
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.).
27. Amended by G. N., H. D., No. BPA. 0813/CR-141/EXC-2, dated 25th February, 2015 (M. G., Pt. IV-B, p.15-16).
28. Amended by G. N., H. D., No. BPA. 1117/CR-249/EXC-2, dated 8th April, 2022 (M. G., Pt. IV-B, p.19-20).

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 Bombay ;

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 ⁹[or any Statue of National Personality] or

(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

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 Ins. by G. N. of 25-2-2015.

@ The short title of this Act has been amended as “The Maharashtra Prohibition Act” by Mah. 24 of 2012, s-2, Sch. entry 37, w.e.f. 1-5-1960.

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. G. N. of 4-6-2001.

- (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 ⁴[and the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) (Amendment) Rules, 2015.]

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 worship 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.]

⁴[(c) The mid-point of the nearest gate of the Statue, if there is a compound wall, and if there is no compound wall, the nearest point of foundation of such a Statue.]

⁴[(iv) “Statue of National Personality” means any Statue of the National Personality recognized by Government and specified in the Schedule-I appended to these rules.]

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 ⁵[or any Statue of the National Personality specified in the Schedule-I] 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.]

⁶[(4) No license under this rule shall be granted or renewed in respect of any shop which shall bear a name of the national personalities or any subsequent change in the name of national personalities and shall not bear the name of any of the Forts declared by the Central Government as protected monuments under the Ancient Monuments Preservation Act, 1904 (7 of 1904) and by the State Government as protected monuments under the Maharashtra Ancient Monuments and Archaeological Sites and Remains Act, 1960 (Mah. XII of 1961), as specified in the Schedule II appended to these rules.]

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.

4 Added by G. N. of 25-2-2015.

5 Inserted by G. N. of 25-2-2015.

6 Added by G. N. of 8-4-2022.

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 :

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, notwithstanding 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[forty 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 ³[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, distributed, 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 its 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 to 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 character;
- (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 in 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 Sched-
 ule hereto (hereinafter referred to as "the shop or licensed shop") for the period
 commencing on and ending on
 31st August 20 .., 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 tending 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.

12. The shop and the stock of toddy therein shall at all times be open to inspection by officers duly empowered under section 122 of the Bombay Prohibition Act, 1949.

13. The licensee shall, when called upon by any Prohibition Officer not below the rank of 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 shop, and shall answer all reasonable 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.

14. The licensee shall use for the storage of toddy in the shop, casks or vessels of such kind and capacity as may be approved by the Superintendent. The storage capacity of each such cask or vessel shall be painted thereon. ¹[He shall also maintain at the shop a gauge –rod for each receptacle used for storing toddy.]

15. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder.

16. The Collector may permit the legal heirs of the licensee in case of his death, to have the benefit of the licence for the unexpired portion of the term for which it was granted, and amend the licence accordingly. However, in case of refusal of the legal heirs to conduct the licence, the shop shall be re-auctioned, in accordance with the provisions of the Maharashtra Toddy Shops ² [(Grant of Licences by Auction-Cum-Tender)] Order, 1968.

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

Granted this day of 20 ..

Seal of the
Collector

Collector,
.....District.

Schedule

1. Description of site, such as House No.
and the locality.
2. Boundaries of the shop .. North East
South West

Seal of the
Collector.

Collector,
.....District.]

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 20 , and
 ending on the day of 20 , 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 20

(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.

[FORMTD-3B]

(See rules 19 and 25A)

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

Date 20

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 person/s 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 reasonable 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(1)]

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 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)				Quantity of toddy sold during the day	Wastage
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Litres		Hrs. Mts.		Litres	Litres			Litres	

¹ [FORM T.D.—6A]

(See rule 18)

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

Name of the licensee :

Date	No. of toddy shops for which toddy is meant	Litres	Quantity of toddy received							Signature of the licensee or his authorised agent
			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	(10)	
(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 Re. 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)

[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. Pirimali. 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—Contd.	.. 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). Piasgaon (near Kharanji). Pandhribhatal. Pekinmurza. Pendhari. P. Pipalgaon Gisewaddha. Potegaon. Pulkhal. Rajoli. Rajoli (near Rotegaon). Rampur. Rangi. Sindewahi. Talegaon Tekabedal. Thakri.

SCHEDULE—*contd.*

(1)	(2)
Chandrapur—Contd.	Umari Yengalkheda Yerkadi
Amravati ..	Melghat Tah. (Excluding the following areas) :— Dharni and Chikhaldara 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)
	Shil
	Apti Khurd
	Shelpada
Nashik	.. 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 Pratapapur Talde Mohide Gondale Astetarfe Borad. Mod Morwad Kharwad Khedle
	(b) Akkalkuwa Tahsil (excluding the following areas): — Akkalkuwa Pimpalkhuta Barisurgas Khodasbara Katsakhai Kolvi Khapur Akkalkuwa Khd. Vanyavahir Khd.
	(c) Akrani Tahsil (Excluding the following areas): — Goradi Borsisa Kumbhari Shikka Nimgavhan 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.]

¹[Schedule-I]

(See rule 4)

National Personality

1. Mahatma Phule, 2. Lokamanya Tilak, 3. Mahatma Gandhi, 4. Pandit Jawaharlal Nehru, 5. Dr. Babasaheb Ambedkar, 6. Acharya Vinoba Bhave, 7. Sant Tukadoji Maharaj, 8. Swatantraveer Savarkar, 9. Swami Ramanand Teerth, 10. Indira Gandhi, 11. Chhatrapati Shivaji Maharaj, 12. Netaji Subhashchandra Bose.

²[Schedule-II]

(See rule 4(4))

List of National Personalities and Name of Forts**(A) List of National Personalities**

(1) Chhatrapati Shivaji Maharaj, (2) Jijau Maa Saheb (3) Maharana Pratapsingh, (4) Ahilyadevi Holkar (5) Mahatma Jyotiba Phule, (6) Dr. Babasaheb Ambedkar, (7) Mahatma Gandhi, (8) Rajarshi Shahu Maharaj, (9) Savitribai Phule, (10) Swami Vivekanand, (11) Maharshi Valmiki, (12) Mahatma Basaveshvara, (13) Sant Sevalal Maharaj, (14) Sant Santaji Jagnade Maharaj, (15) Sant Ravidas Maharaj, (16) Rashtrasant Tukadoji Maharaj, (17) Sant Gadgebaba Maharaj, (18) Raje Umaji Naik, (19) Birsa Munda, (20) Lokamanya Bal Gangadhar Tilak, (21) Netaji Subhashchandra Bose, (22) Shahid Bhagatsingh, (23) Shahid Rajguru, (24) Shahid Sukhdev, (25) Swatantraveer Savarkar, (26) Krantisingh Nana Patil, (27) Pandit Jawaharlal Nehru, (28) Vallabhbhai Patel, (29) Balshastri Jambhekar, (30) Lal Bahadur Shastri, (31) Yashwantrao Chavan, (32) Pandit Deen Dayal Upadhyaya, (33) Sahityaratna Annabhau Sathe, (34) Keshav Sitaram Thackeray alias Prabodhankar Thackeray, (35) Vinoba Bhave, (36) Swami Ramanand Teerth, (37) Dr. A.P.J. Abdul Kalam. (38) Indira Gandhi, (39) Balasaheb Thackeray, (40) Vasantdada Patil, (41) Vasantrao Naik, (42) Dr. Bhausaheb alias Panjabrao Deshmukh, (43) Dr. Rajendra Prasad, (44) Dadabhai Naoroji, (45) Dr. S. Radhakrishnan, (46) Dr. Zakir Husain, (47) Fakhruddin Ali Ahmed, (48) V. V. Giri, (49) Rajiv Gandhi, (50) K. R. Narayanan, (51) Atal Bihari Vajpayee, (52) Dr. Manmohan Singh, (53) Pratibha Patil, (54) Pranab Mukherjee, (55) Name of existing President, (56) Name of existing Prime Minister.

(B) Name of Forts

(1) Daulatabad Fort, (2) Asadgad Fort, (3) Balapur Fort, (4) Narnala Fort, (5) Gavilgad Fort, (6) Achalpur Fort, (7) Pavani Fort, (8) Ballarpur Fort, (9) Bhandak Fort, (10) Chandrapur Fort, (11) Khatoda Fort, (12) Panhala Fort, (13) Tipagad Fort, (14) Vairagad Fort, (15) Pratapgad Fort, (16) Sion Fort, (17) Bhivargad Fort, (18) Dongartal Fort, (19) Shivneri Fort, (20) Lohagad Fort, (21) Rajmachi Fort, (22) Visapur Fort, (23) Hirkot Fort, (24) Colaba Fort, (25) Virwadi Fort, (26) Rajkot Fort, (27) Chandragad Fort, (28) Surgad Fort, (29) Ghosalgad Fort, (30) Kadasari Fort, (31) Polai Fort, (32) Avachitgad Fort, (33) Kasa Fort, (34) Janjira Fort, (35) Raigad Fort, (36) Tal Fort, (37) Songad Fort, (38) Suvarnadurga Fort, (39) Jaigad Fort, (40) Sindhudurga Fort, (41) Vijaydurga Fort, (42) Aurangzeb Fort, (43) Solapur Fort, (44) Mahuli Fort, (45) Vasai Fort, (46) Arnala Fort, (47) Pavnar Fort, (48) Malegaon Fort, (49) Galna Fort, (50) Ankai-Tankai Fort, (51) Mulher Fort, (52) Salher Fort, (53) Hatgad Fort, (54) Parola Fort, (55) Nagardhan Fort, (56) Umred Fort, (57) Manikgad, (58) Baitulwadi Fort, (59) Taltam Fort, (60) Antur Fort, (61) Naldurga Fort, (62) Paranda Fort, (63) Dharur Fort, (64) Dharmapuri Fort, (65) Torna Fort, (66) Rajgad Fort, (67) Sinhgad Fort, (68) Koyarigad Fort, (69) Sangramdurg Fort, (70) Vishalgad, (71) Rangana, (72) Bhudargad, (73) Nandgiri Fort, (74) Kandhar Fort, (75) Mahur Fort, (76) Pathari, (77) Amargad, (78) Padalela Fort, (79) Vadgaon Fort, (80) AUSA, (81) Udgir, (82) Rasalgad, (83) Purnagad, (84) Bankot Fort, (85) Yashwantgad, (86) Gopalgad Fort, (87) Goa Fort, (88) Mahimatgad Fort, (89) Mangad Fort, (90) Karnala Fort, (91) Underi Fort, (92) Khanderi Fort, (93) Bharatgad Fort, (94) Dutch Wakhar, (95) Shirgaon Fort, (96) Sewree Fort, (97) Dharavi Fort, (98) Bandra Fort, (99) Mahim Fort, (100) St. George Fort, (101) Worli, (102) Kharda Fort, (103) Laling Fort, (104) Ambagad, (105) Ghodbandar Fort.

