KERALA CASHEW WORKERS' RELIEF& WELFARE FUND ACT.1979

GOVERNMENT OF KERALA RCT. 19 OF 1984 THE KERALA CASHEW WORKERS' RELIEF & WELFARE FUND ACT. 1979 THE KERALA CASHEW WORKERS' RELIEF & WELFARE FUND SCHEME, 1988 Government of Kerala 1984 Reg. No. KL TV (N) 12 Vol. xxlx] KERALA GAZETTE EXTRAORDINARY PUBLISHEO RUTHORITY 22nd August 1984 Trivandrum, Wednesday, 31st Sravana 1906 GOVERNMENT OF KERALA Law (Legislation—C) Department NOTIFICATION 742 • No. 13919/Leg. C3184/Law Dated, Trivandrum, 22nd August, 79841 31st Sravana, 1906 The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 30th day of July, 1984. By order of the Governor, p. p. MATHAI, Special Secretary (Law) 33/35721MC ACT 19 OF 1984 THE KERALA-CASHEW WORKERS RELIEF AND WELFARE FUND ACT, 1979 An Act to provide for the constitution ofa fund to grant relief to, and to promote the welfare of, employees in cashew factories in the State of Kerala. Preamble.—WHEREAS it is expedient to provide for the constitution of a fund to grant relief to, and to promote the welfare of, in cashew factories in the State of Kerala; BE it enacted in the Thirtieth Year of the Republic of India as 1. Short title, extent, commencement and application. (I) This Act may be called the Kerala Cashew Workers Relief and Welfare Fund Act, 1979. (2) tt extends to the whole of the State of Kerala. (3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint. (4) It shall apply to 811 cashew factories registered and licensed in the State •of Kerala under the Factories Act, 1948 (Central Act 63 of 1948)

2. Definitions:—(a) "Board" In this Act, unless the context otherwise requires: means the Kerala Cashew Workers Relief and Welfare Fund Board constituted under section 7. (b) "contribution" means the contr ibution payable by an employer or employee or the Govt. under the scheme. * "cashew factory" means a factory wherein processing of (c) cashewnuts is being carried on and which is registered and licensed under the Factories Act, 1948 (Central Act 63 of 1948). (d) "'employer" means any- person who employs, whether directly or through another person or whether on behalf of himself or any other person, one or more employee or employees and includes any parson who has a licence for the construction of extension of a cashew factory under the Factories Act, 1948 (Central Act 63 of 1948) and the rules made thereunder. (e) "employee" means any person who is employed in anv cashew factory for wqges for processing cashewnuts and who gets his wages directly or indirectly from the employer and includes. - any person employed by or through a contractor -o in or in connection with the processing ot through an agent cashewnuts ; and (ii) clerical and other staff employed in connection with the processing of cashewnuts: *Inserted as per Kerala Cashew Worker's Relief and Welfare Fund '(Amendment) Act, 1987 as per Notn. No. 18803/Leg. C3/87/Law Dt. 28-1-88 Published in Kerala Gazette (E. O,) No. 68 dt. 28-1-88. 3 "Fund" means the Kerala Cashew Workers Relief and Welfare (f) Fund established under the scheme; (g) • 'member" means any employee who contributes to the Fund. (h) "Processing", with reference to cashewnuts, means loading, unloading. transporting, stacking, unstacking, soaking roasting Shelling, frying, peeling, grading, tilling, packing or otherwtse treating (or adapting cashewnuts, with 8 view to their use delivery, sale or other disposal, and includes work connected with the maintenance Of processed cashewnuts. "scheme • means the scheme framed under this Act. (j) "'State" means the State of Kerala; (k) "wages" means all remuneration paid or payable to an employee for work done on services rendered by him and includes leave and holiday wages paid or payable to him under any law or agreement for the time being in force, but does not include overtime alåowance, bonus and commission 3. Kerala Cashew Workers Relief and Welfare Fund:- (1) The Gover- nment may, by notification in the Gazette, frame a •scheme to be calåed the Kerala Cashew Workers Relief and Welfare Fund Scheme for the establishment of a Fund under this act and there shali be established, as soon •s may be after the framing of the scheme, a Fund, to be called the Kerala Cashew Workers Relief and Welfare Fund, in accordance with the provisions of this ACI and the Scheme. (2) There shall be credited to the Fund- the contribution to be paid by the Govt.,* employers and (a) employees under section 5; (b) any voluntary donations; (cl grants or advances made by the Centrål Government Of the Government of Kerala or any local authority; and (d) any other amount which, under the provisions of the scheme shall be credited to the Fund. (3) The Fund shall vest in. end be administered by, the Board. (4) Subject to the provisions of this Act, the scheme may ptovide for all

or any of the matters specified in the Schedule. (5) The scheme shall be Iai8, 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 ot Substituted as per (Amendment)Act, 1987, as per Notn. No. 18803/ Leg. C3/87/Law Dt. 28-1-88 published in K. G. (E. 0) No. 68 4 the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the scheme, the scheme shall thereafter have effect only in such modified form; so however that any such modification shall be without prejudice to the validity of anything previously done under the scheme

4. Purposes for which Fund may be expended.— Subject to the provisions of this Act and the scheme, the Fund shall be expendeff' for the following purposes, namly:- (a) payment of relief wages to employees in cashew factories when there is no work in those factories; and payment of pension:- (i) to an employee who is unable to work due to old age or infirmity or who has completed the age of sixty years; and * "to an employee of a cashew factory retired before or after the commencement of this Act on ettaining the age of superan- nuation as per the rules of the concerned qashew factory and is out of employment; and" (ii) to a person who; before the commencement of this Act was an employee and completed the age of sixty years or who sufffers from permanent disablement and is out of employment; and (aaa) payment of,- (i) family pension to the spouse of a deceased employee; financial assistance to an employee who suffers from permanent or temporary disablement; (iii) loans or grants to an employee to meet expenses for the marriage of children or for expenses in connection with the death of dependent ot for expenses for construction or maintenance of house; (iv) for providing,- (a) maternity benefits to women employees end members of their families who are not eligible for such benefits under any other law for the time being in force; (b) medical facilities to thos• employees and members of thei7 families who ate not eligible for euch benefits under any other liw for the time being in force. facilities for education to the employees and members-of- (c) their families; and * (iA) Added as per (Amendment) Act 1990 (Notn. No. 331 ILeg. C2/901 Law dated 2-3-90 Published in K. G. (E. O.) No. 202 dt. 2-3-90. 5 Explanation, - For the purpose of the above clause (aaa) family means and includes the following relatives of the employee, namely:- (a) (b) (c) (d) (e) wife in case of male employee; husband in case of female employee; minor sons; minor daughters; father and mother who are solely dependent upon the employee. (b) payment of such other amount as may be specified in the scheme. 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 "fifty paise" for every day of work done by him in the cashew factory. *3 '•(2A) The amount of contribution due. for the period prior to the date of publication of the Kerala Cashew Workers Relief 8 Welfare Fund (Amendment) Act. 1990 shall be deemed to be in arrears and shall be paid to the Fund in such instalments and in such manner as may be- specified by the Govt". (3) The emyloyees' 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. *4 • '(3A) The Govt. shall contribute to the Fund every year by way of grant on a matching basis an amount equal tn twice the amount of contribution paid by employees under Sub Section (2). (4) Where the amount of contribution payable under this Act fraction of a rupee, the scheme may provide for involves a rounding off of the fraction to the nearest rupee, half-a-rupee or quarter of a rupee. (1) The Government may, by 6 Modification of scheme:— notification in the Gazette, add to, amend or vary the scheme either f 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 * 1, 2. 394 Inserted, Substituted and added as per (Amendment) 'ct, 1987 as per Notn. No. 18803/Led. C3/871Law dt. 28-1-88 Published in K. G. (E 0) No. 68 dt. 28-1-88. 6 white 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 modifica— tion 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. 7 Constitution of Board:- (1) The Government may, by notification in the Gazette, constitute, with effect from such date as may be specified therein, a Board to be called the Kerala Cashew Workers Relief and

Welfare Fund Board for the administration of the Fund and to supervise or carry out the activities financed from the Fund (2) The Board shall be a body corporate by the name afore- said having perpetual succession and a common seal and shall by the said name sue and the sued. (3) The Board shall consist of such number of Directors as may be appointed by the Government and they shall be chosen in such manneö as may be provided for in the scheme: include an equal number Provided that the Board shall the employers and the of Directors representing the Government, employees. (4) One of lhe Directors of the Board shall be appointed by the Government as its Chairman. (5) The Chairman shall exercise such powers and perform such functions as may be specified in the scheme. 1 * (6) Omitted (7) The Government shall publish in the Gazette the names of the Chairman, 2 * and the other Directors of the Board. (8) The Board shall administer the Fund vested in it in such manner as may be specified in the scheme. (1) The Government may appoint a 8 Appointment of officers:- Chief Executive Officer and as many Inspectors as they cosider nece• ssary to assist the Chief Executive Officer in the exercise ot -hi# powers and the discharge of . his duties. (2) The Board may, with the previous approval of the Gover- nment appoint such officers and other employees as it may conside-r necessary for assisting it in the administration of the Fund. • 1 8 2 Omitted as per (Amendment)Act, 1987, as per Notn No. 18803/ Leg. C3/87/Law Dt. 28-1-88 published in K. G. (E. 0) No. 68 7 (3) The method of recruitment, salary and allowances, disci- pline and other conditions of service of the Chief Executive Officer and the Inspectors shall be such as may be specified by the Gover- nment, and the method of recruitment, salary and allowances, discipline and other conditions of service of the officers and other employees appointed by the Board shall be such as may be specified by the Board with the previous approval of the Government. (4) In making appointments to the posts of officers and other employees to be appointed by the Board, the provisions of -clauses (a), (bj and (c) of rule 14 and the provisions of rules 15, 16 and 17 of the Kerala State and Subordinate Servipes Ru!es, 1958, as amended from time to time. shall mutatis mutandis, ba observed. 9 Duty of employer to file return:- Every employer shall, before the 10th of every month, file a return showing the details of contributions paid into the fund, in such manner as may be specified in the scheme.. (1) The Chief 10 Determination of amounts due from employers. Executive Officer or any Inspector authorised by him in this behalf may, by order, determine the amounts due from any employer under the provisions of this Act or of the scheme and for this purpose may conduct such enquiry as he may deem necessary. (2) The officer conducting the enquiry under sub-section (1) shall for the purposes of such enquiry, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), when trying a suit, in respect of the following matters, namely. (a) enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of documents; (c) receiving evidence on affidavit; (d) issuing commissions for the examination of witness. (3) Any enquiry under this section shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code, 1860 Central Act 45 of 1860). (4) No order determining the amount due from any employer shall be made undet sub-section (1) unless the employer has been given a reasonable opportunity of being heard. (5) Any person aggrieved by an order under sub-section (1) may prefer an appeal to the Government or such other authority as may bo specified by the Government in this behalf, within sixty days from the date of the receipt of the order, and the decision of the Government or such other authority on such appeal shall be final. 8 11 Provisional assessment where return is not filed:- If any employer fails to submit the return as required by section 9, the Chief Executive Officer or the Inspector authorised by him in this behalf may provi- sionally determine the amount due from that employer 10 the Fund. Provided that no provisional assessment shall be made final till the party is given an opportunity of being heard. 12 Mode of recovery of money due from employers:- Any amount due from an employer in pursuance of the provisions of this Act or the scheme may, if the amount is in arrears be recovered in the same manner as an arrear of land revenue. 13 Penalties:- (1) Whoever. for the purpose of avoiding any payment to be made by himself under this Act or under the scheme or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false tepresen- tation, shall be punishable whith imprisonment for a term which may extend to six months, or with fine which niay extend to one thousand rupees, or with both. (2) Whoever contravenes ot makes default in complying with any of the provisions of this Act _ or of the scheme shall, other penalty js elsewhere provided by or under this Act for such contravention or non-compliance, be punishable with imprisonment for a term which may extend to six months. or with fine

which may extend to one thousand rupees, or with both. 14 Enchanced punishment for default in payment of employee's contributions already deducted:- (1) Whoever makes default in the payment of the employees' share of the contribution to the Fund after having deducted it from the wages of the employees in accordance with tha provisions of this Act or the scheme, shall be punishable with imprisonment for a term which may extend to one year, but which shall not be less than threa months. and with fine which may extend to four thousand rupees. (2) Notwithstanding anything contaU1ed in the code of Criminal Procedure, 1973 (Central Act 2 of 1974), an oftence under sub-section (1) shali be cognizable. 15 Enhanced punishment for second or subsequent offence:- Wh oever having been convicted by a court of an offence punishable under same offence again, shall be punishab!e this Act, commits the for every such subsequent offence with imprisonment for a term whicfi may extend to one year, but which shall not be less than three months and with fine which may extend to four thousand rupees. 16 Offences by companies:- Where an offence under this Act has been cmmitted by 8 company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. 9 Provided that nothing contained in this süb-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1) where an offence 17 18 (2) 19 under this Act has been committed with the consent or connivance of, or is attributVle to any neglect on the part of, any. Director. Manager, Secretary or other officer the company, such Director. Manager, Secretary or other officer Shail also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation:- For the purposes of this section, - (a) "company" means any body corporate and includes a firm or other association of individuals, and (b) "director", in relation to a firm means a partner in the firm Cognisance of offences:- No court shall take cognisance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made with the previous sanction of the Govern- ment or such other authority as may be specified in this behalf by the Government, by the Chief Executive Officer or any inspector appointed under this Act Power to order inquiry: - (1) Thé Government may, at any time. appoint any person to inquire into the working of the Board and to submit a report to the Government. The Board shall give the person so appointed atl facilities for the •proper conduct of the inquiry and furnish to him such documents, accounts or information in the possession of the Board as he may require. Power to supersede the Board 1) If , on consideration of the report under •section 18 or otherwise, the Government are of opinion that the Board has persistently made default in the performance of the duties imposed on it by or under the piovisions of this Äct or the scheme or has exceeded or used its powers, the Government may by notification in the Gazette.' supersede the Board for such period not exceeding Six months as may be specified in the notification: Provided that, before issuing a notification under this sub-section, the Govern- ment shali give a reasonable opportunity to the Board to show cause why it should not besuoerseded and shall considerthe exolanations and obiections. if anv. of the Board. 10 (2) Upon the publication of a notification under sub-section (1) — (a) all the Directors of the Board shall, as from the date of such publication, vacate their offices as such Directors; (b) all the powers and duties which may be ecrcised or performed by the Board shall, during the period of supersession, be exercised or performed by such. officer or officers as may be specified in the notification; (c)all funds and other properties vested in the Board shall, dåing the period of supersession, vest in the Government. (3) On the expiration of the period of supersession specified in the notification 20 21 22 23 24 25 issued under sub-section (1) the Government shall reconstitute the Board in the manner provided in section 7 Power to recover damages :- Where en employer makes default in the payment of any contribution due to the Fund under this Act, the Govern- ment may recover from the employer damages not exceeding Wyenty-five per cent of the amount of arrears as they may think fit to impose. Bar of benefits under Industrial Disputes Act, 1947 :- Any employee who is paid relief wages under this Act shall not be entitled to claim the compensation, if any, payable under Chapter VA of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), for the days on which such relief wages have been paid. Bar of jurisdiction of civil courts :- No civil court Shail have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act 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 inspector.

Directors of the Board etc. to be public servants :- Every Director of the Board and every officer or other employee appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Pehal Code 1860 (Central Act 45 of 1860). Protection of actions take; in good faith :- No suit, prosecution or other legal proceedings shall lie against the Government or the Board or any officer or other person in respect of anything which is in good faith done or intended to be done under this Act or the scheme. Power to remove difficulties :- ff any difficulty arises in giving effect to the provisions of this Act or of the scheme, the government may by order, do anything not inconsistent with such provisions which appears to them to be necessary or expedient for the purpose of removing the difficulty 1 2 3 4 5 6 7 8 9 10 11 SCHEDULE (See Sub-section (4) of section 3 MATTERS OF WHICH PROVISIONS MAY BE MADE IN THE SCHEME The time and manner in which contributions shall be made to the Fund by the employers. The payment by the employers of sums of money as may be necessary to meet the cost of administering the Fund and the rate at which and the manner in which the payment shall be made. The constitution of any committee for assisting the Board. The manner in which accounts shalt be kept, the investment of money belonging to the Fund in accordance with any direction iSSued on condition specified by the Government, the preparation of the budget, the audit of accounts .and the submission of reports tc the Government. The conditions under which the Fund may be expended for payment•of relief wages to the workers during the period of closure of cashew factories. 1' 54 The amount and the conditions and procedures for the payment of pension, family pension, grant and advance from the fund. ? 5-B The purposes for which the fund may be utilised forthe welfare of employees or their dependents". The registers and records to be maintained with respect to employees and the returns to be furnished by emplpyers. The form or design of any identity card; token or disc for the purpose of identifying and employee; and for issue, custody and replacement thereof. The fee to be levied forkany of the purposes specified in this schedule. The further powers, if any,which may be exercised by the Chief Executive Officer and the Inspectors Any other matter which is to be provided for in the scheme or which •may be necessary or proper for the purpose of implementing the scheme I and 2 : Inserted as per (Amendment) Act 1987 (Non. No. 18803/ 'l..eg. dt. 28.1.88 published in K.G.E.O No. 68 dt 28-1-88 GOVERNMENT OF KERALA Labour and Rehebi itetion Department G. O (P) No. 96/88/LBR. NOTIFICATION* Dated, Trivandrum, 4th November, 1988 S.R.O.No. 1432/88 In exercise of the powers conferred by sub-section (l) of section 3 of the Kerala Cashew Wörkers Relief and Welfare Fund Act, 1979 (19 of 1984) and in supersession of the existing scheme, the Government of Kerala hereby frame the following scheme for the establishment of a Fund for the Cashew Workers and the matters connected therewith namely 1 2 KERALA CASHEW WORKERS RELIEF AND WELFARE FUND SCHEME 1988 CANTER 1 PRELD.(NARY Short title. Commencement and Application - (1) This scheme may be called the Kerela Cashew Workers' Relief and Welfare Fund Scheme, 1988. (2) It shall be come into force on such date as the Government may by notification in the Gazette, appoint. (3) It shall apply to all Cashew factories registered and licensed in the State of Kerala under the Factories Act, 1948 (Central Act 63 of 1948). Definition (l) In this schemei unless the contest otherwise requires,- (a) "Act' ' means the Kerala Cashew Worker,s Relief and Welfare Fund Act, 1979 (19 of.1984); (b) "Board means the Kerala Cashew Workers Relief and Welfare Fund Board, constituted under section 7 of the Act; Published as Extra ordinary Gazette No. 982 dated 4th November 1988 by the Superintendent Govt. Presses, Trivandrum 2 (c) "Calendar Year" means the year commencing on the I st day of January and ending with the 31 st day of December; (d) "Cashew Factory" means a factory wherein the processing of cashewnuts is being carried on and which is registered and licensed under the Factories Act, 1948 (Central Act 63 of 1948); (e) "Contribution" means the contribution payable by an employer or em- ployee or Government under the Scheme; (D "Director" means a Director of the Board; (g) "Employee" means any person who is employed in any Cashew Factory for wages for processing cashewnuts and who gets his wages directly or indirectly from the employer and includes;— (i) any person employed by or through a Contractor or through an agent or in connection with the processing of Cashewnuts; and (ii) clerical and other staff employed in connection with processing of cashewnuts. (h) "Employer" means any person who employs whether directly or through an other person or whether on behalf of himself or any other person one or more employee or employees and includes any person who has a licence for the const.ruction or extension of a Cashew Factory under the Factories Act, 1948 (Central Aci 63 of 1948) and the Rules made there under. (i) "Fa.mily" means;- (a) wife in case of male employee; (b) husbapd in case of female employee; (c)

minor sons; (d) minor daughters; (e) father and mother who are solely dependant upon the employee (j) "Form" means form appended to this scheme; (k) 'Government" means a the Government of Kerala. (l) "Govemment Security" shall have the meaning assigned to it in the Public Debt Act, 1944 (Central Act, 18 of 1944) 3 (m) "Register" means the register in which the names of the employees are registered. (n) "Registered Worker" means an employee whose name has been entered in the register (o) "Superannuation" means the retirement of any employee on Completing 60 years of age. (p) "Wages" means allremuneration paid or payable to an employee for work done or services rendered by him and includes leave and holiday wages paid or payable to him under any law or agreement for the time being in force, but does not include overtime wages, bonus and commission. (2) All other words and expressions used in this scheme but not defined shall have the meanings respectively assigned to them in the Act. CHAVIER 11 NE CASHEW WORKERS RELEF AND WELFARE FUND BOARD 3. Constitution of the l) 'Ihe Board shall consist of fifteen directors nominated by Govemment as hereinafter provided;— official Directors nominated by the Government of whom one shall be the Chief Executive of the Board, one representative of the Labour De partment and the one representative of the Finance Depanment of the Gov emment. (b) five Directors representing the employers nominated by the Govemment, (c) five Directors representing employees nominated by the Govemment. (2) One of the Directors shall be appointed by the Govemment as the Chair• man of the Board

4. Term ofofice;—'Ihe term of omce of the Board shall be 3 Years from the date of constitution and it shall be reconstituted afterwards. Provided that the Govemment shall have the right to nominate any person in the place of any other person, who has ceased to be a of the Board. Provided further that the Board duly constituted shall continue even after the expiry of 3 years until a new Board is constituted. 4 5. Removal of Director,— Notwithstanding anything contained in the scheme, the Government may remove from office, any Director, if in their opinion such Director has ceased to represent the interests which he purports to represent in the Board or if the Government are satisfied that a Director had acted against the implementation of the Act or the Scheme or against the due discharge of the function of the Board or of the Chairman or the offce of the fund; Provided that no such Director shall be removed. unless a reasonable opportunity is given to him for making representation against the proposed action

6. Filling up of casual vacancies* A Director appointed to fill a casual vacancy shall hold office for the remaining period of the tern of office of the Director in whose place he is appointed

7. Resignation;—Any Director may resign his offce by letter in writing addressed to the Government through the Chairman and his office shall fall vacant fmm the date on which his resignation is accepted by the Governmept. Provided that the Chai.rman shall send his resignation to Government directly

8. Cessation of Membership;—(1)-lf, a Director or Chairman fails to attend three consecutive meetings of the Board without obtaining prior permission of the Chair- man or the Govemment, as the case may be, he shall Subject to the provision of sub- paragraph (2) cease to be a Director. (2) A person who ceased to be a Director under sub-paragraph (I) shall be given intimation of such cessation by a •letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that, if he desires to restore his position as Director he may apply therefore within fifteen days from the date of receipt of such leuer. 'Ihe application for such restoration, if received-within the prescribed period shall be submitted to Govemment and if the Govemment are satisfied that the reasons for failure to attend three consecutive meetings are adequate the Directorship may be *estored to him if so ordered by the Government

9. Disqualifications;—(1) A person shall be disqualified for being appointed as or for being a if (a) he is declared to be of unsound mind by a competent cotm; or (b) he is an undischarged insolvent; or (c) he has been sentenced by a criminal court to imprisonment for any offence involving mora.l turpitude. 5 (2) Ifanyquestion arises whether any person is disqualified under subparagraph (I), it shall bé referred to Govemment and the decision Of the Government thereon shall be final IO Meetings of the Board The Board shall ordinarily meet once in three months (2)1he Chairman rmy, whenever he thinks fit and shall within fifteen days of_the receipt 11 12 13 14 15 16 ofa requisition in writing from not less than one third ofthe Directors of the Board call a meeting thereof. Notice of meeting and list of business:- Not less than fifteen days notice from the date of posting, containing the date, time and place of every meeting together with a list of business to be transacted at the meeting shan be despatched by registered post or by special

messenger to each Director: Provided that when the Chainnan calls a meeting for considering any matter, which in his opinion is urgent, a notice giving such reasonable time as he may consider necessary shall be deemed sufficient. Chairman to preside at meetings The Chairman shall preside at every meeting of the Board at which he is present. If the Chairman is absent at any time the Directors present shall elect one of the Directors to preside over the meeting and the Director so elected shall exercise all powers of the chairman at the meeting. Quorum:- (l) No business shall be transacted at any meeting of the Board unless at least five Directors are present, of whom at least two shall be from among those appointed under clause (c) of sub-paragraph (l) of Paragraph 3 of the scheme. Absence from the State:- If any Director leaves the State for a period of six months or more without intimation to the Chairman, he shall beaemed to have resigned from the Board. Time and place ofMeeting :- The meeting of the Board shall be held at the place and time specified in the notice issued under paragraph 11 Disposal of Business :- Every question considered at the meeting df the Board shall be decided by a majority of votes of the Directors present and voting. In the event of any equality of votes the Chairman shall have and exercise a casting vote. Minutes of Meeting:- (I) The minutes of a meeting of the Board showing inter alia the names of the Directors present there shall be circulated to all Directors present in the state not later than fifteen days from the date of meeting. The minutes shall thereafter be recorded in a Minutes Book, as a permanent record. 6 (2) The records of minutes of every meeting shall be signed by the Chairman after confirmation with such modifications, if my, as may be considered necessary at the next meeting

18. Acts of the Board not invalid by reason merely of any vacancy in or defect in the constitution etc;—No Act or proceeding of the Board shall deemed to be invalid by reasons merely of any vacancy in or any defect in the constitution of the Board

19. Fees and Allowances;—(l) Every non-official member of the Board of Direc- tors shall be paid a sitting fee of Rs.50 for attending a meeting of the Board. 'Ihis fee shall not be applicable for sub committee meetings. (2) Every non-offcial Director shall also be paid travelling allowance and daily allowance for attending the meeting of the Board at such rates which are admissible to Grade I Officers of the Government of Kerala. (3) The travelling allowance of an official Director shall be governed by the rules applicable to him for journeys performed on official duties and shall be paid initially by the authority paying his salary and claimed later by the concerned Director from the Board and remitted to Government. (4) Any Director who being a member of the State Legislative Assembly, attends a meeting of the Board, shall be entitled to such travelling allowance as are admissible under the Provisions of the Payment of Salaries and Allowances Act, 1951 (14 of (5) Any Director, who being a member of either House of Parliament attends a meeting of the Board shall be entitled to travelling allowance as may be admissible to the Members of Parliament

20. Formation of Standing 'Committee* 1) 'Ihe Board may constitute a standing committee the following items, namely;—(a).Annual Budget. (b) Annual administration Report; (c) Recruitment of Staff; and (d) Such other matters as may bé referred to the Standing Committee by the Board. (2) 'Ihe Standing Committee shall consist of the following persons, namely;- (a) Chairman of the Board. (b) PIWO Directors representing the employers; (c) nyo Directors representing the employees; (d) Ihe Director representing the Finance Department of the Govemment; (e) The Chief Executive of the Board. 7 (3) The Chairman of the Board shall be the Chairman of the Standing committee also. But if the Chairman is absent at any time, the members present shall elect one among them to preside over the meeting. (4) No business shall be transacted at a meeting of the Standing committee unless ät least 4 members of the committee are present, of whom at least one shall be from the employer members and another *hall be from the employee members. (5) 'Ihe term of the Standing Committee shall be one yeu from the date of consti- tution; Provided that the standing committee shall continue to function beyond one year till the next committee is constituted. (6) The recommendation of the Standing Committee shall be placed before the Board for its decision. (7) The members of the committee shall be allowed travelling allowance and daily allowance at the rate and subject to the conditions specified in paragraph 19

21. Opening of District and Local onces;- The Board may, with the approval of Government, open such District and local offices as it may consider desirable for the purpose of implementing the scheme. It may also define the functions and duties of such offices

22. Powers, Duties and Functions of the Board.- (1) The Board shall be responsi- ble for.- (a) all matters connected with the administration of the fund specified in the scheme; (b) registration of employees to the fund; (c) laying down policies for the deposit of the of the fund as directed by Government from time to time; (d) submission of annual budget to the Government for sanction; (e) submission of annual report to Govemment on the working of the scheme; (f) annual audit of accounts of the fund in accordance with the instruction issued by Government; (g) collection of contribution to the fund and other charges; (h) launching of prosecutions against officers uder the Act; (i) speedy settlement of claims and sanction of advances and other benefits; (j) proper maintenance of accounts: (k) proper and timely recovery of any amount due to the Board. 8 (2) The Board shall fumish information to Government on such matters as the Govemment may refer to it from time to time; 23. Secretary of the Board.-(l) lhe Chief Executive of the Board shall be the Secretary to the Board. (2) The Secretary shall, with the approval of the Chairman, issue notice to convene meetings of the Board and Keep the record of minUtes -and shall take neces- sary steps for carrying out the decisions of the Board. CHAVI'ER 111 APPOM'MENT AND POWERS OF THE CHEF EXECUTIVE AND OTHER STAFF OF THE BOARD 24. The Chief Executive District Executive Oficers and Inspectors. -(1) The Gov- emment. may appoint an officer of the Labour Department not below the rank of a Joint Labour Commissioner as the Chief Executive of the Board who shall be subject to the general control of the Board and shall be the Secretary to the Board. (2) The Govemment may also appoint as many District Executive Offcers as it may consider necessay to assist the Chief Executive. (3) Government may also appoint as many officers as Inspectors for the pur- pose of Implementing the Act and the Scheme. (4) Reference relating to all appoiniments of the Officers of the fund. made by the Government shall be placed before the next meeting of the Board for information

25. Administrative and Financial Powers of the Chief Executive.-(l) 'Ihe Chief Executive of the Board may, without reference to the Board, sanction expenditure on contingencies, supplies and services and purchase of articles required for administer- ing the fund subject to the limits up to which he may be authorised to sanction ex- penditure on any single item from time to time by the Board with the approval of the Govemment. (2) 'Ihe Chief Executive may also exercise such administrative and financial powers other than those specified in sub para (l) as may be delegated to him from time to time by the Board, with the approval of the Govemment. (3) 'Ihe Board may, from time to time, delegate, subject to such conditions as it may deem fit, its administrative and financial powers to any other officer under its control and supervision to the extent considered necessary for the administration of the scheme. 9 26. Powers of Government until Board is constituted- The Government shall ad- minister the fund and exercise or discharge all or any of the powers or function-of the Board until the Board is constituted: Provided that on the constitution of the Board, the Government shall transfer any amount standing to the credit of the fund to the Board

CHAPTER MEMBERSHIP AND CONTRIBUTIONS 27. Membership- At the commencement of this scheme every employee shall be entitled and be required to be a member of the Fund if he has completed one hundred and fifty days service in a cashew factory during the previous five calendar years: Provided that the workers of any factory which has remained closed for over five years shall be entitled to membership of the fund on completion of three inonths service in the factory after its re-opening: Provided further that the workers of newly opened cashew factories shall also be eligible for membership on completion of three months service

28. Contribution tothe Fund.- (1) The enployershall in the first instance, pay both the contributions payable by himself and by the members employed by him. (2) me amount of contribution as per sub-paragraph (1) shall be remitted with the Chief Executive of the Board or any officer authorised by him in this behalf, before the 10th of every month along with the statemelt in

Form No. I

29. Recovery ofa meinber 's share or contribution.- (1) The amount of a Member's contribution paid by the employer shall notwithstanding any contract to the contrary,. be by means of deduction from the• wages of the worker

30. Employer's share not to be deducted from the Member.- Notwithstanding any contract to the contrary, the employer shall not deduct the emplöyer's contribution from the wages of a member or otherwise to recover it from him CHAVER V REGISTRATION, TRANSFER OF EXISTNG FUNDS, MAINTENANCE OF RECORDS AND DEPOSIT OF MONEY 31. Registration. l) Every employee who is entitled to be a member shall register his name as a beneficiary of the fund, in the register maintained by the Chief Execu- tive or any other officer authorised by him" for the purpose. 10 (2) The employee who is entitled to be registered so, shall apply to the Chief Executive or any other officer authorised by him in this behalf in

Form No.ll. (3) lhe employee is entitled to file a nomination if he so desires in Form No.lll and to revise it in cases of either acquiring a family or having any legal change in his family as provided under proviso to sub-paragraph (l) (i) of Paragraph 2

32. Duty of employer to file returns.- (l) Every employer shall file to the Chief Executive within fifteen days of the commencement of this scheme a consolidated return in

Form No.IV. The form may contain paniculars of the employees required or entitled to be registered, showing the basic wages, allowances, etc, including the cash value of any food concession paid to each employee. (2) Every employer shall send to the Chief Executive or any other officer author- ised by him within 15 days from the close of every month a return in Form No. V showing the details of employees qualified to be registered for the first time during the preceeding month and the details of those who have left service

33. Information regarding establishment.- Every employer shall fitnish to Chief Executive or any other officer authorised by him in Form No. VI particulars of all branches, Owners, Occupiers, Directors, Partners, Managers or any other person or persons who have the ultimate control over the affairs of the establishment and also send intimation on any change thereto within 15 days of such change

34. Identity Cad.- 'Ihe Chief Executive or any other officer authorised for the purpose shall issue an identity card to each employee registered in the fund in

35. Statement of Wages. Every employer shall send not later than fifteen days after the close of each monthi a statement of the wages paid to the employee who are members of the fund or who are entitled to be members of the fund to the Chief Executive or any other offcer authorised by him in

Form No. VIII .36. Maintenance and Pmducti<n of Record and R?gisters.- (l) Every employer shall maintain a Register: of worker' and a contribution register in such forms as may be prescribed by the Chief Executive or any other Officer authorised by him.. (2) Every employer shall maintain an inspection register in such form as may be prescribed by the Chief Executive or any othér Officer authorised by him, to record his observations on lis visit to the establishinent. 11 (3) Every employer shall, whenever the Chief Executive or any other Officer au- thorised by him in this behalf requires in person or by notice in writing to produce the records in respect of any worker employed by him and if so required shall deliver such records to the Officer concerned if he thinks fit to retain the records, provided that he shall grant a receipt for the record retained by him

37. Transfer of Accumulation ofany Existing Fund.- (1) Every authority in charge of or entrusted with the management of any fund in existence for the Welfare of the cashew workers on the day on which this scheme comes into force shall transfer such fund to the Board on such date as the Board prescribes in this behalf. (2) The authority shall remit accumulations as per sub-paragraph (l) with the Chief Executive or any other officer authorised by him in this behalf along-with a statement showing the amount standing to the credit of each member on the date of transfer, the total accumulations to the credit of the subscriber and the amount of advances if any taken by the subscribers, CHAVI'ER VI 38. Payment of Relief and Ex-gratia Relief Wages- (l) Memebers of the Fund working in closed cashew factories will be eligible for an annual relief at a rate to be fixed by Government.. (2) me quantum of relief wages payable as per sub-paragraph (l) and time of payment shall be decided by the Board every year with the approval of the Govern- ment

39. Payment of Ex-gratia Amount.- (1) A member of the Fund or his dependant, as the case maybe shall be eligible for a lumpsum payment to a maximum Rs. 5,'000 under special circumstances like accidental death of the member, prolonged illness or permanent disablement of the member incapacitating him to continue as a cashew worker. (2) In the event of an employee meeting with a fatal accident the ex-gratia financial assistance shall be distributed to his dependants in the following manner:- Married Employee 1. Husband/wife 2. If no husband/wife, then unmarried daughters and minor sons 3. If there are no husband/wife, unmarried daughters and minor sons dependant Whole amount Equal amount 4 5 12 If there are no husband / wife, unmarried daughters, minor sons or dependent parents, then dependent sisters: If there are no dependents in item I to 4 then dependent brothers Equal amount (3)FinanciaI assistance given un(k the scheme shall not be adjusted against or deducted from any amount due to the employee or his dependents under any law or schane for the time being in force. 39 A "Financial Assistance for Funaal Expense. — In the event of the dath ofa member while in service or during the period ofreceiving pension, a lumpsum amount ofRs. 500/ - (Rupees Five hundred only) and Rs. 250/- (Rupees two hunåed and fifty only) respectively shall be paid to the nominee or in the absence of the nominee to the dependetlts of the deceased as financial assistance for meeting the funa•al expensa. Provided that the unount so paid shall be deducted from the total amount due to the member from the Welfare Find: Provided further that benefit will be granted in those cases also where the amount due to the from the find is found to be less than the amount which is being given for funeral expenses ' ' 40 Application for Financial Assistance (l) A person entitles to get financial assistance under sub-paragraph (I) Chief Executive ot any other officer autho- rized by him in this behalf, in Form No. [X. The application should be accompanied by a niedical certificate issued by a qualified Government Medical Practitioner not below the rank of an Assistant Surgeon reggding the death/ disablement specifying the nature of disablement. (2) As soon as the application is received the Chief Executive or any other officer authorised by him in this b&lfshall conduct such enquiries as may dean fit regarding necessa.ry shall hear the parties. (3) If the Chief Executive or the officers authorised by him satisfied that the applicant/ dependents are eligible for the financial assistance applied for, he shall sanction and pay the same to the applicant/dependents on proper receipt. (4) A register shall be maintained by the sanctioning authority for this purpose in a separate from before the Board: (5) An appeal against the decision taken under sub-paragraph (3) above shall be preferred before the Board : Provided that such appeal shall be fixed within a pericxi of 30 days from the date of receipt of the decision. 41 CHAPTER vn PAYWENT OF PENSION Eligibility for Pension :- (I) A member of the fuld who has been working in a cashew factory for a period ofthree years immediately proceeding the date on which this scheme comeS into force, shall be efigible for a monthly pension at he rate fixed by Government on their retirement on completion of sixty years of age. Amended as per Amendment Notification No. G.O. (RT)2172/ 91 / LBR. dated4.9.1991. Inserted asper Amendment Notification No. G. O. (R T) 143 / 92/ LBR dated 17. I. 1992. 13 (2) A member of the Fund who has been working in a cashw factory for not less than three years after the date of commencement of this scheme shall also be eligible for a monthly pension: Provided that Members applying for pension shall be required to produce a certificate as proof of the age. A certificate issued by a qualified Government medical practitioner not below the rank of an Assistant Surgeon shall be sufficient proof of 42. Procedure for payment of pension.-(l) An application for pension shall be submitted in

Form No. X in duplicate to the Chief Executive or any other officer authorised by him in this behalf. (2) ne Chief Executive or the Officers authorised by him in this behalf shall verify the application, cau$e such enquiry as he may deem fit and hear the applicant if he so desires. (3) If the aplicant is found eligible for pension, the Chief Executive or the omcers authorised by him in this behalf shall sanction the pension and communicate the sanction order to the applicant. (4) If the applicant is found not eligible for pension,his application shall be rejected and the fact shall be intimated to him. (5) An appeal against the order if the sanctioning authority shall lie with the oardl if made within 90 days from the date of receipt of the order by the applicant: Provided that the Board many condone any delay in filing the appeal for reason- able grounds to be recorded in writing. (6) 'Ihe amount of pension shall be decided by the Gdvemment from time to time. (7) A separate register as prescribed by the Boaid shall be maintained by the sanctioning authority for this prupose. CHAVI'ER vill LOANS AND ADVANCES 43. Advance for purchase of canstrucrion of House. 'Ihe Chief Executive of the Board shall on an application from a member, sunction from the amount standing to his credit an advance of an mlount not exceeding his twelve months wiges or his total contribution whiche€er is less for the purchase of a house out right or 00 hire purchase basis from the Government or from a co-operative society, local body, Hous- ing Finance Corporation or from a dwelling site or the construction of a dwelling 14 Provided that where the advance is in respect of a dwelling house it may be sanc- tioned in such,number of instalments as the Chief Executive may think fit: Provided further that the member shall produce such documents as the sanctioning authority considers necessary. (2) No advance under sub-paragraph (l), shall be sanctioned unless a member has completed 3 years of membership in the fund and unless his own total contribution in the fund standing to his credit at the time of application is Rs. 750 or more. (3) Where an advance is sanctioned as per sub-paragraph (l) the concession shall commence within six months of the withdrawal of the advance and a completion cer- tificate shall be submitted to the sanctioning authority within a period of one year from the date of the drawal of advance

44. Advance for treatment of illness.- (l) A member may be allowed non-refund- able advance from his account in the fund not exceeding Rs. 500 (Rupees Five Hundered Only) at a time for- (a) hospitalisation lasting for one month or more or for operation in a hos (b) treatment of T.B., leprosy, paralysis, cancer or asthma and having been granted leave by his employer for treatment of the said illness. (2) Ihe advance shall be granted only if a medical certificate in proof of the treatment is produced by the applicant

45. Advance for Education of Children-. The Chief Executive or any other Officer authorised by him in this behalf may, on an application from a member, sanction a non-refundable advance from his account in the Fund not exceeding Rs. 1,000 (Ru- pees One thousand only) during a. calendar year for the education of his children studying in Standard X and above. Such advances shall not be granted for more than 3 occasions 46. Advance for the marriage ofa daughter ofa member.- The Chief Executive or any othei Officer authorised by him in this behalf may sanction a rion-refundable advance from his account in the Fund not exceeding Rs. 2,000 (Rupess Two thousand only) for the marriage of his daughter. Such advances shall not be granted on more than 2 occasions

47. Scholarships.- The Board may take appropriate decisions for the award of Scholarship to the children of members and fix the procedure therefore if it so con- sider, with the prior approval of Government. 15 48. Non-refundable Advance.- Except as otherwise provided the mentioned in this Chapter shall be non refundable: Provided the Board may take appropriate decisions if it so considers for the recovery of any advance long: Provided further that before taking such decision the Board may refer the mat- ter to Government for opinion. • 49. Payment of accumulation ofa Deceased Member.- On the death of a member for reason other than that is specified under sub-paragraph (l), of paragraph 40 the amount of contribution standing to the credit of the member shall be paid to his nomi- nees: Provided that if he has filed no nomination the amount shall be paid in equal shares to his legal heirs on production of sufficient proof

CHAPTER IX ADMINISTRATION OF THE FUND ACCOUNTS AND AUDIT 50. Accounts- (l) The amount received by way of contribution to the Fund. from employees, emplyers and from Government shall be credited to an account to be called the "Cashew Workers Relief and Welfare Fund Account". (2) All interest, rent and other income realised and all profit or loss if any from the sale of investments not including therein, the transaction of the administration accounts, shall be creditied or debited as the case

may be, to an account called the 'Interest Suspenses Account'. (3) Brokerage and commission on the purchase and sale of securities and other investments shall be included in the purchase and sale price, as the case may be and not separately charged to the Interest Suspense Account. (4) All expenses incurred in respect of and loss, if any, raising out of any investment shall be charged to the fund. (5) 'Ihe Chief Executive of the Board shall prepare a classified summary of the assets of the Fund as on the 15th day of March every year or on such other date as the Government may specify and shall append it to the annual report to be submitted t6 Government under this scheme

51. Deposit of Amounrofthe Board.- All moneys belonging to the Fund shall be deposited in District Co-operative Banks or State Bank of India or any Nationalised or Scheduled Banks as may be approved by Government from time to time or in the ecurities mentioned refa•red to (axo (d) of section 20 Of the 16 Trusts Act. 1882 (Central Act 2 of 1882) if such securities are payable both in respect of capital and in respect of interest in the State of Kerala or in Kerala Government bonds: Provided that the Board may with the previous approval of Government grant loans to or invest money in institution's approved or sponsored by Government

52. Utilisation of the fund.- (l) The fund shall not, except with the previous sanc- tion of Government, be expended for any purpose other than those mentioned in the . scheme. (2) The fund shall be operated by the Chief Executive of the Board, provided that the limits of withdrawal and expenditure shall be decided by the Board from time to time, subject to approval of the Government

53. Expenditure from the fund.-(1) All expenses of administration of the Fund, including fees and also allowances of the Directors, Salaries,- Leave joining time al- lowances, Travelling and Compensatory allowances, gratuty, compassionate allwances, Pension, Provident Fund Contributions and other benefit, if any institÜted for the of- ficers and employees of the Board, 'Ihe cost of audit of accounts, legal expenses, cost of stationery forms and all expenses incurred in respect of the construction of office buildings and *taff quarters shall be met from the Administrative Account of the Fund. (2) A part of the Fund for the purposes as mentioned in sub-paragraph, (l), not exceeding 10 per cent of the total contributions shall be earmarked as Administration Account. (3) The expenses incurred initially by the Government in connection with the establishment of the fund shall be treated as loan and such loan shall be repaid from the Administration Account within such time limit as the Government may direct

54. Maintenance of the fund.- 'Ihe Chief Executive of the Board shall maintain the accounts of the fund in such form and matter as may be specified by the Board with the previous approval of Government

55. Audit of the fund.- The Accounts of the Fund including the Administration Account shall be audited every year in accordance with the instruction issued by Gov- emment from time to tome

56. Budget(l).- The Chief Executive of the Board shall place before the Boafd every year, before the first day of February, a budget showing the probable receipt. from Contributions etc. and the expenditure proposed to be incurred during the finan- Cial year. The budget shall be submitted for approval of Government within a month of its being placed before the Board- 17 (2) The Government may make such modifications or alterations in the budget as they consider desirable before approving the same. (3) The Chief Executive may. at any time duing the year make reappropriation of the funds sanctioned in the budget. Provided that:- (a) the total amount sanctioned in the budget by the Government is •not ex ceeded. (b) it is utilised only for meeting such expenses as are provded in the budget; and (c) every reappropriation so made shall be reported to the Board within a period of 15 days. (4) 'Ihe Chief Executive shall submit fo Government the audited accoounts of the Fund every Financial year before the 31st December of the succeeding financial year. CHAVI'ER X MISCELLANEOUS 57. Report regarding the working of the Scheme Board shall approve be- fore the 15 th day of June every year and submit to the Government before the 31 st day of July a repott on the working of the scheme during the previous financial year

58. Furnishing of copies of Register and Records:—The Chief Executive of the Board shall furnish copies of the register and that of the annual reports to any em- ployer or member of the fund on written requisitions and on payment of such fees and such conditions as may be prescribed by the Board in this behalf

59. Ricovery of amount due from the employer:—If any amount due from an employer as per the scheme is in arrears, the Chief Executive of the Board or any other officer authorised by him in this behalf shall, after due enquiry ascertain the amount of arrears and shall issue a certificate for that amount to the

Collector of the District, in which the demand arises and the Collector, on receipt of the certificate shall proceed to recover the amount in the same manner as arrears of public revenue due on land

60. Execution of Contracts:—(l) All orders and other instru11Ents shali be'made and executed in the name of the Board and shall be authenticated by such persons and in such manner as the Board may specify. (2) All Contracts and assurances of properties shall be expressed to be made by the Board and shall be executed on behalf of the Board by the Chief Executive. 18 61'. Removal of Difficulties:—' If any difficulty arises in •giving effect to any of the provisions of this scheme, Government may, by order, make such provisions or give such directions not in consistent with the provisions of the scheme as appear to them to be neccessary or expendient for the removal of the doubt or difficulty and the order of the Government in such cases shall be final. Provided that no such order shall be passed after the expiry of two years from the date of commencement of scheme. By order of the Governor, G. P. Nair, Commissioner and Secretary to Government Explanatory Note. (This does not fonn part of the notification but is intended to indicate the general purport) As per sub-section (l) of section 3 of the Kerala Cashew -Workers' Relief and Welfare Fund Act, 1979, (Act 19 of 1984) a scheme has to be framed for the inplementation of the provisions of the Act. This notification is therefore intended to give statutory validity to the scheme •thus framed. 20

FORM NO 11 KERALA CAHEW WORKERS' RELIEF & WELFARE FUND SHEME, 1988 Application for Registration (See Sub-Paragraph (2) of Para 31) l. Name 2. Surname 3. Address 4. Religion 5. Father's name 6. Marital status (Whether married, un-married widow/widower) 7. Date of birth Day Month Year 8. Name & Address of the factory where working 9. Name & address of the employer IO. Total service on the date of application Signature of the employee Certified that the particulars of the employee fumished above are true to the best of my knowledge and belief. Place: Signature & Name of tte Employer other anhcxised person. O FORM No VI KERALA CASHEW WORKERS' WELFARE FUND SCHEME Statement to be submitted by employer at the commencement of the Scheme (See para 33) l. Name of Establishment 2. Lisc. No. & other details 3. Postal address 4. Whether run by the owner or lessee 5. Name & Address of owner 6. Name and address of the Occupier 7. Name and address of the Directors 8. Name and address of the Partner 9. Name and address of the Manager IO. Name and address of the persons in- charge of and responsible for the c0nduct of business in the establishment I l. Other details, if any Place: Date: Signature of employer or other authorised IErson. 25 FORM No. KERALA CASHEW WORKERS RELIEF & WELFARE FUND SCHEME 1988 Form of Identity Card (See Para 34) Name of Employee Address Registration No. Signature of Authorised Officer (Registering Authority) (Office Seal) 28 FORM No. IX KERALA CASHEW WORKERS RELIEF AND WELFARE FUND SCHEME 1988 Applica60n for Ex-gratia Financial [See sub-paragraph (l) of Paragraph 40] l. Name of applicant 2. Age and date of birth 3. (a) permanent address (b) Present address 4. Relation with the employee 5. Name & Address of employee 6. Monthly earnings of the employee 7. Whether the employee is married or not 8. Name and address of the employer 9. Reason for the application (full details of accidental death etc., should be given) IO. Details of documents produced I l. Amount of financial assistance applied for 'Ihe\particulars furnished above are true to the best of my knowledge and belief Signature of aplicmt with dae 5 THE KERALA 'CASHEW WORKERS RELIEF AND WELFARE Preanble Sections 2. 3. 4. 5. 6

7. FUND (AMENDMENT) ACT, 1987 (Act 2 of 1988) CONTENTS Short title and commencement Amendment of section 2 Amendment of eclion 3 Amendmcnt of section 4 Amendment of section 5 Amendmcnt of section 7 Amendment of the schedule Page 7 7 7 7 7 8 8 8 7 THE KERALA CASHEW WORKERS' RELIEF AND WELFARE FUND (AMENDMENT) ACT, 1987* (Act2 of 1988) An Act to amend the Kerala Q.sbw Workds' Relief and Welfare Fund Act, 1979 Preamble. — WHEREÆ it is cxpedicnt to amend the Kerala Cashew Workers' Rclicfand WelfaE Fund Act, 1979, for thc purposes herein• after apparing; Bz it eMcted in the Ycar of thc Republic of India as fdllows:— l. Short title and This Act may be called the Kerala Cashew Workers' uief and Welfare Fund (Amendment) Act, (2) It shall come into force at once

