
(28) **THE NEERA (CONSUMPTION) ORDER, 1958**

G. O., R. D. No. NRA. 1052-J, dated 2nd June, 1958

(B.G., Pt. IV-B, p. 569)

1. *Amended by G. O., R. D., No. BPA. 1059/55336-III, dated 30th November, 1961 (M. G., Pt. IV-B, p. 1162)*
2. *Cancelled by G. O., H. D., No. NRA. 0881/139(3)-PRO-3, dated 12th June, 1984 (M. G., Pt. IV-B, p. 925)*

CHAPTER V-Toddy

(29) **THE MAHARASHTRA TODDY SHOPS (LICENSING) AND
TODDY TREES (TAPPING) RULES, 1968**

G. N., H. D., TOD. 1068/01126-III, dated 17th October, 1968

(M. G., Pt. IV-B, p. 1570)

1. *Amended by G. N., H. D., No. TOD. 1069-III, dated 2nd August, 1969 (M. G., Pt. IV-B, p. 1241).*
2. *Amended by G. N., H. D., No. TOD. 1069/50897-III, dated 12th September, 1969 (M. G., Pt. IV-B, p. 1370).*
3. *Amended by G. N., H. D., No. TOD. 1268/66504-III, dated 31st December, 1970 (M. G., P 1971, Pt. IV-B, p. 50).*
4. *Amended by G. N., H. D., No. TOD. 1870/62135-III, dated 8th July, 1971 (M. G., Pt. IV-B, p. 1075).*
5. *Amended by G. N., H. D., No. TOD. 1070/8157-III, dated 12th July, 1971 (M. G., Pt. IV-B, p. 926).*
6. *Amended by Corrig., H. D., No. SLC. 1070/32345-III, dated 3rd January, 1972 (M. G., Pt. IV-B, p. 94).*

7. Amended by G. N., H. D., No. TOD. 1871/B/137-III, dated 1st March, 1972 (M. G., Pt. IV-B, p. 365).
8. Amended by Corrig., H. D., No. SLC. 1062-III, dated 2nd June, 1972 (M. G., Pt. IV-B, p. 1127).
9. Amended by G. N., H. D., No. 0273/27-III, dated 22nd January, 1974 (M. G., Pt. IV-B, p. 128).
10. Amended by G. N., H. D., No. TOD. 1870/62135-III, dated 17th June, 1974 (M. G., Pt. IV-B, p. 1795).
11. Amended by G. N., H. D., No. TOD. 1076/XXIX/PR, dated 24th December, 1976 (M. G., 1977, Pt. IV-B, p. 51).
12. Amended by G. N., H. D., No. BPA. 2177/2078-XXVIII-PR, dated 3rd March, 1977 (M. G., Pt. IV-B, p. 256).
13. Amended by G. N., H. D., No. TOD. 1076/XXIX-PR, dated 26th August, 1977 (M. G., Pt. IV-B, p. 753).
14. Amended by G. N., H. D., No. SLC. 1078-PRO. 2 (part VI), dated 26th September, 1978 (M. G., Pt. IV-B, p. 959).
15. Amended by G. N., H. D., No. TOD. 1076/29-PRO-3, dated 16th July, 1979 (M. G., Pt. IV-B, p. 1440).
16. Amended by G. N., H. D., No. TOD. 1076/29-PRO-3, dated July, 1979 (M. G., Pt. IV-B, p. 1541).
17. Amended by G. N., H. D., No. TOD. 1076/29-PEO-3, dated 31st August, 1979 (M. G., Pt. IV-B, p. 1630).
18. Amended by G. N., H. D., No. TOD. 1076/29/PRO-3, dated 14th October, 1980 (M. G., Pt. IV-B, p. 1012).
19. Amended by G. N., H. D., No. TOD. 6279/PRO-3, dated 3rd February, 1981 (M. G., Pt. IV-B, p. 119).
20. Amended by G. N., H. D., No. BPA. 1081/IV-PRO-2, dated 25th March, 1981 (M. G., Pt. IV-B, p. 287).
21. Amended by G. N., H. D., No. BPA. 1088/VIII/PRO-2, dated 16th March, 1988 (M. G., Pt. IV-B, p. 280).
22. Amended by G. N., H. D., No. BPA. 1094/1259/III/PRO-3, dated 24th January, 1995 (M. G., Pt. IV-B, p.).
23. Amended by G. N., H. D., No. BPA. 1094/1259/3/EXC-3, dated 12th July, 1995 (M. G., Pt. IV-B, p. 1043-1044).
24. Amended by G. N., H. D., No. TOD. 1101/CR-5/EXC-3, dated 4th June, 2001 (M. G., Pt. IV-B, p. 611).
25. Amended by G. N., H. D., No. TOD. 1101/CR-5/EXC-3, dated 4th June, 2001 (M. G., Pt. IV-B, p. 612).
26. Amended by G. N., H. D., No. BPA. 0311/CR-75(4)/EXC-3(2), dated 8th November, 2001 (M. G., Pt. IV-B, p.).

In exercise of the powers conferred by clauses (d), (e), (f), (g), (h), (i), (k), (l) ¹* (13) and (u) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf and in supersession of all previous rules in this behalf, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143 :

¹ Deleted by G. N. of 2-8-1969.

PART I

PRELIMINARY

¹[1. *Short title and extent.*—(1) These rules may be called the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968.

(2) These rules extend to the whole of the State of Maharashtra except the Tribal areas.]

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Bombay Prohibition Act, 1949;

²[“(a1) “Auction-cum-Tender Order” means the Maharashtra Toddy Shops (Grant of Licenses) by Auction-cum-Tender Order, 2001;”]

^{2,8}[“(a2) “bid” means an offer of bid money by bidder in an auction and includes a tender;”.]

