

HARYANA VIDHAN SABHA

**REPORT**

OF

**THE COMMITTEE**

ON

**SUBORDINATE LEGISLATION  
(TWENTY FIRST REPORT)  
1989-90**

(Presented to the Haryana Vidhan Sabha on the 9 March, 1990)



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH  
March, 1990

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(iii)

## COMPOSITION OF THE COMMITTEE

(1989—90)

### Chairman

Shri Surender

### Members

Shri Yogesh Chand Sharma

\*Shri Raghu Yadav

Shri Mahinder Partap Singh

Shri Tayyab Hussain

Shri Lachhman Dass Bajaj

Shri Jagpal Singh

Advocate General

### Special Invitee

\*\*Dr. Kamla Verma

### Secretariat

1. Shri Sumit Kumar, Secretary
2. Shri Janardhan Singh, Deputy Secretary.

The Committee was constituted—*vide* Haryana Vidhan Sabha Secretariat Notification No HVS-LA (Sub-Leg)-1/89-90/21, dated the 17th May, 1989.

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\*Shri Raghu Yadav, M.L.A., resigned from the membership of the Haryana Legislative Assembly with effect from the 4th October, 1989, *vide* Notification No HVS-LA-109/89/50, dated the 6th October, 1989.

\*\*Dr. Kamla Verma, M.L.A. was nominated by the Speaker as a Special Invitee of the Committee with effect from 16th January, 1990 for the remaining period of the year 1989-90, *vide* Notification No. HVS-LA (Sub-Leg)-1/1989-90/7, dated the 16th January, 1990.

## INTRODUCTION

1. I, the Chairman of the Committee on Subordinate Legislation having been authorised by the Committee to present the report on their behalf present this twenty-first Report to the House.

2. The Committee consisting of eight Members (including the Advocate General) was nominated by the Speaker, Haryana Vidhan Sabha under Rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 17th May, 1989 and was notified in the Official Gazette vide Notification No HVS-LA (Sub-Leg)-1/1989-90/21, dated the 17th May, 1989.

3. A brief record of the proceedings of each meeting of the Committee has been kept on record of the Haryana Vidhan Sabha Secretariat.

4. The Committee place on record their appreciation for the valuable and willing assistance given by the Commissioner and Secretary to Government Haryana, Excise and Taxation Department and Departmental Officers.

5. The Committee also place on record their high appreciation for whole hearted co-operation and assistance given by the Secretary, Deputy Secretary, Superintendent and staff of the Legislation Branch.

CHANDIGARH :

The 13th March, 1990.

SURENDER

CHAIRMAN

## REPORT

1. The Committee on Subordinate Legislation for the year 1989-90 consisting of eight Members, including the Chairman and the Advocate General was nominated by the Speaker, Haryana Vidhan Sabha under Rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 17th May, 1989 and was notified in the Official Gazette—*vide* Notification No. HVS-LA (Sub-Leg)-1/1989-90/21, dated the 17th May, 1989.

2. Shri Surender, was appointed as the Chairman of the Committee by the Speaker

3. The Committee held 40 sittings till the presentation of this Report. Before scrutinizing the rules framed under the Punjab Excise Act, 1914, the Committee discussed its scope and functions and the procedure for scrutinizing the Rules, Regulations, Order etc. Committee also orally examined the representatives of the Excise and Taxation Department of the State Government.

### SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 242, 250 and 251 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly Rule 242 enjoins upon the Committee "to scrutinise and report to the House whether powers to make regulations, rules, sub-rules, bye-laws, etc., conferred by the Constitution or delegated by legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker". Further rule 250 of the said Rules lays down that while examining any such set of rules, bye-laws, etc., the Committee shall, in particular consider :—

- (i) whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made ;
- (ii) whether it contains matters, which in the opinion of the Committee should more properly be dealt within an Act of the Legislature ;
- (iii) whether it contains imposition of any tax ;
- (iv) whether it directly or indirectly bars the jurisdiction of the courts ,
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power ;
- (vi) whether it involves expenditure from the Consolidated Fund of the State or the Public Revenues ;

- (vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (viii) whether there appears to have been unjustifiable delay in the publication or laying it before Legislature; and
- (ix) whether for any reason its form or purport calls for any elucidation.

Rule 251 lays down as follows—

1. If the Committee is of opinion that any order should be annulled wholly or in part or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.
2. If the Committee is of opinion that any other matter relating to any order should be brought to the notice of the House, it may report that opinion and matter to the House.

In short, the functions of the Committee are to see if the rules framed by the Executive are within the scope of the delegation made under the Act and do not go beyond the scope of such delegation. If the Committee finds that any rule is beyond the scope of the powers delegated under the Act by the Legislature, the Committee can recommend that the rule be suitably amended or omitted.

There are certain rules which are required by the statute to be laid before the Legislature. But, the Committee is competent to examine all the Rules, Regulations etc., framed by the Government under various Acts irrespective of the fact whether these have been laid on the Table of the House or not.

The Committee is competent to send for persons, papers or records if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 248 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly, which reads as under —

"248. (1) The Committee on Subordinate Legislation shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties .

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker, whose decision shall be final :

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee."

The Committee has framed the working rules wherein the detailed procedure has been laid down. Generally, the Committee from time to time select set of rules framed under the various Acts for their scrutiny and examine these at the first instance at their own level with the assistance of the Law Department and the Vidhan Sabha Secretariat. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules/orders. After the rules/orders and the departmental representatives have been examined, the Committee prepares the report and presents it to the House.

Some of the Parliamentary conventions established in connection with the scrutiny of Rules, Regulations, Bye-laws etc., are given below:—

1. The Committee would scrutinise only such rules as have already been framed and published in the Gazette and not the draft rules.

2. The Committee should see that rules are framed under an Act as early as possible after the enactment of the Act and in no case this period should exceed six months. If the Rules are not framed within six months, the Committee may ask the Department about the reasons for the delay in framing the rules. This is only by convention.

3. Executive should ensure that no rule goes beyond the power delegated by legislature. If the rules go beyond the power delegated by legislature, the Committee may examine the same and report to the House.

4. The Executive should be impressed upon that whenever rules are framed or amendments are made in the existing rules, these should be serially and centrally numbered and should indicate in the margin of each rule the reference of the section under which the rules are framed.

However, some of the broad principles established by the Committee for the guidance of the Executive are given below :—

(i) As far as possible, guidelines/criteria to be followed by the authority concerned for the exercise of discretionary power vested in it should be laid down in the rules.

(ii) In cases where the authority concerned deviates from a norm, it should be required to record in writing the reasons for such deviation.

(iii) Before any adverse action is taken against a party, it should be given a reasonable opportunity of being heard; and after a

decision adversely affecting a party has been taken it should have the right of appeal or representation, as the case may be.

- (iv) In order that the persons similarly placed are not treated differently, the powers of exemption/relaxation should be exerciseable in respect of categories or classes of persons, as contradistinguished from individuals.
- (v) In cases where an authority concerned is vested with the power to suspend a license or supplies, pending institution of regular proceedings, a maximum time-limit for suspension should be laid down in the rules.
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well-defined and not worded vaguely.
- (vii) In case of seizures and searches, suitable safeguards like the presence of witness, preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided.
- (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority be also laid down in the rules.
- (ix) Statutory rules should be amended by statutory rules only and not by executive orders.
- (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic, sketchy or skeleton or needing further interpretation. It should be in simple language so that different people cannot put different interpretations. For example, expressions like 'unreasonably, large quantity', 'reasonable interval' or 'frequent intervals' etc, should be avoided.

## GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

### 1. Delay in framing the Rules

The Committee reiterates the recommendations made in its previous twenty Reports and observes that ordinarily Rules should be framed as early as possible after the enactment of an Act and in no case the period should exceed six months. If no rules are framed within the said period after the enactment of the Act, the Department concerned should bring in each case this fact to the notice of the Committee stating the reasons to the satisfaction of the Committee for not framing the rules within that period.

