rule

PUNJAB-INTOXICATING-SPIRITUOUS-PREPARATIONS-IMPORT-EXPORT of 1952

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Punjab Intoxicating Spirituous Preparations Import, Export Transport, Possession and Sale Rules, 1952
Published vide Punjab Notification No. 769 E&T-52/1275 dated 22-3-1952
These rules shall come into force at once.
A - Definitions

1.

In these Rules, unless there is anything repugnant in the subject or context, -(a)'Act' means the Punjab Excise Act (1 of 1914) as amended.(b)[Chief Medical Officer [means the [Chief Medical Officer] [Substituted vide Punjab Legislative Supplement Part III dated 29.5.1973.] or other principal Medical Officer of the district](c)'Deputy Excise and Taxation Commissioner' means the officer appointed by Government to discharge the functions and to exercise the powers assigned to him under the Act and includes any officer specially authorised by the Excise and Taxation Commissioner, Punjab to exercise throughout the State or any specified area therein, all any of the powers of Deputy Excise and Taxation Commissioner under these Rules.(d)'Competent Authority' means the Excise and Taxation Officer or the Assistant Excise and Taxation Officer holding charge of the district in relation to liquor or intoxicating drug under the Act and the rules made thereunder.(e)'Form' means the form appended to these rules,(f)Government means the Government of the State of Punjab.(g)the expression 'Import' 'Export' and 'Transport' have the same meanings as are assigned to them under the Act.(h)'Intoxicating Spirituous Preparation' means the spirituous preparations declared as liquor in the Punjab Government Notification No. 769 E&T-52/1273, dated the 22nd March, 1952, and shall include all such preparations as the Government may declare as such from time to time.(i)'Licensee means a person licensed to possess,

manufacture or for dispensing or for sale intoxicating spirituous preparations.(j)'Prescription means a prescription given by a registered medical practitioner to a bona fide patient.(k)'Registered Practitioner, means any person registered under the provisions of the Punjab Medical Registration Act, 1916.

2.

No intoxicating spirituous preparations shall be manufactured or prepared or possessed for retail sale except under the authority and subject to the terms and conditions of a license in from M.C. 12 granted in that behalf by the Deputy Excise and Taxation Commissioner under the rules.C - Possession

3.

No person shall have in his possession any intoxicating spirituous preparations in any quantity except by -(i)a patient on the authority of a prescription issued by a registered practitioner and dispensed either by the registered practitioner himself or, by a licensee.(ii)a registered practitioner, who may keep in his possession at any one time intoxicating spirituous preparations not exceeding 500 millilitres each.(iii)a medical practitioner in managing or supervising charge of a Government, Local Fund and Charitable Hospital or dispensary who may possess intoxicating spirituous preparations not exceeding in requirements of such hospital or dispensary for twelve months.(iv)a licensee, who may possess such quantity of intoxicating spirituous preparations as may be specified in his license or a common carrier as such in the possession of such preparations on behalf of and on account of the licensee.(v)an Excise Officer to the Government acting in his official capacity.D - Import, Export and Transport

4.

A licensee or a registered practitioner may, subject to Rule 3 above, import, export or transport intoxicating spirituous preparation on the authority of a period and a pass granted by a competent authority.

5. [[Legislative Supplement Part III dated 29.5.73.]

A medical practitioner in a managing or supervising charge of a Government Local Fund or Charitable Hospital or dispensary may import and transport such quantity of intoxicating spirituous preparations as may be specified on the indent (not exceeding its requirements for twelve months) signed by the Chief Medical Officer and in the case of Veterinary Hospital and dispensaries by the District Animal Husbandry Officer; Manager Indo-Swiss Project, Patiala, Project Officers, Intensive Cattle Development Project Amritsar, Jullunder, Ludhiana, Bhatinda and Officer Incharge State Veterinary Medical Store Ludhiana. A copy of the indent should be furnished in advance to the Deputy Excise and Taxation Commissioner concerned 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.]

6.

Omitted on 29-7-1952

7.

Every consignment of intoxicating spirituous preparations imported, exported or transported shall be accompanied by a pass issued by the competent authority of the district of the issue.

8.

