

THE  
MEDICINAL & TOILET  
PREPARATIONS (EXCISE  
DUTIES) ACT, 1955

WITH  
THE MEDICINAL AND TOILET PREPARATIONS  
(EXCISE DUTIES) RULES, 1956



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# THE MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES) ACT, 1955

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## INTRODUCTION

Medicinal and toilet preparations containing alcohol, etc. were subjected to State excise duties. Each State Government fixed its own rates of duty and followed its own procedure to regulate the imports from and exports to other States of such preparations. Thus therefore the industry manufacturing these preparations had to contend with several handicaps imposed by such diversities in rates and procedure. In order to secure uniformity the entry relating to excise duty on medicinal and toilet preparations containing alcohol, etc. was transferred under the Constitution from the State list to the Union list.

In such an eventuality the Medicinal and Toilet Preparations (Excise Duties) Act was enacted in 1955 to provide for the levy and collection of duties of excise on medicinal and toilet preparations containing alcohol, narcotic drug or narcotics. This Act extends to the whole of India and was enforced with effect from 1st April, 1957. This is a very short Act containing only 21 sections. Sections 1 and 2 are preliminary. Sections 3 to 8 deal with levy and collection of duties whereas Secs. 9 to 18 relate to powers and duties of officers and land holders. Sections 18 to 21 are supplementary provisions.

Section 19 of the Act empowers the Central Government to make rules to carry out the purposes of the Act. The Central Government in exercise of the powers conferred by Sec. 19 of the Act framed the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956. These rules are divided in XI Chapters. Chapter I consisting of rules 1 to 3 are preliminary. Rules 4 and 5 in Chapter II deal with appointment of officers. Chapter III consisting of rules 6 to 17 relates to levy and refund of, and exemption from duty and rules 18 to 68 in Chapter IV deal with manufacture of medicinal and toilet preparations containing alcohol, opium, Indian hemp and other narcotic drugs and narcotics. Chapter V consisting of rules 69 to 81 relates to warehousing and its establishment. Chapter VI is a procedural chapter for obtaining licence covered under rules 82 to 96. Chapter VII consisting of rules 97 to 103 deals with export under claim for rebate of duty or under bond. Inter-State movement of medicinal and toilet preparations have been discussed in Chapter VIII under rule 104 to 109. Chapter IX consisting of rule 110 to 122 deals with entry, search, seizure and investigation. Rules 123 to 129 in Chapter X provides for penalties, confiscation and appeals. Rules 130 to 143 covered under Chapter XI are miscellaneous matters.

## LIST OF AMENDING ACTS

1. The Repealing and Amending Act, 1960 (58 of 1960).
2. The Medicinal and Toilet Preparations (Excise Duties) Amendment Act, 1961 (19 of 1961).
3. The Finance (No. 2) Act, 1962 (20 of 1962).
4. The Finance Act, 1964 (5 of 1964).



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# THE MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES) ACT, 1955

(Act No. 16 of 1955)<sup>1</sup>

[27th April, 1955]

*An Act to provide for the levy and collections of duties of excise on medicinal and toilet preparations containing alcohol, opium, Indian hemp or other narcotic drug or narcotic*

## STATEMENT OF OBJECTS AND REASONS OF ACT, 16 OF 1955

By virtue of entry 40 in List II in the Seventh Schedule to the Government of India Act, 1935, medicinal and toilet preparations containing alcohol, etc., were subjected to Provincial excise duties. Each Provincial Government fixed its own rates of duty and followed its own procedure to regulate the imports from and exports to other Provinces of such preparations so that the industry manufacturing these preparations had to contend with several handicaps imposed by such diversities in rates and procedure. In order to secure uniformity the entry relating to excise duty on medicinal and toilet preparations containing alcohol, etc., were transferred under the Constitution from the State list to the Union List.

2. The present Bill is intended to implement this provision in the Constitution, and proposes uniform rates of excise duty and a uniform procedure for the collection thereof. In the case Part A and Part B States, the actual collection of the duties will be left with the Governments of the States, as required by Art. 268 of the Constitution. The existing duties and the existing procedure for collection under the pre-Constitution statutes of the States which are at present protected under Art. 277 will be replaced by the rates and the procedure proposed in the Bill.

3. The duties specified in the Schedule are, generally speaking, based on the recommendations of an Expert Committee appointed by Government.<sup>2</sup>

## STATEMENT OF OBJECTS AND REASONS OF ACT 19 OF 1961

Consequent on the decision to adopt metric units from the 1st April, 1961, in the sale of alcohol and collection of duty thereon, it is proposed to provide for the levy and collection of excise duty on medicinal and toilet preparations in terms of metric units.

At present toilet preparations that are considered capable of being consumed as ordinary alcoholic beverages, are subject to a duty at the rate of Rs. 17/8/- and others at the rate of Rs. 5 per gallon of the strength of London proof spirit. Since toilet preparations are in the nature of luxury articles and there is no foreign competition—imports being banned or severely restricted—it is proposed to fix a uniform rate of duty of about Rs. 32 per gallon of the strength of London proof spirit which comes to Rs. 7 per litre in terms of metric units, irrespective of whether the preparations are capable of being consumed as ordinary alcoholic beverages or not.

Under existing item 2 (ii) of the schedule to the Act, Ayurvedic preparations containing self-generated alcohol which are capable of being consumed as ordinary alcoholic beverages are subject to duty at the rate of Rs. 3 per gallon. However, by virtue of the provision contained in Sec. 19

1. Published in the *Gazette of India, Extraordinary*, Pt. II, Sec. I, dated the 29th April, 1955.  
2. Published in the *Gazette of India, Extraordinary* dated 16th September, 1954.



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20 at p. 423;  
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(3) It shall come into force on such date,<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act unless the context otherwise requires.—

(a) "alcohol" means ethyl alcohol of any strength and purity having chemical composition  $C_2H_5 OH$ ;

#### Comment

List of the Seventh Schedule of the Constitution.—State Legislature's power to make law under entry 8.—The enactment of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 by Parliament under entry 84, List I of the Seventh Schedule of the Constitution of the framing of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the Central Government in exercise of their rule-making power under Sec. 19 of the Act for the purpose of levying duties of excise on medicinal and toilet preparations containing alcohol, etc. do not prevent the State Legislature from making a law under entry 8, List II of the Seventh Schedule to the Constitution with respect to intoxicating liquors, or a law under entry 51, List II for levying excise duties on alcoholic requirements for human consumption.<sup>2</sup>

<sup>3</sup>[(aa) "Coca derivative" means—

(i) crude cocaine that is an extract of coca leaf which can be used directly or indirectly, for the manufacture of cocaine;

(ii) ecgonine, that is laevo-ecgonine having the chemical formula,  $C_9H_{15} NO_3 H_2O$ , and all the derivatives of laevo-ecgonine from which it can be recovered, and

(iii) cocaine, that is, methyl-benzoyl-laevo-ecgonine having the chemical formula,  $C_{17} H_{19} NO_8$  and its salts;

(ab) "coca-leaf" means—

(i) the leaf and young twigs of any coca plant, that is, of the *Erythroxyllo coca* (Lamk.) and the *Erythroxylon novo-granatense* (Hiern.) and their varieties, and of any other species of this genus which the Central Government may, by notification in the Official Gazette, declare to be coca plants for the purposes of this Act, and

(ii) any mixture thereof, with or without neutral materials;

(b) "collecting Government" means the Central Government or, as the case may be, the State Government which is entitled to collect the duties levied under this Act;

<sup>2</sup>[(bb) derivative of opium, means—

(i) medicinal opium, that is, opium which has undergone the processes necessary to adopt it for medicinal use;

(ii) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking and the dross or other residue remaining after opium is smoked;

(iii) morphine, that is, the principal alkaloid of opium having the chemical formula  $C_{17} H_{19} NO_8$ , and its salts, and its derivatives; ]

1. 1st April, 1957, vide Notifn. No. 5 S.O. 892, dated the 9th March, 1957; see *Gazette of India*, 1957, Pt. II, Sec. 3.
2. *Southern Pharmaceuticals and Chemicals, Trichur v. State of Kerala*, A.I.R. 1981 S.C. 1863 at p. 1867.
3. Ins. by Act No. 66 of 1976.

MEDICINAL AND TOILET PREPARATIONS  
(EXCISE DUTIES) ACT, 1955

5. The Finance Act, 1976 (66 of 1976).
  6. The Finance Act, 1981 (16 of 1981).
  7. The Finance Act, 1982 (14 of 1982).
  8. The Delegated Legislation Provisions (Amendment) Act, 1983 (20 of 1983).
  9. The Finance Act, 1989 (13 of 1989).
  10. The Finance (No.2) Act, 1998 (21 of 1998)
  11. The Finance Act, 2000 (10 of 2000)
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# THE MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES) ACT, 1955

(Act No. 16 of 1955)<sup>1</sup>

[27th April, 1955]

*An Act to provide for the levy and collections of duties of excise on medicinal and toilet preparations containing alcohol, opium, Indian hemp or other narcotic drug or narcotic*

## STATEMENT OF OBJECTS AND REASONS OF ACT, 16 OF 1955

By virtue of entry 40 in List II in the Seventh Schedule to the Government of India Act, 1935, medicinal and toilet preparations containing alcohol, etc., were subjected to Provincial excise duties. Each Provincial Government fixed its own rates of duty and followed its own procedure to regulate the imports from and exports to other Provinces of such preparations so that the industry manufacturing these preparations had to contend with several handicaps imposed by such diversities in rates and procedure. In order to secure uniformity the entry relating to excise duty on medicinal and toilet preparations containing alcohol, etc., were transferred under the Constitution from the State list to the Union List.

2. The present Bill is intended to implement this provision in the Constitution, and proposes uniform rates of excise duty and a uniform procedure for the collection thereof. In the case Part A and Part B States, the actual collection of the duties will be left with the Governments of the States, as required by Art. 268 of the Constitution. The existing duties and the existing procedure for collection under the pre-Constitution statutes of the States which are at present protected under Art. 277 will be replaced by the rates and the procedure proposed in the Bill.

3. The duties specified in the Schedule are, generally speaking, based on the recommendations of an Expert Committee appointed by Government.

## STATEMENT OF OBJECTS AND REASONS OF ACT 19 OF 1961

Consequent on the decision to adopt metric units from the 1st April, 1961, in the sale of alcohol and collection of duty thereon, it is proposed to provide for the levy and collection of excise duty on medicinal and toilet preparations in terms of metric units.

At present toilet preparations that are considered capable of being consumed as ordinary alcoholic beverages, are subject to a duty at the rate of Rs. 17/8/- and others at the rate of Rs. 5 per gallon of the strength of London proof spirit. Since toilet preparations are in the nature of luxury articles and there is no foreign competition—imports being banned or severely restricted—it is proposed to fix a uniform rate of duty of about Rs. 32 per gallon of the strength of London proof spirit which comes to Rs. 7 per litre in terms of metric units, irrespective of whether the preparations are capable of being consumed as ordinary alcoholic beverages or not.

Under existing item 2 (ii) of the schedule to the Act, Ayurvedic preparations containing self-generated alcohol which are capable of being consumed as ordinary alcoholic beverages are subject to duty at the rate of Rs. 3 per gallon. However, by virtue of the provision contained in Sec. 19

1. Published in the *Gazette of India, Extraordinary*, Pt. II, Sec. I, dated the 29th April, 1955.

2. Published in the *Gazette of India, Extraordinary* dated 16th September, 1954.



(2) (xix) of the Act, read with rule 8 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the rate of duty with respect of such preparations has been reduced to Rs. 1.75 per gallon with effect from the 10th September, 1960, and it is this reduced rate that is, proposed to be expressed in terms of metric units in the Bill.<sup>1</sup>

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:

#### Comments

**Interpretation of statutes.**—The Court must strive to so interpret the statute as to protect and advance the object and purpose of the enactment. Any narrow or technical interpretation of the provisions would defeat the legislative policy. The Courts must, therefore, keep the legislative policy in mind in applying the provisions of the Act to the facts of the case.<sup>2</sup>

**Courts must find out the literal meaning of the expression.**—Courts must find out the literal meaning of the expression in the task of construction. In doing so, if the expressions are ambiguous then the construction that fulfils the object of the legislation must provide the key to the meaning. Courts must not make a mockery of legislation and should take a constructive approach to fulfil the purpose and for that purpose, if necessary, iron out the creases.<sup>3</sup>

**Social welfare legislation.**—In construing social welfare legislation, the Courts should adopt a beneficent rule of construction and in any event, that construction should be preferred which fulfils the policy of the legislation. Construction to be adopted should be more beneficial to the purposes in favour of and, in whose interest the Act has been passed.<sup>4</sup>

**Directory and mandatory.**—The language is not always a sure index. The provisions may be directory in form, but mandatory in substance. Some provisions in a statute may be mandatory some others merely directory. The difference arises where the Legislature has used a language of apparent compulsive force, but has not prescribed the consequence of its disregard. No rule of general application is possible to be enunciated either. But some tests which the Courts have evolved have worked effectively and with reasonable assurance of success.<sup>5</sup>

#### Preliminary

**1. Short title, extent and commencement.**—(1) This Act may be called the Medicinal and Toilet Preparations (Excise Duties) Act, 1955.

(2) It extends to the whole of India.

1. Published in the *Gazette of India, Extraordinary*, dated 8th March, 1961, Pt. II, Sec. 2.
2. Kameshwar Singh Srivastava v. IVth Addl. District Judge, Lucknow, A.I.R. 1987 S.C. 138 at p. 141; Administrator, Municipal Corporation v. D. Dahankar, (1992) 1 S.C.C. 361 at p. 364; K.S. Paripoornam v. State of Kerala, A.I.R. 1995 S.C. 1012 at p. 1034; New India Assurance Co. Ltd. v. Mithakhan Dina Khan Netiyar, A.I.R. 1995 Guj. 126 at p. 129; Krishan Prasad Gupta v. Controller, Printing and Stationery, (1996) 1 S.C.C. 69 at p. 79; State of Maharashtra v. Nanded Parbhani Z.L.B.M.V. Operator Sangh, 2000 (2) R.C.R. (Civil) 154 at p. 155 (S.C.); 2000 S.C.C. (Cr.) 318 at p. 322.
3. H. Shiva Rao v. Cecilia Pereira, A.I.R. 1987 S.C. 248 at p. 250; Union of India v. Deoki Nandan Aggarwal, A.I.R. 1992 S.C. 95 at p. 101; Regional Executive, Kerala Fishermen's Welfare Fund Board v. Fancy Food, A.I.R. 1995 S.C. 1620 at p. 1623; Manipal Academy of Higher Education v. State of Karnataka, A.I.R. 1995 Knt. 273 at p. 286; Miracle Sugar Factory v. State of U.P., A.I.R. 1995 All. 231 at p. 233.
4. Oriental Fire and General Insurance Company Ltd. v. Aleixo Fernandes, (1987) 61 Com. Cas. 130 at p. 148 (Bom.); Bhonagiri Saldamma v. Secretary, Government of A.P., A.I.R. 1995 A.P. 318 at p. 318.
5. Karnataka State Road Transport Corporation, Bangalore v. Karnataka State Transport Authority, A.I.R. 1984 Knt. 4 at p. 15; The Food Inspector v. M. Gopalan, 1991 Cr. L.J. 1783 at p. 1790 (Ker.) (F.B.); Natthu v. Amar Nath Agarwal, A.I.R. 1995 All. 420 at p. 423; Shashi Gupta v. Life Insurance Corporation of India, A.I.R. 1995 S.C. 1367 at p. 1368; State Level Committee v. Morgard Shammar India Ltd., (1996) 1 S.C. 108 at p. 115; A.P. Aggarwal v. Government of N.C.T. of Delhi, 2000 S.C.C. (L. & S.) 206 at p. 210.



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jural relation constituted before the new law came into force or created by a jural fact or event taking place before the new law, or any relief or remedy in respect of that right or liability remain unaffected by the new law.

**Misuse of alcohol—Prohibition of.**—In *Board of Revenue, Madras v. Associated Pharmaceutical Industries Pvt. Ltd.*,<sup>2</sup> it is clear that the order passed was in order to prevent the misuse of the alcohol and for the purpose of effectively enforcing the prohibiting programme, it was held that such restrictions are unwarranted and they are made only to effectively implement the prohibition policy. The misuse, if apprehended, must be prevented by the enforcement of the Act and the Rules.

**5. Recovery of sums due to Government.**—In respect of the duty of excise and any other sums of any kind payable to the collecting Government under any of the provisions of this Act or of the rules made thereunder, the Excise Officer empowered by the said rules to levy such duty or require the payment of such sums, may deduct the amount so payable from any money owing to the person from whom such sums may be recoverable or due, which may be in his hands or under his disposal or control or may recover the amount by attachment and sale of dutiable goods belonging to such person; and if the amount payable is not so recovered he may prepare a certificate signed by him specifying the amount due from the person liable to pay the sum and send to it the Collector of the district in which such person resides or conducts his business, and the said Collector on receipt of such certificate shall proceed to recover from the said person the amount specified therein in the same manner as an arrear of land revenue.

#### Comment

The Excise Officer is empowered to attach or sell the dutiable goods for the recovery of dues.

**6. Certain operations to be subject to licences.**—The Central Government may, by notification in the Official Gazette, provide that from such date as may be specified in the notification, no person shall engage in the production or manufacture of any dutiable goods or of any specified component parts or ingredients of such goods or of specified container of such goods or of labels of such containers except under the authority and in accordance with the terms and conditions of a licence granted under this Act.

(2) Every licence under sub-section (1) shall be granted for such area, if any, for such period, subject to such restrictions and conditions, and in such form and containing such particulars as may be prescribed.

#### Comment

**Control on articles and quantities.**—No provision in the statute even suggesting in a remote manner any control being exercised in relation to the articles to be produced and regarding the quantum that could be manufactured. For understanding the import of Sec. 6 the provisions in Sec. 19 are not only accessible but provide material which must be considered in determining the scope of Sec. 6. The nature of the restrictions that can be imposed are clearly spelt out in the two clauses of sub-section (2) of Sec. 19. They clearly show that these restrictions relate (a) to the place where the manufacturing process may be carried on and (b) restrictions for ensuring the proper levy and collection of duty imposed by the Act. In the light of the above, it is not possible to understand Sec. 6 as enabling something more being done by way of control.

**7. Offences and penalties.**—If any person—

(a) contravenes any of the provisions of a notification issued under Sec. 6; or

1. *Rajeshwar Singh v. State of Bihar*, A.I.R. 1983 Pat. 194 at p. 199; *Dahiben v. Vasanji Kevalbhai*, A.I.R. 1995 S.C. 2268 at p. 2271; *Saffia Bee v. B. Sathar*, A.I.R. 2000 Mad. 167 at p. 173.

2. 1982 E.L.T. 23 (Mad.).

3. *Enoch Thamma v. State of Kerala*, A.I.R. 1965 Ker. 280 followed.

4. *Ibid* at p. 283.



- (c) "dutiable goods" means the medicinal and toilet preparations specified in the schedule as being subject to the duties of excise levied under this Act;
- (d) "excise officer" means an officer of the Excise Department of any State and includes any person empowered by the collecting Government to exercise all or any of the powers of an excise officer under this Act;
- <sup>1</sup>[(e) "Indian hemp" means—
- (i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis-sativa* L), including all forms known as *bhang*, *sidhi* or *ganja*;
  - (ii) *charas*, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;
  - (iii) any mixture, with or without neutral materials, of any of the above forms of Indian hemp or any drink prepared therefrom; and
  - (iv) any extract or tincture of the above forms of Indian hemp; ]
- (f) "manufacture" includes any process incidental or ancillary to the completion of the manufacture of any dutiable goods;
- (g) "medicinal preparation" includes all drugs which are a remedy or "prescription" prepared for internal or external use of human beings or animals and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals;
- <sup>2</sup>[(h) "narcotic drug" or "narcotic" means a substance which is coca leaf, or coca derivative, or opium or derivative of opium, or Indian hemp and shall include any other substance, capable of causing or producing in human beings dependence, tolerance and withdrawal syndromes and which the Central Government may, by notification in the official Gazette, declare to be a narcotic drug or narcotic; ]
- <sup>3</sup>[(i) "opium" means—
- (1) the capsules of the poppy (*Papaver somniferum* L), whether in their original form or cut, crushed or powdered and whether or not juice has been extracted therefrom,
  - (2) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport; and
  - (3) any mixture, with or without neutral materials of any of the above forms of opium, includes any derivative of opium;
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "toilet preparation" means any preparation which is intended

1. Subs. by Act No. 66 of 1976.

2. Subs. by *ibid*.

3. Subs. by Act 5 of 1964, Sec. 64.



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any excise officer duly empowered by rules made under this Act, refuses to give his name and residence, or who gives a name or residence which such officer has reason to believe to be false may be arrested by such officer in order that his name and residence may be ascertained.

#### Comment

The exercise of the power of arrest by the Excise Officer is subject to the belief which should be reasonable that person being arrested is liable to punishment under the Act.

**10. Power to summon persons to give evidence and produce documents in inquiries under this Act.**—(1) Any excise officer duly empowered by rules made in this behalf shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making for any of the purpose of this Act.

(2) A summons to produce documents or other things under sub-section (1) may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person concerned.

(3) All persons so summoned shall be bound to attend either in person or by an authorized agent as such officer may direct and all persons so summoned shall be bound to state the truth on any subject respecting which he is examined or make statements and produce such documents and other things as may be required:

Provided that the exemption under Sec. 132 and Sec. 133 of the Code of Civil Procedure, 1908 (5 of 1908), shall apply to requisitions for attendance under this section.

(4) Every such inquiry as aforesaid shall be deemed to be a judicial proceeding within the meaning of Sec. 193 and Sec. 228 of the Indian Penal Code (45 of 1860).

#### Comment

The section empowers the Excise Officer to summon any person whose attendance is necessary to give evidence in any inquiry.

**11. Officers required to assist excise officers.**—All officers of Customs and Central Excise, and such other officers of the Central Government as may be specified in this behalf, and all police officers and all officers engaged in the collection of land revenue are hereby empowered and required to assist excise officers in the execution of this Act.

#### Comment

**Fiscal laws.**—In fiscal laws due importance has to be given to the phraseology used in the charging section.

**12. Owners or occupiers of land to report manufacture of contraband dutiable goods.**—Every owner or occupier of land and the agent of any such owner or occupier in charge of the management of that land, if dutiable goods are manufactured thereon in contravention of the provisions of this Act or the rules made thereunder, shall, in the absence of reasonable excuse, be bound to give notice of such manufacture to a Magistrate or to an officer of the Excise, Customs, Police or Land Revenue Department immediately the fact comes to his notice.

**13. Punishment for connivance at offences.**—Any owner or occupier of land or any agent of such owner or occupier in charge of the management of the land, who wilfully connives at any offence against the provisions of

1. State of Bihar v. Ashok Industries, A.I.R. 1987 S.C. 838 at p. 840.



## Comments

**Taxing provision—Rule of interpretation.**—It is settled law that a distinction has to be made by Court while interpreting the provisions of a taxing statute between charging provisions which impose the charge to tax and machinery provisions which provide the machinery for the quantification of the tax and the levying and collection of the tax so imposed. While charging provisions are construed strictly, machinery sections are not generally subject to a rigorous construction. The Courts are expected to construe the machinery sections in such a manner that a charge to tax is not defeated.<sup>1</sup>

**Interpretation of statute.**—While interpreting a taxing statute, equity has no place. The clear language of the statute is to be given effect notwithstanding hardship.

**Market price.**—The market price relates only to the essential commodity sought to be carried.<sup>3</sup>

**Real value of the preparation—Determination of.**—The firm of M. B. Bhavsar and Sons, though a separate partnership firm, was in fact a firm in which not only the original first appellant and appellants were partners but a son of each of them was also a partner. There was thus identity of interest between the firm of M.B. Bhavsar and Sons and the firm of Bhavsar Chemical Works. Both these firms had their offices in the same premises and under the partnership agreement the sons of the original first appellant and the other two appellants were to share only in the profits of M.B. Bhavsar and Sons but not be liable for any losses. These two firms, therefore, cannot be said to be at arm's length or independent parties and the prices at which the medicinal preparations were supplied by Bhavsar Chemical Works to M.B. Bhavsar and Sons cannot be taken to be the real value of the said preparations.<sup>4</sup>

**Medicinal preparations were whether dutiable in item 1.**—The use of the word "beverages" in item 1 of the old Schedule does not mean that medicinal preparations referred to in that item have to be in the form of a beverage. The fact that the medicinal preparations of the said firm were in semi-solid form was, therefore, a wholly irrelevant factor in determining whether the said preparations fell under item 1 or not. These preparations were patent or proprietary medicines which contained alcohol and it was undisputed that such preparations were not capable of being consumed as ordinary alcoholic beverages. The High Court was, therefore, right in holding that these medicinal preparations were dutiable under item 1.<sup>5</sup>

**4. Rebate of duty on alcohol, etc. supplied for manufacture of dutiable goods.**—Where alcohol [narcotic drug or narcotic] had been supplied to a manufacturer or any dutiable goods for use as an ingredient of such goods by, or under the authority of, the collecting Government and a duty of excise on the goods so supplied had already been recovered by such Government under any law for the time being in force, the collecting Government shall, on an application being made to it in this behalf, grant in respect of the duty of excise leviable under this Act, a rebate to such manufacturer of the excess, if any, of the duty so recovered over the duty leviable under this Act.

## Comments

**Retrospectivity of a statute.**—It is established principle of law that when a statute takes away or impair an existing right acquired under the existing law it is said to be retrospective statute. The presumption, however is against the said intention. A law is said to be not retrospective, when right or liability arising out of

1. *Associated Cement Co. Ltd. v. Commercial Tax Officer, Kota*, A.I.R. 1981 S.C. 1887 at p. 1904; *Ananda Marga Pracharak Sangh v. C.I.T.*, (1966) 218 I.T.R. 254 at p. 273 (Cal.).
2. *Commissioner of Income-tax v. Electro Steel Castings Ltd.*, (1992) 193 I.T.R. 103 at p. 108 (Orissa); *Regional Executive, Kerala Fishermen's Welfare Fund v. Fancy Food*, A.I.R. 1995 S.C. 1620 at p. 1623; *Nathuram Agrawal v. State of M.P.*, 2000 (1) U.J. (S.C.) 345 at pp. 349, 350.
3. *Rudolph Fernandez v. Deputy Commissioner, Mangalore*, A.I.R. 1984 Knt. 106 at p. 107.
4. *Mohanlal Maganlal Bhavsar v. Union of India*, A.I.R. 1986 S.C. 401 at pp. 402, 403: 1986 (23) E.L.T. 3 (S.C.).
5. *Ibid.*, at p. 402.
6. Subs. by Act 66 of 1966, Sec. 39 (a).



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Magistrate having jurisdiction and shall make a full report of all the particulars of the case to his official superior.

(3) All officers exercising any powers under Sec. 15 or this section shall so exercise their powers as to ensure that every person who is arrested and detained in custody is produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate.

17. Vexatious search, seizure, etc. by Excise Officer.—(1) Any officer exercising powers under this Act or under the rules made thereunder who—

(a) without reasonable ground of suspicion searches or causes to be searched any place, conveyance or vessel;

(b) vexatiously and unnecessarily detains, searches or arrests any person;

(c) vexatiously and unnecessarily seizes the moveable property of any person on pretence of seizing or searching for any article liable to confiscation under this Act;

(d) commits, as such officer, any other act to the injury of any person, without having reason to believe that such act is required for the execution of his duty;

shall, for every such offence, be punishable with fine which may extend to two thousand rupees.

(2) Any person wilfully and maliciously giving false information and so causing an arrest or a search to be made under this Act shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

## Comment

The act of wilful and maliciously giving false information so as to cause an arrest or a search to be made under the Act is punishable with imprisonment up to two years or with fine up to two thousand rupees or with both.

18. Failure of excise officers on duty.—Any Excise Officer who ceases or refuses to perform, or withdraws himself from the duties of his office, unless he had obtained the express written permission of his superior officer or has given such superior officer two months' notice in writing of his intention or has other lawful excuse, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to three months' pay, or with both.

## Comment

The act of refusal to perform or withdrawal of one-self from the duty by the Excise Officer without written permission of the superior is punishable with imprisonment up to three months or with fine up to three months' pay.

## Supplementary Provisions

19. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(i) provide for the assessment and collection of duties levied under this Act, the authorities by whom functions under this Act are to be discharged, the issue of notices requiring payment, the manner in which the duties shall be payable and the recovery of the duty not paid;



- (b) evades the payment of any duty of excise payable under this Act; or
- (c) fails to supply any information which he is required by rules made under this Act to supply or (unless with a reasonable belief, the burden of proving which shall be upon him, that the information supplied by him is true) supplies false information; or
- (d) attempts to commit or abets the commission of any offence mentioned in Cl. (a) or Cl. (b).

he shall for every such offence be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

#### Comments

**Applicability.**—When the goods seized have not been proved to be dutiable goods, the conviction under Sec. 7 (a) of the Act cannot be sustained.<sup>1</sup>

**General principles of construction.**—There is one principle on which there is complete unanimity of all the Courts in the world and this is that where the words or the language used in a statute are clear and cloudless, plain, simple and explicit unclouded and unobscured, intelligible and pointed so as to admit of no ambiguity, vagueness, uncertainty or equivocation, there is absolutely no room for deriving support from external side. In such cases, the statute should be interpreted on the face of the language itself without adding, subtracting or omitting words therefrom. Where the language is plain, and unambiguous the Court is not entitled to go behind the language so as to add or supply omissions and thus play the role of a political reformer or of a wise counsel to the Legislature.<sup>2</sup>

**Construction of a section.**—It is an elementary rule that construction of a section is to be made of all parts together. It is not permissible to omit any part of it. For, the principle that the statute must be read as a whole, is equally applicable to different parts of the same section.<sup>3</sup>

**8. Power of Courts to order forfeiture.**—Any Court trying any offence under Sec. 7 may order the forfeiture to the collecting Government of any dutiable goods in respect of which the Court is satisfied that an offence under this Act has been committed, and may also order the forfeiture of any alcohol, drugs or materials by means of which the offence has been committed and of any receptacles, packages or coverings in which any such goods or articles are contained and the animals, vehicles, vessels or other conveyances used in carrying such goods or articles, and any implements or machinery used in the manufacture of such goods.

#### Comment

The Court is empowered to order the forfeiture of any dutiable goods in respect of which an offence under the Act has been committed.

#### Powers and Duties of Officers and Landholders

**9. Power to arrest.**—(1) Any excise officer duly empowered by rules made in this behalf may arrest any person whom he has reason to believe to be liable to punishment under this Act.

(2) Any person accused or reasonably suspected of committing an offence under this Act or any rules made thereunder, who, on demand of

1. *Madho Charan Sarkar v. State*, A.I.R. 1963 Pat. 211 at p. 213.
2. *S.P. Gupta v. President of India*, A.I.R. 1982 S.C. 149 at pp. 304, 314; *Mohan Kumar Singhanla v. Union of India*, A.I.R. 1992 S.C. 1 at p. 21; *Income-tax Officer v. Atchalaiah*, (1996) 1 S.C.C. 417 at p. 425; *Regional Provident Fund Commissioner v. Shiv Kumar Joshi*, 2000 (1) S.C.C. 98 at p. 105.
3. *Balasinor Nagrik Co-operative Bank Ltd. v. Babubhai Shankerlal Pandya*, A.I.R. 1987 S.C. 849 at p. 851; *N.K. Jain v. C.K. Shahi*, 1991 Cr.L.J. 1347 at p. 1359. (S.C.).



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(xiii) provide for the confiscation of dutiable goods in respect of which a breach of any rule made under this Act has been committed, and also for the confiscation of any alcohol, drugs or materials by means of which the breach has been committed and of any receptacle, packages or coverings in which goods or articles are contained, and the animals, vehicles, vessels, or other conveyances used in carrying such goods or articles and any implements or machinery used in the manufacture of such goods;

(xiv) provide for the levy of a penalty not exceeding two thousand rupees for a breach of any rule made under this Act;

(xv) provide for the procedure in connection with such confiscation and the imposition of such penalty, the maximum limits up to which particular classes of excise officers may adjudge such confiscation or penalty, appeals from orders of such officers and revision of such orders by some higher authority, the time-limit for such appeals and revisions and the disposal of goods and articles confiscated;

(xvi) authorize and regulate the compounding of offences against, or liabilities incurred under, this Act or the rules made thereunder;

(xvii) authorize and regulate the inspection of factories and provide for the taking of samples or for the making of tests of any substance produced therein and for the inspection or search of any place, conveyance or vessel used for the production, storage, sale or transport of dutiable goods in so far as such inspection or search is essential for the proper levy and collection of the duties levied under this Act;

(xviii) provide for the grant of a rebate of the duty paid on dutiable goods which are exported out of India or shipped for consumption on a voyage to any port outside India;

(xix) exempt any dutiable goods from the whole or any part of the duty levied under this Act where in the opinion of the Central Government, it is necessary to grant such exemption in the interest of the trade or in the public interest;

(xx) notify in the Official Gazette lists of the names and descriptions of preparations which would fall for assessment under any particular item or the schedule or for regulating their manufacture, transport and distribution;

(xxi) authorize particular classes of excise officers to provide by written instructions for supplemental matters arising out of any rule made by the Central Government under this section.

(3) Where any confiscation or penalty has been adjudged in respect of a breach of any rule under this Act, which is also an offence under Sec. 7 the person concerned shall not be prosecuted under that section.

<sup>1</sup>[(4) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for

1. Subs. by Act 19 of 1961, Sec. 2, for sub-section (4), w.e.f. 1st June, 1961.



this Act or any rules made thereunder shall, for every such offence, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

**Comment**

**Penal provisions—Rule of interpretation.**—In any case, when criminal or quasi-criminal liability is sought to be imputed on the basis of provisions of law which are capable of two reasonable interpretations, the one favourable to the accused must prevail.<sup>1</sup>

**14. Searches and arrests how to be made.**—All arrests and searches made under this Act or under any rules made thereunder shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898 (5 of 1898),<sup>2</sup> relating respectively to searches and arrests under the Code.

**15. Disposal of persons arrested.**—(1) Every person arrested under this Act shall be forwarded without delay to the nearest Excise Officer empowered to send persons so arrested to a Magistrate or if there is no such excise officer within a reasonable distance to the officer-in-charge of the nearest police station.

(2) The officer-in-charge of a police station to whom any person is forwarded under sub-section (1) shall either admit him to bail to appear before a Magistrate having jurisdiction or in default of bail forward him without delay in custody to such Magistrate.

**Comment**

**Penal provision.**—The law in its wisdom seeks to punish the guilty who commits the sin, and not his son who is innocent.<sup>3</sup>

**16. Inquiry how to be made by excise officers against arrested persons forwarded to them.**—(1) When any person is forwarded under Sec. 15 to an excise officer empowered to send persons so arrested to a Magistrate, the Excise Officer shall proceed to inquire into the charge against him.

(2) For the purpose of sub-section (1), the Excise Officer may exercise the same powers, and shall be subject to the same provisions, as the officer-in-charge of a police station may exercise and is subject to under the Code of Criminal Procedure, 1898 (5 of 1898), when investigating a cognizable case:

Provided that—

- (a) if the Excise Officer is of opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person he shall either admit him to bail to appear before Magistrate having jurisdiction in the case, or forward him in custody without delay to such Magistrate;
- (b) if it appears to the Excise Officer that there is not sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond with or without sureties as the Excise Officer may direct, to appear, if and when so required, before the

1. *Delhi Development Authority v. H.S. Kaira*, 1981 Cr. L.J. 666 at p. 667 (Delhi); *Satya Narayan Das v. Government of India*, A.I.R. 1995 Orissa 253 at p. 255.  
2. See now the Code of Criminal Procedure, 1973 (2 of 1974).  
3. *A.S. Sulochana v. C. Dharmalingam*, A.I.R. 1987 S.C. 242 at p. 244; *Nand Kishore v. State of Maharashtra*, 1996 (1) Mah.L.J. 145 at p. 156.

