

for approval -73-

Government of Jharkhand
Excise & Prohibition Department



**The Jharkhand Excise (Label Registration/Renewal &
Fixation of Price of Liquor) Rules, 2014**

Notification

S.O. No. 2636 dated the 30/12/2014 In exercise of the powers conferred by Section 90 of the Jharkhand Excise Act, 1915, the Board of Revenue, Jharkhand makes the following rules for Registration/Renewal of Labels to be affixed on liquor bottles and fixation of price of liquor to be sold in Jharkhand :-

RULES

1. **Short title, extent and commencement:-** (i) These rules may be called the Jharkhand Excise (Label Registration/Renewal & Fixation of Price of Liquor) Rules, 2014.
(ii) They shall extend to the whole of the State of Jharkhand.
(iii) They shall come into force from the date of publication in the official gazette.
2. **Definitions:-** In these rules unless the context otherwise requires:-
 - (a) "Act" means the Jharkhand Excise Act;
 - (b) "Government" means the Government of Jharkhand;
 - (c) "Board" means the Board of Revenue, Jharkhand;
 - (d) "Commissioner" means the Commissioner of Excise, Jharkhand;
 - (e) "Collector" means Deputy Commissioner or District Magistrate of a district.
 - (f) "District Excise Officer" means Superintendent of Excise/Assistant Commissioner of Excise of the district;
 - (g) "Section" means a section of the Act;
 - (h) "Year" means the year beginning from the 1st of April and ending on the 31st of March of the next following year.

- (i) "Label" means the every single piece of paper, polyester or plastic labels to be affixed on the bottles of the liquor ;
- (j) "Registration" registering and approval of labels to be affixed on the bottles of liquor of different brand owning companies ;
- (k) "Renewal" renewing and re-approving of labels to be affixed on the bottles of liquor of different brand owning companies ;
- (l) "Fixation of price" means fixing the maximum retail price of liquor bottles inclusive of ex distillery price, excise duties and fees, VAT, Transportation, Storage and Godown charges etc. by the Board.
- (m) "MRP" means Maximum Retail Price-
- (n) "EDP" means Ex-Distillery Price
- (o) "Cases" means packaged unit containing bottles/cans of IMFL, Beer, Wines & Low Strength Carbonated Alcoholic Beverages, Country

Liquor, Spiced Country Liquor in the following numbers ;

Sl. No.	Kind of liquor	Packaging size of the bottle	Number of bottles in one case
1	IMFL	1000 ml	9
2	IMFL	750 ml	12
3	IMFL	375 ml	24
4	IMFL	180 ml	48
5	Beer (bottle)	650 ml	12
6	Beer (bottle)	330 ml	24
7	Beer (can)	500 ml	24
8	Wine	750 ml	12
9	Low Strength Carbonated Alcoholic Beverages	275 ml	24
10	Country Liquor & Spiced Country Liquor	600 ml	12
11	Country Liquor & Spiced Country Liquor	300 ml	24
12	Country Liquor & Spiced Country Liquor	150 ml	48

Any other word not defined in this rule will carry the same meaning as defined elsewhere in Jharkhand Excise Act or any other rules made under Jharkhand Excise Act.

3. Specifications to be printed on the labels to be affixed on liquor bottles

A. Bottles containing liquor/beer/wine/ Low Strength Carbonated Alcoholic Beverages /Champagne/Medium Liquor compounded, blended, reduced or brewed & bottled in India must bear labels specifying following -

(i) Kind or Nature of liquor contained in the bottle i.e. whisky, brandy, rum, gin, wine, liquor, Champagne, Low Strength Carbonated Alcoholic Beverages, country liquor and spiced country liquor etc.

(ii) Country of origin i.e. the name of the country where the liquor has been compounded blended or brewed.

(iii) Name & address of compounding, blending, brewing and bottling unit.

(iv) Net Volume of the bottles/cans in milliliter.

(v) Alcoholic contents/proof strength of liquor, beer, wine etc.

(vi) Batch Number, month & year of production.

(vii) Label registration number/renewed for the year.

(viii) Maximum Retail Price shall be prominently depicted on the top of the label.

(ix) Name of the brand owning company.

(x) Details of the manufacturing unit i.e. sub leased/tie-up/franchise arrangement.

(xi) E-mail & phone number of the consumer care unit of the company.