1. Added by G. N. of 25-2-2015.

2. Added by G. N. of 8-4-2022.

{30} **THE MAHARASHTRA TODDY SHOPS (GRANT OF LICENCES BY AUCTION-CUM-TENDER) ORDER, 2001**

1. G. O., H. D., No. TOD. 1068/C/1126(a)/III, dated 19th September 1968 (M. G., Pt. IV-B, p. 1388).
2. Amended by G. O., II. D., No. TOD, 1069/35191-III, dated 4th July 1969 (M. G. Pt. IV-B. P. 942).
3. Amended by Corrig., II. D., No. TOD, 1068-C-1126-(a)-III, dated 31st July 1969 (M. G., Pt. IV-B. P. 1079).
4. Amended by G. O., II. D., No. TOD, 1070/32854-III, dated 10th July 1970 (M. G., Pt. IV-B. P. 947).
5. Amended by G. O., II. D., No. TOD, 11870/62135-III-(a) dated 8th July 1971 (M. G., Pt. IV-B. P. 1077).
6. Amended by G. O., II. D., No. TOD, 11870/62135-III, dated 18th September 1974 (M. G. Pt. IV-B. P. 1121).
7. Amended by G. O., II. D., No. TOD, 0274/4-III, dated 23rd June 1975 (M. G., Pt. IV-B. P. 601).
8. Amended by G. O., II. D., No. TOD, 0175-XXIX-PR, dated 2nd August 1976 (M. G., Pt. IV-B. P. 933).
9. Amended by G. O., II. D., No. TOD, 0881/99-PRO-3, dated 12th July 1982 (M. G. Pt. IV-B. P. 714).
10. Superseded by GOHD No. TOD., 1101/CR 5/EXC-3, dated 4th June 2001.
11. Amended by G. N. H. D. TOD., 1108/CR-I/EXC-3, dated 9th August 2010.

In exercise of the powers conferred by clauses (k), (l), (m) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf and in supersession of the Maharashtra Toddy Shops (Grant of Licences by Auction or Tender) Order, 1968 and instruments thereunder the Government of Maharashtra is pleased to make the following Order namely :—

1. **Short title.**—This Order may be called the Maharashtra Toddy Shops (Grant of licences by Auction-cum-Tender) Order, 2001.
2. **Definitions.**—In this Order, unless the context requires otherwise.—
 - (a) “ Act ” means the @Bombay Prohibition Act, 1949 ;
 - (b) “ auction ” means the manner of inviting tenders as well as bids in public auction for grant of licence for sale of Toddy ;
 - (c) “ Auction authority ” means the Collector or District Superintendent of the State Excise of the District authorised by the collector to conduct auctions and to call for tenders ;
 - (d) “ Auction Purchaser ” means the person whose bid or tender is accepted by the Auction Authority ;
 - (e) “ bid ” means an offer of bid money by bidder in an auction and includes a tender ;
 - (f) “ bidder ” means one who bids in an auction or makes an offer in tender ;
 - (g) “ bid-money ” means the consideration for the grant of licence under rule 4 of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968 payable by the purchaser comprising the licence fee ;
 - (h) “ Commissioner ” means Commissioner as defined under the Bombay Prohibition Act, 1949 ;
 - (i) “ hall ” means a place where auction shall be held ;
 - (j) “ highest bidder ” means the person who offers the highest bid-money by bid or tender ;
 - (k) “ licence ” means a licence granted in Form TD-1 under the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968 ;
 - (l) “ licensee ” means a person who has been granted a licence under the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968 ;
 - (m) “ Licensing Authority ” means the Collector ;

@ The short title of this Act has been amended as “ The Maharashtra Prohibition Act ” by Mah. 24 of 2012, s-2, Sch. entry 37, w.e.f. 1-5-1960.

- (n) “ licence fee ” means bid-money payable for grant of licence ;
- (o) “ Society ” means a Co-operative society of tappers registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960 ;
- (p) “ Superintendent ” means the Superintendent of State Excise ;
- (q) “ toddy ” means fermented juice drawn from a concourt, brab, date or any kind of palm tree, containing not more then five per cent alcohol by volume, but does not include sweet toddy, nira or neera ;
- (r) “ toddy year ” means the year commencing from 1st September and ending on 31st August of the next calendar year.

3. Procedure for Grant of Licence.—

(1) The licence for shops shall be granted by Auction-cum-Tender system on payment of bid money, by the collector as specified hereinafter.

¹[(2) The licence shall be granted for a toddy year and it may be renewed every year, maximum upto four years.

(2A) The fees for renewal of licence for the toddy year 2010-2011 shall be equivalent to the fees of licence for the previous toddy year 2009-2010 and the fees of renewal of licence for any subsequent year shall be increased upto six percent of the fees of licence for the previous year as notified by the Government.

(2B) The renewal of licence shall be done before the 1st September of every year ”.]

(3) The licence shall be granted in Form TD-1 as prescribed under rule 4 of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rule, 1968.

4. Auction-cum-Tender Notice.—

(1) Subject to any directions issued by the State Government or Commissioner in that behalf, the Collector shall issue public notice stating that auctions will be held for grant of licences, in the manner stated in the notice.

(2) The notice shall specify the localities in which toddy shops may be situated, the number of shops which may be licensed in each such locality, the shops which may be grouped together for auctioning Licensed and the date, time and place at which tenders shall be received and auctions in respect of each such shop or a group of shops may be held. The notice shall also state that auctions shall be held in accordance with the provisions of this order and shall be binding on the persons bidding at such auctions.

(3) Such notice shall be issued not less than fifteen days before the date of the auction, and shall be given wide publicity in such suitable manner as the Collector may deem fit. A copy of such notice shall be kept in the office of the Collector and the Superintendent and shall also be made available to any person on request during office hours on working days.

(4) The Auction Authority shall proceed with auction on the appointed date or dates. In case if general postponement is necessary for any reason the Licensing Authority shall report it immediately to the Commissioner with a brief statement of reasons for the postponement.

Any unsettled shops at such auction shall be settled at a subsequent auction.

(5) The settlement of licences not settled on the previous date of auction and on opening of the tenders, shall be made within ten days of the date of postponement.

1. Subs. by G. N. of 9-8-2010.

As far as possible the Auction Authority shall declare the date of re-auction at the closure of undecided auction and shall also notify about the re-auction programme in a local daily newspaper.

5. *Opening of additional shop(s) in certain cases.*—If a licensee, having paid full amount of the bid in respect of his licenced shop, in a locality for any reason, closes down his licensed toddy shops or does not carry on his licensed shop to the satisfaction of the Collector in any locality, the Collector may sanction additional toddy shop or shops in the locality and auction such shop or shops during the Toddy year.

6. *Solvency Certificate required before bidding.*—No person shall be permitted to bid at an auction unless he produces before the Auction Authority a solvency certificate, in the case of a society from any officer appointed under section 3 of the Maharashtra Co-operative Societies Act, 1960, and in any other case, from a revenue officer duly authorised by the State Government from time to time in this behalf or he produces such other documents regarding his financial capacity to the satisfaction of the Auction Authority.

7. *Powers of Auction Authority to refuse or to accept bids from certain persons.*—

No person shall be allowed to bid at any auction.—

(a) If he holds a licence in Form C. L. III under rule 24 of the Maharashtra Country Liquor Rules, 1973 ;

(b) If he is a defaulter of the excise revenue :

Provided that, if name of tenderer or auctioneer finds place in the list of defaulters circulated by the licensing Authority, or Commissioner having arrears of excise revenue he may bid at the auction if he makes payment of the entire arrears due against him along with penal interest at the rate prescribed under section 114 of the Act before the auction and also furnishes a stamped undertaking for depositing dues of Excise arrears, if any, as per calculations in the District, within two weeks after the conclusion of the auction, or the commencement of the licence for running the shop, whichever is earlier ;

(c) The Auction Authority may refuse to accept a bid from any person at an auction or disallow any person from bidding at the auction or refuse to accept a tender submitted by any person, if such person has been convicted of any offence under the Act, or of any cognizable and non-bailable offence, or of any offence under the Narcotics Drugs and Psychotropic Substances Act, 1985, or under the Drugs and Cosmetics Act, 1940 or the Bombay Drugs (Control) Act, 1959 or the Trade and Merchandise Marks Act, 1958 or of any offence punishable under section 482 to 489 (both inclusive) of the Indian Penal Code, or of any offence punishable under Chapter XIV of the Customs Act, 1962.

8. *Duly Authorised persons to bid on behalf of others.*—No person shall be allowed to bid on behalf of a person unless he holds a duly executed power of attorney from the another person, and in case of a society, unless he holds an authorisation from the Managing Committee of the society.

9. *Bids to be offered for entire period of licence.*—Except as otherwise directed by the Auction Authority in this behalf, the bids to be offered shall be for securing licences for a period of Toddy year, and not for a part thereof. If there is a re-auction during the period of the licence, the bids offered shall be for the period as notified by the Auction Authority, which shall not extend beyond 31st Day of August next following the date of auction.

10. Declaration of partnership before bidding or acceptance of tender.—When two or more persons desire to hold a licence in partnership, they shall, before the bidding or acceptance of tender commences, declare their partnership to the Auction Authority. Only one person on behalf of the partnership shall be allowed to bid at the auction. Subject to the provisions of clause 18, if the auction or tender is accepted in their favour, they shall produce before the Auction Authority a Deed of Partnership, before the actual grant of licence.

11. Mode of submitting tender.—(1) A tender shall be submitted in a sealed cover addressed to the Auction Authority by the bidder himself or by any person holding a duly executed power of attorney from him not later than the last date and the time specified in the notice issued under clause 4 for the receipt of tenders before the commencement of the bidding for the shop or the group of shops, as the case may be.

(2) The cover containing the tender shall be superscribed with the words “ TENDER FOR THE GRANT OF LICENCES FOR RETAIL SALE OF TODDY IN THE SHOP OR GROUP OF SHOPS LOCATED IN TALUKA DISTRICT for the period from to ”.

(3) Where more than one tender are submitted by any one person in respect of the same shop or group of shops, the tender containing the highest offer shall be considered and not the other tenders. *The figures of the tenders shall be mentioned in words as well.*

(4) Every tender received shall be acknowledged by the Officer receiving it.

(5) No tender shall be conditional. Every conditional tender shall be rejected.

(6) Every tender shall be accompanied by an earnest money deposit of an amount not less than 1/10th amount of the tender. Such deposit shall be made either in cash or in the form of a demand draft on a Schedule Bank in favour of the Collector. Tenders not accompanied by such earnest money deposits shall be rejected. Earnest money deposited shall be returned to the unsuccessful tenderer. Such earnest money deposited by successful tenderer shall be adjusted towards one-fourth of the tender amount payable as provided in clause 20.

(7) The tenderer shall also be eligible to participate in the bidding at an auction for the same shop or group of shops.

(8) The tenderer shall be entitled to remain present at the place of auction and at the time of opening of the tender also, which shall be after the bidding is over, but his absence shall in no way affect the auction proceedings.

(9) The Auction Authority shall announce at the commencement of the auction, the number of tenders received for a particular shop or group of shops.

(10) The tenders shall be opened only when the Auction Authority is of the opinion that no further amount is likely to be offered than any bid offered for a shop or group of shops in an auction or in a postponed auction.

(11) No tender received after the time fixed in the auction notice or after the commencement of auction of a shop or group of shops, shall be taken into consideration.

12. Withdrawal of tender.— A tender once submitted shall not be withdrawn till rejected.

13. *Scrutiny of tender.*—The Auction Authority shall, on the day, and at the time and place, specified in the notice issued under clause 4, and immediately after public auction is held open in the presence of such of the tenderers and bidders as are present, all the tenders duly received by him, make a list of the offers made and may, after the tenders are recorded in respect of all shops, or groups of shops, accept or reject after recording his reasons therefore, the highest offer, and announce the same.

14. *Auction procedure.*—

(1) The auction shall be held at the headquarters of the District or any other convenient place duly mentioned in the auction notice and shall be presided over by the Auction Authority.

(2) The Auction Authority conducting the auction may withdraw the auction of any shop before the auction is commenced under instructions of the Commissioner, alongwith reason for such action.

(3) As a rule, bids should not be taken in amounts smaller than multiples of Rs. 100 up to Rs. 10,000 and all bids above ten thousand rupees should be in multiples of Rs. 500.

(4) Following precautions need to be observed while deciding the bids :—

(i) Care should be taken in while accepting the bids which are obviously in excess of fair market value of the licence or which are the result of speculation or ulterior motive, the acceptance or such bids as may be injurious to the interests of the cosumers and ultimately to the excise revenue.

(ii) It is necessary to guard against the acceptance of bids which may have the effect of constituting an over or covert monopoly and against the acceptance, as licence holders of undersirable persons of doubtful solvency or criminal background.

(5) (a) The Auction Authority who is conducting the auction shall record the name of each person making a bid and the amounts of his bids.

(b) The signature of the highest bidder and the next two lower bidders shall be taken on the bid sheet.

(c) At the time of auction the auction purchaser shall sign his name or affix his thumb-impression against the relevant entry in the statement as may be prescribe by the Commissioner.

It shall be explained at the time of auction that the deposit paid in advance shall be returned in the event of the tender called earlier is found higher than bid and his bid will not be accepted. The final bid accepted shall invariable be recorded in words with his own hand by the officer conducting the auction and shall be considered in accordance with clause 17.

15. *Hall Ticket.*—

(1) No person other than the officers on duty shall enter the place of auction without presenting a hall ticket. The hall ticket may be issued either by the Superintendent of State Excise of the concerned District or by the officer authorised by Superintendent or the Collector to any bidder or tenderer only after he deposits rupees one thousand in cash or a demand draft of an equivalent amount obtained in favour of the Auction Authority.

(2) The demand draft so submitted or cash deposited shall be returned at the end of auction to the unsuccessful bidders.

16. General conditions to be read and explained.---Before the commencement of auction proceeding the general conditions of auction shall be read out and explained to all present, so that competitors may clearly understand the conditions on which they bid.

17. Acceptance of bid or tender.—

(1) Subject to the provisions of clause 18 after receiving bids and opening the tenders the Auction Authority shall consider all the bids and tenders and take decision, as far as possible. On the same day, regarding the settlement of licences. The Auction Authority shall take decision which is best in the interest of State revenue and is not bound to accept the highest or any bid or tender. In case the highest bid or tender is not accepted and the Collector decides to consider the next higher bid or tender the same shall immediately be reported to the Commissioner, alongwith reasons for not accepting highest one. The Commissioner, may either accept one of the bids or tenders received at the auction or order re-auction :

Provided that, where the amount of the highest of the bid at any auction in respect of an individual shop or group of shops does not exceed the price expected by the Collector, the Collector shall not accept any bid, and shall proceed for re-auction as provided in sub-clause (5) of clause 4 :

Provided further that, where two or more bidders who have made highest offers which consists of the same amount, the bidders, whose offer should be accepted shall be determined by the Auction Authority by drawing lots.

(2) Once a bid, as above referred has been finally accepted at an auction no subsequent offer or offers in respect of the same engagement shall be considered Auction Authority shall not make any negotiations and auction once finalised can not be reopended by the Auction Authority.

18. Acceptance of bids at auctions.—

(1) The offers made at an auction by the highest bidder may be accepted by the Auction Authority after considering the tenders as prescribed under clause 20.

(2) In case of shops which are grouped together for auction announced in the public notice under clause 4, the Auction Authority shall proceed as follows :—

(a) The licence shall be auctioned by the Auction Authority separately in respect of each individual shop in the group, and ascertain the amount of the highest bid and the person making such bid ;

(b) Thereafter, the Auction Authority shall put to auction the licences in respect of all the shops forming the group and shall ascertain the amount offered by the highest bidder for the whole group put to auction.

(c) If the amount of the highest bid for the group exceeds the aggregate amount of the highest bids for individual shops in that group then the Auction Authority may, accept the highest bid for the group. If the aggregate amount of the highest bids for individual shops in the group exceeds the amount of the highest bid for the group or if no bids are received for the group then the Auction Authority may, accept the highest bid for each individual shops.

19. Successful bidder not entitle to any compensation for his loss.—No compensation shall be payable for lossess suffered by the successful bidder due to any cause whatsoever.

20. Auction Purchaser to pay whole or part of amount of bid and execute bond—A person whose bid or tender is accepted shall, at once, or on the next working day, pay to the officer, duly authorised by the Collector in this behalf, or into a Government Treasury or Sub-Treasury, one fourth of the amount of the bid or tender, unless he has paid on the spot the whole amount of his bid or tender in cash or has furnished security as prescribed by the Government or Commissioner from time to time and shall execute a bond in the form appended to this Order.

21. Deposit—Every auction purchaser shall pay to the Licencing Authority, a Security Deposit equal to the amount of one monthly installment in terms of clause 24, before the commencement of the year for which his bid has been accepted, for the due observance of the terms and conditions of the licence granted and the counterpart agreement to be executed by him as provided in the rules made in this behalf. Such amount shall be paid in cash into a Government Treasury or Sub-Treasury and unless it is forfeited for the breach of the terms and conditions of the licence or the counterpart agreement executed under clause 23, it shall be adjusted towards the payment of the last monthly installment payable as provided in clause 24.

22. Defaulting auction purchaser liable for any loss—If the auction purchaser fails to pay one-fourth of the amount as provided in clause 20 the collector shall cancel the acceptance of his bid and may *accept the next higher bid* or re-auction the shop or groups of shops and in that event the earnest money deposited by the auction purchaser shall stand forfeited to the State Government and the defaulting auction purchaser shall be liable for any loss sustained by the State Government in accepting the next higher bid or bid money received in re-auction. If the amount realised at subsequent auction is less than the first, or the differential amount if next higher bid amount is accepted in the first auction, the amount of such difference is not paid by the defaulter it shall be recovered from him as an arrears of land revenue.

23. Counterpart agreement.—Every auction purchaser shall, on payment of the amount referred to in clause 21, execute before the Superintendent concerned, a counterpart agreement as prescribed in the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968 in this behalf within fifteen days of the date of the auction.

24. Manner of payment of balance of bid amount etc.—

(1) Subject to the provisions of sub-clause (2), every auction purchaser shall, except as provided in clause 20, pay the balance of the bid amount in six equal monthly instalments into any Government Treasury or Sub-Treasury. The first monthly instalment shall be paid not later than the 5th of October of the year in which the bid or tender is accepted, and subsequent instalments not later than the 5th day of every following month. If any monthly instalment is not paid on the due date, there shall be charged, interest at the rate prescribed under section 114 of the Act on all outstanding instalments.

(2) If any instalment is not paid on or before the last day of the month in which it is payable, the Collector may-auction the licence, or where a bid accepted is for a group of shops, the licences for such group of shops, at the cost of the defaulting bidder, and in that event, the licence or group of licences, if granted, shall stand cancelled in accordance with the provisions of the Act and the rules thereunder. Where any such licence is so re-auctioned or where the licence of the auction purchaser is cancelled under section 54 of the Act before the balance of the bid amount is paid by the bidder, the bid amount due from him shall be liable to be recovered from him as the arrears of land revenue.

25. Commencement of period of licence.—The licence in favour of an auction purchaser shall be effective from 1st September of the Toddy year or if auction is conducted after 1st September during the Toddy year from the date of acceptance of bid.

26. List of unsold shops to be submitted to Excise Commissioner.—A list of all sanctioned shops of which it has not been found possible to effect a settlement should be submitted for orders to the Commissioner immediately by the Collector with a brief statement of the action proposed in each case.

27. Savings.—Notwithstanding the supersessions of the Maharashtra of Toddy Shops (Grant of licences by Auction or Tender) Order, 1968, any licence, permit pass or permission granted or issued under the said Order shall, so far as it is not inconsistent with the provisions of this Order, continue to be in force and shall be deemed to have been granted or issued under the corresponding provision of this Order until the expiry of the term for which it was granted or issued or until it is suspended or cancelled in accordance with the provisions of the Act or this Order, as the case may be.

FORM OF BOND TO BE EXECUTED BY A SUCCESSFUL

AUCTION-PURCHASER

(See clause 20)

Whereas I/We residing at in the taluka of the district being a successful auction purchaser bidder/bidders/tender/tenders at the auction held for the grant of licences to sell toddy have paid one-fourth of the amount of my/our bid/tender ;

I/We bind myself/ourselves that I/We shall pay the balance of the bid/tender amount in the manner provided for by clause 20 of the Maharashtra Toddy Shops (Grant of Licences by Action-cum-Tender) Order, 2001, and in the case of my/our making default in the payment of the said balance in the said manner or in the case of my/our licence being cancelled under section 54 of the Bombay Prohibition Act, 1949, before payment of the said balance I/We bind Myself/Ourselves to forfeit to the Governor of Maharashtra the amount equal to the balance of the bid/tender which may remain to be paid by me/ourselves.

Place :

Date this day of 2001.

In the presence of—

1.

2.

Signature(s) of the successful
Auction-Purchaser.

**{31} G. N., H. D. No. TOD 1295/26/(1) EXC-3, Dt. 8th August 1995
(M. G. P. IV-B Extra ordn. p. 138)**

In exercise of the powers conferred by clause (c) of sub-section (I) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby exempts, any person holding licence in Form TD-I on the date of publication of this order in the *Official Gazette* who later acquires such licence through auction or tender, under the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, from the provision of the Maharashtra Toddy Shops (Grant of Licences by Auction or Tender) Order, 1968 so far it relates to offering bids in auction for obtaining a licence in Form TD-1 for the four consecutive years immediately next following year for which such licence has been granted subject to the conditions :—

(i) that he agrees to pay fee equivalent to an amount of 6 per cent, more than the amount of licence, fee or bid payable by him for the TD-1 licence held in the year preceding the year to which the licence is to be granted.

