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NOTIFICATION

No. J.23011/4/2001-EXC, the 25th March, 2008. In exercise of the Powers conferred by section 70 of the Mizoram Liquor Total Prohibition Act, 1995 (Act No. 10 of 1995) the Governor of Mizoram hereby makes the following rules, namely :-

*Short title,
extent and
commence-
ment*

1. (1) These rules may be called the Mizoram Excise & Narcotics (Wine) Rules, 2008.
- (2) They shall have like extent as the Act.
- (3) They shall come into force on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

Definitions

2. In these rules unless the context otherwise requires, -
 - (1) "Act" means the Mizoram Liquor Total Prohibition Act, 1995;
 - (2) "Fortified wine" means wine the alcoholic strength of which has been increased by the addition of sugar or natural spirit or other substances permitted by the Commissioner and which shall have not more than such per cent of alcoholic strength as may be prescribed by the Government from time to time;
 - (3) "fortification" means the process of manufacturing fortified wine;
 - (4) "licence" means a licence granted under the Act or these Rules;
 - (5) "must" means the juice, stems, and skins of crushed grapes or guava;
 - (6) "Officer-in-charge" means an Excise & Narcotics officer appointed for the purpose of supervising the operations in a winery or wineries;
 - (7) "permit" means a permit granted under the Act or these Rules;
 - (8) "winery" means a building or a part of a building specified in the licence for the manufacture and store of wine;
 - (9) words and expressions used herein but not defined, shall have the same meaning as assigned to them in the Act.

Application

3. (1) An application for the manufacture, sale, transport and export of wine to other states shall be made to the Commissioner in the Form No. M.E.W.R. - 1
- (2) Where the applicant for a licence is a firm, the name and other particulars of all the partners shall be mentioned in the application and if a licence is granted to the applicant, the names of all the partners shall be entered in the licence. Additional partners shall not be admitted to the firm unless the Commissioner agrees to it in writing.
- (3) Every application shall be in triplicate and shall be accompanied by -
 - (a) the location and plan of the winery in which wine is proposed to be manufactured;
 - (b) availability of grape or guava fruit for making wine;
 - (c) statement showing the quantity of wine proposed to be manufactured during the currency of the licence;
 - (d) kind of wine proposed to be manufactured;
 - (e) statement specifying the number, size and description of all the vessels and other apparatus which are proposed to be used in manufacture of wine.

*Grant of
licence*

4. (1) On receipt of an application under Rule 3, the Commissioner or an officer so authorised, if he is satisfied, may grant a licence to the applicant subject to the provisions

of section 26A of the Act.

(2) The Commissioner or the officer so authorised shall retain the original application and its enclosures, forward the duplicate and its enclosures to the Officer-in-charge of the winery and return the triplicate with the enclosures to the licensee after making due initials and stamps on all the applications and enclosures with his seal.

*Arrangement
of winery*

5. (1) Separate rooms or compartments separated by grills embedded in cement concrete shall be provided for the following purpose in every winery and no such room or compartment shall be used for more than one of the following purposes. -

- (a) manufacturing;
- (b) storage of wine in bulk and bottling operations;
- (c) storage of wine in sealed bottles, casks, barrels and other receptacles;
- (d) there shall be separate tanks for fermentation, storage and fortification;
- (e) each tank used for fermentation, storage or fortification shall be marked with a permanent serial number and the capacity of such tanks accurately gauged by the Officer-in-charge of the winery. A dipping rod shall be provided by the licensee marking the capacity for every centimetre of depth and the dipping point for each tank shall be indicated in permanent point on the tank with the word "DIP";
- (f) the licensee shall provide a separate spirit store with double lock arrangements.

(2) Every room or compartment in the winery shall be well ventilated and all the windows thereof shall be securely barred and covered with wiremesh of not more than two centimetres. Every such room or compartment shall bear on the outside, a sign board denoting the purpose for which the compartment or room is used. At the close of each working day, the winery and every room or compartment therein shall be locked by the licensee and the Officer-in-charge with separate locks.

(3) After the licence has been granted no additions to or alterations in any room or compartment or to any of the apparatus of the winery shall be made without the previous approval in writing of the Commissioner or any other officer so authorised.

(4) No smoking shall be permitted and no bare lights or fires shall be allowed within the premises of the winery.

(5) The licensed premises shall be open to inspection at all reasonable hours by Excise & Narcotics Officers authorised in that behalf by the Commissioner or any other officer so authorised.

(6) All the processes in the manufacture of wine shall be carried out under the supervision of the Officer-in-charge.

(7) An accurate account of all the articles required for the manufacture of wine brought into winery shall be maintained by the licensee and verified by the Officer-in-charge.

