

**THE KERALA MOTOR TRANSPORT WORKERS' PAYMENT
OF FAIR WAGES ACT 1971 [1](#)**

(Act 23 of 1971)

An Act to provide for payment of fair rates of wages for motor transport workers in the State of Kerala and for matters incidental thereto

Preamble.-WHEREAS it is expedient to provide for payment of fair rates of wages for motor transport workers in the State of Kerala and for matters incidental thereto ;

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

1. Short title, extent and commencement.- (1) This Act may be called the Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the first day of April, 1969.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "employer" means in relation to any motor transport undertaking, the person who or

the authority which, has the ultimate control over the affairs of the motor transport undertaking, and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent or by any other name, such other person ;

(b) “motor transport undertaking” means a motor transport undertaking including a private carrier engaged in carrying passengers or goods or both by road for hire or reward ;

(c) “motor transport worker” means a person who is employed in a motor transport undertaking directly or through an agency, whether for wages or not, to work in a professional capacity on a transport vehicle or to attend to duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, conductor, cleaner, station staff, line checking staff, booking clerk; cash clerk, depot clerk, time keeper, watchman, or attendant ;

(d) “fair wages” means the rate of wages payable to the motor transport workers specified in the Schedule to this Act or the agreed rate of wages whichever is higher.

3. Fair wages payable to motor transport workers.- Notwithstanding anything contained in any other law, rule, order or notification having the force of law or contract, every employer shall pay to any motor transport worker under his employment fair wages in respect of his employment, or the work done in such employment:

Provided that the arrears of fair wages payable by an employer for any period prior to the date of publication of this Act in the Gazette shall be paid before the expiry of six months after the date of such publication in not more than six monthly instalments.

[2](#) [“Provided further that the arrears of fair wages payable by an employer by virtue of the Kerala Motor Transport Workers’ Payment of Fair Wages (Amendment) Act, 1988 for any period prior to the date of publication of the said Act shall be paid before the expiry of three months after the date of such publication, in not more than three monthly instalments.”]

4. **Penalty for non-payment of fair wages.-** Any employer who refuses to pay fair wages as provided in this Act to any motor transport worker without reasonable cause shall, on conviction be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

5. **Application by motor transport workers not included in the schedule.-** (1) Any motor transport worker may within a period of one month from the date of publication of this Act in the Gazette, make an application to the Labour Commissioner that he has not been included in a category of the schedule

(2) On receipt of such an application the Labour Commissioner may, after hearing the applicant and the employer and making such enquiries as he may consider necessary pass orders deciding the category in which the applicant is to be included.

(3) Against the orders of the Labour Commissioner an appeal shall lie to the Government. The appeal shall be filed within one month of the date of receipt of the orders of the Labour Commissioner.

6. **Cognizance of offences.-** (1) No court shall take cognizance of an offence under this Act save on complaint made by such authority as the Government may, by notification in the Gazette, specify.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence under this Act.

[3](#) [**“6A. Power of Government to amend the Schedule.-** (1) The Government may at any time and shall, at the expiration of five years from the 15th day of January, 1997 and thereafter at the expiration of every five years, by order published in the Gazette revise the rate of wages payable to the motor transport workers specified in the Schedule to this Act by suitably amending the Schedule.

(2) Every notification made under this section 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 notification or decides that the notification shall not be made, 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.”]

7. **Saving of other laws.**-The provisions contained in this Act shall be in addition to, and not in derogation of the provisions contained in the Payment of wages Act, 1936 (Central Act 4 of 1936), the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Motor Transport Workers Act, 1961 (Central Act 27 of 1961) and the Industrial Dispute Act, 1947 (Central Act 14 of 1947).

8. **Repeal and Saving.**-(1) The Kerala Motor Transport Workers’ Payment of Fair Wages Ordinance, 1971 (8 of 1971) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken or any proceeding instituted under the said Ordinance shall be deemed to have been done or taken or instituted under this

| Category of Employees | | Pay Scale |
|--|-------|--------------------------------------|
| Class of Employers I (Employers owning 25 or less than 25 Vehicles) | I | 1475-10-1525-15-1600-20-1700-25-1825 |
| | II | 1500-15-1575-20-1675-25-1800-30-1950 |
| | III A | 1525-20-1625-25-1750-30-1900-35-2075 |
| | III B | 1550-20-1650-25-1775-30-1925-35-2100 |
| | IV | 1575-25-1700-30-1850-35-2025-40-2225 |
| | V | 1600-30-1750-35-1925-40-2125-45-2350 |
| | VI | 1625-35-1800-40-2000-45-2225-50-2475 |
| Class of Employers II (Employers owning 26 or more Vehicles) | I | 1475-10-1525-15-1600-20-1700-25-1825 |
| | II | 1500-15-1575-20-1675-25-1800-30-1950 |
| | III A | 1525-20-1625-25-1750-30-1900-35-2075 |
| | III B | 1550-20-1650-25-1775-30-1925-35-2100 |
| | IV | 1575-25-1700-30-1850-35-2025-40-2225 |
| | V | 1615-30-1765-35-1940-40-2140-45-2365 |
| | VI | 1640-35-1815-40-2015-45-2240-50-2490 |

Rules for fixation of Pay.-(1) The initial pay of a motor transport worker shall be fixed in the revised scale by adding the following, namely:-

- (a) the basic pay in the existing scale,
- (b) an amount of Rs.750 equivalent to dearness Allowance point between 500 and 1000, and
- (c) an amount equal to 10% of the total amount mentioned in items (a) and (b)

(2) The pay shall be fixed in the revised scale on the basis of the amount computed under sub-rule (1) if the same is a stage in the revised scale and, if not, at the

stage next above the amount so computed.

