

Chapter VI
Spirituos Medicinal Preparation

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SECTION XVIII

**THE UTTAR PRADESH TRANSPORT AND POSSESSION OF NOTIFIED
RESTRICTED SPIRITUOUS PREPARATIONS
(PREVENTION OF MISUSE) RULES, 1978¹**

(See Section 40 OF u.p. eXCISE aCT, 1910)

The Governor is pleased to order the publication of the following English translation of Notification No. 9251-E/XIII-564-77, dated September 14, 1978 for general information.

No. 9251-E/XIII-564-77

Dated Lucknoe, September 14, 1978

In exercise of the powers under sub-section (1) and (2) and provisio 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 tranport and possession of notified Restricted Spirituous Preparations used as an ingredient of medicinal and toilet preparations:

Rule 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.

Rule 2- Definitions – In these rules, unless three 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.

Rule 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 through the Excise Commissioner together with two samples of 200 millimeters each of that preparation and the receipt for the same.
- (5) 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.

Rule 4- Restriction on possession and transport – no person shall possess or transport a notified restricted spirituous preparation except as provided hereinafter.

POSSESSION

Rule 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.

Rule 6 – By a registered medical practitioner holding Doctor's permit on 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
Medical Practitioner	One litre of each preparation.
2. Homeopathic Medical Practitioner	One-tebth of a litre of each Homeopathic preparation.
3. Medical Practitioner in Indian Medicine	Three lines of each Ayurvedic preparation.

1. Allopathic

(ii) If any such medical practitioner is incharge 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.

TRANSPORT

Rule 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.

Rule 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.

Rule 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.

Rule 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.

Rule 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, may 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.

Rule 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.

(1) (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 Pratiyan-Anga-Any Maden."

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. Tinctura cordononi Composita
8. Tinctura Chinesi
9. Tinctura Scillac
10. Tinctura Tolutana
11. Tinctura Limonis
12. Tinctura Urginae
13. Tinctura Zingerberis
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

**THE U.P. SALES OF NOTIFIED RESTRICTED SPIRITUOUS PREPARATIONS
(PREVENTION OF MISUSE) RULES, 1978¹**

NOTIFICATION

Miscellaneous

In exercise of the powers under section of the U.P. Excise Act, 1910 (U.P. Act No. IV of 1910), the Excise Commissioner with the previous sanction of the State Government, hereby makes the following rules with a view to regulate the sale of the Notified Restricted Spirituous Preparation as defined under Rule 2 (ic) of these rules:

Rule 1- Short title and commencement - (i) These Rules may be called the Uttar Pradesh Sales of Notified Restricted Spirituous Preparations (Prevention of Misuse) Rules, 1978.

(ii) They shall extend to areas specified or as the State Government may from 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.

Rule 2 - Definitions - In these rules there is anything repugnant in the subject or context -

- (i) "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 a quantity exceeding the limit of individual possession fixed from time to time by the Excise Commissioner of Uttar Pradesh;
- (ii) "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 quantity not exceeding the limit of individual possession fixed from time to time by the Excise Commissioner of Uttar Pradesh;
- (iii) "Doctor's permit" means as 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 preparations for use as an ingredient of mixture dispensed only when on his own prescription;
- (iv) "notified restricted spirituous preparation" means a medicinal or toilet preparation containing alcohol which is capable of being misused as ordinary alcohol beverage or spirituous preparation, and which has been or is declare to be liquor by the State Government under sub-section (i) of section 4 of the U.P. Excise Act, 1910 whether or not included in the Schedule to the Medicinal and Toilet Preparation (Excise Duties) Rules, 1956

- (v) "Officer-in-charge" means an Excise Inspector authorised by the Excise Commissioner to supervise the work in a bonded manufactory of bonded warehouse;
- (vi) "Proper officer" means an Excise Inspector posted to the preventive excise circle in which the non-bonded manufactory or wholesale shop is situated;
- (vii) "registered medicinal practitioner" means a person registered under the U.P. Medical Act, (U.P. Act No. III of 1917) or the U.P. Indian Medicine Act, 1930 (U.P. Act No. X of 1930) 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.

Rule 3- Sales to wholesale and retail dealer to be made against permits -All sales to wholesale or retail dealers from a bonded or non-bonded manufactory, bonded warehouse, or wholesale shop shall be made against permits in Form R.M.P.5 granted under Uttar Pradesh Transport of Notified Restricted Spirituous Preparations (Prevention of Misuse) Rules, 1977 on the request of the dealer by the District Excise Officer of the district where the purchaser holds the licence in Form F.L. 15-A or F.L. 15-B.

Rule 4 - No sale to be made except under these rules- No person shall sell a notified restricted spirituous preparation except as provided in these rules.

