

Chapter XI
BOTTLING OF FOREIGN LIQUOR

Section
XXVIII [Bottling of foreign liquor](#)

SECTION XXVIII

UTTAR PRADESH BOTTLING OF FOREIGN LIQUOR RULES, 1969

In exercise of the powers conferred under section 41 of the U.P. Excise Act, 1910 (U.P. Act No. IV of 1910) read with section 21 of the U.P. General Clauses Act, 1904 (U.P. Act No. 1 of 1904), and in suppression of all provisions relating to bottling of foreign liquor, the Excise Commissioner, with the previous sanction of the State Government makes the following rules relating to licences for the bottling of foreign liquor.

RULES

Rule 1 – (i) These Rules may be called the Uttar Pradesh Bottling of Foreign Liquor Rules, 1969.
(ii) They shall come into force with effect from the date of the publication in the Gazette.

Rule 2 – (1) (a) A bottling licence in Form F.L. 3 may be granted to :

- (i) a distiller to bottle spirits;
 - (ii) a brewer to bottle beer; and
 - (i) a vintner to bottle wines by the Collector with the previous sanction of the Excise Commissioner.
- (b) The holder of a licence in Form F.L. 3 may assign the whole or any portion of his bottling privilege to a distiller brewer and vintner of another State but no such assignee shall exercise any right as such unless and until a licence in Form F.L. 3-A has been granted by the Excise Commissioner to him on an application made by the holder of such F.L. 3.
- (a) A bottling licence in Form F.L. 3-A may be granted by the Excise Commissioner to a distiller, brewer and vintner for bottling subject to the following condition:
- (i) An out side distiller, brewer or vintner shall be entitled to put his own brand name on the labels of the spirit bottled by him after obtaining the approval of the Excise Commissioner.
 - (ii) Colouring, blending or reduction of spirit is strictly prohibited under the licence.

¹(2) Subject to minimum of Rs. 500 (Rupees Five Hundred) a year or part thereof, the licence fee in case of a distiller or a vintner shall be levied at the following rates.

¹(a) Spirit or wines –

	For F.L. 3F	F.L. 3-a
(i) Bottles of 1000 millilitres.	Re. 1.00 per bottle	Rs.2.65 per bottle
(ii) Bottles of 750 millilitres	Re. 0.75 per bottle	Rs.2.00 per bottle
(i) Bottles of 500 millilitres	55 paise per bottle	Rs. 1.45 per bottle
(ii) Pint size 375 millilitres	45 paise per bottle	Rs. 1.20 per pint

(iii)	Nip of 180 mililitres	30 paise per nip	80 Paise per nip
(iv)	Poly pouches of 200 mililitres	30 paise per pouch	80paise per pouch
(v)	Poly pouches of 100 mililitres	15 paise per pouch	40paise per pouch

Rule 3- (i) A person, applying for bottling licence under Rule (2), shall alongwith the application furnish the following particulars to the Collector, namely:

- (a) the place at which and the premises in which bottling shall be carried on, and
- (b) the approximate number of days in a week or month during which bottling shall be carried on;

He shall also submit a detailed plan of the premises showing the different rooms or compartments and all the permanent fixtures therein. The plan shall be submitted in duplicate where bottling is to be carried on in non-bonded premises and in triplicate where bottling is to be carried on in bond.

(ii) The Collector, if he is satisfied on enquiry that the applicant is a fit person to hold the required licence and the premises in which such person proposes to carry on bottling are suitable, may with the previous approval of the Excise Commissioner, grant the licence to such person provided that where bottling is to be carried on in a distillery or a brewery or a vintnery the plan of the premises shall alongwith the proposal, be sent to the Excise Commissioner for his approval. Every such licence shall deposit Government promissory notes of the value of rupees five hundred as security for the payment of all sums which may become due to Government by way of fee on bottling livable under Rule 2. the promissory notes shall on deposit be endorsed to the Collector of the district without addition of names. The licence shall be allowed to draw, as it falls due the interest accruing on them.

