

[Translation in English of “2008 ലെ പ്രവാസി കേരളീയരുടെ ക്ഷേമ ആക്ട് published under the authority of the Governor]

## ACT 10 OF 2009

### THE NON-RESIDENT KERALITES’ WELFARE ACT, 2008\*

*An Act to provide for the constitution of a Welfare Fund to grant relief to, to ensure the welfare of and to pay pension and other benefits to the Non-Resident Keralites and to promote companies or co-operative societies or societies or other institutions of Non-Resident Keralites’ for their welfare.*

*Preamble.*—WHEAREAS, it is expedient to provide for the constitution of a Welfare Fund to grant relief to, to ensure the welfare of and to pay pension and other benefits to the Non-Resident Keralites’ and to promote companies or co-operative societies or societies or other institutions of the Non-Resident Keralites’ for their welfare.

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 Non-Resident Keralites’ Welfare Act, 2008.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*— (1) In this Act, unless the context otherwise requires,—

(a) “Board” means the Kerala Non-Resident Keralites’ Welfare Board constituted under section 9 of the Act;

(b) “Chief Executive Officer” means the Chief Executive Officer appointed under sub-section (1) of section 12 of the Act;

(c) “Company” means a company registered under the Companies Act, 1956 (Central Act 1 of 1956) for the purposes mentioned in section 14 of the Act;

(d) “Constitution” means the sum of money payable to the Fund under section 4 of the Act;

(e) “Co-operative Society” means a Co-operative Society registered under the Kerala Co-operative Societies Act, 1969 (Act 21 of 1969);

(f) “Deemed member” means a Non-Resident Keralite (India) whose membership has been ceased owing to his return to Kerala but who is paying the contribution continuously to the Fund under sub-section (4) of section 7 of the Act;

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\* Received the assent of the Governor on the 12<sup>th</sup> day of January, 2009 and published in the Kerala Gazette extraordinary No. 75 dated 12<sup>th</sup> January, 2009.

(g)“Dependent” means the family member of a member of the Fund and in the absence of a family, the major brothers and widowed sisters of the member;

<sup>1</sup>[(ga) “Dividend” means the sum allotted to the Board on the deposit transferred to the agencies specified by the Government as per the Non-Resident Keralites’ Dividend Scheme for providing an assured sum to the members or beneficiaries of the said Scheme which the said agencies shall give to the Board together with the Government share;]

(h)“Family” means,—

(1) Wife/husband, minor son and unmarried or widowed daughter including adopted children;

(2) Father, mother, unmarried sisters and minor brothers who are solely dependent on the member and in the absence of such dependents, the major son and married daughter;

(i) “Fund” means the “Non-Resident Keralites’ Welfare Fund” constituted under section 3 of the Act;

(j) “Government” means the Government of Kerala;

(k) “Keralite” means a person born or domiciled in the State of Kerala and includes wife/husband of such person and their major children;

*Explanation:—* A person who was born outside Kerala and who resides in Kerala permanently for a period of not less than three years shall be considered as domiciled in Kerala for the purposes of this Act.

(l) “Member” means a member of the Fund;

(m) “Non-Resident Keralite” means,—

(i) a Keralite holding a valid Indian passport and is employed or residing for livelihood in abroad with the VISA of the foreign country or a Keralite who was holding an Indian passport having validity and was employed or resided for livelihood abroad for at least two years with the VISA of a foreign country [hereinafter referred to as Non-Resident Keralite (abroad)]; or

(ii) a Keralite who is outside the State of Kerala and is employed or residing in India, [hereinafter referred to as Non-Resident Keralite (India)], but does not include employees of the Central Government, State Government, Local Self Government or Public Sector Undertakings of both the Central and State Government or Autonomous Institutions;

*Explanation:—* If any question arises as to whether a person is or not a Non-Resident Keralite for the purpose of this Act, that question shall be referred to the Chief Executive Officer of the Board or an officer authorised by the Government in this behalf whose decision thereon shall be final;

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1 Inserted by Act 22 of 2019 and Substituted by Act 30 of 2024 (w.e.f 19-11-2024).