(8) The entire process of manufacture including a correct account of materials used and the time taken or allowed for every stage of manufacture, shall be recorded by the licensee and verified by the Officer-in-charge.

(9) A correct account of the kind and quantity of wine manufactured shall be maintained by the licensee and verified by the Officer-in-charge in Form No M.E. W.R.2. Three samples of 650 millilitre bottles of every batch of wine manufactured shall be sent to the Commissioner or any other officer so authorised by the licensee, one sample for being sent to the Chemical Analyst and two samples for being preserved by the Com-

missioner or any other officer so authorised till such reasonable period as they are required.

(10) A correct account of the residue and the base shall be maintained by the licensee. The residue and the base shall be destroyed in the presence of the Officer-in-charge.

(11) Duty at such rates as may be fixed and notified by Government from time to time shall be paid by the licensee before the wine is removed from the winery.

Conditions of licence

6. (1) Every licence shall be in Form No. M.E.W.R. 3 and shall be subject to the conditions specified therein. It shall be effective from the date specified therein and remain in force for a period of two years from the effective date unless cancelled earlier;

(2) An application for renewal of licence shall be made at least one month before the date of expiry of the licence.

(3) A fee of such amount as may be fixed and notified by the government shall be charged for every licence.

Fortification of wine

7. (1) The wine manufactured in the licensed premises shall not be fortified except with the permission of the Commissioner.

(2) A licensee desiring to fortify wine shall make an application in Form No. M.E.W.R. 4 to the Commissioner or any other officer so authorised one month before the commencement of the operation.

(3) On receipt of the application the Commissioner or any other officer so authorised if satisfied that there is no objection to grant the permission to fortify wine may grant the permission and the Officer-in-charge shall be present at the time of fortification and the entire operation of fortification shall be under his supervision.

(4) Fortification shall be made after filtration of wine and before bottling.

(5) The tank where filtered wine is stored shall be gauged by the Officer-in-charge in the presence of the licensee or his agent and record the same before the addition of natural spirit or rectified spirit or pure grape or guava.

(6) After the spirits have been added to the wine the content of the tank shall be thoroughly stirred to ensure a complete mixture of wine with the spirit added.

(7) After adding natural spirit or rectified spirit or pure grape or guava the said tank shall again be gauged and recorded by the Officer-in-charge in the presence of the licensee or his agent.

(8) Three samples of 650 ml. bottles from each such tank of wine to which the spirits have been added shall be obtained by the Officer-in-charge, one sample for being sent to the authorised Chemical Analyst and two samples for being preserved by the Commissioner or any other officer so authorised till such period as they are required.

(9) Wine to which spirits have been added shall be accounted for separately in Form No. M.E.W.R. 5

(10) Every bottle, jar or cask containing fortified wine shall have on the label affixed the words "Fortified Wine" in a conspicuous manner.

Removal of wine from the winery

8. (1) Wine manufactured in the licensed premises shall not be removed except—

(i) for transport within the State of Mizoram under the permit issued by the Officer-in-charge; and

(ii) for exports outside the State, under a permit issued by the Commissioner or any other officer so authorised.

(2) A licensee desiring to remove wine from the winery shall make an application in Form No. M.E.W.R. 6, with a challan after having credited the excise duty.

(3) On receipt of an application for a permit for transport within the State along with the challan, the Officer so authorised by the Commissioner shall make out transport permit in triplicate in Form No. M.E.W.R. 7 and send one copy of it to the Superintendent of Excise & Narcotics of the place to which the wine is to be transported, give the second copy of the permit to the licensee to accompany the consignment and file the third copy with the challan in his office.

(4) On receipt of an application for an export permit to export outside the State along with the challan, the Commissioner or any other officer so authorised shall make out export permit in triplicate in Form No. M.E.W.R. 8 and send one copy of the permit to the Commissioner of the place to which the wine is to be exported, send the second copy of the permit to the licensee to accompany the consignment and file the third copy with the challan in his office.

Submission of monthly return of accounts

9. The licensee shall furnish monthly returns of the accounts maintained by him as required by the Commissioner or any other officer so authorised.

Chemical Laboratory

10. (1) The licensee shall establish a well-equipped Chemical Laboratory to the satisfaction of the Commissioner within the premises of the winery to check the quality of raw materials used and the liquor produced in the winery, which shall be manned by a Chemist holding a degree in Science with Chemistry as one of the subjects, preferably Organic Chemistry or Bio-Chemistry or specialisation in Alcohol Technology, or by an authorised Chemical Analyst.

(2) The wine produced in the winery shall be released for sale only after the person referred to in sub-rule (1) certifies that such wine is fit for human consumption.

