

THE RAJASTHAN BREWERY RULES, 1972

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NOTIFICATION

GSR 56.- in Exercise of the powers conferred by Section 42 read with Section 17 of the Rajasthan Excise Act, 1950 (Rajasthan Act, II of 1950), the Excise Commissioner. with previous sanctions of the State Government hereby makes the following rules, namely,

- 1. Short title and commencement-** These rules may be called the Rajasthan Brewery Rules, 1972 and shall come into force with effect from the date of their publication in the Gazette.
- 2. Definitions** - In these Rules, unless the context otherwise requires,—
 - (a) 'Act' means the Rajasthan Excise Act, 1950 (Rajasthan Act 2 of 1950),
 - (b) 'Beer' means ant liquor prepared from malt or grain. with/without addition of sugar and hops and includes sale port and stouts;
 - (c) 'Brewer' means a person holding a licence in form [R.B.I.(B)] for running a brewery;
 - (d) 'Brewery' means a building where beer is brewed arid includes every place therein where or beer is stored wherefrom it is issued;
 - (e) 'Copper' means any vessel in which either torts or water is boiled or heated in the course of brewing;
 - (f) 'Excise year' means the period commencing from 1st clays of April and ending on 31st day of March following;
 - (g) 'Fermenting vessel, means any vessel m which worts are formented by the action of yeast;
 - (h) 'form' means from appended to these rules;
 - (i) Gravity' means the proportion which the weight of a liquid beers to that of an equal bulk of distilled water, the gravity of distilled water at 60.F, being taken to be 10000;

- (j) 'Hops' means the ripe female flowers of the hop plant or its other parts used in brewing for giving bitter taste to beer and for preserving and clarifying it;
- (k) 'Hop back' means any vessel into which worts are run after boiling for removal of the spent hops;
- (l) 'Licence' means a licence granted for a brewery under Section 16 of the Act ;
- (m) 'Licensee' means a holder of such licence;
- (n) 'Malt' means the basic germinated grain used for brewing obtained as result of diastatic fermentation or subjecting grain to the process of steeping and couching;
- (o) 'Malt substitutes' means sugars or starches mixed in proper proportion for being used as a substitute for malt for brewing purpose;
- (p) 'Mashtum' means any vessel in which malt or grain is exhausted of its fermentable contents in the course of brewing;
- (q) 'Officer-in-charge' Means the Excise inspector or any other officer of the Excise Department not below the rank of Excise inspector appointed by the Excise Commissioner to hold charge of a brewery;
- (r) 'Backing or setting back' means any vessel into which worts are passed from a fermenting vessel and run off into store vats or casks;
- (s) 'Under back' means any vessel into which worts are run either from the Mashtum or hop back;
- (t) 'Worts' means the liquor obtained by the exhaustion of malt or grain or by the solution of saccharine in the process of brewing,

A- Establishment of Breweries

3. [**"Grant of" No objection Certificate** - Any person desiring to construct and work a brewery shall first apply for grant of "no objection certificate" to the Excise Commissioner through the District Excise Officer concerned after having deposited the fee prescribed for this purpose. Excise Commissioner, subject to general or specific instructions of the State Government, may issue "no objection certificate.]"

4. [**Grant of permission for construction** - The holder of "no objection certificate" shall seek the permission of Excise Commissioner for construction of brewery after having completed the formalities prescribed by Excise Commissioner in this behalf and depositing the fee prescribed for this purpose. Along with the application, the applicant shall file a plan and full description of his premises and vessels, clearly specifying the purpose of, and distinguishing mark on each room and vessel. Excise Commissioner, if he is satisfied that there is no objection to doing so, may grant permission for construction by way of licence in form RB 1 (A)].
5. "**Grant of licence for working of brewery** - On receipt of intimation of completion of construction from the person holding licence in form **R.B. 1. (A)** and after satisfying that fee prescribed for this purpose has been deposited and there is no objection to doing so, Excise Commissioner may grant licence in Form **R.B. 1(B)** for manufacture of beer."
6. **Power to refuse or grant licence** - The Excise Commissioner shall have power to grant or refuse any application for licence or for renewal of a licence having regard to actual requirements in the State.
7. " [**Permission for addition/alteration** - Any addition to or alteration of brewery plant or building shall be made with the prior permission of Excise Commissioner and no such permission shall be given unless the fee prescribed for this purpose has been deposited"]].
8. **Forfeiture of and deduction from the security deposit** - In the event of any breach of the Excise laws for the time being in force being proved against the brewer or any person in his employ or acting on his behalf the Excise Commissioner may forfeit the whole or part of the security and may also cancel the brewery licence. The Excise Commissioner may also direct deduction therefrom all sums which become due to the State Government by way of duty, licence fee, penalty or fine.
9. **Renewal of licence** - (1) Application for renewal of licence for the following Excise year shall be made to the Excise Commissioner through the District Excise Officer on or before February 28 each year. If there has been alteration in either plant or building, fresh application must be submitted. If there has been no alteration, a certificate to this effect from officer-in-charge should be attached with the application for renewal of the licence.