<sup>1</sup>[(ma) “ Non - Resident Keralites’ Dividend Scheme” means the non-resident keralites’ dividend scheme framed as per section 8A of the Act;]

(n) “NORKA - ROOTS” means the company NORKA-ROOTS constituted under the Companies Act, 1956 (Central Act 1 of 1956);

(o) “Notification” means a notification published in the Kerala Gazette;

(p) “Overseas Development and Employment Promotion Consultants Limited” means the public sector undertaking the Overseas Development and Employment Promotion Consultants Limited constituted under the Companies Act, 1956 (Central Act 1 of 1956);

(q) “Prescribed” means prescribed by rules issued under this Act;

(r) “Re-patriated person” means a member who returns to Kerala and resides permanently in Kerala after working as a Non-Resident Keralite for a period of not less than two years;

(s) “Scheme” means the Non-Resident Keralites’ Welfare Scheme framed under this Act;

(t) “Special Aid Fund” means the Special Aid Fund constituted under section 8 of the Act;

(u) “State” means the State of Kerala;

(v) “Year” means the financial year.

3. *The Non-Resident Keralites’ Welfare Scheme.*— (1)The Government may, by notification in the Gazette, frame a Scheme to be called the Non-Resident Keralites’ Welfare Scheme for the constitution of a Fund for the welfare of the Non-Resident Keralites under this Act and there shall be constituted, as soon as may be, after the framing of the Scheme, a Fund in accordance with the provisions of this Act and the Scheme.

(2) The following shall be credited to the fund, namely:—

(a) the contributions under section 4;

(b) grants, loans or advances given by the Government of India or the State Government or the Local Self Government Institutions or any other Institution/Organization;

(c) donations from any individual or any organization in India or abroad or from any Government agencies in India or abroad or from any other sources;

(d) application/registration fee or any other fee collected under the Act and the Scheme;

(e) amount borrowed by the Board under section 13;

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1 Inserted by Act 22 of 2019 (w.e.f 22-10-2018).

(f) any profit or interest or divided or other returns on any investment or share made by the Board;

(g) any unclaimed consolidated amount of members under any of the provisions of this Act or the Scheme, as may be prescribed;

(h) any amount raised by the Board by any other source for augmenting the resources of the Fund.

(3) The Fund shall vest in and be administered by the Board.

(4) The Fund may be utilized for all or any of the following purposes, namely:—

(a) for the payment of pension to the members and deemed members who had completed sixty years of age and had remitted contribution for not less than five years;

(b) for the payment of family pension on the death of a member or a deemed member who had remitted contribution for not less than five years;

*Explanation:—*For computing the period of five years, the contributions given by him as a member and as a deemed member shall be counted.

(c) for the refund of the amount of contribution remitted by the members who had become unable to work for more than two years due to permanent physical disability or died while being a member or had completed sixty years of age;

(d) for the payment of financial assistance on the death of a member due to illness or accident;

(e) for the payment of financial assistance for the medical treatment of the members affected with serious illness;

(f) for the payment of financial assistance for the marriage of the women members and daughters of the members and for maternity benefits to women members;

(g) for giving financial assistance or loans or advances for the members for the construction of dwelling house or for the purchase of land or for the purchase of land and building or for the maintenance of house or for education facilities, including higher education, to the children of members;

(h) for the payment of self-employment assistance or loans to seek self employment to the repatriated persons;

(i) for the payment of financial assistance to a member who suffers from permanent physical disability which incapacitated him to attend any work for his livelihood;

(j) for investment in any company or firm or co-operative society or in any other society or institution constituted under the provisions of this Act; and

(k) for any other purpose specified in the Scheme.

(5) The Scheme framed under sub-section (1) may provide for the matters specified in sub-section (4) and in the Schedule to this Act.

(6) The Scheme shall be laid as soon as may be, after it is framed, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the Scheme, the Scheme shall thereafter have effect only in such modified form, so however that any such modification shall be without prejudice to the validity of anything previously done under the Scheme.