(3) Every motor transport worker who has put in more than 5 years of service on or before 15th day of January, 1997 shall be paid one increment in the revised scale as weightage on completion of every five years of service. The pay of such worker shall be fixed in revised scale after adding the weightage in the pay fixed under sub-rule (2)

(4) For the purposes of these rules,

(a) “existing scale” means the scale mentioned in the Schedule immediately prior to 15th day of January 1997.

(b) “revised scale” means the scale substituted in the Schedule by the Kerala Motor Transport Worker’s Payment of Fair Wages (Amendment) Act, 1977.

Note:

I. *Dearness allowance*:- The Dearness Allowances shall be paid on the basis of the All India Average Consumer Index Number published by Labour Bureau, Simla for the half years beginning from January to June and July to December every year at the rate of rupees 2 per mensem for every point above 1000 points. The amount of Dearness Allowance for January to June and July to December has to be calculated and paid in September and March respectively.

II. *House Rent Allowance*.-Every worker shall be paid House Rent allowance, at the rate of rupees 30 per mensem.

III. *Grade*.- Every worker who has ten years continuous service in a post without any promotion shall be granted higher grade in the scale of pay of the immediate higher post.

IV. *Washing Allowance*.- Every worker shall be paid Washing Allowance at the rate of rupees 10 per mensem.”]

SCHEDULE B

CLASSIFICATION OF WORKERS

Category I – Unskilled

| | | | |
|----|--|-------|---|
| 1 | Cleaner | 12 | Peon |
| 2 | Helper | 13 | Khalasi |
| 3 | Loadman | 14 | Liftman |
| 4 | Porter | 15 | Gust Room attendant |
| 5 | RampAttendant | 16 | Sanitary Worker |
| 6 | Attendant/Attender | 17 | Roneo duplicator/Duplicating Operator |
| 7 | Mazdoor | 18 | Sorter |
| 8 | Hammerman | 19 | Record Supplier |
| 9 | Packer | 20 | Daftry |
| 10 | Sweeper | 21 | Adrema Operator |
| 11 | Watchman/Chowkidar/Gate Keeper/Sepoy/Armed Guard | 22 | Nursing Orderly |
| | | 5[“23 | Backdoor Conductor or Assistant Conductor”] |

Category II – Semi -skilled

| | | | |
|----|--|----|-----------------------------|
| 1 | Conductor | 22 | Telephone Operator |
| 2 | Booking, Delivery and other clerks in Goods Transport | 23 | Compounder/Dresser |
| 3 | Load Reporter | 24 | Storeman |
| 4 | Time-keeper (working at places other than workshop depots and offices) | 25 | Store Assistant |
| 5 | *****] | 26 | Tracer |
| 6 | *****] | 27 | Assistant Draughtsman |
| 7 | *****] | 28 | Telephone Assistant |
| 8 | *****] | 29 | Assistant Cashier |
| 9 | *****] | 30 | Steno-typist |
| 10 | *****] | 31 | Assistant Store-keeper |
| 11 | *****] | 32 | Gardener |
| 12 | *****] | 33 | Watch and Ward Inspector |
| 13 | *****] | 34 | Record Assistant |
| 14 | *****] | 35 | Salesman |
| 15 | Assistant Liner | 36 | Shroff |
| 16 | Assistant Binder | 37 | Security Havildar |
| 17 | Assistant Compositor | 38 | Assistant Fire Warder |
| 18 | Stitching man | 39 | Record Keeper-cum-Librarian |
| 19 | Cutting man | 40 | Inquiry Clerk |
| 20 | Junior Clerk | 41 | Estimator |
| 21 | Typist | 42 | Work Assistant |
| | | 43 | Blue Printer |

Category III - Skilled -A

| | | | |
|----|--|--------|-----------------------|
| 1 | Checking Supervisor | 14 | Receptionist |
| 2 | Planning Inspector | 15 | Binder |
| 3 | Checking Inspector | 16 | Fire Warden |
| 4 | Time-keeper in workshop offices and deposits | 7 [“17 | Assistant Fitter |
| 5 | Senior clerk | 18 | Assistant Tyre-man |
| 6 | Stenographer | 19 | Assistant Electrician |
| 7 | Store-keeper | 20 | Assistant Carpenter |
| 8 | Advertisement assistant | 21 | Assistant Backsmith |
| 9 | Art executive | 22 | Assistant Welder |
| 10 | Purchase assistant | 23 | Assistant Turner |
| 11 | Store Verifier | 24 | Assistant Greaser |
| 12 | Draughtsman | 25 | Assistant Battery-man |
| 13 | Statistical Clerk | 26 | Assistant Painter.”] |

