

Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971

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Act 23 of 1971

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Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971(Act No. 23 of 1971)Last Updated 14th January, 2020An Act to provide for payment of fair rates of wages for motor transport workers in the State of Kerala and for matters incidental theretoPreamble. - 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. [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.] [Inserted by Act 19 of 1988]

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.

6A. [Power of Government to amend the Schedule. [Inserted by Kerala Act 5 of 1997]

(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[Schedule A] [Substituted by Kerala Act 5 of 1997]

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
IIIA		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	I	1475-10-1525-15-1600-20-1700-25-1825

(Employers
owning 26
ormore
Vehicles)

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 Workers' 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.

B

Classification of WorkersCategory 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
		[23 [Substituted by Kerala Act 5 of 1997]	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 [Omitted by Kerala Act 5 of 1997]	*****	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	[17 [Added by Kerala Act 5 of 1997]	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
[2 [Omitted by Kerala Act 5 of 1997]	*****]	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

[6 [Omitted by Kerala Act 5 of 1997] *****] 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	[15 [Added by Kerala Act 5 of 1997]	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