

BIHAR NEERA (UNFERMENTED JUICE OF PALMS) RULES 2017

Government of Bihar Prohibition, Excise and Registration Department Notification No.-11/Utpad In exercise of the powers conferred by clause (q) sub-section (2) of section 95 of the Bihar Prohibition & Excise Act, 2016 (Bihar Act 20 of 2016), the Governor of Bihar is pleased to make the following rules to regulate the tapping of coconut, almyra, date or any other kind of palm trees and sale of neera, namely :- Short title, extent and commencement - (1) These rules may be called the "Bihar Neera (Unfermented Juice of Palms) Rules, 2017" It shall extend to the whole of the state of Bihar. o It shall come into force from immediate effect. o Definitions — In these rules, unless otherwise requires in the subject or context- () "The Act" means the Bihar Prohibition and Excise Act, 2016 • (i) "Licensing Authority" means the Excise Superintendent, Assistant Commissioner of Excise of the district concerned or any other authority powered by the State Government to grant a license under these Rules; iii) "Neera" means unfermented juice drawn from any coconut, palmyra, dates or any other kind of palm trees ; (v) "Section" means a section of the Act . () "Tree" means a neera producing tree ;and (i) " Tapper" means a person who climb on the tree to tap it (or the sap or juice, 3. Tapping Of tree- Any tapper desiring to tap a tree and draw neera therefrom for the manufacture of 'Gur' or any other product which is not an intoxicant; or for the supply of Neera to persons authorized to manufacture Gur or any other article which is not an intoxicant; or to supply neera to the Government authorized agency for further processing and consumption on specified premises; shall have to execute (i) An agreement of annual/monthly/seasonal rent for tapping tree situated on personal land between the owner or his authorized agent and the tapper. (ii) An agreement of tapping tree situated in the government land between the Civil Officer of that area and the tapper as per settlement procedure of the Revenue Department. Such settlements shall only be made with the tappers

4. Period of agreement- The tapping agreement may be annual/seasonal or monthly for the following period (i) An annual agreement executed under rule-3 of these Rules shall remain effective for a period of one year from the 1st day of April, to the 31st day of March, following (both days inclusive) or (i) A seasonal agreement for tapping tree shall remain effective from the months of April to August/September (Summer season) or October/November to March (Basanti season).or (ii) A monthly agreement shall remain effective for a specific month of a year or an other period which deems fit for the owner and the tapper

5. Determination of fair rent of tree and purchase price of unfinished and finished produce- The fair rent of the tree, purchase price of unfinished and finished produce of palm like neera, gureet shall be determined by a Committee constituted by the State Government.6 Application for license: - (1) Any tapper desiring to tap and draw neera therefrom, may make an application for license to the Licensing authority at least fifteen days before the authority to be notified by the State Government of tapping a tree in the



form-I. () The licensing authority may either grant or refuse a license but the reasons for refusal shall be recorded by him. The licensing authority shall have to issue the license in form-II within fifteen days from the date of receipt of application, but he may issue the same after the expiry of the said period after recording special reasons but within total time limit of 30 days. In case the licensing authority fails to take a decision within 30 days the license would be deemed to be granted. () The period of validity of license shall be as per the period of tapping aement. () No license fee shall be chargeable for tapping of tree and drawing neera. 7 Inspection - (1) Any excise officer not below the rank of Sub-inspector may inspect tapping of tree and other places where neera product is manufactured, stored or sold. () The inspecting officer shall also inspect the palm tree product for the presence of intoxicants and alcohol content and any adulteration. () The officer shall record his observations in the inspection book maintained and forward the report to higher authority for necessary action and so take necessary action as per rules.



