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GOVERNMENT OF KERALA

Taxes (G) Department

NOTIFICATION

G. O. (P) No. 66/2012/TD.

Dated, *Thiruvananthapuram*, 10th April, 2012.

S. R. O. No. 238/2012.—In exercise of the powers conferred by sections 18A and 29 of the Abkari Act 1 of 1977, the Government of Kerala hereby make the following rules further to amend the Kerala Abkari Shops Disposal Rules, 2002, issued by notification under G. O. (P) No. 24/2002/TD dated 30th March, 2002 and published as S. R. O. No. 198/2002 in the Kerala Gazette Extraordinary No. 376 dated 30th March, 2002, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Abkari Shops Disposal (1st Amendment) Rules, 2012.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In rule 5 of the Kerala Abkari Shops Disposal Rules, 2002,—

(a) in sub-rule (10), for the sentence beginning with the words "The Bank Guarantee furnished towards wages and other benefits" and ending with the words "benefits to the workers are paid by grantee.", the following shall be substituted, namely:—

"The Bank Guarantee furnished under sub-rule (7) towards wages and other benefits to the workers shall be retained by the Deputy Commissioner of Excise concerned and be renewed until the full wages and other benefits to the workers are paid by the grantee/licensee or until such wages and other benefits are realised from the Bank Guarantee or the amount pledged, as provided under sub-rule (10A), whichever is earlier."

(b) after sub-rule (10), the following sub-rule shall be inserted, namely:—

"(10A) Where the grantee/licensee has defaulted payment of wages and other benefits due to the workers and remains unpaid till the end of the period of licence or as on the date of cancellation of the licence for any reason, the amount equivalent to the wages and other benefits payable for one month shall immediately be realised from the Bank Guarantee or the amount pledged in favour of the Deputy Commissioner of Excise in this behalf and the Deputy Commissioner of Excise shall, without delay, disburse the amount to the concerned workers of the toddy shop:

Provided that before realising an amount under this sub-rule, a reasonable opportunity shall be given to the grantee/licensee to furnish the proof of full payment, if any, of the wages and other benefits to the workers."

By order of the Governor,

A. ALITH KUMAR,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Sub-rules (7) and (10) of rule 5 of the Kerala Abkari Shops Disposal Rules, 2002 provides that the applicant shall furnish a Bank Guarantee or Bank Draft in favour of the Deputy Commissioner of Excise of the Division concerned or

solvency by way of deposits in Treasury Savings Account, pledged in the name of such Deputy Commissioner of Excise towards wages and other benefits of the workers and it shall be retained by the Deputy Commissioner of Excise until the wages and other benefits due to the workers are paid by the grantee. Such Bank Guarantee or amount pledged can be released to the grantee only if he proves to the satisfaction of the Deputy Commissioner of Excise that the wages and other benefits of the workers have been paid in full. But, there is no provision in the Rules enabling release of the amount to the workers from the said Bank Guarantee or the amount pledged in favour of the Deputy Commissioner of Excise, in the event of non-functioning of toddy shops or sales discontinued for some reason and the wages and other benefits remain unpaid. Due to the non-payment of the wages to the workers they are now put to severe difficulty. In order to overcome such difficulties, Government have now decided to introduce a provision in the Rules to release the amount due towards wages and other benefits to the workers from the Bank Guarantee furnished by the grantee or licensee or from the amount pledged in favour of the Deputy Commissioner of Excise, after the end of licence period or when the licence is cancelled.

The notification is intended to achieve the above object.