Category III - Skilled – B

| | | | |
|---|---------------------|----|--------------------|
| 1 | Driver | 17 | Tinsmith |
| 2 | Technical Inspector | 18 | Assistant Mechanic |
| 3 | Route Inspector | 19 | Plumber |
| 4 | Tyre Examiner | 20 | Tinker |
| 5 | Crane Operator | 21 | Liner |
| 6 | Driving Inspector | 22 | Boilerman |

| | | | |
|----|-------------|----|-------------------------------|
| 7 | Fitter | 23 | Machinist |
| 8 | Electrician | 24 | Pumb tender |
| 9 | Carpenter | 25 | Vulcaniser |
| 10 | Blacksmith | 26 | Assistant Electric Supervisor |
| 11 | Welder | 27 | Overseer |
| 12 | Turner | 28 | Nurse |
| 13 | Tyreman | 29 | Comptist |
| 14 | Greaser | 30 | Cashier |
| 15 | Batteryman | 31 | Junior Assistant |
| 16 | Painter | 32 | Junior Accountant |

Category IV – Skilled

| | | | |
|-----------------------|---------------------|----|------------------------------------|
| 1 | Traffic Supervisor | 8 | Head Clerk |
| 8 [2] | *****] | 9 | Statistical Superintendent |
| 3 | Electric Vulcanicer | 10 | Legal assistant |
| 4 | Head Painter | 11 | Confidential Secretary to Chairman |
| 5 | Head Spray Painter | 12 | Chief Store Keeper |
| 9 [6] | *****] | 13 | Audit Assistant |
| 7 | Electric Supervisor | 14 | Head Drughtsman |

Category V – Junior Supervisory

| | | | |
|---|----------------------------|----|------------------------------|
| 1 | Superintendent of Training | 9 | Inspection and Claim Officer |
| 2 | Public Complaint Officer | 10 | Medical Officer |

| | | | |
|---|------------------------------------|-------------------------|-------------------------|
| 3 | Deputy Superintendent of Operation | 11 | Junior Accounts Officer |
| 4 | Assistant Foreman | 12 | Advertisement Officer |
| 5 | Assistant Works Superintendent | 13 | Accident Officer |
| 6 | Store Supervisor | 14 | Auditor |
| 7 | Purchase Supervisor | 10 ["15 | Mechanic/Head Mechanic |
| 8 | Technical supervisor | 16 | Chief Mechanic"] |

Category VI – Senior Supervisory

| | | | |
|---|-----------------------------|----|---|
| 1 | Depot Manager | 8 | Office Superintendent |
| 2 | Superintendent of Operation | 9 | Superintendent workshop/Legal Assistant |
| 3 | Traffic Superintendent | 10 | Supervisor Establishment/Statistic/Labour |
| 4 | Foreman | 11 | Statistical Officer |
| 5 | Accountants | 12 | Administrative and Personnel Officer |
| 6 | Inspector of Accounts | 13 | Technical Officer |
| 7 | Internal Auditor | 14 | Assistant Manager |

**THE KERALA MOTOR TRANSPORT WORKERS' PAYMENT OF FAIR
WAGES (AMENDMENT) ACT, 1988 [\[1\]](#)**

(ACT 19 OF 1988)

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

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

BE it enacted in the Thirty-ninth 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, 1988 .

(2) It shall be deemed to have come into force on the 1st day of April, 1987.

2. *Amendment of section 3.* — In the Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971 (23 of 1971) (hereinafter referred to as the principal Act), in section 3, after the proviso the following proviso shall be inserted, namely: —

“Provided further that the arrears of fair wages payable by an employer by virtue of the Kerala Motor Transport Workers' Payment of Fair Wages (Amendment) Act, 1988 for any period prior to the date of publication of the said Act shall be paid before the expiry of three months after the date of such publication, in not more than three monthly instalments.”

3 . *Substitution of Schedule A.*— In the principal Act, for Schedule A, the following Schedule shall be substituted, namely : —

| “SCHEDULE A | | |
|---|---|-------------------------------|
| <i>Category of Employees</i> | | <i>Pay Scale (Rs.)</i> |
| Class of Employers I (Employers owning 25 or less than 25 vehicles) | I | 600-8-640-10-690-12-750 |
| II | | 620-10-670-12-730-15-805 |
| IIIA | | 635-12-695-15-770-18-860 |
| IIIB | | 655-15-730-18-820-21-925 |
| IV | | 670-15-745-18-835-21-940 |
| V | | 690-17-775-20-875-23-990 |
| VI | | 710-18-800-21-905-25- 1030 |

| SCHEDULE A- (cont) | | |
|---|---|---------------------------|
| <i>Category of Employees</i> | | <i>Pay Scale (Rs.)</i> |
| Class of Employers II (Employers owning 26 or more vehicles) | I | 600-8-640-10-690-12-750 |
| II | | 620-10-670-12-730-15-805 |
| IIIA | | 635-12-695-15-770-18-860 |
| IIIB | | 655-15-730-18-820-21-925 |
| IV | | 670-15-745-18-835-21-940 |
| V | | 700-18-790-21-895-24-1015 |
| VI | | 720-18-810-22-920-25-1045 |

Note:

Dearness Allowance.— The fair wages are equated to 500 points of the average of the all India Consumer Price Index of Industrial Workers for the year 1986, that is to say, 661 (Base 1960-100). For every point of rise above 500 points, the workers shall be paid Dearness Allowance at the rate of Rs. 1.50 per mensem.

The Dearness Allowance is subject to adjustments, every six months on the basis of the All India Average Consumer Index Number Published by Labour Bureau, Simla, for the months from January to June and July to December of the Year respectively, that is to say, the amount of Dearness Allowance for January to June and July to December has to be calculated and paid in September and March respectively.

House Rent Allowance.— Workers shall be paid House Rent Allowance at the rate of Rs. 20 per mensem.

Fitment Rules.— The existing fair wages of a worker includes his basic pay, fixed Dearness Allowance of Rs. 88.20 (200 points), variable Dearness Allowance at Cost of Living Number (300 points x 90 paise per point) and interim relief of Rs. 35.

Every worker who is drawing fair wages at the existing rate will be brought on to the revised pay scale with effect from the first day of April, 1987 and fitted into that pay scale at the appropriate stage, either at the initial or higher stage in the revised pay scale as the case may be”.

4. *Repeal and saving.* —(1) The Kerala Motor Transport Workers' Payment of Fair Wages (Amendment) Ordinance, 1988 (13 of 1988) is hereby repealed.

(2) Notwithstanding such repeal 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.

ACT 5 OF 1997 [\[1\]](#)

**THE KERALA MOTOR TRANSPORT WORKERS' PAYMENT
OF FAIR WAGES (AMENDMENT) ACT, 1997**

An Act 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 Forty-eighth 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, 1997.

(2) It shall be deemed to have come into force on the 15th day of January, 1997.

2 . *Insertion of new section 6A* : — In the Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971 (23 of 1971) (hereinafter referred to as the principal Act) after section 6 the following section shall be inserted, namely: —

"6A. Power of Government to amend the Schedule : — (1) The Government may at any time and shall, at the expiration of five years from the 15th day of January, 1997 and thereafter at the expiration of every five years, by order published in the Gazette revise the rate of wages payable to the motor transport workers specified in the Schedule to this Act by suitably amending the Schedule.

(2) Every notification made under this section 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 on 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 notification or decides that the notification shall not be made, 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."

3 . *Substitution of Schedule A* : — For Schedule A of the principal Act the following Schedule shall be substituted, namely: —

"SCHEDULE A

Category of Employees

Pay Scale

Class of Employers I I 1475-10-1525-15-1600-20-1700-25-1825

(Employers owing 25

or less than 25 Vehicles) II 1500-15-1575-20-1675-25-1800-30-1950

IIIA 1525-20-1625-25-1750-30-1900-35-2075 IIIB 1550-20-1650-25-1775-30-1925-35-2100

IV 1575-25-1700-30-1850-35-2025-40-2225

V 1600-30-1750-35-1925-40-2125-45-2350

VI 1625-35-1800-40-2000-45-2225-50-2475

Class of Employers II I 1475-10-1525-15-1600-20-1700-25-1825

(Employers owing 26 or II 1500-15-1575-20-1675-25-1800-30-1950

more Vehicles) IIIA 1525-20-1625-25-1750-30-1900-35-2075

IIIB 1550-20-1650-25-1775-30-1925-35-2100 IV 1575-25-1700-30-1850-35-2025-40-2225 V 1615-30-1765-35-1940-40-2140-45-2365 VI 1640-35-1815-40-2015-45-2240-50-2490

Rules for Fixation of Pay : — (1) The initial pay of a motor transport worker shall be fixed in the revised scale by adding the following, namely: —

(a) the basic pay in the existing scale.

(b) an amount of Rs.750 equivalent to Dearness Allowance point between 500 and 1000, and

(c) an amount equal to 10% of the total amount mentioned in items (a) and (b).

(2) The pay shall be fixed in the revised scale on the basis of the amount computed under sub-rule (1) if the same is a stage in the revised scale and, if not, at the stage next above the amount so computed.

(3) Every motor transport worker who has put in more than 5 years of service on or before 15th day of January, 1997 shall be paid one increment in the revised scale as

weightage on completion of every five years of service. The pay of such worker shall be fixed in revised scale after adding the weightage in the pay fixed under sub-rule (2).

(4) For the purposes of these rules,

(a) "existing scale" means the scale mentioned in the Schedule immediately prior to 15th day of January, 1997.

(b) "revised scale" means the scale substituted in the Schedule by the Kerala Motor Transport Workers' Payment of Fair Wages (Amendment) Act, 1997.

