
Kerala Labour Welfare Fund (Amendment) Act, 1986

1 of 1987

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Kerala Labour Welfare Fund (Amendment) Act, 1986

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An Act to amend the Kerala Labour Welfare Fund Act, 1975. WHEREAS it is expedient to amend the Kerala Labour Welfare Fund Act, 1975, for the purposes hereinafter appearing; BE it enacted in the Thirty-seventh Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Kerala Labour Welfare Fund (Amendment) Act, 1986.

(2) Section 5 shall be deemed to have come into force on the 1st day of January, 1983 and the remaining provisions of this Act shall be deemed to have come into force on the 25th day of February, 1984.

2. Amendment Of Section 2 :-

In section 2 of the Kerala Labour Welfare Fund Act, 1975 (11 of 1977) (hereinafter referred to as the principal Act),

(1) in clause (d), in sub-clause (i),

(i) in the opening paragraph, for the words "for a period of one hundred and fifty days in an year", the words "for an aggregate period of not less than thirty days during the preceding twelve

months" shall be substituted;

(ii) in item (B), for the words "seven hundred and fifty rupees" the words two thousand and five hundred rupees" shall be substituted ;

(2) in clause (f),

(a) for sub-clause (iii), the following sub-clause shall be substituted, namely;

"(iii) any land used for growing tea, rubber, coffee, cardamom, oil palm or cocoa, in which ten or more persons are employed or were employed in any day of the preceding twelve months;;

(b) in sub-clause (iv),

(i) after the word, brackets and figure "clause (4)", the words brackets and figures "or any shop within the meaning of clause (15)" shall be inserted;

(ii) the provisos shall be omitted.

3. Amendment Of Section 3 :-

In sub-section (2) of section 3 of the principal Act,

(i) in clause (b), for the words, figures and brackets "Standing Order 20 of the Model Standing Orders issued under the Kerala Industrial Employment (Standing Orders) Rules, 1947", the words, figures and brackets "Standing Order 17 of the Model Standing Orders issued under the Kerala Industrial Employment (Standing Orders) Rules, 1958" shall be substituted ;

(ii) clause (1) shall be omitted.

4. Substitution Of New Section For Section 14 :-

For section 14 of the principal Act, the following section shall be substituted, namely:

"14. Interest on the employers and employees contributions unpaid accumulations or fines after notice of demand.- (1) If an employer does not pay to the Fund any amount of the employers and employees contributions due under section 15 before the date specified in that section or does not pay to the Board any amount of the unpaid accumulations or fines, realised from the employees within the time specified by or under this Act, the Commissioner may serve or cause to be served on such employer a notice to pay the amount within the period specified therein, which shall not be less than thirty days from the date of service of such notice.

(2) If the employer fails, without reasonable cause, to pay the amount specified in a notice issued under sub-section (1) within the period specified therein, he shall be liable to pay, in addition to that

amount, to the Fund or the Board, as the case may be, by way of penalty, simple interest at the rate of nine per cent per annum from the date on which the amount fell due:

Provided that the Government may, subject to such conditions as may be prescribed, remit the whole or any part of the penalty in respect of any period."

5. Amendment Of Section 15 :-

In section 15 of the principal Act, in sub section (1), for the words "fifty paise" and "one rupee", the words "one rupee" and "two rupees" shall respectively be substituted.

6. Insertion Of New Section 28A :-

After section 28 of the principal Act, the following section shall be inserted, namely:

"28A. Penalties for other offences.-(I) Whoever contravenes, or makes default in complying with any of the provisions of this Act or of any rules or regulations made there under shall, if no penalty is provided in section 28 for such contravention or default, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) A court while passing a judgement convicting a person under subsection (1) for making default in the payment of any amount due to the Fund or the Board shall also order that such amount be recovered from such person as if it were a fine imposed by such court and paid to the Fund or the Board, as the case may be." .

7. Amendment Of Section 29 :-

In sub-section (1) of section 29 of the principal Act, for the words "except on a complaint by, or with the previous sanction in writing of, the Commissioner", the words "except on a complaint made by a n Inspector with the previous sanction in writing of the Commissioner" shall be substituted.

8. Amendment Of Section 31 :-

In section 31 of the principal Act,

(a) for the words "the date on which the offence is alleged to have been committed", the words "the date on which the offence came to the notice of the Inspector" shall be substituted;

(b) the following proviso shall be inserted at the end, namely:

"Provided that no court shall take cognizance of an offence punishable by or under this Act after the expiry of three years from the date on which the offence is alleged to have been committed.".

9. Repeal And Saving :-

(1) The Kerala Labour Welfare Fund (Amendment) Ordinance, 1986 (71 of 1986), 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.