

Fourteenth Kerala Legislative Assembly

Bill No. 220

**THE KERALA MADRASA TEACHERS' WELFARE FUND
BILL, 2019**

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Kerala Legislature Secretariat

2019

KERALA NIYAMASABHA PRINTING PRESS

Published on 05-11-2019

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[Translation in English of the “2019-ലെ കേരള മദ്രസാദ്ധ്യാപക ക്ഷേമനിധി ബിൽ” published under the authority of the Governor.]

THE KERALA MADRASA TEACHERS' WELFARE FUND

BILL, 2019

A

BILL

to provide for the constitution of a Welfare Fund for the welfare of the Madrasa teachers in the State and to pay pension and other benefits to them and for other matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to provide for the constitution of a Welfare Fund for the welfare of the Madrasa teachers in the State and to pay pension and other benefits to them and for other matters connected therewith or incidental thereto;

BE it enacted in the Seventieth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Madrasa Teachers' Welfare Fund Act, 2019.

(2) It shall be deemed to have come into force on the 4th day of September, 2018.

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

(a) “Board” means the Kerala Madrasa Teachers' Welfare Fund Board constituted under Section 10;

(b) “Committee” means Committee constituted for the administration of Madrasa or other administrative committee and include person responsible for the payment of wages to the Madrasa teacher;

(c) “contribution” means the amount payable to the Welfare Fund by the members of the Welfare Fund under sub-section (1) of Section 5 and by the Committee under sub-section (2) of Section 5;

(d) "Corpus Fund" means the fund specified in Section 4;

(e) "dependent" means wife or husband, minor children, unmarried or widowed or divorced daughters, mentally or physically disabled children or father or mother who are solely dependent on the member;

(f) "Fund" means the Kerala Madrasa Teachers' Welfare Fund constituted under Section 3;

(g) "Government" means the Government of Kerala;

(h) "Madrasa" means an institution constituted for the study of Muslim religious principles, rituals and includes any institution by whatever name called where muslim religious principle, rituals or idea are taught;

(i) "Madrasa Teacher" means teacher appointed in Madrasas of the State for the purpose of teaching Muslim religion, but shall not include teachers in the service entitled to receive pension or other benefits from the Local Self Government Institutions or Semi-Government Institutions or Central or State Governments or teachers coming within the purview of Kerala Education Rules;

(j) "Manager" means the Chief Executive Officer of the Board appointed as per clause (vi) of sub-section (3) of section 10;

(k) "member" means a Madrasa Teacher who has been enrolled as a member in the Welfare Fund under the provisions of this Act or a Madrasa teacher continuing as a member of the Kerala Madrasa Teachers' Welfare Fund Scheme, 2010;

(l) "Notification" means a notification published in the Kerala Gazette;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "Scheme" means the Kerala Madrasa Teachers' Welfare Fund Scheme framed under section 3;

(o) "Workers' Welfare Fund" means the Kerala Madrasa Teachers' Welfare Fund Scheme framed as per G.O.(P) No.209/2010/GAD dated 31st May, 2010 by the General Administration (Minority Cell) Department;

(p) "State" means the State of Kerala;

(q) "quarterly period" means the three months period from April to June, July to September, October to December and January to March;

(r) "Year" means financial year starting from April onwards.

3. *Kerala Madrasa Teachers' Welfare Fund*.—(1) As soon as, after the commencement of this Act, the Government shall, by notification, frame a Scheme to be called the "Kerala Madrasa Teachers' Welfare Fund Scheme" and after framing of the Scheme, constitute a Fund to be called "the Kerala Madrasa Teachers' Welfare Fund" under the provisions of this Act and the Scheme.

(2) Subject to the provisions of this Act, the Scheme may provide for all or any of the matters specified in the Schedule.

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

(a) Corpus Fund as per section 4;

(b) any grants, loans or advances as may be given by the Central-State Governments or Local Self Government Institutions or other Institutions;

(c) contributions as per section 5;

(d) any donation voluntarily given to the Fund by any organisation or institution or person;

(e) amount transferred to the Fund as per section 16;

(f) any grants, loans or advances as may be given by the Central Government or the State Government or any other institution or organisation;

(g) any fees levied under the Scheme;

(h) any other amount, to be credited to the Fund under the provisions of the Scheme;

(i) any amount mobilised by the Board from any sources to increase the resources of the Fund.