Note:

1. Dearness Allowance: — The Dearness Allowances shall be paid on the basis of the All India Average Consumer Index Number published by Labour Bureau, Simla for the half years beginning from January to June and July to December every year at the rate of rupees 2 per mensem for every point above 1000 points. The amount of Dearness Allowance for January to June and July to December has to be calculated and paid in September and March respectively.

II. *House Rent Allowance* : — Every worker shall be paid House Rent Allowance, at the rate of rupees 30 per mensem

III. *Grade* : — Every worker who has ten years continuous service in a post without any promotion shall be granted higher grade in the scale of pay of the immediate higher post.

IV . *Washing Allowance* : — Every worker shall be paid Washing Allowance at the rate of rupees 10 per mensem."

4. *Amendment of Schedule B*:-- In Schedule B of the principal Act, under the heading "Classification of Workers", —

(a) under the sub heading "Category I, Unskilled", after serial No.22, the following serial number and entry shall be added, namely: —

23 Backdoor Conductor or Assistant Conductor";

(b) under the sub heading "Category II, Semiskilled" the following serial numbers and the entries shall be omitted, namely: —

"5. Assistant Fitter

6. Assistant Electrician

7. Assistant Carpenter

8. Assistant Blacksmith
9. Assistant Welder
10. Assistant Turner
11. Assistant Tyre-man
12. Assistant Greaser
13. Assistant Battery-man
14. Assistant Painter.";

(c) under the sub heading "Category III Skilled A", the following serial numbers and entries shall be added, namely:

17. Assistant Fitter
18. Assistant Tyre-man
19. Assistant Electrician
20. Assistant Carpenter
21. Assistant Blacksmith
22. Assistant Welder
23. Assistant Turner
24. Assistant Greaser
25. Assistant Battery-man
26. Assistant Painter.";

(d) under the sub heading "Category IV Skilled", the following serial numbers and entries shall be omitted namely:

- "2. Mechanic/Head mechanic
6. Chief Mechanic";

(e) under the sub heading "Category V Junior Supervisory" the following serial numbers and entries shall be added, namely: —

"15 . Mechanic/Head Mechanic

16. Chief Mechanic.";

5. *Repeal and saving*:-- (1) The Kerala Motor Transport Workers' Payment of Fair Wages (Amendment) Ordinance, 1996 (1 of 1997), is hereby repealed.

(2) Notwithstanding such repeal, 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.



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 12
Vol. XII

തിരുവനന്തപുരം,
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Thiruvananthapuram,
Tuesday

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GOVERNMENT OF KERALA Law (Legislation-C) Department NOTIFICATION

No. 84/Leg.C2/2022/Law.

Dated, Thiruvananthapuram, 16th October, 2023
29th Kanni, 1199
24th Aswina, 1945.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 14th day of October, 2023.

By order of the Governor,

K. G. SANAL KUMAR,
Law Secretary.



ACT 26 OF 2023

THE KERALA MOTOR TRANSPORT WORKERS' PAYMENT OF FAIR WAGES (AMENDMENT) ACT, 2023

An Act 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;

(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 sub-section (1) of 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 as authority 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 authority is satisfied that the applicant had 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.



കേരള സർക്കാർ
നിയമ (നിയമനിർമ്മാണ-സി) വകുപ്പ്
വിജ്ഞാപനം

നമ്പർ 84/ലെഗ്.സി2/2022/നിയമം.

തിരുവനന്തപുരം, 2023 ഒക്ടോബർ 16

1199 കന്നി 29

1945 ആശ്വിനം 24.

കേരള സംസ്ഥാന നിയമസഭയുടെ താഴെപ്പറയുന്ന ആക്റ്റ് പൊതുജനങ്ങളുടെ അറിവിലേക്കായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു. നിയമസഭ പാസ്സാക്കിയ പ്രകാരമുള്ള ബില്ലിന് 2023 ഒക്ടോബർ 14-ാം തീയതി ഗവർണ്ണറുടെ അനുമതി ലഭിച്ചു.

ഗവർണ്ണറുടെ ഉത്തരവിൻപ്രകാരം,

കെ. ജി. സനൽ കുമാർ,
 നിയമ സെക്രട്ടറി.



2023-ലെ 26-ാം ആക്റ്റ്

**2023-ലെ കേരള മോട്ടോർ വാഹനത്തൊഴിലാളികൾക്ക് ന്യായമായ
വേതനം നൽകൽ (ഭേദഗതി) ആക്റ്റ്**

1971-ലെ കേരള മോട്ടോർ വാഹനത്തൊഴിലാളികൾക്ക് ന്യായമായ വേതനം
നൽകൽ ആക്റ്റ് വീണ്ടും ഭേദഗതി ചെയ്യുന്നതിനുള്ള

ഒരു

ആക്റ്റ്

പീഠിക.—1971-ലെ കേരള മോട്ടോർ വാഹനത്തൊഴിലാളികൾക്ക് ന്യായമായ വേതനം
നൽകൽ ആക്റ്റ് (1971-ലെ 23) ഇതിനുശേഷം കാണുന്ന ആവശ്യങ്ങൾക്കായി വീണ്ടും
ഭേദഗതി ചെയ്യുന്നത് യുക്തമായിരിക്കുകയാൽ;

ഭാരത റിപ്പബ്ലിക്കിന്റെ എഴുപത്തിനാലാം സംവത്സരത്തിൽ താഴെപ്പറയും പ്രകാരം
നിയമമുണ്ടാക്കുന്നു:—

1. **ചുരുക്കപ്പേരും പ്രാരംഭവും.**—(1) ഈ ആക്റ്റിന് 2023-ലെ കേരള മോട്ടോർ
വാഹനത്തൊഴിലാളികൾക്ക് ന്യായമായ വേതനം നൽകൽ (ഭേദഗതി) ആക്റ്റ് എന്ന് പേര്
പറയാം.