(2) The renewal of licences shall not be made a matter of course.

- (3) In renewing licences the Excise Commissioner shall keep due regard to the following:-
- (a) any direction issued by the State Government on matters of Excise or prohibition policy;
 - (b) any alteration of plant or building by the brewer without the proper consent of the State Government; and
 - (c) contravention of any provision of the Act or the rules made thereunder.
10. **Unrenewed licences to be void** - Unrenewed licences shall be null and void and the beer produced in the brewery after the expiry of the licence shall be liable to seizure and confiscation and the parties working the brewery to the penalties provided by law for illicit brewing:
- Provided that in the event of renewal of licence being refused, permission may be granted for continuing operations temporarily for a reasonable time, pending an appeal or revision, as the case may be, before appropriate authority.
11. **Transfer of licence** - Every licence shall be deemed to have been granted or renewed personally to the licensee and no licensee shall be sold or transferred without obtaining the previous permission in writing of the licensing authority.
12. **Removal of beer etc. after expiry of licence** - On the expiry of his licence unless a fresh licence is granted to him licence is cancelled or suspended the brewer shall be bound forthwith to pay duty on and to remove all beer remaining within the brewery in accordance with the rules in force, Failure to do so within 10 days of receipt of written notice from the District Excise Officer shall entail on the brewer the liability of meeting the cost of any establishment which it may be necessary to employ at the brewery In the event of the failure continuing for more than three weeks, the Beer shall be liable to be forfeited at the discretion of the Excise Commissioner.
13. **Office for officer-in-charge to be provided by the brewer** - The brewer shall provide, within the brewery enclosure an office for the officer-in-charge duly equipped with office furniture and no rent shall be chargeable therefor.
14. **Residential quarters for Excise Supervisory staff to be provided by the brewer** - The brewer shall also provide rent-free residential quarters to the satisfaction of the Excise Commissioner for the Government Excise Establishment posted to the brewery.

15. **Government not liable for loss etc. of beer in a brewery** - The State Government shall not be liable for the destruction, loss or damage of any beer stored in a brewery by fire or theft, or by gauging or by any other accident, cause whatsoever in case fire or other accident the officer-in-charge shall immediately attend to open the premises at any hour of the day or night.

B-General Arrangement and Management of Breweries

16. **Distinguishing mark to be painted on each room, place and vessel** - On the outside of the door of every room and place in which business is carried on and on some conspicuous part of each vessel there shall be, legibly painted in oil colour the name of vessel, utensil room or place according to the purpose for which it is intended to be used, If more than one room or vessel is used for the same purpose each shall be distinguished by a progressive number.
17. **Manner of fixing of vessel** - Mashtuns, under hacks, wort receivers, coppers and collecting and fermenting vessels shall be so placed and fixed that contents of each can be accurately gauged or measured.
18. **All mashtuns and other vessels to be gauged** - All mashtuns and fermenting vessel shall be gauged jointly by the officer-in-charge and the licence. Tables in Forms RB-2 shall be prepared by the officer-in-charge showing the total capacity of each vessel in litres (or in case of mashtuns, in imperial bushels) and the capacity of each tenth of centimeter in depth.
19. **Placement of Mashtuns, etc to admit of gauging and alterations to be intimated to the officer-in-charge** - All mashtuns' underbacks, Coolers fermenting vessels and settling backs shall be so placed and fixed as to admit of their contents being accurately ascertained by gauge or measure and shall not be altered in shape position or Capacity without two days notice in writing to the officer-in-charge.
20. **Re-gauging necessary after alteration in placement of mashtuns etc.** - No vessel which has been altered in shape, position or capacity shall again be taken into use unless it has been re-gauged by the officer-in-charge and new tables worked out by him if necessary.
21. **Brewers to provide weights, scales and other appliances** - The brewer must provide and maintain adequate number of scales in good working order and weight of correct specification and other necessary and reasonable appliances to enable the officer-in-charge and other officers to take account of or check by weight gauge or measure, all materials and liquids produced in brewing and provide sufficient (lights ladders and facilities to enable the excise staff to perform their duties.

