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Government of Kerala
2018



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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Taxes (G) Department

NOTIFICATION

G. O. (P) No. 80/2018/TD.

Dated, Thiruvananthapuram, 5th June, 2018
22nd Idavam, 1193.

S. R. O. No. 368/2018.—In exercise of the powers conferred by section 29 of the Abkari Act, I of 1077, the Government of Kerala hereby make the following rules, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Foreign Liquor (Approval of Label) Rules, 2018.

(2) They shall come into force at once.

2. Application of Rules.—Notwithstanding anything contained in the Foreign Liquor Rules, 1953, the Foreign Liquor (Storage in Bond) Rules, 1961, the Brewery Rules, 1967, Kerala Distillery and Warehouse Rules, 1968, the Kerala Winery Rules, 1970, the Kerala Foreign Liquor (Compounding, Blending and Bottling) Rules, 1975 these rules shall be applicable to all licensees and to all manufacturers of Foreign Made Foreign Liquor outside India including recognized dealers having Customs bonded Warehouse in India.

3. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Abkari Act, I of 1077;
- (b) “Additional Label” means and includes all labels other than principal label;
- (c) “Brand” means a trade mark or distinctive name identifying the Foreign Liquor;
- (d) “Commissioner” means the Commissioner of Excise, Kerala and includes such other officer specially empowered by the Government to exercise the powers and perform the function of the Commissioner under the Act;
- (e) “Deputy Commissioner of Excise” means an officer in charge of an Excise Division and includes any officer authorized by Government under clause (b) of section 4 of the Act to exercise the powers and to perform the functions of a Deputy Commissioner of Excise under these rules;
- (f) “Form” means a form appended to these rules;
- (g) “Joint Excise Commissioner” means an officer in charge of an Excise Zone and includes any officer authorized by the Government under clause (b) of section 4 of the Act to exercise the powers and to perform the functions of a Joint Excise Commissioner under these rules;
- (h) “label” means a label affixed or to be affixed on the bottle of Foreign Liquor;

(i) "principal label" means a label which bears all specification prescribed in rule 3 of this rules;

(j) "rules" means the rules, framed under Abkari Act, I of 1077.

(2) The words and expressions used but not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

4. *Particulars in labels.*—(1) All the bottles of Foreign Liquor, bottled in the State or imported to the State shall be affixed with a principal label which shall contain the following particulars, namely:—

(i) brand or description of liquor with quantity;

(ii) strength of liquor, in units °Proof, °U.P. and % V/v:

Provided the Commissioner may exempt the printing of the strength of liquor in units °Proof and °U.P. in the labels to be affixed on beer and wine bottles;

(iii) country of origin of the principal constituent of such liquor;

(iv) name of bottler and name of the place where it is bottled;

(v) name of brand owner;

(vi) fact that compounding or blending, if any, was done in India;

(vii) permitted colours and flavouring agents added;

(viii) batch number;

(ix) manufacturing date;

(x) brand registration number; and

(xi) the warning in English and Malayalam "ALCOHOL CONSUMPTION IS INJURIOUS TO HEALTH—മദ്യപാനം ആരോഗ്യത്തിന് ഹാനികരം" and "DRUNKEN DRIVING IS PUNISHABLE—മദ്യപിച്ച് വാഹനമോടിക്കുന്നത് ശിക്ഷാർഹമാണ്", each letter having a dimension of not less than 0.3 centimetres for bottles of capacity 750 ml. and above, and not less than 0.2 centimetres for bottles of capacity below 750 ml. The warning should be printed horizontally:

Provided that the Commissioner may exempt the printing of statutory warning in Malayalam in the labels to be affixed on Foreign Liquor bottles intended to be exported to places outside the State.

(2) (a) The words "FOR SALE IN KERALA STATE ONLY" shall be printed in the labels to be affixed on Foreign Liquor bottles intended to be supplied for consumption within the State of Kerala;

(b) When Indian Made Foreign Liquor is manufactured and exported to places in India outside the State, the words "NOT FOR SALE IN KERALA" and when exported to places outside India, the words "FOR EXPORT PURPOSE" shall be printed in red letters at the top of the label to be affixed on each bottle, each letter having a dimension not less than 0.5 centimetres.