4. *Contribution to the Fund.*— (1) Every Non-Resident Keralite (abroad) member continuing in employment abroad shall pay an amount of rupees three hundred per month and every Non-Resident Keralite (abroad) member came back from abroad and settled permanently in Kerala shall pay an amount of rupees hundred per month to the Fund as contribution.

(2) Every Non-Resident Keralite (India) member shall pay an amount of rupees hundred per month to the Fund as contribution.

(3) The Government shall pay every year to the Fund by way of grant an amount equal to two per cent of the contribution paid under sub-sections (1) and (2) above.

(4) Every deemed member shall contribute rupees fifty per month to the Fund as contribution.

(5) The Government may, by notification in the Gazette, revise the rates of contribution specified in sub-sections (1), (2) and (4) once in three years taking into account the amount required for the implementation of the Scheme.

5. *Modification of the Scheme.*—(1) The Government may, by notification in the Gazette modify, add, delete or vary any Scheme framed under this Act either prospectively or retrospectively.

(2) Every notification under sub-section (1) shall be laid as soon as may be, after it is issued before the Legislative Assembly while it is in session for a total period of 14 days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the notification or decides that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

2. *Membership.*—(1) Every Non-Resident Keralite who has completed 18 years of age, but not completed 55 years of age, shall be entitled to register his name as a member of the Fund.

(2) Every Non-Resident Keralite, who has completed 18 years of age, but not completed 55 years of age and who has left Kerala for employment or otherwise and resides for more than six months in any place in India outside Kerala and continues there, is also entitled to register his name as a member of the Fund.

(3) Every Non-Resident Keralite (abroad) entitled to register under sub-section (1) may register his name in the Fund immediately on obtaining the emigration clearance and before leaving the State in the manner provided in the Scheme.

(4) Every Non-Resident Keralite (India) entitled to register under sub-section (2) may, if he wishes to do so, register his name within two months on attaining the eligibility for membership, in the manner provided in the Scheme.

(5) Notwithstanding anything contained in sub-sections (3) and (4), the Non-Resident Keralites who left Kerala prior to the commencement of this Act and the Scheme thereunder, shall register their names to the Fund within such period and in such manner as may be prescribed in the Scheme.

(6) The registration fee in respect of the members shall be rupees two hundred:

Provided that the Government may, by notification in the official Gazette, revise the registration fee once in three years.

(7) Every registered member shall remit the contribution under section 4 within such period and intervals and in such manner as may be prescribed.

*7. Cessation of Membership.*—(1) The membership shall cease to exist in the case of continued default in the remittance of contribution for one year or more.

(2) If any member commits any offence punishable under this Act or violates any provision laid down in the Scheme for the payment of contribution, his membership shall cease forthwith, but the ceased membership due to the violation of the procedure prescribed for the payment of contribution may be reinstated on such terms as may be specified in the Scheme.

(3) If a Non-Resident Keralite (India) returned to Kerala leaving his employment or residence outside Kerala and resides permanently within Kerala, his membership shall cease subject to the provisions of sub-section (4).

(4) A member whose membership has ceased under sub-section (3) is entitled to continue as a deemed member to the Fund on continuous payment of contribution to the Fund until the attainment of 60 years of age on such terms as may be prescribed in the Scheme.

(5) The membership or deemed membership shall cease when a member or deemed member obtains employment in any Government, quasi-Government or other institutions in which any rule relating to grant of pension is applicable and when they become entitled to such pension. Thus on the cessation of membership, they shall become entitled for the refund of the amount of contribution hitherto paid by them.

(6) If a member referred to as under sub-section (4) again leaves Kerala and becomes a Non-Resident Keralite, his membership in the Fund shall be reinstated on



such terms and conditions as may be specified and he is liable to contribute to the Fund as a member and is entitled to get all the benefits of a member.

(7) Any member whose membership has ceased and who does not come under sub-section (4) shall be eligible for fresh membership on subsequent attainment of the status of Non-Resident Keralite.