(4) The Fund shall vest in the Board constituted as per section 10 and shall be administered by the Board.

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

(a) for the payment of a fixed amount and pension to a member who has completed sixty years of age and has remitted contribution for not less than five years, at such rate, as may be specified in the Scheme, based on the number of years in which he had remitted contribution.

Explanation 1:— The Board shall have the power to take decision regarding the eligibility of pensionary benefits of a member who could not continue his employment.

Explanation 2:— In the case of a member who had remitted contribution for a period less than five years and is unable to continue in employment shall be eligible only for the amount remitted by him to the Welfare Fund;

(b) for the payment of pension and other benefits to the dependents of the deceased in the event of death of a member who is eligible for pension and benefits as per clause (a) of sub-section (5) of section 3;

(c) for the payment of expenses for treatment of the member who suffers from disease;

(d) for the payment of expenses for treatment of the member who met with an accident;

(e) for the payment of benefits to the dependents of the deceased in the event of death of a member who is eligible for the benefits;

(f) a member, shall be eligible for the payment of amount remitted to the Fund and the share of the Committee on cessation of his employment, who has remitted contribution continuously to the Fund for five years or more;

(g) for any other purpose as may be specified in the Scheme;

(h) for the day to day administrative expenses of the Board.

(6) The Scheme framed under sub-section (1) 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 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 Scheme or decides that the Scheme should not be issued, the Scheme 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 the Scheme.

4. *Corpus Fund.*—For the smooth functioning of the Fund, to ensure better benefits to the members and for providing it without fail and for minority welfare activities and it shall be the Corpus Fund of the Welfare Fund. Corpus Fund shall be interest free deposit and the amount received as Government contribution shall be utilized for insurance coverage premium, service charge to be given to the Postal Department, amount to be given to the members who are retiring and other expenses approved by Government.

5. *Contribution to the Fund.*—(1) Each Madrasa Teacher who is a member of the Fund shall pay rupees fifty per month as contribution to the Fund.

(2) Each Committee shall pay rupees fifty per month as contribution for each Madrasa Teacher under the Committee.

(3) The Government may, by notification, from time to time revise the rate of contribution referred in sub-sections (1) and (2), subject to a maximum limit of rupees five hundred, for the management of the Scheme.

(4) The contribution shall be paid in the name of the Chief Executive Officer or any other officer authorised in this behalf, as specified in the Scheme.

6. *Membership in the Fund.*—(1) Any Madrasa teacher as defined in clause (k) of section 2 and who has completed twenty years of age but not completed fifty five years of age, may apply to the Board for admission as a member in such form and manner as may be specified in the Scheme.

(2) On an application under sub-section (1), the Board may make such enquiry as it deems fit and may either admit the applicant to the Fund or for reasons to be recorded in writing, reject the application:

Provided that no order rejecting an application shall be passed without giving the applicant an opportunity of being heard:

Provided further that any person aggrieved by an order rejecting any application for membership may prefer an appeal to the Government within such period, as may be specified, in the Scheme.

(3) Every applicant shall pay such amount, as may be specified in the Scheme, as application fee in such manner, along with the application.

(4) Every member who has enrolled as a member in the Fund shall be issued a certificate of membership, Identity Card and a pass book recording the details, as may be specified in the Scheme and a register shall be kept in this regard.

(5) A member of the Fund, on completion of service or on resignation or on termination from service shall cease to be a member of the Fund.

7. *Cancellation of Membership.*—(1) The membership of a member shall be cancelled by the Board or the officer authorised in this behalf, if it is found that a member has made any kind of manipulation or has given false information at any time in connection with the conditions for membership to obtain benefits as per the Scheme:

Provided that no order of cancellation of membership shall be passed unless the applicant has been given an opportunity of being heard.

(2) Membership in the Fund shall automatically cease if a member commits default in making payment of contribution continuously for a period of six months.

(3) Appeal against the orders under sub-section (1) shall be filed before the Government within such period, as may be specified in the Scheme.

8. *Revival of Membership.*—The membership of a member which has been ceased as per sub-section (2) of section 7 may be revived on payment of full amount of contribution within one year from the date of cessation of such membership.

9. *Amendment of the Scheme.*—(1) The Government may, by notification, amend the 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 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 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.