(2) ഇത് സർക്കാർ, ഗസറ്റ് വിജ്ഞാപനംവഴി, നിശ്ചയിക്കുന്ന തീയതി മുതൽ
പ്രാബല്യത്തിൽ വരുന്നതാണ്.

2. **2-ാം വകുപ്പിന്റെ ഭേദഗതി.**—1971-ലെ കേരള മോട്ടോർ വാഹനത്തൊഴിലാളികൾക്ക്
ന്യായമായ വേതനം നൽകൽ ആക്റ്റിന്റെ (1971-ലെ 23) (ഇതിനുശേഷം പ്രധാന ആക്റ്റ്
എന്നാണ് പരാമർശിക്കപ്പെടുക) 2-ാം വകുപ്പിൽ,—

(i) നിലവിലുള്ള (എ) ഖണ്ഡം (എബി) ഖണ്ഡമായി പുനരക്ഷരം ചെയ്യേണ്ടതും
അപ്രകാരം പുനരക്ഷരം ചെയ്ത (എബി) ഖണ്ഡത്തിന് മുൻപായി താഴെപ്പറയുന്ന
ഖണ്ഡങ്ങൾ ചേർക്കേണ്ടതുമാണ്, അതായത്:—

“(എ) “അധികാരസ്ഥാനം” എന്നാൽ 3-ആം വകുപ്പിൻകീഴിൽ നിയമിച്ചിട്ടുള്ള
അധികാരസ്ഥാനം എന്നർത്ഥമാകുന്നു;



(എഎ) “ഡെപ്യൂട്ടി ലേബർ കമ്മീഷണർ” എന്നാൽ ബന്ധപ്പെട്ട പ്രദേശത്ത് അധികാരിതയുള്ള സംസ്ഥാന ഡെപ്യൂട്ടി ലേബർ കമ്മീഷണർ എന്നർത്ഥമാകുന്നു;”;

(ii) അപ്രകാരം പുനരക്ഷരം ചെയ്ത (എബി) ഖണ്ഡത്തിനുശേഷം താഴെപ്പറയുന്ന ഖണ്ഡങ്ങൾ ചേർക്കേണ്ടതാണ്, അതായത്:—

“(എസി) “ഇൻസ്പെക്ടർ” എന്നാൽ 1961-ലെ മോട്ടോർ പരിവഹണ തൊഴിലാളികൾ ആക്റ്റിന്റെ (1961-ലെ 27-ാം കേന്ദ്ര ആക്റ്റ്) 4-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൻ കീഴിൽ നിയമിച്ചിട്ടുള്ള ചീഫ് ഇൻസ്പെക്ടർ അല്ലെങ്കിൽ ഏതെങ്കിലും ഇൻസ്പെക്ടർ എന്നർത്ഥമാകുന്നു;

(എഡി) “ലേബർ കമ്മീഷണർ” എന്നാൽ കേരള സംസ്ഥാന ലേബർ കമ്മീഷണർ എന്നർത്ഥമാകുന്നു;”;

(iii) (ഡി) ഖണ്ഡത്തിനുശേഷം താഴെപ്പറയുന്ന ഖണ്ഡം ചേർക്കേണ്ടതാണ്, അതായത്:—

“(ഇ) “സർക്കാർ” എന്നാൽ കേരള സർക്കാർ എന്നർത്ഥമാകുന്നു.”.

3. 3എ എന്ന പുതിയ വകുപ്പ് ചേർക്കൽ.—പ്രധാന ആക്റ്റിന്റെ 3-ാം വകുപ്പിനുശേഷം, താഴെപ്പറയുന്ന വകുപ്പ് ചേർക്കേണ്ടതാണ്, അതായത്:—