C-Control of Breweries

22. **Excise Commissioner to appoint officer-in-charge of brewery** - Every brewer shall be placed by the Excise Commissioner under the charge of an Excise Inspector to be designated as officer-in-charge of the brewery, The Excise Commissioner will further, appoint such other officers of the Excise Department as he may deem fit to the charge of brewers. The pay of all such officers shall be met by the Government .
23. **Control** - The officer-in-charge will otherwise directed to work under the supervision of and correspond with the District Excise Officer in whose jurisdiction the brewery lies. In all ordinary matters regarding the working of the breweries, the brewers should in the instance apply to the officer-in-charge, who will if necessary secure orders.
24. **Control of officer-in-charge over admittance and behaviour of persons to brewery premises** - Rules governing admittance and behavior of persons within distillery premises, shall apply mutatis mutandis, to admittance within brewery premises of persons and their behaviour within the premises.
25. **Hours of attendance and holidays to excise official** - Rules governing the hours of attendance of excise officials posted to distilleries holidays allowed to them and overtime work by them shall govern excise official posted to breweries also.
26. Special **duties** of officer-in-charge posted to brewery - It shall be the special duty of the officer-in-charge to see that -
 - (i) the brewer's licence in the prescribed [Form R.B.I.- B is renewed in time;
 - (ii) the brewer marks entry of this premises and utensils in Form R.B.- 3;
 - (iii) the vessels and rooms in the brewery are properly numbered and marked;
 - (iv) the entries made by the brewer in the brewing book in Form R.B 4, promptly and correctly made;
 - (v) no materials other than those entered by the brewer in the brewing book are used;
 - (vi) no worts are removed from the brewery until an account of them has been taken; and
 - (vii) the rules prescribed for the management of breweries are strictly followed.
27. **Instruments to be supplied** - The officer-in-charge shall place indent on Excise Commissioner through the District Excise Officer for instruments, such as Saccharometers and thermometers, as are necessary and will maintain an

account thereof in Form R.B.5 He will be responsible for their safe custody, and if any instrument is broken or lost for want of proper care, he may be required to make good such loss or damage.

28. **Brewery open to inspection by officers** - The brewer shall, at any time permit the Excise Commissioner, District Excise Officer or any officer of the Excise Department not below the rank of Excise Inspector, in whose jurisdiction the brewery lies, to inspect and examine his brewery the premises, warehouse, utensil connected therewith, any room, place or utensils and the beer made or stored therein and shall render the inspecting officer all assistance in making such inspection and examination.
29. **Notice before brewing** - The Excise Commissioner may require any brewer to send to the officer-in-charge forty eight (48) hours before brewing, a written notice of his intention to brew.
30. **Use of deleterious matter prohibited** - The excise Commissioner may prohibit the use of any material in the manufacture of beer, which in his opinion is of deleterious nature.
31. **Analysis of sample** - The Officer-in-charge or any inspecting officer may take without payment for the purpose of analysis, samples of any beer of material used in the manufacture thereof, and all expenses connection with packing, dispatch chemical analysis etc. shall be borne by the brewer.
32. **Sampling** - All samples taken will be recorded by the officer-in-charge in the register in Form R.B.6 and will be forwarded by him direct to the Chief Public Analyst Government of Rajasthan, Jaipur along with an advice note, stating the nature of the examination of analysis required.