10. *Constitution of the Board.*—(1) The Government may, by notification, with effect from such date as may be specified therein, constitute a Board to be called "the Kerala Madrasa Teachers' Welfare Fund Board" for the administration and management of the Fund and to supervise and implement connected activities.

(2) The Board shall be a body corporate by the name "the Kerala Madrasa Teachers' Welfare Fund Board" having perpetual succession and a common seal and shall by the said name, sue and be sued.

(3) The Board shall consist of members nominated by the Government as hereinafter provided, namely:—

(i) A person nominated by the Government, and he shall be the Chairman of the Board;

(ii) Four members representing Madrasa teachers;

(iii) Four members representing Madrasa Committee;

(iv) Director, Minority Welfare Department;

(v) An officer of the Minority Welfare Department not below the rank of a Deputy Secretary to Government;

(vi) An officer of the General Administration Department not below the rank of a Section Officer, he shall be the Chief Executive Officer of the Board;

(vii) An officer of the Finance Department not below the rank of a Deputy Secretary to Government;

(viii) An officer of the Law Department not below the rank of a Joint Secretary to Government.

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

(5) The Board may, with the previous approval of the Government, delegate to the Chairman or to any other authority 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 such restrictions and conditions, as it may deem fit.

11. *Meeting of the Board.*—(1) The Board shall meet at least once in three months to transact its business.

(2) Quorum of the meeting shall be the presence of at least, more than half of the members including Chairman. Quorum shall deemed to be satisfied if at least two members among the Official members are present.

(3) The Chairman or in his absence, a member of the Board to be elected from among the members present at the meeting shall preside over the meeting of the Board.

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

12. *Term of office of members of the Board.*—(1) The non-official members appointed under sub-section (3) of section 10 shall hold office for a period of five years from the date of publication of the notification in the Gazette constituting the Board.

(2) Any non-official member may resign his membership by giving notice in writing to the Government, but shall continue to hold office until his resignation is accepted by the Government.

(3) The Government may appoint new members in the casual vacancy arose as per sub-section (2), for the remaining period available to the member resigned, had he continued in the office.

(4) The Government may at any time, for reasons to be recorded in writing, remove from office any official member, if the Government is of the opinion that, in public interest it is improper to allow such member to continue in office.

13. *Disqualification and removal of non-official members.*—(1) The Government may remove any non-official member of the Board from office,—

(a) if he is of unsound mind;

(b) if he is adjudged as undischarged insolvent;

(c) if he, without the permission of the Board, fails to attend three consecutive meetings of the Board; and

(d) if in the opinion of the Government, he is not suitable or has become incapable of acting as a member of the Board or has so abused his position as a member as to render his continuance as member of the Board as such detrimental to public interest:

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

(2) A non-official member of the Board removed under clause (c) of sub-section (1) shall be disqualified for re-nomination as a member 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 member removed under clause (d) of sub-section (1) shall not be eligible for re-nomination as a member of the Board until he is declared by an order of the Government to be no longer ineligible.

14. *Sitting fees, travelling allowance and daily allowance to members of the Board.*— The sitting fees of the non-official members of the Board and travelling allowance and daily allowance of all members of the Board shall be at such rate as may be prescribed.

15. *Appointment of Officers and Staff.*—(1) The Government may appoint a Chief Executive Officer, two Assistants, an Accountant and an Office Attendant to perform the functions of the Board under this Act.

(2) The method of appointment, salary and allowance, condition regarding disciplinary action and other service conditions of officers and staff appointed under sub-section (1) shall be in such manner as may be prescribed.

(3) The Chief Executive Officer of the Board or other Officer authorized by him shall be responsible for the implementation of the decisions of the Board.

16. *Special provisions for transferring the consolidated amount from the existing Workers' Welfare Fund.*—(1) All amounts in the account of a member of the Workers Welfare Fund on the date of commencement of this Act shall be transferred to the Fund established under this Act and credited to the account in the manner as may be prescribed and the amount in the credit of a member of the Welfare Fund shall be credited to his account. The liability of a member to pay contribution to the Workers' Welfare Fund, shall be ceased on such date. The amount in the Fund constituted as per this Act shall be deposited and operated in the Treasury Savings Bank Account (Interest Free) by the Government.

(2) All claims regarding such schemes shall be decided by the Board constituted under this Act.

17. *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 Fund.