2. Amendment of section 2.—In ection 2 Of the Kerala Cashew Workers' Relief and Welfarc Fund Act, 1979 ('19 of 1984), (hercinaftcr referred to as thc principal Act), in clause (b), aftcr the words "employer or employee" thc words "or the Government" shall be inserted

3. Amendment of section section 3 of the principal Act, in Clause (a) of (2), for the words "employers and employees" the words e sthe Government, employers and employees" Shall be sub- stituted

4. Amendment of section 4.—In section 4 of the principal Act, after clause (a), the following clauses shall bc inserted, namely:-— . "(aa) payment of pension,—- (8) to an employee who is unable to work due to old age ot infirmity or who has completed the age of sixty years; and (ii) to a person who, before the commencement of this Act was an employee and completed the age of sixty years or who suffers from permanent disablement and is out of employmalt; and (aaa) payment of,— (i) family pension to the spouse ofa deæased employee; financial aesistancc to an employee who suffers from permanent or temprary disablement; *Received the asent of the Governor on the 22nd day of January and lished in the Kerala Gazette No. 68, dated the .28th y ot Juuary 1988. 8 (iii) loans Or geants to an employee to mcet expenses for the marriage of children or for expenses in connection with thc death of delRndent or for exp :nses for construction or maintenance of house; (iv) for provid.ing.— (a) maternity bencfits to women employees and members of théir families who are not eligible for such bencfits under any other law for the timc being in force; (b) medical facilities to thosc employees and membcrs of their families who are not eligible for such benefits under any other law for the ume being in force; (c) facilities for education to the employees and members of their families; and Explanation.—For the purpose of the above clause (aaa) family means

and includes the following relatives of the employec, namely:— (a) wife in case of male employee; (b) husband in case of fernale employee (c) minor sons; (d) minor daughters; (e) father and' mother who are solely dependent upon the employee

5. Anundment of section 5.—In section 5 of the principal' Act, after sub-section (3) the following sub-section shall be inserted, namcly:— (f'3A) The Govemment shall contributc to the fund every year by way of grant on a matching basis an amount equal to the contribution paid by employces under sub-section 6. Amendment of seftiea 7.—In section 7 of the principal Actr (a) gub-section (6) shall be omitted; (b) in subsection (7), the words " thc Vice-Chairman"• shall be omitteæ 7. Amadment of the schedule.—-ln the schedule to the principal Act, after item. 5, thc following items shall be inserted, namely:— "5A. The amount and thc conditions and procedures for the paymcnt of pension, family pension, grant and advances from thc fund. 5B, The purposes for which the fund may be utiliscd for the welfarc of employees or their dependents.". 49 THE KERALA CASHEW WORKERS RELIEF. AND WELFARE FUND (AMENDMENT) ACT, t 1990. (Act 9 of 1990). CONTENTS Priamble: Sections; 3. Short title and cömmencement Amendment of section 4 Amendmeiit of Section '5 51 THE KERALA CASHEW WORKERS RELIEF AND WELFARE FUND (AMENDMENT) ACT, 1990* (Act 9 of 1990) An Act further to amend the Kerala Cashcw Workers Relief and Welfare Fund Act, 1979. Preamble.—WHEREAS it is cxpediént. further to , amend the Kerala Cashew Workers Relief and Welfare, Fund Act; 1979; for the purposes hereinafter appearing ; BE it enacted in. the Forty-first Year of the Republicof India as follows;— l. • Short tille and This Act may be Called the Kerala Cashcw Workers Relicf and Welfare Fund (Amendment) Act, 1990. (2) It shall be deemed to have come into force on thc 15th day of November, 1988. 2. • Amendment of section 4.—In section 4 of the Kerala Cashew Workers Relief add Welfare Fund Act, 1979 (19 of 1984), (hereinafter referred to as the principal Act) in clausy (aa),— after item ihe following shall be added, ÅameIy:— "(iA) to an employee of a cashew factory retirpd before or after the commencement of this Act on attaining the age of superannuation as per the rules of the concerned cashew factory and is out of employment; and"

3. Amendment of section 5.—In section 5 of the principal Act,— (i) in sub-section for the words ' 'twenty rupeo for.every twenty five kilograms of cashewnut kernels procssed within the State" the wordt ('one ru ee for each employee foreach day of work done by him in the' cashew factory' shall be substituted; (ii) in sub-sectibn for the words "one rupee" the Words "fifty paise" shall be substituted; (iii) after sub-section the. following shall be added as (2A) namely t'(2A) The amount of contribution due for t}.le -period prior to the date of publication of Qhe Kerala Cashew Workers Relief and Welfare Fund (Alfiendment) Acts 1990 shall be deemed to be in arrears and shall be paid to the Fund in such instalments and in such manner as nåay be specified by the Government. (iv) in sub-section (3A), for the words- "equal to the contribution" thc words "equal to twice the amount of contribution" shall be substituted. *Received the assent of the Governor on the 1st day of March, 1990 and published in die Kerala Gazette Extraordinary No. 202 dated the2hdMarch, 1990. 3411513911MC. o (Gmernmcnl Kerala 202 1 cuz)a.JJo 10 vol. X Re n.No. KERBIL/2012/45073 05-09-2012 with RNI omo KERALA GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY mmjd No. 3333 Thiruvananthapu.um. Sunday 2021 mcuoauti 14 I November 202 1 1197 29 29th 197 1943 23 23rd 1943 GOVERNMENT OF KERALA Law (Legislation-C) Department NOTIFICATION No. 16194/Leg.C2/2020/Caw. Dated, Thiruvananthapuram, 14'" November, 2021 Thu/am,1197 23 Karthika, 1943. The fk)llowing Act of the Kerala State Legisialure is hereby published for general information, The Bill as passed by the Legislative Assembly received the assent of the Governor on the 1 31b day ofNovember, 2021 . This a digilally signed Gazette. Authonticity may be verified Ihrough https:/!compose_keealagov-ini By order of the Governor, V. HAR! NAIR, Law Secretary. ACT 25 OF 2021 KERALA CASHEW WORKERS' RELIEF AND WELFARE FUND (AMENDMENT) ACT. 202 An {0 umend the Keva/" ('ashen' 'Relic/'unt/ Fund Act. 1979 Pneumh/c1WflEREAS. it is expedient further to amend the Kerala Cashew Workers' Rekiefand Welfare Fund Act. 1979 19 of 1 984) for the purposes hereinafter appearing: BE it enacted in lhe Year of the Repub!ic India as follows: l. Show tide anil This Act may be called the Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Act. 1 (2) It shall be deemed to have come into Force on the 10th day of February. _ 2. Qt's•ection -illn section uf the Kerala Cashew Workers' Relief and Welfare Fund Act. 979 (19 of 1 984) (hereinafter referred to as the principal Act). (i) in sub-section 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 substi!uted: (iii) in sub-section (3 A), for the words "an amount equal 10 the amount of', lhe words "an amount equal to half the amount OP' shall be substituted

3. Repeal und The Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Ordinance.2021 (128 of2021) is hereby repealed. (2) Notwithstanding such repeal, anything done or deemed Io have been done or any action taken or deemed to have been taken under lhe principat Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Aet. PUBLISHED BY THE OF PRESSES AT THE COVERNMENT THIRUVANANTHAPURAM. This is a digililüy signed A'ithenricily be verified through Digitany by Sahm A L 14 07.0526