

KERALA CASHEW WORKERS' RELIEF & WELFARE FUND ACT.1979

GOVERNMENT OF KERALA ACT. 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. xxix] KERALA GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY 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, 1984 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 of a 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. (1) This Act may be called the Kerala Cashew Workers Relief and Welfare Fund Act, 1979. (2) It 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 contribution 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 person who has a licence for the construction or 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 any cashew factory for wages for processing cashewnuts and who gets his wages directly or indirectly from the employer and includes. - any person employed by or through a contractor - or in or in connection with the processing of 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 otherwise treating (or adapting cashewnuts, with a 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 allowance, bonus and commission 3. Kerala Cashew Workers Relief and Welfare Fund:- (1) The Government may, by notification in the Gazette, frame a •scheme to be called the Kerala Cashew Workers Relief and Welfare Fund Scheme for the establishment of a Fund under this act and there shall be established, as soon as 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 Act 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; (c) grants or advances made by the Central Government or 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 and be administered by, the Board. (4) Subject to the provisions of this Act, the scheme may provide for all

or any of the matters specified in the Schedule. (5) The scheme shall be laid, as soon as may be, after it is framed before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the scheme, 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 expended for the following purposes, namely:— (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 attaining the age of superannuation as per the rules of the concerned cashew 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 suffers 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 or for expenses for construction or maintenance of house; (iv) for providing,— (a) maternity benefits to women employees and 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 those employees and members of their families who are not eligible for such benefits under any other law 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 & 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 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. *4 • '(3A) The Govt. shall contribute to the Fund every year by way of grant on a matching basis an amount equal to 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 O) No. 68 dt. 28-1-88. 6 while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any 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 manneō 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 lthe 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 Enhanced 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 the 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 three months, and with fine which may extend to four thousand rupees. (2) Notwithstanding anything contained in the code of Criminal Procedure, 1973 (Central Act 2 of 1974), an offence under sub-section (1) shall be cognizable. 15 Enhanced punishment for second or subsequent offence:- Whoever having been convicted by a court of an offence punishable under same offence again, shall be punishable under this Act, commits the for every such subsequent offence with imprisonment for a term which 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 committed by a 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. 17 Provided that nothing contained in this sub-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 under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall 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 Government 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) The 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 all 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 provisions of this Act 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 Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board. (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 exercised 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, during 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 an employer makes default in the payment of any contribution due to the Fund under this Act, the Government may recover from the employer damages not exceeding twenty-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 shall 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 Penal Code 1860 (Central Act 45 of 1860). Protection of actions taken; 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 :- If 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.

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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 shall 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 to 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 for the welfare of employees or their dependents". The registers and records to be maintained with respect to employees and the returns to be furnished by employers. 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 for any 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/ 1..eg. dt. 28.1.88 published in K.G.E.O No. 68 dt 28-1-88 GOVERNMENT OF KERALA Labour and Rehabilitation 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 (1) of section 3 of the Kerala Cashew Workers 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 PRELIMINARY Short title. Commencement and Application - (1) This scheme may be called the Kerala Cashew Workers' Relief and Welfare Fund Scheme, 1988. (2) It shall 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 (1) In this scheme unless the context otherwise requires,- (a) "Act" means the Kerala Cashew Workers' 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 1st day of January and ending with the 31st 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 employee or Government under the Scheme; (f) "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 another 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 construction or extension of a Cashew Factory under the Factories Act, 1948 (Central Act 63 of 1948) and the Rules made there under. (i) "Family" means;- (a) wife in case of male employee; (b) husband 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) "Government 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 all remuneration 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.

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3. Constitution of the Board—The Board shall consist of fifteen directors nominated by Government 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 Department and the one representative of the Finance Department of the Government. (b) five Directors representing the employers nominated by the Government, (c) five Directors representing employees nominated by the Government. (2) One of the Directors shall be appointed by the Government as the Chairman of the Board

4. Term of office;—The term of office of the Board shall be 3 Years from the date of constitution and it shall be reconstituted afterwards. Provided that the Government shall have the right to nominate any person in the place of any other person, who has ceased to be a member 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.