(ii) that the other provisions of the Maharashtra Toddy Shops (Grant of Licences by Auction or Tender) Order, 1968 shall apply *mutatis mutandis* to the licence so granted ; and

(iii) that nothing in this order shall affect the grant of licences under the Maharashtra Toddy Shops (Grant of licence by Auction or Tender) Order, 1968 by the Collector in an area wherein holder of TD-1 licence is not desirous of getting the licence with conditions (i) and (ii) above or in an area or locality for which no licence has been granted.

{32} G. N., H. D. No. TOD. 1101/CR-5/EXC(3), Dt. 4-6-2001

In exercise of the powers conferred by clause (c) of sub-section (i) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), read with section 21 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby rescinds Government Notifications, the Home Department, No. TOD. 1295/26(1)/EXE-3, dated the 8th August 1995 and No. TOD./1295/26/(3)/EXE-3, dated the 31st August 2000.

**{33} G. N., H. D. No. TOD. 1295/26(2)/Exc-3, Dt. 8th August, 1995
(M. G. pt. IV-B Ex.-ordinary Page 346)**

In exercise of the powers conferred by clause (dl) of sub-section (I) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and of all other powers enabling it in that behalf the Government of Maharashtra hereby remits wholly the duty payable on toddy producing trees under the Government Notification, Revenue and Forest Department, No. EAR. 1068/48132/N, dated the 12th November, 1968 issued under sub-section (I) of section 109 of the said Act by any person or institution holding a permit in Form TD-5 under rule 17 of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968.

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1. Added by G. O. of 10-7-1970.
 2. Subs. by G. O. of 8-7-1971.
 3. Subs. by G. O. of 12-7-1982.
 4. Subs. by G. O. of 10-7-1970.

{34} G. N., R & F. D. No. EAR. 1068/84132-N, dated 1st November, 1968
(M. G. Pt. IV-B, P. 1792)

As amended by—

G. N. R. & F. D. No. EAR 1068/48132/N, Dt. 12-11-1968.

G. N. H. D. No. TOD. 1582/PRO-3, Dt. 13-3-1982.

G. N. H. D. No. TOD. 1582/PRO-3, Dt. 10-6-1982.

In exercise of the powers conferred by sub-section (1) of section 109 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification, Revenue Department No. 7560/39, dated the 9th August, 1949 and Government Notifications, Revenue Department, Nos. 1977/33 and 1977/33(a), dated the 28th April 1941, and of all other notifications or orders, if any, corresponding thereto and in force in the State of Maharashtra the Government of Maharashtra hereby directs that for every toddy producing tree in the State from which toddy is drawn for any period commencing on the 1st day of September and ending on the 31st day of August next following, there shall be levied duty at the rate of rupees forty per coconut, palmyra or brab tree ; and of rupees twenty per date or wild palm tree.

2. Nothing in this Notification shall apply to any toddy producing tree from which neera is drawn under a licence issued under the Bombay Neera Rules, 1951, or to any toddy producing tree which is tapped or caused to be tapped in the outstill area of the Chandrapur District or domestic consumption under the Toddy (Manufacture, Possession and Consumption) Rules, 1961.

{35} G. N., H. D. No. TOD. 1069-6817-III, dated 5th April, 1969
(M. G. pt. IV-B, P. 436)

In exercise of the powers conferred by sub-section (2) of section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling in it this behalf, the Government of Maharashtra hereby invites the holders of licences for the retail sale of toddy under the Maharashtra Toddy Shops (Licensing) and Toddy (Tapping) Rules, 1968 with the powers under section 28 of the said Act to grant passes in Form TD-3 appended to those rules for the transport of toddy from the buns or topes to licensed shops as required by those rules.

{36} G. N., H. D. No. TOD. 1068-C-1126-III, dated 14th November, 1968
(M. G. pt. IV-B, P. 1791)

Amended by G. N., II. D., No. TOD. 1969-III, dated 22nd August, 1969

(M. G. pt. IV-B, P. 1304)

In exercise of the powers conferred by section 25 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby directs that the preparation specified in column (1) of the Schedule hereto shall be exempt from the provisions of the said Act, specified against it in column (2) of that Schedule to the extent specified in column (3) thereof.

SCHEDULE

Preparation (1)	Provision of the Act (2)	Extent of Exemption (3)
1. Toddy containing not more than five per cent of alcohol by volume, being a preparation which may be used for human consumption as a beverage.	(i) Section 12 (d)	So far as section 12(d) relates buying of such preparation by a person not less than twenty-one years of age.
	![(i)(a) Section 12 (c)]	![(So far as section 12(c) relates to the transport and possession of such preparation purchased from a person holding a licence for the retail sale of toddy, by a person not less than twenty-one years of age, in quantities not exceeding three litres at a time in the aggregate.)]
tion	(ii) Section 13(b)	So far as section 13(b) relates to consumption or use of such preparation by a person not less than twenty-one years of age.

**{37} G. Notice, H. D. No. FLR. 2274/5-III, dated 12th November, 1974
(M. G. Pt. IV-B, P. 1472)**

In pursuance of rule 5A of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, the Government of Maharashtra hereby gives notice that it proposes to direct that every licensed premises in Pandharpur Town of Sholapur District, in respect of which a licence has been granted for the retail sale of toddy shall remain closed for the sale of toddy on the occasions of the *Ashadhi Ekadashi* and *Kartiki Ekadashi* Festivals and on days immediately preceding and immediately following each such festival.

{38} THE MAHARASHTRA TODDY SHOPS (LICENSING IN TRIBAL AREAS) AND TODDY TREES (TAPPING IN TRIBAL AREAS) RULES, 1981

G. N. H. D. No. TOD 6279/PRO-3, dated 3rd February 1981 (M. G., Pt. IV-B., P. 119)

In exercise of the powers conferred by clauses (b), (e), (f), (g), (h), (i), (j), (k), (l), (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, 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.

PART-I

*Preliminary***1. Short title, extent and commencement—**

(1) These rules be may called the Maharashtra Toddy Shops (Licensing in Tribal Areas) and Toddy Trees (Tapping in Tribal Areas) Rules, 1981.

(2) These rules extend to the Tribal areas in the State of Maharashtra.

(3) These rules shall come into force on the 1st May 1981.

2. Definitions.—in these rules, unless there is anything repugnant in the subject or

1. Ins. by G. N. of 22-8-1969.

context,—

- (a) “ Act ” means the @Bombay Prohibition Act, 1949 (Bom. XXV of 1949) ;
- (b) “ Adivasi Co-operative Society ” means and includes a society registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), in which all or majority of the members are tribals ;
- (c) “ duty ” means duty levied under section 109 of the Act ;
- (d) “ Form ” means a form appended to 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) “ Superintendent ” means the Superintendent of Prohibition and Excise of the district in which licensed shop is located ;
- (h) “ Toddy ” means fermented juice drawn from a coconut, brab date or any kind of palm tree containing not more than 5 per cent. alcohol by volume but does not include sweet toddy, nira or neera ;
- (i) “ Tribal area ” means the area specified in the Schedule appended to these rules ;
- (j) words and expressions used in these rules but not defined in these rules shall have the meaning respectively assigned to them in the Act.

PART II

Regulation of sale of Toddy

3. Prohibition of sale of toddy except under a licence.—No Person shall sell toddy in any Tribal area except under a licence.

4. Application for licence.—Any person, being a tribal or an Adivasi Co-operative Society, where individual tribal is not coming forward to sell toddy by retail in any Tribal area, shall apply in Form T. R. T. D.-1 appended to these rules, to the State Government for licence in Form T. R. T. D.-2 through the Collector of the district in which he desires to locate the licensed premises for selling toddy. The application shall be accompanied by a chalan evidencing payment of a fee of rupees fifteen for such application.

5. Grant of Licence.—

(1) On receipt of an application under rule 4, the Collector shall verify the particulars given therein and also make such other enquiries as the deems necessary and which are incidental to the grant of the licence and also satisfy himself that the premises proposed for location of the shop for selling toddy are in conformity with the provisions of the rules and the instructions issued by the State Government or the Commissioner from time to time. He shall then forward the application to the State Government with his remarks.

(2) On receipt of the application under sub-rule (1) the State Government may subject to the provisions of this rule, after making such enquiries as it deems fit and after it is satisfied that there is no objection to grant the licence applied for, on payment by the applicant of the licence fee as prescribed in sub-rule (3), by order direct the Collector to grant the licence in Form T. R. T. D.-2 to the applicant and shall forward a copy of such order to the Commissioner. Thereupon, a licence in Form T. R. T. D.-2 shall be issued by the Collector of the district in which the applicant desires to locate his licensed premises. A duplicate copy of the licence shall be forwarded by the Collector to the State Government for its record and the third copy of the licence shall be kept by the Collector on his record.

@ The short title of this Act has been amended as “ The Maharashtra Prohibition Act ” by Mah. 24 of 2012, s-2, Sch. entry 37, w.e.f. 1-5-1960.

(3) Fees for the licence in Form T. R. T. D.-2—Fees shall be charged according to the following Scales namely :—

where the licensed shop is proposed to be located in a—

	Rs.
(a) town or village with a population upto 1,000 ..	500
(b) town or village with a population from 1,001 to 2,500 ..	1,000
(c) town or village with a population from 2,501 to 5,000 ..	2,000
(d) town with a population from 5,001 and above ..	3,000

Explanation.—For the purpose of this rule, “population ” means the population as ascertained at the last preceding census of which the relevant figures, either provisional or final have been published.

(4) No licence under sub-rule (2) shall be granted for a period beyond 31st August next following the date of commencement of the licence.

(5) (a) Any licensee desiring to renew his licence shall make an application in form T. R. T. D.-1 accompanied by a challan, evidencing payment of a fee of rupees fifteen for such application, to the Collector of the district in which his licensed premises are located, at least one month before the expiry of the licence.

(b) Any licence granted under sub-rule (2) shall be renewed by the Collector for a period not exceeding one year at a time on payment of the fee prescribed in sub-rule (3) of this rule, unless the Collector has reason to believe that there has been a breach of any of the terms and conditions of the licence, or that the retail licensee has not been working it properly.