(b) “duty” means duty levied under section 109 of the Act;

(c) “Form” means a form appended to these Rules;

(d) “licence” means a licence granted under these Rules;

(e) “licensed shop” means the shop in which a licensee has been licensed to sell toddy under his licence;

(f) “licensee” means the holder of a licence;

(g) ³* * * * *

(h) “superintendent” means the Superintendent of Prohibition and Excise or the District Inspector of Prohibition and Excise, as the case may be;

(i) ⁴[“Toddy” means “fermented juice drawn from a coconut, brab, date or any kind of palm tree”] containing not more than five per cent alcohol by volume but does not include sweet toddy, nira or neera;

⁵[(j) “Tribal area” means the area specified in the Schedule to these rules.]

PART II

REGULATION OF SALE OF TODDY

3. *Prohibition of sale of toddy except under a licence.*—No person shall sell toddy except under a licence.

4. *Grant of licence.*—(1) Every person ⁶[whose bid or tender has been accepted under the ⁸[Auction-cum-tender] order may, subject to the provisions of sub-rule (2) be granted a licence in Form TD-1 on his executing a counter-part agreement in Form TD-2 within ⁴[fifteen days] of auction ²[or of the acceptance of the tender.]

⁷[(2) No licence shall be granted in respect of any shop.—

(a) which is less than nine square metres in area and which, in the opinion of the Collector, will not be adequate for consumption of toddy and where such consumption will be in public view;

(b) which, if situated in the areas within the jurisdiction of any Municipal Corporation or ‘A’ Class or ‘B’ Class Municipal Council, is within a distance of fifty metres and if situated else where, one hundred metres, from any educational or religious institution; or

1 Subs. by G. N. of 3-2-1981.

2 Ins. by G. N. of 8-7-1971.

3 Deleted by *ibid*.

4 Subs. by G. N. of 2-8-1969.

5 Added by G. N. of 3-2-1981.

6 Subs. by G. N. of 8-7-1971.

7 Subs. by G. N. of 25-3-1981.

8 Subs. by 4-6-01.

(c) which is situated within a distance of one hundred metres from any bus stand, station or depot of the Maharashtra State Road Transport Corporation; or

(d) which is not duly approved by the Collector of the Officer authorised by him in this behalf and which is not, for reasons to be recorded in writing, certified by him to be otherwise suitable also for locating the shop before the grant of the licence :

Provided that nothing in this sub-rule shall apply in respect of an existing shop for which the licensee holds a licence in Form T.D.I. immediately before the coming into force of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) (Amendment) Rules, 1981.

Explanation.—For the purpose of this sub-rule,—

(i) “educational institution” means any pre-primary, primary or secondary school managed or recognised by any local authority or the State Government or the Central Government or any college affiliated to any University established by law, but does not include any private coaching institution;

(ii) “religious institution” means an institution for the promotion of any religion and includes a temple, *math*, mosque, church, synagogue, *aglary*, or other place or public religious workshop which is managed or owned by a public trust registered under the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) and includes such other religious institutions as the State Government may by order specify in this behalf;

(iii) the distance referred to in clause (b) or (c) of this sub-rule shall be measured from the mid-point of the entrance of the shop along the nearest path by which a pedestrian ordinarily reaches,—

(a) the mid-point of the nearest gate of the institution, if there is a compound wall, and if there is no compound wall, the mid-point of the entrance of the institution, or

(b) the mid-point of the nearest gate of any bus stand, station or depot of the Maharashtra State Road Transport Corporation, if there is a compound wall and if there is no compound wall, the nearest point of the boundary of such bus stand, station or depot.]

¹[(2AA) Any shop in respect of which a licence in Form T.D.I. has been granted shall not be deemed to be situated within the prohibition distance referred to in clause (b) or (c) of sub-rule (2) if at any time after such licence is granted,—

(a) any institution referred to in clause (b) of sub-rule (2) comes into existence within a distance of fifty metres or as the case may be, one hundred metres from that shop, or

(b) if any bus stand, station or depot referred to in clause (c) of sub-rule (2) comes into existence within a distance of one hundred metres from that shop.]

(2A) ²* * * * *

³[(3) No licence shall be granted for more than one shop.]

5. *Prohibition to shift licensed shop to any other place.*—The licensed shop shall not be shifted to any other site without the prior approval of the Collector :

1 Ins. by G. N. of 25-3-1981.

2 Deleted by G. N. of 16-7-1979.

3 Subs. by G. N. of 8-7-1971.

Provided that the Collector ¹[may, if the licensee himself desires so to do (and not at the direction of the Collector), allow] the licensee to shift his licensed shop to some other site in the same locality on payment of a fee of rupees twenty-five, not with standing anything contained in any other rules made under the Act.

^{2,9}["5A. *Closure of shops.*—(1) Every licensed shop shall remain closed on 2nd October every year and ¹¹["fourty eight hours ending with the hours fixed for the conclusion of the poll in relation to any general election or by-election to the House of people or the Maharashtra Legislative Assembly is taken in the constituency in which such premises are located and on the counting day or days"] and on such special occasions and in such areas, as the State Government may, after giving a notice of not less than seven days in the Official Gazette and in any local newspaper circulating in such area, specify in this behalf and in all such cases, the licensee shall not be entitled to any compensation ;

(2) Every licensed shop shall remain closed on the day or days on which poll in relation to any general election or by-election to any local authority in the State is taken in the constituency in which such premises are located and a day immediately before such day of poll and on the counting day."]

⁶[6. *Power of Collector to close down licensed shops, etc. in public interests.*—

(1) If in the opinion of the Collector, it is necessary in the public interest to do so, he may by order require the licensees.—

(a) to close down, generally or in any local area, licensed shops for such period as may be specified in the order;

(b) to close down licensed shops on such day or days as may be notified to be pay day or pay days in the order and in such local areas as may be specified in the order;

(c) to curtail the hours of sale.

(2) Any licensee who is affected by an order under sub-rule (1) shall not be entitled to any compensation]

7. *Transfer of licence.*—It is entirely within the discretion of the Collector to permit the transfer of a licence from one name to another or to admit or omit the name of any partner after the licence is granted. The licensee shall be liable to pay a fee of rupees one thousand ²[or twenty-five per cent. of the amount of the bid accepted under the ¹⁰[Auction-cum-Tender order], whichever is lower,] for the transfer of a licence or for each partner whose name is so entered ²[or omitted], anything contained in any other rules made under the Act, notwithstanding.

8. *Duration of licence.*—The period for which a licence shall ordinarily be granted shall be from 1st September to 31st August next following, and no licence shall be granted for any period extending beyond the 31st day of August following the date of the grant of the licence.

1 Subs. by G. N. of 2-8-1969.

2 Ins, *ibid*.

3 Subs. by G. N. of 3-3-1977.

4 Subs. by G. N. of 14-10-1980.

5 Subs. by G. N. of 3-3-1977.

6 Subs. by G. N. of 26-8-1977.

7 Subs. by G. N. of 8-7-1971.

8 Ins. by G. N. of 24-1-1995.

9 Subs. by G. N. of 12-7-1999.

10 Subs. by G. N. of 4-8-2001.

11 Sub. by 8-11-2011.

PART III

TAPPING OF TODDY TREES

9. *Trees not be tapped unless duty is paid etc.*—A licensee shall not tap, prepare for tapping, or draw toddy from any toddy producing tree, unless—

(1) he has paid to the State Government, the duty in respect thereof at the rates directed by the State Government from time to time ;

(2) he has obtained a permit as provided in rule 17; and

(3) the trees are duly marked and numbered in the manner approved by the Commissioner.

¹[10. *Tapping of trees.*—(1) Trees shall be tapped only by professional men experienced in tapping.

(2) No date or wild palm (commonly known as “Khajuri” or “Shendi” tree) shall be tapped for more than four months in a year and no such trees shall be tapped for three consecutive years after the expiry of the year in which it is tapped ;

Provided that, the Collector may allow any such tree to be tapped in every alternate year, if in his opinion, tapping is necessary for want of other trees.

(3) No tree shall be tapped daily during the currency of the tree tapping permit.

(4) In the case of a date tree, no initial incision shall be made at any point within two metres from the foot of the tree or forty-five centimetres from the top of any other incision.

(5) The depth and width of the incision made on a tree shall not be more than one-third of the diameters of the tree at the point of incision and the length of the incision shall not exceed twenty centimetres.

(6) The central spike-like cluster of any date or palm tree shall not be touched. In addition to the central spike-like cluster, not less than eight other leaves shall, except for reasons beyond the control of the licensee, be left, in on that face of the tree on which the incision is made above the top line of the incision.

(7) The licensee shall not cut or injure or permit to be cut or injured any Government tree in respect of which a tree tapping permit is granted to him or make any incision in that tree so as to cause its death.

(8) If as a result of any contravention of any of the foregoing sub-rules, a Government tree dies during the currency of the tree tapping permit or within a period of six months after the expiration of such permit, the licensee shall be liable to pay to Government, such sum not exceeding ten rupees in respect of each such tree as may be determined by the Collector after giving the licensee reasonable opportunity of being heard.]

11. *Commencement of period for drawing of toddy.*—The pots shall not be attached to the trees for the purpose of drawing toddy ² [more] than 24 hours before the actual commencement of the licence.

12. ³* * * * *

1 Subs. by G. N. of 17-6-1974.

2 Subs. by G. N. of 2-8-1969.

3 Deleted by G. N. of 17-6-1974.

13. *Inspection of pots for collecting toddy.*— The licensee or his authorised employees shall lower down the pot attached to any tree if any Prohibition Officer not below the rank of a Sub-Inspector orders so to do for the purpose of inspection.

14. *Mode of collection and transport of toddy etc.*— The licensee or his authorised employees shall, after the pots are lowered down from the trees, immediately collect the toddy in ¹[the casks or vessels of such kind and capacity as may be approved by the Collector,] at one place and transport it to the licensed shop, under cover of a transport pass in Form TD-3 issued by the licensee or any person duly authorized by him in this behalf. ²[Where the licensee has more than one licensed shop, he may notwithstanding anything contained in the rule 21, remove the toddy collected to a place for being bottled or stored in one container during the hours of sale laid down in rule 22 (such place being called a transit centre) and may transport it during those hours from such centre to each of his licensed shops according to its requirement under cover of a transport pass in Form TD-3A issued by the licensee or any person duly authorized by him in this behalf. The licensee shall not remove the toddy so stored or bottled to any place other than the licensed shops or the transit centre or sell toddy either in transit or elsewhere including such transit centre or give it to anybody under any pretext, except in his licensed shop.]

15. *Form of transport pass to be printed etc.*— The transport pass shall be got printed by the licensee, in duplicate having serial numbers. The passes shall be bound in books and got stamped with the official seal of the ³[Superintendent in whose jurisdiction the licensed shop is located.]

⁴[15A. *Permit for storing toddy at transit centre.*—(1) No licensee shall store toddy at any transit centre unless he obtains a permit in Form-A.

(2) Any licensee desiring to obtain a permit in Form-A may apply to the Collector for the permit. Every such application shall contain the following particulars, namely ;

- (i) Name of the applicant.
- (ii) Numbers and dates of licences obtained by the applicant.
- (iii) Place, that is, the transit centre, where the toddy is to be stored.
- (iv) Shops to which toddy will be supplied from the transit centre.

