Government of Tamil Nadu

Tamil Nadu Neera Rules, 2017

[G.O.(Ms) No.41, Home, Prohibition and Excise (VIII) Department, dated 21st December 2017.]

[Published as Notification No.SRO A-59(a-1)/2017 at page No.1 to 9 in Part III- 1(a) Ex (406) -1 of the Tamil Nadu Government Gazette Extraordinary (Issue No.406) dated 21st December, 2017.]

NOTIFICATION.

In exercise of the powers conferred by section 54 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) and in supersession of the Tamil Nadu Neera or Padani Rules, 1939, the Governor of Tamil Nadu hereby makes the following rules:-

RULES.

1. Short title.- These rules may be called the Tamil Nadu Neera Rules, 2017.

2. Definitions.- In these rules, unless the context otherwise requires,-

(a) **"Act"** means the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937);

(b) **"Anti-Fermentation Technology"** means any technology which would arrest the fermentation of Neera and preserve its flavour, as developed or patented by the Coconut Development Board or any other such technology developed by an Institution of the Indian Council of Agricultural Research;

(c) **"Bottling"** means transfer of tapped and processed Neera from pots or other receptacles into bottles or casks or cans or tetra packs;

(d) **"Coconut"** means coconut belonging to genus Cocus;

(e) **"Coconut Development Board"** (CDB) means the Board established under the Coconut Development Board Act, 1979 (Central Act 5 of 1979);

(f) **"Coconut Producers Company"** means a body corporate registered under sub-section (1) of section 465 of the Companies Act, 2013 (Central Act 18 of 2013) and registered with the Coconut Development Board;

(g) **"Co-operative Society"** means a co-operative society registered under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) and registered with the Coconut Development Board;

(h) **"Deputy Commissioner / Assistant Commissioner"** means theDeputy Commissioner (Excise) / Assistant Commissioner (Excise) in-charge of a Revenue district;

(i) **"Financial Year"** means the year commencing from 1st day of April to 31st day of March of the succeeding year;

(j) **"Form"** means a Form appended to these rules;

(k) **"Government"** means the State Government;

(l) **"Inspecting Officer"** means the Licensing Authority / Deputy Commissioner / Assistant Commissioner, any Prohibition Officer or any Police officer not below the rank of Inspector or any other officer of the Revenue Department not below the rank of Tahsildar;

(m) **"Laboratory"** means the Tamil Nadu Forensic Science Laboratory including its regional laboratories;

(n) **"Licence"** means the licence granted for tapping Neera or for manufacture of any product from Neera;

(o) **"Licensing Authority"** means the District Collector;

(p) **"Manufactory"** means the place or building specified in the licence for storing and processing of Neera and for manufacture of products from Neera;

(q) **"Neera"** means juice drawn from unopened inflorescence of a coconut tree by using Anti-fermentation Technology.

3. Application for grant of licence.- (1) A coconut producers company or a co-operative society having a valid licence under the Food Safety and Standards Authority Act, 2006 (Central Act 34 of 2006) may apply for grant of licence under these rules. Everyapplication for grant of licence for tapping and sale of Neera shall be in

Form I and every application for possession, transport, sale and distribution of Neera or for manufacture of products from Neera, shall be in Form II.

(2) Every such application shall be affixed with a Court-fee stamp of Rs.2/- (Rupees two only) along with a treasury receipt in proof of having remitted Rs.500/- (Rupees five hundred only) as licence fee under the Head of Account specified by the Licensing Authority.

Form I or Form II, may make such enquiries as he deems fit, verify the particulars furnished therein, and if satisfied that all the requirements for the grant of licence have been complied with, may grant licence in Form III for tapping and sale of Neera and in Form IV for possession, transport, sale and distribution of Neera or for manufacture of any products from Neera in a Manufactory:

Provided that no licence shall be granted to a coconut producers company or a co-operative society, if it has been punished for any offence under the Act or the rules made thereunder:

Provided further that licence may be granted for a maximum of five per cent of the total coconut trees belonging to the members of the Coconut Producers Company or the Co-operative Society or 40,000 (Forty thousand) trees, whichever is less.

5. Refusal of licence.- If the Licensing Authority is satisfied that the applicant is not eligible for the grant of licence, he shall, by an order in writing, refuse to grant licence for the reasons to be specified in that order. In that case, the licence fee paid shall be refunded.