The Committee further recommends that whenever an Ordinance is promulgated, the rules should be prepared simultaneously so that there should not be wide gap between the Ordinance/Act and the Rules.



## 2. Reference of Section under which Rules are framed

The main function of the Committee on Subordinate Legislation is to scrutinise and report to the House whether the powers to make regulations, rules etc., conferred by the Constitution or delegated by Legislature are being properly exercised by the Executive within the delegation. The Committee observes that the Government Department generally supply the copies of rules without the preamble or not above the rules with the result that it becomes rather difficult for the Committee to know under what precise authority the rules have been framed. The Committee further observes that reference of the section under which each rule or order was framed is not indicated generally in the margin of each rule. The Committee is of the view that giving of reference of the section under which each rule has been framed in the margin of each rule is essential to enable the Committee and all concerned to know under what precise authority each rule has been framed.

The Committee reiterates the recommendations made in its earlier Reports that whenever rules are supplied to it the authority or the relevant section under which a particular rule or set of rules has/have been framed should also be mentioned in the margin of each rule.

If in the margin of each set of rules there is no reference of the section (s) under which each rule has been framed, Government Departments may invariably supply a memorandum containing the reference to the relevant section of the Act under which each rule has been framed so that the Committee may be able to understand under what precise authority each rule has been framed and whether in any case the Government has transgressed the powers delegated by the Legislature.

The Committee further recommends that whenever several amendments are made in a set of rules the same may be republished after incorporating all the amendments made from time to time. This recommendation of the committee should be observed meticulously.

## 3 (i) Supply of printed and up-to-date corrected copies of the Rules

The Committee observed that certain Departments supplied cyclo-styled copies of the rules for its scrutiny. During the scrutiny of the rules the Committee came across a large number of typographical/spelling mistakes in those copies, with the result that it was difficult for it to determine whether the errors were typographical or they actually existed in the rules, as originally published in the Gazette. The Committee, therefore, recommends that copies of the rules to be supplied to it by the Department should be in the printed form or in the form of Gazette in which they are published if, however, it is not possible for the Department to do so, it should be ensured that the copies of the rules, orders etc., are up-to-date, meticulously compared and duly corrected before supplying these to the Committee to save its valuable time in pointing out such mistakes.

The Committee further recommends that it is the duty of the Department concerned to see that the rules supplied to the Committee are amended up-to-date and ensure that the suggestions/recommendations/observations made by the Committee from time to time and agreed to by the concerned Department are implemented by the Department and incorporated in the rules.

The Committee further recommends that whenever any Act is amended, it should be looked that the relevant rules and forms are also amended so as to bring them in consonance with the change in the Act.

#### (ii) Footnote in the Act and Rules

It came to notice of the Committee that some times it is laid down in the Act and Rules that such Act and Rules shall come into force on such date as may be specified in the notification by the State Government. The Committee is of the view that in such circumstances the date of commencement of the Act and Rules should invariably be given in the footnote so that legislators in particular and the public in general may come to know as to from which date the Act and Rules had come into force.

The Committee further recommends that whenever any amendment is made in an Act or Rules framed thereunder, it should also invariably be stated in the footnote the reference of the Act or Rules by which amendment has been made.

#### 4. Framing of Rules/Laws under Article 309 of the Constitution

The Committee observes that no Act has so far been enacted under Article 309 of the Constitution of India for regulating the conditions of service of the employees of the State. However, the conditions of service of the employees are regulated by the rules framed under proviso to Article 309 of the Constitution of India.

The Committee feels that after a long period of 41 years, it is improper to continue to enforce the service rules framed under the powers conferred by proviso to article 309 of the Constitution of India, which is a transitory provision empowering the State Government to frame Rules till they do not have their own Legislation. The Committee is constrained to observe that the time has now come rather the State Government is late in not enacting an Act as envisaged in Article 309 and recommends that an Act under article 309 of the Constitution of India should be enacted to regulate the conditions of service of the employees relating to recruitment, punishment etc., of Government servants in replacing the existing rules and necessary steps should be taken in that direction by the State Government at the earliest.

The Committee in its earlier reports for the year 1983-84, 1984-85, 1985-86, 1986-87, 1987-88 and 1988-89 made recommendations in this behalf but no efforts seem to have been made by the State Government in this behalf. The Committee reiterates its

earlier recommendations and hope that the Government will soon make an Act under proviso to Article 309 of the Constitution of India so that there may be uniformity in the regulation of conditions of service, recruitment and punishment etc., of the civil servants

## 5. Publishing the Acts and Rules in Hindi

The Committee observes that at present Acts and Rules are available in English language only. The Regional language of the State as well as National Language is Hindi. Under the Haryana Official Language Act, 1969, at present, whenever any Bill is introduced in the State Legislature, its authenticated Hindi translated version is also supplied to the Members. The Committee reiterates its earlier recommendation and recommends that all the Acts and Rules be translated into Hindi and made available to the legislators in particular and the public in general so that everybody may be able to know the law of the land.

## 6. Laying of Rules on the Table of the House

The Committee has observed\* that a majority of the Acts contain provisions requiring the Government merely to publish the Rules framed thereunder in the Official Gazette. There is no provision for laying the same on the Table of the House, with the result that the House can exercise no direct check over them. The Committee is of the view that there should be uniformity in the provisions of the Acts, delegating legislative powers and recommends that in future all the Acts, enacted by the State Legislature whether falling in the State List or Concurrent List of Seventh Schedule of the Constitution of India, which contain provisions for making rules, should also invariably lay down provision for laying of rules on the Table of the House as soon as possible

## 7. Delay in laying Rules on the Table of the House

The Committee recommends that where the rules, orders etc., are required to be laid on the Table of the House/before the State Legislature under any statute, the same should be laid on the Table of the House as early as possible immediately following such publication in the Gazette, so that the House may statutorily modify or annul such rules. If such rules are published, while the Assembly is in Session, the rules should be laid on the Table of the House during that Session

The Committee also recommends that in future each Government Department concerned should invariably forward with each set of "Orders," such as rules, regulations, byelaws, etc., the following Statement of "Orders" in respect of which there has been delay in framing the orders and laying them on the Table for the information of the Committee :—

Statement of "Orders" such as rules, orders, regulations, etc. in respect of which there has been delay in framing the "Orders"

## 8. Implementation of recommendations of the Committee

The Committee, therefore, recommends that the action on the outstanding recommendations and observations contained in its earlier reports should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented by the Government, the Department concerned should supply a copy of the notification containing the amendment in the rules alongwith the statement showing the action taken by the Government in the implementation of its recommendations/observations.

## SCRUTINY OF THE PUNJAB DISTILLERY RULES, 1932 FRAMED UNDER THE PUNJAB EXCISE ACT, 1914.

The Committee scrutinized the Punjab Distillery Rules, 1932 framed under the Punjab Excise Act, 1914 and made the following observations/recommendations thereon :—

### GENERAL

The Punjab Excise Act was enacted in the year 1914 and the Punjab Distillery Rules were framed under the said Act during the year 1932. The Committee observes that the Department should have not taken 18 years to frame the said Rules. The standing recommendation of the Committee in this behalf is that the Rules should be framed within six months of the enactment of the relevant Act. The delay in framing the Rules defeats the very purpose of the Act. The Committee observes that in future the work of framing of Rules should not be unnecessarily delayed and these should be framed within the shortest possible time.

The Committee further recommends that the Rules be reprinted afresh after carrying out the printing mistakes therein and implementing the recommendations/observations of the Committee thereon.

### Preliminary

"In these rules unless a different intention appears from the subject or context :—

\*       \*       \*       \*       \*       \*       \*       \*

\*       \*       \*       \*       \*       \*       \*       \*

The Committee recommends that below the Heading "Preliminary" for the words and the signs "In these rules unless a different intention appears from the subject or context :—", the words and the signs, "In these rules, unless the context otherwise requires :—", be substituted.

#### Rule—1.

1. "The Financial Commissioner has full power to grant or refuse applications for licenses with reference to the requirements of the (State)."

The Committee recommends that in Rule 1, for the word and the signs "(State)" the words "State of Haryana" be substituted.

**Rule—3.**

“\* \* \* \* \*

\* \* \* \* \*

(a) \* \* \* \* \*

\* \* \* \* \*

(b) a list and plans of all warehouses, store-rooms and other places appertaining thereto, or to be used in connection therewith ; and

(c) a certificate from the Civil Surgeon that there is no objection on sanitary grounds to the construction of distilling premises, or to the distillation of spirit on the site and in the building shown in the accompanying plans.”.

The Committee recommends that after sub-rule 3(c), a new clause be added as under :—

“(d) a certificate from the district Collector that the distillery is situated more than 2 kilometers away from any educational institution, religious place of worship, hospital and adjoining village abadi and five kilometers away from the town”

The Committee further recommends that the word “and” appearing in the end of the sub-rule 3(b) be deleted and the sign “ ” in the end of sub-rule 3(c) be substituted by the word and sign “; and”.

**Rule—4.**

“4. No license shall be granted unless and until the applicant therefore has,—

(a) \* \* \* \* \*

\* \* \* \* \*

(aa) deposited as security in cash or in National Savings Certificate for the fulfillment of all the conditions of his license, a sum to be fixed by the Financial Commissioner, which shall not be less than Rs. 2,000 or more than Rs 5,000.

\* \* \* \* \*

\* \* \* \* \*

The Committee recommends that the word “therefore” appearing in line 1 of Rule 4 be corrected as “therefor”.

The Committee feels that in view of the enhancement of license fee from Rs. 50,000 to Rs. 3,00,000/- the security minimum and maximum should also be increased from Rs. 2000/- to Rs. 20,000/- and from Rs. 5,000/- to Rs. 50,000/- respectively.

**Rule—6**

"6. The licensee shall execute a bond in form D-3 pledging the premises, stock of spirit, stills, all apparatus and utensils, employed in the manufacture and storage of spirit for the due discharge of all payments which may become due to Government. With the sanction of the Financial Commissioner, the licensee may, in lieu of executing such a bond, deposit Government promissory notes or in National Savings Certificates of such value, as the Financial Commissioner may direct. A deposit made under this rule shall be separate and distinct from the security deposit required by rule 4 "

The Committee recommends that the words, "Government promissory notes" appearing in line 6 be deleted: 7

**Rule—7**

"7(1)	*	*	*	*	*	*	*	*
	*	*	*	*	*	*	*	*
(2)	*	*	*	*	*	*	*	*
	*	*	*	*	*	*	*	*

Provided that if such application is not made within such period the Financial Commissioner may renew the license on payment of such penalty not exceeding rupees two lakhs as he may deem fit.

+	*	*	*	+	*	*	*
*	*	*	*	*	*	*	*

The Committee recommends that proviso to sub-rule 2 of Rule 7 be recast as under — 9

"Provided that if such application is made after the expiry of the stipulated period the Financial Commissioner may renew the licence on payment of such penalty which may not be less than one lakh and more than two lakhs."

**Rule—11**

"11. The licensee may not hypothecate the whole or any part of the licensed premises without the previous written sanction of the Financial Commissioner."

The Committee recommends that in line 1 for the word "may" the word "shall" be substituted. 9

**Rule—12**

"12. The licensee shall at any permit (the Financial Commissioner or Collector) or any officer authorised by the (Financial Commissioner or Collector) in that behalf, to inspect and examine his licensed distillery, the premises and warehouses connected therewith and the spirit made and stored therein, and shall render to the (Financial Commissioner or Collector) or officer (as aforesaid) all proper assistance in making such inspection and examination."

10 The Committee recommends that in line 1, after the words "at any" the word "time" be added.

**Rule—14**

"14. The licensee shall provide within his distillery enclosures and ~~office~~ for the inspector, as well as quarters, to be approved by the Financial Commissioner, for the inspector and the peons who will be required to remain within the distillery enclosure on night duty."

11 The Committee recommends that in line 2, for the word "and" the word "an" be substituted.

**Rule—16**

"16. The licensee shall, if required by the Financial Commissioner, make into the Government Treasury such payment as may be demanded on account of the salaries of the Government excise establishment posted to the distillery, but he shall, not make any direct payment to any member of such establishment."

12 The Committee recommends that the words and sign "if required by the Financial Commissioner," appearing in line 1 be deleted and the words "by the Financial Commissioner" be inserted between the words "demanded" and "on account" appearing in line 2 and 3.

13 The Committee further recommends that in line 2 for the words "make into" the words "deposit in" be substituted.

**Rule—17**

"17. The licensee shall when required, permit samples of the "materials" used or spirit prepared in the distillery and be taken for



analysis under the order of the Collector or the Financial Commissioner, or by any officer authorised by them to take samples or the inspector. Each sample shall be taken in three bottles each of the capacity of 750 millilitres or of any other capacity permissible under the rules or (when the materials cannot be placed in bottles) in these parcels, in the presence of the licensee or a responsible representative deputed by him for this purpose; each bottle or parcel shall be immediately and securely sealed in the presence of the Inspector and the licensee or his representative. Both of them shall sign a label which shall be affixed to the bottle or parcel and describe the contents thereof as accurately as possible. One bottle or parcel shall then be made over to the licensee's representative; the second shall be sent for analysis and the third retained by the officers concerned pending the disposal of the case."

The Committee recommends that in line 7 for the word "these" the word "three" be substituted. ✓ 15

The Committee further recommends that in line 14 for the words "licensee's representative" the words "licensee or his representative" be substituted. The Committee further recommends that in line 15, for the word "officers" the word "officer" be substituted. ✓ 15

#### Rule—19

"19 The licensee, unless he personally acts as manager, shall be bound to appoint a competent manager as his agent, whose appointment shall be subject to the approval of the Financial Commissioner." ✓

The Committee feels that the expression "competent" used in line 2, is quite vague and recommends that some qualification/experience, age etc, should be prescribed for the Manager. 3 ✓ 16

#### Rule—24

"24 Every person entering the distillery shall, on leaving the distillery be liable to be searched under the inspector's order but the inspector shall not have any person searched, except reasonable grounds for suspicion, and he shall record in his diary the details of every search made."

The Committee recommends that in line 3, between the words "except", and "reasonable" the word "on" be inserted. ✓ 17

**Rule—35-A**

"(35-A) The calculation of the outturn of whisky prepared from malt shall be based on the assumption that 19 kilograms of malt will yield of 8,200 proof litres of Whisky).".

18 The Committee recommends that in line 3, the word "of" occurring after the word "yield" be deleted being superfluous and the sign(") at the end may also be deleted

**Rule—37.**

' 37. The licensee shall have always in stock, in a gur, molasses or mahua store to be provided by him and approved by the Financial Commissioner a quantity of gur, molasses or mahua sufficient for the preparation of wash for the full working off all his stills, calculated upon the data set forth in rule 35 above for 10 full working days in the month from October to March, inclusive and for  $7\frac{1}{2}$  full working days in the months from April to September. The stock shall be calculated on the basis that it requires 1 12 quintals of Gur or 1.49 quintals of molasses or mahua to prepare 454.6 litres of wash provided that if the licensee maintains a stock of country spirit over and above the quantity required by rule 36 above, then the stock of gur, molasses or mahua may be correspondingly reduced In making this calculation 0 373 quintals of gur, molasses or mahua shall be considered equivalent to 22.739, 150 911 and 13.638 proof litres of country spirit, respectively. The licensee shall, on the 1st and 15th day of each month, report to the inspector the quantity than in stock and shall permit the inspector to verify the quantity if he desires to do so "

19 The Committee recommends that in line 1, the words "in a" be deleted being superfluous

20 The Committee further recommends that in line 4, for the word "off" the word "of" be substituted

21 The Committee also recommends that in lines 5, 6 and 7, for the words and figure "in the month from October to March, inclusive and for  $7\frac{1}{2}$  full working days in the months from April to September", the words and figure "from 1st October to 31st March and  $7\frac{1}{2}$  full working days from 1st April to 30th September", be substituted.

