GOVERNMENT OF KERALA

Labour and Rehabilitation (J) Department

THE KERALA ABKARI WORKERS WELFARE FUND SCHEME 1990

Government of Kerala

1992

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Labour and Rehabilitation (J) Department

NOTIFICATION

G. O. (P) No. 33/90/Labour.

Dated, Thiruvananthapuram, 11th May, 1990.

S. R. O. No. 659/90.—In exercise of the powers conferred by sub section (1) of section 3 of the Kerala Abkari Workers Welfare Fund Act, 1989 (19 of 1989) scheme for the constitution of a fund for the Welfare of the Abkari Workers and for matters connected there with namely:—

THE KERALA ABKARI WORKERS WELFARE FUND SCHEME, 1990

CHAPTER 1

1. *Short title, extent and commencement.*—(1) This Scheme may be called the Kerala Abkari Workers Welfare Fund Scheme, 1990.

(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.

2. *Definitions.*—In this scheme unless the context otherwise requires—

(a) "Act" means the Kerala Abkari Workers Welfare Fund Act, 1989.

(b) "Calendar year" means each year commencing with the first day of January.

(c) "Chief Welfare Fund Inspector" means the Chief Welfare Fund Inspector appointed under section 9 of the Act "Welfare Fund Inspector" means the Welfare Fund Inspector appointed under Sec. 9 of Act.

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(d) "Continuous Service" means un-interrupted service and includes service which is interrupted by sickness, accidents, authorised leave, strike which is not illegal or the cessation of work not due to the fault of the workers and period not exceeding three months in between the recurring of one employment and another.

(e) "Director" means a Director in the Abkari Workers Welfare Fund Board.

(f) "Family" means (i) in the case of a worker, his wife, minor sons, unmarried daughters/and parents solely dependent on him.

(ii) In the case of a female worker, her husband, solely dependent parents minor sons and unmarried daughters.

(g) "Form" means the form appended to this Scheme.

(h) "Financial Year" means the year commencing with the 1st April.

(i) "Government Security" means the meaning assigned to it in the Public Debt Act, 1944 (Central Act 18 of 1944).

(j) "Register" means the register in which the names and details of the workers are registered.

(k) "Registered Worker" means the worker whose name is enrolled in the register.

(l) "State" means the State of Kerala.

(m) "Superannuation" means the termination of the services of a worker by the employer or any other authorities so authorised when the worker attains the age of sixty.

All other words and expressions included in the Scheme shall have the meaning respectively assigned to such words and expressions in the Act.

CHAPTER 2

Abkari Workers Welfare Fund Board

3. *Constitution of the Board.*—(1) The Board shall consist of fifteen directors nominated by the Government, namely:—

(a) Five members representing the Government.

(b) Five members representing the Abkari Workers.

(2) The Government shall appoint one of the Directors of the Board as its Chairman.

4. *Term of the Board.*—(1) The Board shall be re-constituted once in three years. The power to nominate members to the Board and to remove the members from the Board vests with the Government.

5. *Removal of Directors.*—Notwithstanding anything contained in this scheme the Government may remove from office any Director, who acts against the implementation of the Act or Scheme or against the due discharge of the functions by the Board or Chairman or of the office of the fund:

Provided that, no such Director shall be removed unless a reasonable opportunity is given to him for making any representation against the proposed removal.

6. *Filling up of temporary vacancy.*—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 vacancy 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 full vacant from the date in which the letter of resignation is sent:

Provided that the Chairman shall tender his resignation to the Government directly.

8. *Removal of the Chairman, Director etc.*—(1) If a Director or Chairman continuously fails to attend three consecutive meetings of the Board without obtaining the previous permission of the Government or the Chairman respectively he shall subject to the provisions of sub para 2 be removed from office.

(2) If the person who is removed from the office under sub para (1) is a director, he shall be given intimation of such removal by a letter sent by registered post within fifteen days. The letter shall state that if he desires the restoration of the Directors, he shall apply therefor within fifteen days of the receipt of the letter.

This application shall be submitted to the Government within the prescribed period and if the Government are satisfied that the failure to attend three consecutive meetings of the Board were due to sufficient reasons, they may pass such orders as they seen fit.

9. *Disqualifications.*—A persons shall be disqualified for being appointed or for a being Director, if

(i) He is declared by a competent court to be of unsound mind; or

(ii) He is an undischarged insolvent or has been sentenced by a Criminal Court for a period of more than two years for any offence involving moral turpitude.

(2) If any question arises whether any person is disqualified under sub paragraph (1), it shall be refund to the Government and this decision of the Government or any such question shall be final.

10. *Meetings.*—(1) The Board shall Ordinarily meet once in three months:

Provided that within 15 days of receipt of a requisition in writing from not less than one-third of the Directors of the Board, the Chairman shall call a meeting thereof.