“3എ. ന്യായമായ വേതനം നൽകാത്തത് സംബന്ധിച്ച് ഉണ്ടാകുന്ന അവകാശ വാദങ്ങളും അതിനുള്ള ശിക്ഷയും.—(1) ഏതെങ്കിലും ഒരു പ്രത്യേക പ്രദേശത്ത് നിയോഗിക്കപ്പെട്ടിരിക്കുന്നവരോ അവിടെ വേതനം നൽകപ്പെടുന്നവരോ ആയ മോട്ടോർ വാഹനതൊഴിലാളികൾക്ക് ന്യായമായതിനേക്കാൾ കുറഞ്ഞ വേതനം നൽകിയതിൽ നിന്നുൽഭവിക്കുന്ന എല്ലാ അവകാശവാദങ്ങളും, അങ്ങനെയുള്ള അവകാശവാദങ്ങൾക്ക് ആനുഷംഗികമായ എല്ലാ കാര്യങ്ങളുമുൾപ്പെടെ, കേൾക്കുന്നതിനും തീർപ്പാക്കുന്നതിനു മുള്ള അധികാരസ്ഥാനമായി സംസ്ഥാന സർക്കാരിന്റെ ഡെപ്യൂട്ടി ലേബർ കമ്മീഷണറുടെ പദവിയിൽ താഴെയല്ലാത്ത ഏതെങ്കിലും ഉദ്യോഗസ്ഥനെ, സർക്കാരിന് ഗസറ്റ് വിജ്ഞാപനം വഴി, നിയമിക്കാവുന്നതാണ്.

(2) (1)-ാം ഉപവകുപ്പിൽ പരാമർശിച്ച സ്വഭാവമുള്ള ഏതെങ്കിലും അവകാശവാദം ഒരു മോട്ടോർ വാഹന തൊഴിലാളിയ്ക്കുള്ളപക്ഷം, അയാൾക്കോ



ഏതെങ്കിലും ലീഗൽ പ്രാക്ടീഷണർക്കോ അങ്ങനെയുള്ള തൊഴിലാളിക്ക് വേണ്ടി പ്രവർത്തിക്കാൻ രേഖാമൂലം അധികാരപ്പെടുത്തിയിട്ടുള്ള രജിസ്റ്റർ ചെയ്യപ്പെട്ട ഒരു തൊഴിലാളി സംഘടനയുടെ ഔദ്യോഗിക ഭാരവാഹിക്കോ ഏതെങ്കിലും ഇൻസ്പെക്ടർക്കോ (1)-ാം ഉപവകുപ്പുപ്രകാരം നിയമിക്കപ്പെട്ട അധികാരസ്ഥാനത്തിന്റെ അനുവാദത്തോടുകൂടി പ്രവർത്തിക്കുന്ന ഏതെങ്കിലും ആൾക്കോ (3)-ാം ഉപവകുപ്പുപ്രകാരം ഉള്ള ഒരു നിർദ്ദേശത്തിനായി അങ്ങനെയുള്ള അധികാരസ്ഥാനത്തോട് അപേക്ഷിക്കാവുന്നതാണ്:

എന്നാൽ, അങ്ങനെയുള്ള എല്ലാ അപേക്ഷയും നിർണ്ണയിക്കപ്പെടാവുന്ന പ്രകാരമുള്ള അത്തരം ഫാറത്തിൽ ന്യായമായ വേതനം നൽകേണ്ടതായി വരുന്ന തീയതി മുതൽ ആറു മാസത്തിനകം സമർപ്പിക്കേണ്ടതാണ്:

എന്നുമാത്രമല്ല, അങ്ങനെയുള്ള കാലയളവിനുള്ളിൽ അപേക്ഷ സമർപ്പിക്കാതിരുന്നതിന് അപേക്ഷകന് മതിയായ കാരണമുണ്ടായിരുന്നുവെന്ന് അധികാരസ്ഥാനത്തിന് ബോധ്യമാകുന്നപക്ഷം, പ്രസ്തുത ആറുമാസക്കാലയളവിനു ശേഷവും അങ്ങനെയുള്ള ഏതൊരു അപേക്ഷയും സ്വീകരിക്കാവുന്നതാണ്.

(3) (2)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള ഏതെങ്കിലും അപേക്ഷ സ്വീകരിക്കുന്ന പക്ഷം, അധികാരസ്ഥാനം, അപേക്ഷകനെയും 3-ാം വകുപ്പുപ്രകാരം ന്യായമായ വേതനം നൽകാൻ ബാധ്യസ്ഥനായ തൊഴിലുടമയേയും കേൾക്കേണ്ടതോ അവർക്ക് പറയുവാനുള്ളത് പറയാൻ ഒരവസരം നൽകേണ്ടതും ആവശ്യമെന്ന് കരുതുന്ന പക്ഷം അപ്രകാരമുള്ള കൂടുതൽ അന്വേഷണമേതെങ്കിലുമുണ്ടെങ്കിൽ, അതിനുശേഷം അധികാരസ്ഥാനത്തിന്, ഈ ആക്റ്റ് പ്രകാരം തൊഴിലുടമ വിധേയനായേക്കാവുന്ന മറ്റേതെങ്കിലും ശിക്ഷയ്ക്ക് ഭംഗം വരാതെ, മോട്ടോർ വാഹന തൊഴിലാളിക്ക് യഥാർത്ഥത്തിൽ നൽകപ്പെട്ട വേതനം അയാൾക്ക് യഥാർത്ഥത്തിൽ ലഭിക്കേണ്ടതായ ന്യായമായ വേതനത്തിൽ നിന്ന് എത്ര കുറവായാണോ അത്രയും തുക, അങ്ങനെ കുറവ് വന്ന തുകയുടെ പത്തിരട്ടിയിൽ കവിയാത്തതും അധികാരസ്ഥാനത്തിന് യുക്തമെന്ന് തോന്നുന്നതുമായ അപ്രകാരമുള്ള നഷ്ടപരിഹാരത്തോടൊപ്പം നൽകുവാൻ നിർദ്ദേശിക്കാവുന്നതുമാണ്.

