

The Andhra Pradesh Excise (Regulation of Drawal & Sales of Neera) Rules, 1969 – Adaptation to the State of Telangana

[G.O. Ms. No. 151, Rev. (Ex. II) Dept., dt. 01.06.2016]

Read the following:

1. The Andhra Pradesh Reorganization Act, 2014 (Central Act No. 6 of 2014)
2. G.O. Ms. No. 162, Revenue (Ex. II) Dept., dt. 10.09.2015.
3. From the Commissioner of Prohibition & Excise, Telangana, Hyderabad, Letter No. 561/2016/CPE/TS/E2, dt. 17.5.2016.

ORDER:

Whereas, by virtue of Section 3 of the Andhra Pradesh Reorganization Act, 2014 (Central Act No. 6 of 2014), the State of Telangana comprising the territories specified therein has been formed on and from the appointed day i.e., 02.06.2014;

2. And whereas, in Section 101 of the Andhra Pradesh Reorganization Act, 2014, a provision has been made for the purpose of facilitating the application of any law (as defined in Section 2(f) of the Act), made before the appointed day, in relation to the State of Andhra Pradesh or the State of Telangana, the appropriate Government may before expiration of two years from 02.06.2014, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority;

3. And whereas, it has become necessary to adapt the Andhra Pradesh Excise (Regulation of Drawal & Sales of Neera) Rules, 1969, made under the Andhra Pradesh Excise Act, 1968 (Act No. 17 of 1968) are in force as on 01.06.2014 for the purpose of facilitating their application in relation to the State of Telangana;

4. Now, therefore, after careful examination, Government have decided to adapt the Andhra Pradesh Excise (Regulation of Drawal & Sales of Neera), Rules, 1969, which are in force as on 01.06.2014;

5. Accordingly, the following notification shall be published in an Extra Ordinary Issue of the Telangana State Gazette, dated 01.06.2016.

NOTIFICATION

In exercise of the powers conferred by Section 101 of the Andhra Pradesh Reorganization Act, 2014 (Central Act No. 6 of 2014), the Government of Telangana hereby makes the following order, namely:–

1. (1) This order may be called “the Andhra Pradesh Excise (Regulation of Drawal & Sales of Neera) Rules, 1969 (Telangana Adaptation) Order, 2016”;

(2) It shall be deemed to have come into force with effect from the 2nd June, 2014;

2. Throughout the rules, for the words “Andhra Pradesh” or “A.P.”, occurring otherwise than in a citation or description or in title of other enactments, the word “Telangana” shall be substituted;

3. Throughout the rules for the word and impression “Andhra Pradesh Excise Act, 1968”, the words and impression “Telangana Excise Act, 1968” shall be substituted;

4. Throughout the rules and Forms annexed to the Rules, for the words “Circle Inspector of Excise”, or “Inspector of Excise”, the words “Prohibition & Excise Inspector” shall be substituted;

5. Throughout the rules and the Forms annexed to the Rules, for the words “Excise Superintendents”, the words “Prohibition and Excise Superintendents” shall be substituted;

6. In the said rules,—

(1) In rule 4, sub-rule (2), for the words and expression “Court fee stamp of 2/- (two)”, the words and expression “Court fee stamp of Rs. 5/- (Rupees five only)” shall be substituted.

(2) In rule 6, sub-rule (2), for the words and expression “Court fee stamp of 2/- (two)”, the words and expression “Court fee stamp of Rs. 5/- (Rupees five only)” shall be substituted.

(3) In rule 6, sub-rule (2), in the Form No. 1 thereunder, for the words “Andhra Pradesh Khadi & Village Industries Board”, the words “Telangana State Khadi & Village Industries Board”, shall be substituted.

(4) In rule 7, sub-rule (1), for the words “Rupees Ten”, the words “Rupees fifty only” shall be substituted.

(5) In rule 8, for sub-rule (1), the following shall be substituted, namely,—

“(1) No person shall tap an excise tree on behalf of a licensee except under the authority granted or by the Prohibition and Excise Inspector on payment of a Fee of Rs. 100/-. An application for such grant shall be made after affixing a court fee label of Rs. 10/- and enclosing a treasury challan of Rs. 100/-”.