D - Mode of Working

33. **Brewer's book** - The brewer shall keep a book in Form R.B.4 and shall observe the following rules in relation to it and to the entries to be made therein;
 - (1) He shall keep the book in some part of his licensed premises, ready at all times, for the inspection of the Excise Commissioner, the officer-in-charge or any other officer of the Excise Department, and shall permit any such officer who is authorised to inspect the brewery, at any time to inspect the same and take extracts therefrom,

- (2) He shall enter separately in the book the quantity of malt, corn, sugar hops and hops substitutes which he intends to use in his next brewing and also the days and hour when such next brewing is intended to take place.
 - (3) He shall make such entry, so far as respects the day and hour of brewing, at least twenty-four before he begins to mash any malt or dissolve and sugar, and so far as respects the quantity so malt, corn, sugar, hops and substitutes at least two hours before the hour entered for brewing.
 - (4) He shall at least two hours before the hour entered for brewing, enter the when all the worts will be drawn off the grains in the mashtun.
 - (5) He shall within one hour of the worts being collected in the fermenting vessel or, if the worts be not collected before six in the after-noon before eight in the forenoon on the following days, enter the dip and gravity of worts produced from each brewing. and also the description and number of the vessels into the worts have been conveyed.
 - (6) He shall at the time of making any entry, insert the date when the entry is made.
 - (7) He shall not cancel, obliterate or alter any entry in the book or make therein any entry which is untrue in any respect, should it be necessary to correct any entry a line shall be drawn through the incorrect entry in such a manner as to leave it distinctly visible, and the amended entry shall be inserted above it; every correction shall be initialed by the person making it at the time.
34. **Produce of any brewing not to be fixed with that of another unless accounted for** - The brewer shall keep produce of any brewing separate from the produce of any brewing unless an account (regarding hulk and gravity) of each has been taken by the officer-in-charge.
35. **Notice to be given when mixing to take place** - The brewer shall not mix the produce to one brewing with that of another except in store vats or casks, unless he shall have given previous notice in writing to the officer-in-charge When Mixed the brewer shall specify the quantity and gravity of the resultant mixture.
36. **Time prescribed for grain to remove in mashtuns after the worts are drawn off** - All grain in a mashtun must be kept untouched for one hour after

the time entered in the book as the time for the worts to be drawn off, unless the officer-in-charge has attended and taken account of such grain.

37. **Worts to be drawn off in the order of production** - All worts shall be removed successively, and in the customary order of brewing, to the under back copper cooler and fermenting vessels and shall not be removed from the last named vessel until an account has been taken by the officer-in-charge or until after the expiry of twenty-four hours from the time at which the worts are collected in these vessels.
38. **Time fixed for collection of the product of brewing** - When warts shall have commenced running into a fermenting vessel, the whole of the produce of the brewing shall be collected within eighteen hours.
39. **Extraction of spirit from refuse prohibited** - No liquor except beer shall be manufactured within the brewery premises. No attempt shall be made to extract spirit from gram or the refuse of the brewery,

Provided that Excise Commissioner, with the previous sanction of State Government, may allow in the same plant to manufacture, store and issue of other potable drinks e.g. soft drink on following amongst other terms and conditions as may be determined from time to time. Such permission shall be subject to strict observance of the rerevant Act, rules and regulations by which the said item is governed.

- (a) The unit shall put a blockade lock at the divert panel as well as on the starting point of main supply line of finished goods for filling purposes as and when for filling of soft drink is resumed by switching over.
- (b) The unit shall have to *pay* additional fee at par with fees for brewery licence applicable from time to time.
- (c) Since the Excise staff will remain deployed during the course of filling of soft drink solely, the additional bottling fees at the rate of 50% of the bottling fee of the beer as applicable from time to time would be chargeable on soft drink also so as to commensurate/compensate the expenses being incurred by the department on deployment of staff .
- (d) The unit will have to provide time schedule for filling of soft drink 15 days in advance enabling the excise officials to exercise proper precautions.
- (e) Filling of soft drink shall be restricted to one week at a time subject to extension with prior permission of the Excise Commissioner.

- (f) The key of blockade lock shall remain with the State Excise Officials posted at the unit.
 - (g) State Excise Department shall not be responsible for any vicarious liability whatsoever arising out of filling-up of soft drink.
 - (h) The Excise Commissioner may at any time terminate the permission without previous notice and may also impose such other conditions as may be deemed proper.
 - (i) The violation of any term and condition shall attract penalty not exceeding ten times of fees for brewery licence.
40. **Addition to beer of material other than linings prohibited** - The brewer shall not dilute alternate or add anything to beer except finings or other matters sanctioned by the Excise Commissioner.