Rule 5- Sales by manufactures to dealers, institutions and medical practitioners-Manufacturers holding licence in Form L-1 or L2 issued under Rule 83 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956 (reproduced as Appendices IV and V) may sell any notified restricted spirituous preparation manufactured by them to -

- (i) wholesale and retail dealers holding licence in Form F.L. 15-A and F.L. 15-B;
- (ii) institutions exempted under Rule 7 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, up to the quantity indented by the Medical Officer concerned;
- (iii) persons an institutions other than those covered by sub-rule (ii) permitted by the Excise Commissioner from time to time up to the quantity specified;
- (iv) registered medical practitioner holding doctor's permit:

Provided that the quantity of any notified restricted spirituous. preparation sold to a registered medical practitioner at one time shall not exceed the limits specified against them in the table given under sub-rule (1) of sub-rule 6 of the Uttar Pradesh Transport and Possession of Notified Restricted, Spirituous Preparations (Prevention of Misuse) Rules, 1978:

Provided further that the quantity of notified restricted spirituous preparations to the extent as may be authorised by the State Government under sub-rule (ii) of Rule 6 of the Uttar Pradesh Transport and Possession of Notified Restricted Preparation (Preventive of Misuse) Rules, 1978 may be sold to any medical practitioner incharge of an institution such as hospital, dispensary or maternity home.

NOTES- (i) sales made to persons or institutions mentioned in sub-clauses (ii) and (iii) above shall be covered by a transport pass in Form R.M.P. 6 (Appendix VII), granted under Rule 9 of the Uttar Pradesh Transport and Possession of Notified Restricted Spirituous Preparations (Prevention of Misuse) Rules, 1978 by the officer-in-charge or the proper officer, as the case may be

(ii) The provisions of Rule 9 of the Uttar Pradesh Transport and Possession of Notified Restricted Spirituous Preparations (Preventive Misuse) Rules, 1978 shall apply to sales made under a Doctor's permit.

Rule 6 - Sale by person holding L-4 licence- The provisions of Rule 3 shall apply mutatis mutandis to the sale of restricted spirituous preparations, by a person, holding licence in Form. L-4 granted under Rule 83 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, from his bonded warehouse.

Rule 7 - Sale by wholesale dealer holding licence in Form F.L. 15A - A person holding licence in Form F.L. 15-A shall sell notified restricted spirituous preparations only to -

- (i) persons mentioned in sub-rule (i) of Rule 5 above, and
- (ii) Registered medical practitioners holding Doctor's permit up to the quantity mentioned in the table given in the sub-rule (i) of Rule 6 of the Uttar Pradesh Transport and Possession of Notified Restricted Spirituous Preparations (Preventive Misuse) Rules, 1978.

NOTE - such sales shall be covered by a transport pass R.M.P. 6 granted under Rule 9 of the Uttar Pradesh Transport and Possession of Notified Restricted Spirituous Preparations (Preventive Misuse) Rules, 1978.

Rule 8 - Sale by retail dealer - A person holding licence in Form F.L. 15-B shall not sell on any one day, any notified restricted spirituous preparations as such to an individual exceeding the quantity by the Excise Commissioner from time to time as limit of individual 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 registered medical practitioner, or as an ingredient of a patient medicine.

NOTE- Mixture includes pigments, paints or lotions or the like made in accordance with the prescription of a medical practitioner.

Rule 9 - Sale by registered medical practitioner holding Doctor's permit -

- (1) A registered medical practitioner, holding Doctor's permit shall sell any notified spirituous preparation only as an ingredient of a mixture of a patent medicine dispensed in accordance with his own prescription.
- (2) Sale of notified restricted spirituous preparation as an ingredient of a mixture or a patent medicine on the prescription of another registered medical practitioner or of a notified spirituous preparation as such shall be made by registered medical practitioner holding a Doctor's permit only under cover of additional licence Form F.L. 15 -B.

Rule 10- Sale to wholesale or retail dealers to be covered permit in Form R.M.P. 5 -

All sales to wholesale or retail dealers from a bonded or non-bonded manufactory, bonded warehouse or wholesale shop shall be made against permits in Form R.M.P. 5 granted under Rule 8 of the Uttar Pradesh Transport and Possession of Notified restricted Spirituous Preparations (prevention of Misuse) Rules, 1977, on the request of the dealer by the District Excise Officer of the district where the purchaser holds the licence in Form F.L. 15-A or F.L. 15-B

Rule 11 - Daily accounts to be maintained by wholesale or retail dealers- Licence holding licence in Form F.L. 15 -A or F.L.-B shall maintain accurate daily accounts showing receipts, sales and balance for each day in respect of each of the preparation.

Rule 12 - Retail dealer to maintain cash or credit memo in respect of sales made -

The sale of any notified restricted notified spirituous preparation by retail licence holding licence in Form F.L. 15-B shall be covered by a cash or credit memo maintained in Form R.M.P. 7 (Appendix VI) in duplicate, one copy of which shall be retained by the licence for the purpose of inspection .

Rule 13 - No restriction as to sale hours - The sale of notified restricted spirituous preparations may be made during any hour of the day or night.

Rule 14 - No restriction on the ground of sex or age of the purchaser- The sale of notified restricted spirituous preparations may be made to any person, male or female, adult or minor, in accordance with these rules.