In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. UWA 142002/(140/7)/LAB.5, dated the 3.2. 2004 is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

(S. N. HAKIM)
Deputy Secretary to Government.

NOTIFICATION

Industries, Energy and Labour Department
Mantralaya, Mumbai 400 032
Dated the 3.2. 2004

Maharashtra Mathadi Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969

No. UWA 142003/(130/7)/LAB.5 :- The following scheme for -

(1) employment in Grocery Markets or Shops, in connection with the loading, unloading, stacking, carrying, weighing, (measuring, filling, stitching, sorting, cleaning, or such other work) including work preparatory or incidental to such operations;

(2) employment in Markets or subsidiary markets established under Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, in connection with the loading, unloading, stacking, carrying, weighing, (measuring, filling, stitching, sorting, cleaning or such other work) including work preparatory or incidental to such operations;

(3) employment in connection with loading of goods into public transport vehicle or unloading of goods therefrom and any other operations incidental and connected thereto.

(4) employment in Iron and Steel market of shops in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations;

(5) employment in markets and factories and other establishments in connection with the loading, unloading, stacking, carrying, weighing (measuring, twisting and cutting operations, filling, stitching, sorting, cleaning or such other work) including work preparatory or incidental to such operations carried on by workers not covered by any other entries in this schedule;

(6) employment in railway yards and goods sheds in connection with the loading, unloading, stacking, carrying, weighing, measuring or such other work preparatory in or incidental to such operations by workers who are not employed by Railway Authorities;

(7) employment in Vegetables Markets (including onions and potatoes markets) in connection with the loading, unloading, stacking, carrying, weighing, (measuring, filling, stitching, sorting, cleaning or such other work) including work preparatory or incidental to such operations;

(8) employment in Khokha making and in Timber markets;

(9) employment in Cloth Yarn and Cotton Markets or Shops in connection with the loading, unloading, stacking, carrying, weighing, (measuring, filling, stitching, sorting, cleaning or such other work) including work preparatory or incidental to such operations;

(10) employment in connection with the loading, unloading and carrying of food-grains into godown (sorting and cleaning of food grains, filling food-grains in bags, stitching of such bags) and such other work incidental and connected thereto;

(11) employment in establishment engaged in cleaning, sorting, loading, unloading, stacking, carrying, weighing, measuring, stitching, filling of onion or onion bags and such other work including work preparatory or incidental to such operations, which the Government of Maharashtra, after consultation with the Advisory Committee, proposes to make scheme for entire Parbhani and Hingoli Districts in exercise of the powers conferred by sub-section (1) of Section 4 of the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (MAH.XXX of 1969) and of all the powers enabling it in that behalf, is being published this scheme has been previously published as required by sub-section (1) of the said Section 4 for the said Act..

SCHEME

1. ***Short Title*** - This Scheme may be called the Parbhani and Hingoli Districts Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Scheme, 2003.

2. ***Objects and Application*** - (1) ***Objects*** - The objects of the Scheme are to ensure an adequate supply and full and proper utilization of unprotected workers employed in -

(1) employment in Grocery Markets or Shops, in connection with the loading, unloading, stacking, carrying, weighing, (measuring, filling, stitching, sorting, cleaning, or such other work) include work preparatory or incidental to such operations;

(2) employment in Markets or subsidiary markets established under Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, in connection with the loading, unloading, stacking, carrying, weighing, (measuring, filling, stitching, sorting, cleaning or such other work) including work preparatory or incidental to such operations;

(3) employment in connection with the loading of goods into public transport vehicle or unloading of goods therefrom and any other operations incidental and connected thereto;

(4) employment in Iron & Steel market of shops in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations;

(5) employment in markets and factories and other establishments in connection with the loading, unloading, stacking, carrying, weighing (measuring twisting and cutting operations, filling, stitching, sorting, cleaning or such other work) including work preparatory or incidental to such operations carried on by workers not covered by any other entries in this schedule;

(6) employment in railway yards and goods sheds in connection with the loading, unloading, stacking, carrying, weighing, measuring or such other work preparatory in or incidental to such operations by workers who are not employed by Railway Authorities;

(7) employment in Vegetables Markets (including onions and potatoes markets) in connection with the loading, unloading, stacking, carrying, weighing, (measuring, filling, stitching, sorting, cleaning or such other work) including work preparatory or incidental to such operations;

(8) employment in Khokha making and in Timber markets;

(9) employment in Cloth Yarn and Cotton Markets or Shops in connection with the loading, unloading, stacking, carrying, weighing, (measuring, filling, stitching, sorting, cleaning or such other work) including work preparatory or incidental to such operations;

(10) employment in connection with the loading, unloading and carrying of food-grains into godowns (sorting and cleaning of food-grains, filling, food-grains in bags stitching of such bags) and such other work incidental and connected thereto;

(11) employment in establishment engaged in cleaning, sorting, loading, unloading, stacking, carrying, weighing, measuring, stitching, filling of onion or onion bags and such other work including work preparatory or incidental to such operations,

2. ***Application*** - The Scheme shall apply to the registered workers and the registered employers in the areas of Chandrapur and Gadchiroli Districts for the scheduled employments mentioned in sub-clause (1).