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<sup>1</sup>[THE SCHEDULE  
(See Sec. 3)]

ITEM NO.	DESCRIPTION OF DUTIABLE GOODS	RATE OF DUTY
(1)	(2)	(3)

Medicinal Preparations

1. Allopathic Medicinal Preparations

(i) Medicinal preparations contain-  
ing alcohol which are not  
capable of being consumed as  
ordinary alcoholic beverages—

(a) Patent or proprietary  
medicines.

<sup>2</sup>[Sixteen per cent. *ad valorem*.]

(b) Others.

<sup>2</sup>[Sixteen per cent. *ad valorem*.]

(ii) Medicinal preparations contain-  
ing alcohol which are capable of  
being consumed as ordinary al-  
coholic beverages—

(a) Medicinal preparations which  
contain known active in-  
gredients in therapeutic quan-  
tities.

<sup>2</sup>[Sixteen per cent. *ad valorem*.]

(b) Others.

<sup>2</sup>[Sixteen per cent. *ad valorem*.]

(iii) Medicinal preparations not con-  
taining alcohol but containing  
narcotic drug or narcotic.

<sup>2</sup>[Sixteen per cent. *ad valorem*.]

2. Medicinal preparations in Ayurvedic,  
Unani or other indigenous systems  
of medicine—

(i) Medicinal preparations contain-  
ing self-generated alcohol which  
are not capable of being con-  
sumed as ordinary alcoholic  
beverages.

<sup>2</sup>[Nil]

(ii) Medicinal preparations contain-  
ing self-generated alcohol which  
are capable of being consumed  
as ordinary alcoholic beverages.

Four per cent. *ad valorem*.

(iii) All other containing alcohol  
which are prepared by distilla-  
tion or to which alcohol has  
been added.

Six per cent. *ad valorem*.

(iv) Medicinal preparations not con-  
taining alcohol but containing  
narcotic drug or narcotic.

<sup>2</sup>[Sixteen per cent. *ad valorem*.]

3. Homoeopathic preparations con-  
taining alcohol.

Four per cent. *ad valorem*.

<sup>3</sup>[3-a. 3 Homoeopathic prepara-  
tions containing alcohol.

Rupees twenty per litre of pure  
alcohol content.

In two successive  
aid or the session

ra Pradesh, A.I.R.

1. Subs. by the Act 19 of 2000, Sec. 111 and Sch. VI.
2. Subs. by Notifn. No. 2/2003-M & TP, dated 1st March, 2003
3. Subs. by Notifn. No. 4/2003-M & TP, dated 10th June, 2003



- (ii) prohibit absolutely, or with such exceptions, or subject to such conditions as the Central Government may think fit, the manufacture, or any process of the manufacture, or dutiable goods or of any component parts or ingredients or containers thereof, except of land or premises approved for the purpose;
- (iii) regulate the removal of dutiable goods from the place where they are stored or manufactured or subjected to any process of production or manufacture and their transport to or from the premises of a licensed person, or a bonded warehouse, or to a market;
- (iv) regulate the production or manufacture<sup>1</sup> [or any process] of production or manufacture, the possession and storage of dutiable goods or of any component parts or ingredients or containers thereof so far as such regulation is essential for the proper levy and collection of duties levied under this Act;
- (v) provide for the employment of excise officers to supervise the carrying out of any rules made under this Act;
- (vi) require a manufacturer or the licensee of a warehouse to provide accommodation within the precincts of his factory or warehouse for Excise Officers employed to supervise the carrying out of rules made under this Act and prescribe the scale of such accommodation;
- (vii) provide for the appointment, licensing, management and supervision of bonded warehouses and the procedure to be followed in entering dutiable goods into a clearing goods from such warehouses or in the movement of dutiable goods from one bonded warehouse to another;
- (viii) provide for the distinguishing of excisable goods which have been manufactured under licence, or materials which have been imported under licence and of goods on which duty has been paid or which are exempt from duty under this Act;
- (ix) impose on persons engaged in the manufacture, storage or sale (whether on their own account or as brokers or commission agents) so far as such imposition is essential for the proper levy and collection of the duties levied under this Act, the duty of furnishing information, keeping records and making returns and prescribe the nature of such information and form of such records and returns the particulars to be contained therein and the manner in which they shall be verified;
- (x) require that dutiable goods shall not be sold or offered or kept for sale except in prescribed containers, bearing a banderol, stamp or label of such nature and affixed in such manner as may be prescribed;
- (xi) provide for the issue of licences and transport permits and the fees, if any, to be charged therefor;
- (xii) provide for the detention of dutiable goods, plant, machinery or material for the purpose of exacting the duty;

1. Subs. by Act 58 of 1960, Sec. 3 and Sch. II, for "of any process".



## MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES) RULES, 1956

S.R.O. 891, dated the 9th March, 1957.<sup>1</sup>—In exercise of the powers conferred by Sec. 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955), the Central Government hereby makes the following Rules, namely:

### CHAPTER I

#### Preliminary

1. Short title.—These rules may be called the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956.

#### Comment

Interpretation of rule.—The general power of framing rules for effectuating the purposes of the Act, would plainly authorise and sanctify the framing of such a rule.<sup>2</sup>

2. Definitions.—In these rules unless there is anything repugnant in the subject or context,—

- (i) "the Act" means the Medicinal and Toilet Preparations (Excise Duties) Act, 1955;
- (ii) "absolute alcohol" means alcohol conforming to the British Pharmacopoeial specification for dehydrated alcohol;
- (iii) "bonded manufactory" means the premises or any part of the premises approved and licensed for the manufacture and storage of medicinal and toilet preparations containing alcohol, opium, Indian hemp and other narcotic drugs or narcotics on which duty has not been paid;
- (iv) "non-bonded manufactory" means the premises or any part of the premises approved and licensed for the manufacture and storage of medicinal and toilet preparations containing alcohol, opium, Indian hemp and other narcotic drugs or narcotics on which duty has been paid;
- (v) "Chemical Examiner" means the Chemical Examiner to the State Government and includes such other officer whom the State Government or the Central Government may at any time appoint as Chemical Examiner;
- (vi) "denatured spirit" or "denatured alcohol" means alcohol of any strength which has been rendered unfit for human consumption by the addition of substances approved by the Central Government or by the State Government with the approval of the Central Government;
- (vii) "duty" means the duty of excise payable under Sec. 3 of the Act;
- (viii) "Excise Commissioner" means the Head of the Excise administration of a State and includes a Prohibition Commis-

1. Published in the *Gazette of India*, 1957 Pt. II, Sec. 3, p. 502. They have been extended to and brought into force in the Union territory of Dadra and Nagar Haveli by G.S.R. 95, dated the 12th January, 1968.
2. *Ram Autar Santosh Kumar v. State of Bihar*, A.I.R. 1987 Pat. 13 at p. 17; *Velur D. Narayanan v. General Manager, Madras Telephones*, A.I.R. 1995 Mad. 290 at p. 292.



a total period of thirty days which may be comprised in one session or <sup>1</sup>[in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.]

**20. Bar of suits and limitation of suits and other legal proceedings.**— (1) No suit or other legal proceeding shall lie against the collecting Government or against any officer in respect of any order passed in good faith or any act in good faith done or ordered to be done under this Act.

(2) No suit, prosecution or other legal proceeding shall be instituted against the collecting Government or against any officer for anything done or ordered to be done under this Act after the expiration of six months from the accrual of the cause of action or from the date of the act or order complained of.

**21. Repeals and savings.**—If, immediately before the commencement of this Act, there is in force in any State any law corresponding to this Act, that law is hereby repealed:

Provided that all rules made, notifications issued, licences or permits granted, powers conferred under any law hereby repealed shall, so far as they are not inconsistent with this Act, have the same force and effect as if they had been respectively made, issued, granted or conferred under this Act and by the authority empowered hereby in that behalf.

#### Comments

**Repeal.**—There is no doubt that a later statute may repeal an earlier one either expressly or by implication. The Courts have not favoured such repeal by implication.<sup>2</sup>

**Applicability.**—The proviso to Sec. 21 cannot change the position in view of the new rules framed in 1956 with respect to medicinal preparations. As soon as the new rule came into force the old rules must fall and there is a specific provision in the new rules (namely rule 143) which says<sup>3</sup> that all rules made under any law corresponding to the Act are hereby repealed.

1. Subs. by Act 20 of 1983, Sec. 2, the Schedule Sl. No. 31, for the words, "In two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following".
2. R.S. Raghunath v. State of Karnataka, (1992) 1 S.C.C. 335 at p. 349.
3. Hyderabad Chemical and Pharmaceutical Works Ltd. v. State of Andhra Pradesh, A.I.R. 1964 S.C. 1870 at p. 1872.



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dred rates of duty specified

preparation other than a

and (2), 19, 30, 38 (1), 50,  
112, 129 (2), 127 and 132

of these Rules shall, in relation to a Union territory, mean the Administrator thereof appointed under Art. 239 of the Constitution of India:

(xxiv) A "sub-standard preparation" is—

- (a) a pharmacopoeial preparation in which the amount of any of the various ingredients is below the minimum that the pharmacopoeial composition would require, or
- (b) a proprietary medicine which does not conform to the formula or the list of ingredients disclosed on the label on the container or on the container;

(xxv) "warehouse" means any place or premises licensed under rule 70.

#### Comments

The definition of restricted preparation.—Interpretation of.—The definition given under rule 2 (ix) read with rule 60 (1) would show that a restricted preparation is one which the Government have considered after adopting the prescribed procedure and after taking the advice of the Standing Committee, to be capable of being misused as ordinary alcoholic beverages.

General principles of construction.—There is one principle on which there is complete unanimity of all the Courts in the world and this is that where the words or the language used in a statute are clear and cloudless, plain, simple and explicit, unclouded and unobscured, intelligible and pointed so as to admit of no ambiguity, vagueness, uncertainty or equivocation, there is absolutely no room for deriving support from external aids. In such cases, the statute should be interpreted on the face of the language itself without adding, subtracting or omitting words therefrom. Where the language is plain, and unambiguous the Court is not entitled to go behind the language so as to add or supply omission and thus play the role of a political reformer or of a wise counsel to the Legislature.<sup>2</sup>

3. Agent or owner of goods, manufactory or warehouse to be deemed owner for certain purposes.—When any person is expressly or impliedly authorised by the owner of any dutiable goods, manufactory or warehouse to be his agent in respect of such goods, manufactory or warehouse such agent shall, for all purposes of the Act and these rules be deemed to be the owner of such goods, manufactory or warehouse.

#### CHAPTER II

##### Appointment of Officers

4. Appointment of officers and delegation of powers to them.—(i) The State Government may appoint such number of Excise Officers as it thinks fit to exercise all or any of the powers conferred or to discharge all or any of the duties imposed by the Act or these rules and define the jurisdiction of every such officer.

- (ii) Unless the State Government in any case otherwise directs, the Excise Commissioner may authorize any Excise Officer subordinate to him to exercise throughout his jurisdiction, or in any specified area therein, all or any of the powers conferred or to discharge all or any of the duties imposed on an Excise Commissioner under these rules.

1. Pharma Product Ltd., Thanjavur v. District Revenue Officer, Thanjavur, A.I.R. 1969 Mad. 443 at p. 457.

2. S.P. Gupta v. President of India, A.I.R. 1982 S.C. 149 at pp. 304, 314; Mohan Kumar Singhania v. Union of India, A.I.R. 1992 S.C. 1 at p. 21; Thomas Antony v. Varkey Varkey, 2000 (1) S.C.C. 35 at p. 42.



## Toilet preparations

4. Toilet preparations containing alcohol or narcotic drug or narcotic. <sup>1</sup>[Forty per cent. *ad valorem*.]

*Explanation I.*—"Patent or proprietary medicines" means any medicinal preparation which bears either on itself or on its container or both, a name which is not specified in a monograph in pharmacopoeia, formulary or other publications notified in this behalf by the Central Government in the Official Gazette, or which is a brand name, that is, a name or a registered trade-mark under the Trade and Merchandise Marks Act, 1958, or any other mark such as a symbol, monogram, label, signature or invented words or any writing which is used in relation to that medicinal preparation for the purpose of indicating or so as to indicate a connection in the course of trade between the preparation and some person having the right either as proprietor or otherwise to use the name or mark with or without any indication of the identity of that person.

*Explanation II.*—Where any article is chargeable to duty at a rate dependent on the value of the article, such value shall be deemed to be the value as determined in accordance with the provisions of Sec. 4 of the Central Excise Act, 1944 (1 of 1944).

*Explanation III.*—(1) Notwithstanding anything contained in Explanation II, the Central Government may, by notification in the Official Gazette, specify any dutiable goods, in relation to which it is required under the provisions of the Standards of Weights and Measures Act, 1976 or the rules made thereunder or under any other law for the time being in force, to declare on the package thereof the retail sale price of such goods, to which the provisions of Cl. (2) shall apply.

(2) Where dutiable goods specified under Cl. (1) are chargeable to duty with reference to value, then, notwithstanding anything contained in Explanation II, such value shall be deemed to be the retail price declared on such goods less such amount of abatement, if any, from such retail price as the Central Government may allow by notification in the Official Gazette.

(3) The Central Government may, for the purpose of allowing any abatement under Cl. (2), take into account the duty of excise, sales tax and other taxes, if any, payable on such goods.

(4) Where on the package of any dutiable goods more than one retail sale price is declared, the maximum of such retail sale price shall be deemed to be the retail sale price for the purposes of Cl. (2).

(5) Where different retail sale prices are declared on different packages for the sale of any dutiable goods in packaged form in different areas, each such retail sale price shall be the retail sale price for the purposes of valuation of the dutiable goods intended to be sold in the area to which the retail sale price relates.

(6) For the purpose of this Explanation, 'retail sale price' means the maximum price at which the excisable goods in packaged form may be sold to the ultimate consumer and includes all taxes local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertisement, delivery, packing, forwarding and the like, as the case may be, and the price is the sole consideration for such sale.]

1. Subs. by Notifn. No. 3/2003- M & TP, dated 1st March, 2003



4.—The Exercise all or rules.

any dutiable duty or duties and to such these rules, or otherwise. Government and no duty shall manufactured in warehouse to

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# Comment

The Central Government is empowered to exempt any dutiable goods from the whole or any part of the duty leviable on such goods in the interest of trade or in the public interest.

9. Time and manner of payment of duty.—(1) No dutiable goods shall be removed from any place where they are manufactured or any premises appurtenant thereto, which may be specified by the Excise Commissioner in this behalf, whether for consumption, export or manufacture of any other commodity in or outside such place, until the excise duty leviable thereon has been paid at such place and in such manner as is prescribed in these rules or as the Excise Commissioner may require:

Provided that such goods may be deposited without payment of duty in a warehouse or may be exported out of India under bond as provided in rule 97:

Provided further that the Excise Commissioner may, if he thinks fit, instead of requiring payment of duty in respect of each separate consignment of goods removed from the place or premises specified in this behalf, or from a warehouse keep with any person dealing in such goods an account-current of the duties payable thereon and such account shall be settled at intervals not exceeding three months, and the account-holder shall periodically deposit a sum therein sufficient in the opinion of the Excise Commissioner to cover the duty on the goods intended to be removed from the place of manufacture or storage.

(2) If any dutiable goods are, in contravention of sub-rule (1) deposited in, or removed from, any place specified therein the manufacturer thereof shall pay the duty leviable on such goods upon written demand made by the proper officer, whether such demand is delivered personally to him or is left at the manufactory or his dwelling-house, and he shall also be liable to a penalty to be determined by the Excise Commissioner which may extend to two thousand rupees, and such goods shall also be liable to confiscation.

# Comments

Taxing provision—Rule of interpretation.—It is settled law that a distinction has to be made by Court while interpreting the provisions of a taxing statute between charging provisions which impose the charge to tax and machinery provisions which provide the machinery for the quantification of the tax and the levying and collection of the tax so imposed. While charging provisions are construed strictly, machinery sections are not generally subject to a rigorous construction. The Courts are expected to construe the machinery sections in such a manner that a charge to tax is not defeated.

While interpreting a taxing statute, equity has no place. The clear language of the statute is to be given effect notwithstanding hardship.

Scope of.—Rule 9 (2) of the Rules provides for the imposition of penalty and confiscation of the goods if removed without payment of excise duty in contravention of sub-rule (1). In *N. B Sarjana v. Elphinstone Spinning and Weaving Mills Co. Ltd.*,<sup>3</sup> it has been laid down by the Supreme Court that in the order to attract sub-rule (2) of rule 9 of the Central Excise Rules, which is the same as sub-rule (2) of rule 9 of the Rules, the goods should have been removed clandestinely and without

1. Associated Cement Co. Ltd. v. Commercial Tax Officer, A.I.R. 1981 S.C. 1887 at p. 1904.
2. Commissioner of Income-Tax. v. Electro Steel Castings Ltd., (1992) 193 I.T.R. 103 at p. 108 (Orissa).
3. A.I.R. 1971 S.C. 2039.



sioner and also an officer designated in any State as Prohibition or Excise Director;

- (ix) "finished store" means that portion of a non-bonded or bonded manufactory which is set apart for the storage of its finished preparations;
- (x) "Form" means a Form appended to the rules;
- (xi) "gauge" means to determine the quantity of alcohol or dutiable goods contained in, or taken from, any cask or receptacle or to determine the capacity of any cask or receptacle;
- (xii) "laboratory" means that part of a non-bonded or bonded manufactory in which the actual manufacture of dutiable goods takes place;
- (xiii) "manufacturer" means a person to whom a licence has been granted for the manufacture of dutiable goods;
- (xiv) "officer-in-charge" means an officer of the Excise Department of any State appointed by the collecting Government to supervise work in a bonded manufactory or a bonded warehouse and includes officers of any other Department similarly appointed;
- (xv) "proper officer" means an Excise Officer in whose jurisdiction the premises of the manufacturer of any dutiable goods, or of any person engaged in the process of manufacture of, or trade in such goods or containers thereof, whether as manufacturer, wholesale dealer, or intended manufacturer or wholesale dealer, are situated;
- (xvi) "prove" means to test the strength of alcohol by hydrometer or other suitable instrument;
- (xvii) "quarter" means a period of three months beginning with 1st January, 1st April, 1st July or 1st October;
- (xviii) "rectified spirit" means plain undenatured alcohol of a strength not less than 50.0° over proof and includes absolute alcohol;
- (xix) "restricted preparation" means every medicinal preparation specified in the schedule and includes every preparation declared by the Central Government as restricted preparation under these rules;
- (xx) "unrestricted preparation" means any medicinal preparation containing alcohol but other than a restricted preparation or a spurious preparation;
- (xxi) "Schedule" means the schedule annexed to these rules;
- (xxii) "spirit store" means that portion of the bonded or non-bonded manufactory which is set apart for the storages of alcohol, opium, Indian hemp and other narcotic drugs or narcotic purchased free of duty or at prescribed rates of duty specified in the schedule to the Act;
- (xxiii) [ \* \* \* ]
- (xxiii-a) "standard preparation" means a preparation other than a "sub-standard preparation";
- (xxiii-b) "State Government" in rules 4 (1) and (2), 19, 30, 38 (1), 50, 58 (3), 60 (2), 80, 82 (ii), 96, 199, 112, 129 (2), 127 and 132



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- (iv) separate arrangement for manufacture of toilet preparations;
- (v) the storage of finished toilet preparations;
- (vi) accommodation with necessary furniture near the bonded premises for the officer-in-charge;
- (vii) malleable iron rods not less than 19 mm. in thickness, set not more than 102 mm. apart, embodied in brick work up to a depth of at least 51 mm. and covered on the inside with strong wire netting or expanded metal of a mesh not exceeding 25 mm. in diameter of length in every window of the bonded premises;
- (viii) a board on which the name of the room and a serial number, if any, are legibly painted in oil colour on the outside of every such room in the manufactory;
- (ix) all pipes from sinks or wash-basins inside manufactory premises discharging into drains forming part of the general drainage system of the premises;
- (x) all gas and electric connections with the licensed premises so fixed as to admit of the supply of gas or electricity being cut off and all the regulators or switches being securely locked at the end of the day's work.

(2) The Central Government may in special cases relax any of the provisions of Cls. (i) to (x) of sub-rule (1).

24. No additions or alterations to be made without orders.—No addition or alteration shall be made in the bonded premises or in respect of the permanent fixtures therein without the previous orders of the Excise Commissioner. Plans, in triplicate showing each addition or alteration shall be submitted with the application for the necessary permission and copies disposed of in the same manner as copies of the original plans of the bonded manufactory as provided in rule 95.

#### Comment

Prior permission of the Excise Commissioner is a must for making alterations or additions in the bonded premises.

25. Arrangement of receptacles in a bonded manufactory.—(1) The permanent vessels for the storage of alcohol, opium, Indian hemp and other narcotic drugs and narcotics received under bond and all the finished preparation on which duty has not been paid shall be secured with excise ticket locks.

(2) All vessels intended to hold alcohol and liquid preparations shall be gauged by the officer-in-charge. They shall each bear a distinctive serial number and their full capacities distinctly and indelibly marked on them. A record of these details shall be kept in Form R.G.-I.

(3) Table shall be computed to show contents at an inch and tenth of an inch of the depth of each such vessel.

26. Indent for rectified spirit.—Rectified spirit required for manufacturing medicinal and toilet preparations shall be obtained on an indent in Form I.D.-1 countersigned by the officer-in-charge, from any distillery or spirit warehouse approved by the Excise Commissioner, the original being sent by the licensee of the bonded manufactory to the distiller the duplicate sent through the officer-in-charge to the distillery or spirit warehouse officer and the triplicate retained as office copy. The cost price of such rectified spirit



assessment. There is no allegation in the instant case that the respondent had clandestinely removed the goods from its manufactory. On the contrary, it is not disputed that the goods were removed on the basis of applications made by the respondent in A.R. 2 forms on payment of duty assessed by the Excise Officer. There is, therefore, no question of clandestine removal of the good and, accordingly, rule 9 (2) will have no application.<sup>1</sup>

**10. Alteration of duty.**—The rate of duty applicable to goods cleared on payment of duty shall be the rate in force on the date on which duty is paid, or if the goods are cleared from a manufactory or warehouse, on the date of the actual removal of such goods from such manufactory or warehouse:

PROVIDED THAT if the goods have previously been removed from a warehouse under bond to be re-warehoused and the duty is paid on such goods without their being re-warehoused, the rate applicable thereto shall be the rate in force on the date on which duty is paid, or if duty is paid through an account-current maintained with the Excise Commissioner under Rule 9 on the date on which an application in Form A.R. 2 is delivered to the officer-in-charge of the warehouse from which the goods were removed.

**11. Recovery of duties or charges short-levied or erroneously refunded.**—When duties or charges have been short-levied through inadvertence, error, collusion or mis-construction on the part of an Excise Officer, or through mis-statement as to the quantity or description of such goods on the part of the owner, or when any such duty or charge, after having been levied, has been, owing to any such cause erroneously refunded the person chargeable with the duty or charge, so short-levied, or to whom such refund has been erroneously made, shall pay the deficiency or repay the amount paid to him in excess, as the case may be, on written demand by the proper officer being made within six months from the date on which the duty or charge was paid or adjusted in the owner's account-current, if any, or from the date of making the refund.

**Comment**

**Terms and Conditions of licence under.**—In the instant case, if the petitioners want to sell their products to any of their agents or retailers on the strength of S.P. VI or VII licence as the case may be they have to abide by the condition prescribed under such licence. No. retailer or wholesale dealer can possess spirituous preparation without licence; nor can they sell or deal with them except in accordance with the terms and conditions of a licence issued under R. 11 of the Kerala Spirituous preparation (Control) Rules, 1969.<sup>2</sup>

**12. Residuary powers for recovery of sums due to Government.**—Where these rules do not make any specific provision for the collection of any duty, or of any deficiency in duty if the duty has for any reason been short-levied, or of any other sum of any kind payable to the collecting Government under the Act or these rules, such duty, deficiency in duty or sum shall, on written demand made by the proper officer, be paid to such person and at such time and place, as the proper officer may specify.

**Comment**

**Scope and applicability.**—Their Lordships of the Madras High Court observed as follows:

"The rules other than Rule 12 do not contain any specific provision for a case where the manufacturer, due to his own default, fails to take a licence and fails to ensure the proper safeguards for the manufacture under Rules 46 to 58. Had he done so, it would have ensured the levy of duty at the proper time and proper place. But that does not mean that the goods which are dutiable under the Act should escape from duty due to the default of the manufacturer. It is for such cases that Rule 12 provides the appropriate power for levy, it being

1. State of West Bengal v. Bio-Drug Laboratories Pvt. Ltd., 87 C.W.N. 245 at p. 258.

2. Murleedharan Pillai v. State of Kerala, 2006 (4) L.L.T. 254 at p. 259 (Ker.).



in the nature of a residuary power, as the heading itself states. For the application of Rule 12, there is no period of limitation. A limitation of six months is provided only for Rule 11.<sup>1</sup>

13. No refund of duties or charges erroneously paid, unless claimed within six months.—No duties or charges which have been paid or have been adjusted in an account-current maintained with the Excise Commissioner under Rule 9 and of which repayment wholly or in part is claimed in consequence of the same having been paid through inadvertence, error or misconstruction, shall be refunded unless a written claim is lodged with the proper officer within six months from the date of such payment or adjustment as the case may be.

Comment

The rule prescribes the period of limitation as six months for making the claim for the refusal of duty or charges paid in consequence of inadvertence or some error.

14. Rebate of duty on goods exported.—The collecting Government shall, subject to such safeguards, conditions and limitations as are specified in Chapter VII of these rules, grant rebate of duty on dutiable goods, if exported out of India.

Comment

The rule provides for grant of rebate of duty in dutiable goods, if imported out of India.

15. Export under bond of goods on which duty has not been paid.—Dutiable goods may be exported out of India, without payment of duty, from a warehouse or a bonded manufactory, provided that export is made in accordance with the procedure set out in the relevant provisions of Chapter VII of these rules and the owner enters into a bond in Form B-3 with such surety or sufficient security, and under such conditions as the Excise Commissioner approves, in a sum equal at least to the duty chargeable on the goods, for the due export thereof at the place of export, within the period that may be specified by the officer-in-charge under sub-rule (3) of Rule 99 and such bond shall not be discharged unless the goods are duly exported out of India, to the satisfaction of the Excise Commissioner or are otherwise accounted for the satisfaction of such officer, nor until the full duty due upon any deficiency of goods not so accounted for, has been paid.

16. General bond by an exporter.—The Excise Commissioner may permit any licensed person desirous of exporting from his State, in the manner provided in the foregoing rules, dutiable goods on which duty has not been paid, to enter into a general bond in Form B-3 with such surety or sufficient security, in such amount, and under such conditions, as the Excise Commissioner approves, for the export, from time to time, of such dutiable goods within the period prescribed for the goods exported under sub-rule (3) of Rule 99:

PROVIDED THAT in the event of death, insolvency or insufficiency of the surety, the Excise Commissioner may, in his discretion demand a fresh bond and may, if the bond is with security, demand at any time he considers it fit to do, additional security.

17. Penalty for failure to furnish proof of export within the prescribed period.—When any person authorized to export dutiable goods in bond in accordance with the provisions of Chapter VII of these rules fails to furnish proof of such export to the satisfaction of the Excise Commissioner, he shall upon a written demand being made by the officer-in-charge forthwith pay

1. *Pharma Products Ltd.*, Thanjavur v. District Revenue Officer, Thanjavur, A.I.R. 1969 Mad. 448 at p. 455; *State of Goar Colfan Laboratories Ltd.*, A.I.R. 2004 S.C. 45 at pp 54-55.



the duty leviable on such goods, and shall also be liable to a penalty which may, subject to a maximum of two thousand rupees, extend to twice the amount of duty and until such duty and penalty are paid, the Excise Commissioner may in his discretion refuse to permit such person to make further exports of dutiable goods in bond.

## CHAPTER IV

## Manufacture

**18. Supply of rectified spirit for manufacture of medicinal and toilet preparations.**—Rectified spirit shall ordinarily be supplied to a manufacturer from a distillery or a spirit warehouse of the State in which the manufactory is situated. The manufacturer, however, is not precluded from obtaining his requirements of rectified spirit from sources situated outside the State.

## Comment

Manufacturer can obtain the rectified spirit from outside the State.

**19. Wastage in transit of rectified spirit.**—If, in any particular case it is proved to the satisfaction of the Excise Commissioner that the loss is *bona fide* and not due to negligence or connivance on the part of the manufacturer, the duty payable in respect of such loss may be waived in full or in part according to the merits of the case.

Except with the prior sanction of the State Government the concession in this rule shall not be applicable to issues of rectified spirit made to non-bonded manufactories.

**20. Mode of manufacture.**—Manufacture of medicinal and toilet preparations containing alcohol shall be permitted in bond without payment of duty as well as outside bond. In the case of manufacture in bond alcohol on which duty has not been paid shall be used under excise supervision; and in the case of manufacture outside bond, only alcohol on which duty has already been paid shall be used.

## Comment

Only alcohol on which duty has already been paid shall be used in the case of manufacture outside bond.

## SECTION A

**Manufacture in bond of medicinal and toilet preparations containing alcohol, opium, Indian hemp and other narcotic drugs and narcotics**

**21. Issue of rectified spirit without payment of duty.**—Rectified spirit shall be issued without previous payment of duty for the manufacture of medicinal and toilet preparations containing alcohol subject to the condition that the manufacturer enters into a bond in Form B-1 with sufficient security, as laid down in Rule 96, towards due payment of duty and observance of the rules.

**22. Entry into and exit from a bonded manufactory.**—Unless otherwise ordered by the State Government there shall be only one entrance to the bonded manufactory and one door to each of its compartments. All the doors shall be secured with excise ticket locks during the absence of the officer-in-charge.

**23. Essentials of a bonded manufactory.**—(1) A bonded manufactory shall make provision for the following:

- (i) one plain spirit store unless the manufactory is attached to a distillery or a rectified spirit warehouse from which rectified spirit is made available as and when necessary;
- (ii) at least one large room for manufacturing medicinal preparations;
- (iii) one or more rooms for storing finished medicinal preparations;



- (iv) separate arrangement for manufacture of toilet preparations;
- (v) the storage of finished toilet preparations;
- (vi) accommodation with necessary furniture near the bonded premises for the officer-in-charge;
- (vii) malleable iron rods not less than 19 mm. in thickness, set not more than 102 mm. apart, embodied in brick work up to a depth of at least 51 mm. and covered on the inside with strong wire netting or expanded metal of a mesh not exceeding 25 mm. in diameter of length in every window of the bonded premises;
- (viii) a board on which the name of the room and a serial number, if any, are legibly painted in oil colour on the outside of every such room in the manufactory;
- (ix) all pipes from sinks or wash-basins inside manufactory premises discharging into drains forming part of the general drainage system of the premises;
- (x) all gas and electric connections with the licensed premises so fixed as to admit of the supply of gas or electricity being cut off and all the regulators or switches being securely locked at the end of the day's work.

(2) The Central Government may in special cases relax any of the provisions of Cls. (i) to (x) of sub-rule (1).

**24. No additions or alterations to be made without orders.**—No addition or alteration shall be made in the bonded premises or in respect of the permanent fixtures therein without the previous orders of the Excise Commissioner. Plans, in triplicate showing each addition or alteration shall be submitted with the application for the necessary permission and copies disposed of in the same manner as copies of the original plans of the bonded manufactory as provided in rule 95.

#### Comment

Prior permission of the Excise Commissioner is a must for making alterations or additions in the bonded premises.

**25. Arrangement of receptacles in a bonded manufactory.**—(1) The permanent vessels for the storage of alcohol, opium, Indian hemp and other narcotic drugs and narcotics received under bond and all the finished preparation on which duty has not been paid shall be secured with excise ticket locks.

(2) All vessels intended to hold alcohol and liquid preparations shall be gauged by the officer-in-charge. They shall each bear a distinctive serial number and their full capacities distinctly and indelibly marked on them. A record of these details shall be kept in Form R.G.-I.

(3) Table shall be computed to show contents at an inch and tenth of an inch of the depth of each such vessel.

**26. Indent for rectified spirit.**—Rectified spirit required for manufacturing medicinal and toilet preparations shall be obtained on an indent in Form I.D.-1 countersigned by the officer-in-charge, from any distillery or spirit warehouse approved by the Excise Commissioner, the original being sent by the licensee of the bonded manufactory to the distiller the duplicate sent through the officer-in-charge to the distillery or spirit warehouse officer and the triplicate retained as office copy. The cost price of such rectified spirit



shall be paid by the licensee of the bonded manufactory to the distiller. If the distillery or warehouse officer has received from the officer-in-charge of the bonded manufactory the duplicate of the indent, he shall issue the spirit required under bond, under the appropriate permit in the Form in vogue in the State for transport of rectified spirit and send the advice portion of such permit to the officer-in-charge.

**Comment**

This rule directs that the rectified spirit required for manufacturing medicinal and toilet preparations to be obtained on an indent in Form I.D.-1 countersigned by the officer-in-charge from any distillery or spirit warehouse approved by the Excise Commissioner.

27. Verification of rectified spirit received.—Consignments of rectified spirit received under bond shall be verified in volume and strength and the receipt of such supply shall be entered in register in Form R. G.-2. Subject to the provision of rule 19 duty at the rate levied by the State Government on alcoholic liquors on all wastages shall be paid by the licensee of the bonded manufactory into a Government treasury on receipt of a demand from the officer-in-charge and a copy of the treasury receipt shall be sent to the distillery officer who shall thereupon make the necessary adjustment in his register.

28. Storage of rectified spirit.—(1) After the rectified spirit received has been verified, it shall be stored in one or more vessels in the spirit store.

(2) If, in any particular case, it is proved to the satisfaction of the Excise Commissioner that the loss is *bona fide* and not due to negligence or connivance on the part of the manufacturer, the duty payable in respect of such loss may be waived in full or in part according to the merits of the case.

29. Issues of rectified spirit from the spirit store.—(1) Rectified spirit shall be issued from the spirit store to the laboratory of the manufactory on a requisition of the licensee, which shall be made in Form R.Q-1, but only in such quantities as are in conformity with the formulae laid down in the relevant pharmacopoeia or the formula of the patent and proprietary medicines displayed on the label of the container in the manner prescribed in the Drugs Rules, 1945, for the time being in force, for the particular preparation for which the alcohol is required. In the case of medicinal preparation manufactured from concentrated tinctures the exact quantity of spirit to be added to them shall be calculated after ascertaining the proof-spirit content of the concentrated tinctures by analysis by the Chemical Examiner. For this purpose two samples of not less than 142 ml. each shall be taken from each concentrated tincture, one of which shall be sent to the said Chemical Examiner for ascertaining the proof-spirit content while the other shall be retained by the officer-in-charge of the bonded manufactory until the result of analysis is known, after which it may be added to the concentrated tincture from which it was originally taken. All rectified spirit so issued shall, in the presence of the officer-in-charge, be added without delay to the other materials for the preparation specified in the application. Rectified spirit shall not be issued for any purpose other than the manufacture of medicinal and toilet preparations in the laboratory.