(xii) Inscription 'Drinking alcohol is harmful' or Drinking liquor is injurious to health or नश्यापान स्वास्थ्य के लिए हानिकारक है " printed in CAPITAL LETTER (in font size 12) indelible red ink at the conspicuous place of the label.

(xiii) Bar code or QR bar code of the company.

(xiv) If supplied to civilians, "for civil supplies only" & if supplied to Defense Personnel or Para Military Forces, "for Defense Personnel only" "for Para Military Forces only" respectively.

(xv) If the liquor is bottled in pet bottles, it should be clearly specified "PET BOTTLES"

(xvi) Duty paid to Jharkhand Government/for sale in Jharkhand only or for sale in ...(name of the state)/duty not paid in Jharkhand (incase of export).

(xvii) Best withinmonths from the date of manufacture, in case of cans/bottles of the beer.

(xviii) The contents on the label shall be clear, prominent, indelible and readily legible by consumer under normal conditions of purchase and use. The scripts on the label should be English or Hindi in Devnagri.

(xix) Any other specifications which has been made mandatory by the Food Safety and Standard Authority of India. according to "food safety & standards (packaging & labeling) regulation, 2011.

B. Only such bottles or cans of foreign liquor/country & spiced country liquor with labels showing legends/details as specified in rule-3 (A), duly registered with Excise & Prohibition Department, Jharkhand may be sold or imported in Jharkhand or transported within the State of Jharkhand or exported from Jharkhand.

Provided further that labels that has been approved by the Excise Commissioner before the commencement of these rules, shall be deemed to have been duly registered under these rules and shall be compulsorily renewed every year.

4. Procedure for Registration/Renewal of Labels :-

- (i) The licensee shall submit an application, in prescribed form for registration/renewal of label/labels to the district excise officer, where the distributorship godown (19C license) of the brand owning company is situated.

The application should be duly affixed with court fee stamp of requisite value as per the provisions of the Indian Stamps Act 1899 along with the Challan of processing fee and label registration/renewal fee for each label to be registered/renewal. The licensee will also enclose the three printed copies of the label to be registered/renewed along with the application. The format of the label shall contain the details mentioned rule-3 A of this rule. The processing fee and label registration/renewal fee will be deposited in the treasury of the district where the distributorship godown of the brand owning company is situated.

- (ii) An application for renewal of label/labels for the next financial year shall be filed along with challans of prescribed processing fee and renewal fee by 15th of February of the current financial year. The application of renewal shall also mention the details of prior registration and renewal.
- (iii) If the application for renewal of the label is not submitted in time as mentioned in rule-4 (ii), the late fine shall be imposed on the company applying for renewal of label according to rule-5 of this rule.
- (iv) On receipt of an application for registration/renewal of label/labels, the district excise officer, may make such enquiry as he deems proper within 7 days from the receipt of the application and if he is satisfied that the fee requisite specified for registration/renewal have been complied with, he will recommend it to Excise Commissioner for registration/renewal of label/labels.

- (v) After receiving the recommendation for registration/renewal of label/labels from district excise officer, the Excise Commissioner may make such enquiries as he deems proper. If he is satisfied that the pre-requisite specified have been complied with and there is no objection to such registration he may register/renew the label/labels.

If the Excise Commissioner is not satisfied he will reject it or withdraw any label from use.

- (vi) Any change or modification in the registered or renewed label, either in size, colour, scripts, design shall be deemed to be a new one and has to be registered again.

Provided that if the change or addition in the script of the label is necessary due to compliance of any mandatory instruction of Central or State Government or change in MRP due to rise/reduction of excise duty/fee/VAT or change in MRP due to increase/reduction of EDP then there is no need for re-registration. The licensee will simply inform the Excise Commissioner that change in script has taken place under the instruction of the Central/State Government.

The licensee can affix a sticker of new MRP on the manufactured stocks lying with it, in its manufacturing units and distributorship godown, with the prior sanction of the Excise Commissioner.

- (vii) A label for registration/renewal shall not have any figure symbol, picture, insignia etc. that looks obscene or that may offend the religious feelings of any particular class/community or hurts the sentiments or pride of any

group, class, community or institution. In case of dispute whether a label is obscene, offensive or hurtful, the matter shall be referred to the Excise Commissioner and his decision there on shall be final.

