

Fourteenth Kerala Legislative Assembly

Bill No. 262

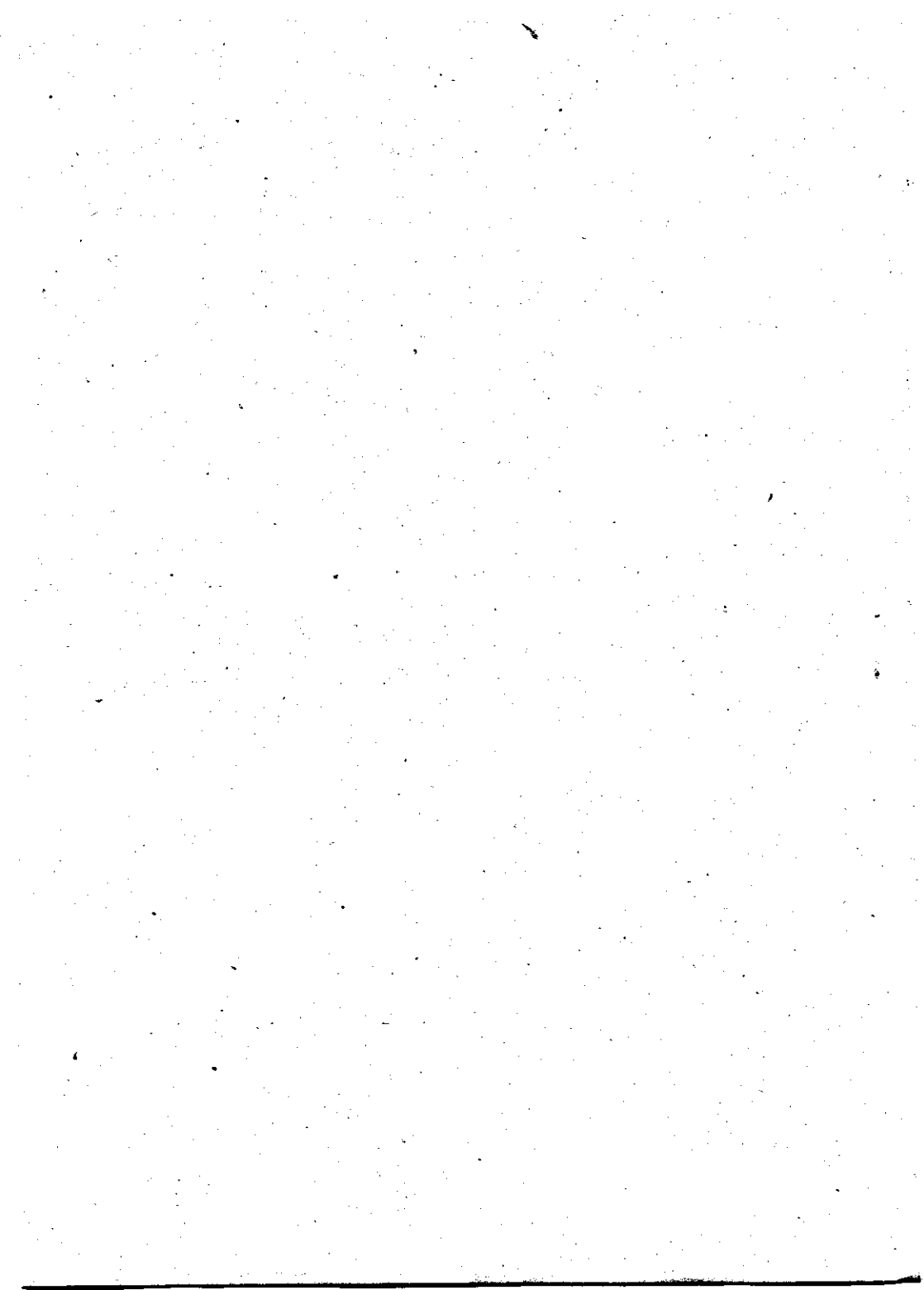
**THE KERALA MOTOR TRANSPORT WORKERS'
WELFARE FUND (AMENDMENT) BILL, 2020**

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FUND (AMENDMENT) BILL, 2020

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further to amend the Kerala Motor Transport Workers' Welfare Fund Act, 1985.

Preamble.—WHEREAS it is expedient further to amend the Kerala Motor Transport Workers' Welfare Fund Act, 1985 for the purposes hereinafter appearing;

BE it enacted in the Seventy-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Motor Transport Workers' Welfare Fund (Amendment) Act, 2020.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Kerala Motor Transport Workers' Welfare Fund Act, 1985 (21 of 1985) (hereinafter referred to as the principal Act), for clause (g) the following clause shall be substituted, namely:—

“(g) “member” means a person registered in the Fund and who is paying contribution to the Fund under section 4 of the Act and includes any person who has been enrolled and continues as a member of the Kerala Autorickshaw Workers' Welfare Fund Scheme, 1991.”.

3. *Amendment of section 4.*—In section 4 of the principal Act, for the existing proviso the following proviso shall be substituted, namely:—

“Provided that nothing in this section shall apply to a motor transport undertaking to which sub-section (3) of section 1 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Central Act 19 of 1952) apply.”.