(2) Finished medicinal or toilet preparations may be transferred from the finished store to the laboratory of the manufactory, for addition to raw materials for the preparation of the same or any other kind of preparation on written requisition from the licensee. Such transfers shall be shown in the respective registers maintained and the alcohol contents shall be adjusted correctly.



30. Indent for opium, Indian hemp and other narcotic drugs and narcotics, their storage and issue for manufacture.—Indent for opium shall be made to the nearest sub-treasury or the Government Opium Factory, Ghazipur or to the warehouse or to the place of storage approved by the State Government, in Form I.D.-1. The supply of Indian hemp and other narcotics shall also be indented for from the nearest Government warehouse in the same Form. The supply of opium, Indian hemp, narcotic drugs and other narcotics shall be made under permit as prescribed in rule 26. On their receipt in the bonded manufactory they shall be verified and accounted for in the register in Form R. G-2 as in the case of alcohol. Opium, Indian hemp, narcotic drugs and other narcotic obtained by the licensee free of duty shall be stored separately in the spirit store and secured by excise ticket locks. They shall be issued for the manufacture of medicinal preparations only on a requisition in Form R. G.-1 by the licensee as in the case of alcohol.

31. Manufactured dutiable goods.—Each preparation manufactured shall be registered and shall bear a distinctive serial number, which shall be known as its batch number in the register in Form R. G.-3. This Register shall also show the receipt and disposal of all alcohol issued to the laboratory from the spirit store and the quantity of finished medicinal preparation manufactured therefrom. As soon as a preparation is manufactured, it shall be removed to the finished store where, after it has been carefully measured, it shall be stored in vessels provided for the purpose and accounted for in the register in Form R. G.-4. The issue of opium, Indian hemp, narcotic drugs and other narcotics shall be made under the appropriate permit and the advice portion of such permit shall be sent to the officer-in-charge.

#### Comment

This rule requires issue of opium, Indian hemp, narcotic drugs to be made under the appropriate permit.

32. Manufacturing vessels to bear labels.—Every time the percolator, or other vessel intended for alcohol is charged there shall be attached to it a label showing the following particulars:

- (a) the name and batch number of the preparation;
- (b) the description and quantity of alcohol placed in it from time to time; and
- (c) the date of removal of the preparation and the quantity of such preparation removed.

33. Sample to be taken.—(i) On completion of production of a medicinal or toilet preparation, the officer-in-charge shall permit the licensee to take free sample of 227 ml. or such quantity of the preparation as the officer-in-charge considers necessary for analysis in his own laboratory and declaration of the strength of alcohol and medicaments.

- (ii) Any quantity left over after analysis shall be destroyed by the licensee in his laboratory in the presence of the officer-in-charge of the laboratory.
- (iii) A separate account of the quantity used by the licensee for analysis shall be maintained.
- (iv) The alcoholic strength of a preparation as declared by the licensee shall be entered by the licensee in the register in Form R. G.-3.
- (v) Immediately after declaration by the licensee of the alcoholic



strength of a finished preparation and before such preparation is removed to the store, the licensee shall make proper entries in the register in Form R. G.-3.

- (vi) The officer-in-charge shall check the entries and if they are found in order, he shall check the contents of as many as he thinks necessary of the vessels in which the preparation is being stored. He shall then initial on the relevant entries of the Register in Form R. G.-3 and take two samples from each batch of such finished preparation for analysis and report by the Chemical Examiner.
- (vii) One set of samples shall be sent at once to such Chemical Examiner and a note to the effect shall be made in the register in Form R. G.-3. The report of the Chemical Examiner, when received, shall be shown to the licensee.
- (viii) The duplicate sample of a preparation which is intended exclusively for replacement of the original sample or repetition of its analysis, when necessary, shall be kept under excise ticket lock, and shall be returned to the finished store immediately on receipt of the report of the Chemical Examiner.
- (ix) All such samples sent shall be sealed by the officer-in-charge and the licensee of the manufactory.
- (x) The duplicate sample shall not be returned to the finished store in any case where—
  - (a) the alcohol strength of a preparation from which the sample was taken, is declared by the Chemical Examiner to be beyond the margin of 3% unless the Excise Commissioner permit standardization of such sub-standard preparation; and
  - (b) the preparation is declared to be a spurious preparation under these rules.
- (xi) All samples required for analysis under these rules shall be supplied free of cost by the licensee and all expenses in connection with packing and despatch of the samples shall be borne by him. Samples of medicinal or toilet preparation may also be taken at any time by the officer-in-charge or other superior officer and such samples shall be sent to the Chemical Examiner for analysis and check.

#### Comment

The word "shall"—Meaning of.—It has been laid down consistently by the Supreme Court that the mere use of the word "shall" by itself in the statute does not make the provision mandatory, but it is the duty of the Courts of Justice to try to get at the real intention of the Legislature by carefully attending to the whole scope of the statute to be construed. In each case, one has to look to the subject-matter, consider the importance of the provisions and the relation of that provision with the general object intended to be secured by the Act and upon the review of the case in that aspect decide whether the enactment is mandatory or only directory.

**34. Storage of finished products.**—(i) Medicinal and toilet preparation shall on completion of production be stored in bulk in jars or bottles each containing not less than 2,273 ml.

1. *Mohammad Mahboob Khan v. State Transport Appellate Tribunal, U.P.*, 1982 A.L.J. 300 at p. 301; *Lakshmansami Gounder v. C.I.T., Seivamani*, (1992) 1 S.C.C. 91 at p. 95; *Uchhab Kanwar v. Legal Representatives of Ramswaroop*, A.I.R. 1995 Raj. 209 at p. 211; *Dinkar Anna Patil v. State of Maharashtra*, A.I.R. 1999 S.C. 152 at p. 159.



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ALJ. 300  
at p. 95;  
at p. 211;

- (ii) Such preparations ready for issue may be filled in bottles or containers of not less than 57 ml. content:

PROVIDED THAT the Excise Commissioner may by an order in writing specify that any such preparation may be filled in bottles or containers of smaller capacity.

- (iii) Every container of a finished preparation shall bear a label showing the name of the preparation, its batch number, its alcoholic strength and the name of the manufacturer.
- (iv) The label of each container of a preparation stored in bulk shall, in addition, indicate the actual contents in litres, its alcoholic strength and the date of storage.
- (v) The containers shall be kept so arranged in suitable racks as to allow ready identification of each batch.
- (vi) Any goods stored may be left in the store room for a period of three years or for such extended period as the Excise Commissioner may, in each case, allow. The owner of the bonded laboratory shall, before the expiry of the period of three years or the extended period, if any, clear the same for consumption in the State on payment of excise duty or for removal in bond to a bonded warehouse or for exportation.

35. Deficiency noticed in the finished store.—(1) A record shall be kept of all deficiencies in bulk content of any finished medicinal or toilet preparation in store by the officer-in-charge in Form R. G.-4, and a report of all such deficiencies, shall be submitted by him at the end of each quarter to the Excise Commissioner.

(2) All such loss in the absence of a satisfactory explanation from the licensee shall be subject to levy of duty on the quantity so lost at penal rates which shall not be more than double the rates prescribed.

(3) If the Excise Commissioner is satisfied that the deficiency reported under sub-rule (1) was due to natural or unavoidable causes, and if he is satisfied that the alcoholic preparation has not gone into consumption, he may remit the duty.

36. Disposal of sub-standard preparations.—(1) A finished medicinal or toilet preparation which is or is suspected to have deteriorated in quality may, if the manufacturer so desires, be destroyed with the permission of the Excise Commissioner in the presence of the officer-in-charge and relevant entries made in the register in Form R.G.-4.

(2) The Excise Commissioner may, on an application made to him by the manufacturer, allow him to re-process a sub-standard preparation.

(3) Excise duty shall not be levied on the preparation so destroyed provided the Excise Commissioner is satisfied that the deterioration of the preparation, or in the alternative its improper manufacture, was due to reasons beyond the control of the licensee.

37. Disposal of recovered alcohol.—(1) Alcohol recovered in the course of production of a medicinal or toilet preparation or distilled separately from the mark of such preparation may be used for subsequent production of the same preparation provided such alcohol is collected separately and accounted for separately.

(2) In cases where the alcohol recovered from a preparation liable to



duty at the lower rate is sought to be used in the manufacture of a preparation subject to higher rate of duty, the duty on the preparation so manufactured shall be collected or made leviable on determination of the spirit strength of the preparation.

(3) An account of recovered alcohol in a recovered alcohol vat shall be maintained by the officer-in-charge in Form R. G.-2.

(4) Recovered alcohol declared by the licensee to be unfit for use shall be destroyed by him in the presence of the officer-in-charge on submission of written application. No rebate of duty shall be allowed on recovered alcohol so destroyed.

38. Wastage in manufacture.—(1) The State Government may, from time to time, fix the percentage of wastage in the production of a particular medicinal or toilet preparation. Any wastage that exceeds the allowable limit and is not properly accounted for shall be charged with the duty together with such penalty not exceeding the duty leviable thereon as the Excise Commissioner may deem fit. If the alcohol in strength of a preparation is found by the Chemical Examiner to exceed the highest allowable limit by more than 3 proof degrees or to be below the lowest allowable limit, its issue from the bonded manufactory, shall be withheld.

(2) The licensee may be allowed to adjust the alcoholic strength or the medicaments or the ingredients of such a batch of preparation in a suitable manner with the previous approval of the Excise Commissioner provided the process employed does not impair the therapeutic or toilet properties of the preparation in any way.

(3) A sample of the preparation shall be sent to the Chemical Examiner for analysis after adjusting the spirit or medicaments or other ingredients, and issue of the adjusted batch of such preparation shall be allowed only when the Chemical Examiner's report has been found to be satisfactory.

(4) When an excess of more than 20 proof degrees over the strength declared by the licensee of any batch of preparation is found by the Chemical Examiner, the true strength, as ascertained by the Chemical Examiner, shall be entered in the batch account in Form R. G.-3, and the reason for this alteration shall be briefly noted in the remarks column, and the excess duty due from the licensee or any quantity issued from the batch on payment of such duty to the credit of the Central Government (in the case of Union territories) or the State Government prior to the receipt of the Chemical Examiner's report, shall be realized by the officer-in-charge with the previous sanction of the Excise Commissioner.

(5) No refund or abatement of excess duty shall be allowed on any quantity of a batch of preparation issued on payment of such duty and prior to the receipt of the Chemical Examiner's report, if the strength is found to be lower than that declared by the licensee.

#### Comment

Excise Commissioner is empowered to impose penalty not exceeding the duty leviable on the wastage that exceeds the allowable limit.

39. Remission of duty in case of loss due to accident.—In case of any accidental loss of alcohol in a bonded manufactory, otherwise than by theft, the officer-in-charge shall institute necessary enquiries without delay to ascertain the cause of such loss. If such loss is found to be beyond the control of the licensee the duty on the alcohol so lost shall be remitted with



the approval of the Excise Commissioner or may Exercise Office subordinate to the Excise Commissioner specially empowered by him in this behalf.

40. Issue from a bonded manufactory.—(1) Issues of alcoholic preparations and preparations containing opium, Indian hemp or other narcotic drugs and narcotics shall be made from a bonded manufactory on payment of duty. The licensee shall present before the officer-in-charge an application in Form A. R.-2 signed by him or by his authorized representative. The officer-in-charge shall, after checking the entries and realizing the duty payable, allow the required quantities to be removed after issuing a permit:

Provided that issues to another bonded warehouse shall be made without payment of duty under proper security governed by the rules in Chapters VII and VIII.

(2) If the licensee is also an account-holder as provided for in rule 9, duty leviable on alcohol preparations and preparations containing opium, Indian hemp or other narcotic drugs and narcotics to be issued from a bonded manufactory shall be debited in the account-current before the preparations are removed from the bonded premises.

41. The licensee to maintain proper accounts, etc.—(1) The licensee shall maintain accounts in proper forms and registers as prescribed in the Appendix to these rules.

(2) The licensee shall deliver to the officer-in-charge, by the 5th of each month, a return of transactions of business in respect of the preceding month in Form R.T.-1.

42. Size of establishment.—It shall be open to the Excise Commissioner to determine the size of the supervisory staff in consultation with the licensee.

#### Comment

The rule vests the discretionary power upon the Excise Commissioner to determine the size of the staff for supervision in consultation with the licensee.

43. Accounts.—The officer-in-charge shall maintain accounts in the prescribed form and shall take steps to ensure that the licensee also maintains accounts. Separate account shall be written up daily by the officer-in-charge and the licensee or by any person authorized by him and shall be compared and reconciled before the manufactory is closed at the end of the day's transactions.

44. Collection of duty.—The officer-in-charge shall be responsible for correct collection of duty and penalty, if any, at the prescribed rate before any medicinal or toilet preparation containing alcohol are allowed to be removed from the premises except in the case of exports or removal under bond or under such conditions as may be permitted by the Excise Commissioner.

45. Scope of duties.—The officer-in-charge shall exercise such supervision as is required to ensure that alcohol issued for a certain preparation added to the materials which go to make that preparation and that no portion of such alcohol is diverted to the other purposes.

(2) Agents, clerks, compounders and other person, who have been duly authorized in this behalf by the licensee, and approved by the officer-in-charge, may enter into and carry out their work in connection with the manufacture during the working hours of the manufactory.



(3) Any person duly authorized in this behalf by the licensee may sign all applications and indents for the issue of rectified spirit or finished preparations.

(4) Excise Officer specially empowered in this behalf by the Excise Commissioner, shall inspect the manufactory in accordance with the instructions prescribed herein and shall submit the notes of their inspection to the officer specified by the Excise Commissioner. They shall also be responsible for the correct maintenance of accounts and collection of duty by the office-in-charge.

#### Comment

This rule empowers the person authorized by the licensee to sign all applications and indents for the issue of rectified spirit or finished preparations.

#### SECTION B

#### Manufacture outside bond of medicinal and toilet preparations containing alcohol, opium, Indian hemp and other narcotic drugs and narcotics

46. Opening and closing hours.—The work of manufacture and sale in the non-bonded manufactory shall be conducted between the hours of sunrise and sunset and on such days and hours as may be fixed by the Excise Commissioner.

The premises shall remain closed from the hours of sunset to sunrise each day.

#### Comment

The rule requires the premises of the non-bonded manufactory to keep closed for the time between sunset and sunrise each day.

47. Building arrangements.—Arrangement of the building shall be as under:

- (i) The portion of the non-bonded manufactory used as "laboratory" shall be separated from that used for other purpose.
- (ii) The windows of the "spirit store", "laboratory" and "finished store" shall be fitted with malleable iron bars not less than 19 mm. in thickness, set not more than 102 mm. apart and fixed in the brick-work to a depth of at least 51 mm. at each end. On the inside of each window there shall be securely fastened to the bars stout wire-netting the aperture of which shall not exceed 25 mm. in diameter.
- (iii) There shall be only one entrance to the non-bonded manufactory and one door each to the "laboratory", "spirit", "store", and "finished store".
- (iv) All pipes from sinks and wash-basins inside the manufactory premises shall discharge into closed drains forming part of the general drainage system of the premises.
- (v) All electric and gas connections with the licensed premises shall be so fixed as to admit of the supply of electricity or gas being cut off and the regulators or switches being securely locked out at the end of day's work.
- (vi) There shall be separate "spirit store" for the rectified spirit<sup>1</sup> [purchased at the duty of Rs. 10 and Rs. 20 and Rs. 80 per litre.]

1. Subs. for words and figures "purchased at the duty of Rs. 6.60 and Rs. 13.20 and Rs. 52.80 per litre" by Notif. No. 1/89-Opium, dated 1st March, 1989 (w.e.f. 1st March, 1989).

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- (vii) There shall be separate finished stores for medicinal and toilet preparations falling under each item of the Schedule to the Act.
- (viii) All alterations in arrangement of building and plants shall be made only with the previous sanction of the Excise Commissioner.
- (ix) The State Government may relax all or any of the provisions of Cls. (i) to (viii) in the case of small manufacturers whose annual consumption of alcohol does not exceed 500 litres and also in the case of those who prepare medicinal preparation for dispensing to their patients only and not for sale.

Comment

The rule requires the medicinal and toilet preparations falling under each item of the Schedule of the Act to be kept in separate finished stores.

48. Receptacles.—(i) The permanent vessels for the storage of alcohol and finished preparations containing alcohol in the non-bonded manufactory shall be gauged accurately and table . . .

NOTIFICATION

THE MEDICINAL AND TOILET PREPARATIONS  
(EXCISE DUTIES) RULES, 1956

G.S.R. No. 159 (E), dated 27th February, 2010<sup>1</sup>.—In exercise of the powers conferred by Rule 8 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 2/2003-M & TP, dated the 1st March, 2003, published in the Gazette of India, Extraordinary, vide number G.S.R. 159 (E), dated 1st March, 2003, namely:—

In the said notification, in the Table, in Col. (4), for the entry "Sixteen per cent. *ad valorem*", wherever it occurs, the entry "Ten per cent. *ad valorem*" shall be substituted.

1. Published in the Gazette of India, Extraordinary Pt. II, Sec. 3 sub-section (i), dated 27th February, 2010.

(i)

By the receipt of the manufactory to the distiller or spirit warehouse-keeper, the duplicate to the officer-in-charge of the distillery or spirit warehouse through the proper officer and the triplicate retained by the licensee as office copy. The cost of such rectified spirit shall be paid by the licensee of the manufactory to the distiller or spirit warehouse-keeper. The

RULE 46

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licensee shall credit the duty payable on the spirit indented for into a Government treasury of the collecting Government and enclose the *chalan* in token of such payment, to the duplicate copy of the indent. The treasury officer shall send an advice of such payment to the officer-in-charge of the distillery or spirit warehouse. The officer-in-charge of the distillery or spirit warehouse, after satisfying himself that the correct amount of duty has been paid, as evidenced by the *chalan* enclosed by the licensee and the advice of such payment received, from the treasury officer, shall order the issue of rectified spirit required. The rectified spirit shall be brought from the distillery or spirit warehouse to the manufactory covered by a permit issued by the officer-in-charge of the distillery or spirit warehouse. All such permits shall be filed along with respective indents. The rectified spirit so brought into the non-bonded manufactory shall be immediately transferred to the spirit store and the necessary accounts written up then and there in the register in Form R. G-2. Accounts of all transactions in respect of rectified spirit <sup>1</sup>[purchased paying the duty of Rs. 10 and Rs. 20 and Rs. 80 per litre] shall be maintained separately.

(2) Where the manufactory as well as the warehouse from which rectified spirit is to be obtained are located within the same State, the licensee may authorize the owner of the distillery or warehouse to pay the duty on his behalf before the issue of rectified spirit. On such authorization the owner of the distillery or warehouse shall pay the amount of duty into a Government treasury to the credit of the collecting Government or in such manner as may be prescribed by the Excise Commissioner.

50. Indent for opium, Indian hemp and other narcotic drugs and narcotics, their storage and issue for manufacture.—Indent for opium shall be made to the nearest sub-treasury or to the Government Opium Factory, Ghazipur, or to the warehouse or place of storage approved by the State Government in Form I.D-1. The supply of Indian hemp, narcotic drugs and other narcotics shall be indented for from the nearest Government warehouse or place of storage approved by the State Government in the same form. The supply of opium, Indian hemp and other narcotic drugs and narcotics shall be made under permit as prescribed in rule 49. On their receipt in the non-bonded manufactory they shall be verified and accounted for in the register in Form R.G-2. Opium, Indian hemp and other narcotic drugs and narcotics obtained by the licensee free of duty shall be stored separately in the spirit store. Every time opium, Indian hemp other narcotic drugs and narcotics are issued from the spirit store of the laboratory, such issues shall be accounted for in the register in Form R.G-2.

51. Restrictions on manufacture.—(1) The manufacturer shall not sell or transfer the rectified spirit obtained by him to any other person.

(2) Medicinal preparations, containing alcohol, which are capable of being consumed as ordinary alcoholic beverages falling under item No. 1 (ii) (c) of the Schedule to the Act shall not be manufactured from rectified spirit on which only the duty of <sup>2</sup>[Rs. 10] per London Proof Litre has been paid and such preparations shall be manufactured only from rectified spirit on which a duty of <sup>3</sup>[Rs. 20] per London Proof Litre has been paid and the rectified spirit obtained after payment of the aforesaid duty of Rs. 3.85 paise shall be accounted for separately.

1. Subs. for words and figures "purchased paying the duty of Rs. 6.60 and Rs. 13.20 and Rs. 52.80 per litre" by Notif. No. 1/89—opium, dated 1st March, 1989 (w.e.f. 1st March, 1989.)

2. Subs. for words & figures "Rs. 6.60" by Notif. No. 1/89—opium, dated 1st March, 1989 (w.e.f. 1st March, 1989).

3. Subs. for words & figures "Rs. 13.20" by *Ibid.*



(2-A) Medicinal preparations containing alcohol which are capable of being consumed as ordinary alcoholic beverages falling under either item No. 1 (ii) (b) or item No. 2 (iii) of the Schedule to the Act shall not be manufactured from rectified spirit on which only the duty of [Rs. 10] or [Rs. 20] per London Proof Litre has been paid and such preparations shall be manufactured only from rectified spirit on which duty of [Rs. 80] paise per London Proof Litre has been paid and the rectified spirit obtained after payment of the aforesaid duty of [Rs. 80] shall be accounted for separately.

(3) In no case shall the quantity of rectified spirit in the possession of the manufacturer exceed the limit fixed by the licensing authority.

**Comment**

This rule imposes the restriction on the sale and transfer of the rectified spirit by the manufacturer to any other person.

52. **Manufacture, storage and sale to be carried on only in the licensed premises of the non-bonded manufactory.**—(1) The manufacture and storage of all preparations shall be carried on in the licensed premises only.

(2) Each preparation manufactured shall be registered and shall bear a distinctive serial number, which shall be known as its batch number in the register in Form R.G.-3. This register shall also show the receipt and disposal of all rectified spirit, opium, Indian hemp and other narcotic drugs and narcotics drawn from the spirit store and the quantity of finished preparation manufactured therefrom.

(3) All finished preparations shall be transferred from the "laboratory" to the "finished store" and shall be so arranged that the checking of stock of every batch of preparation from the accounts register in Form R.G.-4 is facilitated.

(4) Finished preparations made from rectified spirit obtained at different rates of duty shall be kept separately in the finished store.

(5) Every preparation stored in bulk shall be measured into the storage vessel to the nearest fluid ounce by the manufacturer and sealed.

(6) When any of the contents of a vessel, in which the preparations are stored in bulk are removed, the manufacturer shall enter on the stock card attached thereto the quantity taken out and the manner of disposal with his signature and date.

**Comment**

There shall be separate finished stores for keeping the rectified spirit obtained at different rates of duty.

53. **Samples to be taken by the Excise Officer at least once a month for analysis.**—(i) The Excise Officer, in whose jurisdiction the manufactory is situated, shall, without previous notice to the manufacturer, take samples of not less than 13 per cent and not more than 15 per cent (save in exceptional circumstances) of the total number of the medicinal and toilet preparations containing alcohol from the finished stocks at least once every month and forward them to the Chemical Examiner for analysis and report whether the alcoholic contents thereof tally with the percentage of alcohol shown on the labels affixed to the bottles.

(ii) If the proof strength reported by the Chemical Examiner is more than 3 per cent proof spirit than the strength declared by the manufacturer on the labels pasted on such bottles, the manufacturer is liable to a penalty at the rate of 10 times the difference in duty in the quantity so manufactured but not exceeding Rs. 2,000.

1. Subs. for word & figures "Rs. 6.60" by Notif. No. 1/39—opium, dated 1st March, 1989 (w.e.f. 1st March, 1989).

2. Subs. for words & figures "Rs. 13.20" by *ibid.*

3. Subs. for words & figures "Rs. 52.80" by *ibid.*



- (iii) If such differences are found to occur frequently, the Excise Commissioner may order the cancellation of the licence held by the manufacturer.
  - (iv) Samples of finished products may also be taken at any time by the Excise Commissioner, and such other Excise Officer authorized by the Excise Commissioner in this behalf.
  - (v) All such samples shall be taken by the officer personally and in the presence of the manufacturer or his authorized agent.
- 54. Procedure to be followed in taking samples.**—(i) A sample shall be of 227 ml. or such quantity as may be fixed by the Excise Commissioner.
- (ii) Every sample shall be taken in duplicate.
  - (iii) The cork of every bottle in which sample is kept shall be fixed with the officer's personal seal or the official seal and the name of the preparations and batch number shall be stated on label axed to each such bottle.
  - (iv) The label of the bottle shall be signed by the officer taking the sample.
  - (v) The manufacturer, if he so desires, shall be allowed to affix his own seal and sign the labels.
  - (vi) The duplicate samples shall be kept securely under lock and key in an almirah (to be provided by the manufacturer) until the result of the analysis has been reported, save in the case in which the Chemical Examiner has asked for another sample either to replace the previous sample despatched to him or to repeat the analysis. Duplicate samples, to which no further reference is needed, shall be promptly returned to the manufacturer.
  - (vii) The samples to be sent for examination shall be carefully placed in a case and securely fastened with tape or wire to be supplied by the manufacturer and shall be sealed by the officer taking the samples, with the personal seal or the official seal, and despatched without delay, at the expense of the manufacturer, to the Chemical Examiner.
  - (viii) A letter advising the despatch of the sample shall be sent to the Chemical Examiner in duplicate. The letter shall contain besides other information a facsimile of the seal used. The Chemical Examiner shall acknowledge the receipt of the sample in the duplicate copy to the despatching officer.
- 55. No compensation to manufacturer of samples taken for analysis.**—The manufacturer shall not be entitled to any compensation for the samples taken for the purpose of analysis under these rules.
- 56. Correct and up-to-date accounts in prescribed printed registers to be maintained.**—(i) The manufacturer shall maintain up-to-date, correct and proper accounts in the relevant register and deliver to the proper officer, by the 5th of each month, a monthly return of transactions of business.
- (ii) The manufacturer shall also furnish such statements as may be required by the Excise Commissioner or by any officer empowered by him in this behalf.
  - (iii) All the account registers shall be obtained by the manufacturer at his cost from the respective Taluq office or Excise Office or such other office authorized to sell such registers.



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57. Employees.—(i) The manufacturer shall furnish to the Excise Commissioner and the proper officer a list containing the names of the manager or assistant manager employed by him and of all other employees whose duties require them to another non-bonded manufactory.

(ii) He shall promptly inform the Excise Commissioner and the proper officer of any changes which he may choose to make in the list from time to time.

(iii) No person other than the person whose name is contained in the list shall enter the manufactory without the special permission of the proper officer.

58. Inspection.—(1) The non-bonded manufactory shall at all reasonable times be open to inspection by the Excise Commissioner and other Excise-Officer having jurisdiction over the area in which the manufactory is situated.

(2) The proper officer shall inspect the non-bonded manufactory at least once every month.

(3) The State Government may authorize any officer of the prohibition, land revenue, medical and public health department to inspect the non-bonded manufactory.

### SECTION C

#### Classification of Medicinal and Toilet Preparations Containing Alcohol

[59. Allopathic preparations.—Allopathic preparations are medicinal preparations made according to the modern system of medicines and all under either of the following two categories, namely:

(a) Official allopathic preparations that is to say, those preparations which are made in accordance with the formulae given in the latest editions of the following pharmacopoeias and official compendia of drugs standards of formularies, namely:—

(i) Indian Pharmacopoeia;

(ii) official pharmacopoeia of any other country to which the drug claims to comply;

(iii) in the case of the preparations for which the formulae are not included in the latest edition of the official pharmacopoeia of any country, such preparations as may be included in the latest editions of the official compendia of drug standards or formularies, namely, the British Pharmaceutical Codex or the National Formulary of the United States, the British Veterinary Codex, the National Formulary of Indian, the Dental Formulary of U.S.A. to which the preparation claims to comply:

Provided that where the formularies are not specified either in the latest edition of the Indian Pharmacopoeia or the official pharmacopoeia of any country or the official compendia of drug standards of the formularies specified above, but are specified in the edition immediately preceding the latest edition of the said pharmacopoeia or official compendia, as the case may be, the preparations made in accordance with

1. Subs. by G.S.R. 1030, dated 7th November, 1986 (w.e.f. 29th November, 1986).



the formula specified in such immediately preceding edition of the relevant pharmacopoeia or official compendia shall be considered to be the official allopathic preparations:

- (b) non-official allopathic preparations (that is to say, preparations other than the official allopathic preparations) made according to the modern system of medicine and conforming to the formulae displayed on the label.]

*Restricted and unrestricted medicinal preparations*

60. Maintenance of restricted list of preparations.—(1) A list of medicinal preparations which are considered as capable of being misused as ordinary alcoholic beverage, hereinafter referred to as restricted preparations, is given in the Schedule. All other medicinal preparations being manufactured from a date prior to 1st April, 1957, shall be considered to be not capable of being misused as ordinary alcohol beverages (hereinafter referred to as unrestricted preparations).

(2) If, however, a preparation falling in the unrestricted category is found to be widely used as ordinary alcoholic beverage, Central Government may, on the request of a State Government or *suo motu*, refer the matter to the Standing Committee referred to in rule 63. The Central Government shall, if so advised by the said Committee, declare the preparation as a restricted preparation and the item or sub-item or both in the Schedule to the Act under which the preparation falls, and thereupon include the said preparation in the Schedule.

(3) Medicinal preparation other than official allopathic preparations which are manufactured in India for first time on and subsequent to 1st April, 1957, shall be presumed to be restricted preparations unless declared to the contrary by Central Government on the advice of the Standing Committee. Any manufacturer, intending to produce a new alcohol preparation other than an official allopathic preparation, shall submit two samples of such preparation with the receipt to the State Government. The State Government shall forward such request with receipt to the Central Government for a decision. The Central Government shall refer the matter to the Standing Committee and in accordance with the advice tendered by it declare the category in which the preparation should be placed and the item or sub-item or both in the Schedule to the Act under which the preparation falls. The decision of the Central Government shall be communicated to all State Governments. In case the preparation is declared to be a restricted preparation it shall be included in the Schedule of restricted preparations and if the preparation is declared to be an unrestricted preparation it shall be included in the schedule on unrestricted preparations.

The advice of the Standing Committee shall be communicated within a reasonable time and in no case later than six months from the date of submission of sample to the Committee.

*Homoeopathic Preparations*

61. Mode of manufacture.—American, British and general pharmacopoeias that are in vogue at present in the various States, shall be recognized as standard pharmacopoeia or for homoeopathic preparation for the purpose of these rules until such time as the Central Government evolves its own pharmacopoeia.

62. [\* \* \* \* \*]



*Preparation with narcotic ingredients*

63. Preparations containing opium, Indian hemp and other narcotic drugs and narcotics.—The rules in respect of alcoholic medicinal and toilet preparations shall, as far as may be, apply to preparations containing opium, Indian hemp, and other narcotic drugs and narcotics.

*Ayurvedic Preparations*

64. Types of preparations.—Asavas and Aristas are the principal types of Ayurvedic preparations in which alcoholic contents is self-generated and not added to such.

65. Pharmacopoeia for Ayurvedic preparations.—Until a standard Ayurvedic pharmacopoeia has been evolved by the Central Government, the pharmacopoeias that are in the various States shall be recognized as standard Ayurvedic pharmacopoeias.

66. Classification of preparation containing self-generated alcohol for purposes of levy of duty.—No duty shall be levied on Ayurvedic preparations containing self-generated alcohol in which the alcoholic content does not exceed 2 per cent proof spirit. Where the percentage of proof spirit is in excess of 2 per cent duty will be leviable under item 2 (ii) or 2 (i) of the Schedule to the Act according as the preparations are capable of being consumed as ordinary alcoholic beverage or not:

Provided that Ayurvedic practitioner registered under any law for the time being in force in any State where there is no such registration of Ayurvedic practitioners, such practitioners, as are proved to satisfaction of the Excise Commissioner to be of good standing, shall be allowed to manufacture and dispense Ayurvedic preparations, excepting those prepared by distillation or by addition of alcohol as such during the process of manufacture or to the finished product, free of duty subject to the following conditions:

- (a) Practitioners shall take out licence on payment of fee of Re. 1 in the manner hereinafter stated;
- (b) such preparations shall be used only for the patients of the practitioners and shall not be for sale to the general public;
- (c) the practitioner shall allow drawing of samples by Excise Officer to ensure that the preparations contain only self-generated alcohol; and
- (d) daily account shall be maintained of all the preparations manufactured and dispensed giving particulars of names and addresses of the patients of the practitioners.

67. Levy of duty on Ayurvedic preparations made by distillation or to which alcohol is added at any stage of manufacture.—For purpose of duty Ayurvedic preparations, made by distillation or to which alcohol is added at any stage of manufacture, shall be treated as alcoholic preparations capable of being used as ordinary alcoholic beverages.

*Comment*

Applicability.—The presumption under the rule, however, will apply only when the preparation in question is an Ayurvedic preparation, and unless this is established, the presumption under rule 67 or for the matter of that, the application of the higher duty under the item 1 of the Schedule of the Act, cannot be made.

67-A. [\* \* \* \* \*]

1. *Abhay Pada Roy v. Excise Commissioner, West Bengal*, A.I.R. 1970 Cal. 161 at pp. 161-162.



*Standing Committee*

68. Standing Committee and its functions.—(1) <sup>1</sup>[The Standing Committee referred to in rule 60 shall consist of the following as its members: ]

- (i) The Drugs Controller of the Government of India;
- (ii) the Chief Chemist, Central Revenues Control Laboratory;
- (iii) one pharmacologist to be nominated by the Central Government;
- (iv) the Adviser in Indigenous systems of Medicine, Ministry of Health, Family Planning and Urban Development;

<sup>2</sup>[Provided that the Drugs Controller, the Chief Chemist or the Adviser may, for reasons to be recorded by him in writing, depute the Deputy Drugs Controller, <sup>3</sup>[Deputy Chief Chemist] the Deputy Adviser in Indigenous System of Medicines, as the case may be, to attend any meeting of the Committee on his behalf.]

The Committee shall advise the Central Government on all matters connected with the technical aspects of the administration of the Act and their rules and, in particular, on the question whether—

- (i) a particular preparation is entitled to be treated, or to continue to be treated, as a genuine medicinal or toilet preparation for the purposes of the Act;
- (ii) and if so, whether it should be treated, or continue to be treated, as a restricted or an unrestricted preparation.

(2) The Committee may tender such advice, on the motion of the Central Government and may make such investigation as it or the Central Government considers necessary, and the Central Government may take, on such advice, such decision as that Government thinks fit.

(3) For the purpose of such investigation, four samples of 227 ml. each or such other quantity of the preparation as may be considered necessary shall be taken.

<sup>4</sup>[(4) The Standing Committee shall before declaring under sub-rule (2) of rule 60 a preparation as a restricted preparation, grant, if the person concerned so desires, an opportunity of being heard in the matter.

(5) Where a member of the Standing Committee is unable for any reason to, attend the meeting of that committee, he may nominate an officer subordinate to him attend the meeting on his behalf.]

#### CHAPTER V Warehousing

69. Establishment of bonded warehouses.—The manufacturers or dealers in dutiable goods may establish bonded warehouses anywhere in India. No duty paid goods and no goods other than dutiable goods shall be deposited in such bonded warehouses.

70. Licensing of warehouses.—The Excise Commissioner shall license a private warehouse for the storage of dutiable goods on which duty has not been paid and may direct in what manner and on what terms such goods shall be stored and how and in what manner such warehouse shall be secured by locks or fastenings.