E - Issues of Beer

41. **Beer not to be issued until duty paid or bond executed** - No beer shall be removed from a brewery until the duty imposed under Section 28 of the Act has been paid or until a bond under Section 18 of the Act in Form R B II or R B 12 has been executed by the brewer for export of beer outside the State, direct from the brewery.
42. **Modes of realising duty** - Duty shall be realised in either of the two ways, viz,
- (i) by payment in cash either in the sub-treasury or in the treasury of the district if there is no sub-treasury in the station;
 - (ii) by book credit from any advance account kept for the purpose.
43. **Mode of tendering duty in cash** - If the brewer wishes to pay duty in cash he shall present an application in Form R.B. 7 in triplicate at the treasury or sub-treasury, as the case may be, correctness where of shall be duly verified by the officer in charge. The Accountant of the treasury or sub-treasury shall, after verifying that the amount tendered has been deposited with the treasurer, fill up the figure in the endorsement in all the copies of the application. He shall then present them to the officer-in charge of the treasury or sub-treasury who shall sign them in token of receipt of the amount tendered and stamp them. One copy of the application shall be given to the applicant and the second copy forwarded to the officer-in-charge of the brewery and the third copy retained for record.

- 44. Payment of duty from brewer's advance deposit** - Brewers are permitted to make advance payments on account of excise duty on beer to be removed from time to time from the brewery, Such removals shall be permitted up to the limit of the advance, without separate payment of duty on account of each consignment of beer removed, No original advance deposit shall be less than Rs. 3,000 and if each time an advance is replenished, it must be of a sum which brings it up to less than that amount.
- 45. Form of application for removal of beer against advance deposit –**
- (a) Applications for the removal of beer on which the duty will be debited against the advance will be in Form R. B. 9.
- (b) The register of advance deposit will be in Form R. B. 9.
- 46. Removal of beer from brewery riot permitted save under a pass** - No beer shall be removed except under a pass in Form R. B. 10 granted by the officer-in-charge empowered in this behalf The pass shall be issued either on proof of full payment of duty or on proof of execution of bond. it shall be in triplicate one copy shall be made over to cover the transport or export, the second forwarded to the District Excise Officer of the district of import or transport and the third retained for record.
- 47. Mode of issue of beer from brewery** - Issues may be made from the brewery as under –
- (i) On pre-payment of duty for transport to the wholesale premises of the brewers;
- (ii) For export under bond to other States in India.
- 48. Pass required for export under bond** - Any person may export under bond beer manufactured as a brewery in Rajasthan to any place in India under pass in Form R.B. 10 granted by the officer-in-charge of the brewery empowered in this behalf and in accordance with the rules relating to export of foreign spirit under bond, The general bond to be executed shall be in Form R. B. 11 and the special in Form R. B. 12.

F-Allowable Wastage and Refund of Duty

- 49. Destruction by accident** - When any malt liquor on which duty has been charged or paid is destroyed by accident fire or other unavoidable causes while the same is on the specified premises of a brewer, as given in his entry, the

State Government may on proof of such loss to their satisfaction, remit or order to lie report the duty so charged or paid.

- 49 A. **Wastage on production** - Allowance for wastage on production of Beer shall be allowed at the rate of 7% of the total quantity brewed or actual wastage, whichever is less.
50. **Refund of duty** - (1) When beers on which duty has been charged and paid becomes unfit for consumption as such, the Excise Commissioner may, order refund of duty provided such claim is preferred within six months of payment of duty.
- (2) If the beer has been returned the fact must be reported to the officer-in-charge as soon as the invoice is received, The consignment shall on receipt be got checked by the officer-in-charge and claim preferred shall be got attested by him .
- (3) The claim must contain - (a) a declaration that the beer which is the subject of claim was brewed by the brewers;
- (b) a statement of the circumstances to which the claim is duty;
- (c) a statement of date or dates on which as beer was brewed, and the quantity and the original gravity of each lot of beer referred to in the claim : and
- (d) a statement that it is proposed to dispose of the beer either (i) by destroying, or (ii) by converting into vinegar.
- (4) When required to do so the brewer must given satisfactory proof or any fact mentioned in the claim
- (5) The Excise commissioner shall make the refund as soon as the District Excise Officer of the charge furnishes certificate in Form R.B. 13 or RI3 14 that the beer has been (i) destroyed in his presence, or (ii) turned into vinegar.
51. **Beer on which refund of duty is claimed may be examined** - In the case of refunds on beer returned to the brewery of issue the District Excise Officer may require to applicant to produce, in whole or part the beer on which refund of duty is claimed and may have any portion of the beer on which refund is claimed tested or analised in any way he thinks fit and may depute any officer to make any inquiry or examination concerning the said beer which the District Excise Officer may consider necessary.

