THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS WORKERS' WELFARE FUND (AMENDMENT) BILL, 2021
[Translation in English of “2021-ഒട സവാ മൂല മാരി മാരു് മൂലാണ്
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authority of the Governor.]

THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS
WORKERS' WELFARE FUND (AMENDMENT)
BILL, 2021

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further to amend the Kerala Shops and Commercial Establishments Workers'

Preamble.—WHEREAS, it is expedient further to amend the Kerala Shops
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
Shops and Commercial Establishments Workers’ Welfare Fund (Amendment) Act,
2021.

(2) It shall be deemed to have come into force on the 24th day of
February, 2021.

2. Amendment of section 4.—In sub-section (6) of section 4 of the Kerala
(hereinafter referred to as the principal Act), for the figures, brackets and word,
“(1) and (2)” the figures, brackets, symbol and word “(1), (2) and (3)” shall be
substituted.

3. Repeal and saving.—(1) The Kerala Shops and Commercial Establishments
Workers' Welfare Fund (Amendment) Ordinance, 2021(121 of 2021) is hereby repealed.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 4 of the Kerala Shops and Commercial
Establishments Workers' Welfare Fund Act, 2006 (24 of 2006) provides that every
member shall contribute to the fund rupees fifty per month. Sub-section (2) of the
said section provides that every employer shall contribute to the Fund, fifty rupees
per month, in respect of each worker employed by him. Sub-section (3) of the said
section provides that a self employed person shall pay rupees twenty every month
in addition to the contribution to the Fund as per sub-section (1). Sub-section (4) of
the said section provides that the Government shall contribute to the Fund by way
of grant, an amount of rupees five per month paid by each member under
sub-section (1). Sub-section (6) provides that the Government may, by
notification in the Gazette, revise the rate of contribution specified in sub-section
(1) and (2) and the rate of grant specified in sub-section (4), once in every three
years taking into account the expenses required for the implementation of the
scheme.

2. As per sub-section (6) of the said section, Government is empowered to revise the rate of contribution paid by each member, employer and the Government contribution under sub-section (1), (2) and (4) by notification in the Official Gazette. As per the existing provisions of the Act, additional contribution paid by the self employed persons under sub-section (3) cannot be revised by notification published in the Official Gazette.
3. In order to empower the Government to revise the additional contribution paid by the self employed persons by notification in the Official Gazette, the Government have decided to make suitable amendment in sub-section (6) of section 4 of the Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, 2006 (24 of 2006).

4. Though a Bill, the Kerala Shops and Commercial Establishments Workers' Welfare Fund (Amendment) Bill, 2018 was published as Bill No.167 of the Fourteenth Kerala Legislative Assembly, for the above said purpose, the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala.

5. As the above proposal had to be given effect to immediately and the Legislative Assembly of the State of Kerala was not in session, the Kerala Shops and Commercial Establishments Workers' Welfare Fund (Amendment) Ordinance, 2021(41 of 2021) was promulgated by the Governor of Kerala on the 23rd day of February, 2021 and the same was published in the Kerala Gazette Extraordinary No. 944 dated 24th day of February, 2021.

6. A Bill to replace the 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 24th day of May, 2021 and ended on the 10th day of June, 2021.

7. 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 Shops and Commercial Establishments Workers' Welfare Fund (Amendment) Ordinance, 2021(77 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. 1959 dated 3rd day of July, 2021.
8. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on 22\textsuperscript{nd} day of July, 2021 and ended on the 13\textsuperscript{th} day of August, 2021.

9. 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 Shops and Commercial Establishments Workers’ Welfare Fund (Amendment) Ordinance, 2021 (121 of 2021) was promulgated by the Governor of Kerala on the 23\textsuperscript{rd} day of August, 2021 and the same was published in the Kerala Gazette Extraordinary No. 2470 dated 25\textsuperscript{th} day of August, 2021.

10. The Bill seeks to replace Ordinance No.121 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.

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4. Contribution to the Fund.—(1) Every member shall contribute to the Fund rupees fifty per month.

(2) Every employer shall contribute to the Fund rupees fifty per month, in respect of each worker employed by him.

(3) A self employed person shall pay rupees twenty every month in addition to the contribution to the Fund as per sub-section (1).

(4) The Government shall contribute to the Fund by way of grant, an amount of rupees five per month for the amount paid by each member to the Fund per month under sub-section (1).

(5) The amount of contribution to be remitted as such shall be deposited in a Co-operative Bank recognized by the Board or Nationalised Banks or any institutions decided by the Government; for collecting such amount.

(6) The Government may, by notification in the Gazette, revise the rate of contribution specified in sub-section (1) and (2) and the rate of grant specified in sub-section (4), once in every three years taking into account the expenses required for the implementation of the scheme.