8. *Special Aid Fund for the Non-Resident Keralites (abroad).*—(1) Under the provisions of the Act and Scheme framed thereunder, a Special Aid Fund may be constituted by receiving donations from any individual or associations in India or abroad or from Government agencies or Central / State Governments or from Local Self Government Institutions or from any other sources to provide medical aid or any other essential aid as may be specified in the Scheme, to the Non-Resident Keralites (abroad) who have completed fifty- five years of age as on the date of commencement of this Act.

(2) The Special Aid Fund shall be vested in the Board and be administered by the Board.

<sup>1</sup>[8A. *Non- Resident Keralites' Dividend Scheme.*—<sup>2</sup>[(1)]The Government may frame a scheme for deposits received from non-resident keralites and for giving a monthly dividend to the depositor consequent to the utilization of the same, in the manner determined by the Government, alongwith the share of Government. For the implementation of the scheme so framed and for other welfare activities of non-resident keralites, the Board may, with the prior approval of the Government setup institutions as per section 14.]

<sup>3</sup>[(2) The Government may, by notification in the Gazette, make any addition, amendment, omission or variation in the Scheme framed under sub-section (1), either prospectively or retrospectively.]

9. *Constitution of the Board.*—(1) The Government may, by notification in the Gazette constitute a Board to be called “the Kerala Non-Resident Keralites Welfare Board” for the administration of the Fund and for the supervision and management of the activities financed from the Fund and for other activities under this Act and the scheme.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

<sup>4</sup>[(3)The Board shall consist of fifteen Directors nominated by the Government, by notification in the Gazette, as hereinafter provided, namely:—

(i) Five Directors representing the Non-Resident Keralites (abroad);

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1 Inserted by Act 22 of 2019 (w.e.f 22-10-2018).

2 Numbered by Act 30 of 2024 ( w.e.f.19-11-2024).

3 Inserted by Act 30 of 2024 ( w.e.f.19-11-2024).

4 Substituted by Act 30 of 2024 ( w.e.f.19-11-2024).

- (ii) two Directors representing the Non-Resident Keralites (India);
- (iii) four officers representing the Government (*ex-officio*);
- (iv) one Director representing the Overseas Development and Employment Promotion Consultants Limited (*ex-officio*);
- (v) the Chief Executive Officer of the Board (*ex-officio*);
- (vi) one representative from the NORKA- ROOTS (*ex-officio*);
- (vii) one Director nominated by the Government.]

<sup>1</sup>[(4) The Government shall appoint one of the Directors of the Board representing Non-Resident Keralites (abroad) as its Chairman.]

<sup>2</sup> [(5) xxxx]

(6) The Board shall administer the Fund vested in it in such manner as may be specified in the Scheme.

(7) The Board may, with the previous approval of the Government, delegate to the Chairman or to any Director or to the Chief Executive Officer of the Board or to any other officer of the Board, such of its powers and functions under this Act or the Scheme , as it may consider necessary for the efficient administration of the Fund, subject to such restrictions and conditions, if any, as it may think fit to impose.

(8) An amount up to five per cent of the contribution collected by the Board every year or the amount as may be fixed by the Government, from time to time, may be expended towards payment of salary of the officers and staff of the Board and other office expenses.

10. *Term of office of the Directors.*—(1) The term of office of the Director other than an *ex-officio* Director appointed under sub-section (3) of section 9 shall be three years <sup>3</sup>[from the date of notification in the Gazette.]

(2) Notwithstanding anything contained in sub-section (1), the Government may, at any time, for reasons to be recorded in writing, remove from his office any director of the Board and such removal shall be made after giving him a reasonable opportunity of showing cause against the proposed removal:

Provided that it shall not be necessary to record in writing, the reasons for removal or to give an opportunity of showing cause against the proposed removal, if the Government are of the opinion that it is not expedient in the public interest, to record the reasons in writing or to give such opportunity.

(3) Any Director may resign his office by giving notice in writing to the Government but he shall continue in office till the resignation is accepted by the Government.

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<sup>1</sup> Substituted by Act 30 of 2024 ( w.e.f.19-11-2024).

<sup>2</sup> Omitted by Act 30 of 2024 ( w.e.f.19-11-2024).

<sup>3</sup> Added by Act 30 of 2024 ( w.e.f.19-11-2024).



<sup>1</sup>[(4) A casual vacancy occurred due to death, resignation, removal or otherwise of a nominated Director shall be filled as soon as possible by the Government and the person so nominated shall be entitled to hold office only for the remaining term of office of the person, in whose place he is nominated.]

11. *Removal of non-official Directors.*—(1) The Government may, by notification in the Gazette, remove any non-official Director of the Board from his office for the following reasons:—

(a) if he fails to attend the meeting without the permission of the Board, for three consecutive meetings:

Provided that such absence may be condoned for sufficient reasons by the Board before the publication of the notification in the Gazette.

(b) If, in the opinion of the Government, he is ineligible or has become incapable of acting as a Director or has so abused his position as a Director as to render his continuance as Director, as such detrimental to public interest or had lost the Non-Resident status:

Provided that before removing a Director under this sub-section, he shall be given a reasonable opportunity to show cause why he should not be removed.

(2) A non-official Director of the Board removed under clause (a) of sub-section (1) shall be disqualified for renomination as a Director of the Board for a period of three years from the date of his removal, unless otherwise ordered by the Government.

(3) A non-official Director of the Board removed under clause (b) of sub-section (1) shall not be eligible for renomination until he is declared by an order of the Government to be no longer ineligible.

12. *Appointment of Officers and Staff.*—(1) The Government may, in such manner as may be prescribed, appoint a Chief Executive Officer and such number of other officers and staff as they consider necessary for assisting the Board to exercise its powers and performing its functions under this Act and the scheme framed thereunder.

(2) Subject to the provisions of sub-section (3), the method of appointment salary and allowances, discipline and other conditions of service of the Chief Executive Officer and other officers and staff appointed under sub-section (1) shall be such as may be prescribed by the Government.

(3) In the case of posts in the service under the Board, to which appointment is made by direct recruitment, the provisions of Parts I and II of the Kerala Service Rules, 1958, as amended from time to time, shall be applicable. Appointment may be made by Government provisionally on deputation basis or otherwise when the Board is constituted and starts functioning.

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1 Inserted by Act 30 of 2024 ( w.e.f.19-11-2024).

13. *Power of the Board to borrow.*—The Board may, from time to time, with the previous approval of the Government and subject to such terms and conditions as may be specified by the Government, borrow money for the purposes of the Scheme.

14. *Promotion of Companies, Co-operative Societies, Societies and other Institutions by the Board.*—The Board may promote public and/or private limited company under the Companies Act, 1956 ( Central Act 1 of 1956) and or Co-operative Societies under the Co-operative Societies Act, 1969 (Act 21 of 1969), <sup>1</sup>[the societies under the Travancore - Cochin Literary, Scientific and Charitable Societies Registration Act, 1955, ( Act XII of 1955),] Societies under the Societies Registration Act, 1860 (Central Act 21 of 1860) and/or other institutions with the investment/share of Non-Resident Keralite members and the Board or the Government, for such purposes or activities or business and on such terms and conditions as the Board may, from time to time decide, with the prior approval of the Government.

15. *Board to act as guarantor.*—The Board may subject to the approval of the Government of India or of the State Government act as a guarantor for the Non-Resident Keralite (abroad) on accepting security deposit from the Non-Resident Keralite, proceeding on employment on such terms and conditions as may be prescribed.

16. *Determination of the amount due.*—(1) The Chief Executive Officer or any other officer authorized by the Board in this behalf, may after making such enquiry as may be found necessary and after giving every person liable to pay contribution under section 4, an opportunity of being heard, by order, determine the amount of contribution due under the provisions of this Act or the Scheme.

(2) The Officer conducting the enquiry under sub-section (1), shall, for the purposes of such enquiry, have the same powers as are vested in a Civil Court, while trying a suit under the Code of civil procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:—

- (a) enforce the attendance of any person and examine him on oath;
- (b) requiring to find out, and to produce the documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses.

(3) Any enquiry under this section shall come within the meaning of sections 193 and 228 of Indian Penal Code (Central Act 45 of 1860) and shall be deemed to be a judicial proceeding coming under the purview of section 196 of the said Code.