18. *Non-official Members of the Board to be public servants.*—Every non-official member of the Board and other officers of the Board including Chief Executive Officer 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).

19. *Protection of action taken in good faith.*—No suit or other legal proceedings shall lie against any member of the Board or any other person assisting the Board in the discharge of its functions and duties in respect of anything which is done in good faith or intended to be done under this Act or under the Scheme.

20. *Directions by Government.*— The Government may, from time to time, give directions to the Board, and the Board is bound to implement them.

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

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

22. *Audit of Accounts of the Fund and appointment of auditors.*—(1) The Board shall entrust State Audit Department to audit the accounts of the Fund in such manner, as may be prescribed.

(2) The accounts of the Fund shall be audited every financial year by such auditors.

(3) Further inspection shall be conducted through Accountant General regarding the Audit report or follow up action, as the Government deems fit.

23. *Annual report and audited statement of accounts.*—(1) For every financial year, the annual report of the Fund, showing the complete details of its activities of the previous year shall be prepared by the Chief Executive Officer after getting the approval of the Board and a copy of the report together with the audited statement of accounts, shall be submitted to the Government before the 31st July of every year by the Board.

(2) As soon as the annual report is received, the same together with the audited statement of accounts shall be laid before the Legislative Assembly.

24. *Bar on Jurisdiction of Civil Courts.*—No Civil Court shall have jurisdiction to settle, decide or deal with any problem or 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 the Chief Executive Officer or any officer authorised by the Board.

25. *Power to summon witness and take evidence.*—The Board shall, for the purposes of enquiry under this Act, 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) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and the production of documents;
- (c) receiving evidence on affidavit; and
- (d) engaging Commission for the examination of witnesses.

26. *Removal of difficulties.*—(1) If any difficulty arises for implementing the provisions of this Act, the Government may, by order published in the Gazette, make provisions which appear to them to be necessary and not inconsistent with the provisions of this Act, 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 issued under sub-section (1) shall be laid before the Legislative Assembly.

27. *Power to make Rules.*—(1) The Government may, by notification, make Rules either retrospectively or prospectively 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.

28. *Repeal and saving.*—(1) The Kerala Madrasa Teachers' Welfare Fund Ordinance, 2019 (30 of 2018) is hereby repealed.

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

SCHEDULE

[See section 3(2)]

MATTERS FOR WHICH PROVISION MAY BE MADE IN THE SCHEME

1. The manner in which the Fund is to be administered by the Board.
2. Registration of the members.
3. The time and manner in which the contribution to be made to the Fund by Madrasa Welfare Fund members and the manner in which the contribution to be collected.
4. Constitution of any committee for assisting the Board.
5. Duties of the Chief Executive Officer.

6. The manner in which accounts shall be maintained, the investment of money belonging to the Fund in accordance with any direction issued or conditions specified by the Government, the preparation of budget, audit of accounts and the submission of reports to the Government.
7. The conditions under which withdrawal from the Fund may be permitted and the provisions for any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.
8. The Form in which a member shall furnish particulars about himself and his family whenever required.
9. The nomination of a person to receive the benefits of a member from the Fund on the event of his death and verification of such nomination or cancellation of such nomination.
10. The registers, records and other forms to be maintained with respect to members.
11. The Form of pass book, certificate and identity card and the procedure for their issue and replacement.
12. The fees to be levied for any of the purposes specified in the Schedule.
13. The manner in which the amount transferred under section 16 is to be transferred and credited to the Fund.
14. The matters for which the Fund may be utilized for the welfare of the members or their dependents.
15. The procedure for paying benefits, grants, advances etc., from the Fund.
16. Regularisation of the rate of the amount and pension that may be given from the Fund to the members, based on the number of years during which they have made contribution, who have ceased or who are unable to continue in their service on account of other reasons.
17. Any other matters which may be necessary or proper for the purpose of implementing the Scheme.

STATEMENT OF OBJECTS AND REASONS

As per the recommendations of the report submitted by the Committee under the Chairmanship of Shri Paloli Mohammed Kutty with regard to the implementation of recommendations of the report submitted by the Committee under the Chairmanship of Justice Rajinder Sachar, who have conducted study on the educational, social and economic conditions of Muslims in India, the Kerala Madrasa Teachers' Welfare Fund Scheme has been constituted as per G.O.(P)No. 209/2010/GAD dated 31st May, 2010 to implement Welfare Fund Scheme and to provide pension for the teachers of Madrasa in the State.