(3) On receipt of an application under sub-rule (2), the Collector shall make inquiries for verification of the particulars given in the application, the suitability of the location of the transit centre and such other inquiries as he deems necessary. If he is satisfied that there is no objection to grant the permit applied for, he may grant such permit in Form-A.] ⁵[on payment of the fee (inclusive of consideration) of Rs. 1000]

PART IV

GENERAL CONDITIONS APPLICABLE TO TODDY SHOPS

16. *Prohibition against drawal, possession, etc.of toddy.*—The licensee shall not draw, possess, or transport toddy required for sale at his licensed shop except from the trees which he has been authorized to tap on payment of duty in that behalf.

1 Ins. by G. N. of 2-8-1969.

2 Subs. by G. N. of 31-12-1970.

3 Subs. by G. N. of 2-8-1960.

4 Ins. by G. N. of 31-12-1970.

5 Added by G. N. of 16-3-1988.

17. *Permit for tapping.*— (1) The licensee shall make an application to the Superintendent in Form TD-4 for permission to tap toddy-producing trees and draw toddy therefrom for ¹[retail sale] at his licensed shop.

(2) On receipt of an application, the Superintendent, after verifying that the duty has been paid by the licensee on toddy trees secured by him, grant to the licensee a permit in Form TD-5.

18. *Account of toddy to be maintained.*—The licensee shall maintain at his licensed shop a register in Form TD-6 wherein he shall write before the closure of the licensed shop correct daily accounts of all quantities of toddy received, sold, lost, destroyed and held in balance by him at the licensed shop, ²[The licensee who stores and bottles toddy at a transit center shall maintain at that centre a register in Form TD-6A wherein he shall write before the closure for the day, correct daily accounts of all quantities of toddy received, disrputed, lost and destroyed by him at the centre.]

19. *Unsold Toddy.*—Unsold toddy at one licensed shop shall not be diverted or sold at any other licensed shop.

³[Provided that, unsold toddy may be sold to the holder of a licence in Form-I appended to the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, for distillation of spirit and such toddy is transported under cover of a pass in Form TD-3B.]

20. *Quantity of toddy to be sold.*—No licensee shall possess, sell or expose for sale any toddy at his licensed shop —

(a) which is more than ¹[24] hours old (time being calculated from the time, marked on the transport pass in Form TD-3) ;

(b) unless it is pure and unadulterated ;

(c) unless it is drawn and obtained according to the provisions of these Rules.

(d) which is mixed with chloral hydrate or any other substance, or in which ¹[any foreign substance is put, added or mixed,] thereby causing impurity or decrease or increase in is alcoholic strength ;

and toddy which a licensee cannot possess or sell or expose for sale as a aforesaid shall be destroyed.

21. *Mode of transport of toddy.*—⁴[Except as otherwise provided in rule 14, toddy drawn] for sale at one licensed shop shall not be transported along with the toddy drawn for sale at another shop in one and the same container. However, one conveyance may be used for transporting toddy to different shops.

22. *Hours of sale.*—¹[Subject to the provisions of rule 6, the licensee shall not sell toddy except between 7 a.m. and ⁵[10 p.m.]] :

Provided that the licensed shop may be kept open beyond the aforesaid hours of sale for such time as is necessary for its cleaning, receiving receptacles containing toddy, and completing accounts, but no sale of toddy shall be made during such period.

1 Subs. by G. N. of 2-8-1969.

2 Added by G. N. of 31-12-1970.

3 Added by G. N. of 22-1-1974.

4 Subs. by G. N. of 31-12-1970.

5 Subs. by G. N. of 1-3-1972.

23. *No unnecessary articles to be kept in licensed shop.* — The licensee shall not keep any other article in the licensed shop unless such article is necessary for the conduct of his business in connection with the sale of toddy therein.

24. *Employees.* — (1) Subject to the provisions of sub-rule (2), a licensee may employ such employees as he thinks necessary, and shall execute a Nokarnama in favour of every employee so employed in connection with his business of sale of toddy in Form TD-7, and shall enter the names of all such employees in the Register in Form TD-8.

(2) The licensee shall not employ any of the following persons as his servants to assist him in his business in any capacity whatsoever, namely :

- (i) persons below 21 years of age;
- (ii) persons suffering from any infectious or contagious disease;
- (iii) ¹ [persons] who are insane;
- (iv) persons who in the opinion of the Superintendent are notoriously bad characters;
- (v) persons whose Nokarnamas or licences have previously been cancelled;
- (vi) persons convicted of any criminal offence :

Provided that in the case of persons falling under clauses (v) and (vi), the disqualification may at any time be removed by a written order of the Collector.

25. *Toddy not to be sold to certain persons.* — The licensee shall not sell toddy to the following categories or persons :

- (i) lunatics,
- (ii) persons who are in an intoxicated state,
- (iii) persons known or suspected to be participating in any rioting or disturbance of peace,
- (iv) members of the Police and the Armed Forces of the Union, members of the Prohibition and Excise, State Transport and Railway Departments or drivers of buses, when on duty or in uniform or both, and
- (v) persons who are under 21 years of age.

² [25A. *Toddy to be sold for distillation.*—The licensee may sell toddy to the holder of a licence in Form 'I' appended to the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966 for distillation of spirit and that the transport of such toddy shall be under cover of a pass in form TD-3B].

26. *Stay at night in licensed shop of unauthorized persons prohibited.* —The licensee shall not allow any person except authorised servants holding a valid Nokarnama to stay at night in the licensed shop.

27. *Toddy sales to be cash only.* — All sales of toddy shall be made for cash only.

