

Published on 04-03-2017

Fourteenth Kerala Legislative Assembly

Bill No. 35

**THE KERALA SHOPS AND COMMERCIAL ESTABLISH-
MENTS WORKERS' WELFARE FUND
(AMENDMENT) BILL, 2016**

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2017

KERALA NIYAMASABHA PRINTING PRESS.

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WORKERS' WELFARE FUND (AMENDMENT) BILL, 2016**

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[Translation in English of “2016-ലെ കേരള ഷോപ്പ്സ് ആന്റ് കമേഴ്സ്യൽ എസ്റ്റാബ്ലിഷ്മെന്റ്സ് തൊഴിലാളി ക്ഷേമനിധി (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS

WORKERS' WELFARE FUND (AMENDMENT)

BILL, 2016

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further to amend the Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, 2006.

Preamble.— WHEREAS, it is expedient further to amend the Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, 2006 (24 of 2006), for the purposes hereinafter appearing;

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

1. *Short title and commencement.*— (1) This Act may be called the Kerala Shops and Commercial Establishments Workers' Welfare Fund (Amendment) Act, 2016.

(2) It shall be deemed to have come into force on the 15th day of March, 2007.

2. *Amendment of section 3.*—In the Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, 2006 (24 of 2006), in sub-section (4) of section 3, after clause (f), the following clauses shall be inserted, namely:—

“(g) for payment of the amount remitted as employees contribution by a member who has made contribution to the Fund continuously at least for a period of two years, in the event of getting employment in Government or semi-Government Institutions, if such member has not availed any benefits from the Fund.

(h) for payment of the amount remitted as contribution to the Fund to the dependants of a member who is not eligible for the financial assistance on death.”.

STATEMENT OF OBJECTS AND REASONS

There is no provision regarding the refund of contribution either in the Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, 2006 or in the Kerala Shops and Commercial Establishments Workers' Welfare Fund Scheme, 2006. A provision has been incorporated in the Kerala Shops and Commercial Establishments Workers' Welfare Fund (Amendment) Act, 2008 for the refund of the contribution made by the members who are unable to work, for a period of more than two years due to permanent physical infirmity or has completed the age of sixty years. But, at present, there is no provision in the said Act for the refund of contribution made by the members who had left the Welfare Fund after getting employment or to the dependants of the member who is not eligible for getting financial assistance after death.

Persons who got employment in the Government or semi Government institutions while they were members of the Kerala Shops and Commercial Establishments Workers' Welfare Fund, and the dependants of those persons who died before the period specified for getting financial assistance on death have submitted application to the Board for getting the amount remitted as contribution. Since no provision in this regard is included in the Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, it is not possible to take decisions on the applications. In the above circumstances, on the basis of the recommendation of the Kerala Shops and Commercial Establishments Workers' Welfare Fund Board, the Government have decided to amend sub-section (4) of section 3 of Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, 2006.

The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

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

T. P. RAMAKRISHNAN

EXTRACT FROM THE KERALA SHOPS AND COMMERCIAL
ESTABLISHMENTS WORKERS' WELFARE FUND ACT, 2006
(24 OF 2006)

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3. *Kerala Shops and Commercial Establishment Workers' Welfare Fund.*—

(1) The Government may, by notification in the Gazette, frame a scheme to be called "the Kerala Shops and Commercial Establishment Workers' Welfare Fund Scheme" for the establishment of a Fund for the welfare of the workers coming under this Act and there shall be established, as soon as may be, after the framing of the scheme, a Fund in accordance with the provisions of this Act and the Scheme.

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

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

(a) for payment of pension to a member who is unable to work, for period of more than two years due to permanent physical infirmity, or has completed the age of sixty years and had remitted contribution to the Fund for at least ten years continuously or for payment of family pension, on the death of a member who had remitted contribution for at least fifteen years continuously,

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(f) for the refund of the amount of contribution remitted by the members who are unable to work, for a period of more than two years due to permanent physical infirmity or had completed the age sixty years.

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