
Kerala Coir Workers Welfare Fund (Amendment) Act, 1998**9 of 1998****CONTENTS**

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Kerala Coir Workers Welfare Fund (Amendment) Act, 1998**9 of 1998**

An Act to amend the Kerala Coir Workers Welfare Fund Act, 1987.
WHEREAS it is expedient to amend the Kerala Coir Workers Welfare Fund Act, 1987, for the purposes hereinafter appearing; BE it enacted in the Forty-ninth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Kerala Coir Workers Welfare Fund (Amendment) Act, 1998.
- (2) It shall be deemed to have come into force on the 30th day of September, 1997.

2. Amendment Of Section 2 :-

In section 2 of the Kerala Coir Workers Welfare Fund Act, 1987 (34 of 1987) hereinafter referred to as the principal Act),-

- (i) for clause (c), the following clause shall be substituted, namely:-

(c) coir products means mats and mattings, rugs and carpets, fibre, yarn, rubberised coir products and other articles manufactured wholly or partly from fibre, yarn or pith and includes such products of coir backed with PVC, rubber or any similar backing material;;

(ii) in clause (d),-

(a) for the words and includes any person, the words and includes a floating worker or any person shall be substituted;

(b) for the Explanation, the following Explanation shall be substituted, namely:-

Explanation,-If any question arises as to whether a person is or is not a coir worker for the purpose of this Act, the matter shall be referred to the concerned Project Level Advisory Committee of trade unions in coir industry constituted for such Coir Project area for the purpose for decision and an appeal shall lie to the Board against the decision of the Project Level Advisory Committee;;

(iii) in clause (f),-

(a) after the words of husks or fibre, the words or pith shall be inserted;

(b) the words and the Kerala State Co-operative Coir Marketing Federation and the Kerala State Coir Corporation Ltd; shall be added at the end;

(iv) for clause (h), the following clause shall be substituted, namely:-

(h) employer means any person who directly employs whether on behalf of himself or for any other person one or more coir workers to do any work in connection with the processes in coir industry;;

(v) after clause (h), the following clause shall be inserted, namely:-

(ha) exporter means any dealer or producer of coir products who exports coir products to any country outside India from ports within the State of Kerala and any such person who produces in or procures from Kerala such coir products and exports them to any country outside India from ports outside the State of Kerala;;

(vi) in clause (j), the words with or without the use of machinery shall be added at the end ;

(vii) after clause (j), the following clause shall be inserted, namely:-

(ja) floating worker means a coir worker who works for more than one employer, dealer or producer of coir products; ;

(viii) after clause (n), the following clause shall be inserted, namely:-

(na) pith means the pith obtained from husk in the process of extracting fibre from husk;;

(ix) for clause (p), the following clause shall be substituted, namely:-

(p) process in coir industry means retting raw husks, taking out and counting retted husk, peeling the outer layer of retted husks, extracting fibre from husk, cleaning fibre, spinning yarn, drying and bundling fibre and yarn, rehanking yarn, making coir products, dyeing, shearing and allied process in finishing coir products with or without the use of machinery and includes packing and such other activities which the Government may, by notification in the Gazette, from time to time, declare to be a process in coir industry;;

(x) for clause (q), the following clause shall be substituted, namely:-

(q) producer of coir products means a person who manufacture coir products or carries on the business of processing coir products for export or for internal marketing;.

3. Amendment Of Section 3 :-

In section 3 of the principal Act, in sub-section (4),-

(i) for sub-clause (i) of clause (a), the following sub-clause shall be substituted, namely:-

(i) to a member who has completed the age of sixty years and had valid membership in the Fund for a minimum period of five years: Provided that the minimum period of five years membership in the Fund shall not be insisted,-

(a) to a member who became disabled to do any normal work, in connection with the various processes in coir industry, or

(b) to a member who subscribed to the Fund with effect from the 18th day of January, 1989 and attained the age of sixty years before the 17th day of January, 1994:

Provided further that a member who has valid membership for a minimum period of thirty years in the Fund and who retires voluntarily, shall also be eligible for pension even if he has not attained the age of sixty years.;

(ii) in sub-clause (ii) of clause (a), for the words commencement of this Act, the words and figures 30th day of September, 1989 shall be substituted;

(iii) after sub-clause (ii) of clause (a), the following sub-clause shall be inserted, namely:-

(iii) to a person who, before the 30th day of September, 1989, was a coir worker or self employed person and who has not become a

member of the Fund and has completed the age of sixty years before the 30th day of September, 1997, if he pays to the Fund an amount equivalent to the contribution payable by him, had he been a member for the period from the 1st day of October, 1989 to the date of completion of sixty years, within a period of nine months from the 30th day of September, 1997;;

(iv) for clause (b), the following clause shall be substituted, namely:-

(b) for payment of family pension to the spouse of deceased member or if the deceased member was a widow or a widower to the minor children;;

(v) after clause (b), the following clause shall be inserted, namely:-

(ba) for payment of any other retirement benefit;;

(vi) in clause (d), for the words marriage of children, the words marriage of daughters shall be substituted;

(vii) after clause (d), the following clauses shall be inserted, namely:-

(da) for payment of loans or grants to a female member, to meet the expenses in connection with her own marriage;

(db) for payment of financial assistance to the dependents of a deceased member to meet the expenses in connection with the death of that member;;

(viii) after clause (h), the following provisos shall be added, namely:-

Provided that a member shall be eligible for financial assistance under clauses (c), (d) (e), (f), (g) and (h) of sub section (4), only if he has subscribed to the Fund for a continuous period of two years: Provided further that two years period of membership shall not be insisted in the case of permanent disablement or accident or death of a member who was not a defaulter of the Fund.

4. Amendment Of Section 4 :-

(1) For the marginal heading and sub section (1), (2), (3), (4) and (5) of section 4 of the principal Act, the following shall be substituted, namely:-

4. Contribution payable to the Fund.-Every coir worker and self employed person shall contribute to the Fund five rupees per month and the contribution by the coir worker shall be paid directly or through the employer:

Provided that a coir worker or a self employed person who has not become a member of the Fund before the 30th day of September,

1997 shall become a member of the Fund if he pays to the Fund an amount equivalent to the contribution payable by him, had he been a member for the period prior to the 30th day of September, 1997, within nine month from the said date:

Provided further that the arrears of contribution, if any, for any period prior to the 30th day of September, 1997, payable by a member shall be allowed to be paid waving interest and penalty if such payment is made before the 30th day of September, 1998.

(2) Every employer, producer of coir products and dealer shall pay to the Fund a contribution at the rate shown in the Annexure per year.

(3) The Government shall contribute to the Fund every year an amount equal to twice the amount contributed by the coir Workers and self employed persons, by way of grant.

(4) Every exporter shall with effect from the 1st day of October, 1989 pay to the fund every year an amount equal to 0.75 per cent of the F.O.B. value of his annual exports by way of contribution:

Provided that the contribution payable by producers of coir products, dealers or exporters, as the case may be, till the 30th day of September, 1997 shall be calculated at the revised rates and excess payments, if any, shall also be adjusted against future payments and arrears, if any, may be allowed to be paid in suitable quarterly instalments not exceeding twenty, after waiving interest and penalty on such arrears:

Provided further that the instalment facility for payment of arrears and waiver of interest and penalty shall be extended only if the current contributions are paid without default along with instalments of arrears..

5. Amendment Of Section 6 :-

For sub-section (3) of section 6 of the principal Act, the following sub-section shall be substituted, namely:-

(3) The Board shall consist of fifteen Directors as may be appointed by the Government and they shall consist of,-

(i) five Directors representing coir workers and self employed persons;

(ii) one Director each representing Government in the Industries and Finance Departments;

(iii) one Director representing Coir Board;

(iv) Director of Coir Development;

(v) Chief Executive Officer of the Board; and

(vi) five Directors representing exporters, dealers, employers, producers of coir products and Coir Co-operative Societies registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969)..