2. THE ¹[TELANGANA] EXCISE (REGULATION OF DRAWAL AND SALES OF NEERA) RULES, 1969

[Govt. Memo. No. 434/T-I/70, Revenue, dated 13th May, 1970]

In exercise of the powers conferred by sub-clause (iv) of clause (d) of sub-sec. (2) of Section 72 of the ¹[Telangana] Excise Act, 1968 (Act 17 of 1968), the Governor of “Telangana” hereby makes the following rules, a draft of the same having been previously published as required by sub-section (1) of the said Section 72 of the said Act.

1. Short title, extent and commencement:— (1) These rules may be called the ¹[Telangana] Excise (Regulation of Drawal and Sales of Neera) Rules, 1969.

(2) They shall extend to all the areas where the ¹[Telangana] Excise Act, 1968 is in force.

(3) They shall come into force at once. :

2. Application:— They shall apply to all licences granted under the ¹[Telangana] Excise Act, 1968 for drawal of neera.

3. Definitions:— In these rules, unless the context otherwise requires:

- (a) ‘Act’ means the ¹[Telangana] Excise Act, 1968 (¹[Telangana] Act 17 of 1968);
- (b) ‘Licence’ means a licence granted under these rules for tapping an excise tree and drawing neera therefrom.
- (c) ‘Neera’ means the juice known as sweet toddy drawn from excise trees into receptacles and treated so as to prevent fermentation.

4. Drawal of Neera under licence:— ²[(1) No excise tree shall be tapped for drawing Neera without a licence and no person shall possess or undertake any process for its conversion into any other form of intoxicant without such licence.

1. Subs. for “Andhra Pradesh” by G.O. Ms. No. 151, Rev. (Ex. II) Dept., dt. 1-6-2016, w.r.e.f. 2-6-2014.

2. Sub-rules (1) and (2) subs. by G.O.Ms. No. 116, Rev. (Ex-II), 28-10-2019. Prior to substitution, it read as below:

“(1) No excise tree shall be tapped for drawing neera [xxx] without a licence and no person shall possess or undertake any process for its conversion into any other form of intoxicant without such licence.

(2) Every application for the grant of a licence for tapping of excise trees for drawing neera by individuals or constituent members of the co-operative palm jaggery society shall be in Form No. 3 and affixed with a Court fee stamp of Rs. 5 (Rupees five only)”

The licence granted to Goud/Eediga community who are the members of TFT/TCS/Co-operative palm jaggery society / **Telangana** Geetha Parishramika Aarthika Sankshema Samstha or any other society of Goud/ Eediga community permitted by the Government for sale of Neera for a period of ten years, such licence may be renewed after expiry of the period of licence for a further period of ten years as prescribed by Commissioner of Prohibition & Excise. No Neera licence can be converted into toddy licence for sale of toddy.

(2) Every application for the grant of licence for tapping of excise trees for drawing Neera by TFT/TCS/Co-operative palm Jaggery Society/Khadi and Village Industries Board in Co-operative sector/ **Telangana** Geetha Parishramika Aarthika Sankshema Samstha who belongs to Goud/Eediga community or any other society of Goud/ Eediga community permitted by the Government shall be in Form No.3 and affixed with a court fee stamp of Rs.10/- (Rupees ten only) and shall not transferable.].

(3) The licence for tapping of excise trees for drawing neera shall be in Form No. 2.

5. Sale of neera:— ¹[(1)] Neera may be sold for the purposes specified and in the manner provided in Rule 6.

²[(2) Neera may also be sold to the industries set up by the **Telangana** Khadi and Village Industries Board in co-operative sector/Cooperative Palm Jaggery Societies/BC Corporation/**Telangana** Geetha Parishramika Aarthika Sankshema Samstha or any other society permitted by the Government for the purpose of use as a raw material for preparation of non-alcoholic beverages and byproducts.