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 office 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 term of office of the Director in whose place he is appointed

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

8. Cessation of Membership;—(1) If, a Director or Chairman fails to attend three consecutive meetings of the Board without obtaining prior permission of the Chairman or the Government, 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 (1) 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 letter. The application for such restoration, if received within the prescribed period shall be submitted to Government and if the Government are satisfied that the reasons for failure to attend three consecutive meetings are adequate the Directorship may be restored to him if so ordered by the Government

9. Disqualifications;—(1) A person shall be disqualified for being appointed as or for being a member if (a) he is declared to be of unsound mind by a competent court; or (b) he is an undischarged insolvent; or (c) he has been sentenced by a criminal court to imprisonment for any offence involving moral turpitude. (2) If any question arises whether any person is disqualified under subparagraph (1), it shall be referred to Government and the decision of the Government thereon shall be final.

10. Meetings of the Board—The Board shall ordinarily meet once in three months (2) The Chairman may, whenever he thinks fit and shall within fifteen days of the receipt of a requisition in writing from not less than one third of the 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 shall be despatched by registered post or by special

messenger to each Director: Provided that when the Chairman 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:- (1) 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 (1) 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 be deemed to have resigned from the Board. Time and place of Meeting :- 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 of 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:- (1) 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 any, 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 be deemed to be invalid by reasons merely of any vacancy in or any defect in the constitution of the Board

19. Fees and Allowances;—(1) Every non-official member of the Board of Directors shall be paid a sitting fee of Rs.50 for attending a meeting of the Board. This fee shall not be applicable for sub committee meetings. (2) Every non-official 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 1951). (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) 'The 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 be referred to the Standing Committee by the Board. (2) 'The 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) The Director representing the Finance Department of the Government; (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 at least 4 members of the committee are present, of whom at least one shall be from the employer members and another shall be from the employee members. (5) 'The term of the Standing Committee shall be one year from the date of constitution; 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 offices;- 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 responsible 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 Government 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 under 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 furnish information to Government on such matters as the Government may refer to it from time to time; 23. Secretary of the Board.-(1) The 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 necessary steps for carrying out the decisions of the Board. CHAPTER 111 APPOINTMENT AND POWERS OF THE CHIEF EXECUTIVE AND OTHER STAFF OF THE BOARD 24. The Chief Executive District Executive Officers and Inspectors. -(1) The Government 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 Government may also appoint as many District Executive Officers as it may consider necessary to assist the Chief Executive. (3) Government may also appoint as many officers as Inspectors for the purpose of implementing the Act and the Scheme. (4) Reference relating to all appointments 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.-(1) The Chief Executive of the Board may, without reference to the Board, sanction expenditure on contingencies, supplies and services and purchase of articles required for administering the fund subject to the limits up to which he may be authorised to sanction expenditure on any single item from time to time by the Board with the approval of the Government. (2) The Chief Executive may also exercise such administrative and financial powers other than those specified in sub para (1) as may be delegated to him from time to time by the Board, with the approval of the Government. (3) The 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 administer the fund and exercise or discharge all or any of the powers or functions 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 months 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 to the Fund.- (1) The employer shall in the first instance, pay both the contributions payable by himself and by the members employed by him. (2) The amount of contribution as per subparagraph (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 statement in



Form No. I

29. Recovery of member'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 employer'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. 1) 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.II. (3) The employee is entitled to file a nomination if he so desires in Form No.III 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 (1) (i) of Paragraph 2



32. Duty of employer to file returns.- (1) 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 particulars 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 authorised 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 furnish 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 Card.- 'The Chief Executive or any other officer authorised for the purpose shall issue an identity card to each employee registered in the fund in



Form No. VII and maintain a register in Form No. VII A



35. Statement of Wages. Every employer shall send not later than fifteen days after the close of each month 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 officer authorised by him in



Form No. VIII .36. Maintenance and Production of Record and Registers.- (1) 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 other Officer authorised by him, to record his observations on his visit to the establishment. 11 (3) Every employer shall, whenever the Chief Executive or any other Officer authorised 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 of any 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 (1) 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, CHAPTER VI 38. Payment of Relief and Ex-gratia Relief Wages- (1) Members of the Fund working in closed cashew factories will be eligible for an annual relief at a rate to be fixed by Government.. (2) the quantum of relief wages payable as per sub-paragraph (1) and time of payment shall be decided by the Board every year with the approval of the Government



