



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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2021 ഫെബ്രുവരി 25
25th February 2021
1196 കുംഭം 13
13th Kumbham 1196
1942 ഫാൽഗുനം 6
6th Phalguna 1942

നമ്പർ
No. 972

കേരള സർക്കാർ

നിയമ (നിയമനിർമ്മാണ-എ) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 4153/ലെറ്.എ1/2021/നിയമം.

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1196 കുംഭം 12
1942 ഫാൽഗുനം 5.

2021 ഫെബ്രുവരി 23-ാം തീയതി കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയ താഴെപ്പറയുന്ന ഓർഡിനൻസ് പൊതുജനങ്ങളുടെ അറിവിലേക്കായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻപ്രകാരം,
അരവിന്ദ ബാബു പി. കെ.,
നിയമ സെക്രട്ടറി.



GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 4153/Leg. A1/2021/Law.

Dated, Thiruvananthapuram, 24th February, 2021
12th Kumbham, 1196
5th Phalguna, 1942.

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor of Kerala is pleased to authorise the publication in the Gazette of the following translation in English language of the Kerala Toddy Industry Development Board Ordinance, 2021 (40 of 2021).

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.



[Translation in English of “2021-ലെ കേരള കളക്ട് വ്യവസായ വികസന ബോർഡ് ഓർഡിനൻസ്” published under the authority of the Governor.]

ORDINANCE No. 40 OF 2021

THE KERALA TODDY INDUSTRY DEVELOPMENT BOARD

ORDINANCE, 2021

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

AN

ORDINANCE

to provide for the constitution of Toddy Industry Development Board and to promote and develop the traditional toddy industry in the State of Kerala and matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to provide for the constitution of Toddy Industry Development Board and to promote and develop the traditional toddy industry in the State of Kerala and matters connected therewith or incidental thereto;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Toddy Industry Development Board Ordinance, 2021.



(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “Board” means the Kerala Toddy Industry Development Board constituted under section 3;

(b) “Chairperson” means Chairperson of the Board;

(c) “Chief Executive Officer” means the Chief Executive Officer of the Board appointed under section 4;

(d) “Excise Commissioner” means an officer appointed by the Government under clause (a) of section 4 of the Abkari Act, 1077 (1 of 1077);

(e) “Government” means the Government of Kerala;

(f) “member” means member of the Board;

(g) “prescribed” means prescribed by rules made under this Ordinance;

(h) “regulation” means regulations made by the Board under this Ordinance;

(i) “State” means the State of Kerala;

(j) “toddy” means toddy as defined under clause (n) of rule 2 of the Kerala Abkari Shops Disposal Rules, 2002;

(k) “toddy shop” means toddy shop as defined under clause (c) of rule 2 of the Kerala Abkari Shops Disposal Rules, 2002.

CHAPTER II

CONSTITUTION OF THE BOARD

3. *Constitution of the Board.*—(1)The Government shall, as soon as may be, after the commencement of this Ordinance, by notification in the Gazette, constitute a Board to be known as “the Kerala Toddy Industry Development Board”, to exercise the powers and to perform the functions conferred on it under this Ordinance.



(2) The Board shall be a body corporate having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and immovable and to enter into contract subject to the provisions of the Ordinance and to do all things necessary for the purpose of this Ordinance, and shall may by the said name sue and be sued.

(3) The Head quarters of the Board shall be at Thiruvananthapuram.

(4) The Board shall consist of the following members, appointed by the Government as hereinafter provided, namely:—

(a) A person nominated by the Government—Chairperson;

(b) The Secretary/Principal Secretary/Additional Chief Secretary to the Government, Taxes Department;

(c) Excise Commissioner;

(d) The Secretary/Principal Secretary/Additional Chief Secretary to the Government, Finance Department;

(e) Director of Research, Kerala Agriculture University;

(f) Assistant Director (Marketing), Agriculture Department;

(g) Chairman, Kerala Toddy Industry Workers' Welfare Fund Board;

(h) One representative each from recognized trade unions in toddy sector, up to maximum five representatives;

(i) Two representatives from toddy shop licensees association;

(j) Two representatives of coconut farmers;

(k) Chief Executive Officer.

(5) The Chairperson and members shall be appointed by notification in the Official Gazette.



4. *Service conditions and term of office of the Chairperson and members.*—(1) The Chairperson and the non-official members of the Board may hold office for a period of five years from the date on which they assume the office.

(2) The salary and allowances payable to the Chairperson and other members and other conditions of service shall be such as, may be prescribed.

5. *Reconstitution of the Board.*—(1) The Government may, by notification in the Gazette, and on the reasons to be specified in the notification, reconstitute the Board in accordance with the provisions of sub-section (2) of section 3.

(2) When the Board is reconstituted under sub-section(1), members of the Board including the Chairperson, who were holding office immediately before such reconstitution, from the date of such reconstitution, shall vacate their offices as such members, notwithstanding that their term of office has not expired, unless they are appointed as members of the Board so reconstituted.

6. *Disqualification for being appointed, or for continuing as, a member of the Board.*—A person shall be disqualified from being appointed or continuing as a Member of the Board, if he,—

(a) is of unsound mind;

(b) is an undischarged insolvent;

(c) has been convicted for an offence involving moral turpitude or convicted for an offence of financial irregularity.

(d) directly or indirectly hold any share or interest in any contract or work by the Board or on behalf of the Board.

7. *Removal or suspension of members from their office.*—(1) The Government may, by order, remove any Chairperson or any member from their office, if he,—

(a) refuses to do the work or becomes incapable to do the work;

(b) has been on conviction sentenced to imprisonment for an offence involving moral turpitude in the opinion of the Government;



(c) is absent without the permission of the Board from three consecutive meetings of the Board; or

(d) in the opinion of the Government, so abused his official position, so as to render his continuance in the Board detrimental to the interest of the Board or interest of the public; or

(e) is otherwise unsuitable to continue as a member:

Provided that no person shall be removed under this sub-section, unless he has been given a reasonable opportunity of being heard.

(2) The Government may suspend any member of the Board during the pendency of proceedings under sub-section (1).

(3) No member who has been removed from the Board under sub-section (1), shall be reappointed as a member of the Board or appointed in any other capacity under the Board.

8. *Resignation of office by a member.*—Any member of the Board may, resign his office by giving notice in writing to the Government, and on such resignation being accepted by the Government, he shall be deemed to have vacated his office.

9. *Vacancy to be filled in as early as possible.*—(1) When a member is subject to any disqualification under section 6, or removed under section 7 or resigned under section 8, he shall cease to be a member of the Board, and any such vacancy shall be filled by the Government as early as possible.

(2) The term of office of a member appointed in such casual vacancy shall be the remaining period of the term of office of the member in whose vacancy he has been appointed.

10. *Vacancies etc. not to invalidate proceedings of the Board.*—No action or proceedings of the Board shall become invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Board.

11. *Temporary association of persons with the Board for particular purposes.*—(1) The Board may associate with itself, any person whose assistance or advice it may desire for any particular purpose of this Ordinance, in such manner as may be provided in regulations, made under this Ordinance.



(2) A person associated with the Board for any purpose under sub-section (1), shall have the right to take part in the discussions of the Board relating to such purpose:

Provided that he shall not have the right to vote in the meeting of the Board.

12. *Meetings of the Board.*—(1) The Board shall meet at such time and such places as may be provided in the regulations and shall follow such rules of procedure in regard to transaction of business at its meetings:

Provided that the Board shall meet at least once in every three months.

(2) The Chairperson or, in his absence, such member as may be chosen by the members present from among themselves shall preside over the meeting of the Board.

(3) Quorum of the meeting of the Board including the chairperson, shall be one third of the members.

(4) Any matter coming up before a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of equality of votes, the Chairperson or member presiding over the meeting shall have a right for a casting vote.

(5) The minutes of every meeting of the Board shall be forwarded to the Government within fifteen days after the meeting.

13. *Appointment of Chief Executive Officer and other staff of the Board.*—(1) The Government may appoint an officer not below the rank of Joint Secretary in the Government service, as the Chief Executive officer.

(2) The Chief Executive Officer shall exercise such powers and discharge such duties, as may be prescribed.

(3) The Board may appoint officers and staff, as may be necessary, for performing its functions in an efficient manner.

(4) The method of appointment and other conditions of service and salary and allowances of the officers and staff shall be, such as may be prescribed.

14. *Power to make contract.*—(1) The Board may enter into contracts as it may consider necessary or expedient for carrying out the purposes of this Ordinance.



(2) Every contract shall be made on behalf of the Board, by the Chairperson or an officer authorized by the Board.

(3) Every contract made on behalf of the Board shall be, in such form and such manner as may be prescribed.

15. *Finance Standing Committee and other committees.*—(1) The Board may appoint a Finance Standing Committee to exercise such powers and perform such functions relating to the financial matters of the Board, as may be laid down by regulations.

(2) The Board may, from time to time, appoint one or more committees for the purpose of securing, that the said functions are exercised with due regard to the circumstances and requirements of Toddy Industry.

CHAPTER III

POWERS AND FUNCTIONS OF THE BOARD

16. *Functions of the Board.*—(1) It shall be the duty of the Board to organize, develop and encourage the Toddy Industry sector and ensure the protection of employment of the workers in the sector and perform such functions, as may be fixed by the Government from, time to time.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board may perform all or any of the following duties and functions, in particular, namely:—

- (a) to ensure the availability of natural toddy to the consumers;
- (b) to collect and store toddy from places where there is large scale production and transport it to other necessary places;
- (c) to start initiatives for the production of value added products from toddy;
- (d) to make necessary arrangements to store and preserve excess toddy produced during the peak production season;
- (e) to plant high yielding toddy producing trees;
- (f) to construct permanent buildings to run toddy shops;



- (g) to conduct toddy shops as much as necessary;
- (h) to establish Toddy Parlours with modern facilities in tourism centers;
- (i) to provide necessary training to the existing and new entrants in the toddy sector;
- (j) to keep statistical data on toddy industry;
- (k) to open knowledge centers for the workers and farmers and to publish journals;
- (l) to encourage the research to be required in this field.

17. *General powers of the Board.*—The Board, shall have the following powers, for the purposes of carrying out its functions under this Ordinance, namely:—

(1) to acquire and hold such movable and immovable property as it deems necessary and to lease, sell or otherwise transfer any such property:

Provided that in the case of immovable property, the aforesaid powers except the power to acquire shall be exercised only with the previous sanction of the Government;

(2) Subject to the provisions of this Ordinance and the rules made thereunder, to meet the expenditure and formulate and implement such schemes as it may consider necessary for the purpose of carrying out the provisions of this Ordinance.

CHAPTER IV FORMULATION AND SUBMISSION OF SCHEMES

18. *Preparation and submission of annual Schemes.*—(1) The Board shall prepare annual scheme, subject to the provisions of this Ordinance, every year, on or before such date as may be fixed by the Government, and forward it to the Government for approval.

(2) The scheme shall contain,—

(a) such particulars of the scheme which the Board proposes to execute, whether in part or whole, during the next year;



(b) particulars of any work or undertaking of any work which the Board proposes to organize during the next year for the purposes of carrying out its functions under this Ordinance; and

(c) such other particulars, as may be prescribed.

(3) The Government may approve and sanction the scheme in whole or with such modifications as they may deem fit.

(4) The Government may, either sanction or approve the schemes completely or with the modifications as they may deem fit.

CHAPTER V FINANCE, ACCOUNTS, AUDIT AND DEBTS

19. *Transfer of Property.*—The Government may, for carrying out the purposes of the Ordinance, transfer buildings, land or any other property, whether movable or immovable, to the Board on such terms and conditions as the Government may deem fit.

20. *Funds of the Board.*—(1) The Board shall have its own fund, and all receipts of the Board shall be credited thereto, and all expenditure by the Board shall be met therefrom.

(2) The Board may accept assistance or loans from the Toddy Workers' Welfare Fund Board.

(3) All funds of the Board shall be deposited as directed by the Government by general or special orders.

21. *Utilization of fund and property.*—All property, fund and other assets of the Board shall be utilized for the purpose of the Ordinance and subject to the provisions of this Ordinance.

22. *Subventions and loans to the Board.*—(1) The Government may, from time to time, make subventions and grants to the Board, for the purposes of this Ordinance on such terms and conditions as the Government may determine.



(2) The Board may, from time to time, with the previous sanction of the Government and subject to the provisions of this Ordinance and on such conditions as the Government may determine, borrow any sum required for the purposes of this Ordinance.

23. Preparation of Budget Estimates.—(1) The Board shall, on or before such date as may be fixed by the Government, prepare the budget for the next financial year showing an estimated income and expenditure of the Board in such form as the Government may specify and submit it to the Government.

(2) The Government may sanction the budget with or without modifications.

(3) No sum shall be expended by or on behalf of the Board, unless such expenditure is included by specific provision in the budget approved by the Government under sub-section (1):

Provided that the Board may, with the previous sanction of the Government and within the limits of the budget, sanction re-appropriation, from one head of expenditure to another, or from a provision made for one scheme to that in respect of another, subject to the condition that it shall not exceed the budget allocation.

24. Preparation of Supplementary Budget Estimates.—The Board may submit a supplementary budget for the sanction of the Government in, such form and before such date as may be prescribed, and the provisions of section 23 shall apply to such supplementary budget.

25. Accounts of Audit.—The accounts of the Board shall be maintained and an annual statement of accounts shall be prepared in such manner, as may be prescribed. Such accounts shall be audited by an auditor approved by the Government.

26. Annual report.—The Board shall for every financial year prepare in such manner as may be prescribed, an annual report within three months from the end of the financial year giving a complete account of the previous financial year and forward to the Government. Every such report together with the audit statement of accounts shall be cause to laid before the Legislative Assembly as soon as may be after it is received by the Government.

27. Further report, statistics and returns.—The Board shall before such date and at such intervals and in such manner as the Government may, from time to time direct, submit to the



Government a report of such matters and such statistics and such returns as the Government may direct.

28. *Recovery of arrears.*—If any amount due to the Board, in accordance with the provisions of this Ordinance or rules made thereunder or the provisions of a contract or otherwise or any sum payable in connection therewith, has not been paid, such amount shall, without prejudice to any other remedy provided by law, be recoverable as arrears of land revenue under the Kerala Revenue Recovery Act, 1968 (15 of 1968).

29. *Power to write off irrecoverable amount.*—The Board may write off any sum not exceeding ten thousand rupees in each case, subject to a limit of fifty thousand rupees annually, if in its opinion such sum is not recoverable.

CHAPTER VI

MISCELLANEOUS

30. *Power of Government to give directions.*—The Government may for the purpose of discharging its functions under this Ordinance, give directions to the Board, and the Board shall be bound to comply such directions.

31. *Chairperson, members and staff of the Board to be public servants.*—The Chairperson, members and the staff of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

32. *Protection of action taken in good faith.*—No suit, or other legal proceedings shall lie against the Government, Board or any member or Staff thereof in respect of anything which is done in good faith or purported to be done under this Ordinance, rules or regulations made thereunder.

33. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order published in the Official Gazette, make provisions not inconsistent with the provisions of this Ordinance and which appears to it, to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Ordinance.



(2) Every order made under sub-section (1) shall, as soon as may be, after it is made be laid before the Legislative Assembly.

34. *Power to make Rules.*—(1) The Government may, by notification in the Gazette, make rules, either prospectively or retrospectively, for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the salary and allowances to be paid to the Chairperson and other members of the Board under sub-section (2) of section 4;

(b) the powers to be exercised and the duties to be discharged by, the Chief Executive Officer under sub-section (3) of section 13, and method of appointment, other conditions of service, and salary and allowances of the officers and staff under sub-section (5) of the said section;

(c) the form and manner in which contract shall be entered into under sub-section (3) of section 14;

(d) other details that may be included in the annual scheme under clause (d) of sub-section (2) of section 18, and the form in which and the time before which the Supplementary Scheme to be prepared;

(e) the form for preparing the supplementary budget under section 23;

(f) the form in which, and the date before which, the supplementary budget shall be prepared under section 24;

(g) the manner in which the accounts of the Board are to be maintained and the manner in which the annual statements are to be prepared under section 25;

(h) the manner in which the Annual Report is to be prepared under section 26;

(i) Other matters which is to be, or may be prescribed.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of fourteen days,



which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

35. *Power to make regulations.*—(1) The Board may, with the previous approval of the Government, make regulations not inconsistent with the provisions of this Ordinance and the rules made thereunder, to carry out the purposes of this Ordinance by notification in the Gazette.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations providing for,—

(a) the manner in which the persons are to be temporarily associated under sub-section (1) of section 11;

(b) the time, place and procedures of the meeting of the Board under sub-section (1) of section 12;

(c) the powers relating to the financial matters to be exercised and the duties to be discharged under sub-section (1) of section 15.

ARIF MOHAMMED KHAN,
GOVERNOR.