11. *Notice and list of business of the meeting.*—Less than fifteen days before the date of the meeting, a notice containing the date, time and place of the meeting together with a schedule of business to be transacted at the meeting shall be sent to every director by registered post:

Provided that the Chairman may convene a meeting for considering any matter which in his opinion is urgent after giving such reasonable time as he may consider necessary.

12. *To preside over the meeting*—The Chairman shall preside over every meeting, of the Board. If the Chairman is absent at any meeting the Directors present shall elect one of the Directors to preside over the meeting, the Director so elected shall discharge the functions of the Chairman.

13. *Quorum.*—No business shall be transacted at a meeting of the Board unless one third of the directors are present and at least one each from the representations appointed under clauses (a) (b) (c) of sub-para (1) of para 3 is present.

14. *Absence from the State.*—If any Director leaves the State for a period, more than six months without informing the Chairman, he shall be deemed to have resigned his office in the Board.

15. *Time and place of the meeting.*—The meeting of the Board shall be held at such place and time as may be specified in the notice issued under paragraph 10.

16. The minutes of the meeting shall be circulated among all the Directors within 15 days of the meeting and the minutes shall be recorded in the minutes book. The minutes of each meeting shall be placed at the next meeting of the Board and modifications if any shall be made, and, after confirmation shall be signed by the Chairman.

17. *Fees and Allowances.*—(1) The Official Director shall be paid travelling allowance at the rates provided in the rules applicable to him for journeys performed on official duties. Such allowances shall initially be paid by the authority paying his salary and later claimed by the Director concerned from the Kerala Abkari Workers Welfare Fund Board and remitted to the Government.

(2) The non-official Directors shall be paid travelling allowance for attending the meetings of the Board at such rates as are admissible to Grade I Officers of the Government of Kerala.

(3) A Director who is a member of the Legislative Assembly if the State shall, for attending the meetings of the Board be entitled to travelling allowance at such rates as one admissible to him under the provisions of the payment of Salaries and Allowances Act, 1957.

(4) A Director who is member of the Parliament shall for attending the meetings of the Board be entitled to such travelling allowance and Daily allowances as may be admissible to a Member of Parliament.

18. *Constitution of the Standing Committee.*—The Board shall Constitute a Standing Committee for considering the following matters:—

(a) Annual Budget

(b) Annual Administration Report

(c) Such other matter as may be referred by the Board to the Standing Committee.

(2) The Standing Committee constituted under sub paragraph (1) shall consist of the following persons, namely:—

(a) The Chairman of the Board

(b) Three Directors representing the employers

(c) Three Directors representing the workers

(d) The Director representing the Finance Department of the Government

(e) The Chief Welfare Fund Inspector.

(3) The Chairman of the Board shall also be the Chairman of the Standing Committee. If the Chairman is absent at any time, the members present shall nominate one among them to be the Chairman of the meeting.

(4) The Chief Welfare Fund Inspector shall be the Secretary of the Standing Committee.

(5) No business shall be transacted at a meeting unless at least four members of the standing committee are present of whom at least one shall be from among those representing the employers and another representating the workers.

(6) The term of office of the standing committee shall be one year provided that a standing committee shall continue to function beyond one year till a new committee is constituted.

(7) The Recommendation of the standing committee shall be placed before the Board for decision.

(8) The members of the Standing Committee shall be paid travelling allowances and daily allowance at the rates specified in paragraph 17.

19. *Opening of Divisional and Local Bodies.*—(1) The Board may with the approval of the Government open Head Offices, such District Offices and Regional Offices as it may consider desirable for the implementation of the scheme.

(2) The Headquarters of the Board shall be at Thiruvananthapuram.

20. *Powers, duties and functions of the Board.*—(1) The Board shall be responsible for—

(a) All matters connected with the implementation of the fund as specified in the scheme.

(b) Registration of workers in the Fund.

(c) Laying down general policies regarding the utilization of the fund as directed by the Government from time to time.

(d) Submission of annual budget to the Government for sanction.

(e) Submission of annual report on the working of the scheme to the Government.

(f) Conducting annual Audit of accounts of the Fund in accordance with the direction of the Government.

(g) Collection of contributions and other changes to the Fund.

(h) Launching of prosecution against offices comes under the Act.

(i) Speedy settlement of claims.

(j) Prepared maintenance of accounts.

(k) Speedy sanctioning of advances.

(l) Timely recovery of advance.

21. *Secretary of the Board*.—(1) The Chief Welfare Fund Inspector shall be the Secretary of the Board.

(2) The Secretary of the Board shall with the approval of the Chairman, issue notice to convene meetings of the Board, keep the minute of such meetings and shall take necessary steps for carrying out the functions decisions of the Board.

CHAPTER 3

Appointment and Powers of the Chief Welfare Fund Inspector and other Officers of the Board

22. *Chief Welfare Fund Inspector*.—(1) The Government may appoint a Chief Welfare Fund Inspector not below the rank of Deputy Labour Commissioner of the Labour Department of the State or other officer in other Department not below such rank and he shall be subject to the Control and general superintendent of the Board.