1. Subs. by G.S.R. 604, dated the 27th April, 1978.
2. Ins. by G.S.R. 530 (E), dated the 5th September, 1979.
3. Ins. by G.S.R. 198, dated 7th February, 1980.
4. Ins. by G.S.R. 604, dated the 27th April, 1978.



71. Licensee to enter into a bond.—The Excise Commissioner shall require the licensee to furnish a bond in Form B-2 with such surety or sufficient security, in such amount and under such conditions, as the Excise Commissioner approves binding the licensee to pay duty on the goods deposited therein and for the due and safe removal of such goods to another warehouse and for the due observance of the terms, conditions and requirements of the Act, these rules and any other rule made hereunder in respect of the same:

Provided that on the revocation of any licence by the Excise Commissioner all such goods warehoused therein shall be removed as the Excise Commissioner directs and no abatement of duty or allowance shall be made in respect of any such goods for deficiency of quantity, strength or quality after due notice of such revocation has been given to the licensee:

Provided further that in the event of death, insolvency or insufficiency of the surety, the Excise Commissioner may, in his discretion, demand a fresh bond; and may, if the bond is with security, demand at any time he considers it fit to do so, additional security.

#### Comment

It is well settled rule of interpretation that where two provisions operate on one field, both have to be allowed to have their play; unless such operation would result in patent inconsistency or absurdity.<sup>1</sup>

72. Receipt of goods at warehouse.—All goods brought for warehousing shall be produced to the officer-in-charge of the warehouse, if any, or the proper officer, together with the relative transport and shall be weighed, gauged and proved, wherever necessary, in his presence and assessed to duty prior to entry into the warehouse and the quantity and description of the goods, the marks and numbers of the packages, the number and date of the permit and the amount of duty leviable thereon shall be noted in the warehouse register in Form R. G-5. All goods received into the warehouse shall be kept separate from other goods until the receipt account has been taken by the officer-in-charge or the proper officer, as the case may be.

73. Owner's power to deal with warehoused goods.—With the sanction of the officer-in-charge or the proper officer, as the case may be, and in accordance with such instructions as the Excise Commissioner may, from time to time, issue in writing in this behalf, any owner of goods lodged in a warehouse may sort, separate, pack and re-pack the goods and make such alterations therein as may be necessary for the preservation, sale or disposal thereof. After the goods have been so separated and repacked in such manner as may be ordered by the Excise Commissioner, the officer-in-charge or the proper officer, as the case may be, may, at the owner's request, cause or permit any damaged goods remaining after such repacking to be destroyed subject to such limitations as the Excise Commissioner may, from time to time, impose and may remit the duty assessed thereon.

74. Goods not to be taken out of warehouse except as provided by these rules.—No goods shall be removed from any warehouse except on payment of duty or for removal to any other warehouse or for export and on presentation of a written application prescribed in rule 81 or rule 98, as the case may be.

1. Director-General, Council of Scientific and Industrial Research v. Dr. K. Narayanaswami, A.I.R. 1995 S.C. 2318 at p. 2320; Dr. B. Sudhakar v. Union of India, A.I.R. 1995 A.P. 86 at p. 95; Dileep v. State of Kerala, 2000 (84) F.L.R. 110 at p. 113 (Ker.).



**Comment**

Goods can be removed from any warehouse on payment of duty or for export on written application as prescribed in rule 81.

**75. Periods for which goods may remain in warehouse under bond.**—Any goods warehoused may be left in the warehouse in which they are deposited for a period of three years or such extended period as the Excise Commissioner in each case allow. The owner of any such goods remaining in the warehouse shall, before the expiry of the period mentioned above, clear the same for consumption in the State after payment of duty or for removal in bond to another bonded warehouse or for exportation.

**Comment**

The rule fixes the period of three years in normal case for which goods may remain in warehouse.

**76. Mode for calculating quantity of goods warehoused.**—The quantity of goods contained in any package warehoused may be calculated by weight, measure, gauge, proof strength, or in such other manner as the Excise Commissioner may direct.

**77. Power to remit duty on warehoused goods lost or destroyed.**—If any goods lodged in a warehouse are lost or destroyed by unavoidable accident, the Excise Commissioner may remit the duty thereon:

Provided that if any goods are so lost or destroyed, notice thereof shall be given to the officer-in-charge of the warehouse or the proper officer immediately on discovery of such loss or destruction.

**78. Responsibility of the licensee of the warehouse.**—The licensee of the warehouse in respect of goods lodged therein, shall be responsible for their due reception therein and delivery therefrom and for their safe custody while deposited therein, according to the quantity or weight reported by the officer who has assessed the goods.

**79. Offences with respect to warehousing.**—If the owner by goods warehoused, by himself or by any person in his employ, or by any other person with his connivance commits any of the following offences, namely:

- (a) opens any of the locks or doors of the warehouse, which is required by these rules, or by any general or special order of the Excise Commissioner, to be locked or makes or obtains access into such a warehouse except in the presence of an officer acting in his duty as such; or
- (b) after the approval of a warehouse, makes any alteration therein or addition thereto without the previous consent of the Excise Commissioner; or
- (c) warehouses goods in, or removes goods from, a warehouse otherwise than as provided by these rules; or
- (d) privately removes or conceals any goods either before or after they are warehoused;

he shall be liable to a penalty which may extend to two thousand rupees, and all goods warehoused, removed, or concealed in contravention of this rule shall be liable to confiscation.

**Comment**

**Penal provisions—Rule of interpretation.**—In any case, when criminal or quasi criminal liability is sought to be imputed on the basis of provisions of law which



are capable of two reasonable interpretations, the one favourable to the accused must prevail.

**80. Monthly returns.**—Within seven days after the close of each month, every licensee shall submit to the Excise Commissioner a monthly return showing the quantity of dutiable goods received, the quantity transferred to another warehouse under bond, the quantity removed on payment of duty and such other particulars as the State Government may by general or special order require.

**81. Clearance on payment of duty.**—When the licensee desires to remove goods on payment of duty, he shall make an application in Form A.R.-2, in triplicate, to the officer-in-charge or the proper officer, as the case may be, at least twelve hours before he is intended to remove the goods. The officer shall, thereupon, assess the amount of duty leviable on the goods and on production of evidence that the sum has been paid into a treasury or the sum has been debited to the account-current, as the case may be, shall allow the goods to be cleared.

## CHAPTER VI

### Licensing

**82. Procedure for obtaining licence.**—(1) Every person desiring to engage in operations requiring the possession of a licence shall apply in writing every year for a licence or for renewal thereof to the licensing authority who shall be—

- (i) the Excise Commissioner in the case of a bonded manufactory or warehouse;
- (ii) in other cases such officer as the State Government may authorize in this behalf.

(2) If any person desires to have more than one kind of licence he shall submit a separate application for every such licence.

(3) Where the applicant has more than one place of business he shall obtain a separate licence in respect of each such place of business.

### Comment

Separate application is required for more than one kind of licence.

**83. Form of application.**—(1) Every application for a licence under these rules shall be in such one of the proper forms of application as may be appropriate to the case, shall clearly describe the premises, if any, in which the applicant intends to conduct his business, and shall be submitted so as to reach the licensing authority at least two months before the proposed date of commencement of the working of the licence. In case of renewal such application shall be submitted at least one month before the commencement of the year for which it is required.

(2) Every such application for grant or renewal of licence shall, where a fee is prescribed in the sub-joined table, be accompanied by a treasury *challan* showing payment of such fee:

Provided that where an application for the renewal of licence is not made within the period prescribed by sub-rule (1), it shall be accompanied by an additional fee, payable in the same manner, equivalent to twenty-five per cent such fee or rupee one, whichever is higher.

1. Delhi Development Authority v. H.S. Kalra, 1981 Cr.L.J. 666 at p. 667 (Delhi).



TABLE

SL.NO.	PURPOSE FOR WHICH LICENCE IS REQUIRED	LICENCE FEE PAYABLE PER ANNUM
1	2	3
1.	Manufacture under bond for payment of duty—	
	(a) Allopathic medicinal preparations and toilet preparations containing alcohol—	
	(i) where, in the alcohol consumed, the pure alcohol content is less than 2250 litres per annum	200
	(ii) where, in the alcohol consumed, the pure alcohol content is more than 2250 litres per annum	400
	(b) Medicinal preparations and toilet preparations not containing alcohol, but containing opium, Indian hemp, or other narcotic drug or narcotic	20
	(c) Homoeopathic preparations containing alcohol—	
	(i) where, in the alcohol consumed, the pure alcohol content is less than 2250 litres per annum	200
	(ii) where, in the alcohol consumed, the pure alcohol content is more than 2250 litres per annum	400
	(d) Medicinal preparations in Ayurvedic, Unani or other Indigenous systems of medicines containing alcohol and which are prepared by distillation or to which alcohol has been added	50
2.	Manufacture outside bond—	
	(a) Allopathic medicinal preparations and toilet preparations containing alcohol—	
	(i) where, in the alcohol consumed, the pure alcohol is 70 litres or less per annum	20
	(ii) where, in the alcohol consumed, the pure alcohol is more than 70 litres but less than 280 litres per annum	50
	(iii) where, in the alcohol consumed, the pure alcohol is 280 litres or more per annum	400
	(b) Medicinal preparations and toilet preparations not containing alcohol but containing opium, Indian hemp or other narcotic drug or narcotic	20
	(c) Homoeopathic preparations containing alcohol—	
	(i) where, in the alcohol consumed, the pure alcohol is 70 litres or less per annum	20
	(ii) where, in the alcohol consumed, the	

1. Subs. by G.S.R. 1030, dated 7th November 1986 [w.e.f. 29th November, 1986].



	1	2	3
FEE		pure alcohol is more than 70 litres but less than 280 litres per annum	50
2		(iii) where, in the alcohol consumed, the pure alcohol is 280 litres or more per annum	400
UM		(d) Medicinal preparations in Ayurvedic, Unani or other indigenous systems of medicines containing alcohol and which are prepared by distillation or to which alcohol has been added	50
200		3. Manufacture of medicinal preparations containing self-generated alcohol in Ayurvedic or Unani or other in- digenous systems of medicines by Ayurvedic or Unani prac- titioners for dispensing for the use of their patients and not for sale to general public	2
400		4. Bonded warehouse	50
20		5. Manufacture of medicinal preparations containing alcohol by hospitals, dispensaries and other charitable in- stitutions which are eligible from exemption from duty under rule 7 and which are specifically authorised in this behalf by the State Government or by the Administration in the case of a Union Territory.	NIL.]
200		84. Grant of a licence.—(1) On receipt of the application, the licensing authority may make such inquiries for verification of the details stated in the application and also such other inquiries as it deems necessary. If the authority is satisfied that the conditions for the grant of the licence applied for have been complied with, it shall grant the applicant an appropriate licence.	
400		(2) In fixing the quantity of alcohol while issuing the license under sub-rule (1) to any manufacturer, licensing authority shall satisfy itself about the requirements of alcohol of that manufacturer and if that authority is of the opinion, that the quantity of alcohol asked for is not in conformity with the <i>bona fide</i> needs of the manufacturer, it shall either reduce or refix the quantity of alcohol as it may deem fit.	
50		Comment	
20		Scope.—For understanding the import of Sec. 6 the provisions in Sec. 19 are not only accessible but provide material which must be considered in determining the scope of Sec. 6. The nature of the restrictions that can be imposed are clearly spelt out in the two clauses of sub-section (2) of Sec. 19. They clearly show that these restrictions relate (a) to the place where the manufacturing process may be carried on and (b) restrictions for ensuring the proper levy and collection of duty imposed by the Act. In the light of the above, it is not possible to understand Sec. 6 as enabling something more being done by way of control. The same reasoning must apply in interpreting the scope of rule 84 and the contents of the form of licence Form AL-1.	
50		85. Form of licence—Limitations.—(1) Every licence granted or renewed under these rules shall be in such one of the proper forms of licence as may be appropriate, shall have reference only to the premises, if any, described in the licence, and shall be for a period not exceeding one year but in no case shall such period extend beyond 31st March next following the date of commencement of the licence.	
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1. Enoch Pharma v. State of Kerala, A.I.R. 1965 Ker. 280 at p. 283.



(2) Every licence shall be deemed to have been granted or renewed personally to the licensee and no licence shall be sold or transferred.

(3) Where a licensee sells or transfers his business to another person, the purchaser or the transferee shall obtain a fresh licence under these rules but it shall be granted free of fee for the residue of the period covered by the original licence.

(4) If the holder of a licence wishes to enter into partnership in regard to the business covered by the licence he shall do so after obtaining the previous sanction of the licensing authority and his licence shall thereafter be suitably amended. Where a partnership is entered into, the partner as well as the original holder of the licence shall be bound by the conditions of that licence.

(5) If a partnership is dissolved, every person who was a partner immediately before such dissolution shall send a report of the dissolution to the licensing authority within ten days thereof.

(6) If during the currency of a licence the licensee desires to transfer his business to new premises he shall intimate his intention to the licensing authority at least fifteen days in advance, specifying the address of the new premises, and get his licence suitably amended. The licence shall, thereupon, hold good in respect of the new premises.

#### Comment

The normal period for which the licence is granted is one year but it should not be extended beyond 31st March next following the date of commencement of the licence.

**86. Alteration or substitution of licence.**—The licensing authority may, at any time, call for any licence and may amend or alter it or may tender to the licensee a new licence in accordance with any further conditions which may be prescribed. No correction in the licence shall be valid unless ordered and attested by the licensing authority.

**87. Revocation and suspension of licence.**—(1) Any licence granted under these rules may be revoked or suspended by the licensing authority, if the holder, or any person in his employ, is found to have committed a breach of the conditions thereof or of any of the provisions of the Act or these rules or has been convicted of an offence under Sec. 161, read with Sec. 139 or with Sec. 116 of the Indian Penal Code (45 of 1860):

Provided that such revocation or suspension shall be made until the holder of the licence has been given a reasonable opportunity of showing cause against the action proposed to be taken.

(2) Every such order shall be in writing and shall specify the reasons for the suspension or revocation and shall be communicated to the licensee.

(3) Where a licence is revoked or suspended under this rule the holder of the licence shall not be entitled to claim from the Central or State Government any compensation or refund of licence-fee for such cancellation or suspension.

#### Comment

**Reasonable opportunity**—Meaning of.—In *Messrs. Falca (P) Ltd. v. S.R. Gibrani Pvt. Ltd.*,<sup>1</sup> Das Gupta, J., of the Supreme Court observed as follows:

1. A.I.R. 1958 S.C. 415 at p. 418.



The requirement that a reasonable opportunity of being heard must be given has two elements. The first is that an opportunity to be heard must be given; the second is that this opportunity be reasonable. Both these matters are justiciable and it is for the Court to decide whether an opportunity has been given and whether that opportunity has been reasonable.

"There can be no invariable standard for reasonableness in such matters except that the Court's conscience must be satisfied, that the person against whom an action is proposed has had a fair chance of convincing the authority who proposes to take action against him that the grounds on which the action is proposed are either non-existent or even if they exist they do not justify the proposed action. The decision of this question will necessarily depend upon the peculiar facts and circumstances of each case, including the nature of the action proposed, the grounds on which the action is proposed, the material on which the allegations are based, the attitude of the party against whom the action is proposed in showing cause against such proposed action, the nature of the plea raised by him in reply, the requests for further opportunity that may be made, his admissions by conduct or otherwise of some or all the allegations and all other matters which help the mind in coming to a fair conclusion of the question."

**88. Refund of licence-fee.**—(1) If the licence applied for is refused, the licence-fee paid, if any, with the application shall be refunded.

(2) If the applicant surrenders his licence at any time either before the commencement of the licence or during the currency of the licence, he shall forfeit any claim for refund of such licence-fee in full or in proportion to the period not availed of.

**89. Licence to be exhibited.**—Every licensee shall exhibit his licence (or a copy thereof, certified by the proper officer) in a conspicuous part of the licensed premises.

**90. Regulation of business of licensee.**—(1) The licensee shall conduct his business under the licence either personally or by an agent authorized in writing by him in this behalf.

(2) The licensed premises and all the goods licensed to be dealt with shall at all times be opened to inspection by the Excise Commissioner and any other officer empowered by him in this behalf subject to the provisions of rule 58.

(3) The licensee shall, when so required by the Excise Commissioner or by an officer empowered by him in this behalf, give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises. He shall answer all questions put to him to the best of his knowledge and belief. He shall also, if so required, allow any officer duly empowered by the Excise Commissioner to take samples of any of the goods he is licensed to deal in for analysis.

(4) The licensee shall provide a visit-book paged and stamped by any officer empowered by the Excise Commissioner in this behalf, in which the visiting officer may record in remarks when inspecting the licensed premises. The licensee shall, on the termination of the period of the licence, deliver the visit-book, the accounts and the licence to such officer as directed by the licensing authority.



(5) The licensee shall preserve invoices, each memoranda, permits and other documents relating to the consignments received and dealt with by him for a period of one year after the year to which they relate.

91. Additional rules specially applicable for applying for a licence to manufacture medicinal and toilet preparations in a bonded/non-bonded manufactory.—In addition to the particulars required in rule 83, a person desiring to obtain a licence to establish a bonded or non-bonded manufactory shall in his application for licence furnish the following particulars:

- (i) the name or names, and the address or addresses of the person or persons applying; if the applicant is a firm, the name and address of every partner of the firm; and if a company, the registered name and address thereof, the names of the Directors, Managers and Managing Agents, and if there is a Managing Director, the name of such Director;
- (ii) the amount of capital proposed to be invested in the venture;
- (iii) the name of the place, and the site on which the building or buildings housing the bonded or non-bonded manufactory is/are situated or to be constructed;
- (iv) the approximate date from which the applicant desires to commence working the manufactory in case the required licence is granted;
- (v) the number and full description of the vats, stills and other permanent apparatus and machinery which the applicant wishes to set up or work.
- <sup>1</sup>(vi) the maximum quantities in London-proof litres of alcohol and alcoholic content in unfinished and finished preparations and the maximum quantities by weight of opium, Indian hemp or other narcotic drugs and their content in unfinished and finished preparations, which are likely to remain in the manufactory at one time;
- (vii) whether the proposed bonded manufactory will require the service of a whole-time or part-time Excise Officer;
- (viii) the kind and number of each licence under the <sup>1</sup>[Drugs and Cosmetics Act, 1940 (23 of 1940)] held by the applicant; and
- <sup>1</sup>(ix) a list of all preparations which the licensee proposes to manufacture in his manufactory showing the percentage or proportion of alcohol in terms of London-proof litres contained in each such preparation containing alcohol, or of opium, Indian hemp or other narcotic drug or a narcotic, in terms of weight in preparations containing those substances, quoting the authority (pharmacopoeia) under which such preparations are proposed to be manufactured.]

#### Comment

The rule requires the particulars relating to the amount of capital proposed to be invested in the venture to be furnished along with the application for the grant of licence.

92. Plan of the manufactory to accompany the application.—The applicant shall enclose with the application site and elevation plans of the

<sup>1</sup> Subs. by G.S.R. 941 dated 24th July, 1975.



rooms therein with doors and windows and also similar plans of the quarters in the case of a bonded manufactory, if the licensee is required to provide quarters for the excise staff to be posted to the bonded manufactory:

Provided that the State Government may relax the provisions of this rule in the case of *hakims* and  *vaidyas* who prepare medical preparations for dispensing to their patients only and not for sale.

93. In case of a firm certain particulars to accompany the application.—In the case of a firm of a true copy of the partnership deed and if a company, a list of the Directors and Managers, as certified by the Registrar of Joint Stock Companies, together with copies of Memorandum of Association, Articles of Association and the latest balance-sheet shall be submitted with the application.

94. The applicant to be in possession of the requisite licence under the Drugs and Cosmetics Act, 1940.—No licence for the manufacture of medicinal and toilet preparations or renewal of such licence shall be granted to an applicant unless he holds the requisite licence under that Act for the manufacture of the said medicinal preparations.

#### Comment

The licence for the manufacture of medicinal and toilet preparations shall be granted only to the person who already holds a licence under the Drugs and Cosmetics Act, 1940.

95. Disposal of application for licence to manufacture medicinal and toilet preparations in a bonded/non-bonded manufactory by the licensing authority.—(1) On receipt of an application, licensing authority shall cause such enquiries to be made as it may deem necessary including enquiries into the following:

- (i) the qualifications and previous experience of technical personnel engaged in the manufacturing operation;
- (ii) the equipment of the bonded and non-bonded manufactory;
- (iii) soundness of the applicant's financial position; and
- (iv) suitability of the proposed building for the establishment of manufactory.

(2) If the licensing authority is satisfied that the applicant is a fit party whom a licence for the manufacture of medicinal and toilet preparations in a bonded or non-bonded manufactory may be granted, it shall issue a licence, approve the plans submitted. If they are in order, and direct the applicant to contract or establish, as the case may be, and equip the manufactory as per approved plans. The applicant shall modify the plans in such manner as the licensing authority may direct at any time before or after the approval of the plans. After the completion of construction and equipment of the manufactory the licensing authority shall cause a verification of the plans; the applicant then shall submit blue prints of the plans, in triplicate, for approval of the licensing authority. One copy of the same shall be retained in the office of the licensing authority, one shall be sent to the officer-in-charge or the local Excise Officer as the case may be, for record in his office and one shall be with the licensee.

96. Security.—Before granting the licence the licensing authority shall in cases where security is required to be furnished by or under these Rules, fix the amount of such security.



This security shall be furnished either in cash or in interest-bearing securities viz. Government Promissory Notes, National Savings Certificate, Post Office Savings Bank Pass-Books or Post Office Cash Certificate or in Fixed Deposit Receipts of the State Bank of India, or any other Bank duly approved by the State Government. This security is liable to be increased or decreased by the licensing authority at any time, should it consider, for any reason, that the amount so fixed is inadequate, excessive or unsuitable.

#### Comment

The security may be furnished in interest bearing securities, viz. Government Promissory Notes, National Savings Certificate, etc.

#### CHAPTER VII

##### Export under claim for Rebate of Duty or under Bond

97. **Method of export.**—Duty-paid goods shall be exported under claim for rebate of duty. Goods under bond for payment of duty shall be sent to the place of export under bond for their due export.

98. **Application to be submitted.**—The exporter shall present to the officer-in-charge or the proper officer, as the case may be, an application in triplicate in Form A.R.-3 if the goods are to be exported by land and in Form A. R.-4 if the goods are to be exported by sea or air or by parcel post. The officer-in-charge or the proper officer shall send the original to the customs officer or the border examiner or the postmaster, as the case may be, at the place of export, deliver the duplicate to the consignor and retain the triplicate as office copy. A separate application shall be submitted in respect of each consignment.

99. **Examination of goods prior to despatch.**—(1) *Goods under bond.*—When goods from a bonded manufactory or warehouse are to be exported, the cases or packages, in which such goods are packed, shall be legibly marked in ink or oil colour (or in such other durable manner as the Excise Commissioner may in any particular case allow), with a progressive number commencing with No. 1 for each year, with the owner's name and special mark, if any, the total quantity of dutiable goods with their alcoholic contents in London-proof litres.

(2) *Duty paid goods.*—The owner of a non-bonded manufactory or a wholesale dealer, who wants to export duty paid goods shall give 48 hours' notice to the proper officer, for supervising packing of the goods to be exported. The manufacturer or wholesale dealer shall present the entire consignment to be exported to the proper officer. The said officer shall take samples from each kind of dutiable goods to be exported and shall allow the despatch of the goods subject to fulfilling further conditions laid down in sub-rule (3). Thereafter he shall send the samples to the Chemical Examiner for analysis. On receipt of the analysis report of the Chemical Examiner, the proper officer shall enter the alcoholic content in London-proof litres of the goods packed as ascertained by analysis in the duplicate copy of the application which the owner shall present to him before its presentation to the Excise Commissioner for claiming rebate of excise duty as laid down in rule 103:

Provided that the process of determining alcoholic content by chemical analysis shall be dispensed with in the case of goods sent out from a bonded manufactory or warehouse if the owner of such goods chooses to pay the



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duty on goods to be exported in lieu of entering into a bond for due transport of goods to the place of report and in which case the procedure laid down in sub-rule (1) shall apply.

(3) After verifying the particulars entered in the application, and, in the case of duty-paid goods, after satisfying himself that the goods are identifiable as the goods, in respect of which the payment of duty cited in the application was made, the officer-in-charge or the proper officer, as the case may be, shall get the following particulars noted in the body of each package:

- (a) name and address of the consignee.
- (b) description of the goods.
- (c) total quantity of the goods packed.
- (d) alcoholic content of the goods in London-proof litres as declared by the manufacturer.
- (e) gross weight of the package.

and shall then sell each package with his official seal in such a manner that the package cannot be tampered with without breaking the seal. The said officer shall endorse all copies of the application, shall specify the period within which the goods shall be actually exported and return the duplicate to the consignor, who, after despatching the goods shall enter the number and date of the railway receipt or bill of lading in the duplicate copy and shall communicate these particulars to the proper officer for entry in the other copies.

100. Examination at the place of export.—On arrival at the place of export by post have been sealed, the exporter shall present the duplicate application, together with the packet or packets to which it refers, to the postmaster at the office of booking.

#### Comment

The rule requires the exporter to present the duplicate application with the packet to the postmaster at office of booking.

101. Examination at the place of export.—On arrival at the place of export, the goods shall be presented, together with the duplicate application, to the Customs Collector, Border Examiner, or any officer, of customs or land customs duly appointed for the purpose. The consignment shall be carefully examined and check-weighed and if the seals are intact and the case or the packages correspond with the description given in the application, and the particulars stated in the duplicate application and the original received from the officer at the place of despatch agree in all respects, the Customs Collector, Border Examiner, or any such officer of customs shall allow export and shall then certify on the duplicate application that the goods have been duly exported (citing in the case of exports by sea or air, the shipping bill number and date and other particulars of export) and return it to the exporter.

102. Further procedure in respect of goods exported by parcel post.—Where the goods are exported by post, the postmaster of the post office of final despatch from India shall certify on the duplicate application that the goods covered by the application have been duly exported out of India and shall return it, through the postmaster at the post office of booking, to the exporter. The original application shall be returned to the officer-in-charge of the proper officer with the certificate of export.



103. **Presentation of claim for rebate.**—In order to obtain payment of the rebate, the exporter shall produce to the Excise Commissioner from whose jurisdiction the goods were despatched, the duplicate application bearing the certificate of the officer, who examined the goods at the port or post office of export or the frontier, as the case may be. If the Excise Commissioner is satisfied from comparison of the duplicate application with the original received from such certifying officer, that the claim is in order, he shall sanction the rebate:

Provided such claims for rebate of duty shall be made within one month from the date of issue of the certificate of the officer who examined the goods at the port or post office of export or the frontier, as the case may be:

Provided further that the Excise Commissioner may in his discretion extend the period within such claims for rebate shall be made.

#### Comment

The time for making claims for rebate of duty may be extended beyond one month from the date of issue of the certificate by the Commissioner.

### CHAPTER VIII

#### Inter-State Movement of Medicinal and Toilet Preparations containing Alcohol, Opium, Indian Hemp and other Narcotic Drugs and Narcotics

104. **Mode of Inter-State movement.**—Dutiable goods manufactured under bond or stored in a bonded warehouse in any State, unless exempted from payment of duty under rules 7 and 8, may be removed from such State to any other State:

- (i) after payment of duty in the first mentioned State in the manner laid down in rule 40 or rule 81, as the case may be, or
- (ii) in bond, in the manner hereinafter prescribed for movement from one bonded warehouse to another.

#### Movement from one Bonded Warehouse to another Bonded Warehouse

105. **Bond for due arrival and re-warehousing.**—(1) When warehoused goods are to be removed from one warehouse to another, the consignor or the consignee of the goods shall, before the goods are removed, enter into a bond in Form B-4 with such surety or sufficient security as the Excise Commissioner may prescribe, for a sum equal, at least, to double the duty chargeable on such goods for the due arrival and re-warehousing thereof at the warehouse of destination within such time as the officer-in-charge of the warehouse of removal directs. Such bond shall be furnished to the officer-in-charge of the warehouse of removal, or of the warehouse of destination according as the bond is executed by the consignor or the consignee.

(2) Such bond shall not be discharged until, such goods are produced to the officer at the warehouse of destination and are duly re-warehoused or are otherwise accounted for to the satisfaction of the State Excise Officer having jurisdiction over the executor of the bond, nor until the full duty due upon any deficiency on such goods not so accounted for has been paid.

(3) For purposes of such a discharge, if the bond has been furnished by the consignor, an essential condition shall be the prior receipt by the



officer-in-charge of the warehouse of removal, of the duplicate application from the officer-in-charge of the warehouse of destination with his re-warehousing certificate recorded therein as hereinafter provided.

**106. Remover may enter into a general bond.**—The Excise Commissioner may permit any person, to remove warehoused goods from one warehouse to another, by entering into a general bond in Form B-4, with such surety or sufficient security in such amount and under such condition, as the Excise Commissioner approves for the removal, from time to time, of any goods from one warehouse to another and for the due arrival and re-warehousing thereof at the warehouse of destination within such time as the officer-in-charge of the warehouse of removal directs:

Provided that in the event of death, insolvency or insufficiency of the surety, or where the amount of bond is inadequate the Excise Commissioner may, in his discretion, demand a fresh bond and may, if the bond is with security, demand at any time he considers fit to do so, additional security.

#### Comment

The Excise Commissioner is empowered to demand a fresh bond in the event of death, insolvency or insufficiency of the surety.

**107. Procedure in respect of goods removed from one warehouse to another.**—(1) The application for removal of goods from one warehouse to another in triplicate shall be presented by the consignor to the officer-in-charge of the warehouse removal at least 24 hours before the intended removal together with such other information as the Excise Commissioner may, by general or special rules or order, require.

(2) Such officer shall then take account of the goods, and after completing the removal certificate on all the copies of the application, shall send the duplicate to the officer-in-charge of the warehouse of destination, and hand over the triplicate to the consignor for despatch to the consignee. He shall also over-deliver to the consignor a transport permit.

(3) On arrival of the goods at the warehouse of destination, the consignee shall present them together with the triplicate application and the transport permit to the officer-in-charge of such warehouse, who shall, after taking account of the goods, complete the re-warehousing certificate on the duplicate and the triplicate application and return the duplicate to the officer-in-charge of the warehouse of removal, and the triplicate to the consignee for despatch to the consignor.

(4) The consignor shall present the triplicate application duly endorsed with such certificate to the officer-in-charge of the warehouse of removal within ninety days of the date of issue of the transport permit.

**108. Failure to present triplicate application.**—(1) If the consignor fails to present the triplicate application to the officer-in-charge of the warehouse of removal in the manner laid down above, and the duplicate application endorsed with the re-warehousing certificate has also not been received by such officer, from the officer-in-charge of the warehouse of destination, the consignor shall, upon a written demand being made by the former officer, pay the duty leviable on such goods within ten days of the notice of demand and if the duty is not so paid, he shall not be permitted to make fresh removals of any warehoused goods from one warehouse to another until the duty is paid or until the triplicate application is so presented or the duplicate application is so received.



(2) Where such duty has been paid, it shall be refunded to the consignor, either on his presentation of his triplicate application to, or on the receipt of the duplicate application by the officer at the warehouse of removal, duly endorsed as provided above, with a certificate by the officer-in-charge of the warehouse of destination that the goods covered by the application have been satisfactorily re-warehoused.

**109. Procedure on failure to pay duty.**—(1) If the owner fails to pay any sum demanded under any of the preceding rules, the officer authorized in this behalf by the State Government may forthwith either proceed upon the bond executed by the owner of such goods, or cause such portion as he thinks fit of such goods (if any) in the warehouse, on account of which the money is due, to be detained with a view to recovering the demand; and if the demand is not discharged within ten days from the date of such detention, due notice thereof being given to the owner, the goods so detained may be sold by public auction duly advertised in the Official Gazette, or in such other manner as the Excise Commissioner may, in any particular case direct.

(2) The net proceeds of the sales of any goods so detained shall be adjusted against the amount due under the bond and the effect of such adjustment shall be recorded and if there is any surplus remaining after such adjustment, the surplus shall be paid to the owner of the goods:

Provided that application for the payment of such surplus is made within six months from the date of sale unless the period is extended by the Excise Commissioner on sufficient cause being shown.

#### Comment

The officer authorized by the State Government is empowered to sell the goods detained, if the demand for payment of duty is not discharged within ten days from the detention of such goods.

### CHAPTER IX

#### Entry, Search, Seizure and Investigation

**110. Authorized officers to have free access to premises, equipment, stocks and accounts of dealers in dutiable goods.**—Any officer authorized in writing by the Excise Commissioner in this behalf, shall have free access at all reasonable times to any premises licensed under these rules and to any place where dutiable goods are manufactured, stored or kept for sale, and may, with or without notice to the owner, inspect the building, the plant, the machinery, the stocks and the accounts, and may at any time check the records made of the goods stocked in, or removed from the manufactory, warehouse or place of their transfer within a manufactory to that part of the premises, if any, in which they are to be used for the manufacture of any other commodity, whether for the purpose of testing the accuracy of any return submitted under these rules, or of informing himself as to any particulars regarding which information is required for the purpose of the Act or these rules.

**111. Penalty for obstruction or for giving false or misleading information.**—If any person by himself or by any person in his employ,—

- (i) voluntarily obstructs or offers any resistance to or impedes, or otherwise interferes with; or



- (ii) wilfully gives false or misleading information to the officer duly appointed under rule 110, who is acting in accordance with his duty thereunder;

such person shall be liable to a penalty which may extend to five hundred rupees.

Comment

The penalty up to five hundred rupees is impossible for the act of wilfully giving false or misleading information to the officer duly appointed under rule 110.

112. Power to detain person and examine goods.—Any Excise Officer duly empowered by the State Government may stop and detain any person found carrying or removing any dutiable goods for the transport of which a permit or other transport document is required by these rules, and may examine the goods and may require the production of a permit or other document authorizing the removal thereof. If a permit or other prescribed document is produced agreeing with the goods in all respects, the officer may endorse thereon the time and place of his examination thereof.

113. Power to stop, enter and search.—Any Excise Officer not below the rank of a sub-inspector of excise may stop and search any vessel, car or other means of conveyance for dutiable goods, and enter and search at any time by day or by night any land, building, any enclosed place, premises, vessel, conveyance or other place upon or in which he has reason to believe that dutiable goods are stored, manufactured or carried or in contravention of the provisions of the Act or these rules, and in case of resistance break open any door and remove any other obstacle to his entry, open and search into such land, building and closed places, premises, vessel, conveyance or other place.

Comment

The rule empowers the Excise Officer not below the rank of a sub-inspector of excise to break open any door and remove obstacle to his entry so as to make search into land or building in the case of resistance.

114. Seizure.—Any Excise Officer not below the rank of a sub-inspector of excise may seize and remove or detain any goods in respect of which, it appears to him, the duty should have been, but has not been, levied or that contravention of the provisions of the Act or these rules has occurred. He may also seize and remove or detain any receptacle, packages or coverings, in which such goods or articles are contained, and animals, vehicles, vessels or other conveyances used in carrying such goods or articles and any implements and machinery used in the manufacture of such goods.

115. Power to require access to place, vessel or conveyance for inspection or examination of goods.—Any officer not below the rank of a sub-inspector of excise may require any person who has the immediate possession, control or use of any land, building, enclosed place, premises, vessel, conveyance or other place which he desires to search under these rules, or of any dutiable goods, stored manufactured or carried thereupon or therein, to open or allow access to inspect or examine such place or conveyance or to open, unload, unpack or allow the inspection or examination of such articles.

