

(b) after Form FL 13, the following Form shall be added, namely:

"Form FLS
(See rule 33A)

No.....

Place:

Date:

From

To

The Chief Chemical Examiner/
The Joint Chemical Examiner
The Authorized Officer.

The samples described below are sent herewith for analysis and the report thereon, through Sri.....
(Designation)

1. Date and time of collection
2. Description of each sample taken and shop number with name of range and Division
3. Quantity of each sample forwarded
4. Total number of samples forwarded
5. Nature of examination required
6. Space for specimen impression of the seal (s) used to seal the sample

Signature

(Office Seal) Name and Designation of the Abkari Officer.

By order of the Governor,
A. AJITH KUMAR,
Secretary to Government.



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. ബി. നമ്പർ
KL/TV(N)/634/2012-14

© Government of Kerala
കേരള സർക്കാർ
2013

KERALA GAZETTE
കേരള ഗസറ്റ്
EXTRAORDINARY
അസാധാരണ

PUBLISHED BY AUTHORITY
ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

| | | |
|---------------------|--------------------|-------------|
| Thiruvananthapuram, | 20th March 2013 | No. } 817 |
| Wednesday | 2013 മാർച്ച് 20 | |
| തിരുവനന്തപുരം, | 29th Phalguna 1934 | നമ്പർ } 817 |
| ബുധൻ | 1934 ഫാൽഗുണം 29 | |

GOVERNMENT OF KERALA
Taxes (G) Department
NOTIFICATION

G O. (P) No. 48/2013/TD. Dated, Thiruvananthapuram, 20th March, 2013.

S. R. O. No. 198/2013.—In exercise of the powers conferred by sections 24 and 29 of the Abkari Act 1 of 1077, the Government of Kerala, hereby make the following rules further to amend the Foreign Liquor Rules issued under notification No. SR 4-1859/52/RD, dated 17th January, 1953 and published in the Travancore-Cochin Gazette Extraordinary No. 2 dated 17th January, 1953, namely:—

RULES

1. Short title and commencement.—(1) These rules may be called the Foreign Liquor (3rd Amendment) Rules, 2013.
- (2) They shall come into force at once.

2. *Amendment of the Rules*—In the Foreign Liquor Rules, —

(a) after rule 33, the following rule shall be inserted, namely:—

“33 A (1) All Abkari Officers not below the rank of an Excise Inspector shall have the authority to take samples of any foreign liquor kept for sale in any licensed premises having licence issued under these rules.

(2) While taking samples of any liquor by an Abkari Officer for chemical analysis, the following procedures shall be followed, namely:—

- (i) The quantity of sample taken for analysis shall not be less than 180 ml. The sample shall be taken from the liquor kept for sale.
- (ii) Two samples shall be taken and the same shall be collected in two separate bottles or containers properly cleaned and dried and marked as ‘A’ and ‘B’.
- (iii) The bottles or containers shall be securely fastened with suitable caps or corks so as to make it leak proof to prevent any spillage. The neck portion of bottles or containers and the caps or corks shall be covered with a piece of cloth and tied together with a string securing the covered cloth. The officer taking the samples shall inform the licensee or his representative to put his seal if he so desires. If he desires to put his seal, the string shall be tied in such a way that it shall have two knots in opposite sides. The officer taking the sample shall put his seal on one knot and the licensee or his representative shall put his seal on the other knot. If the licensee or his representative is not willing to put his seal, in such cases, the string shall be tied with one knot and the officer shall put his seal on that knot. The seal shall be affixed on the knot of the string using sealing wax in such a manner that the caps or corks cannot be removed unless the string is cut or the seal is broken. Only the official or personal seal of the officer taking sample shall be used for sealing. The seal shall be legible and decipherable. If the licensee or his representative has no seal or if they are not willing to put their seal, it shall be recorded in the mahazer/report drawn at the time of taking sample. The specimen of the seal(s) used for sealing the samples shall also be put on the mahazer/report.

(iv) Labels marked as ‘A’ and ‘B’ shall be affixed on each bottle or container, bearing the signature, name, designation of the officer taking the samples with the details of the shop and the item of the sample taken with quantity along with the signature or thumb impression of the person from whom the sample is taken:

Provided that in case the person from whom the sample is taken refuses to put or affix his signature or thumb impression, the signature or thumb impression of two independent witnesses shall be obtained on the label.

(v) The sealed bottle or container marked as ‘A’ shall be forwarded to the Chief Chemical Examiner or Joint Chemical Examiner to the Government of Kerala or to any officer authorized by the Government in this behalf along with a memorandum in Form FLS appended to these rules, immediately. The memorandum shall be forwarded in a sealed cover.

(vi) The bottle or container marked as ‘B’ shall be handed over to the concerned Deputy Commissioner of Excise of the Division, who shall be the Authorized Officer, with a copy of the memorandum immediately under proper acknowledgement. The Deputy Commissioner of Excise shall affix his seal over the string on the neck portion of the bottles or containers and shall assign the register number on the label affixed.

(vii) The Deputy Commissioner of Excise of the Division, shall maintain a Register exclusively for registering the details of such samples received by him. The details of samples shall be registered serially and that serial number shall be assigned on the label as the register number. The details of further action taken by him shall also be noted in the register.

(3) On receipt of the Chemical Analysis Report, if any violation of the provisions of the Abkari Act, rules or conditions of licence or any adulteration is noticed, further necessary action as contemplated in the Act or rules shall be taken without any delay. If no further action is needed, the sample marked as ‘B’ shall be destroyed after recording the facts and the reasons for the same.”

Explanatory Note

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

In the revised Abkari Policy announced for the year 2011-12, vide G. O. (Ms.) No. 107/2011/TD, dated 17th August, 2011, the Government have decided to incorporate specific provisions in the Foreign Liquor Rules for taking samples from foreign liquor kept for sale in the licensed premises. In order to implement the decision, the Foreign Liquor Rules needs to be amended.

The notification is intended to achieve the above object.

