

The Kerala Fishermen's Welfare Fund (Amendment) Act, 1999
Act 17 of 1999

An Act further to amend the Kerala Fishermen's Welfare Fund Act, 1985

Preamble: - WHEREAS it is expedient further to amend the Kerala Fishermen's Welfare Fund Act, 1985 for the purposes hereinafter appearing;

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

1. Short title and commencement: -

(1) This Act may be called the Kerala Fishermen's Welfare Fund (Amendment) Act, 1999.

(2) It shall be deemed to have come into force on the 11th day of November 1998.

2. Amendment of section 2: - In section 2 of the Kerala Fishermen's Welfare Fund Act, 1985 (30 of 1985), (hereinafter referred to as the Principal Act):-

(i) the existing clause (a) shall be re entered as clause (aa) and before clause (aa) as so relettered, the following clause shall be inserted, namely:-

“(a) “ allied worker” means any person who is engaged mainly in fishery related activities for his livelihood and who does not come under the definition of the term fisherman in clause (e) of section 2 of the Kerala Fishermen's Welfare Societies Act, 1980 (7 of 1981) and includes beach workers, small scale fish distributors, fish curers, pending workers and small scale processing plant workers, who are not members or not eligible to got membership, in any other Statutory Welfare Scheme;”

(ii) existing clause (b) shall be relettered as clause (bb) and before clause (bb) as so relettered, the following clause shall be inserted, namely:-

(b) “beach worker” means a person who is employed in fishing harbours or fish landing centres or fish landing sites to carry out activities such as:-

(i) unloading of fish from fishing crafts to fish baskets;

(ii) transportation of fish baskets to auction site or lcing site;

(iii) transportation to trash fish or small fish to curing site;

(iv) sorting of fish at the landing site, unloading and crushing of ice, packing fish with ice in boxes and loading of packed boxes into vehicles used for transportation;

(v) loading of fish directly from boats to lorries, sale of ice in the fishing harbours or fish landing cenres;

(vi) cleaning auction hall, fishing crafts and supplying water for fishing boats; and

(vii) mending and repair of fishing nets”;

(iii) for clause (d), the following clause shall be substituted, namely:-

“(d) “ dealer” means any person who carries on, within the State of Kerala, the business or buying or selling or processing fish or exporting fish (in raw or in processed form) or fish products and includes:-

(i) a commission agent, a broker or any other mercantile agent, by whatever name called; and

(ii) a non-resident dealer or an agent of a non-resident dealer or a local branch of a firm or company or association situated outside the State of Kerala;”

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

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“(e)” fish” means fish or all varieties including prawn, lobster, shellfish, clam, squids or any other aquatic organism exploited commercially for edible purposes or for manure;

(ea) “fish curer” means a worker who is engaged in the activities connected with drying, salted dry curing and salted wet curing;

(eb) “fish products” means fish in raw or in processed form;”

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

(ja) “peeling worker” means a worker who is engaged in peeling prawn, lobster, clam, cleaning squids and cuttle fishes in huts, peeling sheds and fish processing plants;

(jb) “processing” means any means of preservation of fish or fish products effected with or without physical or chemical changes by mechanical means or otherwise, intended to facilitate increase in the shelf life of fish or fish products or to avoid loss during transit or value addition;

(jc) “processing worker” means a worker who is engaged in cleaning, grading, processing and packing of fish or fish products;

(jd) “sale proceeds” means the amount realized or is likely to be realized by sale of fish or fish products; “

(vi) for clause (k), the following clause shall be substituted, namely:-

“(k) “Scheme” means the Kerala Fishermen’s Welfare Fund Scheme or the Allied Workers’ Welfare Scheme, framed under this Act;”

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

“(ka) “small scale distributors” means, those persons engaged in the distribution of fish from fish landing centres or fish harbours or fish curing yards or markets through retail outlets or by house delivery and includes:-

(i) auto-carrier distributors;

(ii) cycle load vendors;

(iii) drivers and cleaners engaged in fish transporting on a permanent basis;

(iv) head load vendors, including vendors, who sell fish in temporary camps;

(v) mini lorry distributors; and

(vi) moped load distributors”;

3. Amendment of section 3: - In section 3 of the Principal Act:-

(i) after sub-section (1), the following sub-section shall be inserted, namely:-

(1A) Notwithstanding anything contained in sub-section (1), the Government may, by notification in the Gazette, frame a scheme, exclusively, for allied workers, to be called “the Allied Workers’ Welfare Scheme” under the said Fund and the provisions of section 5, 16, 17, 18, 19, 21 and the schedule to this Act, shall apply, mutatis mutandis, in respect of the said scheme”;

(ii) in sub-section (5), the following shall be inserted at the end, namely:-

“and every allied worker shall become a member of the Fund, within such time, as may be specified by the Government, in that behalf, for the purposes of the Allied Workers’ Welfare Scheme”.

4. Amendment of section 4 – In section 4 of the Principal Act, for sub-sections (1), (2), (3), (4) and (5) the following sub-section shall be substituted, namely: -

“(1) Every fisherman shall contribute to the Fund every year at such rate, as may be fixed by the Government, from time to time, on the recommendation of the Board.

(1A) Every allied worker shall contribute to the Fund, every month, at such rate, as may be fixed by the Government, from time to time, on the recommendation of the Board.

(2) A dealer shall contribute to the Fund, every year, one per cent of his sale proceeds in the year.

(3) The owner of a fishing vessel of any category, shall contribute to the Fund, every month, an amount, at such rate, as may be fixed by the Government, from time to time, on the recommendation of the Board, to the category of fishing vessel.

(4) The owner of a stakenet or chinanet shall contribute to the Fund, at such rate, as may be fixed by the Government, from time to time, on the recommendation of the Board, for nine months every year.

(5) The owner of a prawn filtration area or a prawn culture form or a fish farm shall contribute to the fund every year, at such rate, per hectare, as may be fixed by the Government, from time to time, on the recommendation of the Board.

Explanation: - For the purposes of this sub-section "prawn filtration area" means any water logged area, where prawn filtration is carried on.

"Prawn Culture Farm" means a farm where prawn, including scampi, are cultured.

(5A) In calculating the extent of the area, half hectare and above shall be taken as one hectare and areas below half hectare shall be ignored.

(5B) The owners of fish markets or lessees or licensees or any person claiming, any right or interest, through such owners, or the owners of the ice plants supplying ice, mainly for the processing of fish and the vehicles engaged, mainly for the transportation of fish, shall contribute to the fund, every year, at such rate, as may be fixed by the Government, from time to time, on the recommendation of the Board.

5. Amendment of section 7: - In section 7 of the Principal Act: -

(i) in sub-section (3) for clause (f), the following clause shall be substituted, namely:-

"(f) five representatives of the fishermen to be nominated by the Government, of whom two shall be from the allied workers";

(ii) in sub-section (6), the words "or to the Managing Director of the Kerala State Co-operative Federation for Fisheries Development" shall be omitted.

6. Amendment of section 13: - In section 13 of the Principal Act, the proviso to sub-section (1) shall be omitted.

7. Repeal and saving: -

(1) The Kerala Fishermen's Welfare Fund (Amendment) Ordinance, 1999 (2 of 1999), 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, amended by this Act.