28. *Licensed shop to be open for inspection of officers.* —The licensed shop and the toddy therein shall at all times be open to inspection by the officers empowered under section 122 of the Act.

¹ Subs. by G. N. of 2-8-1969.

² Added by G. N. of 22-1-1974.

29. Books to be maintained in licensed shop – The licensee shall purchase at his cost the Accounts Register in Form TD-6 and Visit Book, and maintain them, correctly. ¹ [The] Visit Book and the Accounts Register shall be page-numbered and got sealed with the seal of the Superintendent, and properly kept in the licensed shop for inspection of officers to record their inspection remarks therein. The Visit Book and [Accounts Register] shall not be removed from the licensed shop at any time except under proper written authority and the licensee will be responsible for their safe custody.

30. Licensee to abide by Act, Rule, etc. - The licensee shall abide by the conditions of his licence and the provisions of the Act and the rules, regulations and orders made thereunder.

30A. 2 * * * * *

[**30B.** *Permit for tapping trees and transport of toddy to distillery* . – Notwithstanding anything contained in these rules or the conditions of the licence, any holder of licence in Form-I (being a licence for constructing and working a distillery for the manufacture of spirit under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966), may apply in Form TD-4 for permission to tap toddy-producing trees and obtain a permit in Form TD-5 for tapping such trees and drawing toddy therefrom and transport it to his licensed distillery premises for distillation of spirit; and thereupon, except as provided in this rules, all other provisions of these rules including the conditions of licence in Form TD-1 thereto shall apply *mutatis mutandis* to such licensee.]

31. Suspension or cancellation of licence. – The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 or the Act.

³**[31.A. Licensee not entitled to any compensation** – The licensee shall not be entitled to any compensation, -

- (i) if any of the trees in respect of which a tree tapping permit is granted to him is withdrawn in the public interest, or
- (ii) if his shop is re-auctioned for failure to pay any Government dues.]

32. Saving. – Nothing in these Rules shall apply to Neera, or affect the operation of any special rules. for the tapping of trees, for any purposes ¹[other] than for selling toddy by retail sale under these Rules.

1 Subs. by G. N. of 2-8-1969.

2 Deleted by g. N. of 24-12-1976.

3 Ins. by G. N. of 17-6-1974.

¹[FORM TD-1

(See rules 3 and 4)

Licence No.

Licence for the retail sale of toddy

Licence is hereby granted to Shri/Messrs
 (hereinafter called "the licensee") authorising
 him to sell toddy by retail at his shop situated at
 more particularly described in the
 Schedule hereto (hereinafter referred to as "the shop or licensed shop") for the
 period commencing on and
 ending on 31st August 19 .., under and subject to the provisions of the Bombay
 Prohibition Act, 1949 and the rules and orders made thereunder, and the following
 conditions, namely :

Conditions

1. The licensee shall always keep in a prominent place in the shop a clock or time-piece which shall be in good working order, and show the correct Standard Time.

2. The licensee shall, if so ordered by the Collector, provide the shop with sufficient water closet or privy and urinal facilities for the use of customers. All such water closet, privies and urinals shall be of the type approved by the Collector, and shall always be kept in a clean and sanitary conditions.

3. The licensee shall, if so directed by any officer empowered under section 122 of the said Act (hereinafter called the Inspecting Officer), get the shop white washed within two months from the commencement of the licence, and subsequently at such times as the Collector, or the Superintendent or any other officer deputed by him, may consider it necessary on sanitary ground. The licensee shall keep the shop clean to the satisfaction of the aforesaid officers.

4. The licensee shall keep constantly fixed up at the entrance of the shop a signboard of the size ²[of 60 centimeters by 90 centimeters], bearing the following inscriptions in legible characters :

- | | |
|-----------------------------|----|
| (1) Name of licensee | .. |
| (2) Licence No. | .. |
| (3) Location of the shop | .. |
| (4) ³ * * * * | .. |
| (5) Authorised opening hour | .. |
| (6) Authorised closing hour | .. |

5. The licence shall always be displayed, in the licensed shop at a conspicuous place.

6. The licensee shall keep and sell toddy unadulterated and undiluted as drawn from the trees without any admixture of any foreign substance or liquid whatsoever. He shall not keep or sell toddy which is more than ⁴[24] hours old after it was drawn from toddy producing trees. All the vessels which contain toddy shall be thoroughly washed and cleaned before they are used.

1 Ins. by G. N. of 2-8-1969.

2 Subs. by Corring. of 12-9-1969.

3 Deleted by G. N. of 2-8-1969.

4 Subs. by G. N. of 2-8-1969.

7. (i) The licensee shall carry on the business of the shop and draw toddy from toddy producing trees either personally or by agent/s or servant/s duly authorised by him in this behalf by a written Nokarnama in Form TD-7 signed by himself and countersigned by a Prohibition Officer not lower in rank than a Sub-inspector; provided that, any such Nokarnama signed by the licensee shall be valid until countersignature is refused. If for any reason the Superintendent orders the withdrawal of any Nokarnama issued by him, the licensee shall pay in advance into the Treasury a fee of rupee one. No Nokarnama shall be issued to any person under 21 years of age, and no such Nokarnama, if issued, shall be valid. The licensee shall be responsible for breach of any of the conditions of this licence or that of the rules committed by his agent person in his employ.

(ii) The licensee shall maintain at his licensed shop a Register in Form TD-8 of all his Agents or servants duly authorised by him.

(iii) The licensee shall instruct all his agents and servants to keep the Nokarnama with them, and that they are bound to observe the rules. Such Nokarnama shall be produced before an inspecting Officer whenever demanded by him.

