

Thirteenth Kerala Legislative Assembly
Bill No. 88

**THE KERALA CASHEW WORKERS' RELIEF AND WELFARE
FUND (AMENDMENT) BILL, 2012**

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further to amend the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979 for the purposes hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Act, 2012.

(2) It shall come into force at once.

2. *Amendment of section 10.*—In section 10 of the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979 (19 of 1984), to sub-section (5), the following proviso shall be added, namely:—

“Provided that no appeal filed by an employer shall be admitted unless the appellant deposits fifty percentage of the amount determined and ordered to be paid under sub-section (1).”.

STATEMENT OF OBJECTS AND REASONS

As per sub-section (5) of section 10 of the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979, any person aggrieved by an order under sub-section (1) may prefer an appeal to the Government or such other authority as may be specified by the Government in this behalf, within sixty days from the date of receipt of the order, and the decision of the Government or such other authority on such appeal shall be final. But, when an appeal filed under the said section is admitted without any conditional order as to the payment of the amount due from an employer determined under sub-section (1) of section 10, no amount is being paid to the welfare fund during the pendency of the appeal. As such, when an employer files an appeal, even the amount deducted by such

employer from the wages payable to the employees under sub-section (3) of section 5 is not being remitted to the Fund. This situation of non-payment of any amount to the Fund for the reason of pendency of appeal adversely affects the financial position of the Kerala Cashew Workers' Relief and Welfare Fund Board. Therefore, the said Board requested the Government to amend the provisions relating to filling of appeal to the effect that no appeal filed by an employer shall be admitted unless the appellant deposits fifty per cent of the amount determined and ordered to be paid under sub-section (1) of section 10. The Government accepted the proposal of the Board and decided to take steps to amend sub-section (5) of section 10 of the said Act.

2. 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.

SHIBU BABY JOHN

EXTRACT FROM THE KERALA CASHEW WORKERS'
RELIEF AND WELFARE FUND ACT, 1979

(19 OF 1984)

10. *Determination of amounts due from employers.*—(1) The Chief Executive Officer or any Inspector authorised by him in this behalf may, by order, determine the amounts due from any employer under the provisions of this Act or of the scheme and for this purpose may conduct such enquiry as he may deem necessary.

(2)

(5) Any person aggrieved by an order under sub-section (1) may prefer an appeal to the Government or such other authority as may be specified by the Government in this behalf, within sixty days from the date of the receipt of the order, and the decision of the Government or such other authority on such appeal shall be final.