6. Amendment Of Section 9 :-

In section 9 of the principal Act after sub-section (3), the following sub-section shall be inserted, namely:-

(4) The Government may, in such manner as may be prescribed, delegate such of their powers under sub-section (1) to the Board.

7. Amendment Of Section 11 :-

In section 11 of the principal Act,-

(1) in sub-section (1), after the words, producer of coir products, the words or exporter shall be inserted;

(2) for sub-section (4), the following sub-section shall be substituted, namely:-

(4) Any person aggrieved by an order under sub-section (1) may, within thirty days from the date of receipt of the order, prefer an appeal, in the case of an order passed by any officer, other than the Chief Executive Officer, to the Chief Executive Officer and, in the case of an order passed by the Chief Executive Officer, to the Board and the Chief Executive Officer or the Board, as the case may be, shall after making such enquiry, pass such orders thereon, as he or it may deem fit;

Provided that no appeal shall be entertained either by the Chief Executive Officer or the Board unless the appellant has remitted to the Fund the amount determined under sub-section (1).;

(3) in sub-section (5), for the words Director of Coir Development or the officer authorised by him under sub-section (4), the words, Chief Executive Officer or the Board shall be substituted.

8. Amendment Of Section 12 :-

In section 12 of the principal Act,-

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

(1) Every employer or dealer or producer of coir products or exporter liable to pay contribution under section 4 shall, pending determination under section 11 of the amount due from him, pay the amount according to latest determination under the said section

and in the absence of such determination according to self assessment of contribution payable under section 4, as shown below, namely:-

(a) contribution upto Rs . 100 per annum In lumpsum on or before 30th June of every year

(b) contribution above Rs.100 and upto Rs.1200 per annum In two half yearly instalments before 30th June and 31st December of every year.

(c) Contribution above Rs.1200 per annum In equal quarterly instalments before 30th June, 30th September, 31st December and 31st March every year.

Note:- The Board may at its discretion allow appropriate rebate for prompt payment or advance payment.

(2) in sub-section (2), for the words and figures 5th day, the words and figures 15th day shall be substituted;

(3) in sub-section (4), after the words producer of coir products the words or exporter shall be inserted., namely:-

9. Amendment Of Section 13 :-

In section 13 of the principal Act,-

(1) in the marginal heading, for the words and producers of coir products the words producers of coir products and exporters shall be substituted;

(2) the existing section shall be numbered as sub-section (1) of that section and the sub-section (1) as so renumbered for the words and producers of coir products, the words producers of coir products and exporters shall be substituted.

(3) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

(2) The Chief Executive Officer or any other officer authorised by the Government in this behalf shall have power to seize goods, stocks including goods in transit along with the carrier, machinery or equipment of the employers, dealers, producers of coir products or exporters who has defaulted contribution to the Fund for more than one year and sell them in public auction for realisation of defaulted amount due to the Fund from them:

Provided that if the defaulter pays the defaulted amount within seven days from the date of such seizure, the articles so seized shall be released to him.

10. Amendment Of Section 14 :-

In section 14 of the principal Act, after the words or producer of coir products in three places where it occur the words or exporter shall be inserted.

11. Amendment Of Section 25 :-

In section 25 of the principal Act, in sub-section (1), for the words the end of July, the words the end of December shall be substituted.

12. Amendment Of Section 26 :-

In section 26 of the principal Act, for the words by the Government, the words by the Government or any officer authorised by the Government shall be substituted.