116. Police to take charge of articles seized.—All officers-in charge of police stations shall take charge of and keep in safe custody, pending the orders of the Magistrate or of the adjudicating Excise Officer, all things seized under the Act or these rules which may be delivered to them, and



shall allow any officer who may accompany such goods to the police or who may be deputed for the purpose by his superior officer, to affix his seal to such things or to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer-in-charge of the police station.

**117. Summons and notices: Manner of service.**—(1) Any Excise Officer not below the rank of a sub-inspector of excise may summon any person whose attendance he considers necessary either to give evidence or to produce documents or any other things, in any enquiry which such officer is making for any of the purposes of the Act or the rules.

(2) Every summon or notice issued under the Act or the rules shall be in writing in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and shall also bear his official seal, if he has any; and shall be served by tendering a copy of it to the person summoned, or if he cannot be found, by affixing a copy of it to some conspicuous part of the house in which he is known to have last resided, or carried on business or personally worked for gain.

**118. Service of notice: Notice not void for error.**—No notice shall be deemed void on account of an error in the name or designation of any person referred to therein, unless such error has produced a material misconception of the intended intimation.

#### Comment

Notice may be deemed void if there is an error which has produced a material misconception of the intended intimation.

**119. Disposal of things seized.**—(1) The owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and if he fails to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale.

(2) When anything is seized an order for its release is subsequently passed and owner does not, within a period of one month, appear to claim such thing and tender the duties, penalties and charge (if any) due in respect thereof, it may be sold by public auction; and such duties, penalties, and charges will be defrayed from the proceeds of the sale.

(3) Surplus proceeds of a sale under these rules shall, if not claimed by the owner of the things seized within a period of three months from the date of such sale be forfeited, to the collecting Government.

**120. Prosecution.**—No prosecutions under the Act shall be instituted except by an Excise Officer not below the rank of a sub-inspector of excise.

#### Comment

Only the sub-inspector or officer above his rank can institute the prosecution under the Act.

**121. Arrests.**—Any Excise Officer not below the rank of a sub-inspector of excise may arrest any person whom he has reason to believe to be liable to punishment under the Act or any person who, on demand by him refuse to give his name and residence, or who gives his name and address which such officer has reason to believe to be false.

#### Comment

Only the sub-inspector or officer above his rank can make arrest under the Act.



122. Provisions of arrests and seizures to be in conformity with the Act.—  
All arrests and seizures made under these rules shall be in conformity with the provisions of the Act and the rules.

# CHAPTER X

## Penalties, Confiscations and Appeals

123. Power of adjudication of confiscation and penalty.—(1) Where by these rules anything is liable to confiscation or any person is liable to penalty such confiscation or penalty shall be adjudged by the Excise Commissioner.

(2) The State Government may confer on any Excise Officer the power to adjudge confiscation or penalty and may prescribe the limit within which such power may be exercised.

124. General penalty.—A breach of these rules shall, where no other penalty is provided herein, be punishable with a penalty which may extend to one thousand rupees and with confiscation of the goods in respect of which such breach is committed.

### Comment

The rule provides for general punishment for breach of the rules not provided with the punishment. The punishment in such case may consist of the penalty up to one thousand rupees and confiscation of the goods.

125. Composition of offences.—The Excise Commissioner, or any Excise Officer specially empowered by him in this behalf, may accept from any person whose property is liable to confiscation under this Act or these rules or who is reasonably suspected of having committed an offence under the Act a sum of money not exceeding two thousand rupees in lieu of confiscation of goods or of punishment for breach of any provisions of the Act or of the rules.

### Comment

The Excise Commissioner is empowered to combine the offence which makes the property liable to confiscation, by accepting a sum of money not exceeding two thousand rupees in lieu of confiscation.

126. Confiscation.—(1) When any goods or articles are liable to confiscation for breach of any of the provisions of the Act or these rules, any alcohol, drugs or materials by means of which the breach has been committed and of any receptacle, packages or coverings in which such goods or articles are contained and the animals, vehicles, vessels or other conveyances used in carrying such goods or articles and any implements or machinery used in the manufacture of such goods shall be liable to confiscation.

(2) When anything is confiscated under these rules, such thing shall thereupon vest in the collecting Government.

(3) The officer adjudging confiscation shall take and hold possession of the things confiscated, and every officer of police, on the requisition of such officer, shall assist him in taking and holding such possession.

127. Appeals.—(i) An appeal against an order of an officer other than an Excise Commissioner made in exercise of the powers conferred on him by the Act or these rules shall lie to the Excise Commissioner of the State concerned:



Provided that an appeal against an order passed by the Excise Commissioner shall lie to the State Government:

Provided further that if, between the date of the order or decision appealed against and the date of the hearing of the appeal, the officer who passed the order or decision is promoted to be the officer to hear such appeal, such appeal shall be heard by an officer superior in rank to such officer.

(ii) Every appeal under this rule should be filed within three months of the date of the decision or order appealed against an order passed in appeal under this rule shall, subject to the power of revision conferred by rule 129, be final.

#### Comment

The period of limitation for preferring an appeal is three months from the date of order or decision appealed against.

**128. Revision petitions.**—(1) The Central Government may, on the application of any person aggrieved by any decision or order passed under the Act or these rules, and from which no appeal lies, reverse or modify such decision or order.

(2) Every application under sub-rule (1) shall be filed within six months of the date of the decision or order appealed against.

**129. Appeal and application for revision to be accompanied by copy of decision or order appealed against.**—Every appeal or application for revision shall be accompanied by a copy of the decision or order by which the appellant, or applicant as the case may be, is aggrieved.

#### CHAPTER XI

##### Miscellaneous

**130. Excise Commissioner may require a fresh declaration.**—If the Excise Commissioner at any time requires a new declaration to be made in any case, he shall cause a written notice, addressed to the person who signed the existing declaration, to be delivered at the declared premises, and at the expiration of fourteen days from the delivery of the notice the existing declaration shall, without prejudice to any liability incurred, be void and the licence granted to the owner in respect of the premises shall be suspended.

**131. Stocks of dutiable goods to be stored in an orderly manner.**—(i) All dutiable goods stored in the premises of a person licensed under Chapter VI of these rules or in a private warehouse, whether without or after payment of duty, shall be stacked in an orderly manner, so as to permit of actual counting and, if the Excise Commissioner so requires, packages containing goods of the same kind and with the same quality in each shall be kept together in separate lots and the goods shall be arranged in separate rows each row containing, the same number of packages of uniform size of volume or strength. The Excise Commissioner may also require the licensed person or keeper of the warehouse, to maintain stock cards in respect of the separate lots and to leave an accessible passage free of packages in the middle of the warehouse or other place of storage and a similar passage along the walls of such warehouse or other place of storage at right angles to the aforesaid passage, so as to facilitate counting, and may require that each separate lot or consignment shall be clearly marked with the number



and date of the document under which the goods were admitted to the place of storage, the number of the relevant record in stock card, account or warehouse register and such other identifying particulars as he may direct.

(ii) Breach of this shall be punishable with a penalty which may extend to one thousand rupees.

**132. Account of stock of goods in a manufactory or warehouse to be taken and balance to be struck.**—As often as the Excise Commissioner may deem it necessary or proper, and at least once in every year, the stock of dutiable goods remaining in a manufactory or warehouse or store-room licensed or approved for the storage of such goods shall be counted, weighed, measured, proved, gauged or otherwise ascertained in the presence of the proper officer or the officer-in-charge, as the case may be, and if the quantity so ascertained is less than the quantity which ought to be found in such premises, (after taking into account receipts and deliveries, and making such allowance for wastage by evaporation or other natural causes, as the proper officer or the officer-in-charge, as the case may be, may consider reasonable and as may be in accordance with any order issued by the State Government) the owner of such goods shall, unless the deficiency be accounted for to the satisfaction of such officer, be liable to pay the duty leviable on such deficiency; and shall also be liable to a penalty which may extend to ten times the duty chargeable on such goods as are found deficient or a sum of Rs. 2,000 whichever is less.

**133. Restriction of removal of goods.**—Dutiable goods shall not be delivered from a bonded manufactory or a bonded warehouse licensed under these rules before six o'clock in the forenoon or after six o'clock in the afternoon, nor at any hour on Sundays and closed holidays, except with the permission of the Excise Commissioner and under such conditions, as the Commissioner may, by general or special order, direct.

**134. Licensees' liability for removal of goods by any person.**—If any dutiable goods are, in contravention of any condition prescribed in these rules, removed by any person from the place where they are manufactured or warehoused, the manufacturer or the licensee or keeper of the warehouse shall be held responsible for such removal, and shall be liable to be dealt with according to the provisions of the Act or the rules as if he had removed the goods himself.

**135. How registers and stock accounts to be maintained.**—(1) Where any person is required by these rules to maintain any register or a stock account in respect of goods manufactured or stored by him, he shall—

- (i) at the time of making any entry, insert the date when the entry is made;
- (ii) correctly keep such account or register in the manner required and shall not cancel, obliterate, or alter any entry therein, except for correction of any errors, with the sanction and in the presence of the proper officer or the officer-in-charge, as the case may be, and shall not make any entry therein which is untrue in any particulars;
- (iii) keep the account or Register at all times ready for the inspection of the Excise Officers, and shall permit any such officer to inspect it and make any such minute therein or any extract therefrom, as the officer thinks fit, and shall, at any time, if demanded, send that minute or extract to that officer.



(2) Any person who fails to enter the required particulars within the time prescribed in the relevant rules, or who fails to keep such account or Register, as the case may be, or to deliver it up to the Excise Officer on demand or who obstructs or hinders such officer in making any minute therein or extract therefrom, or conveys away or conceals it, or destroys or tears out any leaf therefrom, or makes any false entry therein or fraudulently alters any entry therein, shall be liable to a penalty which may extend to two thousand rupees and all the goods of which due entry has not been made in such account or register shall be liable to confiscation.

**136. Provision and maintenance of weighing and measuring apparatus.**—(1) Every person licensed to deal in dutiable goods shall render all necessary assistance to Excise Officers in taking account of such goods in his possession, and shall, where so required by the Excise Commissioner by written order, provide sufficient and just scales and weights, or a correct weighing machine, capable of weighing the largest and smallest package of such goods which may be packed on his premises, and, where necessary, a set of standard measures and instruments for the purpose of weighing, measuring, gauging, proving and taking an account of the goods in his warehouse, stock or possession, and of any vessels used for the purpose of containing any such goods.

(2) The weights, measures, and gauging and proving instruments shall be of the denominations as may be specified by the Excise Commissioner by general or special order.

(3) The dealer shall maintain and keep the scales, weights, measures, and gauging and proving instruments in such proper and convenient place in his manufactory, warehouse, or other premises as the proper officer or the officer-in-charge approves, so that they shall be at all times ready for the use of officers.

(4) The dealer shall permit every officer specified in sub-rule (1) to the scales, weights, measures, and gauging and proving instruments for the purpose aforesaid and shall, with his servants and workmen whenever required by such officer, weigh or measure, or assist him in weighing, measuring and gauging, as he requires, and in taking account of any such goods as aforesaid.

(5) For any refusal or neglect on the part of a licensee to comply with any of the provisions of this rule, he shall be liable to a penalty which may extend to one thousand rupees.

**137. Provision and maintenance of locks.**—(1) Where any warehouse, room, place, vessel, or fitting belonging to any person licensed to deal in dutiable goods is by these rules, or by any general or special order of the Excise Commissioner, directed to be secured or locked, the licensee shall, to the satisfaction of the proper officer-in-charge, as the case may be, provide, affix, repair and renew all fastenings requisite for the purpose of enabling officers to affix locks thereto or otherwise to secure them.

(2) If the licensee or warehouse-keeper fails so to do, the proper officer may provide, affix, repair or renew the fastenings, and the expense thereof shall be paid on demand by the licensee or warehouse-keeper, as the case may be.

(3) All requisite excise ticket or keys shall be provided by the collecting Government.



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(4) If any licensee or warehouse-keeper fails on demand to pay the expenses of providing, affixing, repairing or renewing, fastenings, as prescribed in sub-rule (2) or if any licensee or warehouse-keeper, or his servant or workman, wilfully destroys or damages any such fastening, or any lock-label, or improperly obtains access into any warehouse, room, place, vessel or fitting, or has any fastening vessel or fitting so constructed, that the security intended to be obtained by any lock or fastening may be defeated, the licensee or warehouse-keeper shall be liable to a penalty which may extend to two thousand rupees.

137-A. Duplicates of documents may be granted on payment of fees.—The proper officer may, on application, grant a duplicate of any certificate, licence, transport permit or other document issued to any person on payment of a fee of rupee one, and subject to such other conditions as may be imposed by the proper officer, if he is satisfied that no fraud has been committed or is intended by the applicant.

138. Goods, plant and machinery chargeable with duty not paid.—When the duty leviable on any goods is owing from or by any person carrying on trade or business, whether as a manufacturer or as dealer in such goods, all dutiable goods, and all materials and preparations from which any such goods are made and all plants, machinery, vessels, utensils, implements, any articles for making or manufacturing any such goods, or preparing any materials or by which the trade or business is carried on, in the custody or possession of the person carrying on such trade or business or in the custody or possession of any agent other person in trust for or for the use of the person carrying on such trade or business, may be detained for the purpose of exacting such duty; and any officer duly authorized by general or special order of the Excise Commissioner may detain such goods, materials, preparations, plant, machinery, vessels, utensils, and articles until such duties or any sums recoverable in lieu thereof are paid or recovered; and such direction shall have effect notwithstanding any change in the ownership of the trade or business.

139. Dutiable goods not to be sold except in prescribed containers bearing a label.—If any dutiable goods are found in the possession of any dealer in or retailer of such goods, not being wrapped or labelled as hereinbefore prescribed or of which the wrapper or label is out or torn, or the wrapper or other container bears any other mark or appearance of having been opened or tampered with, such goods shall be liable to confiscation and such dealer or retailer shall be liable to a penalty which may extend to one thousand rupees.

140. Officer not to disclose information learned in his official capacity.—If any officer except in the discharge in good faith of his duty as such officer discloses any particulars learned by him in his official capacity in respect of any goods, he shall be liable to a penalty not exceeding one thousand rupees.

141. Provisions of lodgings for the excise staff posted to the bonded manufactory or warehouse.—The licensee of a bonded manufactory or warehouse shall, where so required by the Excise Commissioner, provide the officer and the staff posted to the manufactory or bonded warehouse with suitable lodgings conveniently situated to the factory or bonded warehouse premises at a rent not exceeding ten per cent. of the pay of each officer so accommodated. If for any reason the licensee is not able to provide



such accommodation he shall provide suitable accommodation to the satisfaction of the Excise Commissioner near the factory or bonded warehouse recovering only ten per cent. of the pay of the occupant.

*Explanation.*—The expression "pay" shall not be deemed to include dearness allowance and other allowances.

142. Power to issue supplementary instructions.—The Excise Commissioner may issue written instructions providing for any supplemental matters arising out of these rules.

143. Cancellation of former rules, orders and notifications.—All rules made under any law corresponding to this Act in force in any State are hereby repealed except as respects things done or omitted to be done before such repeal and every licence granted under any such rules shall be deemed to have been granted in accordance with the provisions of these rules.

#### Comment

Repealing the old rules.—The proviso to Sec. 21 cannot change the position in view of the new rules framed in 1956 with respect to medicinal preparations. As soon as the new rules came into force the old rules must fall and there is a specific provision in the new rules (namely rule 143) which says that all rules made under any law corresponding to the Act are hereby repealed.

### <sup>2</sup>[SCHEDULE

List Of Medicinal And Toilet Preparations Containing Alcohol which are Capable of Being Consumed As Ordinary Alcohol Beverages

#### Pharmacopoeial Preparations

##### Aquas:

- Aqua Anisi Concentrata (Anisi Water Concentrated).
- " Anethi Concentrata (Concentrated Distilled Water).
- " Comphorae Concentrata.
- " Caryophilli Concentrata.
- " Cari Concentrata.
- " Chloroformi Concentrata.
- " Cinnamomi Concentrata.
- " Mellis.
- " Menthae Piperitae Concentrata.
- " Pimentae Concentrata.
- " Rosae Concentrata.

##### Elixirs:

- Elixir Anisi.
- " Aromaticum.
- " Aurantii Amari.
- " Papaini.
- " Pepsini.
- " Simplex.

##### Extracts:

- Extractum Agroyri Liquidum.
- " Cocillanace Liquidum.

1. Hyderabad Chemical and Pharmaceutical Works Ltd. v. State of Andhra Pradesh, A.I.F 1964 S.C. 1870 at p. 1872.
2. The Schedule is reproduced here as amended up to 1st January, 1970.



" Exphoribiae Liquidum.

" Kavae Liquidum.

" Kolae Liquidum.

" Malti Liquidum.

" Glycerium Croci.

Infusions:

Infusum Carophilli Concentratum.

" Rosae Acidum Concentratum.

Infusum Scopari Conc.

Liquors:

Liq. Ethyl Nitritis.

" Ethyl Nitritis Conc.

" Cocci.

Lotions:

Lotion Evaporans.

Spirits:

Spiritus Aetheris.

" Aetheris Compositus.

" Aetheris Nitrosi.

" Ammoniae Fetidus.

" Ammoniae Aromatiscus.

" Amygdalae Amarae.

" Anisi.

" Aromoraciae Compositus.

" Aurantii Compositus.

" Cassia.

" Cajputi.

" Camphorae.

" Choloroformi.

" Cinnamomi.

" Cloniensis.

" Juniperi.

" Lavandulae.

" Lavandulae Compositus.

" Menthae Piperitae.

" Pulegii.

" Rosamarini.

" Succus Limonis

Syrups:

Syrups Aromaticus.

" Chloralis.

" Limonis (Except M/s. Calcutta Chemical Company's Lemon Syrup B.P.).

Tinctures:

Tinctures Absinthii

" Aurantii

" Aurantii Conc.

" Boldo.

" Cardamomi Aromatica

Tincturae Cardamomi Composita.



"Carminative.  
 "Cascarillae.  
 Cinnamomi.  
 Tincturae Cinnamomi Composita  
 "Cocci.  
 "Coto.  
 "Croci.  
 "Cubabae.  
 "Gentian Co.  
 "Hamamelidis.  
 "Kolae.  
 "Kramariae.  
 "Limonis.  
 "Limonis Concentrata.  
 "Lupuli.  
 "Oliveri Cortice.  
 "Sumbul.  
 "Tolulana.  
 "Valerianae Simplex.  
 "Vinum Aurantii.  
 "Vinum Xercum (Sherry Wine).  
 "Zingiberis Fortis.  
 "Zingiberis Mitis.

#### Non-Pharmacopoeial Preparations

##### Medicinal Preparations:

Acetum Odoratum.  
 "Rovendulae.  
 "Rosae.  
 Amrit.  
 Apetone.  
 Aqua Anethi.  
 "Ansi.  
 "Aromaticum.  
 "Aurantii Amaris.  
 "Cardamomi Co.  
 "Elixir Simplex.  
 "Hollis.  
 "Juniperi Concentrata.  
 "Lavandulae.

Asaplos.

Asavin.

Asavine.

Asok Cordial.

Asok Eletris.

Aswan.

B.C. Min Elixir (except the product of this name manufactured by M/s.  
 Phoenix Drugs House (P.) Ltd., Calcutta).



Caricapetol.

Cinocainis.

Elixir Amygdalae Co.

" Cardamomi Co.

" Valerian Bromi.

" Valerine Compound.

Enzymol.

Essence Amygdalae Co.

" Amygdalae.

" Anethi.

" Anisi.

" Aromatica.

" Auranti.

" Capsici.

" Cardamomi

" Cardamomi Co.

" Caryophylli.

" Crinalis.

" Limonis

" Menthae Pip.

" Mint.

" Myristicae.

" Roemarin.

" Shatwari.

" Zingiberis.

Extractum Absinthii Liq.

" Aurantii Amar Liq.

Ext. Kamala Liq.

Extractum Zingiberis.

" Shatwari Liq.

Extract Rosae Liq.

Glycerium Aurantii.

Glycolactophos.

Hapatina.

Infusum Limonis.

Kalpak.

Ladcovine.

Lecivin.

Liquid Extract of Ashwagandha "Ashwin".

Liquid Extract Kushta (Saussurea Lappa, Product of M/s. Zandu Pharmaceutical Works, Bombay).

Liquor Aurantii Pro. Syrup

" Croci.

" Limonis Pro. Syrup

" Lilly Tonic.

" Lotio Ros.

Maltona.

Meciovine.



Metofit.  
 Metovit.  
 Mustee Tonic.  
 Nervobrin.  
 Neurolecithin.  
 Rakto-Phospho-Mait.  
 Sarsa Hemulinic.  
 Sherltone.  
 Sinatone.  
 Soma Tonic.  
 Spiritus Absinthii.  
     " Anethii.  
     " Aromaticus.  
     " Aurantii.  
     " Caramomi Compositus  
     " Cardamom.  
     " Carui.  
     " Coriandri.  
     " Cumini.  
     " Limonis.  
     " Menthae Virid.  
     " Pinentae.  
     " Pudinae.  
     " Rosae.  
 Succus Cucumis.  
 Cucus Mori.  
 Super Neoewel.  
 Surupus Cinnamomi.  
 Tinctura Avena.  
     " Card Co-Extra.  
     " Cardamomi.  
     " Carui.  
     " Caryophylli.  
     " Coriandri.  
     " Cumini Alba.  
     " Cumini Nigra.  
     " Gentianae.  
     " Gulancha.  
     " Kamala.  
     " Levandulae.  
     " Limonis Cortex.  
     " Manthae Peperlatae.  
     " Orris Root.  
     " Persionis Co.  
     " Santali Citrini.  
     " Santali Rubri.  
     " Sumbul.  
     " Tinospora.  
     " Vanilla.

Vinolect  
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 Perfume C  
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 Eau-de-La  
 Lakme Eau  
 Lakme Toil  
 Jole De Viv  
 Alma De Di  
 Korrisimo  
 La vie En R  
 Ma'mizelle  
 Perfume Bl  
 Perfume M  
 Perfume Fo  
 After Shave

Drakaharis  
 Drakshasv  
 Pippalyasav  
 Mahadraks

Pippalays L

Kumangur

Himalaya S

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 Himalaya S



" Vindla.  
Vinolecithin.  
Vino-Pepsol.  
Vinosan.  
Vinovita.  
Vinter Forte.  
Vintex.  
Vinum Absinthii.  
Vitafan.  
Vitaphol.  
Zola Cordiation.

## Toilet Preparations

Eau-de-Cologne (Except Tata's and Calcutta Chemical Co.'s Eau-de- Cologne Eau-de-Portugal).	
Lavender Water (Except Calcutta Chemical Co.'s Lavender Water).	
Essence of Lavendulae.	
Essence Rosae Duleis.	
Santal Flay.	
Eau-de-Toilette Calypso . . . . .	Products of M/s. Tata Oil Mills Com- pany Ltd., Bombay.
Eau-de-Toilette Gulchheri . . . . .	
Perfume Calypso . . . . .	
Perfume Gulchheri . . . . .	
Eau-de-Lavande . . . . .	
Lakme Eau-de Cologne . . . . .	Products of M/s. Tata Oil Mills Com- pany Ltd., Bombay.
Lakme Toilet Water . . . . .	
Joie De Vivier Perfume . . . . .	
Alma De Dios Perfume . . . . .	
Korrissimo Perfume . . . . .	Products of M/s. Kay J'ere Perfumes, Bombay
La vie En Rose Perfume . . . . .	
Ma'mzelle . . . . .	
Perfume Blue Orchid . . . . .	
Perfume Manoranjatham . . . . .	Products of M/s. Variety Industrial Agencies, Bombay.
Perfume Fortune . . . . .	
After-Shave Lotion . . . . .	Product of M/s. Kemp & Co. Ltd., Bombay.

## Ayurvedic Preparations

Drakaharishta.	
Drakshasva.	
Pippalyasavam.	
Mahadraksharista . . . . .	Manufactured by M/s. Dacca Ayur- vedic Pharmacy Ltd., Calcutta
Pippalays Dyasab . . . . .	
Kumangur . . . . .	Manufactured by M/s. C.K. Sen & Co. (P.) Ltd., Calcutta.
Himalaya Sanjivini Sudha . . . . .	Manufactured by M/s. Rajvaidya Gune's Shahu Aryoushadhi Karkhana Ltd., Kolhapur.
Himalaya Stri-Sanjivini . . . . .	Manufactured by M/s. Himalaya Ayurved Bhawan, Patna.
Himalaya Shisu-Sanjivini . . . . .	—Do—
	—Do—



Himalaya Salsa . . . . .	—Do—
Kumari Asav No. 1 . . . . .	Manufactured by M/s. Dr. Purohit's Pharmacy, Kolhapur (Maharashtra).
Balant Kadha No. 3 . . . . .	—Do—
Drakshasav . . . . .	Manufactured by M/s. Universal Ayurvedic Pharmacy, Shantinagar, Nagpur.
Mrutsanjivani Sura . . . . .	—Do—
Dashmulasav . . . . .	—Do—
Khajursav . . . . .	—Do—
Mrit Sanjivani Sura . . . . .	Manufactured by M/s. Shree Baidyanath Ayurved Bhavan Pvt. Ltd., Nagpur.
Mritsanjivani Sura . . . . .	Manufactured by M/s. Samrat Ayurvedic Pharmacy Regd., Amritsar.
Madhuras . . . . .	Manufactured by M/s. Bharat Manufacturing Co. Hazaribagh (Bihar).
Somras . . . . .	—Do—
Shaktiras . . . . .	—Do—
Kumarex-3 . . . . .	Manufactured by M/s. Dhootpapeshwar Industries Ltd., Panvel (Maharashtra).
Ashotone . . . . .	—Do—
Drakshasava (Special) . . . . .	—Do—
Abhayarishtra . . . . .	Manufactured by M/s. Shir Ram Aushadhi Bhandar Chiplun, Ratnagiri (Maharashtra).
Amritarishta . . . . .	—Do—
Kutjarishta . . . . .	—Do—
Arjunarishta . . . . .	—Do—
Lohasava . . . . .	—Do—
Arvindasava . . . . .	—Do—
Tansino . . . . .	Manufactured by M/s. Verma Pharmacy Private Ltd., Poona.
Eutonic . . . . .	—Do—
Pancharishta . . . . .	Manufactured by M/s. Zandu Pharmaceutical Works Ltd., Bombay.
Lexsoll . . . . .	Manufactured by M/s. Dr. R. Shri Kantiah, Bangalore.

TABLE A

(Restricted Preparations)

## MEDICINAL PREPARATIONS

Carlplex . . . . .	Manufactured by M/s. Oriental Trading Co., Calcutta.
Asavin . . . . .	
Elixir Taka Combex . . . . .	Product of M/s. Indu Pharmaceutical Works, Bangalore.
Metovit . . . . .	
Zola Cordiaton . . . . .	
Inducarnis . . . . .	Product of M/s. Metro Golden Laboratories (India), Bombay.
Metovit . . . . .	



## (Restricted Preparations)

Pharmacopoeial Preparations  
MEDICINAL PREPARATIONS

Tinct. Quill B.P.C . . . . .	* * *	
Tinct. Hemidesmi I.P . . . . .	* * *	
Tinct. Chinensis I.P.		
Tincture of Anthemidis . . . . .		Manufactured by M/s. Zandu Pharmaceutical Works Ltd., Bombay.
Capvintone . . . . .		Manufactured by M/s. Fr. Superior Monte Mariano Church, Farangipet (South Karnal).
Aqua punae Cone . . . . .		Manufactured by M/s. Tack Pharmacopoeia Works, Jodhpur.
Elixir Tysobin . . . . .		Manufactured by M/s. Shettys Pharmaceutical and Biologicals Ltd., Hyderabad.

## (Non-Pharmacopoeial)

## MEDICINAL PREPARATION

Elixir Peptenzyme . . . . .		Manufactured by M/s. Pharma Trust, Bombay.
Tincture Saussuria . . . . .		Manufactured by M/s. India Chemical and Pharmaceutical Works, Hyderabad.
Extract Tulsi Liquid . . . . .		Manufactured by M/s. Alca Chemicals Industries Pvt. Ltd, Gondal.
Ext. Cimicifuga . . . . .		Manufactured by M/s. Indian Chemical and Pharmaceutical Works, Hyderabad.
Glycero Compound with Lecithin . . . . .		Manufactured by M/s. Spencer & Co. Ltd., Madras.
Panovin Compound Plain . . . . .		Manufactured by M/s. Bombay Pharmaceutical Works Pvt. Ltd., Bombay.
Durol . . . . .		Manufactured by M/s. Pfizer Pvt. Ltd., Bombay.
Shericarnis . . . . .		Manufactured by M/s. Avon Malariana Pharma, Mangalore.
Winhepar B. 12 . . . . .		Manufactured by M/s. Bombay Pharmaceutical Works Pvt. Ltd., Bombay.
Tr. Lavendule Composite . . . . .		Manufactured by M/s. National Chemical and Pharmaceutical Works, Chaziabad.
Ashitone . . . . .		Manufactured by M/s. Ashoka Laboratories, Rampura Phul (Punjab).
Zola Cordiation . . . . .		Manufactured by M/s. Pharmed Pvt. Ltd., Bombay.
Tr. Moschi . . . . .		Manufactured by M/s. National Pharmaceutical and Medical Service, Quilon.
Ark Podina . . . . .		Manufactured by M/s. Aurora Laboratories, Lucknow.
Ark Mint . . . . .		Manufactured by M/s. Shree Baidyanath Ayurved Bhavan (Pvt.) Ltd., Nagpur



Wilson Compound Essence of Peppermint . . . . .	Manufactured by M/s. Wilson Medicine Co., Bombay.
Natripac . . . . .	Manufactured by M/s. Pharmed Private Ltd., Chembur, Bombay.
Arke-e-Pudina . . . . .	Manufactured by M/s. Dermik Manufacturing Works, Broach (Gujarat).
Akinton . . . . .	Manufactured by M/s. Akin Laboratories, Hyderabad.
Gentian Simple (Tinct. Gentian B.P.C. 1923) . . . . .	Manufactured by M/s. Sewa Pharmacy Ltd., Nasik-Poona Road, Nasik-1.
Meriphosmin . . . . .	Manufactured by M/s. Mercury Pharmaceutical Industries Ltd., Baroda.
Bayer's Tonic . . . . .	Manufactured by M/s. Bayer (India) Ltd., Kolshet Road, Thana, Bombay.

**TABLE B**  
(Unrestricted Preparations)  
**MEDICINAL PREPARATIONS**

B.G. Phos . . . . .	Manufactured by M/s. Martin and Harris (Private) Ltd., Calcutta.
M and H. Vasakanol . . . . .	—Do—
M and H-B Complex Syrup . . . . .	—Do—
M and H-B Complex Forte Syrup. . . . .	—Do—
Feribeta . . . . .	Manufactured by M/s. Oriental Trading Co., Calcutta.
Vibeta Elixir . . . . .	—Do—
Vimidex . . . . .	Manufactured by M/s. Pharma Search Laboratories, Bombay.
Campho Codi Vasaka . . . . .	Manufactured by M/s. Zandu Pharmaceutical Works Ltd., Bombay.
Liquid Extract of Uriginea . . . . .	—Do—
Standatone . . . . .	Manufactured by M/s. Standard Pharmacy, Bombay.
Kof-Tone . . . . .	—Do—
Phosphokem . . . . .	Manufactured by M/s. Kemp & Co. Ltd., Bombay
Vallergan Syrup . . . . .	Manufactured by M/s. May and Baker Ltd., Bombay.
Vallergan Forte . . . . .	—Do—
Nuropep . . . . .	Manufactured by Dr. Bhalechandra Laboratory, Bombay.
Phedros . . . . .	Manufactured by M/s. Merck Sharp and Dhome of India Private Ltd., Bombay.
Aciminos (with vitamin B-12) . . . . .	—Do—
Vitmol Compound . . . . .	—Do—
B.G. Phos-12 . . . . .	—Do—
Prothricin . . . . .	—Do—
Elixir Mephentine . . . . .	Manufactured by M/s. Geoffrey Manners Co. Private Ltd., Bombay.