3. ***Commencement*** - (1) Clauses 14 and 15 of this Scheme shall come into force after one month of publication of final notification.

(2) The remaining clauses shall come into force after two months of publication of final notification.

4. ***Interpretation*** .- (a) "Act" means the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969;

(b) "Board" means the Parbhani and Hingoli Districts Mathadi and Unprotected Labour Board constituted under section 6 of the said Act for Parbhani and Hingoli Districts;

(c) "Chairman" means the Chairman of the Board;

(d) "monthly worker" means a worker who is employed by an employer or a group of employers on contract or monthly basis;

(e) "pool worker" means a registered worker in the pool who is not a monthly worker;

(f) "pool" means a list of workers maintained by the Board but which does not include monthly workers;

(g) "personnel officer" means the Personnel Officer appointed by the Board under clause 5;

(h) "registered employer" means a worker whose name is for the time being entered in the register of pool workers or in the register of monthly workers;

(i) "registered worker" means a worker whose name is for the time being entered in the register of pool workers or in the register of monthly workers;

(j) "register of employer" means the register of employers maintained under this Scheme;

(k) "register of workers" means the registers of workers maintained under this Scheme;

(l) "rules" means the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Rules, 1970;

(m) "Secretary" means the Secretary of the Board;

(n) "week" means the period of seven days commencing on midnight of Saturday and ending on the mid-night of the Saturday next following

(o) words and expressions used but not defined in the Scheme shall have the

meaning assigned to them in the Act.

5. ***Secretary, Personnel Officer and other servants of the Board*** - The Board may appoint a Secretary, a Personnel Officer and such other Officers and servants on such terms and conditions of service as it deems fit :

Provided that, no post the maximum salary of which exclusive of allowance is Rs. 1,000 and above per menses shall be created and no appointment to such post shall be made by the Board except with the previous approval of the State Government;

Provided further that, the previous approval of the State Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months.

6. ***Functions of the Board*** .- (1) The Board may take such measures as it may consider desirable for carrying out the objectives of administering the Scheme set out in clause 2 including measures for –

(i) ensuring the adequate supply and the full and proper utilisation of registered workers for purpose of facilitating the rapid turnover of work;

(ii) regulating the recruitment and entry into and the discharge from the scheme of workers and allotment of registered workers in the pool to registered employers;

(iii) determining and keeping under review the number of registered workers, from time to time, on the registers or records and the increase or reduction to be made in the number of registered workers;

(iv) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any employer and where circumstances so require removing from the register the name of any registered employer in accordance with the provisions of this Scheme;

(v) keeping, adjusting and maintaining. from time to time, such registers or records as may be necessary, of any workers, including any registers, or records of workers who are temporarily not available for work and whose absences has been approved by the Board; and where circumstances so require , removing from any register or record the name of any registered worker either at his own request or in accordance with the provisions of this Scheme;

(vi) grouping or re-grouping of all registered workers into such groups as may be determined by the Board, and reviewing the grouping of any registered worker on the application of a registered worker;

(vii) making provision, subject to availability of funds, for welfare of registered workers including medical services in so far as such provisions does not exist apart from this scheme;

(viii) recovering from registered employers contribution in respect of the expenses of this Scheme, wages, levy and any other contributions under this Scheme;

(ix) making provision, subject to availability of funds, for the health and safety measures in place where workers are employed in so far as such provision does not exist apart from this Scheme;

(x) maintaining and administering the workers' welfare fund, and recovering from all the registered employers contribution towards the Fund when such Fund is constituted in accordance with the rules of the fund;

(xi) maintaining and administering Provident Fund and Gratuity Fund for registered workers in the pool when such Funds are constituted;

(xii) assisting, subject to the availability of funds, by way of grant of loan, the Co-operative Societies formed for the benefit of registered workers and staff of the Board.

(2) All property, fund and other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Scheme.

(3) The Board shall have and maintain its own fund to which shall be, credited -

(a) all monies received by the Board from the State Government ;
(b) all fees, wages and levies received by the Board under this Scheme;
(c) all monies received by the Board by way of sale and disposal of properties and other assets;
(d) interest on investment in securities and deposits rents and all monies received by the Board in any other manner or from any other source.

(4) All monies forming part of the funds shall be kept in current or deposit account with the State Bank of India or the Reserve Bank of India or in any Nationalised Scheduled Bank or any Scheduled Bank or invested in such securities as may be approved by the Board. Such accounts shall be operated by such officers of the Board as may be authorised by it :

Provided that, the Board may keep on hand such sum not exceeding Rs. 1,000/- as the Board may consider necessary.

Explanation .- For the purpose of this sub-clause "Nationalised Bank" means any Bank specified in Column No. 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).

(5) The Board may with the previous permission of the State Government, borrow, money from open market or otherwise with a view to provide itself with adequate resources.

(6) The Board may accept deposits on such conditions as it deems fit from persons, authorities or establishments with whom it has to transact any business.

(7) The Board shall make provision for such reserve and other denominated funds as may be provided in this Scheme.

(8) The Board shall have the authority to spend such sum as it thinks fit for the purposes authorised under the Scheme from out of the general fund of the Board or from the reserve and other funds, as the case may be.