(6) No licence shall be granted in respect of such shop—

(a) Which is less than 9 square metres in area and which in the opinion of the Collector or the officer authorised by him in this behalf will not be adequate for the purpose and where consumption of toddy will be in public view ; or

(b) which is situated within a distance of 75 metres from any industrial under taking or irrigation or other developmental project where 200 or more work men are employed in one or more shifts either in a single undertaking or project or in a group of undertakings or projects located near one another ; or

(c) (i) which is situated within a distance of 75 metres from the boundary of any National or State Highway ; or

(ii) which is visible from, and the entrance of which is facing, such Highway ; or

(d) which is within a distance of 75 metres from any educational institution, students hostel run or recognised by the Social Welfare Department or attached to an educational institution, public or private maternity home, public hospital, religious institution, colony of labourers or of Harijans ; or

(e) (i) which is situated within a distance of 200 metres from any Maharashtra State Road Transport Corporation Bus Stands or Station or Depot ; or

(ii) which is visible from and the entrance of which is facing, such Bus Stand or Station or Depot ; or

(f) which is not duly approved by the Collector or the officer authorised by him in this behalf and which is not certified by him to be otherwise suitable also for locating the shop before the grant of the licence. The Collector if he refuses to grant such certificate, shall record his reasons in writing for such refusal.

Explanation I.—

(i) for the purposes of clause (b) of this sub-rule,—

(a) where the undertaking or projects are surrounded by a compound wall, the distance of seventy-five metres shall be measured from the main gate of such compound ;

(b) where the undertaking or projects are not surrounded by any compound wall but the workmen carry on their work indoors, the distance of seventy-five metres shall be measured from the main entrance of each such work premises ; and

(c) where the undertakings or projects are not surrounded by any compound wall and the workmen carry on their work in the open, the distance of seventy-five metres shall be measured from each of the places where the workmen actually do their work.

(ii) “ Educational Institution ” means any pre-primary, primary, secondary or higher secondary school or I. T. I. managed or recognised by any local authority or the State or the Central Government or any college affiliated to any University established by law but does not include any private coaching institution.

(iii) “ Public Hospital ” means any hospital where facilities are provided to keep indoor patients and which is managed and maintained by the State or the Central Government or a local authority or a public charitable institution, but does not include any dispensary.

(iv) “ Religious institution ” means an institution for the promotion of any religion and includes a temple, math, waqf, church, synagogue, agiary or other place of public religious worship, which is registered as a public trust under the Bombay public Trusts Act, 1950, and includes such other religious institutions as the State Government may by order specify in this behalf.

(v) “ Colonies of Labourers or of Harijans ” means colonies where labourers and Harijans as the case may be, reside in a large number and includes Maharashtra Housing Board Colonies of labourers or industrial workers, subsidised industrial housing colonies, squatter’s colonies, labour housing colonies of companies and zopadpattis.

(vi) The distance referred to in clauses (c), and (d), (e) 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 boundary of the National or State Highway, or

(b) the mid-point of the 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

(c) the mid-point of the nearest gate of the Maharashtra State Road Transport Corporation Bus Stand or Station or Depot, if there is a compound wall, and if there is no compound wall, the nearest point of the boundary of the Bus Stand or Station or Depot, or

(d) the boundary of colonies of labourers or of Harijans, as the case may be,
Explanation II. - For the purposes of this sub-rule “ National Highway ” or “ State Highway ” shall not include that part of the National Highway or State Highway which passes within the limits of the Gaathan in any village Panchayat area.

(7) The distance between any two shops shall not be less than 200 metres.

6. Prohibition of shift licensed shop to any other place.—A licensed shop shall not be shifted by the licensee to any other site without the prior approval of the Collector.

7. Closure of shops.—Every licensed shop shall remain closed on 2nd day of October every year, and on the day or days on which any poll is held and two days immediately before such day of poll in relation to any general election or by-elections to the House of People or Parliament or Legislative Assembly of the State or to any local authority in the constituency in which such shop is located and on such special occasions and in such areas, as the State Government or the Collector may, after giving a notice of not less than seven days in any local newspaper circulating in such area, specify in this behalf, and in all such cases, a licensee shall not be entitled to any compensation.

8. Power of Collector to close down licensed shop, etc. in public interest.—The Collector may, by order require a licensee to close his shop in the public interest for any period specified in the order; and may in the public interest also curtail the hours of sale; and in either case, the licensee shall not be entitled to any compensation.

9. Transfer of licence.—The State Government may permit the transfer of a licence from one name to another or admit or delete the name of any partner after the licence is granted.

PART III

Tapping of Toddy Trees

10. Trees not to 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.

11. Tapping of tress.—(1) Trees shall be tapped only by professional men experienced in tapping.

(2) No date or wild palm (commonly known as 'Khajuri' or 'Sendi') tree shall be tapped for more than four months in a year and no such tree 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 diameter of the tree at the point of incision and the length of the incision shall not exceed 20cm.

(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 on that tree so as to cause its death.

(8) If as a result of any contravention of any of the forgoing 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.

12. Commencement of period for drawing of toddy.—The pots shall not be attached to the trees for the purpose of drawing toddy more than twenty-four hours before the actual commencement of the licence.

13. Inspection of pots for collecting toddy.—The licensee or his authorised employee shall lower down the pots 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 employee shall, after the pots are lowered down from the tree, immediately collect the toddy in 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 T.R.T.D.-3 issued by the licensee or any person duly authorised by him in this behalf.

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 Superintendent in whose jurisdiction the licensed shop is located.

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 authorised to tap on payment of duty in this behalf.

17. Permit for tapping trees.—

(1) The licensee shall make an application to the Superintendent in Form T.R.T.D.-4, for permission to tap toddy producing trees and draw toddy therefrom for retail-sale at his licensed shop.

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

18. Account of toddy to be maintained.—The licensee shall maintain at his licensed shop a register in Form T.R.T.D.-6. Wherein he shall write before the closure of the licensed shop correct daily account of all quantities of toddy received, sold, lost, destroyed and held in balance by him at the licensed shop.

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

Provided that, unsold toddy may be sold to the holder of a licence in Form (I) appended to the Maharashtra Distillation of Spirit and Manufacturer of Potable Liquor Rules, 1966, for distillation of spirit and such toddy shall be transported under cover of a pass in Form T.R.T.D.-7, issued by the licensee or any person duly authorised by him in this behalf.

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

(a) Which is more than twenty - four hours old (time being calculated from the time marked on the transport pass in Form T.R.T.D.-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 chloralhydrate or any other substance, or in which any foreign substance is put, added or mixed there by causing impurity or decrease or increase in its alcoholic strength;

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

21. *Mode of transport of toddy.*—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.*—Subject to the provisions of rule 8, the licensee shall not sell toddy except between 7-00 a.m. and 10-00 p.m. :

Provided that, the licensed shop may be kept open beyond 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.

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 T.R.T.D.-8, and shall enter the names of all such employees in the register in Form T.R.T.D.-9.

(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) Women and person below twenty-one years of age;

(ii) Persons suffering from any infectious or contagious disease ;

(iii) Persons who are insane;

(iv) Persons who, in the opinion of the Superintendent, have bad character;

(v) Persons whose Nokarnama or licence have previously been cancelled;

(vi) Persons convicted of any criminal offence :

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

25. Restriction on sale of toddy to certain persons.—The licensee shall not sell toddy to the following categories of persons :-

- (i) a lunatic or insane person;
- (ii) a person who is in an intoxicated state;
- (iii) a person known or suspected to be participating in any rioting or disturbance of peace;
- (iv) the Armed Forces of the Union, member of the Police Force, the Prohibition and Excise Department, State Transport and Railway Department or driver of a motor vehicle, when on duty or in uniform or both; and
- (v) a person who is under 21 years of age.

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

27. Retail price—

(1) All sales of toddy shall be made for cash only.

(2) The licensee shall not sell toddy at a price exceeding that fixed by the Collector, after taking into account the local conditions and cost of production.

28. Licensed shop to be open for inspection by 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.

29. Books maintained in licensed shop.—The licensee shall purchase at his cost the accounts register in Form T.R.T.D.-6 and visit book and maintain them correctly. The visit book and the account 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 the accounts register shall not be removed from the licensed shop at any time except under the proper written authority of the Superintendent and the licensee shall be responsible for their safe custody.

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

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

32. Powers to issue supplementary instructions.—The State Government and the Commissioner may issue written instructions providing for any supplemental matter arising out of these rules.

33. Saving.—Nothing in these rules shall apply to Nira or Neera or affect the operations of any special rules for the tapping of trees for any purposes other than for selling toddy by retail sale under these rules.

SCHEDULE
[See rules 1(2) and 2(i)]
Tribal Areas

District	Tribal Areas
Chandrapur	<p>„ (a) Scheduled areas of Sironcha Tahsil (excluding the following areas): Alapalli. Aheri. Sironcha. Umanur. Kannepalli. Kamalapur. Gudapuri. Charpalli. Chinchgundi. Chalewala. Jarwadi. Jimalgatta. Tumargadda Khd. Diddvi. Nagopalli M. Pusakpalli. Bramhanpalli. Birihandghat. Marpalli. Mahagaon BK. Pirimali. Modumadga. Modumtura. Yedampalli. Etapalli, Yehali. Yelaram. Wenkatapur S. Wenkatrao Petta. Sudamuagudam. Sewari S. Welgur</p> <p>(b) Scheduled areas of Gadchiroli Tahsil (excluding the following areas): Andhali (near Gurnuli). Antargaon. Belgaon (near Piparzora). Bethkathi (near Zapragar). Gewardha. Gilgaon. Gothangaon. Botekasa Chincholi.</p>

SCHEDULE—Contd.

District	Tribal Areas
Chandrapur— <i>contd.</i>	Chikhali. Chetekanhar. Dewoolgaon (near Gunjanwadi). Dhanera. Dhancgaon. Dhanori. Dongargaon (near Sonsor). Jalher Dudhamala. 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. Navegaon (near Yeradi). Navegaon (Pathargota). Palasgaon (near Kharanji), Pandhribhatal Pekinmurza. Pendhari. Pipalgaon. Pisewaddha. Potegaon Pulkhal. Rajolin. Rajoli (near Rotegaon). Rampur. Rangi. Sindewahi. Talegaon. Tekabedal. Thakri. Umari. Yengalkheda. Yerkadi.

SCHEDULE—Contd.

District	Tribal Areas
Amravati	Melghat Tahsil (excluding the following areas): Dharni and Chikhaldara Hill Station Municipal Council. Salona Masondi Ghatangh. Shapur. Lawada. Baire. Churni (F. V.) Aladoh. Motha. Chikhali. Belkund. Churni. Palaspani. Gangarkheda. Jalida Jira. Kakadhari. Pipadari. Kulgana BK. Wastapur. Chinckheda. Kalamkhar. Dharni. Kusumkot Bk. Ghutiya. Dhodra Tatra. Dadara. Ranugaon. Golai. Mokkheda. Shivazari. Dudhane. Bairgad. Kotha. Harisal. Kot. Chithari.
Thane	.. (a) Mokhada Tahsil. (b) Talasari Tahsil (excluding the area Borigaon Terf Deheri). (c) Jawhar Tahsil (excluding the following areas): Jawahar Municipal Council, Shil. Apti Khurd. Shelpada.