Rule 4 – Unless the fee or any part thereof is in arrears of there be any other sufficient reason a bottling licence in Form F.L. 3 may be renewed by the Collector from year. Application for the renewal of the bottling licence shall be made in Form F.L. B.1 to the Collector of the district on or before February 28,each year.

Rule 5-(i) In the case of a new licence in Form F.L. 3 the Collector may realize in advance, for the year or part thereof, an amount sufficient to cove the licence fee on the basis of number of bottles likely to be bottled during the year, but not less than rupees five hundred and necessary adjustment be way of either increase or decrease may be made at the end of the year as may be directed by the Excise Commissioner on the basis of the number of bottles actually bottled during the year. For renewal of a licence, licence fees equal to the licence fee payable for the previous year shall be realized in advance and necessary adjustment either by way of increase or decrease may be made at the end of the year as may be directed by the Excise Commissioner on the basis of actual number be bottles during the year.

(ii) If fees to be realized under sub-rule (i) do not exceeds Rs. 500 (rupees five hundred), them entire amount of Rs. 500 (rupees five hundred), shall be realized in lump sums at the time of grant or renewal of licence. If the amount to be realized exceeds Rs. 500 (rupees five hundred) then the same may be realized in four equal installments; provided that in on case the first installments shall be of less than Rs. 500 (rupees five hundred). The first installment shall be realized at the time renewal of the licence, as the case may be, the second installment shall be realized at the end of June, the third at the end of September and the last at the end of December.

(iii) The adjustment referred to in sub-rule (i) shall be made by the Excise Commissioner annually IN April on the basis of the number of bottles actually bottled during the year. for this purpose the excise inspector of the distillery, brewery, vintnery or the circle as the case may be shall submit a return in Form F.L. B-2 showing the total number of bottles bottled during the preceding year and also the licence fees payable by the licence according to the prescribed scale relating to licence in Form F.L. 3 under his jurisdiction by April 7 to the Assistant Excise Commissioner of the charge , who after consolidation of the return districtwise shall submit the same to the Excise Commissioner by April 15.

¹Rule 6 – Every licence granted in Form F.L. 3 shall be subject to the following conditions:

- (1) the licence shall carry the operations of bottling in the premises previously approved by the Collector in the case of bottling outside the distillery, brewery or vintnery and by the Excise Commissioner in the case of bottling within the distillery, brewery or vintnery and duly endorsed on the licence and the premises shall not be used for any other purpose except for bottling and storage of Foreign liquor;
- (2) the licence shall make no alterations in the said premises without the previous approval in writing of the Collector or the Excise Commissioner, as the case may be and all such alterations shall be shown in the plan filed by him;
- (3) bottling shall be conducted in separate rooms(s) set apart for the purpose. The licence shall erect bottling vats in bottling room(s) for storage of liquor. He may set up in the bottling rooms(s) such apparatus for filtration, bottling and processes connected therewith as may be necessary.

Bottled liquor shall be stored in separate room(s).

Every room shall bear on the outside a board on which shall be painted legibly the purpose for which the room is used.

- (4) bottling of Indian made rum for issue to defence personnel at concessional rate of duty shall not be done in the rooms (s) where bottling of foreign liquor for other purposes is done. Such bottled concessional rum shall be stored in the separate room(s).
- (5) Bottling of Indian made foreign rum for issue to defence personnel at concessional rate of duty shall be allowed in distillery in bond;
- (6) bottling shall not be done on sundays and other public holidays. When the licence wishes to carry on bottling he shall give to the Collector 48 hours previous notice clearly mentioning the days and hours during which bottling is proposed to be done provided that bottling may be done on a Sunday or a public holiday and 48 hours notice will not be necessary when bottling is done in a distillery or brewery or vintnery;
- (7) Blending or reducing is prohibited except under and in accordance with the special permission of the Excise Commissioner.

