



**The Kerala Shops and Commercial Establishment Workers' Welfare Fund
(Amendment) Act, 2008**

Act 5 of 2009

Keyword(s):

Shops, Commercial Establishment, Labour

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ACT NO. 5 OF 2009

**THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS WORKERS'
WELFARE FUND (AMENDMENT) ACT, 2008**

*AN
ACT*

to amend the Kerala shops and Commercial Establishments Workers' Welfare Fund Act, 2006.

Preamble .- WHEREAS, it is expedient to amend the Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, 2006 for the purposes hereinafter appearing;

BE it enacted in the Fifty-ninth Year of the Republic of India as follows:-

1 Short title and commencement - (1) This Act may be called the Kerala Shops and Commercial Establishment Workers' Welfare Fund (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 10th day of June, 2008.

2. Amendment of section 2- In the Kerala Shops and Commercial Establishments Workers' Welfare Fund Act, 2006 (24 of 2006) (hereinafter referred to as the principal Act), for the proviso to clause (g) of section 2, the following proviso shall be substituted, namely :-

'Provided that the workers employed in the establishments where the Factories Act, 1948 or the Plantation Labour Act, 1951 are applicable shall not include under the purview of this Act.'

3. Amendment of section 3 - After clause (e) of sub-section (4) of section 3 of the principal Act, the following clause shall be inserted, namely :-

"(f) for the refund of the amount of contribution remitted by the members who are unable to work, for a period of more than two years due to permanent physical infirmity or had completed the age of sixty years."

4. Insertion of new section '3A' - After section 3 of the principal Act the following section shall be inserted, namely :-

"3A. *A worker who is a member of the Kerala Labour Welfare Fund and coming under the purview of the Kerala Shops and Commercial Establishments Act be a member of the Fund.* -(1) Notwithstanding anything contained in the Kerala Labour Welfare Fund Act, 1975 (11 of 1977), a worker who is a member of the Kerala Labour Welfare Fund and coming under the purview of the Kerala Shops and Commercial

Establishments Act, 1960 (34 of 1960) shall be a worker coming under the purview of this Act and shall have to become member of the Welfare Fund constituted under this Act.

(2) A worker who became member under sub-section (1) shall cease to be a member of the Labour Welfare Fund under the Kerala Labour Welfare Fund Act, 1975."

5. *Repeal and Saving.*- (1) The Kerala Shops and Commercial Establishments Workers' Welfare Fund (Amendment) Ordinance, 2008 (27 of 2008), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action 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.