SCHEDULE—Contd.

District		Tribal Areas
Nashik	..	Surgna 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) : Nawapur. Khandbara. Chinchapada.
	(b)	Taloda Tahsil (excluding the following areas): Taloda Municipal Council. Halapur. Chinode Ranzani. Pratapapur. Talde Mohide. Gondale. Asetarefe Board. Mod. Morwad. Kharwad. Khedle.
	(c)	Akkalkuwa Tahsil (excluding the following areas): Akkalkuwa. Pimpalkhuta. Barisurgad. Khodasbara. Kasakhai. Kolvi. Khapur. Akkalkuwa Khd. Vanyavahir Khd.
	(d)	Akrani Tahsil (excluding the following areas): Goradi. Borsia. Kumbhari. Shikka. Nimgavhan. 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.

FORM T. R. T. D-1

(See rule 4)

Form of Application for a Licence to sell Toddy by retail

I/We hereby apply for a licence/renewal of licence for the retail sale of Toddy. The necessary particulars are mentioned below :

1. Name and address of the applicant and registration number if the applicant is an Adivasi Co-operative Society.
2. Names and addresses in full of the partners, if any.
3. The address in full of the premises where the Toddy would be sold.
4. Whether the applicant—
 - (i) is a resident of the locality where the licensed shop is proposed to be located;
 - (ii) belongs to a Scheduled Tribe (mention the name of the Scheduled Tribe); and
 - (iii) Owns any Toddy trees in the area (specify the name (s) of the village (s) and the number of trees).
5. Whether the proposed premises referred to at item 3 above are—
 - (a) situated within a distance of 75 metres from any industrial undertaking or irrigation or other developmental project where 200 or more workmen are employed in one or more shifts either in a single undertaking or project or in a group of undertakings or projects located near one another;
 - (b) Situated within a distance of 75 metres from the boundary of any National or State Highway and visible from the entrance of which is facing such Highway;

- (c) situated within a distance of 75 metres from any educational institution; students' hostel run or recognised by the Social Welfare Department or attached to an educational institution, public or private maternity home, public hospital, religious institution, colony of labourers or of Harijans; and
 - (d) situated within a distance of 200 metres from any Maharashtra State Road Transport Corporation, Bus Stand or Station or Depot and visible from the entrance of which is facing, such Bus Stand or Station or Depot.
6. Whether the applicant or any member of his family (or any of the partners) holds at present or held at any time in the past (individually or in partnership with any other person) any excise licence (s) and if so, indicate the particulars of such licence (s) held and also the period (s) for which held.
7. Proof of solvency
8. Present occupation and income therefrom.
9. Whether any Excise/ Police/ Municipal / Food and Drugs licence held by the applicant is or was suspended or cancelled at any time in the past, and if so, the period of such suspension or cancellation and the reasons therefor.
10. Whether the applicant is in arrears & excise or any other Government dues.

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

I/We enclose a challan No....., dated evidencing payment of a sum of Rupees 15 (Rupees fifteen) for the application.

I hereby undertake to abide by the conditions of the licence and the provisions of the Maharashtra Prohibition Act, 1949, and the rules, regulations and orders made thereunder from time to time.

Date.....

.....
Signature of the applicant.

To,

* The Secretary to the Government of Maharashtra, Home Department , Mantralay, Bombay 400 032 (Through the Collector of.....).

† The Collector of.....

* When application is for grant of a licence,

† When application is for renewal of a licence.

FORM T. R. T. D.-2

[See rules 4 and 5 (2)]

Licence No.....

Licence for the retail sale- of Toddy in Tribal Areas

Licence is hereby granted to Shri/Messrs.....(hereinafter called “the licensee”), authorising him to sell toddy by retail at his shop situated atmore particularly described in the Schedule hereto (hereinafter referred to as “the shop or licensed shop”), for the period commencing onand ending on 31st August 20..... under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations 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 timepiece 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 the customers . All such water closets, privies and urinals shall be of the type approved by the Collector, and shall always be kept in a clean and sanitary condition.
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 whitewashed 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 grounds. 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 sign-board of the size of 60 centimetres X 90 centimetres, bearing the following inscriptions in Marathi in legible characters :

- | | |
|------------------------------|----|
| (1) Name of the licensee | .. |
| (2) Licence No. | .. |
| (3) Location of the shop | .. |
| (4) Selling price of toddy | .. |
| (5) Authorised opening hours | .. |
| (6) Authorised closing hours | .. |

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 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.

7. (1) The licensee shall carry on the business of the shop and draw toddy from toddy-producing trees either personally or by agents or servants authorised by him in this behalf by a written NOKARNAMA in form T. R. T. D.-8 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 the licensee, the NOKARNAMA shall be forthwith withdrawn. For every 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 or any persons in his employ.

(2) The licensee shall maintain at his licensed shop a Register in Form T. R. T. D.-9 containing the names of all his agents or servants duly authorised by him.

(3) 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 the shop, nor shall he allow any person to remove any toddy from the licensed shop :

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 :

Provided further 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 shall be transported under cover of a pass in Form T. R. T. D.-7.

9. No disorderly person shall be harboured, and no drunkenness or gambling shall be allowed, in the licenced shop. No person below 21 years of age, and no insane or intoxicated person shall be permitted to enter 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 thereat tending to disturb the public peace.

11. (1) The licensee shall close the shop—

(a) On the 2nd October every year and on such other days as may be specified by the State Government or the Collector under rule 7;

(b) On such days or times as may be specially ordered by the Collector under rule 8; and

(c) Of his own accord during any riot or disturbance in the neighborhood of the shop.

(2) No compensation shall be claimed by the licensee on account of the closure of the shop on such occasions.

12. The shop and the stock of toddy therein shall at all times be open to inspection by Officers duly empowered under section 122 of the Bombay Prohibition Act, 1949.

13. The licensee shall, when called upon by any Prohibition Officer not below the rank of 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 shop, and shall answer all reasonable 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.

14. The licensee shall use for the storage of toddy in the shop, cask or vessels of such kind and capacity as may be approved by the Superintendent. The storage capacity of each cask or vessel shall be painted thereon. He shall also maintain at the shop a gauged-rod for each receptacle used for storing toddy.

15. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made there under.

16. The Collector may permit the legal heirs of the licensee in case of his death to have the benefit of the licence for the unexpired portion of the term for which it was granted, and amend the licence accordingly.

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

Seal of the
Collector.

Collector,
..... District.

SCHEDULE

1. Description of site, such as house No. and the locality.

2. Boundaries of the shop

North East
South West

Seal of the Collector

Collector,
..... District.

FORM T. R. T. D-3

(See rule 14)

Pass for the transport of Toddy from Buns or Tops to the Licensed Shop

Dated : 20

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 vessels.
8. Total quantity of toddy to be transported (in litres).
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 in Tribal Areas) and Toddy Trees (Tapping in Tribal Areas) Rules, 1981 and it shall be valid for 22 hours from the hour 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.

.....
Signature of the licensee or
his authorised agent.

Note.—Original (to be kept with the consignment), Duplicate to be kept on record.

FORM T. R. T. D-4

[See rule 17(1)]

Application for the permission to tap toddy producing trees

To

The Superintendent of Prohibition and Excise.

Sir,

I give the following particulars with a request to permit me to tap toddy trees for my shop for the year 20 -20 . 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 owners of the trees ..
4. Number of trees required for tapping under the application, particulars of which are given below :

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

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

Yours faithfully,

Date :

Signature of the licensee.

FORM T. R. T. D.-5

[See rule 17(2)]

Tree tapping permit

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

1. Kind and number of trees
2. Survey No.
3. Block No.
4. Village
5. Taluka
6. District
7. Names of the owner (s) ..
8. Amount of duty paid for each kind of trees
9. Challan No. and date

Seal

.....
Signature of the Superintendent
of Prohibition and Excise.

FORM T. R. 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	Opening balance (Litres)	Quantity of toddy received		Total of Cols. 2 and 3	Quantity of toddy sold during the day (Litres)	Wastage (Litres)	Quantity of toddy destroyed (Litres)	Closing of toddy destroyed (Litres)	Signature of the licensee or his authorised agent	
		Litres	Time of receipt Hrs. Mts.							Litres
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

FORM T. R. T. D.-7

(See rule 19)

Pass for the Transport of Toddy from the Licensed Shop of 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 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 litres)
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 in Tribal Areas) and Toddy Trees (Tapping in Tribal Areas) Rules, 1981 and it shall be valid for 24 hours from the hour issue.

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 the consignment), Duplicate to be kept on record.

FORM T. R. T. D. - 8

[See rule 24(I)]

Form of Nokarnama

Name of the Licensee :

Licence No.

Location of the shop :

1. Subject to the provisions of the Maharashtra Toddy shops (Licensing in Tribal Areas) and Toddy Trees (Tapping in Tribal Areas) Rules, 1981.

I/we Licensee of the
 Name: above named shop, hereby authorise the
 Age : servant named and for the period mentioned,
 Residential address : in the margin to officiate for me/us in respect
 Appointed from the to of the following functions that is to say :
 the 19

- (a) to officiate for me/us at my/our retail sale toddy shop at
- (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 conduct 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 blacklisted 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 of Prohibition and Excise concerned issues order to that effect. This NOKARNAMA shall be kept with the employee.

Date: 19

.....
 Signature of the licensee.

The sum of Re. 1 only as the fee prescribed for the issue of this NOKARNAMA has been paid vide Challan No. dated

Date : 19

.....
 Signature of the licensee.

1. The appointment of the above named NOKAR is approved.

2. The NOKARNAMA shall be in operation till the 19 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.

Date : 19

.....
 Signature and designation of
 Prohibition and Excise Officer.

FORM T. R. T. D.-9

(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	Chalan 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)

{39} THE TODDY (MANUFACTURE, POSSESSION AND
CONSUMPTION) RULES, 1961

G. N. H. D. No. BPA 1161/11487 (b), dated 28th March, 1961
(M. G., Pt. IV-B.p. 313)

1. Amended by G. N., II.D. No. BPA. 1162/18689-III, dated 7th May, 1962 (M.G.Pt. IV-B.p. 1764).
2. Amended by Corrig., II.D. No. BPA. 1162/1889-III, dated 11th July, 1962 (M.G.Pt. IV-B.p. 2336).
3. Amended by Corrig., II.D. No. BPA. 1162/18698-III, dated 19th October, 1962 (M.G. Pt. IV-B.p. 2974).
4. Amended by G. N., II.D. No. BPA. 1062/49661-III, dated 2nd January, 1965 (M.G. Pt. IV-B.p. 383).
5. Amended by G. N., II.D. No. MIS. 1163-III, dated 30th January, 1965 (M.G. Pt. IV-B.p. 522).
6. Amended by G. N., II. d. No. BPA. 10621/49661-III, dated 16th March, 1965 (M.G. Pt. IV-B.p. 695).