(3) Neera may also be sold as soft drink in retail by licensee at the counters/ established Neera parlours shall be permitted by the Commissioner or Officers authorized in manner prescribed by the Commissioner of Prohibition & Excise within notified area of the TFT/TCS/Co-operative Palm Jaggery Society/ **Telangana** Khadi and Village Industries Board in Co-operative sector / BC Corporation/**Telangana** Geetha Parishramika Aarthika Sankshema Samstha/any

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1. Rule 5 re-numbered as sub-rule (1) and sub-rule (2) added by G.O.Ms.No. 206, Rev. (Excise-II), dt. 23-3-1991.
 2. **Sub-rules (2) and (3) subs. by G.O.Ms. No. 116, Rev. (Ex-II), dt. 28-10-2019.** Prior to substitution, it read as below:
 “(2) Neera may also be sold to the Industries set up by the “**Telangana**” Khadi and Village Industries Board in co-operative sector, for the purpose of use as a raw material for preparation of beverages.
 (3) Neera may also be sold as soft drink in retail by licensee at the counters to be permitted by the Commissioner of Excise”

other society permitted by the Government. TFT/ TCS/Co-operative palm jaggery society/Telangana Khadi and Village Industries Board in co-operative sector/ BC Corporation /Telangana Geetha Parishramika Aarthika Sankshema Samstha/ any other society permitted by the Government may set up Neera Parlours at any other specified places within the limits of any municipal areas/ notified tourism places as prescribed by Commissioner of Prohibition & Excise.].

¹**[6. Manufacture of palm jaggery, palm sugar or any other similar products:—** (1) Any TFT/TCS/Co-operative palm jaggery society or any palm sugar factory set up by the Telangana Khadi and Village Industries Board/ BC Corporation/Telangana Geetha Parishramika Aarthika Sankshema Samstha/ any other society permitted by the Government may apply to the Officers authorized by Commissioner having jurisdiction for permission to manufacture palm jaggery, palm sugar or any other similar product from Neera with prior approval of the Commissioner of Prohibition & Excise to grant such permission.

(2) Every application for grant of permission referred to in sub-rule (1) shall be in Form No. 1 and affixed with a court fee stamp of Rs.10/- (Rupees ten only)].

²**[7. Grant of licence under medical prescription:—** [xxx].

8. Tapping on behalf of the licensees:— ³[(1) No person shall tap an excise tree on behalf of a licensee except under the authority granted or

1. **Rule 6 subs. by G.O.Ms. No. 116, Rev. (Ex-II), dt. 28-10-2019.** Prior to substitution, it read as below:

“6. Manufacture of palm jaggery or palm sugar:— Any Co-operative Palm Jaggery Society or any Palm Sugar Factory set up by the “Telangana” Khadi and Village Industries Board may apply for permission for the manufacture of palm jaggery or palm sugar from neera to the Excise Superintendent who may with prior approval of the Commissioner of Excise [xxx] grant such permission.

(2) Every application for the grant of permission referred to in sub-rule (1) shall be in Form No. 1 and affixed with a proper court fee stamp [of Rs. 5/- (Rupees five only)]”

2. **Rule 7 deleted by *ibid*.** Prior to omission, it read as below:

“7. Grant of licence under medical prescription:— (1) A licence for drawal, possession and consumption of neera may be granted by the Excise Superintendent in Form No. 4 in favour of individuals under medical prescription by a registered medical practitioner on payment of a fee of rupees fifty only [xxx].

(2) Not more than three trees shall be permitted to be tapped at one time on a licence granted under sub-rule (1).”

2. Sub-rule (1) subs. by G.O. Ms. No. 151, Rev. (Ex. II) Dept., dt. 1-6-2016. Prior to substitution, it read as below:

“(1) No person shall tap an excise tree on behalf of a licensee except under the authority or a Nowkarnama in Form No. 7 granted by the Inspector of Excise on payment of a fee of Rs. 2/-. An application for the grant of Nowkarnama shall be made after affixing a Court fee label of Re. 1/- and enclosing a treasury challan for Rs. 2.”

by the Prohibition and Excise Inspector on payment of a Fee of Rs. 100/-. An application for such grant shall be made after affixing a court fee label of Rs. 10/- and enclosing a treasury challan of Rs. 100/-.]

(2) The Nowkarnama granted under sub-rule (1) shall be carried by the person who actually taps on behalf of the licensee and shall be available for inspection by the inspecting officer at the tope.