2.- The Government have decided to bring a legislation to constitute the Madrasa Teachers' Welfare Fund Board to ensure better benefits to the Madrasa teachers including the Madrasa teachers who were members of said welfare fund and also to provide for the connected matters therewith.

3. Though a Bill to bring an Act of the State Legislative Assembly on this subject, was published as Bill No. 131 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly.

4. As the Legislative Assembly of the State of Kerala was not in session and the above proposal had to be given effect to immediately, the Kerala Madrasa Teachers' Welfare Fund Ordinance, 2018 (Ordinance No.43 of 2018) was promulgated by the Governor of Kerala on the 31st day of August, 2018 and the same was published in the Kerala Gazette Extraordinary No.2282 dated 4th September, 2018.

5. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 27th day of November, 2018 and ended on the 13th day of December, 2018.

6. As the provisions of the said Ordinance are to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Kerala Madrasa Teachers' Welfare Fund Ordinance, 2018 (Ordinance No. 2 of 2019) on the 7th day of January, 2019 and the same was published in the Kerala Gazette Extraordinary No. 38 dated 7th January, 2019.

7. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 25th day of January, 2019 and ended on the 12th day of February, 2019.

8. As the provisions of the said Ordinance are to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Kerala Madrasa Teachers' Welfare Fund Ordinance, 2019 (Ordinance No. 12 of 2019) on the 1st day of March, 2019 and the same was published in the Kerala Gazette Extraordinary No.547 dated 1st March, 2019.

9. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No.202 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 27th day of May, 2019 and ended on the 4th day of July, 2019.

10. As the provisions of the said Ordinance are to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Kerala Madrasa Teachers' Welfare Fund Ordinance, 2019 (Ordinance No. 30 of 2019) on the 6th day of July, 2019 and the same was published in the Kerala Gazette Extraordinary No.1509 dated 7th July, 2019.

11. The Bill seeks to replace Ordinance No. 30 of 2019 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

As the contributions are to be paid by the Government to the Kerala Madrasa Teachers' Welfare Fund under clause 3 of the Bill, and the amount required for disbursing the benefits have to be allocated as annual financial grant in the budget and as per clause 4 amount has to be allocated by the government from the grant, the Bill if enacted and brought into operation would involve a recurring expenditure of approximate one crore rupees from the consolidated fund of the state and there would not be any non-recurring expenditure from the consolidated fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 3 of the Bill seeks to empower the Government to constitute Kerala Madrasa Teachers' Welfare Fund and to formulate Kerala Madrasa Teachers' Welfare Fund Scheme by notification in the Gazette.

2. Item (a) of sub-clause (5) of clause 3 of the Bill seeks to empower the Government to specify in the Scheme, the rate of pension and amount to a member who has completed sixty years of age and has remitted contribution for not less than five years.

3. Item (g) of sub-clause (5) of clause 3 of the Bill seeks to empower the Government to specify in the Scheme any other purpose for which the fund may be utilised.

4. Sub-clause (3) of clause 5 of the Bill seeks to empower the Government, to revise the rate of contribution to the fund by notification.

5. Sub-clause (4) of clause 5 of the Bill seeks to empower the Government to specify in the Scheme, the manner of giving contribution in the name of the Chief Executive Officer or an Officer authorized in this behalf.

6. Sub-clause (1) of clause 6 of the Bill seeks to empower the Government to specify in the Scheme, the manner and form for applying for membership in the fund.

7. Second Proviso of sub-clause (2) of clause 6 of the Bill seeks to empower the Government to specify in the Scheme, the period within which an appeal may be preferred by a person aggrieved by an order rejecting an application for membership.

8. Sub-clause (3) of clause 6 of the Bill seeks to empower the Government to specify in the Scheme, the manner in which, and fees along with which the application may be filed.

9. Sub-clause (4) of clause 6 of the Bill seeks to empower the Government, to prescribe the manner of giving Certificate of membership, Identity Card and pass book recording details.

10. Sub-clause (3) of clause 7 of the Bill seeks to empower the Government to specify in the Scheme the period within which, appeal shall be filed against orders under sub-section (1) of section 7.

