

**Twelfth Kerala Legislative Assembly**

**Bill No. 205**

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**THE NON-RESIDENT KERALITES' WELFARE BILL, 2008**

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THE NON-RESIDENT KERALITES' WELFARE BILL, 2008

A

*BILL*

*to provide for the constitution of a welfare Fund to grant relief to, to ensure the welfare of and to pay pension and other benefits to the Non-Resident Keralites and to promote companies or co-operative societies or societies or other institutions of Non-Resident Keralites' for their benefit.*

*Preamble.*—WHEREAS, it is expedient to provide for the constitution of a welfare fund for the grant of relief to, to promote the welfare of and to pay pension and other benefits to the Non-Resident Keralites' and to promote companies, co-operative societies, societies and other institutions of the Non-Resident Keralites' for their benefit ;

BE it enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Non-Resident Keralites' Welfare Act, 2008.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) "Board" means the Kerala Non-Resident Keralites' Welfare Board constituted under section 8 of the Act ;

(b) "Chief Executive Officer" means the Chief Executive Officer appointed under sub-section (1) of section 11 of the Act ;

(c) "Company" means a company registered under the Companies Act, 1956 (Central Act 1 of 1956) for the purposes mentioned in section 13 of the Act ;

(d) "Contribution" means the sum of money payable to the Fund under section 4 of the Act ;

(e) “Co-operative Society” means a Co-operative Society registered under the Kerala Co-operative Societies Act, 1969 (Act 21 of 1969) ;

(f) “Deemed member” means a non-resident Keralite whose membership has been ceased owing to his return to Kerala but who is paying the contribution continuously to the pension fund under sub-section (4) of section 7 of the Act ;

(g) “Dependent” means the family member of a member of the fund and in the absence of a family, the major brothers and unmarried sisters of the member ;

(h) “Family” means.—

(i) Wife/husband, minor son and unmarried or widowed daughter including adopted children ;

(ii) Father, mother, unmarried sister and minor brother who are solely dependent on the member and in the absence of such dependents, the major son and married daughter ;

(i) “Fund” means “The Non-Resident Keralites’ Welfare Fund” constituted under section 3 of the Act ;

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

(k) “Keralite” means a person born or domiciled in the State of Kerala and includes wife/husband of such person and their major children ;

*Explanation:—*A person who was born outside Kerala and who resides in Kerala permanently for a period of not less than three years will be considered as domiciled in Kerala for the purposes of this Act.

(l) “Member” means a member of the Fund ;

(m) “Non-Resident Keralite” means an Indian Citizen,

(i) who is a Keralite holding a valid Indian passport and who is employed in another country with VISA of the foreign country [hereinafter termed as “Non-Resident Keralite” (abroad)], or (ii) a Keralite who is employed or residing in India, but outside the State of Kerala; [hereinafter termed as “Non-Resident Keralite” (India)], but does not include employees of the Central Government, State Government, Local Self Government or Public Sector Undertakings of both the Central and State Government or autonomous institutions ;

*Explanation:—*If any question arises as to whether a person is or not a Non-Resident Keralite for the purpose of this Act, the question shall be referred

to the Secretary of the Board or an Officer authorised by the Government in this behalf whose decision thereon shall be final ;

(n) “Notification” means a notification published in the Kerala Gazette ;

(o) “Prescribed” means prescribed by rules made under this Act ;

(p) “Re-patriate” means a member who returns to Kerala and resides permanently in Kerala after working as a Non-Resident Keralite for a period of not less than three years ;

(q) “Scheme” means “the Non-Resident Keralites’ Welfare Scheme” framed under this Act ;

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

(s) “Year” means the financial Year.

3. *The Non-Resident Keralites’ Welfare Scheme.*—(1) The Government may, by notification in the Gazette, frame a scheme to be called “the Non-Resident Keralites’ Welfare Scheme” for the constitution of a Fund for the welfare of the Non-Resident Keralites under this Act and there shall be constituted, as soon as may be, after framing of the Scheme, a fund in accordance with the provisions of this Act and the Scheme.

(2) The following shall be credited to the Fund, namely:—

(a) The contributions as per section 4 ;

(b) Grants, loans or advances made by the Government of India or the State Government or the Local Self Government Institutions or any other institution/organization ;

(c) Donations from any individual and/or any organization in India or abroad or from any Government agencies in India or abroad or from other sources ;

(d) Application/registration fee or any other fee collected under the Act and the Scheme ;

(e) Amount borrowed by the Board under section 12 ;

(f) Any profit or interest or dividend or other returns on any investment or share made by the Board ;

(g) Accumulation of any unclaimed amount of a Non-Resident Keralite (abroad) under section 14 of this Act or under any other provision of this Act or under the scheme, as may be prescribed ;

(h) Any amount raised by the Board under any other source for augmenting resources of the Fund.

(3) The Fund shall vest in and be administered by the Board.

(4) The Fund may be utilized for all or any of the following purposes, namely:—

(a) for payment of pension,—

(i) to the members and to the deemed members on completion of 60 years of age ; and

(ii) to a repatriate permanently domiciled in Kerala and who has been a Non-Resident Keralite for not less than ten years and who has completed sixty years of age ;

(b) for the payment of family pension on the death of a member or a deemed member who had remitted contribution for not less than 5 years ;

*Explanation:—*For computing the period of 5 years, both the contributions made by him as a member as well as deemed member shall be counted ;

(c) for the payment of financial assistance on the death of a member due to illness or accident ;

(d) for the payment of financial assistance to meet the expenses towards medical treatment of the members for chronic diseases ;

(e) for the payment of financial assistance for the marriage of the women members and daughters of the members and maternity benefit to the women members ;

(f) for providing assistance or loans or advances for the construction of dwelling house for members or for education facilities of children of members including higher education ;

(g) for the payment of self-employment assistance or loans to seek self employment to the repatriates ;

(h) for the payment of financial assistance to a member who suffers from permanent disablement incapacitating him to attend any work for his livelihood ;

(i) for investment in any company, firm or co-operative society or society or institution constituted under the provisions of this Act ; and

(j) for any other purpose specified in the scheme.

(5) The scheme framed under sub-section (1) may provide for the matters specified in sub-section (4) and in the Schedule to this Act.

(6) The Scheme shall be laid as soon as may be, after it is framed, before the Legislative Assembly while it is in session for a total period of 14 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 Scheme, the Scheme shall thereafter have effect only in such modified form, so however that, any such modification shall be without prejudice to the validity of anything previously done under the Scheme.

4. *Contribution to the Fund.*—(1) Every Non - Resident Keralite (abroad) member shall contribute an amount of Rs. 250 per month to the Fund.

(2) Every Non-Resident Keralite (India) member shall contribute an amount of Rs. 150 per month to the Fund.

(3) The Government shall contribute to the fund by way of grant an amount equal to 2 per cent of the contribution paid under sub-sections (1) and (2) above every year.

(4) Every deemed member shall contribute Rs. 25 per month to the Fund.

(5) The Government may, by notification in the Gazette, revise the rates of contribution specified in sub-sections (1), (2) and (4) once in three years taking into account the fund required for the implementation of the Scheme.

5. *Modification of the Scheme.*—(1) The Government may, by notification in the Gazette modify, add, delete or vary any Scheme framed under this Act either prospectively or retrospectively.

(2) Every notification under sub-section (1) shall be laid as soon as may be, after it is issued before the Legislative Assembly while it is in session for a total period of 14 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 agrees in making any modification in the notification or decides that the notification should not be issued, the notification 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 notification.

6. *Membership.*—(1) Every Non-Resident Keralite who has completed 18 years of age, but not completed 55 years of age, shall be entitled to register his name as a member of the Fund.

(2) Every Non-Resident Keralite, who has completed 18 years of age, but not completed 55 years of age and who has left Kerala for employment or otherwise and resides for more than six months in any place in India outside Kerala and intends to continue there, is also entitled to register his name as a member of the Fund.

(3) Every Non-Resident Keralite entitled to register under sub-section (1) shall register his name with the Fund immediately on obtaining emigration clearance and before leaving the State in the manner provided in the scheme.

(4) Every Non-Resident Keralite entitled to register under sub-section (2) may, if he wishes to do so, register his name within two months of leaving the State, in the manner provided in the scheme.

(5) Notwithstanding anything contained in sub-sections (3) and (4), the Non-Resident Keralites who left Kerala prior to the commencement of this Act and the Scheme thereunder, shall register their names to the Fund within such period and in such manner as may be prescribed in the Scheme.

(6) The registration fee in respect of Non-Resident Keralites residing abroad shall be Rs. 200 and in respect of Non-Resident Keralite residing in India shall be Rs. 100 :

Provided that the Government may, by notification in the official Gazette, revise the registration fee once in three years.

(7) Every registered member shall remit the contribution under section 4 within such period and intervals and in such manner as may be prescribed.

7. *Cessation of Membership.*—(1) The membership shall cease to exist in case of continued default in remittance of membership fee for one year or more.

(2) If any member commits any offence punishable under this Act, or violates any provision laid down in the scheme for the payment of contribution, his membership shall cease forthwith, provided that the ceased membership due to the violation of the procedure prescribed for the payment of contribution shall be revived on such terms as may be specified in the Scheme.

(3) If a member returned to Kerala leaving his employment or residence outside Kerala and resides permanently within Kerala, his membership shall cease subject to the provisions of sub-section (4).



(4) A member whose membership has ceased under sub-section (3) is entitled to continue as a deemed member to the fund on continuous payment of contribution to the Pension Fund until the attainment of 60 years of age on such terms as may be prescribed in the scheme :

Provided that a deemed member who has paid contribution for not less than three years continuously as a member shall be treated as a member for a period of three years from the date of return to Kerala for the purpose of the benefits under the Act and the Scheme :

Provided further that the membership or deemed membership shall cease when the member or deemed member obtains employment in any Government, quasi-Government or other institutions in which any rule relating to grant of pension is applicable and when they become entitled to such pension.

(5) If a member coming under sub-section (4) again leaves Kerala and becomes a Non-Resident Keralite, his membership to the Fund shall be revived on such terms and conditions as may be prescribed and he is liable to contribute to the Fund as a member and entitled to get all the benefits of a member.

(6) Any member whose membership has ceased and who does not come under sub-section (4) shall be eligible for fresh membership on subsequent attainment of the status of Non-Resident Keralite.

8. *Constitution of the Board.*—(1) The Government may, by notification in the Gazette constitute a Board to be called “the Kerala Non-Resident Keralites Welfare Board” for the administration of the Fund and for the supervision and management of the activities financed from the Fund and for other activities under this Act and the Scheme.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Board shall consist of fourteen Directors nominated by the Government, as hereinafter provided,—

- (i) three Directors representing the Non-Resident Keralites (abroad) ;
- (ii) three Directors representing the Non-Resident Keralites (India) ;
- (iii) five officials representing the Government ;
- (iv) one Director representing the Overseas Development and Employment Promotion Consultants Ltd.;

(v) the Chief Executive Officer of the Board ;

(vi) one representative from “NORKA - ROOTS”.

(4) One of the Directors of the Board shall be appointed by the Government, to be its Chairman.

(5) The Government shall publish the name of the Chairman and the Directors of the Board in the Gazette.

(6) The Board shall administer the Fund vested in it in such manner as may be provided in the Scheme.

(7) The Board may, with the previous approval of the Government, delegate to the Chairman or to any Director or to the Chief Executive Officer of the Board or to any other officer of the Board, such of its powers and functions under this Act or the scheme, as it may consider necessary for the efficient administration of the Fund, subject to restrictions and conditions, if any, as it may think fit to impose.

(8) An amount up to seven percentage of the contribution collected by the Board every year or the amount as may be fixed by the Government, from time to time, may be expended towards payment of salary of the officers and staff of the Board and for other approved administrative and office expenses.

9. *Term of office of the Directors.*—(1) A Director other than ex-officio Director appointed under sub-section (3) of section 8 shall hold office for a period of three years.

(2) Notwithstanding anything contained in sub-section (1), the Government may, at any time, for reasons to be recorded in writing, remove from his office any director of the Board and such removal shall be made after giving him a reasonable opportunity of showing cause against the proposed removal:

Provided that it shall not be necessary to record in writing, the reasons for removal or to give an opportunity of showing cause against the proposed removal, if the Government are of the opinion that it is not expedient in the public interest, to record the reasons in writing or to give such opportunity.

(3) Any Director may resign his office by giving notice in writing to the Government but, he shall continue in office till the resignation is accepted by the Government.

10. *Removal of non-official Directors.*—(1) The Government, may, by notification in the Gazette, remove any non-official Director of the Board from his office for the following reasons:—

(a) if he fails to attend the meeting without the permission of the Board, for three consecutive meetings :

Provided that such absence may be condoned for sufficient reasons by the Board before the publication of the notification in the Gazette.

(b) if, in the opinion of the Government, he is ineligible or has become incapable of acting as a Director or has so abused his position as a Director as to render his continuance as Director, as such detrimental to public interest :

Provided that before removing a Director under this sub-section, he shall be given a reasonable opportunity to show cause why he should not be removed.

(2) A non-official Director of the Board removed under clause(a) of sub-section (1) shall be disqualified for reappointment as a Director of the Board for a period of three years from the date of his removal, unless otherwise ordered by the Government.

(3) A non-official Director of the Board removed under clause (b) of sub-section (1) shall not be eligible for reappointment until he is declared by an order of the Government to be no longer ineligible.

11. *Appointment of Officers and Staff.*—(1) The Government may in such manner as may be prescribed, appoint a Chief Executive Officer and such number of other officers and staff as they consider necessary for assisting the Board to exercise its powers and performing its functions under this Act and the Scheme framed thereunder.

(2) Subject to the provisions of sub-section (3), the method of appointment, salary and allowances, discipline and other conditions of service of the Chief Executive Officer and other officers and staff appointed under sub-section (1) shall be such as may be prescribed by the Government.

(3) In the case of posts in the service under the Board, to which appointment is made by direct recruitment, the provisions of Parts I and II of the Kerala Service Rules 1958, as amended from time to time, shall *mutatis mutandis* be applicable. Appointment may be made by Government provisionally on deputation basis or otherwise when the Board is constituted and starts functioning.

12. *Power of the Board to borrow.*—The Board may, from time to time, with the previous approval of the Government and subject to such terms and conditions as may be specified by the Government, borrow money for the purposes of the Scheme.

13. *Promotion of Companies, Co-operative Societies, Societies and other institutions by the Board.*—The Board may promote public and/or private limited company under the Companies Act, 1956 (Central Act 1 of 1956) and or Co-operative Societies under the Co-operative Societies Act, 1969 (Act 21 of 1969), Societies under the Societies Registration Act, 1860 (Central Act 21 of 1860) and *I* or other institutions with the investment/share of Non-Resident Keralite members and the Board and *I* or the Government, for such purposes or activities or business and on such terms and conditions as the Board may, from time to time decide, with prior approval of the Government.

14. *Board to act as guarantor.*—The Board may subject to the approval of the Government of India, act as a guarantor for the Non-Resident Keralite (abroad) on accepting security deposit from the Non-Resident Keralite, proceeding on employment, on such terms and conditions as may be prescribed.

15. *Determination of the amount due.*—(1) The Chief Executive Officer or any other officer authorized by the Board in this behalf, may after making such enquiry as may be found necessary and after giving every person liable to pay contribution under section 4, an opportunity of being heard, by order, determine the amount of contribution due under the provisions of this Act or the Scheme.

(2) The Officer conducting the enquiry under sub-section (1), shall, for the purposes of such enquiry, have the same powers as are vested in a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:—

- (a) enforce the attendance of any person and examine him on oath ;
- (b) requiring the discovery and production of documents ;
- (c) receiving evidence on affidavits ;
- (d) issuing commissions for the examination of witness ;

(3) Any enquiry under this section shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of Indian Penal Code (Central Act 45 of 1860) and coming under the purview of section 196 of the said Code.

(4) The Government may, by notification in the Gazette, appoint officers in the Government service not below the rank of Deputy Secretary in the NORKA Department as Appellate Authority for the purpose of the Act.

(5) Any person aggrieved by an order under sub-section (1) may, within sixty days from the date of receipt of the order, prefer an appeal before the Appellate Authority authorised by Government in this behalf, and such officer may, after making such enquiry, pass such orders thereon as he finds fit.

(6) The Government may, either *suo motu* or on application of the aggrieved person, call for the records of any proceedings of the Officer authorised by Government under sub-section (4) and make such enquiry, if found necessary and pass such orders modifying, revising, cancelling the order of the appellate authority or remanding the matter for fresh decision, as they deem fit :

Provided that, an application for revision under this sub-section shall be made within thirty days from the date of receipt of the order, by the applicant :

Provided further that, no order shall be passed under the sub-section, without giving the person who may be affected thereby, an opportunity of being heard.

16. *Recovery of Contribution.*—Where the contribution is not paid by a Non-Resident Keralite on or before the due date, any officer authorized by the Board in this behalf shall issue a notice, showing the amount due in arrears and if the amount is not paid within fifteen days of receipt of such notice, that amount may be recovered from the defaulter together with twelve percent interest per annum in the same manner as arrears of public revenue due on land.

17. *Directors of Board etc., to be public servants.*—Every Director of the Board and the Chief Executive Officer and every other officer and employees of the Board appointed under sub-section (1) of section 11 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

18. *Penalty.*—(1) A person who for the purpose of avoiding any payment to be made by him under this Act or under the Scheme, or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both.

(2) Any person who contravenes or makes default in complying with any of the provisions of this Act or of the Scheme or makes default in remitting contribution as provided, shall if no other penalty is elsewhere provided by or under this Act, for such contravention or non compliance, be punishable with imprisonment for a term which may extend to two months or with fine which may extend to four thousand rupees or with both.

(3) No court inferior to that of a Judicial Magistrate of the First Class shall try any offence punishable under this Act.

(4) No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made with the previous sanction of the Chief Executive Officer.

19. *Offences by Companies.*—(1) Where an offence under this Act has been committed by a Company, every person, who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge, or that he had exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent of, or is attachable to, any negligence on the part of, any officer of the company, such officer of the company shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation:*—For the purpose of this section,—

(a) “Company” means any body corporate and includes a firm, co-operative society or other association of individuals ;

(b) “Officer of the Company” means the Managing Director, Director, Secretary, Treasurer or Manager of the company and includes the office bearers of a firm, co-operative society or other association of individuals ;

(c) “Director” in relation to a firm includes a partner of that firm.

20. *Power to recover damages.*—Where any person makes default in the payment of any contribution to the Fund under this Act or the Scheme, the Board may recover from him damages not exceeding twenty-five percent of the amount of arrears, as it may think fit with the previous approval of the Government.

21. *Protection of acts done in good faith.*—No suit or other legal proceeding shall lie against any Director of the Board or any other person in respect of anything which is done in good faith or intended to be done under this Act or under the Scheme.

22. *Directions by Government.*—(1) The Government may, give to the Board, general directions to be followed by the Board.

(2) In the exercise of the power and performance of its functions under this Act, the Board shall not depart from any general directions issued under sub-section (1).

23. *Power to order Enquiry.*—(1) The Government may, at any time, appoint an officer not below the rank of a Joint Secretary to Government to enquire into the working of the Board and to submit a report to the Government.

(2) The Board shall give the person so appointed, all facilities for the proper conduct of the enquiry and furnish to him such documents, accounts and information in the possession of the Board, as he may require.

24. *Supersession of the Board.*—(1) If, on consideration of the report under sub-section (1) of section 23 or otherwise, the Government are of opinion that the Board has persistently made default in the performance of the duties imposed on it by or under the provisions of this Act or the Scheme framed thereunder or has exceeded or abused its powers, the Government may, by notification in the Gazette, supersede the Board for such period not exceeding six months as may be specified in the notification :

Provided that, before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1),—

(a) all the Directors of the Boards shall, from the date of such publication, be deemed to have vacated their offices as such Directors; and

(b) all the powers and duties which may be exercised or performed by the Board shall, during the period of supersession, be exercised or performed by such officer or officers, as may be specified in the notification; and

(c) all funds and other properties vested in the Board shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government shall reconstitute the Board in the manner provided under section 8.

25. *Audit of accounts of the Board and appointment and remuneration of Auditors.*—(1) The Government shall appoint auditors to audit the accounts of the Board.

(2) The Board shall pay to the said auditors, such remuneration as the Government may direct.

(3) The accounts of the Board shall be examined and audited once in every year by such auditors.

26. *Annual report and audited statement of accounts.*—(1) The annual report of the Board shall be prepared by the Chief Executive Officer, under the direction of the Board, and after approval by the Board, after the close of the financial year. A copy of the report together with an audited statement of accounts shall be submitted to the Government before the end of December every year.

(2) The Government shall, as soon as the annual report is received, together with the audited statement of accounts, lay the same on the table of the Legislative Assembly.

27. *Bar of Jurisdiction of Civil Court.*—No Civil Court shall have jurisdiction to settle, decide, or deal with any question or to determine any matter which is by or under this Act or the Scheme required to be settled, decided or dealt with or to be determined, by the Government or the Board or any other officer authorized by the Government or the Chief Executive Officer or any officer authorized by the Board.

28. *Special Provisions for transfer of accumulations from existing Welfare Funds.*—The sums standing to the credit of a member in any existing welfare fund on the date of commencement of this Act shall stand transferred to and credited to the fund established under this Act in the manner prescribed and the liability of such member to pay contribution to such welfare fund shall cease from such date.

29. *Removal of difficulties.*—(1) Where any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require by order, do anything, which are considered necessary for them and not inconsistent with the provisions of this Act or the rules or the Scheme made thereunder, for the purpose of removing the difficulty :

Provided that no such order shall be passed after the expiry of two years from the date of commencement of this Act.

(2) Every order passed under sub-section (1) shall be as soon as may be after they are made be laid before the Legislative Assembly for a period of



not less than fourteen days and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

30. *Power to make Rules.*—(1) The Government may by notification in the Gazette, make rules, either prospectively or retrospectively for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act 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.

#### THE SCHEDULE

[See sub-section (5) of section 3]

#### MATTERS FOR WHICH PROVISIONS MAY BE MADE IN THE SCHEME

1. Registration of Non-Resident Keralites' in the Fund.
2. The time and manner in which contribution shall be made to the Fund by Non-Resident Keralites' and repatriates, the amount of contribution to be paid under section 4 and the manner in which it may be recovered and deposited in the Fund.
3. The constitution of any committee for assisting the Board, Head quarters of the Board, Travelling Allowance, Daily Allowance and sitting fee of the Directors and the Chairperson.
4. The manner in which accounts shall be kept, the investment of moneys belonging to the Fund in accordance with any direction issued or conditions specified by the Government, the preparation of Budget, the audit of accounts and the submission of reports to the Government.
5. The conditions under which withdrawals from the Fund may be permitted, any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.
6. The form in which a member shall furnish particulars about himself and his family, whenever required.

7. The nomination of a person to receive any family pension or other benefit of a member on his death and cancellation or variation of such nomination.
8. The registers and records to be maintained with respect to members.
9. The form or design of any identity card for the purpose of identifying any member of the Fund and for issuance, custody and replacement thereof.
10. The fees to be levied for any of the purposes specified III the Act.
11. The further powers, if any, which may be exercised by the officers appointed under this Act.
12. The utilization of Fund for any matter of Welfare of the Non -Resident Keralites or their dependants.
13. The manner in which the sums transferred under section 28 are to be credited to the Fund.
14. The procedure for defraying the expenditure incurred in the administration of the Fund.
15. The procedure for paying-pension, family pension, grants, other benefits or loans and advances from the Fund.
16. Any other matter which is to be provided for in the scheme or which may be necessary or proper for the purpose of implementing the scheme.
17. The manner and procedure for the constitution of companies, societies, co-operative societies and other institutions by the Board for the benefit of Non-Resident Keralites.
18. The purpose for which and the manner in which temporary association of persons may be made.
19. The matters specified in sub-section (4) of section 3.

#### STATEMENT OF OBJECTS AND REASONS

At present, there is no Welfare Scheme to grant relief to or to promote the welfare of and to pay pension and other benefits to the Non-Resident Keralites. Government have examined the matter in detail and have decided to constitute a Welfare Fund to promote the welfare of and to pay pension and other benefits to the Non-Resident Keralites and fixing the Government Contribution at 2% of the contribution paid by the beneficiaries.

The Bill seeks to achieve the above object.

## FINANCIAL MEMORANDUM

As per clause 4 of the Bill, every Non-Resident Keralite (abroad) member shall contribute an amount of Rs. 250 per month and every Non Resident Keralite (India) member Rs. 150 per month to the Fund. Every deemed member shall contribute Rs. 25 per month to the fund. The State Government shall contribute to the Fund by way of grant an amount equal to 2% of the contribution paid by the members. As estimated, the number of Non-Resident Keralites (abroad) comes to 20 lakhs and that of Non-Resident Keralite (Indians) 10 lakhs.

Out of the total Non-Resident Keralites abroad and in India, it is expected that at least 60% of them will join the Welfare Scheme. The total recurring financial commitment by way of Government Contribution will therefore be around Rs. 60 lakhs per month for Non-Resident Keralites (abroad) and Rs. 18 lakhs per month for Non-Resident Keralites (India). In addition to this, an amount of Rs. 10 lakhs is to be granted as initial expenditure. Thus there will be a non recurring expenditure of Rs. 10 lakhs and a recurring annual expenditure of around Rs. 9.36 crores from the Consolidated Fund of the State.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Sub-clause (2) of clause 1 of the Bill seeks to empower the Government, by notification in the Gazette, to appoint the date on which the Act shall come into force.

2. Sub-clause (1) of clause 3 of the Bill seeks to empower the Government to frame, by notification in the Gazette, a Scheme to be called "the Non- Resident Keralites' Welfare Scheme" for the welfare of the Non-Resident Keralites.

3. Sub-clause (5) of clause 4 of the Bill seeks to empower the Government by notification in the Gazette to revise the rates of contribution specified in sub-clause (1), (2) and (4) once in three years taking into account the Fund required for the implementation of the Scheme.

4. Sub-clause (1) of clause (5) of the Bill seeks to empower the Government, by notification in the Gazette to modify, add, delete or vary any scheme framed under the Act either prospectively or retrospectively.

5. Proviso to sub-clause (6) of clause 6 of the Bill seeks to empower the Government by notification in the Official Gazette to revise the registration fee once in three years.

6. Sub-clause (1) of clause 8 of the Bill seeks to empower the Government, by notification in the Gazette, to constitute a Board to be called “the Kerala Non-Resident Keralites’ Welfare Board.”

7. Sub-clause (2) of clause 11 of the Bill seeks to empower the Government to prescribe the method of appointment, salary and allowances, discipline and other conditions of service of the Chief Executive Officer, other officers and staff of the Board.

8. Sub-clause (4) of clause 15 of the Bill seeks to empower the Government, by notification in the Gazette, to appoint Appellate Authority for the purpose of the Act.

9. Clause 22 of the Bill seeks to empower the Government to give general directions to be followed by the Board.

10. Clause 23 of the Bill seeks to empower the Government to appoint an enquiry officer for submitting report regarding the working of the Board.

11. Clause 24 of the Bill seeks to empower the Government by notification in the Gazette, to supersede the Board for such period not exceeding six months and after complying with the procedure provided in clause 24.

12. Clause 25 of the Bill seeks to empower the Government to appoint Auditors to audit the accounts of the Board.

13. Sub-clause (1) of clause 29 of the Bill seeks to empower the Government to issue orders, not inconsistent with the provisions of the Act for the purpose of removing any difficulty which arises in giving effect to the provisions of the Act.

14. Clause 30 of the Bill seeks to empower the Government, by notification in the Gazette to make rules prospectively or retrospectively for the purpose of carrying into effect the provisions of the Act.

15. Matters in respect of which Rules or Scheme may be made or Orders or notification may be issued, are regarding matters of procedure, or details and are of routine or administrative nature. Further such schemes, rules and orders which are made, are subject to scrutiny by Legislative Assembly. The delegation of legislative power is thus of a normal character.

## NOTES ON CLAUSES

*Clause 2.*—This clause seeks to define certain words and expressions used in the Bill.

*Clause 3.*—This clause seeks to provided for the framing of a scheme to be called the “Non-Resident Keralites Welfare Scheme” and for the establishment of a fund.

*Clause 4.*—This clause seeks to specify the contributions to the Fund by the members and the Government.

*Clause 5.*—This clause seeks to provide for the modification of the Scheme.

*Clause 6.*—This clause seeks to specify the membership of the Fund and the registration fee.

*Clause 7.*—This clause seeks to provide for the cessation of membership.

*Clause 8.*—This clause seeks to provide for the Constitution of the Board namely, “the Kerala Non-Resident Keralites’ Welfare Board.”

*Clause 9.*—This clause seeks to specify the term of office of the Directors.

*Clause 10.*—This clause seeks to provide for the removal of non-official Directors of the Board.

*Clause 11.*—This clause seeks to provide for the appointment of Chief Executive officer and other officers and staff for assisting the Board.

*Clause 12.*—This clause seeks to specify the power of the Board to borrow money for the purpose of the Scheme.

*Clause 13.*—This clause seeks to provide for the promotion of Companies, Co-operative Societies, Societies and other institutions by the Board.

*Clause 14.*—This clause seeks to empower the Board to act as guarantor with the approval of the Government.

*Clause 15.*—This clause seeks to authorise the Chief executive Officer or any other officer authorised by the Board to determine the amount of contribution due.

*Clause 16.*—This clause seeks to provide for the recovery of contribution to the Fund.

*Clause 17.*—This clause seeks to specify that the Directors of Board etc. shall be public servants.

*Clause 18.*—This clause seeks to specify the penalty for default in payment to be made by a person.

*Clause 19.*—This clause seeks to specify the offences by Companies.

*Clause 20.*—This clause seeks to provide for the power of the Board to recover damages.

*Clause 21.*—This clause seeks to provide for the protection of acts done in good faith by Directors of the Board.

*Clause 22.*—This clause seeks to specify that the directions of the Government are to be followed by the Board.

*Clause 23.*—This clause seeks to empower the Government to order enquiry into the working of the Board.

*Clause 24.*—This clause seeks to specify the power of Government to supersede the Board.

*Clause 25.*—This clause seeks to provide for the appointment of auditors by Government to audit the accounts of the Board.

*Clause 26.*—This clause seeks to specify the preparation of the annual report and audited statement of account.

*Clause 27.*—This clause seeks to specify the bar of jurisdiction of civil court to settle or decide any question which is by or under this Act or the Scheme required to be settled by the Government or by the Board or any officer authorised by the Government.

*Clause 28.*—This clause seeks to specify the special provisions for transfer of accumulation from existing Welfare Funds.

*Clause 29.*—This clause seeks to empower the Government to Issue orders to do anything which appear to them necessary for removing any difficulty in implementing the Act or the rules or the Scheme made thereunder.

*Clause 30.*—This clause seeks to empower the Government to make rules for the purpose of carrying into effect the provisions of the Act. It also provides that all such rules shall be laid on the table of the Legislative Assembly.