Penalties

11. (1) Breach of any of the provisions of these rules including conditions of the licence shall render the licensee liable to all or any of the following penalties, namely :-

(i) Suspension or cancellation of the licence;

(ii) Prosecution of the licensee or any person in his employment under the provisions of the Act, rules and orders made thereunder :

Provided that the prosecution under this clause shall be without prejudice to any action being taken under any other law for the time being in force.

(2) If on such prosecution before the Magistrate, a licensee is convicted, his licence shall be liable to be cancelled under these Rules.

Disposal of confiscated wine

12. Confiscated wine fit for human consumption shall be deposited into the departmental store for disposal under the Mizoram Liquor Total Prohibition Rules, 1986.

Savings

13. Notwithstanding anything contained in these rules, the provisions of Mizoram Excise Rules, 1983 as amended from time to time shall apply for the purpose of manufacture, sale, possession, consumption, transport and export of wine.

FORM M.E.W.R.1*[See Rule 3]***APPLICATION FORM FOR ESTABLISHING WINERY**

To,

The Commissioner of Excise & Narcotics,
Mizoram : Aizawl.

Sir,

I/We desire to establish winery and manufacture wine and pray for issue of licence to me/us. Necessary particulars in support of my/our application are as follows :-

1. Name of applicant (in case of a firm names of all partners/ in case of company or society the name of Managing Director/Chairman) :
2. Father's Name :
3. Age of the applicant :
4. Nationality :
5. Occupation :
6. Address :
7. Proposed location for winery (Copy of LSC and plan of the winery be enclosed) :
8. Availability of grape in kgs & variety.
9. Quantity and kind of wine proposed for production. :
10. Number size & description of vessels & apparatus :
11. Availability of wine expert if so, name & qualification :

DECLARATION

I/We declare that the particulars mentioned in the application are correct. I/We hereby undertake to abide by the conditions of the licence and provisions of the Mizoram Liquor Total (Prohibition) Act 1995 and the Mizoram Excise & Narcotics (Wine) Rules, 2008.

Signature of the Applicant.

FORM M.E.W.R.1A

[See Rule 3(1)]

APPLICATION FOR RETAIL VENDING OF WINE

To,

The Commissioner of Excise & Narcotics,
Mizoram : Aizawl.

Sir,

I have the honour to pray for issue of permit for retail vending of wine. Necessary particulars in support of my application are as follows :-

1. Name and address of applicant :
2. Father's Name :
3. Age :
4. Nationality :
5. Proposed location for shop :

DECLARATION

I/We declare that the particulars mentioned in the application are correct. I/We hereby undertake to abide by the conditions of the licence and provisions of the Mizoram Liquor Total (Prohibition) Act 1995 and the Mizoram Excise & Narcotics (Wine) Rules, 2008.

Signature of the Applicant.

FORM M.E.W.R.1B

[See Rule 3(1)]

PERMIT FOR RETAIL VENDING OF WINE

Permission is hereby granted to on payment of fee of Rs to sale wine by retail, from his/her shop located at under and subject to the provisions of Mizoram Excise & Narcotics (Wine) Rules, 2008 and the rules and orders made thereunder.

Dated

Seal

Commissioner of Excise & Narcotics,
Mizoram, Aizawl.

FORM M.E.W.R.2
[See Rule 5(9)]

	1	Serial Number	
	2	Date on which grapes or guavas are issued for crushing	
	3	Kind of wine	
	4	Batch number	
	5	A	Vat number
		B	Quantity of Fresh Grapes/ Guavas
		C	Quantity of other materials, if any
		D	Quantity of Sugar or Natural Spirit
		E	Quantity of Water
		F	Total contents of in the Vat in litres
	6	Total quantity under manufacture in litres	
	7	Date on which wine is issued for filtration	
	8	A	Quantity received from the manufacturing room
		B	Quantity received after filtration
		C	Quantity of residue or base
		D	Date on which the residue or base is destroyed
	9	Date on which filtration was completed and the wine was put into cask for ageing	
	10	Date on which wine was removed from cask for bottling	

	11	Bottling Room	
		A	Qty. received
		B	Qty. bottled
		C	Qty. in litres
			Qty. in ml.
			Qty. in ml.
			Qty. in ml.
			Qty. in ml.
			Qty. in ml.
			Qty. in ml.
			Qty. in ml.
	D	Quantity transferred to general store room	
		Balance in stock in bottling Room	
	12	Store Room	
		A	Quantity received
		B	Quantity issued under bond
		C	Permit No. and date
		D	Quantity issued after clearance of duty
		E	Challan number and date
		F	Permit number and date
G	Balance stock		
	13	Initial of the officer-in-charge	
	14	Remarks	