¹[9. Reservation and allotment of trees for tapping:— (1) Commissioner or any Officer authorized by him in this behalf may permit TFT/TCS within allotted and notified topes of excise trees or reserve tope for drawal of Neera and allot such reserve topes to co-operative palm jaggery society/Telangana Khadi and Village Industries Board/Telangana Geetha Parishramika Aarthika Sankshmemma Samstha / any other society permitted by the Government.

(2) Each TFT/TCS/Palm Jaggery Society/Telangana Geetha Parishramika Aarthika Sankshema samstha / any other society permitted by the Government holding permission for the drawal of Neera shall be attached to tap from such number of trees as the Commissioner/authorized Officer deems necessary out of the topes referred to in sub-rule (1). The allotment of trees in respect of each such shall be fixed with reference to the members in each society, the production and marketing of palm Jaggery and its annual turnover, Excise trees to any such society may, as far as possible, be allotted in the area lying in its close proximity.]

10. Unauthorised tapping of excise trees prohibited:— (1) No tapping of excise trees in excess of the trees allotted or in a block or tope not earmarked for the society or in the topes earmarked for toddy shops or outside the allotted block or tope or village shall be permissible. For any break of this rule, the licensee is liable for cancellation and the licensee shall also be liable to pay a sum equal to the tree owner's rent together with a compounding fee of rupees fifteen for each tree unauthorisedly tapped or prepared for tapping.

1. **Rule 9 subs. by G.O.Ms. No. 116, Rev. (Ex-II), dt. 28-10-2019.** Prior to substitution, it read as below:

“9. Reservation and allotment of trees for tapping:—(1) The Commissioner or any officer authorised by him in this behalf may notify the blocks or topes of excise trees set apart for drawal of neera by the licensees each year.

(2) Each Co-operative Palm Jaggery Society holding permission for the drawal of neera shall be attached to tap from such number of trees as the Commissioner deems necessary out of the blocks or topes referred to in sub-rule (1). The allotment of trees in respect of each such society shall be fixed with reference to the members in each society, the production and marketing of palm jaggery and its annual turnover. Excise trees to any such society may, as far as possible, be allotted in the area lying in its close proximity.”

(2) If it is found that any person has tapped any excise tree without a valid licence or permit for drawal of neera or has made preparation therefor a sum equal to the tree owners rent shall be recoverable from him for each tree so tapped, apart from any penalty to which he shall be liable under the provisions of the Act and the rules made thereunder.

11. Conditions for tapping excise tree for drawing neera:— (1) All pots or other receptacles used for the manufacture of neera shall be fully coated internally with lime and such coating shall be renewed every time they are emptied and reattached to the trees, so as not to allow any fermentation.

¹[(2) Neera shall be drawn before Sunrise and after Sunset.]

(3) Neera shall not be kept by a tapper after 2-00 P.M. without being manufactured into palm jaggery or sugar.

(4) The tapping licence shall be carried by the tapper on his person while tapping the trees and shall be produced for inspection on demand by any excise officer duly authorised in this behalf. Tapping of any excise tree without a valid licence on the person of the tapper or failure to produce the same on demand while tapping shall constitute an offence under the Act.

(5) (i) A date tree shall not be tapped oftener than in alternative years or for more than four months from the date of marking.

(ii) The incision of a date tree shall not be made at any point, within 120 centimeters from the ground, or 45 centimeters from the top of any other incision.

(iii) The depth of the incision shall not be greater than one half of the diameter of the date tree. In making the incisions, the tapper shall see in that vertical ridge in the shape of a nose is left in the middle of each incision.

(iv) The tapper shall leave not less than 8 leaves on the top of the tree, in addition to the central whorls springing from the head of the tree.

(v) The licensee shall not be entitled to compensation in respect of any excise tree withdrawn or taken over for public purposes or for any trees standing on the banks or beds of irrigation works under the control of the P.W.D. which that Department may require to cut down or strip off their leaves or branches.

(vi) ²[xxx]

1. Sub-rule (2) Subs. by G.O.Ms. No. 116, Rev. (Ex-II), dt. 28-10-2019. Prior to substitution, it read as below:

“(2) Neera shall not be drawn except between 5-00 A.M. and 2-00 PM and it shall not be kept any time other than the hours fixed in respect of each block or tope.”