(9) The Board shall cause the proper account to be kept of the cost of operating this scheme and of all receipts and expenses under this scheme.

(10) The Board shall submit to the State Government-

(a) as soon as may be after the first day of April in every year and not later than the 31st day of October, an annual report on the working of the Scheme during the preceding year ending the 31st March, together with a audited balance-sheet; and

(b) copies of proceedings of the meeting of the Board.

(11) The Board may –

(i) fix the number of workers to be registered under the various categories;

(ii) increase or decrease the number of workers in any category on the register from time to time, as may be necessary after a periodical review of the register and anticipated requirements;

(iii) sanction the temporary registration of a specified number of workers in any category for specific periods;

(iv) devise forms, records, registers, statements and the like required for administration of the Scheme;

(v) determine the wages, allowances and other conditions of service including age of retirement of registered workers;

(vi) fix the rate of levy under clause 41(1);

(vii) sanction the annual budget;

(viii) subject to the provisions of clause 5, appoint a Secretary, the Personnel Officer and other staff of the Board;

(ix) make recommendation to the State Government about any modification in the Scheme;

(x) settle dispute between registered employers and registered workers;

(xi) discuss statistics of output of labour and turnover of work and record it, as well as observations and directions;

7. ***Annual Estimate*** .- The Chairman shall, at a special meeting to be held before the end of February in each year, lay before the Board, the annual budget of the Scheme for the year commencing on the first day of April, then next ensuing in such details and forms as the Board may, from time to time, specify. The Board shall consider the estimate so presented to it and shall within four weeks of its presentation sanction the same either unaltered or subject to such alteration as it may deem fit.

8. ***Responsibilities and duties of Chairman*** :- Without prejudice to the powers and functions of the Board, the Chairman shall be generally responsible for satisfactory execution of the Scheme and shall have powers to execute the decision of the Board subject to its directions and in particular –

(a) to ensure that the decisions of the Board in regard to the adjustment of the registers of workers are carried out expeditiously;

(b) to ensure that the sanctions for temporary registration of workers are carried out without delay;

(c) to supervise and control the working of the Scheme;

(d) to take suitable steps, if any irregularities are detected by him or brought to his notice;

(e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;

(f) to constitute medical Boards when required ;

(g) to ensure that conditions laid down in the Scheme for the registration of employers are complied with by them;

(h) to ensure that all forms, registers, returns and documents, devised by the Board are properly maintained ;

(i) to ensure that suitable statistics in regard to the output of labour is compiled and placed before the Board with appropriate remarks and explanations at such intervals as the Board may desire;

(j) (i) to sanction the creation of posts, the maximum salary of which exclusive of allowance is below Rs. 1,000/- per month and to make appointment to the posts;

(ii) to make appointment to the post, the maximum salary of which exclusive of allowance is below Rs. 1,000/- per month;

(k) to take disciplinary action against registered workers and registered employers in accordance with the provisions of this Scheme;

(l) to declare that there has been "a go-slow" and to take action as authorised under this Scheme;

(m) to sanction the transfer of a monthly worker to the pool at the request of the registered employer or the registered worker, as provided for in this Scheme;

(n) to deal with appeals from registered workers and registered employers under clauses 37 and 38;

(o) to discharge all functions relating to disciplinary action against registered employers and workers to the extent permitted under clause 34.

9. ***Functions of Secretary*** .- Without prejudice to the powers and functions of the Board and the Chairman, the Secretary shall perform duties imposed on him by this Scheme in discharge of his duties and in particular be responsible for –

(a) keeping, adjusting and maintaining the register of employers entering or re-entering therein the name of any employer and where the circumstances so require removing from the register the name of any registered employer in accordance with the provisions of this Scheme;

(b) keeping, adjusting and maintaining, from time to time, such registers or records as may be necessary of workers, including any register or records of workers, who are temporarily not available for work and whose absence has been approved by the Board and where the circumstances require, removing from any registers or records the name of any registered worker, either at his request or in accordance with the provisions of this Scheme;

(c) employing and controlling the of registered workers who are available for work when they are not otherwise employed in accordance with this Scheme;

(d) grouping or re-grouping of registered workers in suitable pools, in accordance with the instructions received from the Board in such groups as may be determined by the Board;

(e) allotting the registered workers in the pool who are available for work to registered employers and for this purpose, the Secretary shall –

(i) make the fullest possible use of registered workers in the pool;

(ii) keep the record of attendance at call stands or control points of registered workers;

(iii) provide for the maintenance of records of employment and earnings of registered workers;

(iv) make or cause to be made the necessary entries in the attendance cards and the wage slips of the registered workers in the reserve pool as laid down in clause 23;

(f) (i) the collection of levy or any other contribution from the employers under the Scheme;

(ii) the collection from registered workers of contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;

(iii) the payment to each registered daily worker of all earnings lawfully due to him from the registered employer and the payment to such registered worker of all moneys payable by the Board in accordance with the provisions of this Scheme;

(g) appointing, subject to budget provisions, such officers and servants' from time to time, as may be authorised by the Board or the Chairman to appoint ;

(h) keeping proper accounts of the cost of operating this Scheme and of all receipts and expenses under it and making and submitting to the Board an Annual Report and Audited Balance-sheet and profit and loss accounts statements ;

(i) framing budget annually for submission to the Board on or before the 15th day of February each year;

(j) maintaining complete service records of all registered workers and record sheets of all registered employers;

(k) authorising the employment of unregistered workers in case registered workers are not available for work in the pool or in such other circumstances as the Chairman may approve; and

(l) such other functions as may, from time to time, subject to the provisions of this Scheme, be assigned to him by the Board or the Chairman.