13. Insertion Of Annexure :-

In the principal Act, after section 29, the following Annexure shall be inserted, namely:-

ANNEXURE

**CONTRIBUTION PAYABLE TO THE FUNDBY EMPLOYERS,
PRODUCERS OF COIR PRODUCTS AND DEALERS**

[See section 4 (2)]

Sl. No.	Category	Rate of contribution
1.	Employers engaged in production of yarn using spinning ratts:	
	(a) traditional Ratt	rupees thirty per ratt installed or used
	(b) motorised Ratt	rupees twenty-five per ratt installed or used
2.	Persons engaged in the extraction or production of fibre using defibering machinery from:	
	(a) retted husk	rupees one hundred and fifty
	(b) unretted husk	rupees five hundred
3.	Persons engaged only in cleaning or curling of fibre using power:	
	(a) for willowing or cleaning unit	rupee fifty per unit
	(b) curling unit	rupees two hundred per unit
4.	Persons engaged in the production of coirmats, mattings and carpets using:	
	(a) handloom producing mats	rupees sixty per loom

	(a) handlooms producing mats	rupees sixty per loom
	(b) handlooms capable of producing mattings of width upto and including Three metres	rupees two hundred and forty per loom
	(c) handlooms capable of producing mattings of width above three metres	rupees for hundred and eighty per loom
	(d) semi-automatic looms	rupees nine hundred per loom
	(e) automatic looms or powerlooms	rupees one thousand and two hundred per loom
5	Persons engaged in the production of rubber backed coir products including those carrying out job work utilising:	
	(a) hand press only	rupees one hundred per unit or factory
	(b) power press	rupees two hundred and fifty per unit or factory
6	Persons engaged in the production of rubberised coir products including rubberised coir mattresses and PVC, rubber, form, synthetic foam or any other foam backed coir products	rupees fifteen thousand per unit or factory
7	Persons engaged in sheering, stencilling and other finishing work of coir products	rupees one thousand five hundred
8	Persons engaged in the production of coir products not specified elsewhere:	
	(a) for installed capacity in terms of value of production upto and including rupees one lakh	rupees five hundred
	(b) for installed capacity in terms of value of production above one lakh and upto and including rupees ten lakh	rupees one thousand and five hundred
	(c) for installed capacity in terms of value of production above rupees ten lakhs and upto and including rupees fifty lakhs	rupees three thousand
	(d) for installed capacity in terms of value of production above rupees fifty lakhs	rupees ten thousand
Note 1.- Note 2.-	<p>Employers or producers of coir products under Sl. Nos. 1 to 8 above need not make any contribution as a dealer in respect of sale within the country of products manufactured by them. However, if they resort to marketing of fibre, yarn or coir products procured from other sources, they shall be liable to pay contribution as applicable to a dealer for such quantity of goods procured and sold in the domestic market.</p> <p>If any of the employers or producers of coir products in Sl. Nos 1 to 8 above exports their production to countries outside India they shall be liable to pay contribution as an exporter for such quantity of goods that are exported.</p>	
9.	Dealers of husk	rupees fifty for every

		rupees one hundred per 50,000 Nos. of husk or fraction thereof.
10.	Retters of husk	rupees twenty-five for every fifty thousand husk or fraction thereof.
Note.-	Category of persons included under Sl. Nos. 1, 2 and 3 above engaged in husk retting shall not be liable to pay contribution as retters.	
11	Dealers of fibre, pith, yarn or coir products	rupees one hundred per rupees one lakh or part thereof of the annual turnover, subject to a minimum of rupees two hundred and fifty.

14. Amendment Of Schedule :-

In the Schedule to the principal Act,-

- (a) in item (1), or the words and dealers, the words dealers and exporters shall be substituted;
- (b) after item (1), the following item shall be inserted, namely:-
(1A) Registration of certain coir workers and self employed persons who have attained sixty years and could not become a member of the Fund before the 30th day of September, 1997 and the payment of their contribution to the Fund;. ;
- (b) in item 7, for the words family pension, the words family pension and retirement benefit shall be substituted;
- (c) in item 15, for the words family pension, the words family pension, retirement benefit shall be substituted.

15. Repeal And Saving :-

- (1) The Kerala Coir Workers Welfare Fund (Amendment) Ordinance, 1998 (5 of 1998), 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.