5. Processing fee, registration/renewal fee, late fee for registration of label/labels:-

- (A) A processing fee and registration/renewal fee for registration/renewal of label/labels shall be payable along with late fee (if application for renewal of label/labels for coming financial year is submitted after 15th February of the current financial year) in advance by the licensee for the first approval and registration of each label and subsequent annual renewal as per the table given below :-

(i) Processing Fee -

Sl. No.	Kind of fee	For first approval & Registration fee for a financial year or the part of the financial year	Renewal fee for a financial year or the part of the financial year
1	Processing Fee	Rs. 2000/- for each label	Rs. 2000/- for each label

(ii) Label Registration/Renewal Fee for India Made Foreign Liquor, Beer, Wine, Low Strength Carbonated Alcohol Beverages, Medium Liquor etc. either manufactured in Jharkhand or Imported into the State or Exported from the State. -

Sl. No.	The estimated sale of the brand owning company (licensee) in cases in a financial year	For first approval & Registration fee for a financial year or the part of the financial year	Renewal fee for a financial year or the part of the financial year
1	For estimated sale upto 1,50,000 cases for a	Rs. 60,000/- for each label	Rs. 30,000/- for each label

	particular brand of India Made Foreign Liquor, Beer, Wine, Low Strength Carbonated Alcohol Beverages, Medium Liquor		
2	For estimated sale of more than 1,50,000 cases for a particular brand of India Made Foreign Liquor, Beer, Wine, Low Strength Carbonated Alcohol Beverages, Medium Liquor	Rs. 1,00,000/- for each label	Rs. 50,000/- for each label
3	For sale of any quantity of a particular brand of India Made Foreign Liquor, Beer, Wine, Low Strength Carbonated Alcohol Beverages, Medium Liquor to canteen stores department (CSD)/ Military Forces & Para Military Forces	Rs. 60,000/- for each label	Rs. 30,000/- for each label
4	For sale of any quantity of country liquor & spiced country liquor	Rs. 30,000/- for each label	Rs. 15,000/- for each label

(iii) Late fee for renewal of label/labels

Sl. No.	Date of submission of an application	Late Fee
1	Between 16 th February and 31 st March of the current financial year	Rs. 10000/- for each label
2	Between 1 st April to 30 th June of the next financial year	Rs. 15000/- for each label
3	After 30 th June	Re registration of the label is required.

In case of approval and registration of labels of new brands, label registration fee will be 60,000/- per label. However in the course of the financial year if the sale of such new brand exceeds 1,50,000 cases then the difference of the label registration fee i.e. 40,000/- will be payable by the brand owning company.

Label renewal fee for the registered brand shall be as per the estimated sale of brand in the current financial year. If the estimated sale of the brand exceeds

1,50,000 cases in the financial year, the difference of renewal fee has to be deposited by the brand owning company.

6. Cancellation of the registered/renewed label/labels :-

The Excise Commissioner may order cancellation of registration/renewal of label, if liquor sold under such registered/renewed label is found substandard or if he is convinced that the sales under that label are causing financial losses to the State Government or if he is satisfied that the label is obscene, outrageous or hurtful. He shall, however, before passing such an order, give the affected licensee an opportunity to make a representation against such proposed cancellation. Consequent upon such cancellation, the Excise Commissioner may also pass suitable order regarding disposal of the stocks of the cancelled label held by any licensee and the State Government shall not be liable to pay any compensation to the licensee for any loss or damage.

If any label/labels are cancelled by Excise Commissioner on the ground that such label or labels has caused or causing losses to the State Revenue, then the owner of such label/labels shall not be entitled for registration of any new label for a period of one year beginning with the date of cancellation of that label/labels.

7. Disposal of stocks of the brands laying in the wholesale or distributor godown without the renewal of the label -

If the stock of the particular brand is laying in the wholesale or distributor godown without the renewal of the label, it can not be sold unless it is renewed for the next financial year. If the application for renewal is not made before 30th June then the Excise Commissioner may pass such orders for disposal of stocks as he may deem proper, at the loss and risk of the brand owning company.