10. ***Function of Personnel Officer*** - The Personnel Officer shall assist the Secretary in the discharge of his duties and shall, in particular, carry out the functions assigned to him by clause 34 of this Scheme.

11. ***Maintenance of Registers*** - (1) Register of Employers - There shall be a register of employers in the form devised by the Board wherein the names and addresses of the employers, registered under the Scheme shall be entered.

(2) Register of Workers - There shall be a register of workers who are registered by the Board wherein the names and addresses of workers registered under this Scheme shall be entered. It shall be duly maintained.

(3) Monthly register - There shall be a register of workers who are engaged by each employer on contract on monthly basis and who are known as monthly workers

(4) Pool register – There shall be a register of workers other than those on the monthly register known as pool workers. This register shall include a sub-pool of workers who are not attached to any gang to fill casual vacancies in gangs. The workers included in such a sub-pool shall be known as 'leave reserve workers.'

12. *Classification of Workers* .- The Board shall arrange for the classification of registered workers in suitable categories as may be determined by it, from time to time.

13. *Fixation of number of workers on the register*.- The Board shall determine before the commencement of registration in any category, the number of registered workers required in that category in consultation with the registered employers.

14. *Registration of employers* .- Every employer including a Mukadam, commission agent, clearing agent, purchaser, importer, exporter, engaged in selling, purchasing or trading or acting as agent in any employment to which this Scheme applies shall get registered with the Board by applying in Form "A" appended to the Scheme within fifteen days from the date of coming into force of this clause.

Provided, that an employer of any establishment coming into existence after the commencement of the Scheme shall apply for a registration simultaneously on the commencement of his business.

15. *Registration of existing and new workers*.- (1) (a) Any worker, who on the date of enforcement of this Scheme, is already working in the employment in the area to which the Scheme applies shall be registered under this Scheme;

(b) The qualification for new registration shall be such as may be specified by the Board having regard to local conditions, physical fitness, capacity and/or experience. Citizen of India only shall be eligible for registration.

(c) Registration of workers in any new category shall be from among the workers who have been or were working in the said employment on any such date as the Board may specify in this behalf provided that, the worker is, medically fit and is not more than 60 years of age.

(2) Notwithstanding any provisions of this Scheme, where the Board is of the opinion that a worker has secured his registration by furnishing false information in his application or by withholding any information required therein or where it appears that a worker has been registered improperly or incorrectly, the Board may direct the removal of his name from the registers :

Provided that, before giving any such direction, the Board shall give such workers an opportunity of showing cause why the proposed direction should not be issued.

16. *Promotion and transfer of registered workers* .- (1) A vacancy (other than casual vacancy), in any category of registered workers in a pool register, shall

ordinarily be filled by promotion of registered workers from the next lower category within the same gang.

(2) A vacancy (other than a casual vacancy), in any category of registered monthly worker, may be filled only by promotion from lower categories of registered monthly workers in the gang, or, if no registered worker is suitable for promotion from lower categories of registered monthly worker in the same gang, by transfer of a registered worker in the same or a superior category in the pool who may be selected by registered employers or a group of registered employers.

Explanation .- The criteria for promotion shall ordinarily be –

(a) seniority ;
(b) merit and fitness for the category to which promotion is to be made ;
(c) record of past service.

Note .- A transfer from the pool register to the monthly register in the same category or vice-versa shall not be deemed a promotion.

(3) The Chairman or the Secretary may, for sufficient and valid reasons, allow the transfer of a registered monthly worker to the pool on a request in writing of the registered employer or the registered worker explaining fully the reasons for the transfer provided that such transfer shall be subject to the fulfillment of any contract subsisting between the registered monthly worker and his registered employer regarding termination of employment. No transfer shall take place without the prior approval of the Chairman or the Secretary.

(4) If the services of a registered monthly worker are terminated by the registered employer for an act of in discipline or misconduct he may apply to the Board for employment in the pool. The Secretary, on behalf of the Board shall then decide on the merits of the case, whether or not the registered worker should be employed by the Board and if so, whether in the same or a lower category., The registered worker should be given an opportunity of being heard and pleading his case before the Secretary, either himself or through his representatives.

(5) If a registered monthly worker is transferred to, or employed in, the pool under sub-clause (3) or sub-clause (4) as the case may be, his previous service shall be reckoned for all benefits in the pool and the registered employer shall transfer to the Board all benefits that have accrued to the registered worker in respect of his previous service as if such service has not been transferred. The registered employer shall contribute to the Board such amount of the Provident Fund of the registered worker, if any, standing to his credit in the Provident Fund of which he is a member and such amount towards his leave and gratuity as may have been due to him under any contract subsisting between the registered worker and his registered employer or under any law, award or agreement applicable to such registered worker, as if his services had been terminated by the registered employer.

