Government of Tamil Nadu

Tamil Nadu Padani Rules, 2017

[G.O.(Ms) No.42, Home, Prohibition and Excise (VIII) Department, dated 21st December 2017.]

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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 Padani 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, using Lime or any other chemical as may be approved by the Functional Registrar of the Tamil Nadu Palm Products Development Board, which would arrest the fermentation of padani and preserve its flavour;

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

(d)**"Deputy Commissioner / Assistant Commissioner"** means the Deputy Commissioner (Excise) / Assistant Commissioner (Excise) in-charge of the Revenue district;

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

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

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

(h)**"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;

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

(j)**"Licence"** means the licence granted for tapping of padani and possession, transport, sale and distribution of padani or for manufacture of any products from padani;

(k)**"Licensing Authority"** means the Functional Registrar of the Tamil Nadu Palm Products Development Board or any other officer authorized by him in writing;

(l)**"Padani"** means unfermented juice drawn from the inflorescence of a palmyra, dates or any other kind of palm tree into receptacles by using Anti-Fermentation technology;

(m)**"Palm"** means the genus Palmyra or date in the family Arecaceae or Palmae;

(n)**"Palmgur Society"** meansany co-operative society registered under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983), formed for the development or marketing of palm products and registered with the Tamil Nadu Palm Products Development Board;

(o)**"Palmgur Federation"** meansany Co-operative Federation registered under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983), formed for development or marketing of palm products and registered with the Tamil Nadu Palm Products Development Board;

(p)**"Tamil Nadu Palm Products Development Board"** meansa Board establishedunder the Tamil Nadu Palm Products Development Board Act, 1994 (Tamil Nadu Act 15 of 1994).

3. Application for grant of licence.- A member of a registered Palmgur Society or Palmgur Federation may apply for grant of licence under these rules. Every application for grant of licence for tapping of padani and possession, transport, sale, distribution of padani and for manufacture of products therefrom, shall be in Form-I. Every such application shall be affixed with a Court-fee stamp of Rs.2/- (Rupees two only):

Provided that no person shall apply for grant of licence, if he is convicted of any offence under the Act or the rules made thereunder or of any other criminal offence and sentenced to imprisonment for more than three years.

Form I, 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 II for tapping of padani, specifying the number of trees that may be tapped and for possession, transport, sale and distribution of padani or for manufacture of any product from Padani.

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.

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) on or before the 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 issue of licence.- (1) The licence shall be kept in safe custody by the licensee and shall be produced for inspection on demand by the Licensing Authority / Inspecting Officer.

(2) The licensee shall be bound by all the directions issued by the Government or the Licensing Authority, relating to tapping of padani, its possession, transport, storage, distribution and sale or for manufacture of products from padani which may be issued, from time to time, under the Act or the rules made thereunder.

9. Suspension of licence.- The Licensing Authority 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, 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 him under the licence at the time of such cancellation or suspension and shall abide by the orders of the Licensing Authority regarding the disposal of such stock. The licensee shall not also be entitled to claim any compensation on account of cancellation or suspension of the licence.

12. Number of licences in a district.- The Licensing Authority reserves the right to declare the number of licences that can be granted under these rules in each district during a financial year, subject to the conditions that may be specified by the Government, from time to time.

13. Inspection.- An Inspecting Officer may inspect a Palmgur Society or a Palmgur Federation where Padani is drawn and kept in store or any other place where any product is manufactured from Padani. Irregularities, if any noticed including illegal

diversion of Padani for illicit purposes, shall be reported by the Inspecting Officer to the Licensing Authority for appropriate action.

14. Procedure for taking samples of Padani.- The Inspecting Officer may, at any time, take samples of the Padani 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 Padani 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. 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.

16. 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 LICENCE FOR TAPPING OF PADANI FROM PALMYRA, DATE OR ANY OTHER KIND OF PALM TREE AND POSSESSION, TRANSPORT, SALE AND DISTRIBUTION OF PADANI AND FOR MANUFACTURE OF ANY PRODUCTS THEREFROM.

1	Name of the Applicant. (IN BLOCK LETTERS)				
2	Address of the Applicant. Door No, Street Name Village / Area / Locality Taluk and District				
3	Whether the applicant is a member of a registered Palmgur Society or Palmgur Federation registered with the Tamil Nadu Palm Products Development Board. If yes, (a) Registration Number				
4	Name and number of trees to be licensed together with details of survey numbers and Villages in which it is located	Village.	Survey No.	Kind of tree	Number of trees.
5	Whether the Land or tree owned by the Government or Private? Name of the Owner of the Land / tree				
6	State whether permission is obtained from the Land or tree owner for tapping?				
7	If the trees are in Government Land, provide the remittance details thereof:				
8	Number of Persons proposed to be employed for Tapping.				
9	Purpose of the Licence:- (i) Tapping and sale of Padani; (ii) Manufacture of products from Padani (give details)				

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

Place: Signature of the Applicant.

Date:

FORM – II.

[see rule 4]

LICENCE FOR TAPPING OF PADANI FROM PALMYRA, DATES OR ANY OTHER KIND OF PALM TREE (EXCEPT COCONUT TREE) AND POSSESSION, TRANSPORT, SALE AND DISTRIBUTION OF PADANI AND FOR MANUFACTURE OF ANY PRODUCTS THEREFROM.

Licence No.:- **District:-**

Licence is hereby granted and issued to ---------- (Name and address of the licence holder) at ---------- (enter details of premises and boundaries) ---------- Village, ---------- Taluk, ---------- District for tapping of Padani and sale, possession, distribution of Padani for the manufacture of jaggery or any other products manufactured from Padani (Number of the trees to be furnished).

1	Registration Number and date of Registration of the applicant in a Palmgur Society or Palmgur Federation which is registered with the Tamil				
2	Details of Village, Survey Numbers with kind and number of trees from which tapping of Padani is permitted	Village.	Survey No.	Kind of Trees.	Number of Trees.
3	Number of persons proposed to be employed for tapping Padani.				
4	Details of products proposed to be manufactured:- Name of the product and quantity to				
5	Licence period.	From _____ to_____			

CONDITIONS.

1.No tree shall be tapped or shall Padani 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 any trees to be tapped other than those for which he is hereby licensed to tap. He shall not tap or allow any tree to be tapped for fermented form of Padani.

3.The licensee shall point out the trees to be tapped by marking them as and when he is required to do so.

4.In case, trees in Government lands are to be tapped, the licensee should pay such fee as the Collector may prescribe for the use of each tree.

5.All pots and other receptacles used for drawing of Padani shall be clean, hygienic and suitably treated with Anti-Fermentation Solution to prevent fermentation and such treatment shall be renewed every time, the pots/ receptacles are emptied and re-attached to the trees.

6.No fermented juice shall be manufactured from the Padani drawn by the licensee.

7.No dates tree shall be tapped often than in alternative years or for more than four months from the date of marking.

8.The licence may be cancelled or suspended at any time by the Licensing Authority.

9.The licensee shall submit to and obey 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 or the Licensing Authority 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: Signature and Designation of the
Date: Licensing Authority.

NIRANJAN MARDI
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT