



The Kerala Anganawadi Workers' and Anganawadi Helpers' Welfare Fund Act, 2016

Act No. 10 of 2016

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GOVERNMENT OF KERALA

Law (Legislation-H) Department

NOTIFICATION

No. 26592/Leg.H1/2015/Law.

22nd March, 2016

Dated, Thiruvananthapuram, 9th Meenam, 1191

2nd Chaithra 1938.

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor of Kerala is pleased to authorise the publication in the Gazette of the following translation in English language of the Kerala Anganawadi Workers' and Anganawadi Helpers' Welfare Fund Act, 2016 (10 of 2016).

By order of the Governor,

D. SAJU,

Special Secretary (Law).

[Translation in English of “2016-ലെ കേരള അങ്കണവാടി വർക്കർമാരുടേയും കേരള അങ്കണവാടി ഹെൽപ്പർമാരുടേയും ക്ഷേമനിധി ആക്ട്” published under the authority of the Governor.]

ACT 10 OF 2016

THE KERALA ANGANAWADI WORKERS' AND ANGANAWADI HELPERS' WELFARE FUND ACT, 2016

An Act to provide for the constitution of a Welfare Fund for the welfare of the Anganawadi workers' and Anganawadi helpers' in the Anganwadis which were introduced in the State under Integrated Child Development Services Programme and are functioning in the State of Kerala and to provide 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 Welfare Fund for the welfare of the Anganawadi workers and Anganawadi helpers in the Anganwadis which were commenced in the State under Integrated Child Development Services Programme and are functioning in the State of Kerala and to provide pension and other benefits to them and for other matters connected therewith or incidental thereto.

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 Anganawadi Workers' and Anganawadi Helpers' Welfare Fund Act, 2016.

(2) It shall be deemed to have come into force on the 12th day of November, 2015.

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

(a) “Board” means the Anganawadi Workers and Anganawadi Helpers Welfare Fund Board constituted under section 10;

(b) “contribution” means the amount payable to the Welfare Fund by the members of the Welfare Fund under sub-sections (1) and (2) of section 4 and by the Government under section 17;

(c) "Anganawadi Worker" means a person who has been selected by a selection committee or promoted from Anganawadi Helper or has been appointed by transfer from Balawadi or such other institutions and is working in the Anganawadi on Honorarium basis or has been appointed permanently as worker as per the guidelines approved by the Government from time to time;

(d) "Anganawadi Helper" means a person who has been selected by a selection committee or has been appointed by transfer from Balawadi or such other institution and is working in the Anganawadi on Honorarium or has been appointed permanently as a helper as per the guidelines approved by the Government from time to time;

(e) "Fund" means the Kerala Anganawadi Workers' and Anganawadi Helpers' Welfare Fund constituted under section 3;

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

(g) "Member" means an Anganawadi Worker or Anganawadi Helper who has been enrolled as a member in the Welfare Fund or continuing as a member of the Workers Welfare Fund under the provisions of this Act;

(h) "Dependents" means 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;

(i) "Scheme" means the Kerala Anganawadi Workers' and Anganawadi Helpers' Welfare Fund Scheme framed under this Act;

(j) "Workers' Welfare Fund" means Anganawadi Workers' Welfare Fund framed as per the Government Order issued under G. O. (P) No. 12/92/SWD, dated 10th April, 1992 of the Social Welfare Department;

(k) "Notification" means a notification published in the Official Gazette;

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

(m) "Chief Executive Officer" means the Chief Executive Officer, appointed under section 15;

(n) "Integrated Child Development Service Scheme" means a social security scheme implemented by the Central Government on 2nd October, 1975 for the health care and service of the children below the age of six years, pregnant women and breast feeding mothers;

(o) "Schedule" means the Schedule of this Act;

(p) "Selection Committee" means a selection committee constituted by the Government for the selection of Anganawadi worker and Anganawadi helper.

3. *Kerala Anganawadi Workers' and Anganawadi Helpers' 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 Anganawadi Workers and Anganawadi Helpers Welfare Fund Scheme" and after the framing of the Scheme, constitute a Fund to be called "the Kerala Anganawadi Workers' and Anganawadi Helpers' Welfare Fund" in accordance with 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) contributions under sections 4 and 17;
- (b) application fee realised under section 5;
- (c) any amount borrowed under section 18;
- (d) any donation voluntarily given to the Fund by any association or institution or person;
- (e) any profit, interest, dividend or other income on any investment made of any part of the Fund;
- (f) balance amount outstanding in the Workers' Welfare Fund;
- (g) any grants, loans or advances as may be given by the Government of India or the State Government or any other institution or organisation;
- (h) any fees levied under the Scheme;
- (i) any other amount, to be credited to the Fund under the provisions of the Scheme;
- (j) any amount mobilised by the Board from any other sources to increase the resources of the Fund.

(4) The Fund shall vest in the Board constituted under 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 person who had been a member and remitted contribution for not less than ten years and completed his period of service or ceased his service or unable to continue in the service due to ill health, 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 payable to a member who could not continue his employment due to ill health.

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 benefits to the dependents of the deceased in the event of the death of a member eligible for pension and benefits as per clause (a);

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

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

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

(f) for the payment of amount remitted to the Fund together with interest and the Government contribution to a member on cessation of his employment who has remitted contribution continuously for five years or more;

(g) for providing medical treatment to the children of members;

(h) for the payment of financial assistance to meet the marriage expense of the members and their daughters and for the maternity expenses of the female members;

(i) for providing loan to the members for constructing house and for the renovation of the house to the members who own a house, as may be provided in the Scheme;

(j) for any other purpose specified in the Scheme.

