

KERALA MOTOR TRANSPORT WORKERS' PAYMENT OF FAIR WAGES ACT, 1971 (NO.23 OF 1971)

213 THE KERALA MOTOR TRANSPORT WORKERS' PAYMENT OF FAIR WAGES ACT, 1971 (Act 23 of 1971) CONTENTS Preamble. Sections 1. 2. 3 4. 5. 6. 7, 8. Short title, extent and commencement. Definitions. Fair wages payable to motor transport workers Penalty for non-payment of fair wages. Application by motor transport workers not included in the schedule. Cognizance of offences. Saving of other laws. Repeal and Savings. Schedule A Schedule B 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 I, Short title, extent and 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, departure, loading or unloading of such transport vehicle and includes a driver, conductor, cleaner, station staff, time 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 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

43. Peon Khalasi Liftman Guest Room Attendant Sanitary Worker Roneo Duplicator/Duplicating Operator Sorter Record Supplier Daftry Adrema Operator Nursing Orderly Telephone Operator Compounder/D1 esser Storeman Store Assistant Tracer Assistant Draughtsman Telephone Assistant Assistant Cash rer Steno•Typist Assistant Storekeeper Gardener Watch and Ward Inspector Record Assistant Salesman Shroff Security Havildar Assistant Fire Warder Record Keeper-cum-Libra.rian Inquiry Clerk Estimator Work Assistant Blue Printer Category III—Skilled-A Checking Supen•sor Planning Inspector Checking Inspector Time-keeper in workshop offices and deposits 5. Senior clerk 6. Stenographer 7. Store-keeper 8. Advertisement Assistant 218 Category 9. IO. 11. 12. 2. 3. 4. 5. 6. 7. 8. 9. IO. 11. 12. 13. 14. 15. 16. 2. 3. 4. 5. 6. 7. 8. 1. 2. 3. 4. 5

6. Art Executive Purchase Assistant Store Verifier Draughtsman Category III Driver Technical Inspector Route Inspector Tyre Examiner Crane Operator Driving Inspector Fitter Electrician Carpenter Blacksmith Welder Turner Tyreman Greaser Batteryman Painter 13. Statistical Clerk 14 Receptionist 15. Binder 16 Fire Warden —Skilled-B 17. 18. 19. 20 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31

**32. Tmsmith Assistant Mechanic Plumber Tinker Liner Boilerman Machinist Pumb tender
Vulcaniser Assistant Electric Supervisor Overseer Nurse Comptist Cashier Junior Assistant Junior
Accountant Category IV—Skilled Traffic Supervisor Mechanic/Head Mechan Electrical Vulcaniser Head
Painter Head Spray Painter Chief Mechamc Electnc Supervisor Head Clerk 9. IO. 11. 12. 13**

14. Statistical Superintendent Legal Assistant Confidential Secretary to Chairman Chief Store Keeper Audit Assistant Head Draughtsman Category V—Junior Supervisory Superintendent of Training Public Complaint Officer Deputy Superintendent of Operation Assistant Foreman Assistant Works Superintendent Store Supervisor 7. 8 9. 10. 11. 12. 13 14. Purchase Supervisor Technical

Supervisor Inspection and Claim Officer Medical Officer Junior Accounts Officer Advertisement Officer
Accident Officer Auditor 219 Category VI — Senior Supervisory 1. 2. 3. 4 5. 6. 7

**8. Depot Manager Superintendent Of Operation Traffic Superintendent Foreman Accountants
Inspector of Accounts Internal Auditor Office Superintendent 9.IO. 11. 12. 13**

14. Superintendent workshop/ Legal Assistant Supervisor Establishment/ Statistic/Labour Statistical
Officer Administrative and Personnel Officer Technical Officer Assistant Manager