6. Duration of licence.- The licence granted under these rules is valid till the end of financial year in which it is granted.

7. Renewal of licence.- (1) A licensee desiring to renew the licence granted under rule 4 shall make an application in the same Form as in the case of original application for licence, affixed with a Court-fee stamp of Rs.2/- (Rupees two only) along with a treasury receipt in proof of having remitted Rs.500/- (Rupees five hundred only) towards renewal fee under the Head of Account specified by the Licensing Authority, on or before 31st March of the financial year in which the licence would expire.

(2) The Licensing Authority may refuse to renew the licence, if the licensee had violated or failed to comply with the provisions of the Act or the rules made thereunder or the terms and conditions of the licence.

8. Other conditions for grant of licence.- (1) The licence shall be kept in the safe custody by the Coconut Producers Company or the Co-operative Society, as the case may be, and shall be produced for inspection on demand by the Licensing Authority / Inspecting Officer.

(2) The licensee shall, on receipt of the licence, mark the trees under the supervision of the Deputy Commissioner / Assistant Commissioner or any other officer not below the rank of Tahsildar authorized in this behalf.

(3) The licensee shall be bound by all the directions issued by the Government or the Commissioner of Prohibition and Excise or the Licensing Authority, relating to the tapping and sale of Neera, its possession, transport, storage, distribution and sale, from time to time, under the Act or the rules made thereunder.

9. Suspension of licence.- The Licensing Authority or the Commissioner of Prohibition and Excise, may suspend the licence for such period as he deems fit, by an order in writing specifying the reasons therefor, if he is satisfied that the licensee has failed to comply with any of the conditions of the licence or any of the provisions of the Act or the rules made thereunder.

10. Cancellation of licence.- The Licensing Authority or the Commissioner of Prohibition and Excise, if he is satisfied that the licensee has failed to comply with any of the conditions of the licence or any of the provisions of the Act or the rules

made thereunder, after giving the licensee an opportunity to show cause within a period of not less than fourteen days, cancel the licence stating the reasons therefor, by an order in writing.

11. Effect of cancellation or suspension of licence.- When a licence is cancelled or suspended, the licensee shall not sell, use or otherwise dispose of any of the stock held by it under the licence at the time of such cancellation or suspension and shall abide by the orders of the Licensing Authority or the Commissioner of Prohibition and Excise, regarding the disposal of such stock. The licensee shall not also be entitled to claim any compensation on account of cancellation or suspension of licence.

12. Number of licences in a district.- The Government reserves the right to declare the number of licences that can be granted under these rules in each district during a financial year.

13. Inspection.- The Inspecting Officer may inspect a co-operative society or a coconut producers company, where Neera is drawn and kept in store or any manufactory. Irregularities, if any, noticed including illegal diversion of Neera for illicit purposes shall be reported by the Inspecting Officer to the Licensing Authority for appropriate action.

14. Procedure for taking samples of Neera.- The Inspecting Officer may, at any time, take samples of the unprocessed Neera as well as processed Neera kept ready for sale either in the coconut garden or in the manufactory and subject it to chemical analysis in the laboratory so as to ensure that it is fit for human consumption and does not contain any alcohol. The samples shall be taken in two bottles labelled as “A” and “B” and in each bottle 300 ml of Neera shall be collected. The bottle marked as “A” shall be handed over to the laboratory for chemical analysis and the bottle marked as “B” shall be kept in the safe custody of the Inspecting Officer. While taking the samples, in addition to the seal of the Inspecting Officer, the seal of the licensee or his representative may also be affixed, if the licensee so desires.

15. Manufacture of products from Neera.- The Coconut Producers Company or the Co-operative Society which proposes to manufacture any product from Neera shall procure Neera only from a Coconut Producers Company or a Co-operative Society, which has a valid licence in

Form-III.

16. Application, grant of, and duration of, permit.- Everyapplication for grant of permit to transport Neera shall be made in Form –V and the Deputy Commissioner / Assistant Commissioner shall issue the permit in Form –VI. The validity of the permit shall be for a maximum period of ninety days.

17. Appeal.- An appeal against an order of the Licensing Authority under these rules shall lie to the Commissioner of Prohibition and Excise within one month from the date of receipt of the order.