Whereas the Government of Maharashtra considers that the following Toddy (Manufacturing, Possession and Consumption) Rules, 1961, should be brought into force on 1st day of April 1961;

Now, therefore, in exercise of the powers conferred by sections 52 and 53 and ¹[clause (e) of sub-section (2)] of section 143 of the @Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra is pleased to make the following Rules, namely ;

1. Short title, extent and commencement.—

(1) These Rules may be called the Toddy (Manufacture, Possession and Consumption) Rules, 1961.

²[(2) they extend to the area of the Chanda District specified in the Schedule to these Rules.]

(3) they shall come into force on and with effect from the 1st day of April, 1961.

2. Application for ²[licence].—Any person desiring to manufacture and possess toddy for domestic consumption may apply either in writing or orally to the Collector of the Chanda district or the Tahsildar of Gadchiroli or Sironcha for a permit in that behalf.

3. Grant of ²[licence].—The Collector, or as the case may be the Tahsildar may, having regard to the general backwardness of the people and the habits thereof to which the applicant belongs, grant the applicant a ²[licence] in the form thereto, on payment of a fee of ¹[seventy-five paise] or may, after giving the applicant an opportunity of stating his case, and after recording his reasons therefore, refuse to grant the ²[licence].

4. Duration of licence.—No such ²[licence] shall be granted for a period beyond [30th day June] next following the date of commencement of the ²[licence].

5. Number of trees to be tapped.—A ²[licensee] shall not tap any tree which he is not authorised to tap under the ²[licence].

¹ Subs. by G.N. of 7-5-1962.

² Subs. by G.N. of 2-1-1965.

@ The short title of this Act has been amended as "The Maharashtra Prohibition Act" by Mah. 24 of 2012, s.2, Sch. entry 37, w.e.f. 1-5-1960.

¹[SCHEDULE]

[See rule 1(2)]

Area of the Chanda District

(1) the whole of the Sironcha Tahsil of the Chanda District.

(2) the following villages of the Gadchiroli Tahsil of the Chanda District namely :

- | | |
|-------------------------------|----------------------------------|
| 1. Abapr. | 30. Bethkathi (near Zapragar) |
| 2. Alitola. | 31. Bethkathi. |
| 3. Alondi. | 32. Benoli. |
| 4. Ambekhari. | 33. Belargondi. |
| 5. Ambekhari (near Kukdel) | 34. Bharitola. |
| 6. Ambezari (near Sursundi). | 35. Bhandari. |
| 7. Ambezari (near Audhali) | 36. Bhapda. |
| 8. Ampaili. | 37. Bhadhid. |
| 9. Ambezari. | 38. Bhategaon (near Ramgarh) |
| 10. Andhali (near Chandona). | 39. Bhategaon. |
| 11. Andhali (near Gurnuli). | 40. Bhendikanhar. |
| 12. Antargaon (near Kosmi). | 41. Bhimankhoji. |
| 13. Antargaon. | 42. Bhimpur (near Murgaon). |
| 14. Aratondi. | 43. Bhendikanhar (near Sakhera). |
| 15. Arjuni. | 44. Bhimpur. |
| 16. Asewalhudki. | 45. Bhimapaili. |
| 17. Aswalpar. | 46. Bhuyardand. |
| 18. Armurkasa. | 47. Bhusankudo. |
| 19. Bamni. | 48. Bihate kh. |
| 20. Bandhul. | 49. Bihatckala. |
| 21. Bandgaon. | 50. Bodaldand. |
| 22. Basnjari. | 51. Bodena. |
| 23. Bandhona. | 52. Bodin. |
| 24. Bawanchuva. | 53. Bodankhodo. |
| 25. Bedgaon. | 54. Bodalgota. |
| 26. Begdi. | 55. Bogatola. |
| 27. Belgaon (near Piparzora) | 56. Bonde. |
| 28. Belgaon (near Khairi). | 57. Bandhona. |
| 29. Belgaon (near Murumagaon) | 58. Bori. |

¹ Subs. by G. N. of 2-1-1965.

- | | |
|----------------------------------|------------------------------------|
| 59. Bortola. | 101. Darachi. |
| 60. Bori (near Nimgaon) | 102. Darshani. |
| 61. Borantola. | 103. Dawandi. |
| 62. Bochur. | 104. Deogarh. |
| 63. Botezari | 105. Dewasara. |
| 64. Botekasa. | 106. Deosoor. |
| 65. Bondhanpur. | 107. Dewada. |
| 66. Butmaryan. | 108. Dewalbhati. |
| 67. Chandguta. | 109. Dewoolgaon (near Gunjanwadi). |
| 68. Chandona. | 110. Dewoolgaon. |
| 69. Chandagarh. | 111. Dewapur. |
| 70. Charwahi. | 112. Dhargata. |
| 71. Charbhatti. | 113. Dhanora. |
| 72. Charvidand (near Mayalaghat) | 114. Dhawari. |
| 73. Charvidand (near Malewada) | 115. Dhanegaon. |
| 74. Charvidand (near Kulbhatti). | 116. Dhanori. |
| 75. Chargaon. | 117. Dhekani. |
| 76. Charwahi. | 118. Dholdongri. |
| 77. Chatgaon. | 119. Dodke. |
| 78. Chavela (near Dhanora). | 120. Dongargaon (near Antargaon). |
| 79. Chichewada. | 121. Dongargaon (near Sonsari). |
| 80. Chehoda. | 122. Dongarhur. |
| 81. Chincholi. | 123. Dawandi (near Pararwadi) |
| 82. Chikhali. | 124. Drgapur. |
| 83. Chimri. | 125. Dudhamala. |
| 84. Chilamtola. | 126. Ekjal. |
| 85. Chinegaon. | 127. Eruktola. |
| 86. Chirchali. | 128. Fakanabhatti. |
| 87. Chikhaldhokada. | 129. Fari. |
| 88. Chingali. | 130. Fulkodio. |
| 89. Chimrikal. | 131. Fulgondi. |
| 90. Chicheda. | 132. Fulgondi. |
| 91. Chetekanhar. | 133. Gadeli. |
| 92. Chikhalgatta. | 134. Gahangatta. |
| 93. Chimrikala. | 135. Gaidongri. |
| 94. Chriyal. | 136. Gajmendi. |
| 95. Dabha. | 137. Gajgaon. |
| 96. Dabari. | 138. Gajangudda. |
| 97. Dadapur. | 139. Ganguli. |
| 98. Dalli. | 140. Gangaaitola. |
| 99. Dameshwar. | 141. Gargada. |
| 100. Darachi (near Gatancli) | 142. Gardha. |

- | | | | |
|------|-------------------------|------|------------------------------|
| 143. | Garapalli. | 186. | Jaisingtola. |
| 144. | Gataneli | 187. | Jalher. |
| 145. | Gattagda. | 188. | Jamnara (near Bodena). |
| 146. | Gattepaili | 189. | Jambhali. |
| 147. | Gatta. | 190. | Jamnara (near Chandagota). |
| 148. | Gawalheti. | 191. | Jamburkheda. |
| 149. | Gewardha. | 192. | Jamtola. |
| 150. | Ghodezari. | 193. | Jambhali (near Daundi). |
| 151. | Ghotewihir. | 194. | Jambhali (near Ranmul). |
| 152. | Ghugwa. | 195. | Jamgaon. |
| 153. | Gilgaon. | 196. | Jangala Bz. |
| 154. | Girola. | 197. | Japatarahi. |
| 155. | Godri. | 198. | Jappi. |
| 156. | Gondalwahi. | 199. | Jaiyatpur. |
| 157. | Gotatola. | 200. | Jawalwahi. |
| 158. | Gota. | 201. | Jansurgaon. |
| 159. | Gotatola (near Fulkodo) | 202. | Jodatarai. |
| 160. | Gothangaon. | 203. | Jogna. |
| 161. | Gotalhur. | 204. | Joshitola. |
| 162. | Gumali | 205. | Kaiml. |
| 163. | Gujanwadi. | 206. | Kameli. |
| 164. | Gurekasa. | 207. | Kachkal. |
| 165. | Gurnoli | 208. | Kadashi. |
| 166. | Gutekasa. | 209. | Kale. |
| 167. | Hadkanhal. | 210. | Kamangarh. |
| 168. | Hadapeth. | 211. | Kaneri. |
| 169. | Halkikantar. | 212. | Kanthala. |
| 170. | Hanpaili. | 213. | Kanhargaon. |
| 171. | Haranda. | 214. | Kanhargaon (near Salaitola). |
| 172. | Harakasa. | 215. | Kanhalgaon. |
| 173. | Hatanjur. | 216. | Kangoli. |
| 174. | Henkur. | 217. | Kanhartola. |
| 175. | Hetalkasa. | 218. | Kandiali. |
| 176. | Heti. | 219. | Kakadyeli |
| 177. | Hipanaer. | 220. | Kapa. |
| 178. | Hirange. | 221. | Darwafa. |
| 179. | Hitapalli. | 222. | Kanhalgaon (near Kakadyeli). |
| 180. | Hitkasa. | 223. | Karkozara. |
| 181. | Hudukdhama. | 224. | Kasari. |
| 182. | Hullundi. | 225. | Kasarbodi. |
| 183. | Hariyualdand. | 226. | Karemarka. |
| 184. | Idigaiya | 227. | Kanhaner. |
| 185. | Jalegaon. | 228. | Katalwada. |

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| 229. Katezari | 272. Kodekal |
| 230. Katangtola. | 273. Kokadkasa. |
| 231. Kawadekasha. | 274. Kondawahi. |
| 232. Kegatta. | 275. Kondekal. |
| 233. Kermayyan. | 276. Korkuti. |
| 234. Kesmir. | 277. Kosamgha. |
| 235. Ketantola. | 278. Kohakamokasa. |
| 236. Khursipar. | 279. Kumkot. |
| 237. Khirutola. | 280. Kukdel. |
| 238. Khunara. | 281. Kumbhitola. |
| 239. Khairi. | 282. Kmarpal. |
| 240. Khasorda. | 283. Kudakwahi. |
| 241. Khedegaon. | 284. Kupaner. |
| 242. Khedegaon (near Katangtola). | 285. Kurkheda. |
| 243. Khambatala. | 286. Kurdi. |
| 244. Khadki. | 287. Kuthegaon (near Rekhatala). |
| 245. Khardi. | 288. Kuthegaon. |
| 246. Khargi (near Palasgaon) | 289. Kulbhatti. |
| 247. Khedimowal. | 290. Latzoda. |
| 248. Khedi. | 291. Lawari. |
| 249. Khedegaon. | 292. Lekha. |
| 250. Kharkali. | 293. Lekurbodi. |
| 251. Khargi. | 294. Lendhari. |
| 252. Kharadguda. | 295. Lenguda. |
| 253. Khobramendha. | 296. Madi (kh.) |
| 254. Kisneli. | 297. Madi (Kl.) |
| 255. Kisoboriya. | 298. Mahawada (near Tadkhedagon) |
| 256. Kohekawahi. | 299. Mahawada. |
| 257. Kohekawahi (near Umarpal.) | 300. Majewada. |
| 258. Kolu. | 301. Mujumkhadka. |
| 259. Kotra. | 302. Mangardhodka. |
| 260. Kotaldoha. | 303. Manjewada. |
| 261. Korchi. | 304. Malenda. |
| 262. Kosmi. | 305. Malewada. |
| 263. Kochinera. | 306. Marma. |
| 264. Kohka. | 307. Markekasa. |
| 265. Kohka (near Kotgr.) | 308. Markegaon. |
| 266. Komi (near Markagaon) | 309. Markegon (near Mudayam) |
| 267. Kotgu. | 310. Markagon. |
| 268. Kohakabondi. | 311. Maroda. |
| 269. Kolarbodi. | 312. Marda. |
| 270. Koregaon. | 313. Markepailli. |
| 271. Kosmi. | 314. Maler. |

