*Classification of Medicinal and Toilet Preparations Containing Alcohol*

[**59. Allopathic preparations.** - Allopathic preparations are medicinal preparations made according to the modern system of medicines and all under either of the following two categories, namely :-

(a) Officials allopathic preparations that is to say, those preparations which are made in accordance with the formulae given in the latest editions of the following pharmacopoeias and official compendia of drugs standards of formularies, namely :

(i) Indian Pharmacopoeia;

(ii) official pharmacopoeia of any other country to which the drug claims to comply;

(iii) in the case of the preparations for which the formulae are not included in the latest editions of the official pharmacopoeia of any country, such preparations as may be included in the latest editions of the official compendia of drug standards or formularies, namely, the British Pharmaceutical Codex or the National Formulary of the United States, the British Veterinary Codex, the National Formulary of Indian, the Dental Formulary of U.S.A. to which the preparations claims to comply:

Provided that where the formularies are not specified either in the latest editions of the Indian Pharmacopoeia or the official pharmacopoeia of any country or the official compendia of drug standards of the formularies specified above, but are specified in the edition immediately preceding the latest edition of the said pharmacopoeia or official compendia, as the case may be, the preparations made in accordance with the formula specified in such immediately preceding edition of the relevant pharmacopoeia or official compendia shall be considered to be the official allopathic preparations;

(b) non-official allopathic preparations (that is to say, preparations other than the official allopathic preparations) made according to the modern system of medicine and conforming to the formulae displayed on the label.]

*Restricted and unrestricted medicinal preparations*

**60. Maintenance of restricted list of preparations.** - (1) A list of medicinal preparations which are considered as capable of being misused as ordinary alcoholic beverage, hereinafter referred to as restricted preparations, is given in the Schedule. All other medicinal preparations being manufactured from a date prior to 1st April, 1957, shall be considered to be not capable of being misused as ordinary alcohol beverages (hereinafter referred to as unrestricted preparations).

(2) If, however, a preparation falling in the unrestricted category is found to be widely used as ordinary alcoholic beverage, Central Government may, on the request of a State Government or suo motu, refer the matter to the Standing Committee referred to in rule 68. The Central Government shall, if so advised by the said Committee, declare the preparation as a restricted preparation and the item or sub-item or both in the Schedule to the Act under which the preparation falls, and thereupon include the said preparation in the Schedule.

(3) Medicinal preparation other than official allopathic preparations which are manufactured in India for first time on and subsequent to 1st April, 1957, shall be presumed to be restricted preparations unless declared to the contrary by Central Government on the advice of the Standing Committee. Any manufacturer, intending to produce a new alcohol preparation other than an official allopathic preparation, shall submit two samples Government shall forward such request with receipt to the Central Government for a decision. The Central Government shall refer the matter to the Standing Committee and in accordance with the advice tendered by it or sub-item or both in the Schedule to the Act under which the preparation falls. The decision of the Central Government shall be communicated to all State Governments. In case the preparation is declared to be a restricted preparation it shall be included in the Schedule of restricted preparations and if the preparation is declared to be an unrestricted preparation it shall be included in the schedule on unrestricted preparations.

The advice of the Standing Committee shall be communicated within a reasonable time and in no case later than six months from the date of submission of sample to the Committee.

*Homoeopathic Preparations*

**61. Mode of manufacture.** - American, British and general pharmacopoeias that are in vogue at present in the various States, shall be recognized as standard pharmacopoeia or the homoeopathic preparation for the purpose of these rules until such time as the Central Government evolves its own pharmacopoeia.

**62.** [ \* \* \* \* \*]

*Preparation with narcotic ingredients*

**63. Preparations containing opium, Indian hemp and other narcotic drugs and narcotics.** - The rules in respect of alcoholic medicinal and toiler preparations shall, as far as may be, apply to preparations containing opium, Indian hemp, and other narcotic drugs narcotics.

*Ayurvedic Preparations*

**64. Types of preparations.** - Asavas and Aristas are the principal types of Ayurvedic preparations in which alcoholic contents is self-generated and not added to such.

**65. Pharmacopoeia for Ayurvedic preparations.** - Until a standard Ayurvedic pharmacopoeia has been evolved by the Central Government, the pharmacopoeias that are in the various States shall be recognized as standard Ayurvedic pharmacopoeias.

**66. Classification of preparation containing self-generated alcohol for purposes of levy of duty.** - No duty shall be levied on Ayurvedic preparations containing self-generated alcohol in which the alcoholic content does not exceed 2 percent proof spirit. Where the percentage of proof spirit is in excess of 2 percent duty will be leviable under item 2(ii) or 2(i) of the Schedule to the Act according as the preparations are capable of being consumed as ordinary alcoholic beverage or not:

Provided that Ayurvedic practitioner registered under any law for the time being in force in any State where there is no such registration of Ayurvedic practitioners, such practitioners, as are proved to satisfaction of the Excise Commissioner to be of good standing, shall be allowed to manufacture and dispense Ayurvedic preparations, excepting those prepared by distillation or by addition of alcohol as such during the process of manufactured or to the finished product, free of duty subject to the following conditions :

(a) Practitioners shall take out licence on payment of fee of Re.1 in the manner hereinafter stated;

(b) such preparations shall be used only for the patients of the practitioners and shall not be for sale to the general public;

(c) the practitioner shall allow drawing of samples by Excise Officer to ensure that the preparations contain only self-generated alcohol; and

(d) daily account shall be maintained of all the preparations manufactured and dispensed giving particulars of names and addresses of the patients of the practitioners.

**67. Levy of duty on Ayurvedic preparations made by distillation or to which alcohol is added at any stage of manufacture.** - For purpose of duty Ayurvedic preparations, made by distillation or to which alcohol is added at any stage of manufacture, shall be treated as alcoholic preparations capable of being used as ordinary alcoholic beverages.