17. ***Medical examination*** .- (1) If the Board considers it to be necessary so to do, it may require a new worker before registration to undergo, free of charge, a medical examination for physical fitness by a Medical Officer nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in

writing, to the Chairman and simultaneously deposit with him such fees as may be specified in this behalf for examination by a Medical Board. On receipt of such a request the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration.

(2) If the Chairman deems it necessary to do so, he may require a worker to undergo, free of charge, a medical examination by a medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final and a worker if found permanently unfit by the medical Board, the Chairman shall terminate his services forthwith.

18. ***Registration fee*** .- (i) A registration fee of rupee one shall be paid to the Board by each worker at the time of registration under this Scheme.

(ii) A registration fee of rupees twenty five shall be paid by each employer at the time of registration under this Scheme.

19. ***Supply of Cards*** .- (1) Every registered worker shall be supplied with (i) an identify card; (ii) an attendance card; and (iii) wage slips in the forms, devised by the Board.

(3) In case of loss of card, a fresh card will be issued but the cost thereof, which will be fixed by the board, shall be payable by the registered worker concerned.

20. ***Services records for registered workers***.- A service record for every registered monthly and daily worker shall be maintained in a form to be specified by the Board which shall contain amongst other things a complete record of disciplinary action taken against the registered worker, promotions, commendations for good work etc. and such other matters as the Board may think fit. Such details in respect of the registered monthly workers shall be supplied to the Board by the registered employers.

21. ***Record sheets for registered employers***.- The Personnel Officer shall maintain a record sheet in respect of each registered employer in a form to be devised by the Board which shall contain amongst other things, a complete record of disciplinary action taken against the registered employer.

Surrender of cards .- A registered worker's card shall be surrendered to the Board the following circumstances namely .-

(a) when proceeding on leave for seven days or more;
(b) when retiring from service;
(c) when dismissed or discharged from service;
(d) when temporarily suspended; or
(e) on death :

Provided that, the registered employer of a registered monthly worker shall also surrender the card of the registered worker to the Board in the case of (a), (b), (c), (d) and (e) above.

23. ***Entries in attendance card and wage slip*** .- (1) A registered worker in the pool shall hand over to the Board at the time he is allotted for work to a registered employer, his attendance card. The Board shall make necessary entries in the attendance card in respect of the period of work done by the registered worker and return it to him on completion of the engagement for each day of work and the Board shall supply as soon as possible, a wage slip showing the wages earned by a registered worker.

(2) A registered monthly worker shall hand over to his registered employer, at the time when he is allotted his work, Attendance Card. The registered employer shall make necessary entries in the card in respect of the period of work done by the registered worker and return it to him on the completion of his allotted work. For each day of work, the registered employer shall supply, as soon as possible, a wage slip showing wages earned by a registered worker.

24. ***Employment of registered worker***.- (1) A registered monthly worker of a particular category allotted to a registered employer or a group of registered employer shall be entitled to be employed for work in that category by that registered employer or group of registered employers in preference to any registered worker of the same category in the pool.

(2) If the number of registered workers on the monthly register is a particular category is not sufficient for the work available, the registered workers on the pool register in that category shall be employed.

(3) A registered monthly worker of one registered employer or a group of registered employers shall not be employed by any other registered employer or group of registered employers, except with the previous approval of the Chairman or Secretary.

25. ***Filling up of casual vacancies*** .- Casual vacancies of registered monthly worker
shall be filled up in the following manner, namely :-

When a Head Mukadam or Mukadam is absent, the vacancy shall be filled by senior registered person of the same gang in the employment of the registered employer.

26. ***Unemployment allowance*** .- When a registered worker in the pool presents himself for work and for any reason, the work for which he has been allotted cannot commence or produced and no alternative work, can be found for him and he is relieved within two hours of his attending for work, he shall be entitled to unemployment allowance from the registered employer at the rate as may be fixed by the Board appropriate to the category to which he belongs. A registered worker detained for more than two hours shall be paid full wages inclusive of dearness allowance.

27. ***Holidays*** .- Each registered worker shall be entitled in a year to four holidays with pay at such rates as may be specified by the Board under clause 32. Out of the four holidays, three holidays will be on (1) 26th January (Republic Day), (ii) 1st May (Maharashtra Day), and (iii) 15th August, (Independence Day). The fourth holiday shall be decided by the Board.

writing, to the Chairman and simultaneously deposit with him such fees as may be specified in this behalf for examination by a Medical Board. On receipt of such a request the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration.

(2) If the Chairman deems it necessary to do so, he may require a worker to undergo, free of charge, a medical examination by a medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final and a worker if found permanently unfit by the medical Board, the Chairman shall terminate his services forthwith.

18. *Registration fee* .- (i) A registration fee of rupee one shall be paid to the Board by each worker at the time of registration under this Scheme.

(ii) A registration fee of rupees twenty five shall be paid by each employer at the time of registration under this Scheme.

19. *Supply of Cards* .- (1) Every registered worker shall be supplied with (i) an identify card; (ii) an attendance card; and (iii) wage slips in the forms, devised by the Board.