4. *Amendment of section 8A.*—In section 8A of the principal Act, the brackets, words and figures, “(other than autorickshaws covered under the provisions of the Kerala Autorickshaw Workers’ Welfare Fund Scheme, 1991)” shall be omitted.

5. *Insertion of new section 12B.*—After section 12A of the principal Act, the following section shall be inserted, namely:—

“12B. *Members of the Kerala Autorickshaw Workers’ Welfare Fund Scheme deemed to be members of the Fund.*—Every employee or self employed person who has been enrolled and continues as a member in the Kerala Autorickshaw Workers’ Welfare Fund Scheme, 1991, as on the date of commencement of the Kerala Motor Transport Workers’ Welfare Fund (Amendment) Act, 2020 shall be deemed to have been registered as a member of the Fund and he shall obtain identity card in such manner as may be provided in the Scheme.”.

6. *Amendment of section 24.*—In section 24 of the principal Act, the existing provision shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of the Kerala Motor Transport Workers’ Welfare Fund (Amendment) Act, 2020, all amounts, standing in the credit of the Kerala Autorickshaw Workers’ Welfare Fund constituted under the Kerala Autorickshaw Workers’ Welfare Fund Scheme, 1991 shall stand transferred to and credited to the Fund established under the Scheme framed under this Act and with effect from such date, the liability of a member to pay contribution to the Kerala Autorickshaw Workers’ Welfare Fund Scheme, 1991 shall cease.”.

STATEMENT OF OBJECTS AND REASONS

As per the provisions of the Kerala Motor Transport Workers’ Welfare Fund Scheme, 1985, all the vehicles including autorickshaws except private vehicles shall come under its purview. However, those autorickshaw employees who are registered as members of the Kerala Autorickshaw Workers’ Welfare

Fund Scheme, 1991 are entitled to receive benefits from the said scheme, while those who are members of the Fund under the Kerala Motor Transport Workers' Welfare Fund Scheme, are entitled to receive benefits thereunder. Since two types of welfare schemes exist for autorickshaw employees, the Government have decided to merge the Kerala Autorickshaw Workers' Welfare Fund Scheme, 1991 with the Kerala Motor Transport Workers' Welfare Fund Scheme, 1985, so that all the autorickshaw workers shall get equal benefits under a single scheme.

The proviso to section 4 of the Kerala Motor Transport Worker's Welfare Fund Act, 1985 provides that nothing in this section shall apply to a motor transport undertaking to which the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Central Act 19 of 1952) or the Payment of Gratuity Act, 1972 (Central Act 39 of 1972) apply. The Government have decided to amend the proviso to section 4 of the Act so as to exempt only those undertakings which are covered under sub-section (3) of section 1 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. For the purpose, the Kerala Motor Transport Workers' Welfare Fund Act, 1985 needs to be amended suitably.

The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any additional expenditure from the Consolidated Fund of the State.

T. P. RAMAKRISHNAN.

EXTRACT FROM THE KERALA MOTOR TRANSPORT WORKER'S
WELFARE FUND ACT, 1985

(ACT 21 OF 1985)

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2. *Definitions.*—In this Act, unless the context other wise requires,—

(a) "Board" means The Kerala Motor Transport Workers Welfare Fund Board constituted under section 6;

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(g) "member" means the member of the Fund and includes any person eligible to become a member of the Fund;

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4. *Contributions to the Fund*—(1) The contribution payable by the employee to the fund shall be such quantum for each type of motor transport undertaking as may be specified in the scheme.

(2) The contribution payable by the employer and self- employed person shall be such quantum as may be specified in the Scheme

(3) The quantum under sub-section (1) and (2) shall be fixed taking into account the average number of manpower required for operating the motor transport undertaking.

(4) The contribution payable by the employer, employee and self employed person shall be subject to revision from time to time.

Provided that nothing in this section shall apply to a motor transport undertaking to which the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Central Act 19 of 1952) or the Payment of Gratuity Act, 1972 (Central Act 39 of 1972) apply.

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8A. *Production of receipt of remittance of welfare fund contribution.*—
Notwithstanding anything contained in any other law for the time being in force,

every registered owner or person having possession or control of a motor vehicle in respect of a motor transport undertaking liable to pay contribution (other than autorickshaws covered under the provisions of the Kerala Autorickshaw Workers' Welfare Fund Scheme, 1991) shall, at the time of making payment of the tax 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 up to the preceding month.

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12A. *Registration and membership.*—Every employee or self employed person shall, register himself with the Board as a member of the fund within six months of commencement of his service in a motor transport undertaking and obtain identity card in such manner as may be provide for in the Scheme.

Provided that every employee of 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 get himself re- registered with the Board as specified in the Scheme.

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24. *Special provisions for transfer and vesting of welfare fund established by custom or agreement.*—All welfare funds established either by custom or agreement before the date of commencement of this Act and standing to the credit of the employees on such date shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any deed or other instrument, stand transferred to, and vest in the Fund established under section 3 and shall be credited to the accounts of the employees entitled thereto in the Fund.