8. The licensee shall not sell toddy except for consumption by a purchaser on the premises of the licensed shop. He shall not sell or serve toddy to any person outside that shop, nor shall he allow any person to remove any toddy from the licensed shop :

¹ [Provided that, the licensee may sell toddy for consumption by a purchaser at any place other than the licensed premises (such place not being a public place) in such quantities at a time as does not exceed the quantity of toddy which the State Government may direct that any person may possess and transport without any permit, pass, or authorisation.]

² [Provided that, unsold toddy may be sold to the holder of a licence in Form I appended to the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, for distillation of spirit and such toddy is transported under cover of a pass in Form TD-3B.]

9. No disorderly person shall be harboured, and no drunkenness, or gambling shall be allowed in the licensed shop. No person below 21 years of age, and no insane or intoxicated person shall be permitted to enter upon or remain in the shop.

10. The licensee shall give immediate information to the nearest Police Officer of any person suspected to be a bad character who may come to the shop, and of every irregularity committed threatening to disturb the public peace.

11. The licensee shall close the shop -

(a) on such days or times as may be specially ordered by the Collector;

¹ [(a-1) on 2nd October every year and on such other days as may be specified by the State Government under rules 5A] ;

(b) of his own accord during any riot or disturbance in the neighbourhood of the shop.

No Compensation shall be claimed by the licensee on account of the closure of the shop on such occasions.

1 Ins. by G. N. of 2-8-1969.

2 Added by G. N. of 22-1-1974.

1 Ins. by G. N. of 2-8-1969.
2 Subs. by G. N. of 8-7-1971.

FORM TD-2

(See rule 4)

I/We of
..... in consideration of the Collector of
..... granting to me/us a licence under the Maharashtra
Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, for the retail sale
of Toddy at in the taluka of
..... in the district of for the period
commencing on the day of 19 , and
ending on the day of 19 , do hereby
agree with the Governor of Maharashtra that I/we shall observe all the provisions of the
Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and
the conditions written and expressed in the said licence.

Place

Date this day of 19

(Signature of the licensee)

Signed in the presence of –

(1)

(2)

(Signatures of witnesses).

Before me

Superintendent/District Inspector
of Prohibition and Excise.

Dated

FORM TD-3

(See rule 14)

Pass for the transport of toddy from buns or topes to the
licenced shop

Date

Time

1. Name of the licensee
2. Name of the transporter
3. Name and situation of the tapping area
from where toddy is to be transported.
4. Name, number and address of the shop
to which the toddy is to be transported.
5. Number of vessels in which toddy is to
be transported.
6. Time when the toddy was drawn
7. Capacity of each vessel
8. Total quantity of toddy to be transported
(in liters.)
9. Conveyance by which the toddy is to be
transported. Registration No. of the
vehicle if transported by a truck or lorry.
10. Route

This pass is granted under and subject to the provisions of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, and it shall be Valid for 12 hours from the hour of issue.

2. The whole quantity of toddy mentioned at item 8 above shall be transported in one consignment only, and its bulk shall not be broken in transit.

Seal of the
licensee

Signature of the licensee or his
authorised agent.

Note :- Original (to be kept with consignment). Duplicate to be kept on record.

¹[FORM TD-3A]

(See rule 14)

Pass for the transport of toddy from the center to the licensed shop

Date

Time

1. Name of the licensee
2. Name of the transporter
3. Name and situation of the transit Centre
from where toddy is to be transported.
4. Name, number and address of the shop
to which the toddy is to be transported.
5. Number of vessels or bottles in which toddy is
to be transported.
6. Time when the toddy was drawn
7. Capacity of each vessel or bottle
8. Total quantity of toddy to be transported
(in liters.)
9. Conveyance by which the toddy is to be
transported. Registration No. of the
vehicle if transported by a truck or lorry.
10. Route

This pass is granted under and subject to the provisions of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, and it shall be valid for 12 hours from the hours of issue.

Seal of the
licensee

Signature of the licensee or his authorised agent.

Note :- Original (to be kept with the consignment). Duplicate to be kept on record.

¹ Ins. by G. N. of 31-12-1970.

[FORM TD-3B]

(See rules 19 and 25A)

Pass for the Transport of Toddy from the Licensed Shop to the Distillery

Date 19

Time

1. Name of the licensee
2. Name of the transporter
3. Name, number and address of the
Distillery to which the toddy is to be
transported.
4. Number of vessels in which toddy is
to be transported.
5. Capacity of each vessel
6. Total quantity of toddy to be
transported (in liters.)
7. Conveyance by which toddy is to be
transported. Registration No. of the
vehicle if transported by a truck or lorry.
8. Route

This pass is granted under and subject to the provisions of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, and it shall be Valid for 24 hours from the hour of issue consignment only, and its bulk shall not be broken in transit.

2. The whole quantity of toddy mentioned at item 6 above shall be transported in one consignment only, and its bulk shall not be broken in transit.

Seal of the
licensee

Signature of the licensee or his
authorised agent.

*Note :—*Original (to be kept with consignment). Duplicate to be kept on record.]