(4) The Government may, by notification in the Gazette, appoint officers in the Government service not below the rank of Deputy Secretary in the NORKA department as Appellate Authority for the purpose of the Act.

(5) Any person aggrieved by an order under sub-section (1) may, within 60 days from the date of receipt of the order, prefer an appeal before the Appellate

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<sup>1</sup> Inserted by Act 22 of 2019 (w.e.f 22-10-2018).

Authority authorised by Government in this behalf, and such officer may, after making such enquiry, pass such orders thereon as he finds fit.

(6) The Government may, either *Suo moto* or on application of the aggrieved person, call for the records of any proceedings of the Officer authorised by Government under sub-section (4) and make such enquiry, if found necessary and pass such orders modifying, revising, cancelling the order of the Appellate Authority or remanding the matter for fresh decision, as they deem fit:

Provided that, an application for revision under this sub-section shall be made within 30 days from the date of receipt of the order, by the applicant:

Provided further that, no order shall be passed under this sub-section, without giving the person who may be affected thereby, an opportunity of being heard.

17. *Directors of Board etc., to be public servants.*—Every Director of the Board and the Chief Executive Officer and every other officer and employees of the Board appointed under sub-section (1) of section 12 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

18. *Penalty.*—(1) A person who for the purpose of avoiding any payment to be made by him under this Act or under the Scheme, or for enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both.

(2) Every offence punishable under this Act shall be tried in the Court of Ist Class Judicial magistrate.

(3) No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made with the previous sanction of the Chief Executive Officer.

19. *Offences by Companies.*—(1) Where an offence under this Act has been committed by a Company, every person, who at the time when the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge, or that he had exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any negligence

on the part of any officer of the company, such officer of the company shall be deemed to be guilty of that offence and shall be liable to be punished accordingly.

*Explanation.*—For the purpose of this section,—

(a) “Company” means any body corporate and includes a firm or Co-operative Society or other association of individuals;

(b) “Officer of the Company” means the Managing Director or Director or Secretary or Treasurer or Manager of the company and includes the office bearers of a firm or Co-operative Society or other association of individuals;

(c) “Director” means in relation to a firm includes a partner of that firm.

20. *Power to recover damages.*— Where any person makes default in the payment of any contribution to the Fund under this Act or the Scheme, the Board may recover from him damages for exceeding twenty five per cent of the amount of arrears, as it may think fit, with the previous approval of the Government.

21. *Protection of acts done in good faith.*—No suit or other legal proceeding shall lie against any Director of the Board or any other person in respect of anything which is done in good faith or intended to be done under this Act or under the Scheme.

22. *Directions by Government.*—(1) The Government may, give to the Board, directions to be followed by the Board.

(2) In the exercise of the power and performance of its functions under this Act, the Board shall not depart from any directions issued under sub-section (1).

23. *Power to order Enquiry.*—(1) The Government may, at any time, appoint an officer not below the rank of a Joint Secretary to Government to enquire into the working of the Board and to submit a report to Government.

(2) The Board shall give the person so appointed, all facilities for the proper conduct of the enquiry and furnish to him such documents, accounts and information in the possession of the Board, as he may require.

24. *Power to Supersede the Board.* - —(1) If, on consideration of the enquiry report under sub-section (1) of section 23 or otherwise, the Government are of opinion that the Board has persistently made default in the performance of the duties imposed on it by or under the provisions of this Act or the Scheme framed thereunder or has exceeded or abused its powers, the Government may, by notification in the Gazette, supersede the Board for such period not exceeding six months:

Provided that, before issuing a notification under this sub-section the Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1),—

(a) all the Directors of the Board shall, from the date of such publication, be deemed to have vacated their offices as such Directors; and

(b) all the powers and duties which may be exercised or performed by the Board shall, during the period of supersession, be exercised or performed by such officer or officers, as may be specified in the notification; and

(c) all funds and other properties vested in the Board shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government shall reconstitute the Board in the manner provided under section 9.