NOTE – The terms blending and reducing shall carry the meaning as given in para 45 of the Excise Manual, Volume I (1962 edition);

- (8) addition of any flavoring or colouring material or any other substance in foreign liquor is prohibited except under and in accordance with the special sanction if the Excise Commissioner.
- (9) If bottled spirit is meant for sale within Uttar Pradesh the licensee shall not bottle any foreign liquor of a strength less than 42 percent of alcohol volume/volume in the case of brandy, whisky or rum or of a strength less than 36 percent alcohol volume/volume in the case of gin. The spirit bottled for sale outside Uttar Pradesh may be issued at such strength as may be required by the regulations of the state, Union territories or country concerned;
- (10) the licensee shall not use any bottle of capacity of less than 180 ml. for bottling of spirit and wine and 325 ml. for bottling of beer except in the case of foreign liquor bottled to serve as sample;
- (11) for bottling of foreign spirit and wines bottles and flasks having capacities of 1000 ml., 750 ml., 600 ml., 500 ml., 375 ml., 300 ml., 250 ml., 180 ml., and in respect of low strength rum ploy pouches having capacities of 200ml., and 100 ml., shall be used;
- (12) bottles and flasks of capacities of 650 ml. and 325 ml., only shall be used for the bottling of beer;
- (13) the figures and letters "750 ml.", "500 ml.", " 375ml.", "325ml", "250 ml" or "180 ml", as the case may be shall be moulded or sandblasted on the bottles;
- (14) the bottles shall bear the name or mark of the manufacturer along with the words "Uttar Pradesh";

- (15) the licence shall not use for bottling foreign liquor any bottles or flasks bearing the name and trade mark of any other or distilleries or brewer or vintner. The Excise Commissioner may however, give permission to the holder of licence in Form F.L. 3-A to use bottles or flasks bearing the name and trade mark of any other bottle distiller brewer or vintner.
- (16) bottles used for bottling of concessional rum shall also have sandblast or embossed on them the words "for troops only" along with the letters "C.S.D." when the rum is meant for export outside Uttar Pradesh and the letter "A.P.O." when meant for issue to the Army Purchase Organisation;
- (17) (a) Indian Made Foreign Liquor which is intended for export to another State of Union territories or other country shall be bottled in bottles having such marks and indications as may be required by the regulations of that state, Union territories or country;
- (b) The liquor bottled for export may be issued in bottles of such size as may be required by the regulation of the State, Union territories or country concerned;
- (18) bottles to be used for the purpose of bottling foreign liquor shall be properly cleaned and washed first with a solution of potassium permagnate and then with pure water;
- (19) immediately after the bottles have been filled up, they shall be corked, capsuled, and labelled and removed to the room for storage of bottled liquor. A distinctive serial number to be known as the batch number shall be assigned to each bottling operation and the number shall be noted on the label;
- (20) (i) in case of foreign liquor manufactured in India labels affixed to the bottles shall have the following conspicuously printed on them;
- (a) the description of liquor contained in the bottles, e.g. whisky, brandy, rum, gin, etc.
 - (b) the guaranteed fluid contents of the bottle
 - (c) strength of liquor contained in the bottle in the case of whisky, brandy, rum or gin.
 - (d) the words "Made in India"
 - (e) name and address of the licensee
- (ii) in the case of imported liquor, the labels affixed to the bottles shall have the following conspicuously printed on them;
- (a) the description of liquor contained in the bottle, e.g. Whisky, brandy, rum gin etc.
 - (b) the guaranteed fluid contents of the bottle.
 - (c) strength of the contained in the bottle in the case of whisky, brandy, rum, gin, etc.
 - (d) the words "Made in" with the name of the country of origin;
 - (e) the words "Bottled in India"
 - (f) name and address of the licensee.
 - (g) labels on the bottles of Foreign liquor for use to defence personnel shall also have the following legends printed on them;

on the top of the labels, a legend in red ink as follows:

"For sale to defence personnel only".

diagonally across the label a legend in red ink as follows:

"Possession by persons other than defence personnel is strictly prohibited."

