

Bihar Neera (Unfermented Juice of Palms) Rules, 2017

BIHAR

India

Bihar Neera (Unfermented Juice of Palms) Rules, 2017

Rule

BIHAR-NEERA-UNFERMENTED-JUICE-OF-PALMS-RULES-2017 of 2017

- Published on 18 March 2017
- Commenced on 18 March 2017
- [This is the version of this document from 18 March 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Neera (Unfermented Juice of Palms) Rules, 2017Published vide Notification No.-11/Utpad Niti(Neera)-01-14/2017-757, dated 18.3.2017Notification No.-11/Utpad Niti(Neera)-01-14/2017-757, dated 18.3.2017. - 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, palmyra, date or any other kind of palm trees and sale of neera, namely :-

1. Short title, extent and commencement.

(1)These rules may be called the Bihar Neera (Unfermented Juice of Palms) Rules, 2017.(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force from immediate effect.

2. Definitions.

- In these rules, unless otherwise requires in the subject or context-(i)"The Act" means the Bihar Prohibition and Excise Act,2016 ;(ii)"Licensing Authority" means the Excise Superintendent, Assistant Commissioner of Excise of the district concerned or any other authority empowered 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 ;(iv)"Section" means a section of the Act .(v)"Tree" means a neera producing tree ;and(vi)" Tapper" means a person who climbs on the tree to tap it for 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 on the government land between the Circle Officer of that area and the tapper as per sairat 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 (ii) A seasonal agreement for tapping tree shall remain effective from the months of April to August/September (Sahi season) or October/November to March (Basanti season), or (iii) A monthly agreement shall remain effective for a specific month of a year or any 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, gur etc shall be determined by a Committee constituted by the State Government.

6. Application for license.

(1) Any tapper desiring to tap a tree and draw neera therefrom, may make an application for license to the licensing authority to be notified by the State Government at least fifteen days before the date of tapping a tree in the form-I. (2) 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. (3) The period of validity of license shall be as per the period of tapping agreement. (4) No license fee shall be chargeable for the 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. (2) The Inspecting officer shall also inspect the palm tree product for the presence of intoxicants and alcohol content and any adulteration. (3) The officer shall record his observations in the inspection book maintained and forward the report to higher authority for necessary action and also 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 term and condition of the agreement, it shall be filed before the Excise Superintendent, Assistant Commissioner of Excise of the district concerned in form-III. (2) 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. (3) 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 a reasoned order shall be passed.

9. Appeal.

(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. (2) On such appeal being preferred, the appellate authority, may-(a) after perusing the memorandum of appeal and hearing all the parties concerned if necessary, summarily dismiss the appeal, or (b) call for the records of the case from the Excise Superintendent, Assistant Commissioner of Excise of the district concerned and after examining such records and, if necessary, making such further enquiry, as he thinks fit, decide the appeal.

10. Eviction of tappers.

- Notwithstanding anything contained contrary to any contract or law the tapper shall not be liable to eviction within the period of agreement as defined in rule-3 except in execution of an order passed on one or more of the following grounds :-(a) In case the tapper draws sap or any produce from the tree to be converted to an intoxicant or alcoholic drink or any liquor product. (b) For breach of the conditions of the agreement, or for subletting the tree without the consent of the tree owner. (c) Where the condition of the tree has materially deteriorated owing to the acts of the tapper. (d) Where the amount of rent lawfully payable by the tapper and due from him is in arrears by not having been paid within the time fixed by the contract. (e) In case of a tapper holding an agreement for a specified period on the expiry of the period of the agreement.

11. Power to remove difficulty.

- If any difficulty arises in giving effect in the provisions of these rules the State Government may, by notification in the official Gazette, make such provisions as it deems necessary or expedient for removing the difficulty. Form 1 Form of Application [See Rule 6(1)] To, Excise Superintendent/ Assistant Commissioner of Excise District..... Sir, I, the undersigned..... residing at desire to tap neera 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.

2. I hereby undertake to use the neera for the above mentioned purposes.

Schedule

No. and kind of trees to be tapped.	Situation of trees to be tapped.	Owner's/proprietor's Name and signature in token of his consent to the trees being tapped.	Remarks
1	2	3	4

Date Place Signature of Applicant

Form II (See Rule 4) License for the tapping of neera-producing trees and drawing neera there from 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 subject to the conditions of this licence to shri..... (hereinafter called the licensee) residing at..... authorising him during the period commencing from dated..... to..... (both days inclusive) to tap tree and draw neera for the manufacture of gur or any other article which is not an intoxicant at..... from the trees specified in the schedule hereinafter appended (hereinafter referred to as "the said trees") growing within the limits of the village of in the police station of This license is granted subject to the following condition, namely :- Conditions

1. The licensee shall not tap any tree other than the said trees nor shall be allowed any neera drawn under this license to ferment.

2. 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.

3. The licensee shall carry on the business personally.

4. 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.

5. 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 assignee 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.

6. 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 Survey no.	Description of field or garden	Number and kind of trees licenced to be tapped	Remarks
Coconut, Palmyra, Date, Sago Palm			
1	2	3	4

Excise Superintendent/Assistant Commissioner of Excise. Form-III Form of Complaint (See Rule-8) To, The Licencing Authority, (Excise Superintendent/ Assistant Commissioner Excise) I, the Undersigned Residing at a licensee/owner of trees producing Neera as per the agreement executed on for a period from to file a this complaint for the following reasons:-(a)(b)(c)(d) I here by request to go through the above grievances and pass an appropriate order. Yours faithfully, Licence/owner of the tree.