The Kerala Shops and Commercial Establishment Workers' Welfare Fund (Amendment) Act, 2008

Act 5 of 2009

Keyword(s):
Shops, Commercial Establishment, Labour

Amendment appended: 6 of 2017
ACT NO. 5 OF 2009

THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS WORKERS' WELFARE FUND (AMENDMENT) ACT, 2008

AN ACT
to amend the Kerala shops and Commercial Establishments Workers' Welfare Fund Act, 2006.

Preamble :- WHEREAS, it is expedient to amend the Kerala Shops and Commercial Establishments Workers’ Welfare Fund Act, 2006 for the purposes hereinafter appearing;

BE it enacted in the Fifty-ninth Year of the Republic of India as follows:-

1 Short title and commencement - (1) This Act may be called the Kerala Shops and Commercial Establishment Workers' Welfare Fund (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 10th day of June, 2008.

2. Amendment of section 2- In the Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, 2006 (24 of 2006) (hereinafter referred to as the principal Act), for the proviso to clause (g) of section 2, the following proviso shall be substituted, namely :-

'Provided that the workers employed in the establishments where the Factories Act, 1948 or the Plantation Labour Act, 1951 are applicable shall not include under the purview of this Act.'.

3. Amendment of section 3 - After clause (e) of sub-section (4) of section 3 of the principal Act, the following clause shall be inserted, namely :-

"(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 of sixty years.".

4. Insertion of new section '3A' - After section 3 of the principal Act the following section shall be inserted, namely :-

"3A. A worker who is a member of the Kerala Labour Welfare Fund and coming under the purview of the Kerala Shops and Commercial Establishments Act be a member of the Fund. --(1) Notwithstanding anything contained in the Kerala Labour Welfare Fund Act, 1975 (11 of 1977), a worker who is a member of the Kerala Labour Welfare Fund and coming under the purview of the Kerala Shops and Commercial
Establishments Act, 1960 (34 of 1960) shall be a worker coming under the purview of this Act and shall have to become member of the Welfare Fund constituted under this Act.

(2) A worker who became member under sub-section (1) shall cease to be a member of the Labour Welfare Fund under the Kerala Labour Welfare Fund Act, 1975.".

5. **Repeal and Saving.**— (1) The Kerala Shops and Commercial Establishments Workers’ Welfare Fund (Amendment) Ordinance, 2008 (27 of 2008), 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.
[Translation in English of "2017-മല സെപ്റ്റംബർ രൂപമിച്ചതു വേദി വസ്ത്രാധിപരാധിനിയുടെ കീഴിലായാണ് ലഭ്യമാണ് (കേരളം) ആവശ്യ പ്രകാരം published under the authority of the Governor.]

**ACT 6 OF 2017**

**THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS WORKERS' WELFARE FUND (AMENDMENT) ACT, 2017**

An Act 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, for the purposes hereinafter appearing:

Be it enacted in the Sixty-eighth 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, 2017.

   (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 financial assistance on death."