11. Sub-clause (1) of clause 9 of the Bill seeks to empower the Government, to bring amendment to the Scheme retrospectively or prospectively, by notification in the Gazette.

12. Sub-clause (1) of clause 10 of the Bill seeks to empower the Government to constitute a Board to be called Kerala Madrasa Teachers' Welfare Fund Board for the administration and management of the Fund and to supervise and implement connected activities by notification in the Gazette.

13. Sub-clause (4) of clause 10 of the Bill seeks to empower the Government, to specify in the Scheme, the manner in which the Fund shall be administered.

14. Clause 14 of the Bill seeks to empower the Government to prescribe the sitting fees of the non-official members of the Board, travelling allowance and daily allowance of all the members of the Board.

15. Sub-clause (2) of clause 15 of the Bill seeks to empower the Government to prescribe the method of appointment, salary, allowance, disciplinary condition and other service conditions of officers and staff of the Board.

16. Sub-clause (1) of clause 16 of the Bill seeks to empower the Government to prescribe the manner in which, the amount in the Workers' Funds shall be credited to the Fund established under this Act.

17. Clause 17 of the Bill seeks to empower the Government to specify the terms and conditions to borrow money for the purposes of the Fund.

18. Clause 22 of the Bill seeks to empower the Government to prescribe the manner of auditing accounts of the Fund.

19. Clause 27 of the Bill seeks to empower the Government to make Rules either retrospectively or prospectively, by notification in the Gazette for the implementation of the provisions of this Act.

20. The matters in respect of which the Rules may be made or orders or notifications may be issued are matters of procedure and are of administrative or routine in nature. Further, the Rules which are made are subject to the scrutiny by the Legislative Assembly. The delegation of legislative power is, thus of a normal character.

DR. K. T. JALEEL.

NOTES ON CLAUSES

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

Clause 3.—This clause seeks to empower the Government to establish Kerala Madrasa Teachers' Welfare Fund Scheme by notification in the Gazette.

Clause 4.—This clause seeks to provide for the Corpus fund of the Welfare Fund.

Clause 5.—This clause seeks to provide for the contribution to be made by each Madrasa Teacher, who is a member of the Welfare Fund, to the Fund.

Clause 6.—This clause seeks to provide for the membership of a Madrasa teacher in the Fund.

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

Clause 8.— This clause seeks to provide for the revival of the membership.

Clause 9.—This clause seeks to empower the Government to amend the Kerala Madrasa Teachers' Welfare Fund Scheme by notification.

Clause 10.—This clause seeks to empower the Government to constitute the Kerala Madrasa Teachers' Welfare Fund Board, by notification.

Clause 11.—This clause seeks to provide for the meeting of the Board.

Clause 12.—This clause seeks to provide for the term of office of the members of the Board.

Clause 13.— This clause seeks to provide for the disqualification of the non official members of the Board and also to empower the Government to remove such members from office.

Clause 14.—This clause seeks to provide for sitting fees, travelling allowance and daily allowance to the members of the Board.

Clause 15.— This clause seeks to provide for the appointment of officers and staff of the Board.

Clause 16.—This clause seeks to provide for the special provisions for transferring the consolidated amount from the existing welfare fund.

Clause 17.— This clause seeks to provide for the power of the Board to borrow money for the purposes of the Fund.

Clause 18.— This clause seeks to provide that the non official members of the Board shall be public servants.

Clause 19.—This clause seeks to provide for protection of action taken in good faith by a member of the Board or any other person assisting the Board.

Clause 20.—This clause seeks to provide for the provisions regarding directions given by Government.

Clause 21.— This clause seeks to empower the Government to order enquiry regarding the working of the Board.

Clause 22.—This clause seeks to provide for the audit of accounts of the Fund and appointment of auditors.

Clause 23.— This clause seeks to provide for the annual report and audited statement of accounts giving complete information about the working of the Board.

Clause 24.— This clause seeks to provide for the bar on jurisdiction of Civil Courts on any matter related to Board.

Clause 25.— This clause seeks to provide power to summon witness and take evidence.

Clause 26.—This clause seeks to empower the Government for removing any difficulties that may arise in giving effect to the provisions of the Act.

Clause 27.—This clause seeks to empower the Government to make Rules for giving effect to the provisions of the Act.

Clause 28.— This clause seeks to provide for the repeal and saving.