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) Financial assistance given under the scheme shall not be adjusted against or deducted from any amount due to the employee or his dependents under any law or scheme for the time being in force. 39 A "Financial Assistance for Funeral Expense. — In the event of the death of a member while in service or during the period of receiving pension, a lumpsum amount of Rs. 500/- (Rupees Five hundred only) and Rs. 250/- (Rupees two hundred and fifty only) respectively shall be paid to the nominee or in the absence of the nominee to the dependents of the deceased as financial assistance for meeting the funeral expenses. Provided that the amount so paid shall be deducted from the total amount due to the member from the Welfare Fund: Provided further that benefit will be granted in those cases also where the amount due to the member from the fund is found to be less than the amount which is being given for funeral expenses ' ' 40 Application for Financial Assistance (1) A person entitled to get financial assistance under sub-paragraph (1) Chief Executive or any other officer authorized by him in this behalf, in Form No. [X. The application should be accompanied by a medical certificate issued by a qualified Government Medical Practitioner not below the rank of an Assistant Surgeon regarding 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 behalf shall conduct such enquiries as may deem fit regarding necessary 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 form 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 filed within a period of 30 days from the date of receipt of the decision. 41 CHAPTER VII PAYMENT OF PENSION Eligibility for Pension :- (I) A member of the fund who has been working in a cashew factory for a period of three years immediately preceding the date on which this scheme comes into force, shall be eligible for a monthly pension at the 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. dated 4.9.1991. Inserted as per Amendment Notification No. G. O. (R T) 143 / 92/ LBR dated 17.1.1992. 13 (2) A member of the Fund who has been working in a cashew 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 age. 42. Procedure for payment of pension.-(1) 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) The Chief Executive or the Officers authorised by him in this behalf shall verify the application, cause such enquiry as he may deem fit and hear the applicant if he so desires. (3) If the applicant is found eligible for pension, the Chief Executive or the officers 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 of the sanctioning authority shall lie with the Board if made within 90 days from the date of receipt of the order by the applicant: Provided that the Board may condone any delay in filing the appeal for reasonable grounds to be recorded in writing. (6) The amount of pension shall be decided by the Government from time to time. (7) A separate register as prescribed by the Board shall be maintained by the sanctioning authority for this purpose.

CHAPTER VIII LOANS AND ADVANCES

43. Advance for purchase of construction of House. The Chief Executive of the Board shall on an application from a member, sanction from the amount standing to his credit an advance of an amount not exceeding his twelve months wages or his total contribution whichever is less for the purchase of a house outright or on hire purchase basis from the Government or from a co-operative society, local body, Housing 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 sanctioned 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 (1), 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 (1) the concession shall commence within six months of the withdrawal of the advance and a completion certificate shall be submitted to the sanctioning authority within a period of one year from the date of the withdrawal of advance.

44. Advance for treatment of illness.— (1) A member may be allowed non-refundable advance from his account in the fund not exceeding Rs. 500 (Rupees Five Hundred Only) at a time for— (a) hospitalisation lasting for one month or more or for operation in a hospital (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) The 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 (Rupees 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 of a daughter of a member.— The Chief Executive or any other Officer authorised by him in this behalf may sanction a non-refundable advance from his account in the Fund not exceeding Rs. 2,000 (Rupees 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 considers, with the prior approval of Government.

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 matter to Government for opinion.

49. Payment of accumulation of a Deceased Member.— On the death of a member for reason other than that is specified under sub-paragraph (1), of paragraph 40 the amount of contribution standing to the credit of the member shall be paid to his nominees: 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.— (1) The amount received by way of contribution to the Fund, from employees, employers 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 credited 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) 'The 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 to 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.- (1) 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, 'The 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, (1), 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.- 'The 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 provided in the budget; and (c) every reappropriation so made shall be reported to the Board within a period of 15 days. (4) 'The Chief Executive shall submit fo Government the audited accoounts of the Fund every Financial year before the 31st December of the succeeding financial year. CHAVIER 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:—(1) All orders and other instruments shall 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 inconsistent with the provisions of the scheme as appear to them to be necessary or expedient 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 form part of the notification but is intended to indicate the general purport) As per sub-section (1) 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 implementation 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 CASHEW WORKERS' RELIEF & WELFARE FUND SCHEME, 1988

Application for Registration (See Sub-Paragraph (2) of Para 31) 1. 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 10. Total service on the date of application Signature of the employee Certified that the particulars of the employee furnished above are true to the best of my knowledge and belief. Place: Signature & Name of the Employer or authorised 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) 1.