FORM M.E.W.R. 3

[See Rule 6(1)]

Licence for the manufacture of wine from Grapes

Licence is hereby granted to(hereinafter referred to as "The Licensee") on payment of a licence fee of rupees authorising to manufacture, store and sell under and subject to the provisions of the Mizoram Excise & Narcotics (Wine) Rules, 2008 (hereinafter referred to as "the said Rules") and orders made thereunder, wine at his winery situated at(hereinafter referred to as "the winery") during the period of two years from day of20..... on the following conditions, namely:-

CONDITIONS

(1) The licensee shall not manufacture wine except at the winery and under the supervision of the officer-in-charge of the winery.

(2) The licensee shall use only fresh grapes or guavas which are ripe and shall not use any fermenting agent except with the special permission of the Commissioner or any other officer so authorised. Sugar or Natural Spirit may be added before, during or after fermentation. Whether the grapes or guavas proposed to be used are fresh or not shall be determined by the Officer-in-Charge.

(3) The licensee shall not dilute or adulterate the wine, or store or permit to be stored any wine which he knows to be diluted or adulterated.

Provided that wine may be fortified with alcohol or pure grape or guavas to increase the alcoholic strength of wine, which shall not exceed the alcoholic strength as determined.

(4) All receptacles shall be so placed and fixed as to facilitate the contents thereof being accurately gauged and measured. Each receptacle shall be gauged by the Officer-in-charge and shall bear a distinctive serial number and have its capacity distinctly and indelibly marked on it. A table showing the dimensions and capacities of the receptacles shall be maintained by the licensee for reference. Measuring labels shall be affixed to show contents at one centimetre of depth of each receptacle.

(5) The licensee shall, besides providing suitable office accommodation with sanitary arrangements for the supervisory staff within the premises of the winery, also supply them with such furniture and other articles as the Commissioner or any other officer so authorised may consider necessary.

(6) The licensee shall not permit or allow any smoking and use of bare light or fires within the premises of the winery.

(7) The licensee shall not discontinue the manufacture of wine unless he has given to the Commissioner or any other officer so authorised three months notice of his intention to do so or has deposited the cost of the supervisory staff of three months in lieu of notice.

(8) (a) There shall be only one entrance to the bonded winery and one door to the compartments or rooms mentioned in rule 5(1).

(b) At the end of each working day the licensee shall close and lock the winery and every room or compartment therein.

(9) The licensee shall keep affixed on the outside of each room or compartment of the winery a sign on which should be conspicuously painted in oil colour, the purpose for which the room or compartment is intended to be used and no room or compartment or receptacle intended for a specific purpose shall be used for a different purpose.

(10) (a) The licensee shall maintain accounts showing a correct account of -

(i) the kind and quantity of grapes or guavas and sugar used and also of the quantity of water added to them;

- (ii) the period allowed for fermentation;
 - (iii) the names and quantities of other ingredients, if any, added before, during or after fermentation to the must or wine;
 - (iv) the period allowed for ageing;
 - (v) quantity of wine manufactured;
 - (vi) the quantity of wine issued from the winery with the dates of manufacture, issue, names of the licensees to whom and the places to which the wine has been consigned;
 - (vii) the balance in stock after each transaction; and
 - (viii) the quantity of residue and base and the manner of their disposal.
- (b) The licensee shall maintain day-to-day accounts showing therein the stock of wine, bases or must in the winery at the end of each day.
- (c) The entries in the account books should not be erased or overwritten. Should it be necessary to correct any entry it should be rounded in red ink in such manner as to leave it distinctly visible and the correct entry should be inserted above it. Every such correction should be initialled by the Officer-in-charge.
- (d) The licensee shall maintain the accounts of transactions of spirit stores in Form No. M.E.W.R. 3A.

(11) The licensee shall issue authorisations signed by himself and countersigned by the officer-in-charge to all his agents or servants who are allowed to enter the winery. No person who does not hold an authorisation shall be allowed to enter the winery. It will be open to the Officer-in-charge to cancel any authorisation countersigned by him.

(12) Except with the written permission of the Commissioner or any other officer so authorised, the licensee shall not sell, transfer or sub-lease the right of manufacture conferred upon him by this licence, nor shall he, in connection with exercise of the said right, enter into any agreement or arrangement which is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of sub-lease, the decision of the Commissioner or any other officer so authorised shall be final and binding on the licensee.