18. Revision.- The Government may, either on application made within one month from the date of receipt of the order of the appellate authority, or suo-motu, exercise the power of revision under these rules.

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FORM – I.

[see rule 3]

APPLICATION FOR A LICENCE FOR TAPPING AND SALE OF NEERA.

<table>
<tr><td>1</td><td>Name of the Applicant (Coconut Producers Company or Co-operative Society) (IN BLOCK LETTERS).</td><td colspan="4"></td></tr>
<tr><td>2</td><td>Address of the Applicant (Coconut Producers Company or Co-operative Society).</td><td colspan="4"></td></tr>
<tr><td>3</td><td>Whether the applicant is registered with the Registrar of Co-operative Societies. If yes,
(a) Registration Number.
(b) Date of Registration.
(Copy of the registration certificate to be</td><td colspan="4"></td></tr>
<tr><td>4</td><td>Whether the applicant is registered with the Registrar of Companies, If yes, (a) Registration Number.
(b) Date of Registration.
(Copy of the registration certificate to be attached).</td><td colspan="4"></td></tr>
<tr><td>5</td><td>Whether the applicant is registered with Coconut Development Board. If yes,
(a) Registration Number.
(b) Date of Registration.
(Copy of the registration certificate to be</td><td colspan="4"></td></tr>
<tr><td>6</td><td>Number of coconut trees to be licensed together with details of Survey Numbers and Villages in which it is located along with number of members in Coconut Producers Company or Co-operative Society</td><td>Village.</td><td>Survey No.</td><td>Type of Tree (Variety/ Hybrid).</td><td>Number of trees.</td></tr>
<tr><td>7</td><td>Number of trained technicians employed for tapping Neera.</td><td colspan="4"></td></tr>
<tr><td rowspan="2">8</td><td rowspan="2">Quantity of Neera proposed to be tapped (in Litres).</td><td>In a Month.</td><td colspan="2">In a Quarter.</td><td>In a Year.</td></tr>
<tr><td></td><td colspan="2"></td><td></td></tr>
<tr><td>9</td><td>Whether the applicant is committed of any offence under the Act or the rules made thereunder</td><td colspan="4"></td></tr>
</table>

10	Recommendation of (a) Coconut Development Board; and (b) Deputy Director (Agri Business) of the Department of Agricultural Marketing and Agri. Business of the district concerned in case of Coconut producers Company (or) Joint Registrar (Co-operatives) who is the Functional Registrar of the Co-operative Societies of the district concerned in case of Co-	

I / We, hereby declare that the particulars given above are true and correct.

Place: Name and Designation of the Authorised

Date: Signatory.

(with Seal)

FORM-II.

[see rule 3]

APPLICATION FOR A LICENCE FOR POSSESSION, TRANSPORT, SALE AND DISTRIBUTION OF NEERA AND FOR MANUFACTURE OF ANY PRODUCTS FROM NEERA.

<table>
<tr><td>1</td><td>Name of the Applicant (Coconut Producers Company or Co-operative Society) (IN BLOCK LETTERS).</td><td colspan="3"></td></tr>
<tr><td>2</td><td>In case of Coconut Producers Company, whether the applicant is registered under the Companies Act, 2013 (Central Act 18 of 2013), and registered with Coconut Development Board. If so, the Certificate of Incorporation or Registration Certificate from the Registrar of Companies or Coconut Development Board has to be</td><td colspan="3"></td></tr>
<tr><td>3</td><td>In case of Co-operative Societies, whether the applicant is registered under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983), and registered with the Coconut Development Board. If so, the Registration Certificate from the Registrar of Co-operative Societies or Coconut Development Board</td><td colspan="3"></td></tr>
<tr><td rowspan="2">4</td><td rowspan="2">Address of the Manufactory.</td><td>Village, Taluk, Street.</td><td>Survey No & Door No.</td><td>Four Boundaries.</td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td rowspan="2">5</td><td rowspan="2">The approximate quantity of Neera proposed to be procured from the Coconut Producers Company or Co-operative Society.</td><td>In a Month.</td><td>In a Quarter.</td><td>In a Year.</td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>6</td><td>Name and address of the Coconut Producers Company or Co-operative Society from which Neera is proposed to be procured</td><td colspan="3"></td></tr>
<tr><td rowspan="2">7</td><td rowspan="2">Quantity of Neera proposed to be used for manufacture of Products. (in litres)</td><td>In a Month.</td><td>In a Quarter.</td><td>In a Year.</td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>8</td><td>Details of products proposed to be manufactured from Neera.</td><td colspan="3"></td></tr>
</table>