22 The Committee recommends that in line 16, for the word "than", the word "then" be substituted.

**Rule—37-A**

"37-A. The licensee shall always have in stock a sufficient quantity of empty bottles of such descriptions and capacity which he is permitted to bottle under these rules so that after complying with all orders in hand, the stock of empty bottles shall be equal to the quantity of stock which may, from time to time, be determined by the Financial Commissioner, keeping in view the requirement for ten days of the country liquor licensees in the State. The licensee shall on the

1st and 15th day of each month, report to the inspector the quantity of empty bottles in gross numbers, then a stock, and shall permit the inspector to verify the said quantity if he desires to do so."

The Committee recommends that in line 9, for the word, "a", appearing after the word "then" the word "in" be substituted. ✓ 23

#### Rule—38.

"38. The licensee shall keep up the register in forms D-8, D-10 and D-25 and shall submit them for inspection when required."

The Committee recommends that in line 1, for the words "keep up the", the words "maintain a" be substituted and in line 2 for the word "them" the words "the same" be substituted. ✓ 24

#### Rule—40.

"40. (1) If the licensee has a laboratory attached to his distillery and requires spirit for use in the laboratory he shall be entitled to remove the laboratory from the distillery duty free from either the safes of the stills, the spirit receivers, the spirit store, or from the maturing warehouse, finished spirit and unfinished spirit to the extent of 13.500 litres per month ;

x	x	x	x	x
x	x	x	x	x."

The Committee recommends that in sub-rule (1) of rule 40, line 4, for the word "of" occurring before the word "the stills", the words "or" be substituted. ✓ 25

#### Rule—40-A.

"40-A. The licensee shall also be entitled to remove once a year duty free Indian made foreign liquor and country spirit not exceeding 4 500 litres or with the permission previously obtained of the Financial Commissioner in specified quantities in excess of 4 500 litres from the distillery or laboratory examination in a foreign country ; provided that he shall keep a regular account of the disposal of such duty free spirit, which will be subject to examination by excise officers. He shall also produce within six months the customs receipt in respect of the duty paid on such consignment on its entry into a foreign country. In default the licensee shall be required to make good the duty which otherwise would have been levied on the quantity of liquor, when it left the distillery. The licensee shall if required to do so, produce a certificate showing that the liquor in question was duly examined."

The Committee recommends that Rule 40-A be deleted as the facility provided in this rule is not being availed by the distilleries due to negligible export at present. 26

#### Rule—44.

"44. The licensee shall provide for use in measuring spirit in the distillery and at the time of issue such measures, gauging machines, weighing machines and other appliances, as the Financial Commissioner may direct him to provide."

*Drapped  
entitled  
proceedings  
dated  
14/6/94*

27 The Committee recommends that the words "use in" appearing in line 1 be substituted by the words "the purpose of".

28 The Committee further recommends that word "as" be added after the word "measures" appearing in line 2

#### Rule—46

"46. If any still vat, pipe or other part of the plant is at any time found to be defective or leaking and the Financial Commissioner or Collector orders the discontinuance of its use, it shall not be used again till it has been repaired to the Financial Commissioner's or Collector's satisfaction"

29 The Committee recommends that for the words "to the Financial Commissioner's or Collector's satisfaction" occurring in lines 4 and 5, the following be substituted

"to the satisfaction of Financial Commissioner or Collector"

#### Rule—49.

"49 "The distillery and its apparatus shall be so arranged that from the time when the fermented wash is passed into a still to the time when the spirit is issued from the store vats, the distillate shall be contained in closed receptacles, and be conveyed to stills, receivers and other receptacles only through closed pipes, preferably by force of gravitation, but, when this cannot be arranged by pumping Water required for the distillery working shall also be conveyed into the receptacles where it is required, and waste water shall be carried off only through closed pipes Wash shall be conveyed from the fermentation vats to stills and spent wash and spent less shall be carried off in closed pipes or covered drains."

30 The Committee recommends that the sign "—" be inserted between the words "spent" and "wash" and "spent" and "less" appearing in line 10.

#### Rule—55.

"55 All pipes and covered drains shall be coloured with a colour indicating the purposes for which they are used as follows :—

If intended for the conveyance of wash, green, if for the conveyance of spirit, red; if for the conveyance of water or steam; white, for the conveyance of spent wash; yellow; if for the conveyance of gas or electric wires used for the purposes of illumination or power, black; if for the conveyance of molasses, blue."

31 The Committee recommends that for the sign "," the sign ";" be substituted appearing after the word "green" in line 3.

32 The Committee further recommends that the sign ";" appearing after the word "wash" in line 5 be substituted by the sign ",".

**Rule—56**

"56. The charging and discharging pipes of pot-stills, all spirit safes and all mendoors, cocks or other openings in stills, spirit vats, spirit receivers, spirit charges and other receptacles for spirit, and in spirit pipes with branches, the point where each branch joints the pipes and the doors of all buildings and rooms used for the storage of spirit, shall be so fitted as to enable them to be closed with two locks, the keys of which are not inter-changeable and of which one lock shall be a revenue lock, incharge of the Inspector and the other a distilleries lock, in charge of the licensee."

The Committee recommends that for the word "incharge" appearing in line 8 be substituted by the word "in the charge" 33 ✓

The Committee further recommends that the word "the" be inserted between the words "in" and "charge" appearing in line 9. 34 ✓

**Rule—70.**

"70 The licensee shall enter in register in form D-6) the exact quantity of the gur, molasses, Mahua or other substance used and shall give the inspector an opportunity of verifying this quantity whenever he may deem it desirable to do so "

The Committee recommends that the word "daily" be inserted between the words "enter" and "in" appearing in line 1. 35 ✓

The Committee further recommends that the sign "(" be added before the words "in register" 36 ✓

**Rule—71.**

"71 (a) and (b)	*	*	*	*
*	*	*	*	*
*	*	*	*	*
*	*	*	*	*

(c) In certain distilleries, gur or molasses wash, prepared in a dissolving vat, is run into a fermentation vat after the necessary quantity of bub has already been introduced into fermentation vat. in such cases the specific gravity of the wash in the dissolving vat immediately before transference to the fermentation vat, should be treated as the initial specific gravity of the wash. Where the contents of two or more dissolving vats are transferred to the fermentation vat, the initial specific gravity of the wash will be the mean of the specific gravities of the wash in the several dissolving vats used, calculated where necessary according to example II on page 124 of the technical excise manual. It would be an advantage to maintain a fixed specific gravity in the dissolving vats,"

37 The Committee recommends that the sign “,” be added after the word “calculated” appearing in line 10. ✓

### Rule 72

“72(1) \* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

(ii) In some distilleries wash is prepared in dissolving vat or gets separated from the the fermentation vat and is (a) gradually added to bub already collected in the fermentation vat or (b) collected simultaneously with bub running into the fermentation vat. In the case of such distilleries no substance of any kind shall be added to the mixture of bub and wash in the fermentation vat. Water and chemicals may, however be added to the wash in the dissolving vat or vats, before it has been gauged and proved The initial quantity and specific gravity of the mixture of bub and wash in such cases should be calculated from the initial quantities specific gravities of wash and bub ascertained immediately before they are run into the fermentation vat.”.

The Committee recommends that for the words “they are” the word “these” be substituted appearing last but one line. ✓

### Rule—73

“73(a). The preparation of bub shall be conducted in a special bub vat or gats set apart only for such preparation, and the registration of the materials used and of solution and other matters connected with it, shall be carried out in the register in form D-10. The bub vats used may be smiler than the ordinary fermenting vats if desired, and there may be connected with it an auxiliary vessel for dissolving the material used for setting up the bub, but fermentation must not be allowed to proceed to a closed in this vessel. Ordinarily the whole of the bub must be conveyed into the fermentation vat or vats to which it is to be added within 24 hours of first beginning to make, or dissolve or set it up.

