

**Fourteenth Kerala Legislative Assembly**

**Bill No. 35**

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

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**Kerala Legislature Secretariat  
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WORKERS' WELFARE FUND (AMENDMENT) BILL, 2016**

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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