A licensed manufacturer shall issue for transport intoxicating spirituous preparations under a pass on the authority [of a permit, granted by a competent authority to a licensee or a registered practitioner and in the case of a medical practitioner in managing or supervising hearge of a Government Local Fund or charitable hospital or dispensary on the authority of an indent as specified in Rule 5 above.] [8A. Notwithstanding anything in Rules 4, 5 and 8 above the export outside Punjab and transport within the same district in Punjab of an intoxicating spirituous preparation shall not require a permit or a no objection certificate as the case may be from a competent authority] [Notification dated 29.7.1952.]E - Sale

9.

A licensed manufacturer shall sell intoxicating spirituous preparation only to licensee a registered practitioner or a medical practitioner in charge of a hospital or dispensary in accordance with these rules.

10.

A licensee shall sell intoxicating spirituous preparation only to another licensee or to a registered practitioner or a medical practitioner incharge of a Government Local Fund or charitable hospital or dispensary or on a prescription of a registered practitioner in accordance with the such prescription.

11.

A registered medical practitioner shall sell intoxicating spirituous preparations only for dispensing his own prescription or the prescription of another registered practitioner.

12.

Unless the prescription bears an indication by a registered practitioner that it is to be repeated and at what interval of time it is to be repeated and how many times it is to be repeated, the licensee or the registered practitioner shall sell the intoxicating spirituous preparations only once on the prescription. After noting the date on the prescription and the marking an entry in the sale register,

the prescription shall be returned to the patient or his representative. If the prescription bears an indication as aforesaid the licensee or the registered practitioner dispensing the prescription shall enter on the prescription the date of sale and shall sign and affix his seal to the prescription and return the prescription to the patient or his representative. Provided that if it appears from the prescription that the sale of 30 millilitres of intoxicating spirituous preparation mentioned therein has already been made, or that the interval specified in the prescription has elapsed since the prescription was last dispensed, the licensee or the registered practitioner shall not sell the intoxicating spirituous preparations unless the prescription is revalidated.

13.

The maximum quantity of intoxicating spirituous preparations, which shall be sold on the authority of a prescription granted by a registered practitioner, shall be 30 millilitres only. The sale of intoxicating spirituous preparations exceeding 30 millilitres shall be deemed to be a wholesale transaction and must be covered by a permit and a pass granted by competent authority. F - Approval, Authorisation, Licensee, Passes and Permits

14.

The Deputy Excise and Taxation Commissioner, or any other officer, authorised by him in this behalf, may grant a license in form I. S. P. 1, to any person or firm holding a license under the Drugs Control Act, as a qualified or approved person or having in his employ such a person.

15.

The license fee shall be annual and as fixed by the Excise and Taxation Commissioner, Punjab, from time to time.

16.

A person desirous of obtaining a license may apply in form I. S. P. 2 to the Deputy Excise and Taxation Commissioner, concerned provided that the Deputy Excise and Taxation Commissioner, may for reasons to be recorded in writing, refuse to grant the license.

17.

The Deputy Excise and Taxation Commissioner is competent to grant a license for the possession and sale of each kind of intoxicating spirituous preparation not exceeding in aggregate 25 litres in a year. The Excise and Taxation Commissioner, Punjab is competent to grant a license for the possession and sale of intoxicating spirituous preparations or any class of such preparations in any quantity whatever.

18.

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

19.

The competent authority shall issue export and transport passes in form I. S. P. 4.

20.

The licensee shall maintain correct accounts of his daily transactions in form I. S. P. 5 and submit a monthly return in form I. S. P. 6 to the competent authority.

21.

The Excise and Taxation Commissioner, Punjab may by special order, authorise any officer of the Excise and Taxation Department to issue export passes for the export of intoxicating spirituous preparations.

22.

(i)The licensee shall, in addition to these rules, be bound to observe all the rules under the Act applicable to his license.(ii)Any infringement of the provisions of these rules would be an offence under Section 61 of the Act.

23.

(i)In the matter of duty to be paid on intoxicating spirituous preparations, the Punjab Excise Fiscal Orders, published in the Punjab Government Notification No. 5998, dated the 12th November, 1932, as subsequently amended shall apply mutatis mutandis.(ii)In all other matters not specified in these rules, the Punjab Liquor License Rules, published in the Financial Commissioner's Notification No. 5556.E & S, dated the 21st October, 1932, as subsequently amended shall apply mutatis mutandis except in regard to working hours and close days.I.S.P. 1License for the sale of the intoxicating spirituous preparations.Number of licence_____.Name of the district_____.License for the sale of Intoxicating Spirituous Preparations is granted to Shri_____.Proprietorson of Shri_____ of M/s_____Manager(Shop No._____Ward_____ in_____Town) in the district of_____for the period from_____ to_____on payment of annual licence fee of Rs._____ (In words) paid into the_____Treasury on the_____.This License is granted subject to the provisions of the Punjab Intoxicating Spirituous Preparation import, Transport, Possession and Sale Rules, 1952, and to the terms and conditions specified below :-Description of

Licensed premises _____ Deputy Excise and Taxation

Commissioner. Dated the _____ 19 _____.