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| 315. Marsrigatta | 358. Nalikasa. |
| 316. Maslei. | 359. Naldgi. |
| 317. Masandi. ' | 360. Nanhi. |
| 318. Mayalghat. | 361. Nandli. |
| 319. Mausi. | 362. Narkasa. |
| 320. Medha (near Mohagon). | 363. Narchuli. |
| 321. Medha (near Sonsari). | 364. Nawargaon (near Yerandi). |
| 322. Medha (near Deosara). | 365. Nawegaon (near Pathargota). |
| 323. Medha (near Wairagarh). | 366. Nawargaon (near maler). |
| 324. Medha (near Lekha). | 367. Nawezaricar Andhali). |
| 325. Mendhatola. | 368. Nawargaon (near Paknabhatti). |
| 326. Mendharangi. | 369. Nawargaon (near Andhali). |
| 327. Metejangla. | 370. Nimgaon. |
| 328. Michgaon. | 371. Nimanwada. |
| 329. Michgaon (near kachkal). | 372. Nipagarth. |
| 330. Misgaon (Bz.). | 373. Ninsur. |
| 331. Misgaon (Kl.). | 374. Nyahakal. |
| 332. Mopri. | 375. Padiyajog. |
| 333. Mohagon (near Pulkhal). | 376. Padikasa (near Muleti.). |
| 334. Mohagaon. | 377. Padaboniya. |
| 335. Modebhatti. | 378. Paidi. |
| 336. Mohali. | 379. Paimuranda. |
| 337. Morchul. | 380. Palasgarh. |
| 338. Morchul (near Sacangi). | 381. Palasgaon (near Chinegaon). |
| 339. Mohagaon. | 382. Palapudi. |
| 340. Morkhudi. | 383. Palkhedagon. |
| 341. Mothaziliya. | 384. Palasgaon (near Kharji). |
| 342. Motargudi. | 385. Pandhrigota. |
| 343. Mundipar. | 386. Pandharpani. |
| 344. Mjalgondi. | 387. Pannimara. |
| 345. Mrmadi. | 388. Pandharsada (near Gothewihir). |
| 346. Murzar. | 389. Pandharsada (near patezari). |
| 347. Murumgaon. | 390. Pandhribhatal. |
| 348. Mudayam. | 391. Paraswadi (near Daundi). |
| 349. Mungenir. | 392. Paraswihir. |
| 350. Murgaon. | 293. paraswadi (near Dudhmala). |
| 351. Muleti. | 394. Pathargota (near Kachkal). |
| 352. Murmuri. | 395. Pathargota. |
| 353. Murantha Rith. | 396. Patezari. |
| 354. Nadekal <i>alias</i> Bethkathi. | 397. Paurzora. |
| 355. Nagpur. | 398. Paurwel. |
| 356. Nagweli. | 399. Pawelasanpeth. |
| 357. Nakeda. | 400. Pekinmrza. |

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| 401. Pekinkasa. | 444. Rotha. |
| 402. Pendhari. | 445. Rondawahi. |
| 403. Pendarkodo. | 446. Rупingatta. |
| 404. Pipalgaon. | 447. Sadhutola. |
| 405. Piparzora. | 448. Saitola. |
| 406. Pisewaddha. | 449. Saigaon. |
| 407. Pitesur. | 450. Sakhera. |
| 408. Pitesur (near Bamhani). | 451. Salaitola. |
| 409. Potegaon. | 452. Sale (near Bhatgon) |
| 410. Pobha Rith. | 453. Sale (near Bhyardand). |
| 411. Pauni. | 454. Salebhatti. |
| 412. Pondi. | 455. Sanpur. |
| 413. Pranpur. | 456. Saranda Khurd. |
| 414. Pratapgarh. | 457. Satputi. |
| 415. Pulkhal. | 458. Satputi. |
| 416. Purutola. | 459. Sawali. |
| 417. Purada. | 460. Sawargaon (near Morchul). |
| 418. Pushetola. | 461. Sawargon. |
| 419. Pusawandi. | 462. Sawanga Buz. |
| 420. Pauna. | 463. Sawanga Kh. |
| 421. Rainpur. | 464. Sawela. |
| 422. Rajatola (nera Jamnara). | 465. Seoni. |
| 423. Rajatola (near Jodtarai). | 466. Sikaritola. |
| 424. Rajoli. | 467. Sindesur. |
| 425. Rajoli (near potegaon). | 468. Sindewahi. |
| 426. Ramsaitola. | 469. Sindasr. |
| 427. Ramgarh. | 470. Sinsur (near Chichoda). |
| 428. Rampur. | 471. Sinsur. |
| 429. Ramrah (near Gawalheti). | 472. Singapr. |
| 430. Ranwahi. | 473. Sisur. |
| 431. Rankatta. | 474. Sitaseoni. |
| 432. Rangi. | 475. Siwarajpur. |
| 433. Ranwahi (near Dameshwar). | 476. Siwagatta. |
| 434. Ranbhmi. | 477. Sohale. |
| 435. Ranmul. | 478. Sonpur. |
| 436. Ranwadi. | 479. Sonsari. |
| 437. Ranwanpalli. | 480. Sonpur. |
| 438. Ranwanzora. | 481. Sode. |
| 439. Reche. | 482. Somalpur. |
| 440. Regadand. | 483. Surwahi. |
| 441. Rekhatola. | 484. Sursumd. |
| 442. Rengagaon. | 485. Sryadongri. |
| 443. Ridwahi. | 486. Simara. |

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| 487. | Tadguda. | 520. | Waghadara <i>alias</i> Goswarhudki. |
| 488. | Tahakatola. | 521. | Waghbhumi (near jaisinghtola). |
| 489. | Tahakadand. | 522. | Waghbhumi (near Dewalwahi). |
| 490. | Talegaon. | 523. | Wanarchuwa. |
| 491. | Talodhi. | 524. | Warke Kasa. |
| 492. | Tarwargarh. | 525. | Warwahi. |
| 493. | Tekameta. | 526. | Woko. |
| 494. | Tekabedal. | 527. | Yedanpaili. |
| 495. | Temili. | 528. | Yedanpaili Kh. |
| 496. | Thatri. | 529. | Yedasgondi. |
| 497. | Thusi. | 530. | Yedanpur. |
| 498. | Torogaon. | 531. | Yedaskuhi Masat. |
| 499. | Toyagondi. | 532. | Yedaskuhi (near Palapundi) |
| 500. | Tode. | 533. | Yedapur. |
| 501. | Tukum. | 534. | Yelmagarh. |
| 502. | Tumrikasa. | 535. | Yengalkheda. |
| 503. | Turner. | 536. | Yengada. |
| 504. | Tulsi. | 537. | Yengaon. |
| 505. | Ubadalli. | 538. | Yerkadi. |
| 506. | Udegaon. | 539. | Yerandi. |
| 507. | Umarzari. | 540. | Yerkadmohad. |
| 508. | Umarpal. | 541. | Yerandi (near gothangaon) |
| 509. | Umri (near Koregaon). | 542. | Yerkundi. |
| 510. | Umari. | 543. | Yerukdhodri. |
| 511. | Utaga. | 544. | Zadapada. |
| 512. | Vijapur (near Charbhatti). | 545. | Zagdwahi. |
| 513. | Vijapur. | 546. | Zankargondi. |
| 514. | Wadgaon (near Kohka). | 547. | Zapragarh. |
| 515. | Wadgaon (near Nanhi). | 548. | Zari. |
| 516. | Wadgaon (near Koregaon). | 549. | Zandepar. |
| 517. | Wadgaon (near Salebhatti). | 450. | Zilla Lahan. |
| 518. | Wadgaon (near Garapati). | 551. | Zilia Kl. |
| 519. | Wagheda. | | |
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FORM T

¹[licence] for the manufacture and possession of toddy for domestic consumption

Shri inhabitant of the village of in the tahsil of in the district of Chanda (hereinafter called the permit holder) is hereby granted a ¹[licence] for the manufacture and possession of toddy for domestic consumption ²[for the period ending on 30th day of June 19] on payment of ²[a fee of seventy-five¹[paise]] subject to the following condition, namely:

Conditions

1. The ¹[licensee] shall always carry this ¹[licence] whenever engaged in drawing toddy and shall produce it on demand by any revenue office not below the rank of Naib-Tahsildar or any Prohibition and Excise or Police Officer not below the rank of a Sub-Inspector.
2. The ¹[licensee] shall not tap or cause to be tapped any tree or draw or cause to be drawn toddy from any tree of attach or cause to be attached any pot to any tree until the tree has been marked by an officer authorised by the Collector in that behalf and until duty at the rate of ²[seventy-five ¹[paise] per tree for the period of the ¹[licence]] is paid.
3. The ¹[licensee] shall not toddy drawn under this ¹[licence].
4. The permit holder shall not tap more than toddy trees during the period of this licence. He shall not tap date palms (Sindhi).
5. The ¹[licence] may be cancelled or suspended in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Dated 20

³[Seal

Signature and designation of the officer
granting the ¹[licence].

**{40} G. N., H. D., No. PBA. 1161/11487, dated 1st April, 1961
(M.G., Pt. IV-B, p. 317)**

1. Amended by G.N., H.D., No. BPA. 1162/18689 (c) III, dated 31st March, 1962 (M. G., Pt. IV-B.p. 595)

In exercise of the powers conferred by sub-section (1) of section 109 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby directs that for every toddy producing tree which is tapped or caused to be tapped in the outstill area of the Chanda District, there shall be levied a duty at the rate of ¹[seventy-five naye paise per tree for the period of the permit.]

2. Nothing in this notification shall apply to any tree from which neera is drawn under a licence issued under the Bobmay Neera Rules, 1951.

1 Subs. by G.N. of 2-1-1965.

2 Subs. by G.N. of 7-5-1962.

3 Subs. by G.N. of 30-1-1965.