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 10. Name and address of the persons in-charge of and responsible for the conduct of business in the establishment 11. Other details, if any Place: Date: Signature of employer or other authorised person. 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 Application for Ex-gratia Financial [See sub-paragraph (1) of Paragraph 40] 1. 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) 10. Details of documents produced 11. Amount of financial assistance applied for The particulars furnished above are true to the best of my knowledge and belief Signature of applicant with date 5 THE KERALA 'CASHEW WORKERS RELIEF AND WELFARE

Preamble 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 section 3 Amendment of section 4 Amendment of section 5
Amendment 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* (Act 2 of 1988) An Act to amend the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979 Preamble. — WHEREAS it is expedient to amend the Kerala Cashew Workers' Relief and Welfare Fund Act, 1979, for the purposes herein after appearing; and it enacted in the Year of the Republic of India as follows:— 1. Short title and This Act may be called the Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Act, (2) It shall come into force at once

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

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

4. Amendment of section 4.—In section 4 of the principal Act, after clause (a), the following clauses shall be inserted, namely:— . "(aa) payment of pension,— (8) to an employee who is unable to work due to old age or 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 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; *Received the assent of the Governor on the 22nd day of January and published in the Kerala Gazette No. 68, dated the 28th day of January 1988. 8 (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 or for expenses for construction or maintenance of house; (iv) for providing.— (a) maternity benefits to women employees and 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 those employees and members of their families who are not eligible for such benefits under any other law for the time 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 employee, namely:— (a) wife in case of male employee; (b) husband in case of female employee (c) minor sons; (d) minor daughters; (e) father and mother who are solely dependent upon the employee

5. Amendment of section 5.—In section 5 of the principal Act, after sub-section (3) the following sub-section shall be inserted, namely:— (f3A) The Government shall contribute to the fund every year by way of grant on a matching basis an amount equal to the contribution paid by employees under sub-section 6.

Amendment of section 7.—In section 7 of the principal Act (a) sub-section (6) shall be omitted; (b) in subsection (7), the words "the Vice-Chairman" shall be omitted.

Amendment of the schedule.—In the schedule to the principal Act, after item. 5, the following items shall be inserted, namely:— "5A. The amount and the conditions and procedures for the payment of pension, family pension, grant and advances from the fund. 5B. The purposes for which the fund may be utilised for the welfare of employees or their dependents."

49 THE KERALA CASHEW WORKERS RELIEF AND WELFARE FUND (AMENDMENT) ACT, 1990. (Act 9 of 1990). CONTENTS Preamble: Sections; 3. Short title and commencement

Amendment of section 4

Amendment 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 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; for the purposes hereinafter appearing ; BE it enacted in the Forty-first Year of the Republic of India as follows;— 1. • Short title and This Act may be Called the Kerala Cashew Workers Relief and Welfare Fund (Amendment) Act, 1990. (2) It shall be deemed to have come into force on the 15th day of November, 1988. 2. • Amendment of section 4.—In section 4 of the Kerala Cashew Workers Relief and Welfare Fund Act, 1979 (19 of 1984), (hereinafter referred to as the principal Act) in clause (aa),— after item the following shall be added, namely:— "(ia) to an employee of a cashew factory retired 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 rupee for every twenty five kilograms of cashewnut kernels processed within the State" the word "one rupee for each employee for each day of work done by him in the cashew factory" shall be substituted; (ii) in sub-section for the words "one rupee" the words "fifty paise" shall be substituted; (iii) after sub-section the following shall be added as (2A) namely (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 instalments and in such manner as may be specified by the Government. (iv) in sub-section (3A), for the words "equal to the contribution" the 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 the Kerala Gazette Extraordinary No. 202 dated the 2nd March, 1990. 3411513911MC. o (Gmnmnl 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 Thiruvananthapuram. Sunday 2021 mcuoati 14 I November 2021 1197 29 29th 197 1943 23 23rd 1943 GOVERNMENT OF KERALA Law (Legislation-C) Department NOTIFICATION No. 16194/Leg.C2/2020/Caw. Dated, Thiruvananthapuram, 14th November, 2021 Thu/am, 1197 23 Karthika, 1943. 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 Governor on the 13th day of November, 2021. This is a digitally signed Gazette. Authenticity may be verified through <https://compose.keealagov.in> By order of the Governor, V. HARISH NAIK, Law Secretary. ACT 25 OF 2021 KERALA CASHEW WORKERS' RELIEF AND WELFARE FUND (AMENDMENT) ACT. 2021 An Act 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 Year of the Republic of India as follows: 1. Short title and 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. 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 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 (3 A), for the words "an amount equal to the amount of", the words "an amount equal to half the amount OP" shall be substituted

3. Repeal and 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. PUBLISHED BY THE GOVERNMENT OF KERALA AT THE GOVERNMENT PRESS, THIRUVANANTHAPURAM. This is a digitally signed and verified through Digitally by Sahm A L 14.07.2026

