



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

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10th August 2023

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No.

2674

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No.18998/Legn-3/2022/Leg

Dated, Thiruvananthapuram, 10th August 2023.

The Subject Committee report on The Kerala Motor Transport Workers' Payment Of Fair Wages (Amendment) Bill, 2022 and the Bill as reported by the Subject Committee is published, under rule 231(1) read with 237(3) of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

A. M. Basheer,
Secretary.



**THE KERALA MOTOR TRANSPORT WORKERS' PAYMENT OF FAIR WAGES
(AMENDMENT) BILL, 2022**

(Report of the Subject Committee)

Subject Committee VII (Electricity, Labour and Labour Welfare) to which "The Kerala Motor Transport Workers' Payment of Fair Wages (Amendment) Bill, 2022" was referred, considered the Bill (Bill No. 142) clause by clause and now submits its report with the Bill as reported by the Committee annexed thereto.

2. The Kerala Motor Transport Workers' Payment of Fair Wages (Amendment) Bill, 2022 was published as a Gazette Extraordinary dated 1st November, 2022. The Bill was introduced in the Assembly on 8th August, 2023 and was referred to the Subject Committee on the same day.

3. The Subject Committee VII (Electricity, Labour and Labour Welfare) considered the Bill clause by clause at its meeting held on 8th August, 2023 and recommends to adopt the Bill with the following modifications.

Enacting formula

For the words and symbol "Seventy-third", the words and symbol "Seventy-fourth" shall be substituted.

Clause 1

In sub-clause (1), for the figure "2022", the figure "2023" shall be substituted.

Clause 2

(i) In item (i),—

(a) for the brackets and letters "(ac)" wherever it occurs, the brackets and letters "(ab)" shall be substituted;

(b) sub-item (aa) shall be omitted;

(c) sub-item (ab) shall be re-lettered as (aa);

(ii) In item (ii), sub-items (ac), (ad) and (ae) shall respectively be re-lettered as (ab), (ac) and (ad).

Clause 3

(i) in the Marginal Heading of clause 3A proposed to be inserted, for the words "for malicious or vexatious claims", the word "thereof" shall be substituted;

(ii) in sub-clause (1), the words and symbol "any Commissioner for Employees' Compensation or" shall be omitted;

(iii) sub-clause (4) shall be omitted and sub-clauses (5), (6) and (7) shall respectively be re-numbered as (4), (5) and (6);

(iv) in sub-clause (4) so re-numbered, the words, symbols, number and brackets "or sub-section (4)" shall be omitted;

(v) in sub-clause (5) so re-numbered, the words, symbol, number and brackets "or sub-section (4), as the case may be," shall be omitted;

(vi) in the proviso to sub-clause (5) so re-numbered, the words, symbols, figure and brackets "or sub-section (4), as the case may be," shall be omitted.



Clause 4

In clause 4, for the words “five thousand rupees” the words “two thousand rupees” shall be substituted.

4. All other changes are either verbal or consequential.

5. The minutes of dissent and the Bill as reported by the Subject Committee are appended.

Thiruvananthapuram,
10th August, 2023.

K. KRISHNANKUTTY,
Chairman,
Subject Committee VII.



APPENDIX- I

വിയോജനക്കുറിപ്പ്

ന്യായമായ വേതനം ലഭിക്കാത്തതിനെതിരെ തൊഴിലാളികൾക്ക് അവകാശവാദം സമർപ്പിക്കുന്നതിനുള്ള വ്യവസ്ഥകൾ 1971-ലെ മോട്ടോർ വാഹന തൊഴിലാളികൾക്ക് ന്യായമായ വേതനം നൽകൽ ആക്റ്റിൽ ഉൾപ്പെടുത്തുന്നതിന് വ്യവസ്ഥ ചെയ്താണ് ബിൽ കൊണ്ടു വന്നിട്ടുള്ളത്. വേതനം ലഭിക്കാത്തത് സംബന്ധിച്ച അവകാശവാദങ്ങൾ ഉന്നയിക്കുന്നത് സംബന്ധിച്ച് വകുപ്പ് 3(എ)(2)-ലെ വ്യവസ്ഥയിൽ കൂടുതൽ വ്യക്തത ആവശ്യമാണ്. ഇന്ധന വില വർദ്ധനവും മോട്ടോർ വാഹന നികുതിയിലും മറ്റ് സേവനങ്ങളുടെ ഫീസ് ഇനത്തിലുമുള്ള വർദ്ധനവുകളും കാരണം മോട്ടോർ വാഹന മേഖലയിൽ വലിയ പ്രതിസന്ധി നിലനിൽക്കുന്നു. മോട്ടോർ വാഹന തൊഴിലാളികളുടെ തൊഴിൽ സുരക്ഷ ഉറപ്പാക്കുന്നതിനുള്ള നടപടികൾ സ്വീകരിക്കാത്തതിനാൽ ബില്ലിനോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