SCHEDULE	SCHEDULE	MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES) RULES, 1956	71
Wilson	Toniazol	Manufactured by M/s. Taddington Chemical Factory Private Ltd., Bombay.	
Farmeday.	Heparex	M/s. Birla Laboratories, Calcutta.	
Dermik	Elbicom	—Do—	
Broach	Tulso	—Do—	
	Tuisol with Ephedrine	—Do—	
Akin	Dilapsin	M/s. Dhootapapeshwar Industries Ltd., Panvel, Kolaba (Bombay).	
a Phar-Nasik-	Darkowin	M/s. The Sanitex Chemical Industries Ltd., Baroda.	
ay Phar-roda.	Hepatina	M/s. The Calcutta Chemical Co. Ltd., Calcutta.	
r (India)ombay.	Bisedyl (ii)		
	Callo-cal-D Elixir		
	Cas-Evac		
	Efcorlin Sterile Solution (Conc.)		
	Elixir Bivinal		
	Elixir Ephedrine Compound		
	Elixir Myliron		
	Euphomin		
in and	Gaffartone (ii) (with Creosote and Guaiacol)	(Products of M/s. Standard Pharmaceutical Works, Calcutta).	
	Gaffartone (iii) (Plain)		
	Germol		
al Trad-	Liquid Bardase		
	Liquor Sedans		
	K-Liquid		
Pharma	Mynerberrys Compound with ovolocithin	(Manufactured by M/s. Associated Drug Co. Private Limited, Bangalore).	
du Phar-bay.	Endrine Isotonic	(Product of M/s. Geoffrey Manners & Co. (Private) Ltd., Bombay).	
	Rubraton Elixir Pediatric	(Product of M/s. Sarabhai Chemicals, Baroda).	
Standard	Sani-Vidol Compound (with creosote and Guaiacol)	(Product of the Sanitex Chemical Industries Ltd., Baroda).	
up & Co.	Govil's Gripe Water	(Product of M/s. Gopaldas Visram & Co., Bombay).	
May and	Kleshahari		
	T.C.F. Vitamin B. Complex (Oral Liquid (including Vitamin B-12)	(Product of M/s. Pharma Search Laboratories, Bombay).	
ichandra	Bronchosol (Cough Syrup)		
	Gripe Mixture	(Products of M/s. Indian Research Institute, Private Ltd., Calcutta).	
rk Sharp	Vasak		
ate Ltd.,	Vasak with Hypo and Tolu		
	Orneptol	(Product of M/s. Emedia Export Company, M.B.H., Bombay).	
	Plebex Elixir	(Product of M/s. Geoffrey Manners & Co., Private Ltd. Bombay).	
	Sedofina Elixir	(Product of M/s. Calcutta Chemical Co. Ltd., Calcutta).	
frey Man-bay.	Palot Compound	(Products of M/s. Parke Davis & Co. Ltd., Bombay)	



Irin Compound with Creosote and Guaiacol	(Products of M/s. Indian Research Institute (Private) Ltd., Calcutta).
Irin Vita-Compound with Guaiacol, Vitamin B-Complex and Vitamin B-12	
Bromovale	—Do—
Govil's Amrit Mixture	
Govil's Asthaof	(Products of M/s. Gopaldas Visram & Co., Bombay-2).
Asthma and Cough Mixture	(Products M/s. Birla Laboratories, Calcutta-30).
Govil's Peppermint Compound	(Product of M/s. Empire Chemical Works, Bombay-7).
Veer Bachha.	(Product of M/s. Alembic Chemical Works Co. Ltd., Baroda-3).
Gripe-Z (Gripe Water)	(Product of M/s. Pharmed Private Ltd., Bombay-1).
Mistura Bismuth Co. with Opium	(Product of M/s. Sanitex Chemical Industries, Ltd., Baroda).
Hemo-Drakso Mart	(Product of M/s. Ciba Pharma Private Ltd., Bombay).
Waterbury's Compound with Creosote and Guaiacol	(Product of M/s. Abbott Laboratories India, Bombay).
Sani-Germol	(Products of M/s. Allied Pharmaceutical Laboratories, Baroda).
Pyribenzamine Elixir	(Product of M/s. Pharmed Private Ltd., Bombay).
Calcidrine Syrup	(Products of M/s. Stanley Pharmaceuticals, Madras).
Alliton Compound	(Product of M/s. Shering Asia, Bombay).
Alliton Phos Syrup	(Product of M/s. Orient Pharma Private Ltd., Madras).
Becozym Syrup	(Product of M/s. G.W. Carnrick Co. (Asia) Ltd., Bombay).
Listerine Antiseptic	(Product of M/s. Amrutanjan Ltd., Madras).
Stanley Pulmostan Compound with Cerosote and Guaiacol.	(Product of M/s. Emedia Export Co. M.B.H., Bombay).
Stanley's Gripe Mixture	M/s. Ubique Chemical Laboratory Private Ltd., Calcutta.
Pernexin Elixir	M/s. Abbott Laboratories (India) Private Ltd., Bombay.
Woodward's Gripe Water	M/s. Bombay Pharmaceutical Works Private Ltd., Bombay.
Incretone	M/s. Sarabhai Chemical, Baroda.
Amrutanjan Ltd.'s Gripe Mixture	M/s. Standard Pharmaceutical Works Ltd., Calcutta.
Pasuma Injection	M/s. Geoffrey Manners & Co., Private Ltd., Bombay.
Aminobiks	M/s. Sarabhai Chemicals, Baroda.
Cofron Elixir	
Elixir Panovin	
Phosfemin	
Phospho Vintone	
Plebex Forte Vitamin B-Complex Elixir	
Rubraplex	



search	Ubiks Elixir Vitamin B-Complex with Folic Acid . . . . .	M/s. Ubique Chemical Laboratory (Private) Ltd., Calcutta.
	Ubike Cough Syrup . . . . .	—Do—
	Utrobiks . . . . .	—Do—
	Waterbury's Vitamin Compound . . .	M/s. Pharmed Private Ltd., Bombay.
	Cremosuxidine . . . . .	M/s. Merck Sharp and Dohme of India Private Ltd., Bombay.
		—Do—
ram &	Tyotocin . . . . .	—Do—
	Cremomycin . . . . .	—Do—
ories,	Liquor Diastos . . . . .	—Do—
	B.G.Phos . . . . .	—Do—
emical	Antol . . . . .	Manufactured by M/s. The Bengal Immunity Co., Ltd., Calcutta.
emical	Raj Bindu . . . . .	Manufactured by M/s. Vallabh Vijay and Sons, Bombay.
Private	Betonin . . . . .	Manufactured by M/s. Boots Pure Drug Co. (India) Private Ltd., Bom- bay.
emical		—Do—
Private	Cobeton . . . . .	—Do—
	Deltasta Nasal Spray . . . . .	—Do—
	Vicks Formula-44 Cough Mixture	—Do—
atories	Vicrain . . . . .	
aceuti-		Manufactured by M/s. G.W. Carnrick Co. (Asia) Ltd, Bombay.
	Pectamol Cough Linctus . . . . .	Manufactured by M/s. British Drug House (India) Private Ltd., Bombay.
Private	Bivit . . . . .	Manufactured by Prof. Gajjar's Standard Chemical Works Limited, Bombay.
Phar-		Manufactured by M/s. Geoffrey Man- ners & Co. Ltd., Bombay.
	Hemiphos . . . . .	Manufactured by M/s. Rallis India Ltd., (T.C.F. Division), Bombay.
2 Bom-	New Farilex . . . . .	Manufactured by M/s. Kemp and Company Ltd., Bombay.
Pharma	Syrup of Figs . . . . .	Manufactured by M/s. British Drug House (India) Private Limited, Bom- bay.
ick Co.	Dilosyn Syrup . . . . .	
m Ltd.,		Manufactured by M/s. Parke Davis (India) Private Ltd., Bombay.
ort Co.	Ambodryl Syrup . . . . .	—Do—
oratory	Dilantin Suspension	Manufactured by M/s. Boots Pure Drug Co. (India) Private Limited, Bombay.
(India)	Grymix . . . . .	Manufactured by M/s. The Crookes Laboratories Limited, Bombay.
l Works	Collo-Cal-D-Oral . . . . .	—Do—
roda.	Collo-Cal-with B-12 Oral . . . . .	Manufactured by M/s. The Cochin Chemical Laboratories Private Ltd., Kerala.
al Works	Nutro Phos . . . . .	Manufactured by M/s. Devens Phar- maceuticals, Bombay.
, Private		
roda.	Devezyme . . . . .	



Devegen Elixir . . . . .	—Do—
Lacteena . . . . .	Manufactured by M/s. Bombay Pharmaceutical Works Private Ltd., Bombay.
Glycerovine . . . . .	Manufactured by M/s. Enoch Pharma, Quilon.
Garnigen Drops . . . . .	Manufactured by M/s. Hoechst Pharmaceuticals Ltd., Bombay.
Blood-in-Draksha . . . . .	Manufactured by M/s. Bopha Laboratories, Kottayam.
Plastules Elixir . . . . .	Manufactured by M/s. Geoffrey Manners & Co. Ltd., Bombay.
Liquid Extract Euphotine . . . . .	Manufactured by M/s. Zandu Pharmaceutical Works Ltd., Bombay.
Liquid Extract Chiratae . . . . .	Manufactured by M/s. Zandu Pharmaceutical Works Ltd., Bombay.
Liquid Extract of Borbordis . . . . .	—Do—
Liquid Extract of Aletris . . . . .	—Do—
Antesol Elixir . . . . .	Manufactured by M/s. Sarabhai Chemicals, Baroda.
Savlon Hospital Concentrate . . . . .	Manufactured by M/s. Imperial Chemical Industries (India) Private Ltd. Calcutta.
Savlon Liquid Antiseptic . . . . .	—Do—
Savlon Veterinary Concentrate . . . . .	—Do—
Lorexene Head Lotion . . . . .	Manufactured by M/s. Imperial Chemical Industries (India) Private Ltd., Calcutta.
Tetmosol Solution . . . . .	—Do—
Catevlon Concentrate . . . . .	—Do—
Catevlon Tincture . . . . .	—Do—
Shetty's Gripe Mixture . . . . .	Manufactured by M/s. Shetty's Pharmaceutical and Biologicals Ltd., Hyderabad.
Baby Lonel . . . . .	—Do—
Vimso Gripe Water . . . . .	Manufactured by M/s. Vimso Chemicals Pvt. Ltd., Navsari.
Vilkof Cough Syrup . . . . .	Manufactured by M/s. Vilo Laboratories, Bombay.
Tossex Syrup . . . . .	Manufactured by M/s. Sarabhai Chemicals, Baroda.
Oral Pernavit Fortified . . . . .	Manufactured by M/s. Neo-Pharma Pvt. Ltd., Bombay.
Haemoplex . . . . .	Manufactured by M/s. Pratap Industries, Chitur, Kerala.
Printoplex . . . . .	—Do—
Printophos . . . . .	—Do—
Vasacodin Cough Syrup . . . . .	—Do—
Printozol . . . . .	—Do—
Jwar Haran . . . . .	Manufactured by M/s. Anandkar Karayalaya Pvt. Ltd., Etawah.
Anand Gripe Water . . . . .	—Do—
Toniazol . . . . .	Manufactured by M/s. Rallis India Ltd., Bombay.



ar-	Bambinic . . . . .	Manufactured by M/s. Ayurvedashram Pharmacy Ltd., Ahmednagar.
ar-	Gripe Mixture . . . . .	Manufactured by M/s. Jayant Chemical Works Pvt. Ltd., Bhavnagar.
ar-	Lullamin Drop . . . . .	Manufactured by M/s. Pharma Trust, Bombay.
ar-	Phos-B-Plex . . . . .	Manufactured by M/s. Worli Chemical Works Pvt. Ltd., Bombay.
ha	Mixture Cardamomi Rubrum . . . .	Manufactured by M/s. Alco Chemical Industries Pvt. Ltd., Gondal (Saurashtra).
an-	Pelican Cough Syrup with Anti-histamine . . . . .	Manufactured by M/s. Pelican Pharmaceutries and Chemical Industries, Bombay.
ar-	Proxymel Scillae . . . . .	Manufactured by M/s. Chemical Industries Pvt. Ltd., Gondal (Saurashtra).
hai	Griparin . . . . .	Manufactured by M/s. Alembic Chemical Works Co. Ltd., Baroda.
rial	Asthawil . . . . .	Manufactured by M/s. Wilson Medicine Co., Bombay.
ate	Gargovil . . . . .	Manufactured by M/s. Gopaldas Visram & Co., Bombay.
	Pectovil Belladonna . . . . .	Manufactured by M/s. Vilco Laboratories, Bombay.
rial	Periactin Syrup . . . . .	Manufactured by M/s. Merck Sharp Dohme of India Ltd., Bombay.
ate	Liquid Extract of Thyme . . . . .	Manufactured by M/s. Zandu Pharmaceutical Works Ltd., Bombay.
	Tristina Expectorant . . . . .	Manufactured by M/s. Mac Laboratories Pvt. Ltd., Bombay.
ar-	Sapat Tooth Ache Drops . . . . .	Manufactured by M/s. Sapat & Co., Bombay.
id.,	Bhicka's Sanjivan Mixture . . . . .	Manufactured by M/s. Aurun Pharmaceutical Pvt. Ltd., Bombay.
mi-	Tossex Expectorant Cough Syrup . .	Manufactured by M/s. Sarabhai Chemicals, Baroda.
filo	Allied Gripe Mixture . . . . .	Manufactured by M/s. The Allied Pharmaceutical Laboratories, Baroda.
hai	Deschiens' Syrup of Haemoglobin with Vitamin B-12 . . . . .	Manufactured by M/s. Franco Indian Manufacturers Pvt. Ltd., Bombay.
ma	Vilco Enzyme Forte . . . . .	Manufactured by M/s. Vilco Laboratories, Bombay.
in-	Elixir Evpeptine . . . . .	Manufactured by M/s. Raptakos Brett and Co. Pvt. Ltd., Bombay.
	Micoren Drops . . . . .	Manufactured by M/s. Suhrid Geigy Ltd., Baroda.
	Liquid Extract of Salix Alba . . . .	Manufactured by M/s. Zandu Pharmaceutical Works Ltd., Bombay.
kar	IPCA's 999 Cough Mixture . . . . .	Manufactured by M/s. Indian Pharmaceutical Combine Association Ltd., Bombay.
ndia		



Balamrit . . . . .	Manufactured by M/s. Bombay Drug House Pvt. Ltd., Bombay.
Ashokavit . . . . .	Manufactured by M/s. Arpike Pvt. Ltd., Lucknow.
Kafes Cough Syrup . . . . .	—Do—
Gripe Mixture "Gripik" . . . . .	—Do—
Ext. Glycerrhiza Co . . . . .	Manufactured by M/s. Alco Chemical Industries Pvt. Ltd., Gondal.
Gripex . . . . .	Manufactured by M/s. Cochin Chemical Laboratories (Pvt.) Ltd., Chalakudi.
Surbex . . . . .	Manufactured by M/s. Abbott Laboratories Pvt. Ltd., Bombay.
Torfin . . . . .	—Do—
Gripe Water . . . . .	Manufactured by M/s. Chempha Laboratories, Kolal.
Chempha Syp. . . . .	—Do—
Gumura . . . . .	Manufactured by M/s. Aphali Pharmaceuticals Ltd., Ahmednagar.
B-Neurophos . . . . .	Manufactured by M/s. Standard Pharmaceuticals Ltd., Serampore (West Bengal).
Risol with Caretapentane . . . . .	—Do—
Syr. Calc Hypophosph . . . . .	Manufactured by M/s. Bombay Drug House Pvt. Ltd., Bombay.
Tixylis . . . . .	Manufactured by M/s. May and Baker Ltd., Bombay.
Euphomin . . . . .	Manufactured by M/s. Associated Drug Co. Pvt. Ltd., Bangalore.
Ashoka Cordial Compound . . . . .	Manufactured by M/s. Rup Chemicals Pvt. Ltd., Lucknow.
Sirolin New Formula . . . . .	Manufactured by M/s. Roche Product Ltd., Bombay.
Mixture Cardamom Flava . . . . .	Manufactured by M/s. Morris Chemicals Works, Rajkot.
Vimstin with Ephdrine . . . . .	Manufactured by M/s. Vimso Chemicals Pvt. Ltd., Navsari.
Vimstin . . . . .	—Do—
Zeet Expectorant . . . . .	Manufactured by M/s. Alembic Chemical Works Co. Ltd., Baroda.
Omilcal . . . . .	Manufactured by M/s. Franco-Indian Manufacturers Pvt. Ltd., Bombay.
Compound Tincture of Chloroform . . . . .	Manufactured by M/s. Vimso Chemicals Pvt. Ltd., Navasari.
Kof-tone "H" . . . . .	Manufactured by M/s. Standard Pharmacy, Bombay.
Spasmosol . . . . .	Manufactured by M/s. The Cochin Chemical Laboratories Pvt. Ltd., Chalakudi (Kerala).
Detigon . . . . .	Manufactured by M/s. Bayer (India) Ltd., Bombay.
Richelet's Blood Purifier . . . . .	Manufactured by M/s. Franco India Manufactures Pvt. Ltd., Bombay.
Sasnyl . . . . .	Manufacturer by M/s. Dr. Bhalchandra Laboratory, Bombay.



Day Drug	Vasaksyp . . . . .	Manufactured by M/s. Chempha Laboratories, Kalol.
Like Pvt.	Syrpoglyc . . . . .	—Do—
	Kenalog-S Nasal Drops . . . . .	Manufactured by M/s. Sarabhai Chemicals, Wadi, Baroda.
Chemical	Netalin Oral . . . . .	Manufactured by M/s. Orient Pharma (Pvt.) Ltd., Madras.
Cochin	Argenil Expectorant . . . . .	Manufactured by M/s. Vitacher Pharmaceuticals, Bombay.
td) Ltd.,	Novolep . . . . .	Manufactured by M/s. Bengal Chemicals and Pharmaceuticals Ltd., Calcutta.
Abbott	Livogen Forte . . . . .	Manufactured by M/s. British Drug House (India) Pvt. Ltd., Bombay.
ay.	Patmol Syrup . . . . .	Manufactured by M/s. Raptakos, Brett Co. Pvt. Ltd., Bombay.
Chempha	Selvigon . . . . .	Manufactured by M/s. German Remedies Pvt. Ltd., Bombay.
li Phar-	Bytco Gripe . . . . .	Manufactured by M/s. Bytco Chemical Industries, Nasik Road.
ar.	Carmixol . . . . .	Manufactured by M/s. Chempha Laboratories, Kalol.
Standard	Special Cough Mixture . . . . .	Manufactured by M/s. M.C. Sarkari and Sons, Bulsar.
ampore	Sarkari's anti-Asthmatic Mixture . . . . .	—Do—
ay Drug	Sarkari's Tooth-ache Drops . . . . .	—Do—
ay and	Sarkari's Kafsar . . . . .	—Do—
ociated	Sarkari's Saraperilla . . . . .	—Do—
t	Sarkari's Ague-mixture . . . . .	—Do—
Chemi-	Sarkari's Antussin Cough Mixture for Babies . . . . .	—Do—
Roche	Betonin . . . . .	—Do—
Chemi-	Extractum Kalmegh Liquidum I.P. . . . .	Manufactured by M/s. Boots Pure Drug Co. (India) Pvt. Ltd., Bombay.
Chemi-	Beta Complex . . . . .	Manufactured by M/s. Alembic Works Co. Ltd., Baroda.
	Phosphoplex . . . . .	Manufactured by M/s. Assam Chemicals and Pharmaceuticals Ltd., Gauhati.
Alembic	Syrup Rose . . . . .	—Do—
oda.	Syrup Orange B.P. . . . .	—Do—
Indian	Bharat's Body Jivan . . . . .	—Do—
day.	Bharat's Gripe Water . . . . .	Manufactured by M/s. Bharat Chemical Works, Surat.
Chemi-	Pharma Compound . . . . .	—Do—
Standard	Gripe Mixture . . . . .	Manufactured by M/s. Pharm Chem. Mfg. Corporation, Bombay.
Cochin	Plastules Elixir . . . . .	Manufactured by M/s. Great India Industrial and Pharmaceutical Laboratories, Bombay.
t Ltd.,	Plebex Elixir B. Complex . . . . .	Manufactured by M/s. Geoffrey Manners and Co. Ltd., Bombay.
(India)	Novutox 2% . . . . .	—Do—
to India		Manufactured by M/s. J.S. Morison Son and Jones (India) Pvt. Ltd., Bombay.
day.		
Bhal-		



Novutox 3% . . . . .	—Do—
Xylotox Hydrochloride 2% . . . . .	—Do—
Ferry Tonic . . . . .	Manufactured by M/s. Assam Chemical and Pharmaceutical Ltd., Gauhati.
Acicod . . . . .	—Do—
Syrup Vasaka Plain . . . . .	—Do—
Hypro-Lime Phos . . . . .	Manufactured by M/s. Aurora Laboratories, Lucknow.
Caripe Gripe Water . . . . .	Manufactured by M/s. Aroma Phar- maceutical Co., Ameerpet, Hyderabad.
Guipac . . . . .	—Do—
Vascodin . . . . .	Manufactured by M/s. Surya Chemi- cals, Lucknow.
Ashoka Cordial Compound . . . . .	—Do—
Ramban Pain Killer . . . . .	Manufactured by M/s. Ramban Patent Depot, Bombay.
Crimault's Linctus . . . . .	Manufactured by M/s. Laboratories Crimault Pvt. Ltd., Bombay.
Syrup Bronchohist . . . . .	Manufactured by M/s. Scientific Pharmacy, Bombay.
Girish Ring Worm Lotion . . . . .	Manufactured by M/s. Girish Phar- maceutical Works, Surat.
Girish Jiven Arka . . . . .	—Do—
Omilcal+F. . . . .	Manufactured by M/s. Franco Indian Manufactures Pvt. Ltd., Bombay.
Gripe Mixture . . . . .	Manufactured by M/s. Wad Laboratories, Kolhapur.
Hepolax . . . . .	Manufactured by M/s. Pharmaceuti- cal and Chemicals (Travancore), Trivandrum.
Vasadrin . . . . .	Manufactured by M/s. Bombay Drug House Pvt. Ltd., Bombay.
Diapec Suspension . . . . .	Manufactured by M/s. Pfizer Ltd., Bombay.
Altris Elixir . . . . .	Manufactured by M/s. Alembic Chemical Works Co. Ltd., Baroda.
Calorite . . . . .	Manufactured by M/s. Libra Drugs (India), Poona.
Pektoline C. Belladonna . . . . .	—Do—
Chemitone . . . . .	Manufactured by M/s. Mysore Phar- maceuticals (1945) Bangalore for M/s. Bharat Pharmaceuticals Co., Bangalore.
Diaporex Forte . . . . .	Manufactured by M/s. Eisen Phar- maceutical Co. (P.) Ltd., Poona.
Carminex Forte . . . . .	—Do—
Diaphorex . . . . .	—Do—
Carminex . . . . .	—Do—
Estphos . . . . .	—Do—
Romavin . . . . .	Manufactured by M/s. Aroma Phar- maceutical Co., Hyderabad.



	Diaphormix . . . . .	Manufactured by M/s. Pharmland Products, Bombay.
	Antex of Cough Syrup . . . . .	—Do—
Sam Ltd.,	Carmix . . . . .	—Do—
	Fosiron . . . . .	Manufactured by M/s. Mysore Pharmaceuticals (1935), Bangalore.
	Femitone . . . . .	—Do—
rorra	Hakim's Gripe Water . . . . .	Manufactured by M/s. G.N. Hakim and Sons, Baroda.
Phar-	Imperial's Gripe Water . . . . .	Manufactured by M/s. Imperial Pharmaceutical Products, Bombay.
pet,	Karnative Mixture . . . . .	Manufactured by M/s. Woril Chemicals Works, Bombay.
	Lodhra . . . . .	Manufactured by M/s. Kesari Kuteeram (P.) Ltd., Madras.
hemi-	Amrita . . . . .	—Do—
	Sariba . . . . .	—Do—
mban	Garabharakshak . . . . .	Manufactured by M/s. Kesari Kuteeram (P.) Ltd., Madras
ories	Sariphaladi Panakam . . . . .	Manufactured by M/s. Kesari Kuteeram (P.) Ltd., Madras.
ntific	Pain Killer . . . . .	Manufactured by M/s. Great India Industrial and Pharmaceutical Laboratories, Bombay.
Phar-	Dlarine . . . . .	—Do—
	Pain Reliever . . . . .	Manufactured by M/s. Chempha Laboratories, Kalol (Gujarat).
Indian	Syrup of Calcium Hypophosphite . . . . .	—Do—
by.	Anti Pyrasol . . . . .	—Do—
Wad	Wormipar . . . . .	—Do—
aceuti-	Vinfertone . . . . .	—Do—
core).	Ailergine . . . . .	Manufactured by M/s. Mysore Pharmaceuticals (1935), Bangalore.
y Drug	Glycyrrhco . . . . .	Manufactured by M/s. Chempha Laboratories Kalol (N.G.).
r Ltd.,	Glycodin Terp Vasaka . . . . .	—Do—
lembic	Cardco Flora . . . . .	Manufactured by M/s. Alembic Chemical Works Co. Ltd., Baroda.
eda.	Gorvasympton . . . . .	Manufactured by M/s. Chempha Laboratories, Kalol (N.G.)
i Drugs	T.C.F. Cough Syrup . . . . .	Manufactured by M/s. Crooks Interfarn Ltd., Bombay-18.
re Phar-	Diaphorate (Diaphoretic Mixture). . . . .	Manufactured by M/s. Rallis India Ltd., Bombay.
ore for	Trikas (Cough Mixture) . . . . .	Manufactured by M/s. Tridal Chemicals, Amravati.
ils Co.,	Carminet (Carminative Mixture) . . . . .	—Do—
a Phar-	Kurbel (Diarrhoea and Dysentery Mixture)	—Do—
ta.	Stanhist Expectorant. . . . .	Manufactured by M/s. Stan-Rel Private Ltd., Baroda.
na Phar-	Wilson's Gripe Water . . . . .	Manufactured by M/s. Wilson Medicine Co., Bombay.



Wilson Aletris Cordial . . . . .	—Do—
Anstlin . . . . .	Manufactured by M/s. Zandu Pharmaceutical Works, Bombay.
Jules Cough Syrup . . . . .	Manufactured by M/s. H. Jules & Co., Nagpur.
Universal's Diaphotric . . . . .	Manufactured by M/s. Universal Pharmacy, Nagpur.
Universal's Carminative Mixture . . . . .	—Do—
Universal's Mist Asthama . . . . .	—Do—
Universal's Mist Alkali . . . . .	—Do—
Universal's Cholera Mixture . . . . .	—Do—
Universal's Gripe Water . . . . .	—Do—
Universal's Gripe Mixture . . . . .	—Do—
Universal's Mist Cough Sedative . . . . .	—Do—
Uri Ashoka . . . . .	Manufactured by M/s. United Research Institute, Lucknow.
Carmitona Gripe Water . . . . .	—Do—
Essential Oil Mixture . . . . .	—Do—
Syrup Vasaka-cum-Tolu . . . . .	—Do—
Xylotox 2% . . . . .	Manufactured by M/s. J.L. Morison, Son and Jones (India) Pvt. Ltd., Bombay.
Xylotox Hydrochloride Plain 2% . . . . .	—Do—
Xylotox Hydrochloride Plain 1% . . . . .	—Do—
Jules Cordial for Women . . . . .	Manufactured by M/s. H. Jules & Co. Pharmaceutical Works, Nagpur.
Syrup Cofex . . . . .	Manufactured by M/s. Zone Chemical Co., Bombay.
Zonodynle . . . . .	—Do—
Secrolyl Injection . . . . .	Manufactured by M/s. British Drug House (India) Pvt Ltd., Bombay.
Raktadoshantak . . . . .	Manufactured by M/s. Aphali Pharmaceuticals Ltd., Ahmednagar.
Manners Gripe Mixture . . . . .	Manufactured by M/s. Geoffrey Manners and Company Ltd., Bombay.
Kof-Tone A-H . . . . .	Manufactured by M/s. Pharma-Tone Pvt. Ltd., Bombay.
Akinzyme . . . . .	Manufactured by M/s. Akin Laboratories, Hyderabad.
Arkehazim . . . . .	Manufactured by M/s. G.N. Hakim and Sons, Baroda.
Stomachex . . . . .	—Do—
Cough Remedy . . . . .	—Do—
Dongre's Gripe Water . . . . .	Manufactured by M/s. K.T. Dongre & Co., Bombay.
Vadnere Gripe . . . . .	Manufactured by M/s. Vadnere Laboratories, Jalgaon.
Squibb's Ague Specific . . . . .	Manufactured by M/s. Popular Remedies Mfg. Company, Bombay.
Fairgenol (Hospital Strength). . . . .	Manufactured by M/s. Fairdeal Corporation (Pvt.) Ltd., Bombay.
Carminc Mixture . . . . .	Manufactured by M/s. Pharmakab Laboratories, Sholapur.



## SCHEDULE

MEDICINAL AND TOILET PREPARATIONS  
(EXCISE DUTIES) RULES, 1956

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## SCHEDULE

	K.B. Gripe . . . . .	—Do—
	Carminex . . . . .	Manufactured by M/s. Elsen Pharmaceutical Co., Poona.
Zandu Pharmacy.	Binox Gripe Water . . . . .	Manufactured by M/s. Binox Laboratories, Jalgaon.
H. Jules &		—Do—
Universal	Binex Balmrit . . . . .	Manufactured by M/s. Nogi & Co., Pvt. Ltd., Bombay.
	Nogi's Gripe Water . . . . .	Manufactured by M/s. Wad Laboratories Udyan Nagar, Kolhapur.
	Nikof . . . . .	—Do—
	Phormix . . . . .	Manufactured by M/s. Sanitex Chemical Industries, Ltd., Baroda.
	Sanividol Compound . . . . .	Manufactured by M/s. Libra Drugs (India) 92, Mangalwar Peth, Poona-11.
	Libra Cough Syrup . . . . .	—Do—
United Rew.	Libra Cough Syrup (with ephedrine)	—Do—
	Carmil . . . . .	Manufactured by M/s. Monji Vishram & Co., Bombay.
	Monison's Vasaka Cough Syrup. . .	—Do—
	Zatmat Ringworm Lotion . . . . .	Manufactured by M/s. Smith, Stainstreet & Co. Ltd., 18-Convent Road, Calcutta-14.
L. Morison, Ltd., Bom-	Smiths Asokavin . . . . .	Manufactured by M/s. Smith, Stainstreet & Co. Ltd., 18-Convent Road, Calcutta-14.
	Smiths Asokavin with Hormones. . .	—Do—
Jules & Co. Nagpur.	Smiths Valerian Bromide Elixir . . .	—Do—
Zone Chemi-	Smiths Pancet Elixir . . . . .	—Do—
	Smiths Hemolivit Forte Elixir . . . .	—Do—
	Dr. Purohit's Shwashari Plain. . . .	Manufactured by Dr. Purohit's Pharmacy 325-E, Kolhapur (Maharashtra).
British Drug Bombay.		—Do—
aphali Pharmacy.	Dr. Purohit's Shwashari Compound	—Do—
Jeffrey Man-Bombay.	Dr. Purohit's Cozil . . . . .	—Do—
Pharma-Tone	Dr. Purohit's Gripe Water . . . . .	—Do—
	Special Balamrit . . . . .	—Do—
	Queen Brand Ague Mixture . . . . .	—Do—
	Huxley's Pain Killer . . . . .	Manufactured by M/s. Huxley & Co. (India), 25 Dalal Street, Bombay-1.
M/s. Akim		Manufactured by M/s. Indo-Continental Pharmaceuticals Agency, 508-A, New Ganjvala Building, Arthur Road, Tardeo, Bombay-24.
G.N. Hakim	Pyosan Gumpaint . . . . .	Manufactured by M/s. Ipca Laboratories, Pvt., Bombay.
		—Do—
T. Dongre &	IPCA's 999 Cough Syrup. . . . .	Manufactured by M/s. German Remedies Pvt. Ltd., Bombay.
Vadnere	Whoopepa Cough Syrup . . . . .	Manufactured by M/s. G.N. Hakim and Sons, Pratap Nagar, Baroda-4.
	Syncalton Liquid Oxedrine Tartate. .	Manufactured by M/s. G.W. Carnrick Co. (Asia) Ltd., Bombay.
Popular Bombay.	Ringworm Lotion . . . . .	
airdeal Cor-bay.	Incretone (Combined Thyroid Minerals and Botanicals) . . . . .	
Pharmakab		



Wilson's Ringworm Lotion. . . . .	Manufactured by M/s. Wilson Medicine Co., 391, Arthur Road, Bombay-11.
Wilson's Jyoti Bindu . . . . .	—Do—
Detigon Linctus . . . . .	Manufactured by M/s. Bayer (India) Ltd., Kolshet Road, Thana, Bombay.
Girish Pain Mixture . . . . .	Manufactured by M/s. Girish Pharmaceutical Works, Surat.

APPENDIX  
LIST OF FORMS

M. & T.P. SERIES NO.	DESCRIPTION OF FORMS	RULE NO.	SHORT TITLE	PAGE NO.
1.	Application for licence— to manufacture goods liable to duty of excise, under M. & T.P. (E.D.) Act, 1955 IN BOND/OUTSIDE BOND.	83 & 91	A.L.-1	
2.	to manufacture Ayurvedic Pre- parations by Ayurvedic Practitioner.	83	A.L.-2	
3.	for Bonded Warehouse for the storage of dutiable goods liable to duty under the M. & T. P(E.D.) Act, 1955.	83	A.L.-3	
4.	Licences— to manufacture Medicinal and Toilet preparations containing alcohol, opium, Indian hemp and other narcotic drugs and narcotics, under bond for payment of duty.	83	L-1	
5.	to manufacture Medicinal and Toilet preparations containing alcohol, opium, Indian hemp and other narcotic drugs and narcotics outside bond.	83	L-2	
6.	Ayurvedic or Unani Practitioner to manufacture Ayurvedic Prepara- tions containing self-generated alcohol for dispensing and not for trade purposes	83	L-3	
7.	for a Bonded Warehouse	83	L-4	
8.	Bonds— to be entered into by the licensee of a Bonded Manufactory	21	B-1	
9.	(with surety) to be entered into by the licensee of a Bonded Warehouse	71	B-2 (Sur.)	
10.	(with security) to be entered into by the licensee of a Bonded Manufactory/Warehouse	71	B-2 (Sec.)	
11.	(with surety) for the due despatch of dutiable goods removed for	15	B-3 (Sur.)	

\* Please see relevant page numbers of this volume.



## SCHEDULE

## SCHEDULE

MEDICINAL AND TOILET PREPARATIONS  
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M. & T.P. SERIES NO.	DESCRIPTION OF FORMS	RULE NO.	SHORT TITLE	PAGE NO.
12.	export to a foreign country with- out payment of duty (with security) for the due despatch of dutiable goods removed for export to a foreign country with- out payment of duty	15	B-3 (Sec.)	
13.	(General: with security) for the due despatch of dutiable goods removed from time to time for export to a foreign country with- out payment of duty	16	B-3 (Gen Sur.)	
14.	(General: with security) for the despatch of dutiable goods re- moved from time to time for ex- port to a foreign country without payment of duty	16	B-3 (Gen Sec.)	
15.	(With surety) for the due arrival and re-warehousing of dutiable goods removed from one Bonded Warehouse to another	105	B-4 (Sur.)	
16.	(With security) for the due arrival and re-warehousing of dutiable goods removed from one Bonded Warehouse to another	105	B-4 (Sec.)	
17.	(General: Surety) for the due arrival and re-warehousing of dutiable goods removed from one Bonded Warehouse to another	106	B-5 (Gen. Sur.)	
18.	(General: Security) for the due arrival and re-warehousing of duti- able goods removed from one Bonded warehouse to another	106	B-5 (Gen. Sec.)	
19.	Registers— of vessels or receptacles in Bonded/ Non-bonded Manufactory/Bonded Warehouse	25	R.G.-1	
20.	of transactions in the spirit store of Bonded/Non-Bonded Manu- factory	27, 30	R.G.-2	
21.	of Operations in Bonded/Non bonded Manufactory	49, 50 31, 33, 52	R.G.-3	
22.	of preparations in Bonded/Non- bonded Manufactory	31, 35	R.G.-4	
23.	Warehouse Register of Receipts	72, 75	R.G.-5 (Part I)	
24.	Warehouse Register of Issues	72, 75	R.G.-5 (Part II)	
25.	Visit Book Indent—	90	V.B.-1	
26.	Indent for alcohol, etc..... Requisition— for issue of alcohol, etc. from spirit store	26, 49, 50 29, 30	I.D.-1 R.Q.-1	

by M/s. Wilson  
91, Arthur Road,

Do—

M/s. Bayer (India)  
4, Thana, Bombay.  
M/s. Girish Phar-  
maceuticals, Surat.ORT  
TLE

PAGE NO.

1-1

1-2

1-3

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1-5

1-6

1-7

1-8

1(Sur.)

1(Sec.)

1(Sur.)



M. & T.P. SERIES NO.	DESCRIPTION OF FORMS	RULE NO.	SHORT TITLE	PAGE NO.
28.	Application for Removal— of dutiable goods from one Bonded Manufactory/Warehouse to an- other Bonded Warehouse	107	A.R.-1	
29.	Clearance on payment of duty	40, 81	A.R.-2	
30.	of dutiable goods for export by land	98	A.R.-3.	
31.	of a dutiable goods for export by Sea/Air/Post	98	A.R.-4	
32.	Transport/Permit— for movement of dutiable goods	107, 112	T.P.-1	
33.	Demand for Duty Notice of demand for payment of duty	9	D.D.-1	
34.	*****			
35.	Returns— of Transactions of Business at Bonded/Non-bonded Manu- factory	41 and 56	R.T.-1	
36.	of Transactions of Business at Bonded Warehouse	80	R.T.-2.	

M.&amp;T.P. Series No. 1

## FORM A.L.-1

Application for licence to manufacture goods liable to duty of excise  
under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955

(IN BOND/OUTSIDE BOND)

(See Rules 83 and 91)

(Delete the letters and words not applicable)

\*To

The Excise Commissioner.....State.

The collector .....District

Sir,

I/We.....residing at.....taluk.....

I/we may be granted

district.....request that

the accompanying

licence to manufacture.....during

the year ending the 31st

may be renewed for

March, 20

2. I/We hereby declare particulars (in the table overleaf) of the manufactory and  
thepremises where.....I/We carry.....on business for the  
intended to carry manufacture of such goods.3. I/We agree to abide by the terms and conditions of the licence when may  
be granted/renewed.4. I/We have enclosed a *challan* for payment of the licence fee of rupees.

\* Subs. by G.S.R. 941, dated the 24th July, 1975.



5. I/We have enclosed the site and elevation plans of the manufactory building (s) and also similar plans for the quarters of the Excise Staff, together with relevant records.