9	Whether licence has been obtained from Food Safety and Standards Authority of India (FSSAI). If so, mention the licence	
10	Whether the applicant is committed of any offence under the Act or the rules made	
11	Recommendation of (a) Coconut Development Board; and (b) Deputy Director (Agri Business) of the Department of Agricultural Marketing and Agri. Business of the district concerned in case of Coconut producers Company (or) Joint Registrar (Co-operatives) who is the Functional Registrar of the Co-operative Societies of the district concerned.	

I / We, hereby declare that the particulars given above are true and correct.

Place: Name and Designation of the Authorised

Date: Signatory.

(with Seal)

FORM – III.

[see rule 4]

LICENCE FOR TAPPING AND SALE OF NEERA FROM COCONUT TREE TO THE COCONUT PRODUCERS COMPANY OR CO-OPERATIVE SOCIETY.

District:-

Licence No.:-_____ Period of Licence.:- ____ to ____

Licence is hereby granted and issued to ---------- (Name and address of the licence holder) at ---------- (enter details of premises and boundaries) ---------- Village, ---------- Taluk, ---------- District to tap / draw and sale of Neera.

1	Registration Number and date of Registration of the applicant.				
2	Registration Number and date of Registration of the applicant under the Coconut Development Board.				
3	Details of Survey Numbers and Villages with kind and number of trees from which drawl of Neera is permitted.	Village.	Survey Nos.	Type of Trees (Variety/ Hybrid).	Number of yielding Trees.
4	4 Number of Neera technicians proposed to be employed for tapping Neera.				
5	Quantity of Neera (approximately) allowed to be tapped.	In a month.	In a quarter.	For the year.	

CONDITIONS.

1.No tree shall be tapped or shall Neera be drawn from any tree or shall any pot or receptacle be attached for that purpose to any tree except under this licence.

2.The licensee shall not tap or allow to be tapped from any trees other than those for which they are hereby licensed to tap. They shall not tap or allow to be tapped any tree for fermented form of Neera.

3.The licensee shall point out the trees applied for marking as and when they are required to do so.

4.All pots and other receptacles used for the drawing of Neera shall be clean, hygienic and suitably treated by adopting Anti-Fermentation Technology to prevent fermentation and such treatment shall be renewed every time they are emptied and re-attached to the trees.

5.No fermented juice shall be manufactured from Neera drawn by the licensee.

6.The licensee will not be entitled to compensation in respect of any coconut tree withdrawn or taken over for the public purposes or for any trees standing on the banks or beds of irrigation works under the control of Public Works Department in which that Department may require to cut them down or strip off their leaves or branches.

7.If a licensee wishes to transport the Neera-fresh juice from the tree other than to the place of manufacture of jaggery or other products, they should apply for permit in

Form-V.

8.The licence may be cancelled or suspended at any time by the Licensing Authority or by the Commissioner of Prohibition and Excise.

9.The licensee shall follow any general rules or orders, which may from time to time be prescribed under the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937).

10.The licensee shall be bound by such other conditions as may be prescribed by the State Government / Licensing Authority / Commissioner of Prohibition and Excise, in this behalf.

11.Any breach of the conditions of licence or rules or orders either by the licensee or any person in his employment shall entail the cancellation or suspension of the licence under the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937).

(Dated this ___ day of 20__)

Seal of the Licensing Authority.

Place:
Date:

Signature and Designation of
the Licensing Authority.

FORM – IV.

[see rule 4]

LICENCE FOR THE POSSESSION, TRANSPORT, SALE AND DISTRIBUTION OF NEERA AND PRODUCTS MANUFACTURED FROM NEERA TO THE COCONUT PRODUCERS COMPANY OR CO-OPERATIVE SOCIETY.

DISTRICT: _____

LICENCE No.:-_____ Period of Licence.:-_____

Licence is hereby granted and issued to ---------- (Name and address of the licence holder) at---------- (enter details of premises with boundaries thereof) in the ---------- Village of ----------Taluk---------- District to possess, transport, sell and distribute Neera and products manufactured from Neera, for the quantity mentioned below, subject to the following conditions to be observed by the Licensee.