(13) The licensee shall, on a requisition from the Officer-in-charge, allow him to take samples of the grapes or guavas used, the juice of such grapes or guavas at any stage of fermentation and the wine stored in the winery, free of cost, whenever required for the purpose of chemical analysis. The quantity taken for samples shall not exceed 650 ml. in the case of the wine or other liquids, or 1/2 kilo in case of semi-liquids. The Licensee shall pay such fee as may be determined by the Government from time to time for each examination of sample made by the Chemical Analyst.

(14) The licensee shall allow the Officer-in-charge or any other Officer duly authorised by the Commissioner to take stock of wine stored at the winery at least twice in a year. The licensee shall be required to explain the excess or deficiency in the stock if it exceeds or falls short by one per cent. If the explanation is not satisfactory, the licensee may be required to pay such excise duties as the Commissioner may direct.

(15) The licensee shall maintain such measures and weights as may be determined by the Officer-in-charge with the previous approval of the Commissioner.

(16) The licensee shall not sell wine except to licensees holding licences to sell, distribute and export wine. Quantities of less than fifty litres shall not be sold at a time.

(17) The licence may be suspended or cancelled in accordance with the provisions of the Mizoram Excise & Narcotics (Wine) Rules, 2008.

Granted this day of, 200.....

Seal

Commissioner

FORM M.E.W.R.3A
 (Condition (10) (d) of Form M.E.W.R. 3)

*Register of transactions of Spirit Stores, of the bonded
 Winery of*

Month and date	In hand					Received		Proof
	Qty.	Strength	Proof	Source of supply	Permit No. and date	Qty.	Strength	
1	2					3		4

Total in hand and received (Columns 2 and 3)				Expanded		Remarks
Application No and date	Quantity	Strength	Proof	Tank No. to which added	Batch No.	
5				6		7

FORM M.E.W.R. 4

[See Rule 7(2)]

Application for fortification of wine

Bonded Manufacture of

Indent No

Date

To,

The Commissioner of Excise & Narcotics,
Mizoram, Aizawl.

Sir,

Please issue litre of Neutral Spirit from the Store for use in the fortification of wine in Tank No. Batch No

.....
Signature of the Licensee

Date and time of issue	Quantity issued			Signatures of Officer-in-Charge	Signature of the licensee for receipt
	Quantity	Strength	Proof litres		
1	2	3	4	5	6

FORM M.E.W.R.5

[See Rule 7(9)]

Sl No.	Date	Sl No of the tank	Capacity of the tank	Gauged contents of wine in Ltrs.	Batch No.	Strength of wine in proof	Quantity Neutral Spirit/pure grape	Strength of neutral Spirit / pure grape used	
								Strength	Proof litres
1	2	3	4	5	6	7	8	9	

Gauged contents after adding neutral spirit /pure grape	Strength of wine after fortification in proof	Date on which bottled	Remarks
10	11	12	13

FORM M.E.W.R. 6
[See Rule 8 (1) (i) & (ii)]

Application for Transport/export of Wine

To,
The

Sir,

I desire to transport/export litres of wine manufactured at my winery. Detail of the quantity, destination, duty paid etc, are furnished below :

1. Quantity of wine to be transported/exported. :
2. Date of manufacture with Batch No. :
3. Amount of duty paid with Challan No. (Challan should be enclosed). :
4. The name of the licensee to whom the wine is to be dispatched. :
5. The time required for transport/export. :

Place:
Date:

Yours faithfully,
Licensee

FORM M.E.W.R. 7
[See Rule 8 (3)]

Permit for Transport of Wine

1. Name and the Licence Number of the manufacturer. :
2. Name and Licence Number of Indentor. :
3. Quantity of wine covered by the permit. :
4. Strength of wine. :
5. Amount of duty paid with the challan number. :
6. Number of receptable or vessels used for carrying the wine. :
7. The number and nature of seals on the receptacles or vessels used for carrying the wine. :
8. Duration of the permit. :

Dated :

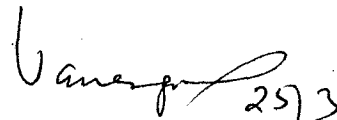
Issuing Authority

FORM M.E.W.R.8

[See Rule 8 (4)]

Permit for the export of wine

1. Name and Licence number of the manufacturer :
2. Name and Licence number of importer :
3. Number and date of import permit :
4. Quantity of wine covered by the permit :
5. Strength of wine :
6. Amount of duty, if any, paid and the challan number (*Copy to be enclosed*) :
7. The number of receptacles or vessels used for carrying the wine. :
8. The number and nature of seals on the receptacles or vessels used for carrying the wine. :
9. Duration of the permit :



(VANENGMAWIA)

Secretary to the Government of Mizoram,
Excise & Narcotics Department.