1 Ins. by G. N. of 22-1-1974.

¹[FORMA]

(See rules 15A)

Permit for the possession of toddy at a transit centre by a persons who has/have more than one licensed shop under the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) rules, 1968

Permit is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to of (hereinafter referred to as the “ permit-holders ”) (authorising him to possess toddy at his ²[On payment of a fee inclusive of consideration of Rs. 1000] premises situated at (hereinafter referred to as “ the transit centre ”) during the period from to (both days inclusive), subject to the following conditions, namely :

Conditions

1. The permit-holder shall not possess, under this permit, any articles other than toddy and the containers or bottles required to store it.
2. The permit-holder shall keep constantly fixed at the entrance of the transit centre a signboard of the size and pattern approved by the Collector, bearing the following inscriptions in legible characters :
 - (1) Name of the permit-holder.
 - (2) Names and locations of his licensed shops.
 - (3) Location of the transit centre.
3. This permit shall always be displayed in the transit centre at a conspicuous place.
4. The permit-holder shall carry out his transactions at the transit centre from 7 a. m. to ³[10 p. m.] and shall not receive toddy at that centre before 7 a. m. or store it there beyond ³[10 p. m.]
5. The permit-holder shall transport toddy collected at the transit centre to his respective licensed shops either in containers or bottles under cover of a transport pass in Form T. D. 3A issued by him or by person authorised in writing by him in that behalf.
6. The permit-holder shall maintain, daily accounts of the toddy received at the transit centre and distributed in Form TD-6A.
7. The transit centre and the toddy stored there at shall at all times be open to inspection by officers duly empowered under section 122 of the Bombay Prohibition Act, 1949.
8. The permit-holder shall, when, called upon by any Prohibition Officer not below the rank of a Sub-Inspector, give an explanation in writing regarding any breach of the rules or any irregularity detected and committed by him or his agents or servants, and furnish any information regarding the management of the transit centre, and shall answer all resonable questions to the best of his knowledge and belief. He shall also on demand allow a Prohibition Officer to take samples of toddy for analysis free of charge.

1 Ins. by G. N. of 31-12-1970.

2 Subs. G. N. of 1-3-1972.

3 Ins. by G. N. of 16-3-1988.

9. This permit is non-transferable.

10. The permit-holder shall comply with all lawful orders issued to him by the Collector or the Superintendent or District Inspector of Prohibition and Excise of his District.

11. The permit-holder shall *abide* by the conditions of this permit and the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

12. This permit is liable to be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

13. In case the permit suspended or cancelled, the stock of toddy in the possession of the permit-holder on the date of suspension or cancellation shall be forthwith destroyed by the permit-holder.

Granted this day of20 ..

Seal of the
Collector

Collector of]

[FORM TD-4]

[See rule 17(I)]

Application for permission to tap toddy-producing trees

To

The Superintendent/District Inspector of Prohibition and Excise,

.....

Sir,

I, give below the following particulars with a request to permit me to tap toddy trees for my shop for the year 19 -19 . I have already obtained permission of the owners of the trees for tapping them, copy enclosed :

1. Name of the licensee
2. Shop No.
3. Names of the owner of the trees ..
4. Numbers of trees required for tapping under the application, particulars of which are given below :

Kind and number of trees to be tapped	Survey No.	Block No.	Village Taluka and District
(1)	(2)	(3)	(4) ———

.....
The duty on trees mentioned above, amounting to Rs.
has been credited under Challan No., dated
..... which is enclosed.

Yours faithfully.

Signature of the licensee.

Date :

FORM TD-5

[See rule 17(2)]

Tree Tapping Permit

Permission is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder, to Shri/Sarvashree of holder of licence No. for the sale of toddy at authorising him/them to tap and draw toddy from the toddy-producing trees mentioned below :

1. Kind and number of trees to be tapped. ..
2. Survey No. ..
3. Block No. ..
4. Village ..
5. Taluka ..
6. District ..
7. Name of the Owners ..
8. Amount of duty paid for each kind of trees ..
9. Challan No. and Date ..

Date :

Seal

Signature of the Superintendent/District
Inspector or Prohibition and Excise.

FORM T.D.—6

(See rule 18)

Form of register of receipt and sale of toddy to be maintained at the licensed shop

Name of the licensee :

Date	Quantity of toddy received					Quantity of toddy sold during the day	Wastage	Quantity of Toddy destroyed	Closing balance	Signature of the licensee or his authorised agent
	Opening balance	Litres	Transport Pass No. and Date	Time of receipt	Quantity of columns (2) and (3)					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Litres			Hrs. Mts.	Litres	Litres			Litres	

¹[FORM T. D.—6 A]
(See rule 18)

Form of register of receipt and transport of toddy to be maintained at the transit centre

Name of the licensee :

Quantity of toddy received									
Date	No. of toddy shops for which toddy is meant	Litres	No. of Cases	Transport Pass No. and Date	Time of transport	Time of receipt	Quantity of toddy Supplied to the shop in vessels or bottles	Time of supply	Signature of the licensee or his authorised agent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Hrs. Mts. Hrs. Mts. (In Liters)

¹Ins. by G.N. of 31-12-1970.

FORM TD-7

[See rule 24(1)]

Form of Nokarnama

Name of the licensee

Licence No.

Location of the shop

1. Subject to the provisions of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) rules, 1968,

I/We,

Name : licensee of the abovenamed shop,
 Age : hereby authorise the servant
 Residential address : named and for the period mentioned in the
 margin to officiate for me/us in respect
 Appointed from the 20 of the following functions that
 to the 20 is to say :—

(a) ¹[to officiate for me]/us at my/our retail sale toddy shop at or mentioned in my/our tapping permit ; or

(b) to tap toddy-producing trees in the tapping area at mentioned in my/our tapping permit ; or

(c) to issue transport passes for transport of toddy from the tapping area at to my/our licensed shop at ; or

(d) to transport toddy from to

2. The said person is competent in my/our absence to conduce my/our above mentioned duties in accordance with the provisions of the said rules. He is of good character ; and as far as I/we know, he has not been convicted of any offence under the Bombay Prohibition Act, 1949, nor has he been convicted by a criminal court or black-listed in respect of excise licences, rendering him unfit for appointment as a *Nokar*.

3. I/We have explained to him personally all the conditions of my/our licence ; and I/We hold myself ourselves responsible personally for any offences he may commit in the conduct of the business under my/our licence.