(b) \* \* \* \* \*

\* \* \* \* \*

(c) The licensee shall give notice to the Inspector with details of the registered numbers of the vessels concerned, before any conveyance of bub from the vat in which it is prepared to the main wash, or a “fermentation vat”.

The Committee recommends that the sign “,” be inserted between the words “vats” and “if” appearing in lines 5 and 6 in Clause (a). ✓

The Committee recommends that the word "there" be substituted by the word "these" appearing in line 6.

The Committee also recommends that the sign "]" appearing in the end of sub-rule (c) be deleted.

#### Rule—76.

"76. Stills may be of any form or construction the licensee may think proper and for which he has a licence, but the still power of the distillery shall not be increased without the special sanction of the Financial Commissioner."

The Committee recommends that the word "as" be inserted between the words "construction" and "the Licensee" appearing the line 1.

#### Rule—78

"78. There shall be no openings into any still except those in connection with the charging and discharging pipes, pipes for the conveyance of vapours of fluids from one part of the still to another condensers, mandours and air cocks or valves upon the breast or head. The external orifice of an air valve must be so constructed and covered by a perforated metal plate, as to make it impracticable by means of its either to introduce wash or to abstract spirit or to convey away, spirit vapour for condensation elsewhere."

The Committee recommends that for the sign "," appearing after the word "plate" in line 6 the word "so" be substituted.

#### Rule—80-A

"80-A The distillation of whisky from malt shall be in separate room set apart for this purpose and the patent still or hot still used for the distillation of spirit from molasses shall not be used for the distillation of whisky from malt)."

The Committee recommends that the sign ") " appearing in the last line be deleted being superfluous

#### Rule—83.

"83. The receiver or receivers attached to each still or set of stills, shall be of a capacity enabling them to contain all the distillate which can be produced by the still or set of stills in 36 hours full working."

The Committee recommends that the word "of" be inserted between the words "hours" and "full" appearing in last line.

#### Rule—86.

"86. The Inspector shall arrange ordinarily to discharge into a still or charge as desired by the licensee directly, after each distillation, all unfinished spirit run into the receiver or receivers connected with such distillation and to pass into the store vats each evening all spirit

finished during the day and each morning all spirit finished during the night, and he shall, by the use of the guage and hydrometer, verify and record in the in registers in Forms D-9 and D-12 the quantity and strength of all spirit so discharged or passed in."

The Committee recommends that the word "in" appearing before the word "register" in line 7, be deleted being superfluous.

The Committee further recommends that the word "the" appearing after the word "in" be deleted in the same line.

#### Rule—90.

"90. With the previous sanction of the Financial Commissioner, country spirit of Indian made foreign spirit intended to undergo the process of maturing may be stored, without pre-payment of duty, in an unlimited number of cases in a room within the distillery enclosure specially set apart and used only for this purpose and secured under the double lock of the inspector and the licensee. The spirit for maturation may, with the special permission of the Financial Commissioner, be kept in wooden vats and in spirit store-room, which shall for the purposes of this rule be deemed to be matured spirit warehouse. The room will be designated the matured spirit wharehouse. Spirit for maturation may, with the special permission of the Financial Commissioner, be kept in specially marked wooden vats in the spirit store-room which shall, for the purposes of this rule, be deemed to be a matured spirit warehouse. Deposits in, and withdrawals from the warehouse will be governed by the following regulations:—

(1) to (5)	*	*	*	*	*
	*	*	*	*	*
	*	*	*	*	*
	*	*	*	*	*
	*	*	*	*	*

(6) Upon the outside of both of the heads of every cask removed from the store room for deposit in the matured spirit warehouse must be legibly printed with oil colour the progressive number of the cask, beginning with number one on the 1st of January in each year, also the calendar year in which the deposit is made and the full capacity to the nearest tenth of a litre.

(7)	*	*	*	*	*
	*	*	*	*	*

(8) Immediately preparation for removal has been completed, the Inspector must see the cask or cases safely deposited in the warehouse.



(9) and (10)

\* \* \* \* \*

\* \* \* \* \*

- (11) It will be unnecessary to take account of the spirit in a stock in the mature spirit warehouse monthly as in the case of spirit in the store-room. The stock of spirit in the warehouse will invariably be the total quantity in proof litres as shown in the (warehouse register in form D-21). The Financial Commissioner or Collector at their periodical visits should, however check the quantity of spirit in a few of the casks in the warehouse, and record the result briefly in the warehouse register in Form D-11. Where they find that the deficiency is in excess of the scale prescribed by the Financial Commissioner, they should enquire into the cause and satisfy themselves that no illicit abstraction from the cask has occurred. The inspector will be responsible that the casks, while in the warehouse are not tampered with, unless, in his presence, for necessary repairs, or for examination of the spirit by Financial Commissioner or collector the licensee or his manager. The Inspector should make each month a careful inspection of the apparent condition of each cask lying in the matured spirit warehouse and arrange for the immediate transference of the contents of a cask found leaking. The result of each inspection should be briefly recorded in the warehouse register in Form D-21 and a note that the usual inspection has been made, should also be entered in the Inspector's diary in Form D-9.

- (12) Reduction of the contents of a cask is not permitted in the warehouse. Removals from the warehouse will be made to the store-room, where reduction can be effected before the spirit is finally issued from the distillery. No objection need be raised, however, to the introduction of a new cask, whose full capacity has been first ascertained, for reception of the contents of a defective cask in the warehouse. When this is necessary, the inspector will attend, have the spirit transferred to the new cask, which must be marked and numbered similarly to the old one, and make a note of the transfer in the warehouse register.

- (13) No removal of part of the contents of a Cask is permitted from the warehouse to the store-room.

\* \* \* \* \*

\* \* \* \* \*

The Committee recommends that the sign“,” appearing after word “in” in line 15 be deleted. ✓

The Committee recommends that the words “in Hindi” be inserted between the words “printed” and “with” appearing in line 3 of sub-rule 90(6). ✓

The Committee recommends that for the word "immediately" appearing in sub-rule 90(8) the word "Soon after" be substituted.

The committee recommends for the words "a few" appearing in line 7 of sub-rule 90(11) the word "some" be substituted.

The Committee further recommends that the sign " , " be inserted between the words "collector" and "the" appearing in line 16.

The Committee recommends that for the word "necessary" appearing in line 8 of sub-rule 90(12) the word "required" be substituted.

The Committee further recommends that the word and sign "attend," appearing in line 8 of sub-rule 90(12) be deleted.

The Committee recommends that the word "any" be inserted between the words "of" and "part" appearing in sub-rule 90(13).

#### Rule—91.

"91. Blending or reduction of plain spirit is permitted in the store vats, provided the blending and reduction is done in the presence of the inspector and under his supervision. Any other blending or reduction as is desired may be done at the time of issue in the special issue-room mentioned in rule 103 below, water used for reduction must be pure, and the licensee must comply with the directions of the Collector regarding the water-supply."

The Committee recommends that the word "is" appearing in line 4 be deleted being superfluous.

#### Rule—93.

ee \* \* \* \* \*

\* \* \* \* \*

(a and b)

\* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

(c) No bottles shall be filled with spirit except in the joint presence of the Inspector and representative of the licensee.