District _____ Supplementary conditions - (1) The licensee can possess the following intoxicating spirituous preparations up to the quantity, mentioned against each preparation. (2) The licence shall permit the Excise Officers of the Excise and Taxation Department to enter the premises and examine the stock and accounts thereof. (3) On the termination or the cancellation of the licence, the licensee shall surrender the licence, stock and account books to the competent authority. The Deputy Excise and Taxation Commissioner may direct any licence to whom the stock is transferred to pay such price of the stock, as he may deem fit, after enquiry. The stock unfit for human consumption shall be liable to destruction at the cost of the licensee whose licence is terminated or cancelled. (4) As soon as the consignment of the intoxicating spirituous preparations is received by the licensee, he shall inform the 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 receipts in his sale register before making sales of it. (5) The licensee shall maintain all permits, passes and copies of 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 premise and nowhere else. (7) The licensee shall maintain accounts in the prescribed form and shall submit prescribed returns monthly. (8) List of preparations :-

Name of preparations Quantity allowed to be possessed.

1

2

3

Court Fee Stamp I.S.P. 2 Form the application for the grant of licence for the sale of Intoxicating Spirituous Preparations

1. Name of the applicant _____

2. Father's name _____

3. Resident of

(1) House

No. _____ (2) Ward _____

or City _____ (4) Police

Station _____

4. Brief history of the previous business. _____

5. Locality of the premises to be licenced (full particulars to be given)_____

6. Name of the shop or establishment (whether firm, society, partnership or company)_____

7. Details of the sales of intoxicating spirituous preparations made during three years prior to application.

8. Particulars of the intoxicating spirituous preparations for which a licence is required and quantity of each such preparations_____

_____ I do hereby declare that I shall abide by the law in force in respect of the import, export, transport, possession and sale of intoxicating spirituous preparations. Signature of the application. Dated the _____, 19_____(This application is to be submitted to the Excise and Taxation Officer of the district) Form I.S.P. 3 Import Form of permit for the _____ of intoxicating spirituous preparations transport Name of permit _____

Date of _____ (Name of licensee)((or Registered Medical permit _____ Practitioner))| licenced 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 up to the _____ day of _____ 19_____. Excise and Taxation Officer, _____ District

Name of the intoxicating spirituous preparations	Quantity	Rate of duty to be charged before issued (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

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 Messrs _____ at _____ on the authority of permit No. _____, dated _____, signed by the competent authority of _____ District.

1	2	3	4	5	6	7	8	9	10
Serial No.	Name of preparation	Batch No.	Number of containers	Quantity	Strength	Proof [litres]	Rate of	Amount of duty	Remarks

contents duty paid

Excise and Taxation Officer, _____ District. This pass is valid up to the _____ The licensee shall not open the bulk unless it has been checked by an officer of the Excise and Taxation Department. (To be prepared in triplicate - one part will accompany the consignment another will be sent to the Excise and Taxation Officer of the District issuing the permit, against which supply is being made, the counterfoil to be kept by the officer issuing this pass. Form I.S.P. 5 Name of

licensee _____ Particulars of the licenced premises _____ Number of licence _____ Register showing the stock of each kind of intoxicating spirituous preparations

		Receipts		Issues							
				Balance		Remarks					
				in Hand							
Date	Opening balance	Number and date of the pass	Name of the licensee- manufacturer from whom purchased	Quantity	Number and date of pass, if any	Particulars of the purchaser	Quantity sold	Quantity	Quantity	Initial of licensee	

Note - Entries relating to each intoxicating spirituous preparation will be made on separate page. Form I.S.P. 6 (Monthly return to be submitted to the Excise and Taxation Officer of the District) Name of the License _____ Particulars of licenced premises _____.

Name of the month	Total quantity of intoxicating spirituous preparations in hand at the close of the preceding month	Total quantity received during the month	Total quantity sold during the month	Balance in hand at the close of the month	Remarks
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(Signature of the licensee). Date _____ (To be submitted by the 7th of the following month).-----