

Fifteenth Kerala Legislative Assembly

Bill No. 68

**THE KERALA TAILORING WORKERS' WELFARE
FUND (AMENDMENT) BILL, 2021**

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**THE KERALA TAILORING WORKERS' WELFARE FUND
(AMENDMENT) BILL, 2021**

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further to amend the Kerala Tailoring Workers' Welfare Fund Act, 1994.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Tailoring Workers' Welfare Fund Act, 1994 (16 of 1994) for the purposes hereinafter appearing;

BE it enacted in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Tailoring Workers' Welfare Fund (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 21st day of April, 2020.

2. *Amendment of section 7.*—In section 7 of the Kerala Tailoring Workers' Welfare Fund Act, 1994 (16 of 1994) (hereinafter referred to as the principal Act),—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every tailoring worker and every self employed person shall contribute to the Fund fifty rupees each per month and every employer, in respect of each tailoring worker engaged by him, shall contribute twenty five rupees per month.” ;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Every employer shall, along with the amount of monthly contribution in respect of each tailoring worker engaged by him, pay to the Fund seventy five rupees including the amount of the worker's contribution:

Provided that workers employed by the employer may remit the contribution by themselves, if they are prepared to remit it by themselves. In the case of such workers, it is sufficient for the employer to pay, employer's contribution only.”.

3. *Repeal and saving.*—(1) The Kerala Tailoring Workers' Welfare Fund (Amendment) Ordinance, 2021 (132 of 2021) is hereby repealed.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 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.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 7 of the Kerala Tailoring Workers' Welfare Fund Act, 1994 (16 of 1994) provides that every tailoring worker and every self employed person shall pay twenty rupees per month and every employer, on the basis of the number of tailoring workers engaged by him, shall pay five rupees per worker per month respectively as contribution. Provided that in the establishments where more than hundred workers are working, it is sufficient for the employer to pay to the Fund, three rupees each, per worker exceeding hundred, per month. As per sub-section (2) of the said section, every employer shall along with the amount of monthly contribution in respect of each tailoring worker engaged by him, pay to the Fund the amount including the workers contribution.

2. As the income of the Kerala Tailoring Workers' Welfare Fund was too insufficient to disburse the tailoring worker's benefits and also for meeting its administrative expenses, the Government have decided to enhance the contribution paid by each tailoring worker and self employed person from twenty rupees to fifty rupees and contribution paid by each employer in respect of each tailoring worker engaged by him from five rupees to twenty five rupees and also decided to amend the Act suitably for the said purpose.

3. Though a Bill, the Kerala Tailoring Workers' Welfare Fund (Amendment) Bill, 2019 was published as Bill No.176 of the Fourteenth Kerala Legislative Assembly in this subject, the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala.

4. As the above proposal had to be given effect to immediately and the Legislative Assembly of the State of Kerala was not in session, and the Kerala Tailoring Workers' Welfare Fund (Amendment) Ordinance, 2020 (28 of 2020) was promulgated by the Governor of Kerala on the 20th day of April, 2020 and the same was published in the Kerala Gazette Extraordinary No.1066 dated 21st day of April, 2020.

5. A Bill to replace said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly in its session which convened on 24th day of August, 2020.

6. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session the Kerala Tailoring Workers' Welfare Fund (Amendment) Ordinance, 2020 (66 of 2020) was promulgated by the Governor of Kerala on the 26th day of September, 2020 and the same was published in the Kerala Gazette Extraordinary No. 2222 dated 29th day of September, 2020.

7. A Bill to replace said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly in its session which convened on the 31st day of December, 2020 and during its session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021.

8. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session the Kerala Tailoring Workers' Welfare Fund (Amendment) Ordinance, 2021 (3 of 2021) was promulgated by the Governor of Kerala on the 9th day of February, 2021 and the same was published in the Kerala Gazette Extraordinary No. 656 dated 10th day of February, 2021.

9. A Bill to replace said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly in its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021.

10. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session the Kerala Tailoring Workers' Welfare Fund (Amendment) Ordinance, 2021 (74 of 2021) was promulgated by the Governor of Kerala on the 1st day of July, 2021 and the same was published in the Kerala Gazette Extraordinary No. 1946 dated 3rd day of July, 2021.

11. A Bill to replace said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly in its session which commenced on the 22nd day of July, 2021 and ended on the 13th day of August, 2021.

12. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session the Kerala Tailoring Workers' Welfare Fund (Amendment) Ordinance, 2021 (132 of 2021) was promulgated by the Governor of Kerala on the 23rd day of August, 2021 and the same was published in the Kerala Gazette Extraordinary No. 2485 dated 25th day of August, 2021.

13. The Bill seeks to replace Ordinance No.132 of 2021 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

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

V. SIVANKUTTY.

EXTRACT FROM THE RELEVANT PORTIONS OF THE
KERALA TAILORING WORKERS'
WELFARE FUND ACT, 1994
(16 OF 1994)

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7. *Contribution to the Fund.*—(1) Every tailoring worker and every self-employed person shall pay twenty rupees each per month and every employer, on the basis of the number of tailoring workers engaged by him, shall pay five rupees each per worker per month respectively as contribution:

Provided that in the establishments where more than hundred workers are working, it is sufficient for the employer to pay to the Fund, three rupees each, per worker exceeding hundred, per month.

(2) Every employer shall along with the amount of monthly contribution in respect of each tailoring worker engaged by him pay to the Fund including the amount of the workers contribution.

(3) The amount which has been remitted by the employer as contribution of a tailoring worker, can be deducted from the salary of the tailoring worker notwithstanding any contract to the contrary but shall not be so deducted in any other manner.

(4) The Government shall contribute to the Fund every year by way of grant an amount equal to ten per cent of the contribution paid by tailoring workers and self employed persons in a year:

Provided that where the amount of monthly contribution increases above ten rupees, the Government have no liability to provide grant to the Fund in proportion to such increase.

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