അൻവർ സാദത്ത് (ഒപ്പ്)

എ.കെ.എം. അഷ്റഫ് (ഒപ്പ്)



APPENDIX- II

**THE KERALA MOTOR TRANSPORT WORKERS' PAYMENT OF FAIR WAGES
(AMENDMENT) BILL, 2022**

(As reported by the Subject Committee)

[The words underlined indicate the modifications suggested by the committee. Omissions are indicated by asterisks]

A

BILL

further to amend the Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971, (23 of 1971) for the purposes hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala Motor Transport Workers' Payment of Fair Wages (Amendment) Act, 2023.

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

2. *Amendment of section 2.*—In the Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971 (23 of 1971), (hereinafter referred to as the principal Act) in section 2,—

(i) the existing clause (a) shall be re-lettered as clause (ab) and before clause (ab) as so re-lettered, the following clauses shall be inserted, namely:—

“(a) “authority” means the authority appointed under section 3A of the Act;

[***]

756/2023. (aa) “Deputy Labour Commissioner” means the Deputy Labour Commissioner of the State having jurisdiction in the respective areas;”;

(ii) after clause (ab), as so re-lettered, the following clauses shall be inserted, namely:—

(ac) “Inspector” means the Chief Inspector or any Inspector appointed under section 4 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961);

(ad) “Labour Commissioner” means the Labour Commissioner of the State of Kerala;”.

(iii) after clause (d) the following clause shall be inserted, namely:—

(e) “Government” means Government of Kerala.

3. *Insertion of new section 3A.*—After section 3 of the principal Act, the following section shall be inserted, namely:—

“3A. *Claims arising out of non-payment of fair wages and penalty thereof.*—(1) The Government may, by notification in the Gazette, appoint [***] an officer not below the rank of a Deputy Labour Commissioner of the State Government to hear and decide for any specified area, all claims arising out of payment of less than the fair wages to the motor transport workers employed or paid in that area, including all matters incidental to such claims.



(2) Where a motor transport worker has any such claim of the nature referred to in sub-section (1), he himself or any legal practitioner or any official of a registered trade union authorised in writing to act on behalf of such worker or any Inspector or any person acting with the permission of the authority appointed under sub-section (1) may apply to such authority for a direction under sub-section (3):

Provided that every such application shall be presented in such form as may be prescribed, within six months, from the date on which the fair wages become payable:

Provided further that any such application may be admitted after the said period of six months, if the applicant satisfies the authority that he has sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer responsible for the payment of fair wages under section 3, or give them an opportunity of being heard, and after such further enquiry, if any, as it may deem necessary, the authority may, without prejudice to any other penalty to which the employer may be liable under this Act, direct that payment shall be made to the motor transport worker, of the amount by which the amount actually paid to him falls short of the fair wages actually payable to him, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount of such deficit.

[***]

(4) If any amount directed to be paid under sub-section (3) [***] is not paid by the person liable for the payment thereof, within the time limit fixed by the authority in this behalf, the authority shall, on application made to it by the person entitled thereto, either directly or by any person authorised by him in writing, issue a certificate for that amount to the Collector, who shall recover the same as arrears of public revenue due on land and pay the same to the person entitled thereto.

(5) Any person aggrieved by an order under sub-section (3) [***] may, within sixty days from the date of receipt of the order, prefer an appeal to the Labour Commissioner (hereinafter referred to as the appellate authority):

Provided that no appeal shall be admitted unless, at the time of preferring the appeal, the appellant either produces a certificate issued by the authority to the effect that he has deposited an amount equal to the amount required to be paid under sub-section (3) [***] or deposits such amount with the appellate authority.

(6) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, confirm, modify or revise the decision of the authority.”.

4. *Amendment of section 4.*—In section 4 of the principal Act, for the words “five hundred rupees”, the words “two thousand rupees” shall be substituted.

5. *Amendment of section 6.*—In sub-section (1) of section 6 of the principal Act, for the word “authority”, the word “Inspector” shall be substituted.

Kerala Legislature Secretariat,
Thiruvananthapuram,
8th August 2023.

A.M. BASHEER,
Secretary.