6. I/We hereby declare that no excise licence previously held by me/us has been revoked or suspended or has failed to be renewed owing to a breach of the Act and/or rules governing that grant of such licence.

7. I/We declare that to the best of my/our knowledge and belief the information furnished herein is true and complete.

Place.....

Date.....

Signature (s) of the applicant (s).

## TABLE

1. Name or names and the address or addresses of the person or persons applying; if the applicant is a firm, the name and address of every partner of the firm; and if a company, the registered name and address thereof, the names of the Directors, Managers and Managing Agents, and if there is a Managing Director, the name of such Director;
2. The amount of capital proposed to be invested in the venture.
3. The name of the place, and the site on which the building or buildings housing the manufactory is/are situated or to be constructed:  
in case of renewal of licence, the following particulars, with distinguishing letter or number or letter and number of each to be furnished—  
(i) brief description (with boundaries) of the premises;  
(ii) description of each main division or sub-division of the manufactory;  
(iii) spirit store;  
(iv) laboratory;  
(v) finished store;
4. Approximate date from which the applicant desires to commence the manufactory;
5. The number and full description of the vats, stills and other permanent apparatus and machinery which the applicant wishes to set up for work or already set up (giving distinguishing letter or number or letter and number of each);
- \*<sup>1</sup> [6. The maximum quantities in London-proof litres of alcohol and alcoholic content in unfinished and finished preparations and on the maximum quantities by weight of opium, Indian

\* 1. Subs. by G.S.R. 941, dated the 24th July, 1975.



hemp or other narcotic drugs or narcotic and their contents in unfinished and finished preparations, which are likely, to remain in the manufactory at any one time.]

7. The amount in cash or Government Promissory Notes which the applicant is prepared to furnish for the due performance of the conditions on which the licence may be granted;
8. (i) Whether the proposed bonded manufactory will require services of a whole-time or part-time Excise Officer;  
(ii) Whether quarters for the excise staff will be provided within the manufactory or its vicinity; (not applicable to non-bonded manufactories);
9. The kind and number of each under the <sup>1</sup>[Drugs and Cosmetics Act, 1940] held by the applicant;
- \* 10. A list of all preparations which the applicant proposes to manufacture and/or or those manufactured during the preceding year, in the manufactory showing the percentage or proportion of alcohol in terms of London-proof litres contained in each such preparation containing alcohol, or opium, Indian hemp or other narcotic drug or narcotic, in terms of weight in preparations containing those substances, quoting the authority (Pharmacopoeia) under which such preparations are/were proposed to be manufactured:

*Alcohol, Opium, Indian hemp, other narcotic drugs or narcotics*

NAME OF PREPARATION	QUANTITY MANUFACTURED DURING THE YEAR	QUANTITY TO BE MANUFACTURED DURING THE YEAR	QUANTITY AS PER COLUMN 2
1	2	3	4
QUANTITY AS PER COLUMN 3	PERCENTAGE OF ALCOHOL IN LONDON-PROOF LITRES/PERCENTAGE BY WEIGHT OF OPIUM, INDIAN HEMP, NARCOTICS OR NARCOTIC DRUGS	FORMULA ACCORDING TO WHICH THE PREPARATION IS MADE	
5	6	7]	

\* Subs. by G.S.R. 941, dated the 24th July, 1975.



M. &amp; T.P. Series No. 2

## FORM A. L-2

Application for a licence to manufacture Ayurvedic preparations  
by an ayurvedic practitioner

(See Rule 8)

(Delete the letters and words not applicable)

\* To  
Sir,I.....residing at.....  
taluk.....district.....and practising  
at.....request that  
I may be granted a.....licence to manufacture.....during.....the year ending the  
the accompanying.....may be renewed for  
31st March, 19..

2. I hereby declare in the schedule overleaf particulars of my professional qualifications and also particulars of preparations intended to be manufactured during the year ending the 31st March 19.. and those manufactured in the preceding year by me.

3. I declare that the preparations to be manufactured or those manufactured in the preceding year are and, were solely for the purpose of dispensing to my patients and will not be and were not sold for trade purposes. 4. I agree to abide by the terms and conditions of the licence which may be granted/renewed.

5. I have enclosed a *challan* in payment of the licence fee of..... rupees.

6. I hereby declare that no such licence previously held by me has been revoked or suspended or has failed to be renewed owing to a breach of the Act/or rules governing the grant of such licence.

7. I declare that to the best of my knowledge and belief the information furnished herein is true and complete.

Place.....  
Date.....

(Signature of the applicant)

## SCHEDULE

1. Recognized degree/diploma of the practitioner.
2. Registration No. of the practitioner, if any.
3. Place of manufacture of the preparations.
4. Preparations manufactured/to be manufactured.

SL. NO.	NAME OF PREPARATION	QUANTITY MANUFACTURED DURING THE PRECEDING YEAR	QUANTITY TO BE MANUFACTURED DURING THE YEAR	FORMULA ACCORDING TO WHICH THE PREPARATION IS MADE
1	2	3	4	5

\* Subs. by G.S.R. 941, dated the 24th July, 1975.



M. &amp; T.P. Series No. 3

FORM A. L-3

Application for licence for a bonded warehouse for the storage of excisable  
goods liable to duty under the Medicinal and Toilet Preparations  
(Excise Duties) Act, 1955

(See Rule 83)

(Delete the letters and words not applicable)

To

The Excise Commissioner of..... State.

Sir,

I/We.....residing at.....taluk.....

district..... request that I/We may be granted a  
the accompanying licence

as a bonded warehouse during

for the use of my/our premises described overleaf

may be renewed for

the year ending the 31st March, 19 .

2. I/We agree to abide by the terms and conditions of the licence which may  
be granted/renewed.3. I/We have enclosed a challan in payment of the licence fee of.....  
rupees.4. I/We have verified that the surety/sureties specified in the bond (s)  
executed by me/us in form (s)..... under rule..... is/are alive  
and is/are solvent.5. I/We hereby declare that no excise licence previously held by me/us has  
been revoked or suspended or has failed to be renewed owing to a breach of the Act  
and/or rules governing the grant of such licence.6. I/We declare that to the best of my/our knowledge and belief the informa-  
tion furnished herein is true and complete.

Place.....

Date.....

Signature (s) of the applicant (s)

Description of premises

1. Village or town.

2. District.

Distinguishing letter or  
number of letter and  
of each number of eachDetailed  
descriptionPurpose  
of each3. Description of each main division or  
sub-division of the warehouse.

4. Areas and total storage capacity.

5. Varieties of dutiable goods to be stored.

\*\* 6. Quantities of each variety of such  
goods stored during the previous year.7. Estimated quantity of each variety of  
such goods to be stored during the  
period of the licence applied for.\* Strike out if the application is made for the first time and if the bond has been executed with  
Security.

\*\* Strike out if the application is made for the first time.



FORM L-1

(See Rule 83)

(Delete the letters and words not applicable)

Date.....

(Licensing Authority)

### Renewal of the licence

DATE OF RENEWAL	YEAR FOR WHICH RENEWED	SIGNATURE OF LICENSING AUTHORITY

\* To be fixed by the licensing authority in accordance with the actual requirements of the manufacture.



*List of preparations authorized to manufacture*

STANDARD PREPARATIONS				PROPRIETARY PREPARATIONS		
Allopathic	Homoeopathic	Ayurvedic	Unani	Name of the preparation	True formula of the preparation	Toilet preparation

M. &amp; T.P. Series No. 5.

**FORM L-2**

**Licence to manufacture medicinal and toilet preparations containing alcohol,  
opium, Indian hemp and other narcotic drug and narcotics outside bond**

(See Rule 83)

*(Delete the letters and words not applicable)*

Shri/Sarvashri.....of..... having undertaken to comply with the conditions prescribed in the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, and any orders issued thereunder and having paid the prescribed licence fee of Rs..... is/are hereby authorized to manufacture preparations specified overleaf during the year ending 31st March, 19 , in the premises situated at.....and.....described in his/their application dated.....subject to the provisions of the rules.

2. The privilege conferred by this licence extends only to manufacture preparations of standard pharmacopoeias of Allopathic, Ayurvedic, Homoeopathic and Unani Systems of medicine, proprietary types of medicine and all toilet preparations.

3. The quantity of spirit/opium/Indian hemp/narcotic drugs/narcotics in the licensee's possession shall not exceed..... London-proof litres/ .....\*kilograms/.....\*grams/..... at any one time and shall not be allowed more than..... \*London-proof litres/ .....\*kilograms/.....\*grams for the year ending 31st March, 19.....

4. The licence may be revoked or suspended or its renewal may be refused if any declaration made or information given in the application therefor is found to be false or if any undertaking given in such application is not carried out.

Place.....

Date.....

(Licensing Authority)

\* To be fixed by the licensing Authority in accordance with the actual requirements of the manufacture.



*Renewal of licence*

DATE OF RENEWAL	YEAR FOR WHICH RENEWED	SIGNATURE OF LICENSING AUTHORITY

*List of preparations authorised to manufacture*

STANDARD PREPARATIONS				PROPRIETARY PREPARATIONS		
Allopathic	Homoeopathic	Ayurvedic	Unani	Name of the preparation	True formula of the preparation	Toilet preparation

M. &amp; T. P. Series No. 6

## FORM L-3

**Licence for Ayurvedic or Unani practitioner to manufacture Ayurvedic or Unani preparations containing self-generated alcohol for dispensing and not for trade purposes**

(See Rule 83)

Shri.....of.....  
having undertaken to comply with the conditions prescribed in the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, and any orders issued thereunder and having paid the prescribed licence-fee of Rs..... is hereby authorized to manufacture Ayurvedic or Unani preparations containing self-generated alcohol during the year ending 31st March, 19 , in the premises at..... and described in his application dated....., subject to the provisions of the rules.

2. The privilege conferred by this licence extends only to the manufacture of Ayurvedic or Unani preparations containing self-generated alcohol for dispensing to his patients and not for trade purposes.

3. This licence may be revoked or suspended or its renewal may be refused, if any declaration made or information given in the application therefor is found to be false or if any undertaking given in such application is not carried out.

Place.....

Date.....

(Licensing Authority)



*Renewal of the licence*

DATE OF RENEWAL	YEAR FOR WHICH RENEWED	SIGNATURE OF LICENSING AUTHORITY

M. &amp; T.P. Series No. 7

## FORM L-4

## Licence for a bonded warehouse

(See Rule 83)

*(Delete the letters and words not applicable)*

The under-mentioned premises belonging to Shri/Sarvashri.....of.....are hereby licensed, subject to the provisions of Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, and any orders issued thereunder, as a bonded warehouse for the deposit of dutiable goods on which duty has been paid.

Situation and description of premises.

2. The licence is granted to Shri/Sarvashri who has/have paid the prescribed fee of Rs. it is not transferable to any person and will remain in force until the 31st March, 19 unless revoked before that date.

3. This licence may be revoked or suspended or its renewal may be refused, if any declaration made or information given in the application therefor is found to be false or if any undertaking given in such application is not carried out.

Place .....

Date.....

(Licensing Authority)

*Renewal of licence*

DATE OF RENEWAL	YEAR FOR WHICH RENEWED	SIGNATURE OF LICENSING AUTHORITY



M. &amp; T.P. Series No. 8

## FORM B-1

Bond to be entered into by the licensee of a bonded manufactory

(See Rule 21)

(Delete the letters and words not applicable)

I/We \_\_\_\_\_ am \_\_\_\_\_ of \_\_\_\_\_  
 [hereinafter called obligor (s)] \_\_\_\_\_ bound to the  
 \_\_\_\_\_ are jointly and severally  
 President in the sum of \_\_\_\_\_ rupees to be paid to the President of  
 India/Governor of \_\_\_\_\_ State  
 for which payment \_\_\_\_\_ I \_\_\_\_\_ bind myself/ourselves and  
 we jointly and severally  
 my/our legal representatives.

The above-bounden obligor(s) having applied to the Excise Commissioner of  
 State at \_\_\_\_\_ (hereinafter called the  
 Commissioner) for and obtained a licence for the manufacture of \_\_\_\_\_ at  
 his/their manufactory at \_\_\_\_\_ the licence being entered in the  
 State Excise Records as No. \_\_\_\_\_ dated \_\_\_\_\_

Whereas the Commissioner has required the obligor (s) to deposit as guarantee  
 for the amount of this Bond, the sum of \_\_\_\_\_  
 rupees

the securities as hereinafter mentioned of a total face value of \_\_\_\_\_  
 rupees endorsed in the Commissioner's favour, namely,  
 and whereas the obligor (s) has/have furnished such guarantee by depositing with  
 the Commissioner the cash/securities as aforementioned.

The condition of this bond is that if the obligor (s) and his/their legal  
 representatives shall observe all the provisions of the Medicinal and Toilet Prepara-  
 tions (Excise Duties) Rules, 1956, and in particular shall either produce for charge  
 of duty all dutiable goods manufactured at the above manufactory and such other  
 dutiable goods on which duty has not been paid which are brought into the  
 manufactory for manufacturing, or shall deposit such goods in a store room or other  
 place of storage approved by the Commissioner under rule 31 of the Rules or shall  
 otherwise account to the satisfaction of the Commissioner, for such goods and shall  
 not remove from the approved premises or from the store room or other place of  
 storage, before the proper duty has been paid, any dutiable goods except as provided  
 for in the rules.

And if the obligor (s) or his/their legal representatives shall pay into the  
 treasury to the account of the Commissioner, all dues whether excise duty or other  
 lawful charges, which shall be demandable from the obligor (s) as shown in the  
 records of the proper officer within ten days from the date of demand thereof being  
 made in writing by the said officer.

This obligation shall be void.

Otherwise and on breach or failure in the performances of any part of this  
 conditions, the same shall be in full force.

And the President of India/Governor of \_\_\_\_\_ State shall, at his option, be  
 competent to make good all the loss and damages from the amount of the guarantee  
 deposit or by enforcing his rights under the above written bond or by both.

I/We declare that this bond is given under the orders of the Central/State  
 Government for the performance of an act in which the public are interested.

Place.....  
 Date.....

Signature (s) of obligor (s).



Witnesses (1)

(2)

Address (1)

(2)

Occupation (1)

(2)

Accepted by me this

day of

20.

.....of Excise.

President of India

On behalf of the

Governor of

M. &amp; T.P. Series No. 9

## FORM B-2 (SUR.)

**Bond (with Surety) to be entered into by the licensee of a  
private bonded warehouse**

(See Rule 71)

*(Delete the letters and words not applicable)*

I/We \_\_\_\_\_ of \_\_\_\_\_  
[hereinafter called the obligor (s)] and \_\_\_\_\_ of (hereinafter called the surety)  
are jointly and severally bound to the President of India/Governor of \_\_\_\_\_  
State in the sum of \_\_\_\_\_ rupees to be paid to the  
President of India/Governor of \_\_\_\_\_ State for  
which payment we jointly and severally bind ourselves and our legal repre-  
sentatives.

The above-bounden obligor (s) being the licensee of the warehouse  
at \_\_\_\_\_ licensed by the Excise Commissioner  
State at (hereinafter called the Commissioner) at a private bonded warehouse and  
registered in the State Excise Records as No. \_\_\_\_\_ dated \_\_\_\_\_  
for the storage of \_\_\_\_\_

The condition of this bond is that if the obligor (s) and his/their legal  
representatives shall observe all provisions of the Medicinal and Toilet Preparations  
(Excise Duties) Rules, 1956, to be observed in respect of a private bonded  
warehouse.

And if all dues, whether duty or other lawful charges which shall be deman-  
dable on the goods admitted to this warehouse as shown by the records of the proper  
officer of State Excise, be duly paid into the treasury to the account of the  
Commissioner within ten days of the date of demand thereof being made in writing  
by the said officer of State Excise.

This obligation shall be void.

Otherwise and on breach or failure in the performance of any part of this  
condition, the same shall be in full force.

We declare that this bond is given under the orders of the Central/State  
Government for the performance of an act in which the public are interested.

Place.....

Date.....

Signature (s) of obligor (s).



Witnesses (1)  
(2)  
Address (1)  
(2)  
Occupation (1)  
(2)

Place.....

Date.....

Witnesses (1)  
(2)  
Address (1)  
(2)  
Occupation (1)  
(2)

Accepted by me this day of 20.

Signature of Surety.

.....of Excise.

President of India

On behalf of the

Governor of

M. & T. P. Series No. 10.

FORM B-2 (SEC.)

**Bond (with Security) to be entered into by the licensee of a private bonded warehouse**

(See Rule, 71)

(Delete the letters and words not applicable)

I/We of (hereinafter called)

the obligor (s) am bound to the President of  
are jointly and severally  
India/Governor of State in the sum  
of rupees to be paid to the President of India/Governor of  
State for which payment

I bind myself/ourselves and my/our legal representatives. we jointly and severally

The above-bounden obligor (s) being permitted to remove, from time to time,

licensed by the Excise Commissioner State at (hereinafter  
called the Commissioner) as a private-bonded warehouse and registered in the State  
Excise Records as No. dated for the storage of.

Whereas the Commissioner has required the obligor (s) to deposit, as guarantee for the amount of this Bond the sum of rupees in cash.

the securities as hereinafter mentioned  
of a total face value of rupees endorsed  
in the Commissioner's favour, namely.

And whereas the obligor (s) has/have furnished such guarantee by depositing with the Commissioner the cash/securities as aforementioned.

The condition of this Bond is that if the obligor (s) and his/their legal representatives shall observe all the provisions of the Medicinal and Toilet Prepara-



tions (Excise Duties) Rules, 1956, to be observed in respect of a private bonded warehouse:

And if all dues, whether excise duty or other lawful charges, which shall be demandable on the goods admitted to this warehouse, as shown by the records of the proper officer of State Excise, be duly paid into the treasury to the account of the Commissioner within ten days of the date of demand thereof being made in writing by the said officer of State Excise.

This obligation shall be void.

Otherwise and on breach of failure in the performance of any part of this condition, the same shall be in full force.

And the President of India/Governor of \_\_\_\_\_ State shall, at his option, be competent to make good all the loss and the damages either from the amount of the guarantee deposit or by enforcing his rights under the above-written bond or by both.

I/We declare that this bond is given under the orders of the Central/State Government for the performance of an act in which the public are interested.

Place.....

Date.....

Signature (s) of obligor (s)

Witnesses (1)

(2)

Address (1)

(2)

Occupation (1)

(2)

Accepted by me this

day of

20 .

\_\_\_\_\_ of Excise.

President of India

On behalf of the \_\_\_\_\_

Governor of \_\_\_\_\_

M. & T. P. Series No. 11

#### FORM B-3 (SUR)

**Bond (with Surety) for the due despatch of dutiable goods removed for export to a foreign country without payment of duty**

(See Rule 15)

(Delete the letters and words not applicable)

I/We \_\_\_\_\_ of \_\_\_\_\_ [hereinafter called the obligor (s)] and I \_\_\_\_\_ of \_\_\_\_\_ (hereinafter called the surety) are jointly and severally bound to the President of India/Governor of \_\_\_\_\_ State, in the sum of \_\_\_\_\_ rupees to be paid to the President of India/Governor of \_\_\_\_\_ State for which payment we jointly/and severally bind ourselves and our legal representatives.

The above-bounden obligor (s) being permitted to remove the dutiable goods described in his/their application No. \_\_\_\_\_ dated \_\_\_\_\_ from the \_\_\_\_\_ for export to \_\_\_\_\_

licensed manufactory

via \_\_\_\_\_

(port or land customs stations of export).

The condition of this bond is that if the obligor (s) and his/their representatives shall observe all the provisions of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, to be observed in respect of \_\_\_\_\_ so exported:



bonded

And if all the said goods are duly exported to  
before the day of 20;

via

shall be  
ords of  
ount of  
made in

This obligation shall be void.

Otherwise, and on breach or failure in the performance of any part of this  
condition, the same shall be in full force.We declare that this bond is given under the orders of the Central/State  
Government for the performance of an act in which the public are interested.

t of this

Place.....

Date.....

Signature (s) of obligor (s).

State

Witnesses (1)

as either  
nder the

(2)

Address (1)

ral/State  
sed.

(2)

Occupation (1)

(2)

Place.....

ligor (s)

Date.....

Signature of Surety.

Witnesses (1)

(2)

Address..... (1)

(2)

Occupation (1)

(2)

Accepted by me this

day of 20 .

f Excise.  
nt of India

of Excise.

President of India

mor of

On behalf of the

Governor of

for export

M. &amp; T. P. Series No. 12.

FORM B-3 (SEC.)

Bond (with Security) for the due despatch of dutiable goods removed for ex-  
port to a foreign country without payment of duty

(See Rule 15)

(Delete the letters and words not applicable)

the obligor  
surety) are

I/We

of

am

to be paid  
ayment we

[hereinafter called the obligor (s)] ————— bound to

are jointly and severally

able goods  
from thethe President of India/Governor of State  
in the sum of rupees to be paid to the President of India/Governor  
of State for which paymentrepresentatives  
ons (Excise  
orted:I ————— bind myself/ourselves and my/our legal  
we jointly and severally  
representatives.

The above-bounded obligor (s) being permitted to remove the dutiable goods



described to his/their application No. \_\_\_\_\_ dated \_\_\_\_\_  
from the bonded warehouse/licensed manufactory, at \_\_\_\_\_ for ex-  
port to \_\_\_\_\_ via \_\_\_\_\_ (port or land customs station  
of export).

Whereas the Excise Commissioner of State..... at (hereinafter  
called the Commissioner) has required the obligor (s) to deposit as guarantee for  
the

the sum of \_\_\_\_\_ rupees in cash  
amount of this bond

the securities as hereinafter mentioned of a total face  
value of \_\_\_\_\_ rupees endorsed in the Commissioner's  
favour, namely:

And whereas the obligor (s) has/have furnished such guarantee by depositing  
with the Commissioner the cash/securities as aforementioned.

The condition of this bond is that if the obligor (s) and his/their legal  
representatives shall observe all the provisions of the Medicinal and Toilet Prepara-  
tions (Excise Duties) Rules, 1956, to be observed in respect of dutiable goods so  
removed.

And if all the said goods are duly exported to \_\_\_\_\_ via \_\_\_\_\_  
(port or land customs station of export) before the \_\_\_\_\_ day of  
19: \_\_\_\_\_

This obligation shall be void.

Otherwise and on breach or failure in the performance of any part of this  
condition, the same shall be in full force.

And the President of India/Governor of \_\_\_\_\_ State  
shall at his option, be competent to make good all the loss and damages either from  
the amount of the guarantee deposit or by enforcing his rights under the above  
written bond, or by both.

I/We declare that this bond is given under the orders of the \_\_\_\_\_ Central  
\_\_\_\_\_ State  
Government for the performance of an act in which the public are interested.

Place.....

Date.....

Signature (s) obligor (s).

Witnesses (1)

(2)

Address (1)

(2)

Occupation (1)

(2)

Accepted by me this

day of

20

\_\_\_\_\_ of Excise. 4

President of India

On behalf of the

Governor of



M. &amp; T.P. Series No. 13

## FORM B-3 (GEN. SUR.)

General Bond (with Surety) for the due despatch of dutiable goods removed  
from time to time for export to a foreign country without payment of duty

(See Rule 16)

(Delete the letters and words not applicable)

I/We \_\_\_\_\_ of \_\_\_\_\_  
[hereinafter called the obligor (s)] and \_\_\_\_\_ of \_\_\_\_\_  
[hereinafter called the surety] are jointly and severally bound to the President of  
India/Governor of \_\_\_\_\_ State in the sum of \_\_\_\_\_ rupees to be paid  
to the President of India/Governor of \_\_\_\_\_ State for which payment we jointly  
and severally bind ourselves and our legal representatives.

The above bounden obligor (s) being permitted to remove from time to time,  
conditional on the provisions of the Medicinal and Toilet Preparations (Excise  
Duties) Rules, 1956, being observed, \*without payment of duty from the bonded  
warehouse/licensed manufactory, at \_\_\_\_\_ for exportation.

The condition of this bond is that if the obligor (s) and his/their legal  
representatives shall observe all the provisions of the Medicinal and Toilet Prepara-  
tions (Excise Duties) Rules, 1956, to be observed in respect of dutiable goods so  
removed.

And if the said goods are duly removed and exported within such time as the  
Excise Commissioner of \_\_\_\_\_ State at \_\_\_\_\_ directs;

This obligation shall be void.

Otherwise and on breach or failure in the performance of any part of this  
condition, the same shall be in full force.

We declare that this bond is given under the order of the \_\_\_\_\_  
\_\_\_\_\_ Central  
\_\_\_\_\_ State

Government for the performance of an act in which the public are interested.

Place.....

Date.....

Signature (s) of obligor (s)

Witnesses (1)  
(2)Address (1)  
(2)Occupation (1)  
(2)

Place.....

Date.....

Witnesses (1)  
(2)Address (1)  
(2)Signature of surety.  
Occupation (1)  
(2)

Accepted by me this

day of

20

\_\_\_\_\_  
of Excise  
President of India

On behalf of the

\_\_\_\_\_  
Governor of

\* Here enter the description of the dutiable goods.



M. &amp; T. P. Series No. 14.

## FORM B-3 (GEN. SEC.)

General Bond (with Security) for due despatch of dutiable goods removed  
from time to time for export to a foreign country without payment of duty

(See Rule 16.)

(Delete the letters and words not applicable)

I/We \_\_\_\_\_ of \_\_\_\_\_ am  
[hereinafter called the obligor (s)] \_\_\_\_\_  
\_\_\_\_\_ are jointly and severally  
bound to the President of India/Governor of \_\_\_\_\_ State in the sum  
of \_\_\_\_\_ rupees to be paid to the President of India/  
Governor of \_\_\_\_\_ State, for which payment

I \_\_\_\_\_ bind myself ourselves and my/our legal repre-  
sentatives.

we jointly and severally

The above bonded obligor (s) being permitted to remove, from time to time,  
conditional on the provisions of the Medicinal and Toilet Preparations (Excise  
Duties), Rules, 1956, being observed, \_\_\_\_\_ without payment of duty

\_\_\_\_\_ bonded warehouse  
from the \_\_\_\_\_ at \_\_\_\_\_ for exportation.  
\_\_\_\_\_ licensed manufactory

Whereas the Excise Commissioner of \_\_\_\_\_ State at \_\_\_\_\_ (here-  
inafter called the Commissioner) has required the obligor(s) to deposit as  
the sum of \_\_\_\_\_ rupees in cash  
guarantee for the amount of this Bond—

the securities as hereinafter mentioned  
of a total face value of rupees  
endorsed in the Commissioner's favour,  
namely,

And whereas the obligor (s) has/have furnished such guarantee by depositing  
with the Commissioner the cash/securities as aforementioned.

The condition of this bond is that if the obligor (s) or his/their legal repre-  
sentatives shall observe all the provisions of the Medicinal and Toilet Preparations  
(Excise Duties) Rules, 1956, to be observed in respect of the goods so removed for  
export;

And if the said goods are duly removed and exported within such time as the  
Commissioner directs;

This obligation shall be void.

Otherwise and on breach or failure in the performance of any part of this  
condition, the same shall be in full force.

And the President of India/Governor \_\_\_\_\_ State  
shall at his option be competent to make good all the loss and damages either from  
the amount of the guarantee deposit or by enforcing his rights under the above-  
written bond or by both.

I/We declare that this bond is given under the orders of the \_\_\_\_\_  
Central

Government for the performance of an act in which the public are interested.  
Place..... State

Date.....

.....  
Signature (s) of obligor (s).

\* Here enter the description of the dutiable goods.



Witnesses (1) Address (1) Occupation (1)  
(2) (2) (2)  
Place..... Signature of surety, (2)  
Date.....  
Witnesses (1) Address (1) Occupation (1)  
(2) (2) (2)  
Accepted by me this \_\_\_\_\_ day of \_\_\_\_\_ 20.  
\_\_\_\_\_ of Excise.  
President of India  
On behalf of the \_\_\_\_\_  
Governor of \_\_\_\_\_

M. &amp; T.P. Series No. 15.

## FORM B-4 (SEC.)

**Bond (with Surety) for the due arrival and rewarehousing of dutiable goods removed from one bonded warehouse to another**

(See Rule 105)

(Delete the letters and words not applicable)

I/We \_\_\_\_\_ of \_\_\_\_\_  
[hereinafter called the obligor (s)] and \_\_\_\_\_ (hereinafter  
called the surety) are jointly and severally bound to the President of India/Governor  
of \_\_\_\_\_ State in the sum of \_\_\_\_\_ rupees to be paid to the  
President of India/Governor of State \_\_\_\_\_ for which payment we  
jointly and severally bind ourselves and our legal representatives.

The above-bonded obligor (s) being permitted to remove the goods described  
in his/their application No. \_\_\_\_\_ dated \_\_\_\_\_ from the bonded  
warehouse at \_\_\_\_\_ to the bonded warehouse at \_\_\_\_\_

The condition of this bond is that if the obligor (s) and his/their legal  
representatives shall observe all the provisions of the Medicinal and Toilet Prepara-  
tions (Excise Duties) Rules, 1956, to be observed in respect of the goods so  
transferred.

And if all the said goods are duly removed to and rewarehoused at the  
warehouse at \_\_\_\_\_ before \_\_\_\_\_ the day of \_\_\_\_\_ 19;  
This obligation shall be void.

Otherwise and on breach or failure in the performance of any part of this  
condition, the same shall be in full force.

We declare that this bond is given under the orders of the \_\_\_\_\_ Central  
\_\_\_\_\_ State

Government for the performance of an act in which the public are interested.  
Place.....  
Date.....

Witnesses (1) Address (1) Signature (s) of obligor (s).  
(2) (2) Occupation (1)  
Place..... (2)  
Date..... (2)

Signature of surety.



Witnesses (1)	Address (1)	Occupation (1)
(2)	(2)	(2)
Accepted by me this	day of	20
		_____ of Ex-cise.
		President of India
	On behalf of the	_____
		Governor of

M. &amp; T. P. Series No. 16

## FORM B-4 (SEC.)

Bond (with Security) for the due arrival and rewarehousing of dutiable goods removed  
from one bonded warehouse to another

(See Rule 105)

(Delete the letters and words not applicable)

I/We \_\_\_\_\_ am \_\_\_\_\_ of [hereinafter called the  
amobligor (s)] \_\_\_\_\_ bound to the President of India/Governor  
are jointly and severally \_\_\_\_\_  
of \_\_\_\_\_ State in the sum of \_\_\_\_\_  
rupees to be paid to the President of India/Governor of \_\_\_\_\_ State  
for which payment \_\_\_\_\_ bind myself/ourselves and my/our  
we jointly and severally  
legal representatives.

The above-bounden obligor(s) being permitted to remove the goods described  
in his/their application No. \_\_\_\_\_ dated \_\_\_\_\_  
from the bonded warehouse at \_\_\_\_\_ to the bonded warehouse at \_\_\_\_\_

Whereas the Excise Commissioner at \_\_\_\_\_ (hereinafter  
called the Commissioner) has required the obligor(s) to deposit as guarantee  
the sum of \_\_\_\_\_ rupees in cash for the amount  
of this bond \_\_\_\_\_

the securities as hereinafter mentioned of a total face value  
of \_\_\_\_\_ rupees endorsed in the Commissioner's favour,  
namely \_\_\_\_\_

And whereas the obligor(s) has/have furnished such guarantee by depositing  
with the Commissioner the cash/securities as aforementioned.

The condition of this bond is that if the obligor(s) and his/their legal repre-  
sentatives shall observe all the provisions of the Medicinal and Toilet Preparations  
(Excise Duties) Rules, 1956, to be observed in respect of the goods so transferred:

And if all the said goods are duly removed to, and rewarehoused at before the  
day of \_\_\_\_\_ 20;

This obligation shall be void.

Otherwise and on breach or failure in the performance of any part of this  
condition, the same shall be in full force.

And the President of India/Governor of \_\_\_\_\_ State  
shall, at his option, be competent to make good all the loss and damages either  
from the amount of the guarantee deposit or by enforcing his rights under the above  
written bond or both.

I/We declare that this bond is given under the orders of the \_\_\_\_\_ Central \_\_\_\_\_ Government  
State \_\_\_\_\_  
for the performance of an act in which the public are interested.



FORMS

Place.....

Date.....

Witnesses (1)  
(2)Address (1)  
(2)

Signature (s) of obligor (s).

Occupation (1)  
(2)

Accepted by me this

day of

20 .

—of Excise.

President of India

On behalf of the

Governor of

M. &amp; T. P. Series No. 17

## FORM B-4 (GEN. SEC.)

General bond (with surety/ies) for the arrival and rewarehousing of dutiable  
goods removed from one bonded warehouse to another

(See Rule 106)

(Delete the letters and words not applicable)

I/We \_\_\_\_\_ of [hereinafter called the obligor (s)] am/are  
bound to the President of India/Governor of \_\_\_\_\_  
State in the sum of \_\_\_\_\_ rupees and I/we  
of \_\_\_\_\_ (hereinafter called the "First Surety")  
of \_\_\_\_\_ (hereinafter called the "Second Surety")  
of \_\_\_\_\_ (hereinafter called the "Third Surety")  
of \_\_\_\_\_ (hereinafter called the "Fourth Surety")

(all hereinafter collectively referred to as the First Surety, the Second Surety,  
the Third Surety, the Fourth Surety) are each of us severally, bound to the President  
of India/Governor of \_\_\_\_\_ State  
in the sum of \_\_\_\_\_ rupees each to be paid to the President of India/  
Governor of \_\_\_\_\_ State  
for which payment I/we the obligor/obligors bind ourselves and our legal repre-  
sentatives and I/we the above-named First Surety, the Second Surety, the Third  
Surety and the Fourth Surety severally bind myself/ourselves and our legal repre-  
sentatives.

The above-bounden obligor (s) being permitted to remove from time to time  
conditional on the provisions of the Medicinal and Toilet Preparations (Excise  
Duties) Rules, 1956, being observed, from the bonded warehouse(s) at to other  
bonded warehouse situated anywhere in India or *vice versa*.

The condition of his bond is that if the obligor(s) and his/their legal repre-  
sentatives shall observe all the provisions of the said rules, to be observed in respect  
of the goods so transferred from time to time.

And if the said goods are duly removed to and rewarehoused at the bonded  
warehouse(s) of destination to which they are permitted to be removed within such  
time as the proper officer directs.

This obligation shall be void.

Otherwise and on breach or failure in the performance of any part of this  
condition, the same shall be in full force.

We declare that this bond is given under the orders of the

Central

State

• Here enter the description of the dutiable goods.



Government for the performance of an act in which the public are interested.

Place.....

Date.....

Witnesses (1)  
(2)

Address (1)  
(2)

Signature (s) of obligor (s).

Occupation (1)

(2)

Witnesses (1)  
(2)

Address (1)  
(2)

Signature (s) of Surety (ies)

Occupation (1)

(2)

Accepted by me this

day of

20.

\_\_\_\_\_ of Excise,  
President of India

On behalf of the \_\_\_\_\_  
Governor of \_\_\_\_\_

M. & T.P. Series No. 18.

FORM B-4 (GEN. SEC.)

General Bond (with Security) for the due arrival and rewarehousing of dutiable goods removed from one bonded warehousing to another

(See Rule 106)

(Delete the letters and words not applicable)

I/We

of

am

bound to

[hereinafter called the obligor (s)]

are jointly and severally

the President of India/Governor of  
the sum of  
Governor of

State in  
rupees to be paid to the President of India/  
State for which pay-

ment \_\_\_\_\_ bind myself/ourselves and my/our legal  
representatives.  
we jointly and severally

The above-bounden obligor (s) being permitted to remove, from time to time, conditional on the provisions of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, being observed from bonded warehouse (s) at to other bonded warehouses situated anywhere in India or vice versa.