(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 that any such modification or repeal shall be without prejudice to the validity of anything previously done under the Scheme.

4. *Contribution to the Fund.*—(1) Each Anganawadi Worker who is a member of the Welfare Fund shall pay two hundred rupees per month as contribution to the Fund.

(2) Each Anganawadi Helper who is a member of the Welfare Fund shall pay one hundred rupees per month as contribution to the Fund.

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

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

5. *Membership in the Fund.*—(1) Any person who has got permanent appointment as Anganawadi Worker or Anganawadi Helper in the Anganawadis of Kerala may apply to the Board for a membership in the Fund 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 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 an amount as application fee along with the application in such manner as may be specified in the Scheme.

(4) Every member who has been enrolled as member in the Fund shall be issued a certificate of membership, identity card and a pass book recording the details as may be prescribed 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.

6. *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 manipulation of any kind or has given false information at any time in connection with the conditions for the membership or 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.

7. *Revival of Membership.*—The membership of a member which has been ceased under sub-section (2) of section 6 may be revived on payment of arrears along with interest at the rate of twelve per cent per annum within six months from the date of cessation of such membership.

8. *Members shall take insurance Policy.*—Every member of the Welfare Fund shall join the insurance scheme made applicable to them, each year.

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 Anganawadi Workers’ and Anganawadi Helpers’ 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 “Kerala Anganawadi Workers’ and Anganawadi Helpers’ 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, he shall be Chairperson of the Board;

(ii) Four members representing Anganawadi Workers’ and Anganawadi Helpers’;

(iii) An expert having special knowledge in the matters relating to women and children and having sufficient skill to deal with the matters;

(iv) Director, Social Justice Department;

(v) An officer of the Social Justice Department not below the rank of Additional Secretary;

(vi) An officer of the Social Justice Department not below the rank of Additional Director, he shall be the Chief Executive Officer of the Board;

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

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

(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 Chairperson 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) Minimum of more than half of the total members including Chairperson shall form the quorum for a meeting of the Board.

(3) The Chairperson 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 Chairperson 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 clauses (i), (ii) and (iii) of 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:

Provided that the Chairman and non-official members of the Kerala Anganawadi Workers' and Anganawadi Helpers' Welfare Fund Board constituted as per G. O. (Rt.) 94/2013/SJD dated 7th March, 2013 of the Social Justice Department shall hold office for a period of three years

from the date of commencement of the Government Order or the date of coming into force of the Board to be constituted by the Government under section 10, whichever is earlier.

(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 temporary vacancy arose as per sub-section (2), for the remaining period available to the member resigned, had he continued to 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 are of 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 of the Board removed under clause (d) of sub-section (1) shall not be eligible for re-nomination 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 and other staff in such manner as may be prescribed to perform the functions of the Board under this Act.

(2) The method of appointment, salary and allowance, discipline and other service conditions of officers 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 Welfare Fund.*—The amount 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 created under this Act and credited to the account as may be prescribed.

17. *Contribution of the Government.*—The Government shall in each financial year pay contribution, an amount equal to 50 percent of total contribution to be paid by the members.

18. *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.

19. *Non-official Members of the Board to be public servants.*—Every non-official member of the Board 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).

20. *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 in good faith done or intended to be done under this Act or under the Scheme.

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

22. *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.

23. *Audit of Accounts of the Fund and appointment of auditors.*—(1) The Board shall appoint such auditors to audit the accounts of the Fund in such manner as may be prescribed.

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

24. *Annual report and audited statement of accounts.*—(1) The Board, 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 under the direction of the Board and after approval by the Board, a copy of the report together with the audited statement of accounts, shall be submitted to the Government before the 31st July, every year.

(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.

25. *Bar on Jurisdiction of Civil Courts.*—No Civil Court shall have jurisdiction to settle, decide or deal with 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.

26. *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.

27. *Removal of difficulties.*—(1) If any difficulty arises in giving effect to 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) The order issued under sub-section (1) shall be placed before the Legislative Assembly.

28. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules either prospectively or retrospectively 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 that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

29. *Repeal of the existing Workers Welfare Fund Order.*—(1) Government Order No. 12/92/SWD dated 10th April, 1992 of the Social Welfare Department is hereby repealed.

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

30. *Repeal and Saving.*—(1) The Kerala Anganawadi Workers' and Anganawadi Helpers' Welfare Fund Ordinance, 2016 (5 of 2016), 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 this 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 Anganawadi workers and Anganawadi helpers and the manner in which the contribution to be collected.
4. The time and manner in which the contribution under section 17 to be collected to the Fund.
5. The constitution of any committee for assisting the Board.
6. Duties of the Chief Executive Officer.
7. 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, the audit of accounts and the submission of reports to the Government.

8. The conditions under which withdrawal from the Fund may be permitted and any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.

9. The Form in which a member shall furnish particulars about himself and his family whenever required.

10. The nomination of a person to receive the benefits of a member from the Fund on the event of his death and verification of the nomination or cancellation of such nomination.

11. The registers, records and other Forms to be maintained with respect to members.

12. The Form of pass book, certificate and identity card and the procedure for their issue and replacement.

13. The fees to be levied for any of the purposes specified in the Schedule.

14. The manner in which the amount transferred under section 16 is to be transferred and credited to the Fund.

15. The matters for which the Fund may be utilized for the welfare of the members or their dependents.

16. The procedure for paying benefits, grants, advances etc., from the Fund.

17. 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.

18. Any other matter which is necessary or proper for the implementation of the Scheme.