(4) (3)-ാം ഉപവകുപ്പ് പ്രകാരം നൽകുവാൻ നിർദ്ദേശിക്കപ്പെട്ട ഏതെങ്കിലും തുക നൽകാൻ ബാധ്യസ്ഥനായ ആൾ, അധികാരസ്ഥാനം ഇതിനായി നിശ്ചയിച്ച സമയപരിധിക്കുള്ളിൽ നൽകാത്തപക്ഷം അധികാരസ്ഥാനം, ആ തുക കിട്ടാൻ അവകാശമുള്ള ആൾ നേരിട്ടോ അല്ലെങ്കിൽ അയാൾ അധികാരപ്പെടുത്തിയ ഏതെങ്കിലും



ആൾ മുഖേനയോ രേഖാമൂലം നൽകുന്ന അപേക്ഷയിൻമേൽ, ആ തുകയ്ക്കുള്ള ഒരു സർട്ടിഫിക്കറ്റ് കളക്ടർക്ക് നൽകേണ്ടതും, കളക്ടർ അത് ഭൂമിയിൻമേലുള്ള റവന്യൂ കുടിശ്ശികയെന്നതുപോലെ വസൂലാക്കേണ്ടതും അത് അവകാശപ്പെട്ട ആൾക്ക് നൽകേണ്ടതുമാണ്.

(5) (3)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള ഒരു ഉത്തരവ് മൂലം സങ്കടമനുഭവിക്കുന്ന ഏതൊരാൾക്കും ഉത്തരവ് ലഭിച്ച തീയതി മുതൽ അറുപത് ദിവസത്തിനകം ലേബർ കമ്മീഷണർക്ക് (ഇതിനുശേഷം അപ്പീലധികാരസ്ഥാനം എന്നാണ് പരാമർശിക്കപ്പെടുക) ഒരു അപ്പീൽ ബോധിപ്പിക്കാവുന്നതാണ്:

എന്നാൽ, അപ്പീൽവാദി, (3)-ാം ഉപവകുപ്പ് പ്രകാരം നൽകാൻ ആവശ്യപ്പെട്ട തുകയ്ക്ക് തുല്യമായ തുക ആ അധികാരസ്ഥാനത്തിന്റെ പക്കൽ നിക്ഷേപിച്ചിട്ടുണ്ടെന്ന് ആ അധികാരസ്ഥാനം നൽകിയ ഒരു സർട്ടിഫിക്കറ്റ് ഹാജരാക്കുകയോ അല്ലെങ്കിൽ അപ്രകാരമുള്ള തുക അപ്പീലധികാരസ്ഥാനത്തിന്റെ പക്കൽ നിക്ഷേപിക്കുകയോ ചെയ്യാത്തപക്ഷം യാതൊരു അപ്പീലും സ്വീകരിക്കാൻ പാടില്ലാത്തതാണ്.

(6) അപ്പീലധികാരസ്ഥാനത്തിന് അപ്പീലിലെ കക്ഷികൾക്ക് പറയുവാനുള്ളത് പറയാൻ ഒരു അവസരം നൽകിയതിനുശേഷം, അധികാരസ്ഥാനത്തിന്റെ തീർപ്പ് സ്ഥിരപ്പെടുത്തുകയോ ഭേദഗതി വരുത്തുകയോ പരിഷ്കരിക്കുകയോ ചെയ്യാവുന്നതാണ്.”.

4. 4-ാം വകുപ്പിന്റെ ഭേദഗതി.—പ്രധാന ആക്റ്റിലെ 4-ാം വകുപ്പിൽ “അഞ്ഞൂറു രൂപ” എന്ന വാക്കുകൾക്ക് പകരം “രണ്ടായിരം രൂപ” എന്ന വാക്കുകൾ ചേർക്കേണ്ടതാണ്.

5. 6-ാം വകുപ്പിന്റെ ഭേദഗതി.—പ്രധാന ആക്റ്റിലെ 6-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ “ഗസറ്റിൽ പരസ്യം മൂലം ഗവൺമെന്റ് പ്രത്യേകം പറയാവുന്ന അധികാരസ്ഥാനം” എന്ന വാക്കുകൾക്ക് പകരം “സർക്കാർ ഗസറ്റ് വിജ്ഞാപനം മുഖേന നിശ്ചയിക്കുന്ന അങ്ങനെയുള്ള ഇൻസ്പെക്ടർ” എന്ന വാക്കുകൾ ചേർക്കേണ്ടതാണ്.

(ശരിത്തർജ്ജമ)

ബി. പ്രതാപചന്ദ്രൻ,

നിയമവകുപ്പ് അഡീഷണൽ സെക്രട്ടറി.