8. Redressal of grievances- (1) On any complaint arising between the owner and tapper of the tree situated on private land regarding rent, period and other and condition of the agreement, it shall be filed before the Excise Superintendent, Assistant Commissioner of Excise of the district concerned in Form-III. () The Excise Superintendent, Assistant Commissioner of Excise of the district concerned may, after

giving due notice to the parties and after giving them reasonable opportunity, hear the case. () While deciding on issues related to rent disputes the Excise Superintendent, Assistant Commissioner of Excise of the district concerned shall have due regard to the fair rent fixed as per rule 5 and @ reasoned order shall be passed. - (1) Any person aggrieved by an order passed by the Excise Superintendent, Assistant Commissioner of Excise of the district concerned may, within thirty days from the date of receipt of such order

by him, prefer an appeal in writing to the Deputy Commissioner of Excise of the division concerned, the appellate authority. () On such appeal being preferred, the appellate authority, may-- () after perusing the memorandum of appeal and hearing all the parties concerned if necessary, summarily dismiss () call for the records of the case from Commissioner of Excise of the district records and, if necessary, making such further appeal. The appeal, or the Excise Superintendent, Assistant Commissioner of Excise of the district concerned and after examining such other enquiry, as he thinks fit, decide it. Eviction of tappers Notwithstanding anything contained in any contract or law the tapper shall not be liable to eviction within the period of a covenant as defined in rule-3 except in execution of an order passed on one or more of the following grounds (In case the tapper draws sap or any produce from the tree to be converted to intoxicant or alcoholic drink or any liquor product. () For breach of the conditions of the covenant, or for subletting the tree without the consent of the tree owner. (•Where the condition of the tree has materially deteriorated owing to the acts of the tapper. () Where the amount of rent lawfully payable by the tapper due from him is in arrears by not having been paid within the time fixed by the contract. () In case of a tapper holding an agreement for a specified period on the expiry of the period of the agreement. 1 .

Power to remove difficulty- If any difficulty arises in giving effect to the provisions of these rules the State Government, make such provisions as it deems necessary or expedient for removing the difficulty. By order of the Governor of Bihar (Amirubani) Principal Secretary to the Government, Bihar, Patna with CD/ the Superintendent, Gulzarbagh, Patna-7 for information and necessary action. He is directed to publish this notification in the extra-ordinary issue of Bihar Gazette, 100 copies of the same be made available to the Department at the earliest. Principal Secretary to the Government, Bihar Memo No. 11/Utpad Niti(Neera)-01-14/2 17 7-57— Patna, Date.../8 .3/.22.1..% Copy forwarded to the Accountant General, Bihar, Patna for information and necessary action. Principal Secretary to the Bihar Memo No. 017-70 Patna, Date.../31.24/..k Copy forwarded to the Excise Commissioner, Bihar, Patna 11 Deputy Commissioner of Excise/All Assistant Commissioner of Excise/All Excise Superintendent/Excise Chemical Examiner for information and necessary action. Principal Secretary to the Government, Bihar 18 17 FORM

FORM OF APP [See Rule Excise Superintendent/ Assistant Commissioner of Excise of the district, the undersigned Commissioner of Excise desire to tap neera from producing trees described in the Schedule hereto and draw neera therefrom (a) for the manufacture of gur or any other article which is not an intoxicant : (b) for the supply of neera - to COMFED for manufacturing gur or any other article which is not an intoxicant from neera or for processing and selling neera to retail vendors for retail sale and consumption on premises. I hereby undertake to use the neera for the above mentioned purposes. 2 SCHEDULE Owner's/proprietor's Name Remarks on and kind of trees to be tapped. 1 Date of tapping Situation of trees to be tapped. 2 and signature in token of his consent of the trees being tapped. 3 4 Signature of Applicant