(3) In case of loss of card, a fresh card will be issued but the cost thereof, which will be fixed by the board, shall be payable by the registered worker concerned.

20. ***Services records for registered workers***.- A service record for every registered monthly and daily worker shall be maintained in a form to be specified by the Board which shall contain amongst other things a complete record of disciplinary action taken against the registered worker, promotions, commendations for good work etc. and such other matters as the Board may think fit. Such details in respect of the registered monthly workers shall be supplied to the Board by the registered employers.

21. ***Record sheets for registered employers***.- The Personnel Officer shall maintain a record sheet in respect of each registered employer in a form to be devised by the Board which shall contain amongst other things, a complete record of disciplinary action taken against the registered employer.

Surrender of cards .- A registered worker's card shall be surrendered to the Board the following circumstances namely .-

(a) when proceeding on leave for seven days or more;
(b) when retiring from service;
(c) when dismissed or discharged from service;
(d) when temporarily suspended; or
(e) on death :

Provided that, the registered employer of a registered monthly worker shall also surrender the card of the registered worker to the Board in the case of (a), (b), (c), (d) and (e) above.

Secretary of the Board to that effect. If at any time the amount of such deposit falls short of the average of wages for twelve previous calendar months then the registered employer shall make good the deficit amount ;

(iii) A registered employer, who persistently makes default in remitting the amount of wages of registered workers within the time limit specified in sub-clause (i) above, shall, further pay by way of penalty, a surcharge on such amount not exceeding ten per cent of the amount to be remitted as may be within ten days from the date of the order of the Secretary of the Board to that effect.

(3) A registered employer shall keep such records as the Board may require and shall produce before the Board or such person as may be designated by the Board upon reasonable notice, all such records and any other documents of any kind relating to registered workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or direction issued by or on behalf of the Board.

(4) A registered employer who fails to make the payment of any amount due from him to the Board under aforesaid clauses within the time specified therein, the Secretary of the Board shall, without prejudice to the right of the Board to take any other action under the Scheme to which the registered employer may be liable for the said default, serve a notice on the registered employer to the effect that unless he pays his dues within three days from the date of receipt of the notice, the supply of registered workers to him shall be suspended. On the expiry of the notice period, the Secretary shall suspend supply of registered workers to the defaulting registered employer until he pays all the dues.

30. ***Restriction on employment.***- (1) No employer (other than a registered employer in any area to which this Scheme applies) shall engage for employment a worker unless that worker is a registered worker.

(2) Notwithstanding the preceding provisions of the clause–

(a) where the Secretary is satisfied that –

(i) the work is emergently required to be done, and

(ii) it is not reasonably practicable to obtain registered worker for that work, the Secretary may, subject to any limitation imposed by the Board, allow a registered employer to employ a worker who is not a registered worker :

Provided that, whenever unregistered workers have to be employed, the Secretary shall obtain, if possible, the prior approval of the Chairman to the employment of such workers and where this is not possible, shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment in its next meeting ;

(a) the Board may, subject to such conditions it may specify, permit employment of unregistered workers on a holiday if work is required to be done on that day, to the extent registered workers are not available for work;

(b) in the case referred to in items (a) and (b), the person so employed as aforesaid by a registered employer shall, for the purposes of clauses 29(4), (5) and (6) and clause 32 be treated in respect of that work as if he were a daily worker.

(3) A registered worker in the pool may, provided he fulfils fully his obligations under clause 28, take up employment elsewhere on those days on which he is not allotted for work by the Board.

31. ***Circumstances in which this Scheme ceases to apply*** .- (1) This Scheme shall cease to apply to a registered worker when his name has been removed from the Register or Record in accordance with the provisions of the Scheme.

(2) This Scheme shall cease to apply to a registered employer when his name has been removed from the Employer's register in accordance with the provisions of this Scheme.

(3) Nothing in this clause shall affect any obligation incurred or right accrued during any time when a person was a registered worker or a registered employer.

32. Wages, allowances and other conditions of service of registered workers. --

(1) Without prejudice to the provisions of any award, it shall be, unless otherwise specifically provided for in this Scheme, an implied condition of the contract between a registered worker (whether in the pool or on the monthly register) and registered employer that the rates, allowances and overtime, hours of work, rest intervals, leave with wages and other conditions of service shall, subject to the provisions of sub-clauses (2), (3), (4), (5) and (6), be such as may be fixed by the Board for each category of workers.

(2) For the purpose of fixing rates of wages, allowances and overtime, hours of work, rest intervals, leave with wages and other conditions of service (hereinafter collectively referred to as "the conditions of service") of registered workers or for revising or for modifying the same, the Board shall call upon the associations of registered employers and trade unions of registered workers covered by this Scheme to make such representations as they may think fit as regards the conditions of service which may be fixed or revised or modified under this Scheme in respect of registered workers. If there is no such association of registered employers and union of registered workers, then such representations from registered employers and registered workers may be invited through notice published in such manner as the Board may think fit.

(3) Every such representation shall be in writing and shall be made within such period as the Board may specify and shall state the conditions of service, which, in the opinion of the person making the representation would be reasonable having regard to the capacity of the registered employers to pay

the same or comply with or to any other circumstances which may seem relevant to the person making the representation.

