

KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD 1985 ACT 21 & ACT 23 ,2005

qoVernmeht of Kerata 2n5. Reg:Nö. mmsd. LA GAZETTE U)CNOÖ RAORDINARY BY AUTHORITY Thiruvananthapuram. PFridRY' Noe-;so SO 12th A"ugust 2005 2005 12 21st Srail:ana I (22•7 1927 21 • 1840 man* •GOVERNMENT OF KERALA Law (Ee gislation C) Deparunent NOTIFICATION J2rh 2005. No. :i3285/Lec. C2f05; Lawi Dated, Thiruvananthapuram, 21st i 927. The foll&wing Act Kerala State Legislature is hereby published for general infor;nation, Bi.}l. as passed by lthe recei\ ed the assent of the Go.vernor c ' the 12th day of Augâst*. 2()05 By order of the ernc,r, Law Secretary. a3f.3295!2005fDTP 2 ACT. 2S OF 20's .A.LA MOTOR TRANSPORT WELFARE THE. 2CC.5 Act (o Jhe Kerala Moicr w is expedient .te Preann Transport *Zorkers' . Welfare Fund Act, 19±5 < for the puipqs_es hereinafter anpeatil»z: BE it in the Fifty-sixth •Year or Re.pnb:ic of Sadia a.s Siv-yr title. anar This Act may be called the Kei-aga Motor Transport Workers' Welfare Fund Act-, 2005.. (2) shall be deemed to have come into force the.,qth day 0005

2. Amendment of section the Keyaki Mof-bc .Transport Workers s Welfare Fund Act! 1985 (21 of 1985) (hereinafitt to as •the Act)) in section (a) in clause (e) for the w0?ds 'Gin re.ia tfon any 'motor transpon undertaking, the person" the wörd} ".in relai•ion to motor trafispoft• undertaking. thé registered Owner or the persofd__ ' shall be- substituted; (b) after clause, (i), the following be, intsert.ed3 harngly•,-- — "Ga) "quantum". means a fixed of..we'fare payable EO the fund, by the employee anil -sêlf employed person may be specified in the Scheme;" , (c) afte'r clause (j); the fDIfoWiug clause shall be inserted* "04) • "self-empcyéd em+eun•s person. employéé Who iS eigaged in the pröfeßsion ÄjÖtör tra0sport .Undéi2uktng by aetydly operating the Vehicle• and depending maih•lya Gi such 'â tansporta' üfidertaking for his livelihood;"• (d) .t!auge (k) •shall be .phütte&i 3 -x-•Fc.r section 4 of lthe pritlfipal Act, the section 4. •secon • shali namely: the The payable by the •employee til the fo.n•j be sue!) quantitiil fec each t) pe of rector-transpott 'ng be spe.cited in the Schenw. The contribution payable by the employer. and shall ouch quantum as may be specified in the Scheme The quantum under sub-sections and (2) shall vc fixed taking the: average number•.of. manpower required fpt•opéråting the, motor payable by the ernn\oyer, person- shall' be subject to ision from-time to time: (hat iothing in this sectioâ• sball apply toea rnotdr•transport undertakit-g io-which the provisions of the Employees' Providert Funds and Miscellaneous\$ Previsions Act, *1952 (.Cenfrai Att. 19' of 1952) o? the Payment* of Gratüit\$ {972 (Central. Aét 39 of 1972). apply.". . 4. •Substitution of section section 8 of the principal the foi}owiug section shall bee substituted, nimety:— t' 8. ; Determination of qtnöim! due* 1) The Chief Executive Office(any other officel appointed under sub-Section (l) of Section. 7 autorised by him in this behalf may, by ordef,edetermine the :amount due under the. p?oyisions Gi this Act 0(.6f the. Scheme froin the employerr employee •and self-employed person and if the amount • due •is not paid on or before the due date; -he sbatl issitie a dgmar,d -notice io the defaulter showing the amount of arreafs. (2) Acy&pérson. aggrieved by (he detgrmifiation ot arrears under sub- section 0) tray file a review pefhtiOiT before the authority:who had determined' {be. 'facts and reasons [qr reYi9%ing the detetrå•aatien VFichin fifleéfrdqys Qt' demand nqt.tce. (3) (?) 9håll be of ålitijll a period! of%1ri9 daysifrom ihe dates? (4) aggrieved ån 62 deteundersub2seqttoWA(3) maü, before the District Laböut• 'Offlær. concerned districthnd •dßpe;ec.l •oflby Within pélicd Qf•SixtYldaYS. fioni"thé 'date' of its 4 ,tecevtV Of the amoiant• of 4isputé •eigeegs*rupees One any by.ån .6rdet. (4) hay piefer a segoiid åbpeal befor ånd€ 'dispose*d ot Within (period days trom 'the' teecept. 4 - Every drdér passed finder (4) ör (5), as the case may: be', Shall be finål: (7) •No appeal ut@ér this section Fhall ge -entertained, unléss fifty per ceni df•the amount, in accord@åce with •the order against* which the appeal has beeff préfefrgd is paid: (8) If •éthé appellate- quthorit.y ih afi appeal decides amount paid. is in excess Of 'what is due irbri1 the appellånl,.• it drders direct Tor. the refund of the amoünt: (9) .•An 'officer or authority 'exercising 'the power. of appeal under sub- section (5) •of >ection 8 of the Kerala Motor Transport Workers' Welfare Fund .ACt, 1985, immediat,ely beforé the comrnRncemefit of the Kerala Motor Transport Welfare Fund (Amendment) Act, 2003 shall continuQto exercise such powers', iri respect of the, •pending before such offiöer or authbtityz". Insention of new \$édlioh 8A.CAfter section 8 of the priheipai ,Act; the followini section shall be inserted, nqmely:— "SA. Prbductiqn• of receipt 01. remittahge; of: w.etfare_.fund contr/hYtion.—