2. Omitted by Memo. No. 3205/T1/74-9, Rev. dt. 4-9-1975.

12. Transport of neera only under a permit:— ¹[xxx]

13. Preparation of paths for approach:— On a requisition by an Excise Officer duly authorised in this behalf the licensee shall cut path through the blocks or topes to afford ready access and shall prepare the barks of the trees, so that they may easily be marked, failing which no marking of the trees shall be done until its compliance.

14. ²[xxx]

15. Breach of rules and orders entails suspension or cancellation of licence:— ³[(1) The licence is liable for suspension or cancellation in the event of breach of conditions or the rules or the commission of any offence under the Act either by the licensee or any other person in his employment or working on his behalf and the licensee or such other person shall also be liable for prosecution under the Act.

(2) (A) *Adulteration is prohibited:*- Neera which is sold under the licence shall not be adulterated with any substances as defined in Excise Act and toddy rules and the licensee shall not keep any material injurious to health within the premises of the shop;

(B) *Cancellation of licence:*- In case licensee of Neera found indulging in adulteration, action will be initiated as per Excise Act & toddy rules in vogue.]

16. ⁴[xxx]

1. Rule 12 deleted by G.O.Ms. No. 116, Rev. (Ex-II), dt. 28-10-2019. Prior to omission, it read as below:

“Neera shall be transported only under a permit in Form No. 6 from the excise tree to the place of manufacture of palm jaggery or palm sugar.”

2. Omitted by Memo. No. 731/T-1/75-23, Rev. (T), dt. 16-1-1979.

3. Sub-rules (1) and (2) subs. by G.O.Ms. No. 116, Rev. (Ex-II), dt. 28-10-2019. Prior to omission, it read as below:

“(1) The licence is liable for suspension or cancellation in the event of breach of conditions or the rules or the commission of any offence under the Act either by the licensee or any other person in his employment or working on his behalf and the licensee or such other person shall also be liable for prosecution under the Act.

(2) A licensee or any person who taps or causes to be tapped fermented toddy from an excise tree marked for Neera shall be liable for cancellation besides prosecution under the Act.

(3) Any other person, committing breach of sub-rule (2) shall also be liable for being debarred from licence for tapping neera for a period of one year from the date of such breach.”

4. Omitted by Memo. No. 3203/T-1/74-9, Rev., dt. 4-9-1975.

FORM No. 1

(See Rule 6 (2))

**Application Notifying Manufacture
of Palm Jaggery or Palm Sugar from Neera**

(To be affixed with proper Court fee stamp)

1. Name of the applicant and address.
2. Whether it is a Co-operative Palm Jaggery Society or a Palm Sugar Factory set up by the ¹[Telangana State Khadi and Village Industries Board].
3. Registration number and date.
4. Membership and paid up share capital.
5. Quantity of Palm-Jaggery/Palm Sugar manufactured in the previous year and proposed to be manufactured during the year.
6. Turn over.
7. Number of excise trees required and the quantity of neera required.
8. Particulars of blocks or topes from allotment of trees is sought.
- ²[9] Recommendation of the Co-operative Department or the ¹[Telangana State Khadi and Village Industries Board], if any.

Signature.

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1. Subs. for "A.P. Khadi and Village Industries Board" by G.O. Ms. No. 151, Rev. (Ex. II) Dept., dt. 1-6-2016, w.r.e.f. 2-6-2014.
 2. Item 9 was omitted and item 10 was renumbered as item 9 by Memo. No. 731/T-I/75-23, Rev. (T), dt. 16-1-1979.