(d) to (j) \* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

(k) Before bringing any label into use, of licensee shall submit exact copies thereof in quadruplicate, to the Collector, for his approval. The Financial Commissioner, if he approves of the label, shall number it and affix his official seal. One copy will be retained in the Financial Commissioner's office for record. One copy will be sent to the Commissioner of the Division concerned. The remaining two copies will be returned to the Collector, who will send one copy each to the Distillery Inspector and the licensee for information and record. The licensee shall comply with such instructions as the Financial Commissioner may issue regarding any label. If the licensee desires to affix any more labels to the bottles, he shall submit specimens for approval in the manner prescribed above. Secondary labels need not on them all the details required for the main label. In particular the licensee shall carry out the following directions:—

\* \* \* \* \*

\* \* \* \* \*

The Committee recommends that for the word "bottles" the word "bottle" be substituted appearing in sub-rule 93 (C).

The Committee recommends that last three lines of sub-rule 93 (k) be recast as under :—

"Secondary labels need not have printed on them all the details required for the main label. In particular the licensee shall carry out the following directions:—".

# Rule—100.

100. For the purpose of ascertaining that spirit has been effectively and permanently rendered unfit for human consumption in the manner prescribed, the Collector in whose jurisdiction the distillery is situated shall, not less than once in every three months, and without previous notice to the licensee, cause to be taken from stock a sample of such spirit amounting to about 170 millilitres and shall send such sample to the Chemical Examiner to Government Haryana for examination and report. A copy of the report of the Chemical Examiner, shall be submitted to the Financial Commissioner."

The Committee recommends that the word "the" be inserted between the word "that" and "spirit" appearing in line 1.

**Rule—110.**

"110. The licensee shall not decline sale or refuse supplies to any licensed vendor, wholesale or retail, who have obtained, a permit for the issue of spirit from his distillery and tenders payment for such spirit at the rate then current. If more than one licensed vendor be applying at once time for supplies in case of dispute who shall be supplied first, the licensee shall supply them in the order of the dates of the applications received by the inspector the decision between applications bearing the same date being made by the inspector by lot, provided that not more than 225 litres shall be supplied at one issue to a licensed vendor who desires an issue of bottled spirit or in the case of bulk spirit who desires his issues to be made in casks of capacity of atleast 225 litres each supplied by himself or by the distillery on his behalf and tendered at the time to be filled and that not more than 225 litres shall be supplied at one time to a licensed vendor tendering vessels of a smaller capacity. If any customer cannot with due diligence, be supplied before a notified change of price takes place, the licensee may demand payment from him at the changed price in force when he is actually supplied."

- 6° The Committee recommends that for the words "then current" appearing in line 4 the words "prevailant at that time" be substituted.

**Rule—115**

'115(1)

\* \* \* \* \*

\* \* \* \* \*

(a) to (f) \* \* \* \* \*

\* \* \* \* \*

(g) (i) and (ii) \* \* \* \* \*

\* \* \* \* \*

- (iii) Samples not for sale or printed or stamped on the labels of the bottles in which the samples are contained; and

\* \* \* \* \*

\* \* \* \* \*

- 6) The Committee recommends that for the word "or" appearing between the words "sale" and "printed", the words "should be" substituted.

**Rule—116**

"116. Subject to the provisions of rule 110 the licensee may act as an agent in removing spirit for any licensed vendor (including any wholesale agency licensed in the name of a distillery) who, to enable the licensee to obtain a distillery pass, furnished him with a certificate showing that he is a licensed vendor."

The Committee recommends that the word "shall" be inserted between the words and sign "pass," and "furnished" in line 4.

**Rule—117**

"117. Every application for a distillery pass for the removal of spirit shall be made in writing to the inspector, and shall be accompanied by the certificate or permit required under the relevant sub-clause of rule 115 above, such certificate or permit being either a general one for the purpose of removals to be made from time to time of a special one for the purpose of a single removal."

The Committee recommends that the sign " , " appearing after the word "inspector" in line 2 be deleted.

**Rule—118**

"118. If the applicant tenders cash in payment of still head duty the inspector shall after ascertaining that the licensee's price has been paid fill up the challan, for presentation with the cash at the treasury or sub-treasury of the district in which the distillery is situated. The applicant shall present the treasury receipt in token of his having paid the duty and the inspector shall affix it to the counterfoil of form D-20 or D-20-A."

The Committee recommends that the sign " , " be added after the word "duty" appearing in line 2.

**Rule—120**

"120. If, in removing spirit from the distillery as an agent for a licensed vendor, the licensee prefers not to pay duty at the time, he may remove the spirit subject to the adjustment of such duty against an advance payment made by him into the Government Treasury on account of the duty recoverable on such removals. Such an advance payment shall be not less than Rs. 2,000 and each time an advance is replenished, it must be a sum that will bring it up to at least Rs. 2,000. The Treasury officer will keep the inspector informed of all payments credited to an advance, and the inspector shall maintain a statement in form D-15 showing such payments and the duty debit against them. He shall balance this statement on every day on which the distillery is open for the sale of spirit and on every such day shall inform the licensee of the balance standing to his credit, and he shall permit the removal of spirit of which the duty is debit against the advance only so long as the balance is not exhausted."

b5 The Committee recommends that for the figure "2000" the figure "5000" be substituted where-ever occurring in this rule.

66 The Committee further recommends that the sign " ," appearing after the word "credit" in line 14 be deleted.

### Rule—122

"122. If the inspector is satisfied that the applicant is entitled under rules 115 and 117 above to remove spirit, and the still-head duty has been paid or accounted for in one of the methods prescribed in rules 118, 120 and 121, he shall issue the spirit. At the same time he shall make over a pass in the form prescribed (Form D-20) sending a duplicate to the Inspector of the district of destination."

67 The Committee recommends that the words "copy thereof" be inserted between the words "duplicate" and "to the inspector" in line 6.

### Rule—126

"126*	*	*	*	*	*	*	*
	*	*	*	*	*	*	*
(a)	*	*	*	*	*	*	*
(1) and (2)		*	*	*	*	*	*
	*	*	*	*	*	*	*

(3) **Boiling Test.**—For the purpose of the test 100 c.c. of light caoutchoucine should be redistilled in the pyridine testing flask (see specification for pyridine bases). Under those conditions not more than 15 c.c. of distillate should pass over, at or below 100 degree c., whilst a total (including the foregoing of at least 70 c.c.) should pass over, at or below 200 degree C.

(4) and (5)	*	*	*	*	*	*	*
	*	*	*	*	*	*	*

(6) **Limit of saturated hydrocarbons.**—At least 70 per cent of the light caoutchoucine should be soluble in concentrated sulphuric acid. For testing this 25 c.c. should be measured off into a tapped and stoppered separating cylinder of suitable capacity, and sulphuric acid should be added at first with great care, and in very small quantities. After each addition of acid, the Cylinder should be shaken and cooled to avoid loss of volatile constituents. Sufficient acid must be used (usually about 50 c.c.) for the high coloured layer to become quite fluid so that it can separately readily from the upper layer of unattached constituents. After a final thorough shaking and cooling, the cylinder should be left for about three hours to effect complete separation of the two layers and the lower layer be then tapped off. The almost colourless upper layer should be again shaken with

strong sulphuric acid until it appears free from soluble constituents (as judged by the colour imparted to the sulphuric acid) and separated as before after standing. It should finally measure not more than 7 c.c's. The acid used should be of specific gravity 1.84, and may be of commercial quality.

(b)      \*      \*      \*      \*      \*      \*      \*      \*

         \*      \*      \*      \*      \*      \*      \*      \*

**Method.**—100 c.c. of pyridine bases are placed in a shortnecked, copper flask of about 200 c.c. capacity. The flask is arranged on an asbestos card, which has a circular hole of 30 m.m. diameter cut in it. To the flask is attached a fractionating column (consisting of a tube 13 m.m. wide and 170 m.m. long, provided with one bulb) of which the side tube (issuing 1 c.m. above the bulb) joins a Liebig's condenser of which the cooled part is at least 500 m.m. long. A standard thermometer is placed in the head of the column so that this bulb occupies the centre of the bulb of the column.

The speed of distillation is adjusted to 5 c.c. per minute, the distillate being received in a graduated glass cylinder. At least 90 c.c. should distil over, at, or under, 140 degrees c. at a barometric pressure of 760 m.m.