- (ii) the labels to be used on liquor bottled for export to another State or Union territory or country shall be of such design and bear such words as may be required by the regulations of the State, Union territory or country concerned. If the labels used resemble those approved for use in Uttar Pradesh, they shall be over printed with the words " For sale in the (name of the State or Union territory or country only. The type to be used for such overprinting shall not be smaller than two line pica.
- (iii) labels on the bottles shall be so affixed as to be easily distinguishable. No label shall be pasted over the words, letters and figures moulded or sandblasted thereon.
- (iv) before bringing any label into use, the licensee shall submit exact copies thereof in quadruplicate to the Collector who shall forward them to the Excise Commissioner, for his approval. The Excise Commissioner, if he approves the labels shall number it and affix his official seal. One copy will be retained in the Excise Commissioner's office for record, the remaining these copies will be returned to the collector who will send one copy each to the Inspector of the distillery, or brewery or vintnery or circle concerned as the case may be, for information and record and return the third copy for his

record. The licensee shall comply with such instructions as the Excise Commissioner may issue regarding any label.

(21) (i) Unless otherwise allowed by the Excise Commissioner all bottles shall be securely sealed with pilfeproof capsules or crown corks with alucapsules in such a way as to make it impossible to remove the seal without its being cut and /or broken. The capsules to be used on various kinds of liquor shall be of standard sizes and shall bear on the top the name of the licensee.

(ii) The capsules to be used on liquor bottled for export to another State. Union territory or country shall be of such design and bear such words as may required by the regulations of the State, Union territory or country concerned.

(iii) The licensee shall invariably use the capsules which correspond to the pattern and specifications approved by the "Indian Standard Institute" He shall comply with such instructions as the Excise Commissioner may, from time to time, issue regarding any capsule.

(22) The licensee shall maintain accounts in te following registers;

(i) Register in Form F.L. B-3 in which the licensee shall enter the quantity description and strength of liquor received and issued for bottling.

(ii) Register in Form F.L. B-4 in which the licensee shall enter the bottling operations carried on by him.

(iii) Register in Form F.L. B-5 in which the licensee shall enter the daily account of foreign liquor bottled and stored in the licensed premises.

(iv) Ledger in Form F.L. B-6, in which the licensee shall enter the abstract of all the transactions in the licensed premises.

(v) Register in Form F.L. B-7 in which the licensee shall enter the stock of bulk (unbottled) and bottled liquor at the end of a month.

(v) gauge resister of vats in Form F.L. B-8.

(vi) Dip Book in Form F.L. B-9.

At the end of each month, the licence shall submit a monthly abstract of the transactions in Form F.L. B-6-A to the Excise Inspector concerned and to the Collector.

The licensee shall produce all the registers maintained by him for inspection on demand by the Excise Inspector concerned or other inspecting officers.

Rule 7- Following additional special conditions will be applicable to bottling of Indian Made Foreign Liquor in bond under F.L.-3 licence:

(1) The license shall execute a bond in Form P.D.B. with such security as may be fixed Excise Commissioner. The security shall be furnished either in cash or in interest bearing securities, Government Promissory Notes. National Savings Certificates, Post Savings Bank Pass Book or Post Office cash Certificates or in fixed deposit receipts of the State Bank of India or any other Bank duly approved by the State Government. The security is liable to be increased or decreased by the Excise Commissioner at any time. should he consider, for any reason, that the amount so fixed is adequate or excessive.

(2) Operations connected with the filling of bottles shall be conducted under of an Excise Inspector.

(3) The Excise Commissioner shall decide the strength of Excise personnel necessary for the proper supervision of the operations connected with bottling and his decision shall be binding on the licensee.

The licensee shall pay to the State Government at the end of each calander month the cost of Excise staff necessary for the supervision of bottling, as may be determined from time to time by the Excise Commissioner.

The licence shall provide quarters to the Excise staff to the satisfaction of the Excise Commissioner in the vicinity of the bonded warehouse for bottling of Indian made foreign liquor at a rend not exceeding ten per cent per month of the salary of each member of the staff.

The licensee shall be bound to keep the quarters and their appurtenances in proper repair and not to interrupt or annoy any officer residing therein, in his use or enjoyment thereof. Incase any question should arise as to whether the rent demanded by the nature and sufficiency of the accommodation, the question shall be referred to the Excise Commissioner whose decision shall be final and binding on the licensee.