52. **Quarterly account** - On the 7th of the first month after close of each quarter of the excise year, an amount in Form R.B. 15 shall be forwarded by every brewery to the District Excise Officer of the charge, in which shall be shown the total quantity of beer returned unsold to the brewery, and the amount claimed or received as refund of duty. The District Excise Officer shall after testing the correctness of the entries forward a copy to the Excise Commissioner for record in his office on the 15th of the month succeeding the close of the quarter .
53. **Quarterly examination of stock** - The account of a brewer and the stock of beer in hand in the brewery shall be examined by the District Excise Officer once a quarter. If the quantity of the beer in stock in the brewery, on such examination be found to exceed the quantity shown as in hand in the stock account, the brewer shall be liable to pay duty on such excess at double the rate prescribed for ordinary issue. If the quantity be found less than that shown in the stock account, the cause of the deficiency shall be inquired into and the result reported to the excise Commissioner, who may direct the levy of a fine not exceeding double the amount represented by the duty on such defect. Provided that any deficiency not exceeding 10 per cent, shall be disregarded, allowance to the extent being made to cover loss in bulk due to evaporation, sillage and other contingencies within the brewery. This allowance shall be calculated upon the amount represented by the actual ascertained balances in hand at the date of the last stock taking together with the total quantity since manufactured or received, as shown in columns 2 and 3 of the register of manufacture and issue (Form R.B. 10).

G-Supervision

54. **Inspection by District Excise Officer** - The District Excise Officer – in charge will inspect the brewery at least once in every two months.
55. **Trade secrets** - The officer-in-charge is strictly to abstain from divulging to any person the nature or extent of the brewer's operations.
56. **Gauging of mashtuns** - Mashtuns should be gauged by the dry method the measurements being taken above the false bottom, but the tables should be worked out by the wet method. that is from the top of the false bottom, and no drip need be taken into account.
57. **Intermediate gauges and gravities in breweries to be checked only** - All gauges and gravities taken during the course of a brewing are to be deemed checks only, and should not form the basis of any charge for duty or calculation of out – turn.

58. **Officer-in-charge not to ascertain dips and gravities for licensees** - The officer-in-charge may not ascertain for the licensee the quantity or gravity of am sorts collected.

H-General

59. **Registers to be maintained b the officer-in-charge and the brewer** - The following registers shall be maintained in a brewery –
- (a) by the officer-in-charge -
 - (i) Register in a Form R. B. 6 n samples of malts and works taken for analysis.
 - (ii) Register or gauge table in Form R. B. 2.
 - (iii) Register in Form R.B. 9 of issues of beer against deposit of duty.
 - (iv) Register of manufacture and issue of beer in Form R.B. 16.
 - (v) Register in Form R. B. 17 of beer returned unsold to the brewery.
 - (b) by the brewer –
 - (i) Register in Form R. B. 3 showing details entry regarding premises and utensils,
 - (ii) Brewing book in Form R.B. 4 .
60. **Submission of Annual Statement of brewery** - Every brewer shall submit to the District Excise Officer through the officer-in-charge a statement in the duplicate in Form R.B. 18 relating to his brewery in respect of the excise year by 1st July. The District Excise Officer after satisfying himself that the entries made are correct, shall forward one copy of the Statement to the Excise Commissioner by July 15. The Excise Commissioner shall submit to the State Government by August 15 a consolidate statement in Form R.B. 18.
61. The brewer shall be bound to report to the officer-in-charge any case in which any person employed by him has been found to have committed any breach of the excise laws or of the terms and conditions of service regulating his employment.