(4) The Board shall take into account the representations aforesaid, if any, and after examining all the material placed before it, shall fix or revise or as the case may be, modify the relevant conditions of service of the registered workers.

(5) In fixing or revising or, as the case may be, modifying the conditions of service of the registered workers, the Board shall have regard to the cost of living, the prevalent conditions of service in comparable employment in the local areas, the capacity of the registered employers to pay, and any other circumstances which may seem relevant to the Board.

(6) The conditions of service fixed, revised or, as the case may be, modified by the Board shall take effect, either prospectively or retrospectively from such date as the Board may decide. The decision of the Board shall be communicated to the registered workers and registered employers in such manner as the Board thinks fit.

33. ***Disbursement of wages and other allowances to registered workers***. - The Board may permit the registered employer to pay wages and other allowances to the registered monthly workers employed by them directly after making such deductions as may be authorised and recoverable from them under this Scheme. In respect of registered workers other than registered monthly workers employed by the registered employers, from time to time, the wages and other allowances payable by the registered employers shall be remitted by the registered employer by cheque to the Secretary of the Board every fortnight. The Secretary thereupon shall arrange to disburse the wages and other dues, if any, to the registered workers on a specified day every month subject to deductions recoverable from them under this Scheme

34. ***Disciplinary procedure*** .- (1)(i) The Personnel Officer may on receipt of the
information, whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of this Scheme after investigating the matter, give him a warning in writing; or

(iii) Where, in his opinion, a higher penalty is merited, the Personnel Officer shall report the case to the Chairman who may then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employers, that is to say, he may –

(a) censure him and record the censure in his record sheet; or

(b) subject to the approval of the Board and after one month's notice in writing given to the registered employer, remove his name from the employers' register for such period as determined by the Board permanently.

(2) A registered worker in the pool who fails to comply with any of the provisions of the Scheme or commits any act of in discipline or misconduct may be reported in writing to the Personnel Officer who may, after investigating the matter, give him a warning in writing or suspend him for a period not exceeding four days.

(3) Where in the opinion of the Personnel Officer, a higher punishment than that provided in sub-clause (2) is merited, he shall report the case to the Chairman.

(4) On receipt of the written report from the Personnel Officer under sub-section (3) or from the registered employers or any other person that a registered worker in the pool has failed to comply with any of the provisions of this Scheme or has committed an act of in discipline or misconduct or has consistently failed to produce the standard or datum output or has been inefficient in any other manner, the Chairman may make or cause to be made such further investigation as he may deem fit and thereafter take any of the following steps, as regards to the worker concerned, that is to say, he may impose any of the following penalties :-

(a) give him a warning in writing ;
(b) suspend him for a period not exceeding four days;
(c) terminate his services after giving one month's notice or one month's wages inclusive of dearness allowance in lieu thereof ; or
(d) dismiss him.

(5) Before any action is taken under this clause, the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(6) During the pendency of investigations under sub-clauses (2) and (4) above, the registered workers concerned may be suspended by the Chairman.

(7) Without prejudice to the powers of the Chairman under clause 35, a registered employer shall have full powers to take disciplinary action against monthly registered workers employed under him.

35. ***Special disciplinary powers of the Chairman*** .- (1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied after enquiry that a "go-slow" has been resorted to by any gang of registered workers or any individual registered worker and is being continued or repeated by the same gang or registered worker of different gangs or registered workers on the same or different places of work, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman –

(i) in case of registered monthly workers, to take, without prejudice to the rights of the registered employers, such disciplinary action including removal against such registered workers as he may consider appropriate; and

(ii) in case of registered workers in the pool to take such disciplinary action including dismissal against such registered workers as he may consider appropriate.

(3) The Chairman may take disciplinary action –

(i) where "go-slow" is resorted to by a gang against all the members of the gang; and

(ii) where "go-slow" is resorted to by an individual registered worker against the worker concerned.

(4) Before any disciplinary action is taken under this clause against any registered worker or any gang of registered workers, such registered worker or gang shall be given an opportunity to show cause why the proposed action should not be taken against him or it;

Provided that, the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any registered worker or gang of registered workers immediately after a declaration has been made under sub-clause (1).

(5) A declaration by the Chairman that a "go-slow" has been resorted to by a registered worker or a gang of registered workers shall he final, and shall not be liable to be questioned on any ground whatsoever.

36. ***Termination of employment*** .- (1) The employment of a registered worker in the pool shall not be terminated except in accordance with the provisions of this Scheme.

(2) A registered worker in the pool shall not leave his employment with the registered employer except by giving fourteen days' notice in writing to the Board for forfeiting fourteen days' wages inclusive of dearness allowance in lieu thereof.

(3) When the employment of a registered worker with the Board has been terminated under sub-clauses (1) and (2), his name shall forthwith be removed from the register or record by the Board.

37. ***Appeals by registered workers***.- (1) Save as otherwise provided in this clause, a registered worker in the pool who is aggrieved by an order passed by an authority under clause 34, may prefer, an appeal against the order of the Personnel Officer to the Chairman and against the order of the Chairman to the State Government.