4. This authority shall become invalid on the suspension, cancellation or expiry of my/our licence or if a competent officer refuses countersignature thereon. This *nokarnama* will also become invalid, if the Superintendent/District Inspector of Prohibition and Excise concerned issues order to that effect. This *nokarnama* shall be kept with the employees.

Dated 20 .

Signature of the licensee.

1 Subs. by G. N. of 2-8-1969.

The sum of Rs. 1 only as the fee prescribed for the issue of this *nokarnama* has been paid, *vide* Challan No., dated

Dated 20 .

Signature of the licensee.

1. The appointment of the abovenamed Nokar is approved.
2. The *nokarnama* shall be in operation till the 20 but it is liable to cancellation for any breach, on the part of the nominee, of the Bombay Prohibition Act, 1949 or for any other offence rendering him unfit to hold the appointment hereby made.

Dated 20 .

Signature and Designation of
Prohibition and Excise Officer.

FORM T. D.—8

[See rule 24(1)]

Form of register of Nokar/Agents to be maintained by the Licensee

Serial No.	Name, Address and Age of the Nokar/Agent in whose name the NOKARNAMA is issued	Date of issue of NOKARNAMA	Challan No. and Date of payment of fee	Place at and purpose for which the Nokar/Agent is appointed	Remark, (if any)
(1)	(2)	(3)	(4)	(5)	(6)

¹[SCHEDULE]

[See rules 1(2) and 2 (j)]

Tribal Areas

District (1)	Tribal Areas (2)
Chandrapur	<p>.. (a) Scheduled areas of Sironcha Tahsil (excluding the following areas) :— Alapalli. Aheri. Sironcha, Umanur. Kannepalli. Kamalapur. Gundapuri. Charpalli. Chanchgundi. Chalewala. Jarwadi. Jimalgatta. Tumargadda kh. Diddvi. Nagopalli M. Pusakpalli. Bramhanpalli. Birihandghat. Marpalli. Mahagaon Bk. Primali. Modumadga. Modumtura. Yedampalli. Etapalli. Yechali. Yelaram. Wenkatapur S. Wenkatrao Petta. Sudamagudam. Sewari S. Welgur.</p> <p>(b) Scheduled areas of Gadchiroli Tahsil (excluding the following areas) :— Andhali (near Gurnuli). Antargaon. Belgaon (near Piparzora). Bethkathi (near Zepragar). Gewardha. Gilgaon. Gothangaon. Botekasa. Chincholi. Chikhali.</p>

¹ Added by G. N. of 3-2-1981.

SCHEDULE—*Contd.*

(1)	(2)
Chandrapur— <i>Contd.</i>	<p>..</p> <p>Chetekanhar Dewoolgaon (near Gunjanwadi). Dhanora. Dhanegaon. Dhanori. Dongargaon (near Sonsor) Dudhamala. Jalher. Jambhurkheda Jambhali (near Ranmul). Jogana. Joshitola. Kaneri. Karwapa. Kanargaon (Kakadyeli). Kharri Khedegaon. Khedegaon (near Katantola). Kharadi Kochinara. Koregaon, Kumbhitola Kurkheda. Malewada. Mareda. Mendhatola, Michgaon (near Kachkal). Mohagaon (near Pulakhal) Mohali. Murmuri. Navargaon (near Yeraadi) Navegaon (Pathargota). Plasgaon (near Kharanji). Pandhribhatal. Pekinmurza. Pendhari. P. Pipalgaon Gisewaddha. Poteagaon. Pulkhal. Rajoli. Rajoli (near Rotegaon). Rampur. Rangi. Sindewahi. Talegaon Tekabedal. Thakri.</p>

SCHEDULE—*contd.*

(1)	(2)
Chandrapur—Contd.	Umari Yengalkheda Yerkadi
Amravati	.. Melghat Tah. (Excluding the following areas) :— Dharni and Chikhaldia Hill Station Municipal Council Salona Masondi Ghatang Shapur Lawada Bairc Churni (F.V.) Aladoh Motha Chikhali Belkund Churni Palaspani Gangarkheda Jelida Jira Kakadhari Pipadari Kulgana Bk Wastapur Chinchkheda Kalamkhar Dharni Kusumkot Bk. Ghutiya Dhodra Tatra Dadara Ranugaon Golai Mikkheda Shivazari Dudhane Bairgad Kotha Harisai Kot Chithari
Thane	.. (a) Mokhada Tahsil (b) Talasari Tahsil (excluding the area Borigaon Terf Deheri). (c) Jawahar Tahsil (excluding the following areas) :— Jawahar Municipal Council

SCHEDULE—*contd.*

(1)	(2)
Nashik	Shil Apti Khurd Shelpada .. Surgana Tahsil (excluding Surgana). Peint Tahsil (excluding the area within the limits of the village Panchayat of Peint)
Dhule	.. (a) Navapur Tahsil (excluding the following areas):— Taloda Municipal Council Halalpur Chinode Ranzani Pratapur Talde Mohide Gondale Astetarfe Borad. Mod Morwad Kharwad Khedle (c) Akkalkuwa Tahsil (excluding the following areas): — Akkalkuwa Pimpalkhuta Barisurgas Khodasbara Katsakhai Kolvi Khapur Akkalkuwa Khd. Vanyavahir Khd. (d) Akrani Tahsil (Excluding the following areas) : — Goradi Borsisa Kumbhari Shikka Ningavhan Kukalat

Explanation. — In this schedule, the expression “Scheduled area” means the area declared to be a scheduled area by the President under the Scheduled Areas (Part A States) Order, 1950, made under sub-paragraph (1) of paragraph 6 of the Fifth Schedule to the Constitution of India.]