(2) The Government may also appoint from the Labour Departments on deputation basis as many other officers as may be necessary for assisting the Board.

(3) The Government appoint as many officers as may be necessary of the functioning of the Head Office, District Offices, Regional Offices etc., of the Board.

(4) The Chief Welfare Fund Inspector or other officers shall not undertake any work unconnected with the office without the previous sanction of the Government.

(5) The Chief Welfare Fund Inspector shall place before the Board for information in the next meeting the details regarding the appointments made by the Government for the functioning of the fund for information.

23. *Administrative and Financial Powers of the Chief Welfare Fund Inspector*.—(1) The Chief Welfare Fund Inspector may without reference to the Board, sanction expenditure for purchase of articles required for administering the fund and on contingencies subject to the limits upto which he may be authorised from time to time by the Board

(2) The Chief Welfare Fund Inspector may in appropriate circumstances, exercise with the prior approval of the Government, the administrative and financial powers specified in sub para (1) as may be delegated to him by the Board from time to time.

(3) The Board may from time to time, in such circumstances as it deem fit delegate its administrative and financial powers, the functions relating to the implementation and superintendence of the scheme etc., to any officer under its control.

CHAPTER 4

Member-ship and Contribution

24. *Membership.*—A worker who has completed three months continuous service shall become a member at the commencement of the scheme. But a worker employed after the commencement of the scheme shall be entitled to become a member from the date on which he has completed three months continuous service.

25. *Contribution to the Fund.*—(1) The employer shall in the first instance pay his contribution and the contribution in respect of the worker who are members. If the amount or other amounts so payable are not paid within the time fixed it shall be recovered together with interest at 12 per cent per annum.

(2) The contribution under sub paragraph one shall be remitted to the Chief Welfare Fund Inspector of the Board or to any officer authorised by him in this behalf before the 10th of each month together with Form No. 1.

(3) In remitting the amount of contribution to the Fund the fraction of a rupee shall be rounded to the nearest higher rupee.

(4) Notwithstanding the Membership of the members and the recovery of contribution, the employer shall not be entitled to deduct from the wages of the workers the employers contribution payable by the employers.

CHAPTER 5

Registration, Transfer or existing funds, Maintenance of records and deposit of Amount

26. *Registration.*—Every worker who is entitled to be member of the Fund shall register his name as a beneficiary of the Fund in the register maintained by the Chief Welfare Fund Inspector or any officer authorised by him in this behalf. A certificate (School Certificate, Certificate from Doctor) in proof of the date of birth shall also be produced alongwith the application. If any doubt regarding the certificate arises the Chief Welfare Fund Inspector shall take such action on it as he deem fit.

(2) The worker entitled to be a member shall apply to the Chief Welfare Fund Inspector or any officer authorised by him in this behalf in Form No. 2.

(3) Every worker shall file a nomination in Form No. III and shall be entitled to revise the nomination in case of either acquiring a family subsequently or there being any legal change in the family.

27. *Duty of the employer to send returns.*—(1) Every employer shall within fifteen days of the commencement of the scheme send to the Chief Welfare Fund Inspector a consolidated return in Form No. IV. This Form shall contain the particulars of the workers entitled to be registered, their basic wages, allowances and if food is supplied free of cost, the amount of expense in respect of each worker etc., of the worker entitled to be registered.

(2) Every employer shall, within fifteen days before the close of every month send to the Chief Welfare Fund Inspector or any other officer authorised in this behalf a return in Form No. 5 showing the particulars of workers entitled to be registered and who had left the service during the preceding month.

28. *Information regarding the Establishment.*—Every employer shall furnish Form No. 6 showing the details of the branches of the establishment Owners, Directors, Managers, Possessors, Partners and other persons who have the ultimate control over the affairs of the establishment etc., to the Chief Welfare Fund Inspector or any officer authorised by him.

29. *Identity Cards.*—The Chief Welfare Fund Inspector or other officer authorised by him in this behalf shall issue an identity card in Form No. 7 to each worker with his photo affixed thereon and maintain a register in Form No. 8.

30. *Details of Salary.*—Every employer shall after ten days of the expiry of each month furnish to the Chief Welfare Fund Inspector or other officer authorised by him in this behalf in Form No. 9 the details regarding the wages paid to the registered members and to persons entitled to be a member in the fund.

31. *Maintenance and production of records and registers.*—(1) Every employer shall maintain registers showing the particulars of workers and register showing the contribution in such forms and may be prescribed by the Chief Welfare Fund Inspector or any other officers authorised by him:

(2) Every employer shall maintain in his institution an
spection note in such manner as may be prescribed by the Chief
Velfare Fund Inspector or any other officer authorised by him for
ecording their visit.

(3) Every employer shall, whenever the Chief Welfare Fund
nspector or any other officer authorised by him so requires either
n person or by notice in writing produce before Chief Welfare Fund
nspector or other officer as the case may be the records relating to
he workers employed by him and the Chief Welfare Fund Inspector
r other officer may if he thinks fit, retain the records provided
hat he shall grant a receipt for every record retained by him.

32. *Transfer of accumulation from any existing fund.*—Every
uthority entrusted with the management of any Welfare Fund in
xistance on the day on which the scheme comes into force shall,
ransfer the amount in such fund to the fund of the board on such
ate as the Board may fix in this behalf.

(2) The authority shall entrust to the Chief Welfare Fund
nspector or any other officer authorised by him in this behalf the
ccumulation referred to in sub-para (1) together with a schedule
howing the total accumulation as on the date of transfer standing
o the credit of each member and also the amount of advance if any
ithdrawal from the account.

CHAPTER 6

33. *Payment of Ex-Gratia.*—(1) A member of the fund or his
ependent shall be eligible for an ex-gratia payment upto a
aximum of Rs. 5,000 under the special circumstances given
elow.

The circumstances such as accident, death, irrecoverable
sease, permanent disablement incapacitating to continue in work
c.

(2) In the event of a member meeting with a fatal accident
e ex-gratia financial assistance shall be granted to his dependants
the following manner:

If married:—

1. Husband/Wife	Full amount
2. If no husband/wife the unmarried daughters or minor sons	in equal share

3. If there is no one as stated above, the dependant parents	in equal shares
4. If there is no one falling under items 1 to 3 dependant sisters	in equal shares
5. If there is no one falling under items 1 to 4 the dependent brothers	in equal shares

(3) The Financial assistance granted under this scheme shall not be deducted from the amount due to the worker or his dependents under any law or scheme.

34. *Application for Financial Assistance*.—(1) The member who is entitled to get financial assistance under the above paragraph shall apply to the Chief Welfare Fund Inspector or any other officer authorised by him in Form No. 10. The application shall be accompanied by a certificate issued by a Government Medical Practitioner not below the rank of Assistant Surgeon stating the death accident the nature and details or disablement.

(2) On receipt of the application the Chief Welfare Fund Inspector or the officer authorised by him in this behalf shall conduct such enquiries as he may deem fit regarding the eligibility of the applicant and if he considers it necessary he shall examine the parties.

(3) If the Chief Welfare Fund Inspector or the Officer authorised by him on this behalf is satisfied that the applicant dependants who have applied for the financial assistance are eligible for the said assistance he shall sanction the amount and pay the same to the applicant dependents on proper receipt.

(4) The sanctioning authority shall maintain a register for this purpose in such separate form as may be prescribed by the Chief Welfare Fund Inspector.

(5) Appeal shall be to the board against the decision taken under the above paragraphs:

Provided that such appeal shall be filed within a period of 30 days from the date of receipt of the decision.

34 A.

CHAPTER 7

Payment of Pension

35. *Eligibility for Pension.*—(1) A member of the fund who immediately preceding the date on which this scheme came into force has completed continuous service for three years in an establishment shall be eligible for pension on attaining sixty years of age.

(2) A member of the fund who after the commencement of this scheme has been working in an establishment for not less than three years shall also be eligible for pension on superannuation.

(3) The Board shall, with the approval of the Government prescribe the procedure for payment of pension.

CHAPTER 8

Payment of Gratuity

36. *Rate of Gratuity.*—A worker shall be paid gratuity from the gratuity fund at the rate of fifty per cent of the average monthly wages for each completed year of service or part thereof in excess of six months subject to a maximum of twenty months wages.

Explanation.—For the purpose of this section:

(a) "Average monthly wages" shall mean the average monthly wages earned during the twelve completed calendar months immediately preceding the month in which the circumstance necessitating the calculation of gratuity arise.

(b) "Twelve complete calendar months" occurring in explanation (1) Means the twelve month in which full wages have been earned by the worker. In case a worker was absent during any period within the twelve months immediately preceding the month in which the retirement from service death of the worker occurs, the period if such absence shall be omitted and equal complete months immediately preceding such twelve months shall be taken into account in fixing the twelve calendar months wages.

37. *Gratuity when payable.*—(1) Gratuity shall be payable to a worker on the termination of his employment, after he has rendered continuous service of not less than one year, namely:—

(a) On superannuation; or

(b) On his retirement from service, resignation or retrenchment, discharge or dismissal from service, or

(c) On his death or total disablement due to accident of disease. Provided that the completion of continuous service for a period of one year shall not be necessary where the termination of the employment is due to death or disease. Provided further that for the purpose of para 36 only the period during which the worker was a member of the fund shall be taken into account in reckoning the number of completed years:

Provided also that in the cases of welfare funds established by custom or agreement before the date of commencement of the Act, if they have been transferred to the fund under paragraph 32 and where the rate of contribution in respect of gratuity had not been less than 5 per cent of the wages of the workers, for reckoning for the purpose of para 36. the completed years, the period of membership in such funds for which contribution have been credited, shall also be taken into account.