Whereas the Excise Commissioner (hereinafter called the Commissioner) has required the obligor (s) to deposit, as guarantee for the sum of \_\_\_\_\_ rupees in cash amount of this bond \_\_\_\_\_

the securities as hereinafter mentioned of a total face value of rupees endorsed in the Commissioner's favour, namely—

And whereas the obligor(s) has/have furnished such guarantee by depositing with the Commissioner the cash/securities as aforementioned. The condition of this bond is that if the obligor(s) or his/their representatives shall observe all the provisions of the said rules, to be observed in respect of the goods so transferred from time to time.

\* Here enter description of the dutiable goods.



And if the said goods are duly removed to and rewarehoused at the bonded warehouse(s) of destination to which it is permitted to be removed, within such time as the proper officer directs:

The obligation shall be void.

Otherwise, and on breach or failure in the performance of any part of this condition, the same shall be in full force.

And the President of India/Governor of \_\_\_\_\_ State shall at this option, be competent to make good all the loss and damages either from the amount of the guarantee deposit or by enforcing his rights under the above-written bond or by both.

I/We declare that this bond is given under the orders of the \_\_\_\_\_ Central

Government for the performance of an act in which the public are interested. \_\_\_\_\_ State

Place.....

Date.....

Witnesses (1)

Address (1)

Signature (s) of obligor (s).

(2)

(2)

Occupation (1)

Accepted by me this

day of

20.

(2)

\_\_\_\_\_ of Excise.

President of India

On behalf of the \_\_\_\_\_

Governor of

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M. &amp; T. P. Series No. 19

## FORM R. G.-1

(Rule 25)

Register of vessels or receptacles  
Bonded/Non-bonded Manufactory  
in \*-----of

## Bonded Warehouse

Shri/Sarvashri.....

(Delete the words not applicable)

Consecutive Numbers	Description of vessels or receptacles	Gauged Contents	When taken into use	When taken out of use	Where installed	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)



M. &amp; T. P. Series No. 20

## FORM R. G.-2

(Rules 27, 30, 49 and 50)

Register of transaction in the spirit store of bonded/non-bonded manufactory  
of

Shri/Sarvashri.....

(In the case of opium, Indian hemp and other narcotic drugs and narcotics only quantity need be noted)

	In hand	Received	Total in hand and received	Expended	Month and date	1
					Quality	2
					Strength	3
					Proof	4
					Whence	5
					Indent number	6
					Permit number	7
					Quantity	8
					Strength	9
					Proof	10
					Quantity	11
					Strength	12
					Proof	13
					Application number	14
					Quantity	15
					Strength	16
					Proof	17
					Wastage proof litres	18



M. &amp; T. P. Series No. 21

FORM R. G.-3

(Rules 31, 33 and 52)

Register of operations in the bonded/non-bonded manufactory  
of  
Shri/Sarvashri.....

	Preparations manufactured	Quantity expended						Quantity received from spirit store											
			Batch No.	Name	Quantity	Strength in London Proof litres	Alcohol												
							Other narcotics drugs or narcotics	Indian hemp	Opium	London Proof litres	Strength	Bulk	Other narcotic drugs or narcotics	Indian hemp	Opium	London Proof litres	Strength	Bulk	
																			Grams
Month and date																			







M. &amp; T. P. Series No. 23

## FORM R. G.-5 (Part I)

(Rules 72 and 75)

## Warehouse register of receipts

(To be maintained in a Bonded Warehouse)

Situation of warehouse		Name of licensee		No. and date of licence		Description of goods issued		Duty Chargeable		Remarks																							
						Batch No.	Name of preparation	Content per litre	Rate		Amount																						
1	Serial No.	2	* Date	3	No. and date of Transport Permit	4	Name and address of owner of goods	5	Number and description of packages	6	Marks and number	7	Gross Weight	8	Batch No.	9	Name of preparation	10	Alcohol in L.P. litres	11	Opium	12	Indian hemp	13	Other narcotic drugs and narcotic	14	Rs. np.	15	Rs. np.	16	Room or place in warehouse in which deposited	17	Remarks

\* Where the goods are received from another warehouse the date of first warehousing should also be stated in red ink ?



M. &amp; T. P. Series No. 24

FORM R. G.-5 (Part II)  
(Rules 72 and 75)

Warehouse register of issues  
(To be maintained in a Bonded Warehouse)

Situation of warehouse		Name of licensee		No. and date of licence]	
1	2	3	4	5	6
Sl. No		Number and date of relative entry in Part I		Number and date of relative application of clearance	
		Name and address and licence No. of persons to whom issued		Number of packages issued	
		Batch No.			
		Name of preparation		Bulk quantity	
		Alcohol in L.P. litre			
		Opium			
		Indian hemp			
		Other narcotic drugs and narcotics			
		Rate		Amount	
		Rs. pp		Rs. pp	
		Treasury and Treasury Challan No. and date or entry No. and date of Account-Current Ledger			
		No. of date of Transport Permit			
		Batch No.			
		Name of preparation			
		Bulk quantity			
		Alcohol in L.P. litres			
		Opium			
		Indian hemp			
		Grams Other narcotic drugs and narcotics			
		Remarks			
		Content per litre			
		Balance in stock of warehouse			



M. & T.P. Series No. 25  
(Front Page)

FORM V. B. -1

(Rule 90)

Visit Book

Name of licensee :  
Description of the licenceVillage/Town:  
Taluk :  
Circle :  
Range :

Licence No.....

## QUANTITY OF ALCOHOL, ETC.

		Authorized to obtain during the year	Authorized to possess at any one time
Alcohol	C-D		
Opium	S-T		
Indian hemp	S-T		
Other narcotic drugs and narcotics			
		Grams	

- Notes.— 1 This book must be delivered up to the licensing authority on the expiry of the period for which the licence is valid.
2. This book must be available at all times for any officer authorized to inspect the licensed premises for writing his minutes.

(Delete the words not applicable).

M. &amp; T. P. Series No. 25

M. &amp; T. P. Series No. 25



M. &amp; T. P. Series No. 26

FORM I. D-1

(Rules 26, 49 and 50)

Indent for Alcohol/Opium/Indian  
Hemp/other Narcotic drugs/Narcotics  
Non-Bonded bonded/Manufactory of  
Shri/ Saravashri.....

Indent No.

To

The Distillery Officer.....  
The Treasury Officer.....  
Factory Officer, Ghazipur.

Sir,

Please issue litres/kilograms/ grams  
of spirit (of not less than 50% O.P. Strength.  
Opium/Indian hemp/ other narcotic  
drugs/narcotics for use in the manufacture  
of dutiable preparations in my/our  
Bonded/Non-Bonded Manufactory  
at.....

I/We.....shall pay duty at the rate levied  
by the State Government on alcoholic  
liquors on all wastages in excess of the  
wastage allowed under rule 19.

Signature of Licensee

Counter-signatures of Licence

No.....

Officer-in-charge

Bonded Manufactory

Proper Officer

(Delete the words not applicable)

M. &amp; T. P. Series No. 26

FORM I. D-1

(Rules 26, 49 and 50)

Indent for Alcohol/Opium/Indian Hemp/other  
Narcotic drugs/Narcotics  
Non-Bonded bonded/Manufactory of Shri/  
Saravashri.....

Indent No.

To

The Distillery Officer.....  
The Treasury Officer.....  
Factory Officer, Ghazipur.

Sir,

Please issue litres/kilograms/ grams  
of spirit (of not less than 50% O.P. Strength.  
Opium/Indian hemp/ other narcotic  
drugs/narcotics for use in the manufacture  
of dutiable preparations in my/our  
Bonded/Non-Bonded Manufactory  
at.....

I/We.....shall pay duty at the rate levied  
by the State Government on alcoholic  
liquors on all wastages in excess of the  
wastage allowed under rule 19.

Signature of Licensee

Counter-signatures of Licence

No.....

Officer-in-charge

Bonded Manufactory

Proper Officer

(Delete the words not applicable)

M. &amp; T. P. Series No. 26

FORM I. D-1

(Rules 26, 49 and 50)

Indent for Alcohol/Opium/Indian Hemp/other  
Narcotic drugs/Narcotics  
Non-Bonded bonded/Manufactory of  
Shri/ Saravashri.....

Indent No.

To

The Distillery Officer.....  
The Treasury Officer.....  
Factory Officer, Ghazipur.

Sir,

Please issue litres/kilograms/ grams  
of spirit (of not less than 50% O.P. Strength.  
Opium/Indian hemp/ other narcotic  
drugs/narcotics for use in the manufacture  
of dutiable preparations in my/our  
Bonded/Non-Bonded Manufactory  
at.....

I/We.....shall pay duty at the rate levied  
by the State Government on alcoholic  
liquors on all wastages in excess of the  
wastage allowed under rule 19.

Signature of Licensee

Counter-signatures of Licence

No.....

Officer-in-charge

Bonded Manufactory

Proper Officer

(Delete the words not applicable)



M. &amp; T. P. Series No. 27

## FORM R.Q.I

(Rules 29 and 30)

Requisition for issue of alcohol/opium/India hemp/  
other narcotic drugs/narcotics from the spirit store of  
bonded manufactory of Shri/Sarvashri.....

Foil

Requisition No. ....

To  
The Officer-in-Charge

Sir, Please issue litres/kilograms/grams of al-  
cohol/opium/Indian hemp/other narcotics drugs/nar-  
cotics for the manufacture of the following preparation :

Month and date	Alcohol/Opium/ Indian hemp/ other narcotic drugs/narcotics required Quantity G-D S-T Grams	Strength	Alcoholic proof Content	Kind of Preparation	Name of Preparation	Quantity	Remarks
			G-D			G-D	

Dated

Signature of licensee.

M. &amp; T. P. Series No. 27

## FORM R.Q.I

(Rules 29 and 30)

Requisition for issue of alcohol/opium/India hemp/  
other narcotic drugs/narcotics from the spirit store of  
bonded manufactory of Shri/Sarvashri.....

Counterfoil

Requisition No. ....

To  
The Officer-in-Charge

Sir, Please issue litres/kilograms/grams of al-  
cohol/opium/Indian hemp/other narcotics drugs/nar-  
cotics for the manufacture of the following preparation :

Month and date	Alcohol/Opium/ Indian hemp/ other narcotic drugs/narcotics required Quantity G-D S-T Grams	Strength	Alcoholic proof Content	Kind of Preparation	Name of Preparation	Quantity	Remarks
			G-D			G-D	

Dated

Signature of licensee.



Dated

Signature of licensee.

Dated

Signature of licensee.

M. &amp; T. P. Series No. 28

FORM A.R. -1  
(Rule 107)

Application for removal of dutiable goods from one bonded manufactory/warehouse to another bonded Warehouse  
 I/We apply for leave to remove the undermentioned goods from \_\_\_\_\_ to \_\_\_\_\_

Number and date of entry in the register of bonded manufactory warehouse	Description of goods				Duty		Remarks
	Batch No	Name of preparation	Bulk quantity	Content per litre/kilograms	Rate	Amount	
1	2	3	4	Alcohol in L.P. litres	G-D	5	12
				Opium	S-T	6	
				Indian hemp	S-T	7	13
				Other narcotic drugs of narcotics	Grams	8	
				Number and description of packages		9	14
				Gross weight of packages		10	
				Marks and number of packages		11	15
				Value of goods	Rs.p.	12	
					Rs.p.	13	16
					Rs.p.	14	
				Manner of transport.		15	17
				Route of transport		16	

2. I/We hereby declare the particulars given above to be true.  
 Place.....  
 Date.....

Signature of the licensee or his authorized agent.  
 Owner's licence No. ....



1. Certificate of Officer-in-charge of the Bonded Manufactory/Warehouse of removal.

To ..... ..

I hereby certify that the consignment conforms in all respects to the description given overleaf and that the following particulars relate thereto.

Duty	(i) Rate	(ii) Amount
------	----------	-------------

Bond No.....dated.....  
Transport permit No.....dated.....  
Place.....  
Date.....

Signature of Officer-in-charge.

2. Certificate of Officer-in-Charge of the Warehouse of destination.

I hereby certify that the consignment arrived at.....on.....that the goods conform in all respect to the description given overleaf except for the following discrepancies ; and that they have been re-warehoused under Entry No.....dated.....

Signature of Officer-in-Charge.

Place.....  
Date.....



M. &amp; T. P. Series No. 29

## FORM A. R. 2

(Rules 40 and 81)

Application for clearance on payment of duty from bonded manufactory/warehouse of  
Shri/Sarvashri .....

Number and date of entry in Register of the Bonded Warehouse/Manufactory		Batch No.		Name of preparation		Description of goods		Marks and number of containers		True formula of the preparation		Value		Duty		Purpose for which the goods are to be cleared and if they are meant for issue, the name and address of the party to be issued.		Remarks																
						<table border="1"> <tr> <td rowspan="3">Content per litre/kilogram</td> <td>Other narcotic drugs or narcotics</td> <td>Gram</td> </tr> <tr> <td>Indian hemp</td> <td>S-T</td> </tr> <tr> <td>Opium</td> <td>S-T</td> </tr> </table>		Content per litre/kilogram	Other narcotic drugs or narcotics	Gram	Indian hemp	S-T	Opium	S-T					<table border="1"> <tr> <td rowspan="2">Rate</td> <td>Rs. P.</td> </tr> <tr> <td>Rs. P.</td> </tr> </table>		Rate	Rs. P.	Rs. P.	<table border="1"> <tr> <td>Rs. P.</td> </tr> </table>		Rs. P.	<table border="1"> <tr> <td>Rs. P.</td> </tr> </table>		Rs. P.	<table border="1"> <tr> <td>Rs. P.</td> </tr> </table>		Rs. P.		
Content per litre/kilogram	Other narcotic drugs or narcotics	Gram																																
	Indian hemp	S-T																																
	Opium	S-T																																
Rate	Rs. P.																																	
	Rs. P.																																	
Rs. P.																																		
Rs. P.																																		
Rs. P.																																		

(\*To be entered by the owner or his agent in words and figures.)  
 I/We declare the above particulars to be true and correctly stated.  
 I/We apply for leave to clear the above goods.  
 Place.....  
 Date.....

(Signature of the owner or his authorized agent.)



## Assessment Memorandum

(To be entered in words and figures)

1. Total number of containers.....
2. Quantity of goods on which duty is assessed.....
3. Rate of duty.....
4. Total duty payable.....

Signature

Place.....

Date.....

Office-in-Charge  
Bonded Manufactory/Warehouse.
Treasury  
Sub-Treasury  
State Bank of India  
Reserve Bank of India

Statement of duty paid at.....

1. For payment in cash (to be filled in by the owner or his agent).

Name of person tendering Payment	Particulars of person Payment	Amount in words and figures Rs. p	Head of account

 Date.....  
 (To be filled in by Treasury or Bank)  
 Deposit No.....  
 Date.....

Signature to tender .....



To be filled in by Treasury of Bond  
Deposit No.....  
Date.....

Signature to tender .....

Received payment of rupees.....(In words).  
Signature of Treasurer.....  
Accountant.....  
Treasury Officer.....  
Agent or Manager.....

II For Payment through account-current

Number and date of Transport Permit, if any.....	Title of Account of ledger Number	Number and date of entry	Amount	
			Rs	P.

Place.....  
Date.....

Officer-in-Charge, Date.....  
Bonded Manufactory/Warehouse.

Signature of owner or his  
authorized agent.







1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

2. I/We hereby declare that the above consignment of goods intended for export to .....
3. I/We hereby declare that the above particulars are true and correctly stated.

Place.....  
Date.....

*Signature of owner or his authorized agent.*

Certified that I have examined the above mentioned consignment, that the description given above is correct that duty has been paid thereon, and that after examination I have sealed the packages with my official seal, the owner has entered into a bond under rule 16.

Place.....  
Date.....

Signature : Excise Officer .....  
Officer-in-Charge of Bonded  
Manufactory/Warehouse.....



FORM A. R. 4  
(Rule 98)

## Application for removal of dutiable goods for export by Sea/Air/Post

To  
The Excise Officer.....  
The Officer-in-Charge  
I/We .....of.....propose to export the undermentioned consignment to.....claim for  
rebate.....(country of destination) by Sea/Air/Parcel Post under bond :

Number and description of packages		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Gross weight																			
Marks and Number of containers																			
Batch No.																			
Name of preparation																			
Bulk quantity																			
Alcohol in L. P. litre																			
Opium																			
Indian hemp																			
Other narcotics drugs or narcotics																			
Description of goods																			
Content per litre																			
Value																			
Rate																			
Amount																			
Duty																			
True formula of the preparation																			
Number and date of document under which duty was paid of No. and date of document executed under rule																			
Amount of rebate claimed																			
Number and date of Railway receipt, if any																			
Remarks																			

2. I/We hereby declare that the above particulars are true and correctly stated.  
Signature(s) of applicant(s) or his/their  
authorized agent(s)



Signature(s) of applicant (s) or his/their authorized agent(s)

1. Certified that I have examined the consignment described overleaf, that the particulars stated in the description are correct, that duty has been paid on the goods

-----and that after examination I have sealed the packages the owner has entered into a bond under rule 16 with my official seal.

Place.....

Date.....

Signature of Excise Officer.....

Officer-in-Charge

(On original and duplicate)

## EXPORT BY SEA/BY AIR

2. Certified that the seals on the packages were found intact and that I have satisfied myself that the particulars of the consignment are as specified overleaf except for the shortages mentioned below.

3. Certified that the consignment was shipped under my supervision under shipping bill No.....dated.....by S.S./Air ship.....which left for.....on the day of.....19.....

Place.....

Date.....

Signature of Preventive Officer.

Countersigned.

Signature of Customs Collector.

(On duplicate only)

4. Certified that the goods described overleaf have not been relanded and are not intended to be relanded at any port in India.

Place.....

Date.....

Signature of Exporter.

## EXPORT BY POST

5. Certified that the consignment described above has been despatched by foreign post to.....on.....day of.....19.....

Place.....

Date.....

Signature of Post Master.

Post Office.

6. Certified that the alcoholic content of the dutiable goods mentioned above is.....L.P. litres ascertained by chemical analysis and the duty leviable is Rs.

Rs.....

Date.....

Signature of Excise Officer.

7. Rebate of.....(.....Rupees) sanctioned.

Place.....

Date.....

8. Certified that I have this day paid the sum of Rs. .... (...Rupees) to..... in satisfaction of his claim.

Place.....

Date.....

Signature of Officer-in-Charge.

Treasury

(Delete the entire and words not applicable.)

2. I/We hereby declare that the above particulars are true and correctly stated.



M &amp; T. P. Series No. 32

FORM T.P.1  
(Rules 107 and 112)

Transport permit for intra-State/inter-State movement of dutiable goods

Permit is granted to Shri/Sarvashri.....

(here enter name of consignee)

to transport from.....(here enter place of despatch)

to.....(here enter the place of despatch)

the dutiable goods.....as specified below :—

(Here state description and weight or quantity of each kind of goods.)

Number and marks of packages	Gross weight	Batch	Name of preparation	Bulk quality	Content per litre					True formula of the preparation	Remarks
					Alcohol in L. P. litre	Opium	Indian hemp	Other narcotic drugs or narcotics			
				G-D	G-D	S.T	S-T	Grams			
1	2	3	4	5	6	7	8	9	10	11	

This pass must be used within 90 days from the date of its issue. The bulk of the consignment shall not be broken in transit.

Place.....

Date.....

Excise Officer

Officer-in-Charge of  
Bonded Manufactory/  
Warehouse

Certified that the consignment of dutiable goods mentioned above has been received intact.

Place.....

Date.....

Signature of Excise Officer.....

Officer-in-Charge.....

Note.— This Form will be printed in books of two parts and four parts. In the case of book containing four parts the certificate at the top should be printed in the last part above.



M. & T. P. Series No. 33

(Printed Serial No.....)  
FORM D. D.-1

Notice of demand for payment of duty  
(Rule 9)

Office.....19

Name and address of assessee.....

Licence No.....

Amount Rupees.....

Date by which duty is to be paid.....

*Assessment Particulars*

Quantity of medicinal and toilet preparations.....litres.

Number of packages.....

Variety.....

Content per litre of dutiable goods :  
Alcohol Opium Indian hemp Other narcotic drugs or narcotics  
(in L.P. litres)

Rate of duty.....

\*Duty paid at ..... Treasury Receipt number.....dated.....

duty paid through account current.....

.....(Title of account or Ledger No.)

M. & T. P. Series No. 33

(Printed Serial No.)  
FORM D. D.-1

Certificate of Payment  
(Rule 9)

Head of Account :  
Excise duty on medicinal and toilet preparations

To.....

.....of Excise.....

Certified that I have today received the sum of Rs.....p.....

excise duty demand on the foil attached hereto.

*Assessment Particulars*

Name of assesss.....Licence No.....

Number of packages.....weight in.....

Variety.....

Content per litre of dutiable goods :  
Alcohol Opium Indian hemp Other narcotic drugs or narcotics  
(in L.P. litres)

Rate of duty.....

Number.....Signature.....Treasury

M. & T. P. Series No. 33

(Printed Serial No.....)  
FORM D. D.-1

Notice of demand for Payment of duty  
(Rule 9)

To.....19

Take notice that on behalf of the Central/State Government I hereby demand payment by you of the sum of Rs.....(Rupees...) being the excise duty on the mentioned medicinal and toilet preparations weighed/ measured/ gauged/proved in my presence this day. This sum must be paid into....Treasury within ten days from the date of this demand and on production to the Treasury receipt you may apply to me for a permit to remove the goods for sale of despatch.

*Assessment Particulars*

Quantity of medicinal and toilet preparations.....litres.

Number of package.....

Variety.....

Content per litre of dutiable goods :  
Alcohol Opium Indian hemp Other narcotic drugs or narcotics  
(in L.P. litres)

Rate of duty.....of Excise



Number and date of entry.....  
 .....of Excise  
 (\*Delete where inapplicable)

### Certificate of Payment

To be retained by the Treasury Officer

Head of Account.....

Excise duty on medicinal and toilet preparations.

Certified that I have today received the sum of Rs. .... (Rupees) .....

P. ....) Excise duty demanded on the  
foil attached hereto.

### Assessment Particulars

Name of assessee .....

Licence No.....

Number of packages.....Weight

□.....

Variety.....

Content per litre of dutiable goods :

	Alcohol	Opium	Indian	Other narcotic
1906-7	8,000,000	1,000,000	1,000,000	1,000,000
1907-8	8,000,000	1,000,000	1,000,000	1,000,000
1908-9	8,000,000	1,000,000	1,000,000	1,000,000
1909-10	8,000,000	1,000,000	1,000,000	1,000,000
1910-11	8,000,000	1,000,000	1,000,000	1,000,000
1911-12	8,000,000	1,000,000	1,000,000	1,000,000
1912-13	8,000,000	1,000,000	1,000,000	1,000,000
1913-14	8,000,000	1,000,000	1,000,000	1,000,000
1914-15	8,000,000	1,000,000	1,000,000	1,000,000
1915-16	8,000,000	1,000,000	1,000,000	1,000,000
1916-17	8,000,000	1,000,000	1,000,000	1,000,000
1917-18	8,000,000	1,000,000	1,000,000	1,000,000
1918-19	8,000,000	1,000,000	1,000,000	1,000,000
1919-20	8,000,000	1,000,000	1,000,000	1,000,000
1920-21	8,000,000	1,000,000	1,000,000	1,000,000
1921-22	8,000,000	1,000,000	1,000,000	1,000,000
1922-23	8,000,000	1,000,000	1,000,000	1,000,000
1923-24	8,000,000	1,000,000	1,000,000	1,000,000
1924-25	8,000,000	1,000,000	1,000,000	1,000,000
1925-26	8,000,000	1,000,000	1,000,000	1,000,000
1926-27	8,000,000	1,000,000	1,000,000	1,000,000
1927-28	8,000,000	1,000,000	1,000,000	1,000,000
1928-29	8,000,000	1,000,000	1,000,000	1,000,000
1929-30	8,000,000	1,000,000	1,000,000	1,000,000
1930-31	8,000,000	1,000,000	1,000,000	1,000,000
1931-32	8,000,000	1,000,000	1,000,000	1,000,000
1932-33	8,000,000	1,000,000	1,000,000	1,000,000
1933-34	8,000,000	1,000,000	1,000,000	1,000,000
1934-35	8,000,000	1,000,000	1,000,000	1,000,000
1935-36	8,000,000	1,000,000	1,000,000	1,000,000
1936-37	8,000,000	1,000,000	1,000,000	1,000,000
1937-38	8,000,000	1,000,000	1,000,000	1,000,000
1938-39	8,000,000	1,000,000	1,000,000	1,000,000
1939-40	8,000,000	1,000,000	1,000,000	1,000,000
1940-41	8,000,000	1,000,000	1,000,000	1,000,000
1941-42	8,000,000	1,000,000	1,000,000	1,000,000
1942-43	8,000,000	1,000,000	1,000,000	1,000,000
1943-44	8,000,000	1,000,000	1,000,000	1,000,000
1944-45	8,000,000	1,000,000	1,000,000	1,000,000
1945-46	8,000,000	1,000,000	1,000,000	1,000,000
1946-47	8,000,000	1,000,000	1,000,000	1,000,000
1947-48	8,000,000	1,000,000	1,000,000	1,000,000
1948-49	8,000,000	1,000,000	1,000,000	1,000,000
1949-50	8,000,000	1,000,000	1,000,000	1,000,000
1950-51	8,000,000	1,000,000	1,000,000	1,000,000
1951-52	8,000,000	1,000,000	1,000,000	1,000,000
1952-53	8,000,000	1,000,000	1,000,000	1,000,000
1953-54	8,000,000	1,000,000	1,000,000	1,000,000
1954-55	8,000,000	1,000,000	1,000,000	1,000,000
1955-56	8,000,000	1,000,000	1,000,000	1,000,000
1956-57	8,000,000	1,000,000	1,000,000	1,000,000
1957-58	8,000,000	1,000,000	1,000,000	1,000,000
1958-59	8,000,000	1,000,000	1,000,000	1,000,000
1959-60	8,000,000	1,000,000	1,000,000	1,000,000
1960-61	8,000,000	1,000,000	1,00	

hemp  
drugs or

litres  
(all L.A.)  
narcotics

Rate of duty.....

officer-in-Charge.....Treasury.....

Office of the Registrar  
Number

Number.....

Date.....

Signature.....

Receipt

Received the sum of Rs.  
(Rupees.....)

..... Signature

..... Treasury

No. .... 19 ..

(Printed Serial No.....)...



M &amp; T. P. Series No. 36

FORM R. T. -2

(Rule 80)

Return of transactions of business at the bonded warehouse at  
Shri/Sarvashri for the month of 19

Serial Number	Name of preparation	Manufacturer's Trade Mark etc.	Batch No. & date of manufacture	Declared content per litre				Opening balance Quantity in Grams or litres
				Alcohol in L.P. litres	Opium	Indian hemp	Other narcotic drugs or narcotics Grams	
				G-D	S-T	S-T		
1	2	3	4	5	6	7	8	9

Receipt during the month Quantity in grams or litres	Total stock as per Cols. 9 and 10	Clearance on payment of duty Quantity in grams or litres	Amount of duty paid during the month Rs. P.	Transference to other warehouses Quantity in grams or litres	Total Quantity removed as per Cols. 12 and 14 grams or litres	Balance quantity in stock grams; or litres	Wastage, if any, with brief reasons thereof grams or litres	Remarks
10	11	12	13	14	15	16	17	18

I/We declare that above particulars are correctly stated.

Place.....  
Date.....Signature of the licensee or his  
authorized agent).

Countersigned and forwarded to .....

Place.....  
Date.....

Officer-in-Charge, Bonded Warehouse.



## NOTIFICATION

G.S.R. 265 (E), dated 28th March, 2000<sup>1</sup>.—In pursuance of sub-rule (3) of rule 60 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, and on the advice of the Standing Committee constituted under rule 68 of the said rules, the Central Government hereby declare that the medicinal preparations specified in Col. (2) of the Table below, prepared by the manufacturers specified in the corresponding entry in Col. (3) of the said Table, shall be placed in the category of preparations specified in the corresponding entry in Col. (4) of the Table aforesaid.

TABLE

Sl. No.	Medicinal Preparations	Name of the Manufacturer	Category
1.	Arjunarishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
2.	Abhayarishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
3.	Amritarishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
4.	Arvindasava	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
5.	Ashvagandharishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
6.	Ashokarishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
7.	Kankasava	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
8.	Kumariasav	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
9.	Kutajurisha	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).

1. Published in the Gazette of India, Extraordinary, dated 28th March, 2000, Pt. II, Sec. 3 (i).



M &amp; T. P. Series No. 35

## FORM R. T. -1

(Rules 41 and 56)

Return of transactions of business at the bonded/non- bonded manufactory  
of Shri/Sarvashri at during the month of 19

(To be submitted by the licensee by the 5th of every month)

	Bulk	Alcohol L. P.	Opium	Indian hemp	Other narco- tic drugs or narcotics	Re- marks
	G-D	G-D	G-D	S-T	Grams	
1. Opening Balance...						
2. Receipt from distillery/ spirit warehouse/treasury.						
3. Total stock (1+2)..						
4. Wastage in transit...						
5. Issue for manufacture of preparations...						
6. Quantity remaining in unfinished preparations at the end of month.						
7. Quantity remaining in finished preparations at the end of month.						
8. Balance in stock at the end of month.						
9. Wastage in manufacture with brief reasons in re marks Col.						

10. No. of batches —  
(a) manufactured  
(b) in unfinished  
condition at the  
end of the month.



## 11. Particulars of manufactured preparations :

		GD	GD	GD	GD	Rs. P.	GD	GD	GD	
1	2	3	4	5	6	7	8	9	10	11
Name	Batch No.	Opening balance Bulk Quantity	Manufactured during the month	Total stock as per Cols. (3) & (4)	Clearance on payment of duty Bulk Quantity	Duty paid during the month	Issues under bond Bulk quantity	Total quantity issue as per Cols.	Balance stock Bulk quantity	Remarks

I/We declare that the particulars in this statement have been correctly stated.  
Countersigned and forwarded to .....

(Signature of the licensee or his authorized agent.)

Officer-in-Charge,  
Bonded Manufactory,  
.....  
.....of Excise..



Sl. No.	Medicinal Preparations	Name of the Manufacturer	Category
10.	Khadirarishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
11.	Chandanasava	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
12.	Dasmoolarishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
13.	Drakshasav	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
14.	Patrangasav	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
15.	Punarnaysava	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
16.	Balarishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
17.	Rohitakarishtha	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
18.	Lodhrasav	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
19.	Lohasav	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
20.	Vaskasava (Rishta)	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
21.	Vidangarishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).



Sl. No.	Medicinal Preparations	Name of the Manufacturer	Category
22.	Sarivadyasava (Rishta)	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
23.	Saraswata Rishta	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
24.	Shishu-Sanjivani	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
25.	Malaria Mixture	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
26.	Sarsaparila	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
27.	Drakshozyme	M/s. Unjha Ayurvedic Pharmacy, UNJHA.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
28.	Kumari Aasav No. 3 Batch No. 9	Shri Laxmi Aushadh Shala, Rajapur, Dist. RATNAGIRI.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
29.	Kumari Aasav No. 3, Batch No. 9	Shri Laxmi Aushadh Shala, Rajapur, Dist. RATNAGIRI.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
30.	Kumari Aasav No. 3, Batch No. 8	Shri Laxmi Aushadh Shala, Rajapur, Dist. RATNAGIRI.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
31.	Kumari Aasav No. 3, Batch No. 7	Shri Laxmi Aushadh Shala, Rajapur, Dist. RATNAGIRI.	Unrestricted Preparation falling under item 2 (i) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
32.	Nilide Gel	M/s. Cadila Pharmaceuticals Ltd., AHMEDABAD	Unrestricted Preparation falling under item 1 (i)(a) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).



## NOTIFICATIONS

**Notification No. 1/2003-M & TP, dated 1st March, 2003.**—In exercise of the powers conferred by Sec. 115 of the Finance Act, 2000 (10 of 2000), the Central Government hereby appoints the 1st day of March, 2003 as the date on which the provisions of the said section and the Sixth Schedule to the said Finance Act shall come into force.

**Notification No. 2/2003-M & TP, dated 1st March, 2003.**—In exercise of the powers conferred by Rule 8 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the dutiable goods of the description as specified in Col. (3) of the Table below, falling within the item No. of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955) as specified in the corresponding entry in Col. (2) of the said Table, from so much of the duty of excise leviable thereon under the said Schedule, as is in excess of the amount calculated at the rate specified in the corresponding entry in Col. (4) of the said Table.

TABLE

S. No.	Item No.	Description of dutiable goods	Rate of duty
(1)	(2)	(3)	(4)
1.	1.	Allopathic Medicinal Preparations: (i) Medicinal preparations containing alcohol which are not capable of being consumed as ordinary alcoholic beverages— (a) Patent or proprietary medicines (b) Others (ii) Medicinal preparations containing alcohol which are capable of being consumed as ordinary alcoholic beverages— (a) Medicinal preparations which contain known active ingredients in therapeutic quantities (b) Others (iii) Medicinal preparations not containing alcohol but containing narcotic drug or narcotic	Sixteen per cent. <i>ad valorem</i> Sixteen per cent. <i>ad valorem</i> — Sixteen per cent. <i>ad valorem</i> Sixteen per cent. <i>ad valorem</i> Sixteen per cent. <i>ad valorem</i>
2.	2.	Medicinal preparations in Ayurvedic, Unani or other indigenous systems of medicine, containing self-generated alcohol which are not capable of being consumed as ordinary alcoholic beverages	Nil
3.	2.	Medicinal preparations in Ayurvedic, Unani or other indigenous systems of medicine, not containing alcohol but containing narcotic drug or narcotic	Sixteen per cent. <i>ad valorem</i>
4.	4.	Toilet preparations containing alcohol or narcotic drug or narcotic	Sixteen per cent. <i>ad valorem</i>



Notification No. 3/2003-M&TP, dated 1st March, 2003.—In exercise of the powers conferred by Sec. 3 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955), read with Cl. (1) of *Explanation III* of the Schedule to the said Act, the Central Government hereby specifies that the provisions of Cl. (2) of said *Explanation III* shall apply to the dutiable goods of the description specified in Col. (3) of the Table below and falling within the Item No. of the said Schedule, specified in the corresponding entry in Col. (2) of the said Table and allows as abatement the percentage of the retail sale price as specified in the corresponding entry in Col. (4) of the said Table.

TABLE

S. No.	Item No.	Description of dutiable goods	Abatement
(1)	(2)	(3)	(4)
1.	4.	Toilet preparations containing alcohol or narcotic drug narcotic	40%

Notification No. 4/2003-M & TP, dated 10th June, 2003.—In exercise of the powers conferred by Rule 8 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the Central Government, being satisfied that necessary in the public interest so to do, hereby makes the following amendment in the notification of the Government of India in the erstwhile Ministry of Finance and Company Affairs (Department of Revenue) 2/2003-M & TP, dated the 1st March, 2003 (G.S.R. 159 (E), dated the 1st March, 2003) namely:—

In the said notification, in the Table, after Sl. No. 3 and the entry relating thereto, the following shall be inserted, namely:

TABLE

S. No.	Item No.	Description of dutiable goods	Rate of duty
(1)	(2)	(3)	(4)
"3-A.	3.	Homoeopathic preparations containing alcohol	Rupees twenty per litre alcohol content".