         +      \*      \*      \*      +      \*      \*      \*      \*

         \*      \*      \*      \*      \*      \*      \*      \*

(c) 1 and 2.      \*      \*      \*      \*      \*      \*      \*      \*

                 \*      \*      \*      \*      \*      \*      \*      \*

3. It must contain at least 72 per cent by volume of methyl alcohol (Methanol). In order to estimate the amount of methanol the fractional distillation test (Government Laboratory, London) will be taken as standard.

4.              \*              \*              \*              \*              \*

                 \*              \*              \*              \*              \*

5. There should be not less than 1.5 grams of esters present calculated as methyl acetate.

The fractional distillation test is as follows:—

100 cubic centimetres of the sample are to be slowly heated in a small copper flask fitted with a glass fractionating column 175.28 millimetres (7 inches) high and 19.05 millimetres (3/4 inches) in diameter, filled to the extent of 100.16 millimetres (4 inches) of its height with small glass beads provided with a thermometer placed opposite the exit tube about 25.4 millimetres (an inch) above the beads and then connected with a spiral condenser. Not more than

10 cubic centimetres of distillate should be collected in the receiver when the thermometer in the fractionating column marks a temperature of just under 149 F. (65 C) from 80 cubic centimetres to 85 cubic centimetres should pass over between 149 F. (65C.) and 162 degree F. (72.2 C), and a total quantity of 97 cubic centimetres to 98 cubic centimeter should have passed over before the thermometer marks 212 degree F. (100 degree C.).

The Committee recommends that for the words "Under those" the words "Under these" be substituted appearing in line 3 of sub-rule 126 (a)(3). ✓

The Committee recommends that for the word "through" the word "thorough" be substituted appearing in line 10 of sub-rule 126 (a)(6). ✓

The Committee recommends that the sign "," appearing after the words "over", "at" and "under" in sub-rule 126 (b) under the Heading "Method" be deleted appearing in last but one line. ✓

The Committee recommends that the words and signs "(Government Laboratory, London)" appearing in sub-rule 126 (c)(3) be deleted. ✓

72 ✓ The Committee recommends that the signs "( )" be given properly in sub-rule 126(c)(5) X



## FORM D-1

1 to 3 \* \* \* \* \*

\* \* \* \* \*

4 Plans and statements of the premises and buildings to be used as a distillery and for store-houses and other purposes connected with the business of distillation are annexed for approval. The applicant undertakes to erect buildings and to make all necessary structural or other alterations and additions to the premises and buildings which the Collector from time to time approve or direct, and in all respects to confirm to the Collectors directions as to the maintenance of the premises and buildings in a proper state in regard both to the repair and condition of the buildings, and premises and their sanitation and suitability to the purposes of a distillery under the rules in that behalf for the time being in force.

5 to 7 \* \* \* \* \*

\* \* \* \* \*

8. The applicant is/are ready are willing to deposit the sum of Rs. \_\_\_\_\_ as security for the due performance by him/them of each and all of the requirements of the Act and Rules and the conditions of the license.

\* \* \* \* \*

The Committee recommends that for the word "Collectors" the word "Collector's" be substituted appearing in line 7 of entry 4. ✓ 73

The Committee recommends that the words "ready are" be deleted appearing in line 1 of entry 8. ✓ 74

## FORM D-2

## "DISTILLERY LICENSE"

License is hereby granted to \_\_\_\_\_  
under section 21 of the Punjab Excise Act, 1914 (1 of 1914) subject to  
the conditions hereinafter appearing, to manufacture—

\* \* \* \* \*

1. \* \* \* \* \*

\* \* \* \* \*

2. A statement of the number, size description and capacity the  
stills which the licensee may erect or maintain under this license, plans  
and statements of the premises and buildings to be used as a distillery  
and for store-houses and other purposes connected with business of distil-  
lation are annexed to this license. The license shall not, without the  
sanction of the Financial Commissioner erect other still or otherwise  
later these buildings and plants.

3 to 6. \* \* \* \* \*

\* \* \* \* \*

7. If the Licensee infringes, or clauses or permits any person to  
infringe any of the conditions of this license, the Financial Commis-  
sioner may forthwith revoke and determine the license, and forfeit to  
Government the whole or any part of any deposit made by the licensee  
under rule 4(a) of the Punjab Distillery Rules, 1932, as amended from  
time to time.

8 to 11. \* \* \* \* \*

\* \* \* \* \*

12. If the licensee from any cause, physical or mental become  
incapable of carrying on business, or dies or becomes insolvent or in  
case the licensee as a company is wound up the Financial Commissioner  
may either cancel the license or continue it in the name of the legal  
representative of the licensee.

\* \* \* \* \*

\* \* \* \* \*

75 The committee recommends that the signs, figures and words  
“(1 of 1914)” where ever occurring in this form be deleted being redun-  
dent. ✓

76 The Committee recommends that the spelling of the word “Finan-  
cial” be corrected appearing in line 6 of entry 2. ✗

77 The Committee recommends that last two lines of entry 2 be

recast as under :—

"The Licencee shall not without the sanction of the Financial Commissioner erect other stills or otherwise alter these buildings and plants." 79

The Committee recommends that the sign ", " be added after the words "infringe" in line 2 of entry 7. 79

the Committee recommends that the sign "., " be inserted between the word "up" and "the" appearing in line 3 of entry 12. 80

## FORM D-3

## "Licensee's Bond

This indenture made the \_\_\_\_\_ day of \_\_\_\_\_  
 19\_\_\_\_  
 between \_\_\_\_\_ son of \_\_\_\_\_  
 caste \_\_\_\_\_ resident of \_\_\_\_\_  
 (hereinafter called the Mortgagor) of the one part and (the Governor  
 of Haryana). Hereinafter referred to as the Government of the other  
 part : whereas the Mortgagor was on the \_\_\_\_\_  
 day of \_\_\_\_\_ 19\_\_\_\_ granted a  
 license to work a Distillery at \_\_\_\_\_ in accord-  
 ance with the Distillery Rules contained in Notification No. 1474-E and  
 S, dated the 5th May, 1932, which said License is in terms of Form  
 D-2 attached to the said Notification.

And whereas by rule 6 of the said Rules and Mortgagor is required  
 to execute a Mortgage bond for the due discharge of all payments  
 which may be or from time to time become, payable by him to the  
 Government on account of the working of the said Distillery.

Now this indenture witnesseth that in compliance with the said  
 6th rule and in consideration of the grant to the Mortgagor of the said  
 license to work the said Distillery at \_\_\_\_\_ the Mortgagor  
 hereby Covenants with the Government to pay to the Government all  
 such payments as may be or from time to time become payable in  
 connection with the working of the said Distillery of the days that  
 such payments shall fall due and in further compliance with the said  
 6th Rules and or the same consideration aforesaid the Mortgagor as  
 full proprietor hereby grants, conveys and assigns All those heredita-  
 ments and premises situate in \_\_\_\_\_ and more  
 particularly described and specified in the Schedule hereto attached and  
 delineated on the plan hereto annexed and thereon coloured \_\_\_\_\_  
 together with all stock of spirit apparatus, and utensils,  
 employed in the manufacture and storage of spirit, now or hereafter,  
 from time to time to be brought on the said premises, together with  
 all easements, rights and things appurtenant, or reputed appurtenant to  
 the said premises and all the estate, right title claim, and demand  
 whatsoever of the Mortgagor into and upon the said premises, and the  
 said stock of spirit, apparatus and utensils and every part, thereof, to  
 hold the same, unto and to the use of the Government in full pro-  
 prietary right, for ever subject to the proviso for redemption, herein-  
 after contained, and the Mortgagor for himself his heirs, legal repre-  
 sentatives, and assigns, hereby covenants, with the Government that  
 he, the said Mortgagor, now has good right to grant the hereditaments,  
 and premises and stock of spirit, apparatus and utensils hereby granted  
 or expressed so to be unto and to the use of the Government in  
 manner aforesaid and that free from encumbrances ;