(2) Notwithstanding anything contained in paragraph 1.

(a) Gratuity shall be payable to a worker on his total disablement due to accident or disease only on production of a medical certificate from a Medical Officer not below the rank of an Assistant Surgeon that the worker has been totally incapacitated for service.

(b) In the case of discharge or dismissal from service of a worker for any act, wilful omission or negligence causing any damage loss or destruction of property belonging to the employer, the Chief Welfare Fund Inspector, shall after making such enquiry as if he deems fit, recover an amount equal to the damage or loss and pay it to the employer. Provided that such recovery shall be made only in circumstances where a notice in writing specifying the amount of damage or loss, has been given by the employer to the Chief Welfare Fund Inspector within thirty days of such termination of service.

(3) In the case of death of a worker the gratuity shall be payable to his nominee if there is nomination under paragraph 26 (3) and in the absence of a nominee to the members of his family as specified in paragraph 33 (3).

CHAPTER 9

Loans and Advances

38. *Advance for the purchase or construction of a dwelling House.*—(1) The Chief Welfare Fund Inspector may, on a application from a member, sanction an advance not exceeding his twelve month's wages or his own contribution standing to his credit whichever is less for purchasing directly or an hire purchase basis from the Government or through co-operative societies or through Housing and Finance Corporation or local bodies, a dwelling site or for the construction of a dewelling house:

Provided that where the advance is sanctioned for constructing a dwelling house, it may be sanctioned in such instalments as the Chief Welfare Fund Inspector may think fit:

Provided further that the member shall produce the documents if the officer concerned so deems necessary.

(2) No advance under sub-paragraph (1) shall be sanctioned unless the member has completed three years continuous membership in the fund and unless his own total contributions as on the date of application is Rs. 750 or more.

(3) Where an advance is sanctioned under sub-paragraph (1) the construction shall be commenced within six months of the drawal of the advance and a completion certificate shall be produced before the sanctioning authority within a period of one year from the date of drawal of the advance.

39. *Advance for medical treatment.*—(1) A member may be sanctioned a non-refundable advance not exceeding Rs. 500 from his account in the fund subject to the availability of funds and the decision of the Board, in the following cases:—

(a) hospitalisation lasting for one month or more for operation.

(b) treatment for leprosy, paralysis, cancer, asthma etc., and having been granted leave by the employer for treatment of the said diseases.

(2) These advances may be sanctioned only on the production of a medical certificate by the applicant in proof of the treatment.

40. *Advances for the education of children.*—The Chief Welfare Fund Inspector or any other officer authorised by him may, on an application by the member, sanction a non-refundable advance not exceeding one thousand rupees from his account in the fund for the higher education of the children such benefit shall not be granted to a member more than three times.

41. *Advance for daughter's marriage.*—The Chief Welfare Fund Inspector or any other Officer authorised by him in this behalf may sanction a non-refundable advance not exceeding rupees two thousand from the amount standing to the credit of the member in the fund for the marriage of his daughter. Such advances shall not be granted more than two times.

42. *Scholorship.*—The Board may with the approval of the Government take appropriate decisions for awarding scholorship to the children of members and fix the procedure therefor.

Except as otherwise provided the advances and loans specified in this Chapter shall be non-refundable:

Provided that the Board shall have the right to take appropriate decision if it is decided that the advances or loans so granted shall be recovered.

The Board shall obtain the prior approval of the Government before taking such a decision.

CHAPTER 10

43. *Provisions for remitting Life Insurance Premium from the Fund.*—(1) Sanction may be accorded for withdrawing the amount standing to the credit of a member in the fund for making payment towards the premium of Life Insurance.

(2) The said amount shall not be withdrawn more than once in an year.

(3) The particulars of the policy shall be furnished to the Chief Welfare Fund Inspector in such form as may be prescribed by him and he shall accept it if suitable. No amount exceeding the amount standing to the credit of the member in the fund and no amount in excess of an amount actually referred for payment of the premium shall be sanctioned.

44. *Assaignment of Policy towards the fund.*—(1) The Policy shall, within six months from the date of withdrawal of the amount be assigned to the Chief Welfare Fund Inspector as security for the amount withdrawn.

(2) The Chief Welfare Fund Inspector shall, before sanctioning withdrawal in respect of old policies, satisfy himself with reference to the Life Insurance Corporation that no prior arrangement of the policy exists and that the policy is free from encumbrances.

(3) The terms of the policy shall not be altered nor the policy be transferred to any other policy without the prior concent of the Chief Welfare Fund Inspector to whom the particulars in respect of the policy shall be furnished in such form as may be specified by him.

(4) If the Policy is not assaigned and delivered any amount withdrawn from the fund in respect of the policy shall together with interest at such rate as may be fixed by the Board in consultation with the Government forthwith be repaid by the member to the fund, and in case of default the Chief Welfare Fund Inspector may by order in writing refund the employer to deduct the amount from the wages of the employee in such instalments as may fix and remit the same to the fund.

45. *Re-assignment of Policies.*—(1) The Board shall re-assign the policy to the member in the following circumstances, namely, when the member retires permanently from service or on superannuation.

(2) Retires permanently on account of bodily or mental disability.

(3) If the member dies before retiring from service.

46. *Recovery of the amount withdrawn.*—The policy shall be reassigned to the member if the policy assigned to the Board matures or otherwise become due for payment before the member quits service.

CHAPTER 11

Settlement of Provident Fund Account

47. *Withdrawal of the full amount.*—A member may withdraw the full amount standing to his credit in the Provident Fund Account in the following circumstances, namely:—

(a) On superannuation

(b) On account of permanent and total incapacity for work due to bodily or mental informity duly certified by a registered Medical practioner designated by the Board:

Provided that if any doubt arises as to the genuineness of the first certificate produced by the said member, the Chief Welfare Fund Inspector may require the member to produce a fresh certificate from a civil surgeon or any doctor asking in this behalf.

Explanation.—A member, suffering from leprosy or tuberculosis even if contracted after leaving the service of an establishment on grounds of illness but before payment has been authorised, shall be deemed to have been permanently and totally incapacited for work.

(c) Immediately before leaving the State for permanent settlement outside the State.

(d) On termination of service in the case of mass or individual retrenchment. Provided that in the case of retrenchment the amount shall be paid immediately and in the case of individual retrenchment payment shall be made if the member has not been employed in any other establishment to which the scheme was applicable for a continuous period of not less than six months immediately preceding the date on which the member makes the application for withdrawal. Provided further that in the case of a member who has been retrenched or whose application for final withdrawal is pending, the member may at his option, be paid for the period during which he was out of employment, non refundable monthly withdrawals not exceeding one hundred and fifty rupees from the Provident Fund Account.

The balance amount if any shall.

(a) in case the member secures employment again as an abkari worker, continue in his accounts.

(b) in any case where the member does not permit employment be paid in cash, Provided that actual payment shall be made only on completing a continuous service of not less than six months immediately preceding the date on which the member made the application for withdrawal.

(1) When a worker retires from service under any other law (Means) provided that the establishment from where he retires, is registered one.

(2) In cases other than these specified in sub-para (1) the Chief Welfare Fund Inspector may, subject to the conditions specified in sub para, permit a member to withdrawn the amount standing to his credit in the Provident Fund Account if he has not been employed in any other establishment to which the scheme applied for a continuous period of four months or more immediately preceding the date on which he made the application for withdrawal.

(3) When a member withdraws any amount under sub paragraph (2).

(i) Twenty per cent of the employees contribution shall be forfeited to the Provident Fund Account if the period of his service is less than five years.

(ii) Ten per cent of the employees contribution shall be forfeited to the Provident Fund Account if the period of his service is five years or more, but less than ten years.

(iii) Five per cent of the Employers contribution shall be forfeited to the Provident Fund Account if the period of his service is ten years or more.

(4) In the case of dismissal for gross and wilful misconduct, the ef Welfare Fund Inspector or any officer authorised by the board, may his discretion. forfeit an amount not exceeding 10 per cent of the ployers contribution:

Provided that before ordering forfeiture as aforesaid, a show-cause ice shall be issued to the member concerned and his explanation if any considered:

Provided further that in such cases a member is entitled to file an eal before the Board and the decision of the Board thereon shall be l.

48. *Payment of accumulation of a deceased member.*—On the death member before the amount standing to his credit has become payable before payment has been made where the amount has become payable.

(1) If a nomination made by the member under clause 27 (3) sists the amount standing to his credit in the provident fund account part thereof to which the nomination relates shall become payable to nominee or nominees in accordance with such nomination or

(2) If no nomination subsists or if the nomination relate only to rt of the amount standing to his credit in the provident fund account the le amount or the part thereof to which the nomination does not relate, l become payable to the members of his family in equal shares. Provided if there is any other member in his family no share shall be payable to—

(a) major sons, or

(b) sons of a deceased son who have attained majority

(c) married daughters whose husbands are alive or

(d) married daughters of a deceased son whose husbands are e:

Provided further that the widow and the child of a deceased son shall ive between them in equal share to share which the deceased son would e received had he not attained majority at the time of the death he member.

(3) In any case to which the provisions in clause (1) and (2) do not apply, the whole amount shall be payable to the person legally entitled to it.

Explanation.—For the purpose of this paragraph, the child of a member born alive after the death of the member, shall be treated in the same manner as a surviving child born before the death of the member, is treated.

CHAPTER II

Administration of the Fund and Accounts

49. *Accounts.*—(1) The amount received as contribution to the Fund, from the employers and employees shall be credited to an account called the "Kerala Abkari Workers Welfare Fund".

(2) All interest, rent and other income received and profits or loss if any on the investments not including them, the transaction of the administration accounts shall be credited or debited as the case may be to an account called the "Interest Suspense Account".

(3) The Chief Welfare Fund Inspector or any other officer authorised by him shall prepare a classified summary of the assets of the fund as on the 15th day of March in each year or on such other dates as the Government may specify and shall append it to the annual report and submit to the Government.

50. *Deposit of Accounts.*—All moneys belong to the Fund shall be deposited in the Nationalised Bank or Scheduled Bank or Co-operative Banks or as may be specified by Government from time to time or in the securities referred to in clause (a) to (d) of section 20 of the Indian Trust Act, 1882 (Central Act 2 of 1882). Such securities are payable both in respect of by capital and in respect of interest provided that the Board may with the previous approval of the Government grant loans or invest moneys in institutions approved by the Government.

51. *Utilisation of Fund.*—The Fund shall not, except with the previous approval of the Government, be utilised for any purpose other than that specified in the Act or in the Scheme.

(2) The Chief Welfare Fund Inspector shall be the operator of the Fund but the limits of withdrawal and of expenditure shall be such as may be fixed by the Board from time to time with the approval of the Government.

52. *Expenditure from the Fund.*—(1) All expenses of administration the Fund including the fees and allowances of the Board of Directors, id salary, leave salary, joining time allowances, travelling allowance, mpensatory allowance, pension contribution, other benefits, expenses for e legal requirement of the Board, cost of audit of accounts and stationery penses etc., shall be met from the administration account of the fund.

(2) A portion of the total of the contribution related or expected be realised in a year shall be set apart as Administration Account of the und.

(3) The expenses incurred by the Government for the administration f the Fund shall be treated as a loan and shall be repaid from the Administration Account.

53. *Maintenance of the Fund.*—The accounts of the Fund shall be naintained by the Chief Welfare Fund Inspector in such manner as may e specified by the Board with the approval of the Government.

54. *Audit of the Fund.*—(1) The accounts of the Fund including the dministration Account shall be audited in accordance with the instruction ssued by Government.

(2) The charges on account of the audit shall be paid out of the dministration Account.

55. *Budget.*—(1) The Chief Welfare Fund Inspector shall, place efore the Board each year before the first day of February a Budget showing he receipt from the contribution and the expenditure which it proposes to ncur during the following financial year. The Budget as approved by the Board shall be submitted to Government for sanction within a month of its eing placed before the Board as such.

(2) The Government may make such modifications in the Budget s they consider desirable before sanctioning it.

(3) The Chief Welfare Fund Inspector may at any time during that ear make re-appropriation of funds sanctioned in the Budget as specified elow, namely:—

(a) When the total amount sanctioned by the Government is not exceeded.

(b) When it is to be utilised for meeting such expenses as are to be met from the Administration Account.

(4) Every re-appropriation made shall be reported by the Chief Welfare Fund Inspector to the Board within fifteen days.

CHAPTER 12

MISCELLANEOUS

56. *Report regarding the working of the Board.*—The Board shall approve before the 15th day of June every year and submit to Government before the date of 31st July a report regarding the working of the Board during the previous financial year.

57. *Copy of the registers and report to be furnished.*—The Chief Welfare Fund Inspector shall furnish copies of the registers and annual reports of the fund to any employer or member on written requisition and on payment of such fees as may be fixed by the Board in this behalf with the approval of the Government.

58. *Recovery of Arrears.*—If any amount due as arrears from the employer as per the scheme, the Chief Welfare Fund Inspector or any other Inspector 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 concerned and the District Collector shall recover this amount in the same manner as arrears of public revenue due on land.

59. *Execution of Contract.*—All orders and other matters shall be made in the name of the Board and shall be done by such person as the Board may direct.

60. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this scheme or if any doubt arises as to—

1. the number of workers employed in an institution

2. whether the total quantum of benefits to which the worker is entitled has been reduced by the employer.

The Government may by order make such provisions or give such directions not in consistant with the provisions of the scheme as appear to them to be necessary or expedient for the removal of that doubt or difficulty and the order of the Government in such cases shall be final.

FORM No. 1

MONTHLY STATEMENT TO BE FURNISHED BY THE EMPLOYER

The Kerala Abkari Workers Welfare Fund Scheme, 1990

[*See* sub para (2) in para 25]

Name and address of the Employer   Place: Date:

The details of the amount deducted from the wages earned by the worker for the month of........and remitted to the fund and details of any contribution made to the fund are given below. The institution has worked for ....days during the month.

		Wages received				Contribution		
Sl. No.	Memo and Register No. of the worker	Basic wages	D.A.	Other allowances	Total	Contribution of the employee	Contribution of the employer	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Signature of the Employer.