Notwithstanding anything contained in any other law for the time being in force, every registered motor vehicle owner or person having possession or control of a motor vehicle in respect of a transport undertaking liable to pay contribution (other than an autorickshaw covered under the provisions of the Kerala Autorickshaw Workers' Welfare Fund Scheme, 1994) shall at the time of making payment of the contribution under the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976); produce before the Taxation Officer the receipt of remittance of the contribution to the fund due upto the preceding month? 6. Substitution of section 9.— For section 9 of the principal Act, the following section shall be substituted, namely:— "9. Contribution of monthly Every employer, employee and godown person shall, pay the contribution due from him every month as for in the Scheme. [The monthly contribution shall become payable on or before the (2) Cth day of the succeeding month." 7. Substitution of section 10.] For section 10 of the principal Act, the following section shall be substituted, namely:— "10. Recovery of moneys due from the employer, employee —(1) The amount of arrears for which a notice and self-employed person has been issued under sub-section (1) of section 8, shall be recovered together with interest thereon at the rate of 9 per cent per annum in the same manner as an arrear of public revenue due on land: (2) Notwithstanding anything contained in any other provisions of any other law for the time being in force, where an employer transfers his vehicle before paying any amount due under this Act in respect of the liability accrued before the date of the transfer, such vehicle shall be a charge on the vehicle so transferred." 12. Insertion of section 12/1 r. After section 12 of the Principal Act, the following section shall be inserted: "12. A. Registration and membership.— Every employee, or, self-employed person shall register himself with the Board as a member of the fund within six months from the commencement of his service in a motor transport undertaking and obtain identity card in such manner as may be provided for in the Scheme. Provided employee or self-employed person who has been already registered as a member of the fund as on the date of commencement of the Kerala Motor Transport Workers' Welfare Fund (Amendment) Act, 2005 shall himself re-register with the Board as specified in the Scheme. 13. Amendment of section 15. In section 15 of the principal Act, in sub-section (1), for the words "one thousand rupees" the words "five thousand rupees" shall be substituted; (b) in sub-section (2), for the words "five hundred rupees" the words "two thousand five hundred rupees" shall be substituted. 14. Amendment of section 25. In section 25 of the principal Act, in sub-section (1), for the words "by notification in the Gazette" the words "either prospectively or retrospectively" shall be inserted. 15. Amendment of the Schedule. — In the Schedule to the principal Act, for item 16, the following item shall be substituted, namely:— "The rate of welfare fund payable to members and the conditions for such payment." 16. Repeal and saving.— The Kerala Motor Transport Workers' Fund (Amendment) Ordinance, (8 of 2005) except section 4 thereof, is hereby repealed. (2) Notwithstanding 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. BY ORDER OF THE SECRETARY TO GOVERNMENT PRSSES IN THE HALL V. ANANDIAJ LIRAM,