

**Fifteenth Kerala Legislative Assembly**  
**Bill No. 69**

**THE KERALA SMALL PLANTATION WORKERS'  
WELFARE FUND (AMENDMENT) BILL, 2021**

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[Translation in English of “2021-ലെ കേരള ചെറുകിട തോട്ടം തൊഴിലാളി ക്ഷേമനിധി (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA SMALL PLANTATION WORKERS' WELFARE  
FUND (AMENDMENT)**

**BILL, 2021**

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**BILL**

*to amend the Kerala Small Plantation Workers' Welfare Fund Act, 2008.*

*Preamble.*—WHEREAS, it is expedient to amend the Kerala Small Plantation Workers' Welfare Fund Act, 2008 (17 of 2008) for the purposes hereinafter appearing;

BE it enacted in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Small Plantation Workers' Welfare Fund (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 30<sup>th</sup> day of July, 2020.

2. *Amendment of section 5.*—In the Kerala Small Plantation Workers' Welfare Fund Act, 2008 (17 of 2008) (hereinafter referred to as the principal Act), in section 5,—

(i) in sub-section (1), for the words “one hundred and twenty rupees”, the words “one hundred and eighty rupees” shall be substituted;

(ii) in sub-section (2), for the words “one hundred and twenty rupees”, the words “one hundred and eighty rupees” shall be substituted;

(iii) in sub-section (3), for the words “two hundred and forty rupees”, the words “three hundred and sixty rupees” shall be substituted.

3. *Repeal and saving.*—(1) The Kerala Small Plantation Workers' Welfare Fund (Amendment) Ordinance, 2021 (130 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

### STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 5 of the Kerala Small Plantation Workers' Welfare Fund Act, 2008 provides that every plantation worker shall contribute, for every half year, one hundred and twenty rupees each to the Fund. Sub-section (2) of section 5 provides that every employer shall contribute to the Fund, every half year, an amount of one hundred and twenty rupees equal to the contribution of the worker to the Fund. Sub-section (3) of section 5 provides that every self employed member shall contribute for every half year two hundred and forty rupees each to the Welfare Fund.

2. As the income of the Kerala Small Plantation Workers' Welfare Fund Board was too insufficient to disburse the benefits of the Small Plantation workers and also for meeting administrative expenses, the Government have decided to enhance, the contribution to be paid to the Fund every half year by each Plantation Worker and employer, to one hundred and eighty rupees and contribution to be paid by a self employed member to the Fund every half year to three hundred and sixty rupees, and decided to make suitable amendments in sub-section (1) to (3) of section 5 of the Kerala Small Plantation Workers' Welfare Fund Act, 2008.

3. As the Legislative Assembly of the State of Kerala was not in session, and the above proposal had to be given effect to immediately, the Kerala Small Plantation Workers' Welfare Fund (Amendment) Ordinance, 2020 (42 of 2020) was promulgated by the Governor of Kerala on the 29<sup>th</sup> day of July, 2020 and the same was published in the Kerala Gazette Extraordinary No. 1740 dated 30<sup>th</sup> day of July, 2020.

4. A Bill to replace said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly which convened on 24<sup>th</sup> day of August, 2020.

5. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session the Governor of Kerala has promulgated the Kerala Small Plantation Workers' Welfare Fund (Amendment) Ordinance, 2020 (60 of 2020) on the 26<sup>th</sup> day of September, 2020 and the same was published in the Kerala Gazette Extraordinary No. 2216 dated 29<sup>th</sup> day of September, 2020.

6. A Bill to replace said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly in its session which convened on 31<sup>st</sup> day of December, 2020 and during its session which commenced on 8<sup>th</sup> day of January, 2021 and ended on the 22<sup>nd</sup> day of January, 2021.

7. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session the Governor of Kerala has promulgated the Kerala Small Plantation Workers' Welfare Fund (Amendment) Ordinance, 2021 (12 of 2021) on the 9<sup>th</sup> day of February, 2021 and the same was published in the Kerala Gazette Extraordinary No.666 dated 10<sup>th</sup> day of February, 2021.

8. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly in its session which commenced on the 24<sup>th</sup> day of May, 2021 and ended on the 10<sup>th</sup> day of June, 2021.

9. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session the Governor of Kerala had promulgated the Kerala Small Plantation Workers' Welfare Fund (Amendment) Ordinance, 2021 (84 of 2021) on the 1<sup>st</sup> day of July, 2021 and the same was published in the Kerala Gazette Extraordinary No. 1950 dated 3<sup>rd</sup> day of July, 2021.

10. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly in its session which commenced on 22<sup>nd</sup> day of July, 2021 and ended on the 13<sup>th</sup> day of August, 2021.

11. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session the Governor of Kerala had promulgated the Kerala Small Plantation Workers' Welfare Fund (Amendment) Ordinance, 2021(130 of 2021) on the 23<sup>rd</sup> day of August, 2021 and the same was published in the Kerala Gazette Extraordinary No. 2481 dated 25<sup>th</sup> day of August, 2021.

12. The Bill seeks to replace Ordinance No.130 of 2021 by an Act of the State Legislature.

### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

V. SIVANKUTTY.

EXTRACT FROM THE 'RELEVANT PORTIONS OF THE  
KERALA SMALL PLANTATION WORKERS'  
WELFARE FUND ACT, 2008  
(17 of 2008)

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5. *Contribution to the Fund.*—(1) Every plantation worker shall contribute for every half year one hundred and twenty rupees each to the Fund.

(2) Every employer shall contribute to the Fund every half year an amount of one hundred and twenty rupees equal to the contribution of the worker to the Fund.

(3) Every self-employed member shall contribute for every half-year two hundred and forty rupees each to the Welfare Fund.

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