(3) When the Foreign Liquor is intended to be supplied to an F.L.8 Licensee, the words "for use of the Defence Service Personnel only" and when it is intended to be supplied to a F.L.8A Licensee, the words "for use of the Central Armed Police Force Personnel and Ex-Service Central Armed Police Force Personnel only", as the case may be, shall be printed in red letters on the label to be affixed on each bottle, each letter having a dimension not less than 0.2 centimetres.

(4) The words, letters, figures and symbols in the label shall be printed in the face of the label, in contrasting colours and visible clearly.

(5) No words, expressions, symbols or images soliciting the use of liquor, or that prohibited by law, shall be printed on the label.

5. *Additional Labels.*—Additional labels can be affixed on the Foreign Liquor bottles:

Provided that the Commissioner may exempt the printing of the particulars specified in clauses (ii) to (x) in sub-rule (1) of rule 4, in the additional labels.

6. *Approval of Labels.*—(1) Labels to be used on the Foreign Liquor bottles shall be approved by the Commissioner.

(2) The application for approval of labels shall be made in the form appended to these rules, through the Deputy Commissioner of Excise concerned. In case of distilleries, breweries, wineries and compounding, blending and bottling units situated outside the State, the application shall be made through the Joint Excise Commissioner, South Zone, Thiruvananthapuram.

(3) A fee of ₹ 25,000 (Rupees twenty-five thousand only) shall be levied for approval of each kind of labels.

7. *Export.*—Notwithstanding anything contained in these rules, the Commissioner may allow changes in the particulars stipulated in clauses (i) to (x) under sub-rule (1) of rule 4, to be printed on the labels of Indian Made Foreign Liquor bottles, which are intended to be exported from the State to another State or to a foreign country as required by the importer in that State or the foreign country, to the extent that it may suit with the statutory requirements of the laws relating to the sale of liquor in the respective State or Country.

8. *Import of Foreign Made Foreign Liquor.*—Notwithstanding anything contained in these rules, the Commissioner may permit, the use of labels affixed on the bottles of the Foreign Made Foreign Liquor to be imported to the State, subject to the condition that an additional label as per the stipulations of these rules shall be get approved and affixed on the bottle, by the importer or the exporter, as the case may be.

9. *Penalty.*—Violation of any of the provisions of these rules by a licensee or any importer or exporter or any person in their employment shall entail imposition of a fine of ₹ 15,000 (Rupees fifteen thousand only).

10. *Authority to Impose Penalty.*—The Commissioner or an officer not below the rank of a Deputy Commissioner of Excise authorised by the Commissioner in his behalf shall be competent to impose the penalty.

FORM
[See Rule 6(2)]

APPLICATION FOR APPROVAL OF LABEL FOR
FOREIGN LIQUOR BOTTLES

1. Name and address of the applicant :
2. Name and address of the bottler/
importer :
3. Name and address of the brand
owner :
4. Brand description of the liquor
with quantity and strength :
5. Type of liquor (IMFL/FMFL/Beer/
Wine etc.) :
6. Intended for supply to (KSBC/
FL8/FL8A/Export etc.) :
7. Whether the consent of the brand
owner is furnished, in case the
brand owner is not the bottler :
8. Particulars printed in the label:
 - (i) Brand or description of liquor with quantity
 - (ii) Strength of liquor, in units °Proof, °U.P. and % V/v
 - (iii) Country of origin of the principal constituent of such liquor
 - (iv) Name of bottler and name of the place where it is bottled
 - (v) Name of brand owner
 - (vi) Fact that compounding or blending, if any, was done in India
 - (vii) Permitted colours and flavouring agents added
 - (viii) Batch number
 - (ix) Manufacturing date
 - (x) Brand registration number
 - (xi) Statutory warning in English and Malayalam.

9. Details of additional labels and large labels, if any :
10. Details of exemption required, if any, as per rules :
11. Details of label approval fee remitted :
12. No. of samples of the labels enclosed :

DECLARATION

I do hereby declare that the particulars given above are correct and true to the best of my knowledge and belief.

Place :

Date : *(Signature of the applicant)*

(Countersignature of the Deputy Commissioner of Excise/Joint Excise Commissioner of Excise).

By order of the Governor,

TOM JOSE,
Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Government of Kerala considering it appropriate, have decided to frame separate rules for approval of labels to be affixed on bottles of Foreign Liquor bottled in the State of Kerala or imported to the State.

The notification is intended to achieve the above object.