To

The Excise Superintendent,

(To be filled in by the ¹[Prohibition & Excise Inspector])

- | | | |
|-----|---|----------|
| 1. | Date of receipt in the office of the Inspector of Excise | |
| 2. | Date of issue of licence | |
| 3. | Consecutive number of the licence | |
| 4. | Date of transmission to Sub-Inspector | |
| 5. | Date of receipt by the Sub-Inspector | Initials |
| 6. | Date of marking the village | “ |
| 7. | Date of handing over the licence and permit to the contractor. | “ |
| 8. | Date of receipt of licence by the Contractor. | “ |
| 9. | Date of return by the Sub-Inspector. | “ |
| 10. | Date of receipt in the office of the ² [Prohibition & Excise Inspector]. | “ |

FORM 2

(See Rule 4 (3))

Licence for the Tapping of Excise Trees for the Drawal of Neera

1. Name of the licensee
2. Particulars of the Co-operative Palm Jaggery Society/Palm Sugar Factory of which he is a member.
3. Particulars of excise trees permitted to be tapped..
 (a) District... ..(taluk)

1. Subs. for “*Circle Inspector of Excise*” by G.O. Ms. No. 151, Rev. (Ex. II) Dept., dt. 1-6-2016, w.r.e.f. 2-6-2014.
 2. Subs. for “*Inspector of excise*” by *ibid*.

village

- (b) Block No.
- (c) No. of trees with particulars of marking.

4. Period for which the licence is valid.

Conditions for tapping excise trees for drawing neera

(1) All pots or other receptacles used for the manufacture of neera shall be fully coated internally with lime and such coating shall be renewed every time they are emptied and reattached to the trees, so that no fermentation is allowed.

(2) Neera shall not be drawn except between 5-00 A.M. and 2-00 P.M. and it shall not be kept at any time other than the hours fixed in respect of each block or containing the trees licensed to be tapped.

(3) Neera shall not be kept by a tapper after 2.00 P.M. without being manufactured into palm jaggery or sugar.

(4) The tapping licence shall be carried by the tapper on his person while tapping the trees and shall be produced for inspection on demand by an Excise Officer duly authorised in this behalf. Tapping of any excise tree without a licence on the person of a tapper or failure to produce the same while tapping shall constitute an offence under the Act.

(5) (i) No date tree shall be tapped oftener than in alternative years or for more than four months from the date of marking.

(ii) No incision of a date tree shall be made at any point, within 120 centimeters from the ground or 45 centimeters from the top of any other incision.

(iii) The depth of any incision shall not be greater than one half of the diameter of the date tree. In making the incisions, the tappers shall see that a medium ridge (vertical ridge in the shape of a nose) is left in the middle of each incision.

(iv) The tapper shall leave not less than 8 leaves on the top of the tree in a addition to the central whorls springing from the head of the tree.

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

(vi) The licensee shall be bound by such other conditions as may be specified by the Commissioner or the Excise Superintendent, as the case may be, in this behalf.

(vii) The licence is liable for suspension or cancellation for breach of any of the above conditions, and the provisions of any rules or the Act in this behalf.

(SEAL)

Signature of the Excise Superintendent.

FORM No. 3

(See Rule 6 (2))

Application for licence to draw Neera

(Proper Court fee stamp to be affixed)

1. Name of applicant and address ...
2. Residence ..
3. Father's name
4. Residence Village . ..Taluk.
5. Number and kind of excise trees
to be allotted.
6. ¹[xxx]

Name of sub-treasury	Challan No	Date
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Signature of the applicant.

1. Omitted by Memo. No. 731/T-1/75-23. Rev. (T), dt. 16-1-1979.

(To be filled in by ¹[Prohibition & Excise Inspector])

1. Date of receipt in the office of the
¹[Prohibition & Excise Inspector]
2. Date of issue of licence
3. Consecutive number of licence
4. Date of transmission to Sub-Inspector
5. Date of receipt by the Sub-Inspector
6. Date of Marking village Block marked
from to.....
7. Date of handing over the licence
and permit to contractor
8. Date of receipt by the contractor.
9. Date of return by the Sub-Inspector.
10. Date of receipt and filing in the office
of the ¹[Prohibition & Excise Inspector].

FORM No.4

²[xxx]

FORM No. 5

(Omitted)

FORM No. 6

³[xxx]

1. Subs. for “*Inspector of excise*” by G.O. Ms. No. 151, Rev. (Ex. II) Dept., dt. 1-6-2016, w.r.e.f. 2-6-2014.
2. **Form No. 4 under Rule 7 deleted by GO.Ms. No. 116, Rev. (Ex-II), dt. 28-10-2019.**
3. **Form No. 6 under Rule 12 deleted by GO.Ms. No. 116, Rev. (Ex-II), dt. 28-10-2019.**