1	(a) Name of the Coconut Producers Company or Co-operative Society. (b) Registration Number and date of Registration of the applicant under the Companies Act, 2013 (Central Act 18 of 2013) or Tamil Nadu Co-operative Societies Act, 1983 (Tamil			
2	Registration Number and date of Registration of the applicant with the Coconut Development Board.			
3	Neera procured from the Coconut Producers Federation or Co-operative Society. (specify the name and address)	In a month. (in litres)	In a quarter. (in litres)	In a year. (in litres)
4	Details of products proposed to be manufactured:- Name of the product and quantity produced.			
5	Food Safety and Standards Authority of India Licence No.			
6	Details of the Manufactory (Address with four boundaries).			

CONDITIONS.

1.The licensee shall be bound by the provisions of the Tamil Nadu Neera Rules, 2017.

2.The quantities of Neera procured and processed in a month / quarter or in a year shall not exceed the quantities mentioned above.

3.No fermented juice shall be manufactured from Neera drawn by the licensee.

4.If a licensee wishes to transport the Neera-fresh juice, they should apply for permit in

Form-V.

5.The licence may be cancelled or suspended at any time by the Licensing Authority or by the Commissioner of Prohibition and Excise.

6.The licensee shall follow any general rules or orders, which may from time to time be prescribed under the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937).

7.Any breach of the conditions of licence or rules or orders either by the licensee or any person in their employment shall entail the cancellation or suspension of the licence under the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937).

(Dated this ____ day of 20__)

Seal of the Licensing Authority.

Place:
Date:

Signature and Designation of
the Licensing Authority.

FORM V.

[see rule 16]

APPLICATION FOR GRANT OF PERMIT TO TRANSPORT NEERA FROM COCONUT PRODUCERS COMPANY OR CO-OPERATIVE SOCIETY TO MANUFACTORY.

To
The Deputy Commissioner (Excise) / Assistant Commissioner
(Excise), _____ District.

1	(a) Name of the Coconut Producers Company or Co-operative Society and its address. (b) Registration Number and date of Registration of the applicant under the Coconut Development Board. (c) Licence No. (Neera products manufacturing Licence issued in Form		
2	Neera procured from the Coconut Producers Company or Co-operative Society. (a) Name and Address. (b) Neera tapping Licence No. and its		
3	Quantity of Neera (approximately)	In a month. (in litres)	In a quarter. (in litres)
4	Route of transport From _____ to _____ (by road and indicate the important places on the route)		

I declare that the particulars given above are true to the best of my knowledge and belief. If at any stage, it is found that the particulars are wrong or I have resorted to fraud, I may be prosecuted.

I have gone through the Tamil Nadu Neera Rules, 2017 and shall obey the same.

Place:
Date:

Name and Designation of the Authorised Signatory.

(with Seal)

FORM – VI.

[see rule 16]

PERMIT FOR TRANSPORT OF NEERA.

DISTRICT.:-_____

1	(a) Permit No. and date. (b) Validity period of the Permit.	
2	(a) Name of the Coconut Producers Company or Co-operative Society and its address. (b) Registration Number and date of Registration of the applicant under the Coconut Development Board.	
3	Neera procured from the Coconut Producers Company or Co-operative Society. (a) Name and Address. (b) Neera tapping Licence No. and its validity.	
4	Route of transport From _____ to _____ (by road and indicate the important places on the route).	

Permit is hereby granted to Tvl._____ mentioned above to possess and transport Neera for a period of ninety days from the date of issue, subject to the following conditions, namely:-

1) Neera shall be purchased from the Coconut Producers Company or Co-operative Society registered with the Coconut Development Board, whose names are mentioned above.

2) The permit holder shall at the time of possession, transport and sale, carry the permit on his person and shall produce it forthwith on demand by any Inspecting Officer.

3) The quantity of Neera that is permitted to be transported under this permit shall not exceed _____ litres.

4) The permit may be cancelled or suspended at any time by the Licensing Authority or by the Commissioner of Prohibition and Excise.

Place: Deputy Commissioner (Excise)/
Assistant Commissioner (Excise) (Permit issuing
Date: Authority)

NIRANJAN MARDI
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT