

Twelfth Kerala Legislative Assembly
Bill No. 316

**THE KERALA DAIRY FARMERS' WELFARE FUND
(AMENDMENT) BILL, 2010**

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2010

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BILL

to amend the Kerala Dairy Farmers' Welfare Fund Act, 2007.

Preamble.—WHEREAS, it is expedient to amend the Kerala Dairy Farmers' Welfare Fund Act, 2007 for the purposes hereinafter appearing ;

BE it enacted in the Sixty-first Year of the Republic of India as follows :—

1. *Short title and commencement.*—This Act may be called the Kerala Dairy Farmers' Welfare Fund (Amendment) Act, 2010.

(2) It shall be deemed to have come into force on the 24th day of August, 2005.

2. *Amendment of section 3.*—In section 3 of the Kerala Dairy Farmers' Welfare Fund Act, 2007 (7 of 2007) (hereinafter referred to as the principal Act),—

(a) in item (iii) of sub-section (2), before the words “grants and loans”, the words “contribution or” shall be inserted ;

(b) in sub-section (4),—

(i) in clause (a),—

(a) for the words “has measured milk at least for 10 years in a Milk Co-operative Society”, the words “has measured a minimum of five hundred litres of milk per year at least for five years in a Society” shall be substituted ;

“(b) the words and brackets “(This provision shall not be applicable to those existing members of the Welfare Fund who are getting pension or other benefits from it)” shall be omitted;

(ii) for clause (b) and its proviso, the following clause shall be substituted, namely :—

“(b) to give pension to the members who have measured a minimum of five hundred litres of milk per year for at least five years in a society after being a member of the Welfare Fund and have completed sixty years of age :

Provided that any person who became a member of the Welfare Fund before the date of publication of the Kerala Dairy Farmers' Welfare Fund Act, 2007 (7 of 2007) shall be entitled to pension if he being a member in a society, has measured a minimum of five hundred litres of milk per year in a society for at least ten years and has completed sixty years of age.”.

(c) after sub-section (6), the following sub-section shall be inserted, namely :—

“(7) Notwithstanding anything contained in sub-section (4), if a member dies within the minimum period of eligibility for the benefits under this Act or the Scheme, if the legal heir of that member being a member of the Welfare Fund continues to measure milk, for giving the benefits to the legal heir member under the Act or the Scheme the period of milk measured by the deceased member shall also be taken into account.”.

3. *Amendment of section 4.*—The explanation under sub-section (I) of section 4 of the principal Act shall be omitted.

4. *Amendment of section 11.*—In sub-section (3) of section 11 of the principal Act, for the words “Chief Executive Officer and the other officers and staff appointed” the words “officers and staff being appointed” shall be substituted.

5. *Amendment of section 13.*—For sub-section (2) of section 13 of the principal Act, the following sub-section shall be substituted, namely :—

“(2) Where the authorized officer referred to in sub-section (1) makes arrears in remitting the contribution, the said amount with interest shall be recovered from the said officer as an arrear of public revenue due on land.”.

6. *Repeal and Saving.*—(1) The Kerala Dairy Farmers' Welfare Fund (Amendment) Ordinance, 2010 (10 of 2010) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The majority of the dairy farmers now having membership in the Kerala Dairy Farmers' Welfare Fund have taken membership as per the provisions of the Ordinance which was in force before the date of publication of the Kerala Dairy Farmers' Welfare Fund Act, 2007 (7 of 2007). Since the Act has been given retrospective effect, the said members, eventhough otherwise qualified, under clause (b) of sub-section (4) of section 3 of the Act, they will become entitled for

pension only if they have measured milk in a society for 5 years and have completed 60 years of age after the 24th day of August 2005, the date on which the said Act is deemed to have come in to force. The provisions in the Act has to be clarified for giving pension to the said members in accordance with the earlier provisions on the condition that 500 litres of milk shall be measured per year. For this, the Government proposes to amend clause (b) of sub-section (4) of section 3 of the Act. The Government also proposes to omit the words and bracket, '(This provision shall not be applicable to those existing members of the Welfare Fund who are getting pension or other benefits from it)' in clause (a) of sub-section (4) of section 3 which is related to this. Further, as per the existing provision in clause (a) of sub-section (4) of section 3, giving of pension to a dairy farmer who became incapable of being engaged in rearing of cattle due to disablement is possible only if he had measured milk in a society at least for 10 years. Amendment has to be made that the quantity of milk to be measured and the period up to which it is to be measured by the dairy farmers coming under this provision like other dairy farmers in the mannner as 500 litres per year for five years.

2. It is possible to undertake and implement more welfare activities only by augmenting the income of the Welfare Fund by accepting the contributions also as may be received from other institutions besides the grants, loans, etc. of the Central-State Governments. Hence it is also proposed to make necessary amendment in the existing provisions in respect of this.

3. If a person being a member of the Welfare Fund dies within the minimum period of eligibility for getting the benefits, for giving pension to his legal heir members, the period of measuring milk by the deceased member in a society shall also be taken into account and in respect of this, now the Government also proposes to include a provision by inserting as sub-section (7) of section 3 by deleting the explanation under sub-section (1) of section 4.

4. The source of the Dairy Farmers' Welfare Fund is the contributions received at specified rates from the dairy farmer, dairy societies, regional unions, milma, etc. If the authorised officer makes default in remitting such contributions, for realising the arrears the existing legal provision is not sufficient. Hence the Government proposes to include effective provisions in the Act for realising the arrears from the authorised officers.

5. This amendment Bill is intended to make necessary amendment in the Kerala Dairy Farmers' Welfare Fund Act, 2007 to ensure pension only to the eligible dairy farmers as manifested while implementing the Kerala Dairy Farmers' Welfare Fund Act and also for giving more clarity to certain provisions in the existing Act.

6. As the Legislative Assembly of the State was not in session and as the above proposals had to be given effect to immediately, the Kerala Dairy Farmers' Welfare Fund (Amendment) Ordinance, 2009 was promulgated by the Governor on the 15th day of December, 2009 and the same was published in the Kerala Gazette Extraordinary No. 2335 dated the 16th day of December, 2009 as Ordinance No. 28 of 2009.

7. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Twelfth Kerala Legislative Assembly during its single day session held on the 29th day of December, 2009 ;

8. As the Legislative Assembly of the State was not in session and as the above proposals had to be given effect to immediately, the Kerala Dairy Farmers' Welfare Fund (Amendment) Ordinance, 2010 was promulgated by the Governor on the 28th day of January, 2010 and the same was published in the Kerala Gazette Extraordinary No. 204 dated the 29th day of January, 2010 as Ordinance No. 10 of 2010.

9. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

C. DIVAKARAN

(True Translation)

EXTRACT FROM THE KERALA DAIRY FARMERS' WELFARE
FUND ACT, 2007
(7 of 2007)

** ** ** **

3. *Dairy Farmers Welfare Fund Scheme.*—(1) ** **

** ** ** **

(2) There shall be credited to the fund,—

(i) ** ** **

(ii) ** ** **

(iii) grants and loans or advances made by the Government of India, State Government or any Institutions ;

** ** ** **

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

(a) to give pension to a dairy farmer who is a member of the Scheme and has measured milk at least for 10 years in a Milk Co-operative Society and if such person becomes incapable of being engaged in the rearing of cattle due to disablement. (This provision shall not be applicable to those existing members of the Welfare Fund who are getting pension or other benefits from it).

(b) to give pension to the member who has measured milk for 5 years, who is a member of the society and has completed the age of 60 years :

Provided that though a farmer is not a member in the society, who measures milk and remitting contribution continuously shall be eligible for pension.

** ** ** **

(6) Subject to the provisions of this Act, the scheme framed under sub-section (1) may provide for the matters specified in sub-section (4) and in the schedule.

** ** ** **

4. *Membership of the Fund.*—(1) Every Dairy Farmer who has completed 18 years of age shall be eligible for registration as member of the Fund under the provision of this Act and Scheme.

Explanation.—In the case of death of any member within the minimum period for eligibility for the benefit, his successor shall be deemed to be continuing as a member in case he measures milk continuously thereafter :

** ** ** **

11. *Appointment of Officers and Staff.*—(1) ** **

** ** ** **

(3) Subject to the provisions of sub-section (4), the method of appointment, salary and allowances and other conditions of service of the Chief Executive Officer and the other officers and staff appointed under sub-section (1), shall be fixed by the Board with the approval of the Government.

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13. *Collection of contribution.*—(1) ** **

(2) Where the contribution is not paid on or before the due date, the Board shall have the power to recover with interest from the officer authorized under sub-section (1).

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