25. *Audit of accounts of the Board and appointment of Auditors.*—(1) The Board shall appoint auditors to audit the accounts of the Board with the approval of Government.

(2) The accounts of the Board shall be inspected and audited once in every year by such auditors.

26. *Annual report and audited statement of accounts.*—(1) After the close of the financial year, after approval by the Board, the annual report of the Board shall be prepared by the Chief Executive Officer, under the direction of the Board. A copy of the report together with the audited statement of accounts shall be submitted to the Government every year before the end of December.

(2) The Government shall, as soon as the annual report is received, together with the audited statement of accounts, be laid before the Legislative Assembly.

27. *Bar of Jurisdiction of Civil court.*—No Civil Court shall have jurisdiction to settle, decide, or deal with any question or to determine any matter which is by or under this Act or the Scheme required to be settled, decided or dealt with or to be determined, by the Government or the Board or any other officer authorized by the Government or the Chief Executive Officer or any officer authorized by the Board.

28. *Special Provisions for the transfer of accumulations from the existing Welfare Funds.*—The sums standing in the credit of a member in any existing welfare fund on the date of commencement of this Act shall stand transferred to and credited to the Fund established under this Act in the manner prescribed and the liability of such member to pay contribution to such Welfare Fund shall cease from such date.

29. *Removal of difficulties.*—(1) Where any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require by order, do anything, which are considered necessary for them and not inconsistent with the provisions of this Act or the rules or the Scheme made thereunder, for the purpose of removing the difficulty.

Provided that no such order shall be passed after the expiry of two years from the date of commencement of this Act.



(2) Every order passed under sub-section (1) shall be as soon as may be after they are made be laid before the Legislative Assembly for a period of not less than fourteen days and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

30. *Power to make Rules.*— (1) The Government may by notification in the Gazette, make rules, either prospectively or retrospectively for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act shall be laid as soon as may be, after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## THE SCHEDULE

[See sub-section (5) of section 3]

### MATTERS FOR WHICH PROVISIONS MAY BE MADE IN THE SCHEME

1. Registration of Non-Resident Keralites' in the Fund.
2. The time and manner in which contribution shall be made to the Fund by Non-Resident Keralites' and repatriates, the amount of contribution to be paid under section 4 and the manner in which it may be recovered and deposited in the Fund.
3. The constitution of any committee for assisting the Board, headquarters of the Board, Travelling Allowance, Daily Allowance and Sitting Fee of the Chairperson and the Directors.
4. The manner in which accounts shall be kept, the investment of moneys belonging to the Fund in accordance with any direction issued or conditions specified by the Government, the preparation of Budget, the audit of accounts and the submission of reports to Government etc.
5. The conditions under which withdrawals from the Fund may be permitted, any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.
6. The form in which a member shall furnish particulars about himself and his family, whenever required.



7. The nomination of a person to receive any family pension or other benefit of a member on his death and the procedure for the cancellation or variation of such nomination.

8. The registers and records to be maintained with respect to members.

9. The form or design of any identity card for the purpose of identifying any member of the Fund and for issuance, custody and replacement thereof.

10. The fees to be levied for any of the purposes specified in the Act.

11. The further powers, if any, which may be exercised by the officers appointed under this Act.

12. The utilization of Fund for any matter of Welfare of the Non-Resident Keralites or their dependants.

13. The manner in which the sums transferred under section 28 are to be credited to the Fund.

14. The procedure for defraying the expenditure incurred in the administration of the Fund.

15. The procedure for paying pension, family pension, grants, other benefits or loans and advances from the Fund.

16. Any other matter which is to be provided for in the Scheme or which may be necessary or proper for the purpose of implementing the Scheme.

17. The manner and the procedure for the constitution of Companies, Societies, Co-operative Societies and other institutions by the Board for the benefit of the Non-Resident Keralites.

18. The purpose for which and the manner in which temporary association of persons may be made.

19. The Constitution of Special Aid Fund, the benefits to be given from the said Fund, the manner to keep the accounts, administration, procedures for providing aid from the said Fund.

20. The matters specified in sub-section (4) of section 3.