

**THE KERALA MOTOR TRANSPORT WORKERS' PAYMENT
OF FAIR WAGES ACT, 1971**

(Act 23 of 1971)

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**THE KERALA MOTOR TRANSPORT WORKERS' PAYMENT
OF FAIR WAGES ACT, 1971 ***

(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.

* Published in the Gazette Extraordinary No. 342, dated 3rd August, 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, reparture, 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.

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.

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 Disputes 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 Act.

SCHEDULE A

<i>Category of employees</i>	<i>Pay scale Rs.</i>	<i>Dearness allowance Rs.</i>	<i>House rent allowance for all workers Rs.</i>
Class of Employers-I (Employers owning 5 or less than 5 vehicles)			
I	55-2-65-3-80-4-100	65	5
II	65-3-80-4-100-5-125	65	5
III (A)	80-4-100-5-125-6-155	65	5
III (B)	85-4-105-5-130-6-160	65	5
IV	100-5-125-6-155-7-190	70	5
V	125-6-155-7-190-EB-10-240	70	5
VI	140-7-175-8-215-EB-12-275	70	5
Class of Employers-II (Employers owning more than 5 but less than 26 vehicles)			
I	55-2-65-3-80-4-100	70	5
II	65-3-80-4-100-5-125	70	5
III (A)	80-4-100-5-125-6-155	70	5
III (B)	85-4-105-5-130-6-160	70	5
IV	100-5-125-6-155-7-190	75	5
V	125-6-155-7-190-EB-10-240	75	5
VI	140-7-175-8-215-EB-12-275	75	5
Class of Employers-III (Employers owning 26 or more vehicles)			
I	55-2-65-3-80-4-100	75	5
II	65-3-80-4-100-5-125	75	5
III (A)	80-4-100-5-125-6-155	75	5
III (B)	85-4-105-5-130-6-160	75	5
IV	100-5-125-6-155-7-190	80	5
V	125-6-155-7-190-EB-10-240	80	5
VI	140-7-175-8-215-EB-12-275	80	5

NOTE.—The Dearness Allowance mentioned above is linked to All India Average Consumer Price Index of working class published by Labour Bureau, Simla, for April 1969 when it stood at 171, with 1960=100. For every rise or fall per point an adjustment of 75 paise would be made in it. The revision will be effective prospectively from 1st April every year on the basis of the average of the indices for the earlier 12 months for January to December. The Dearness Allowance as shown in the Schedule will not be reduced even if the index figure goes below 117.

SCHEDULE B CLASSIFICATION OF WORKERS

Category I—Unskilled

- | | |
|--|---|
| 1. Cleaner | 12. Peon |
| 2. Helper | 13. Khalasi |
| 3. Loadman | 14. Liftman |
| 4. Porter | 15. Guest Room Attendant |
| 5. Ramp Attendant | 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 |

Category II—Semi-skilled

- | | |
|---|---------------------------------|
| 1. Conductor | 22. Telephone Operator |
| 2. Booking, Delivery and other clerks in Goods Transport | 23. Compounder/Diesser |
| 3. Load Reporter | 24. Storeman |
| 4. Time-keeper (working at places other than workshop depots and offices) | 25. Store Assistant |
| 5. Assistant Fitter | 26. Tracer |
| 6. Assistant Electrician | 27. Assistant Draughtsman |
| 7. Assistant Carpenter | 28. Telephone Assistant |
| 8. Assistant Blacksmith | 29. Assistant Cashier |
| 9. Assistant Welder | 30. Steno-Typist |
| 10. Assistant Turner | 31. Assistant Store-keeper |
| 11. Assistant Tyre-man | 32. Gardener |
| 12. Assistant Greaser | 33. Watch and Ward Inspector |
| 13. Assistant Battery-man | 34. Record Assistant |
| 14. Assistant Painter | 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

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|---|----------------------------|
| 1. Checking Supervisor | 5. Senior clerk |
| 2. Planning Inspector | 6. Stenographer |
| 3. Checking Inspector | 7. Store-keeper |
| 4. Time-keeper in workshop offices and deposits | 8. Advertisement Assistant |

Category III—Skilled-A—(cont.)

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|------------------------|-----------------------|
| 9. Art Executive | 13. Statistical Clerk |
| 10. Purchase Assistant | 14. Receptionist |
| 11. Store Verifier | 15. Binder |
| 12. Draughtsman | 16. Fire Warden |

Category III—Skilled-B

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|------------------------|-----------------------------------|
| 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. Pump 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 | 9. Statistical Superintendent |
| 2. Mechanic/Head Mechanic | 10. Legal Assistant |
| 3. Electrical Vulcaniser | 11. Confidential Secretary to
Chainman |
| 4. Head Painter | 12. Chief Store Keeper |
| 5. Head Spray Painter | 13. Audit Assistant |
| 6. Chief Mechanic | 14. Head Draughtsman |
| 7. Electric Supervisor | |
| 8. Head Clerk | |

Category V—Junior Supervisory

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|--|---------------------------------|
| 1. Superintendent of Training | 7. Purchase Supervisor |
| 2. Public Complaint Officer | 8. Technical Supervisor |
| 3. Deputy Superintendent of
Operation | 9. Inspection and Claim Officer |
| 4. Assistant Foreman | 10. Medical Officer |
| 5. Assistant Works Superinten-
dent | 11. Junior Accounts Officer |
| 6. Store Supervisor | 12. Advertisement Officer |
| | 13. Accident Officer |
| | 14. Auditor |

Category VI - Senior Supervisory

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