11 Deputy Commissioner of Excise/All Assistant Commissioner of Excise/All Excise Superintendent/Excise Chemical Examiner for information and necessary action. Principal Secretary to the Government, Bihar 18 17 FORM OF APP [See Rule Excise Superintendent/ Assistant Commissioner of Excise of the district, the undersigned Commissioner of Excise desire to tap neera from producing trees described in the Schedule hereto and draw neera therefrom (a) for the manufacture of gur or any other article which is not an intoxicant : (b) for the supply of neera - to COMFED for manufacturing gur or any other article which is not an intoxicant from neera or for processing and selling neera to retail vendors for retail sale and consumption on premises. I hereby undertake to use the neera for the above mentioned purposes. 2 SCHEDULE Owner's/proprietor's Name Remarks on and kind of trees to be tapped. 1 Date of tapping Situation of trees to be tapped. 2 and signature in token of his consent of the trees being tapped. 3 4 Signature of Applicant

FORM 1 (See Rui 4) License for the tapping of neera-producing trees and drawing neera therefrom for the manufacture of gur or any other article which is not an intoxicant or for sale in retail. Licence is hereby granted under the provisions of the Bihar Prohibition and Excise Act, 2016 and the rules, regulations and orders made thereunder and is subject to the conditions of this licence to shri authorising him (hereinafter called the licensee) residing at (both during the period commencing from date to days inclusive) to tap tree and draw neera for the manufacture of gur or any other from the trees specified in the schedule which is not an intoxicant at hereinafter appended (hereinafter referred to as "the said trees") growing within the police station of the limits of the village of This license is granted subject to the following condition, namely :-

CONDITIONS The licensee shall not tap any tree other than the said trees nor shall be allowed any neera drawn under this license to ferment. The licensee shall deliver neera to Government authorised agency. The neera drawn by him from the said trees under this license will be carried to the collection/manufacturing place by a direct route and to no other place. The licensee shall carry on the business personally. The licensee shall abide by the conditions of the license and the provisions of the Bihar Prohibition And Excise Act 2016 and the rules, regulations and orders made thereunder and shall give an undertaking to that effect. The licensee, his heirs, legal representatives or assignees shall have no right to claim whatsoever to the continuance or renewal of this license after the expiry of the period of license. It shall be entirely within the discretion of the licensing Authority to permit or not, the signee of the licensee, in case of sale or transfer, or the heir or legal representative of the licensee in case of death, to have the benefit of the license for the unexpired portion of the term for which it is granted. Infraction of any of the above conditions will render the license liable to forfeiture and licensee will be liable to all or any of the penalties prescribed by the act, rules or orders. Particulars of trees in respect of which the license is granted, Village and Description Number and kind Remarks Survey no. 1 of field or of trees licensed to garden 2 e tapped Coconut, Palmyra, Date, Sago Palm 3 4 Excise Superintendent/ Assistant Commissioner of Excise FORM- 11 Form of Complaint (See Rui -8) O, The Licensing Authority, (Excise Superintendent/ Assistant Commissioner Excise) Residing at. a I, the Undersigned licensee/owner of trees producing Neera for a period from n complaint for the following reasons:- a) b) c) d) as per the agreement executed between a this ... to I hereby request to go through the above grievances and pass an appropriate order. Yours faithfully, Licence/owner of the tree 2017— 2016 \$1) 2017" 2- tiTS, aüfh 201 G--€TT (ii (iiO) "*"RT" (iv) "EIIRT" \$1 (vi) Qr gfhT 3T<fer— 31 (RI-qi --2-m-rr - \$ (ii) 5- 6- GIRT (2) 3-T\$ftT 15 8. \$1 fd@l 15 -fiHT 30 Buerq:— (1) -III (2) fö-a-r -vN--<T 10. (go 11. afi-t,-E• a; -2•q-q ft-qi-qi. ..l.8.l.3(..2U. 1 7-5 :- öqfiT, tlVGTr—7 g-å gg 500 :— R8R, :— fä8R, fÄ8R, (€ro€ro fi8T(, tre-q•r, Rg•rt, trz7Tl (RA+6(1) (Tap) F) 2. (Tap) 20 6 (MQ qrgvrr) QRFT[.. (ferment) I 1. 2. 3. 4. äRT 2016 5. 6. 1 2 3 4