FORM No. 2

APPLICATION FORM FOR REGISTRATION

The Kerala Abkari Workers Welfare Fund Scheme 1990

(*See* sub para (2) in para (26]

1. Name :
2. Surname :
3. Address :
4. Whether belongs to Scheduled Caste/Scheduled Tribe :
5. Father's Name :
6. Marital Status (Whether married or unmarried or widow) :
7. Date of birth : Day Month Year
8. Name, address and Reg. No. of the establishment where working :
9. Nature of work :
10. E.S.I. No. /PF. No. :
11. Name and Address of the employer :
12. Total service on the date of application :

Signature of the worker

Certified that the particulars mentioned above are true to the best of my knowledge and belief.

Place: Signature of the Employer.

Date: Name/Name and Signature of the authorised person.

FORM No. 3

NOMINATION FORM

The Kerala Abkari Workers Welfare Fund Scheme, 1990

[*See* sub para (3) in para 26]

I nominate the person/persons named below as heirs for the amount due to me from the fund and for all rights in the fund in the event of my death.

Name and address of the nominee/ nominees	Relationship of nominee with the member	Age of nominee	Amount of share to be given to each nominee
(1)	(2)	(3)	(4)

Place: Signature of the worker

Date: Name, Reg. No. and address.

FORM No. 4

RETURN TO BE FURNISHED BY THE EMPLOYER TO THE CHIEF WELFARE FUND INSPECTOR AT THE COMMENCEMENT OF THE SCHEME

The Kerala Abkari Workers Welfare Fund Scheme, 1990

[*See* Sub para (1) in para 27]

1. Name and address of the establishment :
   (Licence No. and other details should be recorded)

2. Name and address of the employer :

Signature of the Employer.

FORM No. 5

MONTHLY RETURN TO BE FURNISHED BY THE EMPLOYER

The Kerala Abkari Workers Welfare Fund Scheme, 1990

[*See* sub para (2) in para 27]

Name and address of the establishment :

Name and address of the employer :

Name and address of the employer	Date on which the worker become eligible for registration	Total service of the worker	Remarks
(2)	(3)	(4)	(5)

ce:

Signature of the Employer.

e:

FORM No. 6

STATEMENT TO BE SUBMITTED BY THE EMPLOYER AT THE COMMENCEMENT OF THE SCHEME

The Kerala Abkari Workers Welfare Fund Scheme, 1990

(*See* para 28)

1. Name of the institution :
2. Licence No., and other details :
3. Postal address :
4. Whether run by the owner or lessee :
5. Name and address of the owner :
6. Name and address of the occupier :
7. Name and address of the Director :
8. Name and address of the partners :
9. Name and address of the Manager :
10. Name and address of the persons in charge and responsible for the conduct of business in the establishment.
11. Other details if any :

Place:
Date:

Signature of the employer and authorised person.

FORM No. 7

FORM OF IDENTITY CARD

The Kerala Abkari Workers Welfare Fund Scheme

(*See* Para 29)

Name of the worker and
Address

Photo

Registration number:

Signature of the authorised officer
(Registering authority)

(Office Seal)

FORM No. 8

MEMBERSHIP REGISTER

The Kerala Abkari Workers' Welfare Fund Scheme, 1990

(*See* Para 29)

Sl. No.	Name and address of the employee	Name and address of the establishment	Date of application	Date of Registration	Register number	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM No. 9

MONTHLY RETURNS TO BE SUBMITTED BY THE EMPLOYER

The Kerala Abkari Workers Welfare Fund Scheme, 1990

(*See* Para 30)

Name of Establishment :

Sl. No.	Name, address and Register No. of the employee	Wages paid Basic D.A. other allowances	Total	Amount of Contribution	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

ace:

ite:

Signature of the Employer or the authorised person.

FORM No. 10

APPLICATION FORM FOR FINANCIAL ASSISTANCE

The Kerala Abkari Workers' Welfare Fund Scheme, 1993

[*See* Sub para (1) in para 34]

1. Name of applicant :
2. Age and date of birth :
3. (a) Permanent address :
   (b) Present address :
4. Relationship with the employee :
5. Name and address of the employee :
6. Monthly income of the employee :
7. Whether the employee is married/not :
8. Name and address of employer :
9. Reason for the application (Full details of accident, death etc., should be given)
10. Details of documents produced :
11. Amount of financial assistance applied for :

Certified that the particulars furnished above are true to the best of my knowledge and belief.

Place:
Date:

Signature of the Applicant with date

By order of the Governor,

C. P. NAIR,
Commissioner and Secretary

Explanatory Note

(This is not part of the notification, but is intended to indicate its general purport.)

Sub section (1) of section 3 of the Kerala Abkari Workers Welfare Fund Act, 1989 (19 of 1989) provides that the Government may by notification in the Gazette, frame a scheme to be called 'the Kerala Abkari Workers Welfare Fund Scheme' for the establishment of a fund under the Act for the welfare of the Abkari Workers and that there shall, be establish as soon as may be after the framing of the scheme, a fund in accordance with the provisions of the Act and the scheme. This notification is intended to achieve the above purpose.