8. Fixation of Maximum Retail Price :-

- (i) Application, in prescribed form for fixation/enhancement/reduction of Maximum Retail Price can be made by the brand owning company (licensee) in the month of January & July of every calendar year.
- (ii) Maximum Retail Price of a particular brand will be calculated by the department based upon the ex-distillery price, excise duty and fees, VAT and other necessary expenses along with profit to the wholesaler & retailer. This Maximum Retail Price will be approved by the Member, Board of Revenue, Jharkhand and will be notified by the department.
- (iii) As per the Jharkhand Excise (Settlement of Licenses for the Retail Sale of Liquor) Rules, 2009 (published in the Extra Ordinary Gazette No.647 Dated 27-03-2009) the profit element included in the Maximum Retail Price will be as follows :-
 - (a) for retailer - 15% of the Maximum Retail Price
 - (b) for wholesaler - 5% of the Maximum Retail Price
 - (c) the percentage of profit based upon MRP can be changed according to the decision of the Government.

8. Miscellaneous Provisions regarding MRP -

- (i) Every retailer will provide a cash memo duly signed by the authorized salesman to the purchaser. The name of the shop, License No., date should be scripted on the cash memo.
- (ii) Price list in bold letters should be displayed either in Hindi or English language at the conspicuous place in each retail shop.
- (iii) If any retailer or authorized salesman is found to be guilty of selling liquor at a price higher than MRP, it will be treated as a

serious irregularity and actions, such as suspension/cancellation of retail outlet and imposition of fine may be decided according to the provisions of Jharkhand Excise Act, 1915.

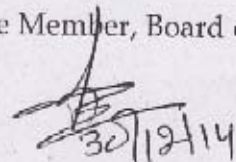
(iv) For carrying out the objectives of MRP rules, the Excise Commissioner may issue such directions/orders, making it mandatory for every retail outlet to keep electronic instruments/gadgets linked with software/server in his shop for providing the bills to the customers and collection of any other information which the Excise Commissioner feels, essential. All the cost of such instruments will be borne out by the licensee of the retail shop. Violation of such order will invite punishments such as suspension/cancellation of retail outlet and imposition of fine.

10. **Interpretation of these rules:-** In case of any doubt as to the meaning or interpretation of these rules or the words used herein the same shall be referred to the Excise Commissioner and the decision of the Excise Commissioner shall be final.

11. **Repeal :-** All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed in respect of matters covered by these rules :

Provided that any order previously by made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.

By order of the Member, Board of Revenue



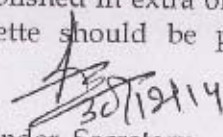
Under Secretary,
Excise & Prohibition Department,
Jharkhand, Ranchi.

Memo No.1/Niti-40-11/2014 - 2636

Ranchi, Dated :- 30/12/2014.

Copy forwarded to Superintendent, Government Press, Doranda, Ranchi.

It is requested that this notification should be published in extra ordinary part of Jharkhand Gazette (200 copies) of published gazette should be provided to department.

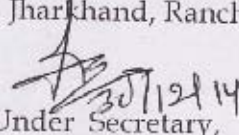

30/12/14
Under Secretary,

Excise & Prohibition Department,
Jharkhand, Ranchi.

Memo No.1/Niti-40-11/2014 - 2636

Ranchi, Dated :- 30/12/2014.

Copy forwarded to Principal Accountant General, Jharkhand, Ranchi

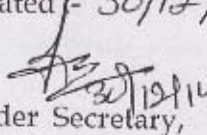

30/12/14
Under Secretary,

Excise & Prohibition Department,
Jharkhand, Ranchi.

Memo No.1/Niti-40-11/2014 - 2636

Ranchi, Dated :- 30/12/2014.

Copy forwarded to Advocate General, Jharkhand.

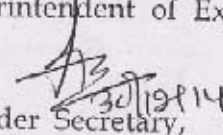

30/12/14
Under Secretary,

Excise & Prohibition Department,
Jharkhand, Ranchi.

Memo No.1/Niti-40-11/2014 - 2636

Ranchi, Dated :- 30/12/2014.

Copy forwarded to Chief Secretary, Jharkhand/Member Board of Revenue, Jharkhand/All Principal Secretary, Jharkhand/All Secretary, Jharkhand/M.D. Jharkhand State Beverages Corporation Ltd. Ranchi/All Divisional Commissioner, Jharkhand/All Deputy Commissioner, Jharkhand/All Deputy Commissioner of Excise/All Assistant Commissioner of Excise/All Superintendent of Excise for necessary action.


30/12/14
Under Secretary,

Excise & Prohibition Department,
Jharkhand, Ranchi.