(4) Operations connected with bottling shall be conducted in separate rooms called bottling rooms set apart for the purpose with in the premises near the foreign liquor store. In these rooms, the licensee may set up such apparatus for filtering, bottling and processes connected there with as may be necessary. In the

bottling rooms bottling vats shall be erected for the storage of foreign liquor. Bottled liquor shall be stored in separate rooms.

All the rooms shall be well ventilated. The windows and ventilators shall be surely barred with iron bars embedded and they shall be wirenetted, the net having mesh of not more than 25 mm. Every room shall bear on the outside a board on which shall be painted legibly the purpose for which the room is used. All the rooms shall remain under the separate locks and keys of the licensee and the Excise Inspector.

- (5) Bottling shall be done during the prescribed working hours.
- (6) No bottles shall be filled with liquor except in the joint presence of the Excise Inspector and a representative of the licensee.
- (7) Liquor required for the bottling in a distillery, vinery or brewery shall be measured out and brought into bottling rooms by a permanently fixed pipe fitted within the liquor store with a cock and fastening for excise lock or such other means as may be approved by the Excise Commissioner.
- (8) Bottling of rum meant for issues to troops at concessional rate shall be permitted in separate rooms(s) other than the room(s) where bottling of any other liquor is carried on. Bottled concessional rum shall not be stored with any other liquor.
- (9) The Excise Inspector Incharge of bottling bonded warehouse shall maintain the following registers:

- (1) Register in Form F.L. B-3
- (2) Register in Form F.L. B-4
- (3) Register in Form F.L. B-5
- (4) Ledger in Form F.L. B-6
- (5) Register in Form F.L. B-7
- (6) Dip Book Form F.L. B-9

¹(10) On the last working day of every calendar month, after all the transactions for that day are made, the Excise Inspector Incharge shall take the stock of unbottled and bottled spirit and beer/stored in the bottling warehouse, enter into the prescribed registers and ascertain the wastage of spirit in the bottling operations and storage in the bonded warehouses.

¹(11) (a) An allowance up to one per cent be made on the total quantity of spirit and beer stored during a month for actual loss in bottling and storage. The licensee shall be responsible for the payment of duty on wastage in excess of one percent.

(b) When the wastage does not exceed the prescribed limit, no action need be taken by the Excise Inspector Incharge but if an excess is found at the time of monthly stock taking the Excise Inspector shall submit a statement to the Collector by the fifth day of the month in Form F.L.B.-10 showing the quantity of actual wastage and the duty to be paid by the licensee recover the duty from the licensee at the full rate of duty leviable on Indian made foreign spirit and beer.

(12) The Excise Inspector Incharge, bonded warehouse for the bottling of Indian made foreign liquor will unless otherwise directed, work under the supervision of and correspond with the Assistant Excise Commissioner in whose territorial charge the bonded warehouse the licensee should in the first instances apply to the Excise Inspector Incharge who will, if necessary, secure higher order.

(13) The hours of attendance of the Inspectors posted to a bonded warehouse for the bottling of Indian made Foreign liquor will be fixed by the Assistant Excise Commissioner. The Excise Inspector posted to the bonded warehouse will fix the hours of attendance of clerks and peons. Ordinarily each official will be on duty for a total period not exceeding eight hours a day, If more than one Inspector be posted to a bonded warehouse operations involving the presence of an Inspector may continue from 6 a.m. to 6 p.m. if the licensee so desires.

(14) The holidays allowed to the Inspectors and clerks at the bonded warehouse for the bottling of Indian made foreign liquors are : Sundays, Republic Day (26th January), Good Friday, Mahatma Ghandhi's Birthday (2nd October), Independence Day, Christmas Day, Holi, (the day following the burning of Holi), Janmashtmi, Dashera (principal day), Diwali (principal day), Idul Fitr (principal day), Idul-zuha, Moharram (10th day) and Shabe-i-Barat.

Other Gazette holidays will only be allowed if the licensee himself close down on special grounds with the sanction of the Excise Commissioner.

In case the Excise staff stationed at a bonded warehouse is required to attend the bonded warehouse on the above mentioned holidays, the licensee shall be required to pay to Government an overtime fee according to the following scales:

Rs. 4.00 per hour for Excise Inspector

Re. 1.00 per hour for Excise Clerk.

