

**Fifteenth Kerala Legislative Assembly**

**Bill No. 73**

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**THE KERALA CASHEW WORKERS' RELIEF AND  
WELFARE FUND (AMENDMENT) BILL, 2021**

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WELFARE FUND (AMENDMENT) BILL, 2021**

**Fifteenth Kerala Legislative Assembly**  
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THE KERALA CASHEW WORKERS' RELIEF AND WELFARE FUND  
(AMENDMENT) BILL, 2021

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*BILL*

*further to amend the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979.*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979 (19 of 1984) 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 Cashew Workers' Relief and Welfare Fund (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 10<sup>th</sup> day of February, 2021.

2. *Amendment of section 5.*—In section 5 of the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979 (19 of 1984) (hereinafter referred to as the principal Act),—

(i) in sub-section (1), for the words “one rupee”, the words “two rupees” shall be substituted;

(ii) in sub-section (2), for the words “one rupee”, the words “two rupees” shall be substituted;

(iii) in sub-section (3A), for the words “an amount equal to the amount of”, the words “an amount equal to half the amount of” shall be substituted.

3. *Repeal and saving.*—(1) The Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Ordinance, 2021 (128 of 2021) is hereby repealed.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 5 of the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979 (19 of 1984) provides that the contribution which shall be paid by an employer to the Fund shall be at the rate of one rupee for each employee for each day of work done by him in the Cashew factory. Sub-section (2) of section 5 provides that the contribution which shall be paid by an employee shall be at the rate of one rupee for every day of work done by him in the Cashew factory. Sub-section (3A) of section 5 provides that the Government shall contribute to the Fund every year by way of grant an amount equal to the amount of contribution paid by employees under sub-section (2).

2. At present the income of the Cashew Workers' Welfare Fund is too insufficient to disburse the benefits of cashew workers and also for meeting its administrative expenses. Hence on the recommendation of the Cashew Workers Welfare Fund Board, the Government have decided to enhance the contribution paid by each employer to the Fund to two rupees for each employee for each day of work done by him in the Cashew Factory and also decided to enhance the contribution paid by an employee to two rupees for every day of work done by him in the Cashew factory and further it is decided to limit the Government contribution to half of the amount of employees contribution and decided to amend sub-sections (1), (2) and (3A) of section 5 of the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979, suitably.

3. As the Legislative Assembly of the State of Kerala was not in session, and the above proposal had to be given effect to immediately, the Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Ordinance, 2021 was promulgated by the Governor on the 9<sup>th</sup> day of February, 2021 and the same was published as Ordinance No. 8 of 2021 in the Kerala Gazette Extraordinary No. 658 dated 10<sup>th</sup> day of February, 2021.

4. 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 during its session which commenced on 24<sup>th</sup> day of May, 2021 and ended on the 10<sup>th</sup> day of June, 2021.

5. As the provisions of the said Ordinance had to kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Ordinance, 2021 was promulgated by the Governor on the 1<sup>st</sup> day of July, 2021 and the same was published as Ordinance No. 54 of 2021 in the Kerala Gazette Extraordinary No.1922 dated 2<sup>nd</sup> day of July, 2021.

6. 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 during its session which commenced on 22<sup>nd</sup> day of July, 2021 and ended on the 13<sup>th</sup> day of August, 2021.

7. As the provisions of the said Ordinance had to kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Ordinance, 2021 was promulgated by the Governor on the 23<sup>rd</sup> day of August, 2021 and the same was published as Ordinance No. 128 of 2021 in the Kerala Gazette Extraordinary No. 2462 dated 24<sup>th</sup> day of August, 2021.

8. The Bill seeks to replace Ordinance No. 128 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.

EXTRACTS FROM THE KERALA CASHEW WORKERS'  
RELIEF AND WELFARE FUND ACT, 1979  
(19 OF 1984)

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5. *Contribution and matters which may be provided for in the scheme.*—(1) The contribution which shall be paid by an employer to the Fund shall be at the rate of one rupee for each employee for each day of work done by him in the cashew factory.

(2) The contribution which shall be paid by an employee shall be at the rate of one rupee for every day of work done by him in the cashew factory.

(2A) The amount of contribution due for the period prior to the date of publication of the Kerala Cashew Workers Relief and Welfare Fund (Amendment) Act, 1990 shall be deemed to be in arrears and shall be paid to the Fund in such installments and in such manner as may be specified by the Government.

(3) The employees' contribution shall be deducted by the employer from the wages payable and remitted to the Fund along with the employer's share before the date specified in section 9.

(3A) The Government shall contribute to the Fund every year by way of grant an amount equal to the amount of contribution paid by employees under sub-section (2).

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