And further that he the Mortgagor and all other persons having or  
 lawfully or equitably claiming any estate or interest in the said heredita-  
 ments, and premises, stock of spirit, apparatus and utensils or any part  
 thereof shall from time to time and at all times thereafter, at his or

their own cost, during the continuance of this security and afterwards at the cost of the person or persons requiring the same, do, and execute or cause to be done or executed all such acts, deeds, and things for the further and more perfectly assuring the said hereditaments and premises, unto and to the use of the Government and other persons aforesaid in manner aforesaid as shall or may be reasonably required and it is hereby agreed that if the Mortgagor shall during the continuance of the said license, make to the Government all such payments, in respect of the working of the said distillery as may be or from time to time become payable by the Mortgagor the Government shall on the determination of the said license (but subject to the proviso herein-after contained) at the request and cost of the Mortgagor, his heirs, or legal representatives recover and reassign, the said hereditaments and premises, stock of spirit apparatus and utensils hereby granted unto the Mortgagor his heirs or legal representatives as he or they shall direct and in the meantime and until default shall be made by the Mortgagor in the due payments as aforesaid the Mortgagor shall continue in possession and receipt of the rents and profits of the said hereditaments and premises and the stock of spirit apparatus, and utensils, thereon. And it is hereby agreed and declared and the true intent and meaning of the parties hereto, is that if default shall be made by the Mortgagor, in the due payments aforesaid or any of them, then and in such case and immediately thereupon or at any time, thereafter or from time to time as occasion shall require, it shall be lawful for the Government or his or their officers or servants, duly authorised in that behalf and notwithstanding the dissent or opposition of the Mortgagor his heirs or legal representatives, to enter into and upon and (whether in or out of possession) to make sale and absolutely dispose of the said hereditaments and premises, stock of spirit, apparatus, and utensils hereby granted or expressed so to be or any part thereof by public auction or private contract and for such price or prices as to the Government shall appear reasonable with liberty to buy, in the same or any part thereof, and for effectuating any such sale it shall be lawful for the Government to do, make and enter into, all necessary acts, deed, conveyances and assurances whatsoever, and it is further declared by and between the parties, hereto that such act, deeds, conveyances and assurances done, made or executed, under or by virtue of these presents shall be good, valid and effectual, whether the Mortgagor, his heirs or legal representatives shall or shall not join therein or assent thereto and shall bind the Mortgagor, his heirs or legal representatives, and all other persons claiming under him or them, and it is hereby further agreed and declared that the power of sale hereinbefore contained shall and may be exercised and that all things to be done in pursuance thereof shall be good, valid and binding notwithstanding that no decree of any Court of Law or equity for barring or foreclosing the equity of redemption of the Mortgagor, his heirs or legal representatives shall have been previously obtained but his power of sale is given in addition to the ordinary remedies of foreclosure, And that the receipts in writing of the Financial Commissioner for the time being for all moneys, to arise from any such sale or sales shall be good and sufficient discharge to the persons paying the same and shall exonerate such persons from all responsibility in respect of the application or non-application of the same nor shall he or they be found to enquire whether the sale was regular or authorised

under these presents provided always and it is hereby agreed and declared by and between the parties hereto that on the determination or cancellation of the said license the abovementioned hereditaments and premises and stock of spirit apparatus, and utensils shall not be at once reconveyed and reassigned to the Mortgagor, his heirs or legal representatives, but shall be and remain mortgaged with the Government for the term of six months as security for the payment of any sums due by the Mortgagor in connection with the working of the said Distillery.

\* \* \* \* \*

91 ~~21~~ The Committee recommends that the word "on" be inserted between the words "made" and "the" in line 1.

The Committee recommends that the word "caste" in line 4 be deleted.

The Committee recommends that the word "which" appearing in line 11 be deleted.

The Committee recommends that for the words "the said 6th rule" appearing in lines 1 and 2 of para 3 the words "the said rule 6" be substituted.

The Committee recommends that for the words "of the days" appearing in line 6 the words "on the days" be substituted.

The Committee recommends that for the words "the said 6th Rules" appearing in line 7 of para 3 the word "the said Rule 6" be substituted.

The Committee recommends that for the words "in manner aforesaid and that" appearing in last 2 lines of para 3 the words "in the manner aforesaid and" be substituted.

The Committee recommends that the word "he" appearing in line 1 of para 4 be deleted.

The Committee recommends that for the words "in manner aforesaid" appearing in line 10 of para 4 the words "in the manner aforesaid" be substituted.

The Committee recommends that for the words "he" appearing in line 22 of para 4 the word "the" be substituted.

91 The Committee recommends that for the words "in the due payments" appearing in line 26 of para 4 the words "in respect of the due payments" be substituted.

## FORM D-4 (PART 15)

"Monthly Distillery Return for the month of ..... 19....., not later than the second day of each month)  
(To be submitted to the Excise and Taxation Commissioner Haryana, not later than the second day of each month)

Stock of Distilling base (Register D-4)								
Kind	Stock of Empty Bottles maintained				Kind of spirit			
	Quantity in hand (Quintals/Kilograms)	Minimum stock required under the rules (Quintals/Kilograms)	Price of Distilling Base (Kilograms)	Description and capacity of bottles (Grosses)	Number in hand (Grosses)	Number required under the rules (Grosses)	Current price of bulk spirit per proof litre exclusive of duty	Rs. P.
1	2	3	4	5	6	7	8	9

## I—Country Spirit—

- (a) Plain  
(b) Ordinary spiced  
(c) Special spiced  
(d) Matured

## II—Indian made foreign spirit—

- (a) Whisky—  
(i) Ordinary  
(ii) Malta  
(b) Brandy  
(c) Rum  
(d) Gin

## III—Rectified spirit

Total

Place

Dated the

x x  
x x  
x x

x x  
x x  
x x

x x  
x x  
x x

x x  
x x  
x x

x x  
x x  
x x

x x  
x x  
x x

x x  
x x  
x x

The Committee recommends that in entry No. 6 and 7 for the word "Grosses" the word "Gross" be substituted.

92

# FORM D-10

## "Pub-Register

(To be maintained separately by every licensee and by every Distillery Inspector)

Bub-Vat No. \_\_\_\_\_

Serial No. of fermentation	Date	Hour	Whether gut, molasses or mahua	If molasses, its specific gravity	Quantity (quintals)	Whether addition (+) Subtraction (-) or balance(-)	Quantity (Quintals)	Balance account of distilling base
1	2	3	4	5	6	7	8	

36

### Details or Transference

Gauge reading including reading taken immediately before any transfer and immediately after any addition

Transferred to F Vat No.	Litres	Quantity (Quintals) of distilling base in the bub transferred	Original specific gravity as ascertained for bub less than 24 hours old or as declared by Proprietor for bub more than 24 hour old	Litres	Specific gravity	Remarks
9	10	11	12	13	14	15

97 The Committee recommends that in entry No 9, for the abbreviation 'F' the full word of the abbreviation be substituted





## FORM D-16

Compounded  
 "Spirit" ——— issued and passed into stock.  
 Denatured

(To be maintained by every Distillery Inspector).

Compounding		Material				
Denatured						
Date	Description	Quantity	Balance	Serial No	Number of	
		Received	Used	of operation	vat from	
					which	
					taken	
1	2	3	4	5	6	7

Spirit	Compounded				
	Denatured				
Bulk litres	Original strength	Litres equivalent London Proof	Strength after compounding	Degrees of obscuration	
8	9	10	11	12	

Passed into stock				
Vat No	Bulk litres	Apparent strength	Degree of obscuration	Proof litres
13	14	15	16	17

Issued				
No. of pass	Bulk litres	Actual strength (Column 9)	Proof litres	Remarks
18	19	20	21	22

95 The Committee recommends that in entry No. 10 the words "equivalent London Proof" be deleted.