25 paise per hour for Excise Constable.

The overtime fee so realized be credited to Government under the head "X Excise Collection of Payment for services rendered".

(15) Bonded warehouse for the bottling of Indian made foreign liquor shall be open for the entrance and exit of persons who have business within them. No one except officers of the Excise Department and the superior officers of other Government departments, licensee, his servants and licensed vendors who have come to purchase liquor shall be allowed to enter the premises on any pretext. A register shall be kept of the names of all persons employed by licensee.

(16) All persons entering a bonded warehouse for the bottling of Indian made foreign liquor shall be under the orders of the Excise Inspector Incharge in respect of their conduct and proceedings within the warehouse and shall be liable to search on their quitting the premises at the discretion of the Excise Inspector Incharge.

(17) If it comes to the knowledge of a licensee that any person employed by him has committed any breach of the excise laws or of the engagements entered into by him, it shall be his duty to report the matter to the Collector, and to comply with the directions of the latter officer respecting the continued employment of such person.

(18) The Excise Inspector Incharge of a bonded warehouse for bottling of Indian made foreign liquor may eject and exclude from the premises any person as to whom he has reason to believe that he has committed or is about to commit any breach of these rules or the provisions of the Excise Act, or who intoxicated or disorderly. All actions under this rule shall forthwith be recorded by him in writing in his official diary for the information of his official superiors.

(19) The licensee shall be bound by all the general rules for the management of bonded warehouse for bottling of Indian made foreign liquor and for the issue of foreign liquor therefrom which may already be in force or which may hereafter be enacted by all special orders issued by the Excise Commissioner with regard to individual bonded warehouse, and shall cause all persons employed by them in the manufacture, issue etc. of liquor to obey all such rules.

(20) (i) No liquor shall be removed except under a pass in Form F.L. B-11 granted by the Officer empowered in this behalf. The pass should be issued either on proof of full payment of duty or on proof of execution of bond. It shall be in triplicate, one copy shall be made over to the licensee to cover the transport or export, the second forwarded to the chief revenue authority of the district of import or transport and the third retained for record.

(ii) In case of issue of liquor under bond, the licensee shall execute a general or special bond with or without sureties, as may be considered expedient in Form F.L. B.B 1 or F.L. B.B 2 as the case may be deliver the liquor at a particular place or destination.

(iii) In case of liquor issued under special bond, the bond shall be discharged on the licensee's furnishing proof of his having delivered the liquor at the destination, provided that none of the conditions of the bond has been infringed. The duty on consignment issued under a general bond shall be written off on his furnishing proof of delivery of liquor at the destination, provided that none of the conditions of the bond has been infringed.

(iv) If the licensee does not furnish within the time mentioned in the bond or pass proof of his having delivered the liquor at the destination or if it appears that any of the conditions of the bond have been infringed, the Excise Inspector Incharge shall forthwith take necessary steps to recover from the executant or its sureties the penalty under the bond.

(v) A register of bond will be maintained in Form F.L. B 12 and every issue in bond will, on the date it is made be entered in this register. On the receipt of intimation that the consignment has duly arrived, an entry to the effect will be made in the relevant column of register of bond, and the bond so far as that consignment is concerned will be discharged.

As soon as the entries relating to consignment are complete the Excise Inspector Incharge of the Bottling warehouse will draw a red line to them to enable him to see at a glance the quantity of liquor that is in transit and to restrict issue to the amount covered under the bond.

(21) Issues may be made by the licensee from the bonded warehouse for the bottling of Indian made foreign liquor as follows:

(1) Foreign liquor may be issued in bond to persons and places as provided in the rules governing the export and the transport of foreign liquor.

(2) Foreign liquor may be issued on payment of duty to:

(i) the premises in respect of which the licensee holds a wholesale licence for the vend of foreign liquor.

(ii) Troops in India, as provided in the export and transport rules, on payment of duty at the prescribed rates.

(3) In the said Rules after Form F.L. B-1 the following shall be added as new form F.L.B.B -1.

(4) In the said Rules after Form F.L.B 11 the following shall be added as a new Form F.L. B. 12.