(2) A registered worker who is aggrieved by an order of the Secretary–

(i) placing him, in a particularly group in the register or record; or
(ii) refusing registration under clause 15; or
(iii) requiring him under clause 28(4) (b) to undertake any work which is not of the same category to which he belongs, may prefer an appeal to the Chairman.

(3) Any registered worker who is aggrieved by an order under clause 16(4) may prefer an appeal to the Chairman.

(4) No appeal shall lie where due notice has been given of the removal or the name of a registered worker from the register or record in accordance with the instructions of the board if the ground of removal that the registered worker falls within a class of description of registered workers whose names are to be removed from the register or record in order to reduce the size thereof;

Provided that, an appeal shall lie to the Chairman where the registered worker alleges that he does not belong to the class or description of registered workers referred in the instruction of the Board.

(5) Every appeal referred to in sub-clauses (1),(2),(3) or (4) shall be in writing and lie preferred within fourteen days of the date of receipt of the order appealed against :

Provided that, the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days.

38. ***Appeals by registered employers.-*** (1)(i) A registered employer who is aggrieved by on order of the Personnel Officer under clause 34(1)(ii) may appeal to the Chairman ;

(ii) In the case of an appeal against an order under clause 34(1)(ii)(b), the Chairman shall forthwith refer the matter to the State Government. The State Government shall make such order on the appeal as it thinks fit.

(2) Every appeal referred to in sub-clause (1) shall be in writing and preferred within 14 days of the receipt of the order appealed against :

Provided that, the appellate authority may, for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

39. ***Powers of revision of the Chairman*** – Notwithstanding anything contained in the scheme, the Chairman, in case of an order passed by Personnel Officer under clause 34 may at any, time call for the record of any proceedings in which the personnel office has passed the order for the purpose of satisfying himself as to the legality or propriety thereof and may pass such order in relation thereto as he may think fit :

Provided that, the Chairman shall not pass any order under the clause which may prejudicially affect the interest of any person without giving such person a reasonable opportunity of being heard.

40. ***Stay of order in case of certain appeals*** .- Where an appeal is made by a registered worker in accordance with the provisions of clause 37 against an order of termination of service on one month's notice or where an appeal is preferred by a registered employer in accordance with the provisions of clause 38 against an order removing his name from the employer's register under clause 34(1)(ii)(b), the appellate authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal..

41. ***Cost of operating the scheme and provision for amenities and benefits to the registered workers.***- (1) The cost of operating the scheme and for providing different benefits, facilities and amenities to the registered workers as provided in the Act and under this Scheme, shall be defrayed by payments made by the registered employers to the Board. Every registered employer shall pay to the Board such amount by way of levy in respect of registered workers allotted to and engaged by him as the Board may, from time to time specify by public notice or written order to the registered employers and in such manner and at such time as the Board may direct. The Board may require the registered employers to pay the levy retrospectively or prospectively as it may deem fit.

(2) An employer to whom this scheme applies shall pay the levy as specified by the Board, from time to time, from the date from which the scheme applies to him irrespective whether he gets himself registered within the time-limit laid down in clause 14 of this scheme or any time thereafter.

(3) In determining what payments are to be made by the registered employers under
sub-clause (1), the Board may fix different rate of levy for different categories of work or registered workers, provided that, the levy shall be so fixed that the same rate of levy will apply to all registered employers who are in like circumstances.

(4) The Board shall not sanction any levy exceeding 50 per cent of the estimated total wage bill calculated on the basis of the daily time rate wage without the prior approval of the State Government.

(5) A registered employer shall, on demand make a payment to the Board by way of deposit or provide such other security for the due payment of the amount referred to in sub-clause (1) as the Board may consider necessary.

(6) The Secretary shall furnish, from time to time, to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of this scheme.

(7) If a registered employer fails to make the payment due from him under sub-clause (1) within the time specified by the Board, the Secretary shall serve a notice on that registered employer to the effect that, unless he pays his dues within three days from the date of receipt of the notice, the supply of registered workers to him shall be suspended. On the expiry of the notice period the Secretary shall suspend the supply of registered workers to a defaulting registered employer until he pays his dues.

42. ***Provident Fund and Gratuity*** .- (1) The Board shall frame and operate rules providing contributory Provident Fund for registered workers. The rules shall provide for the rate of contribution, the manner and method of payment and such other matters as may be considered necessary so that the rate of contribution, however is not less than 6 ½ per cent, of the wages of a registered worker and is not more than 6 ½ per cent, of the wages of a registered worker and is not more than 8 ½ per cent of such wages :

Provided that, pending the framing of the rules, it shall be lawful for the Board to fix the rate of contribution and the manner and method of payment thereof.

(2) In framing rules for the Contributory Provident Fund, the Board shall take into consideration the provisions of the Employee's Provident Fund Act, 1952 (XIX of 1952), as amended from time to time, and the schemes made thereunder for any establishment.

(3) The Board shall frame rules for payment of gratuity to registered workers.

(4) In framing rules for the payment of gratuity to registered workers, the Board shall take into consideration the provisions of the Payment of Gratuity Act, 1972 (XXXIX of 1972), as amended from time to time.

(5) The rules for Provident Fund and Gratuity framed by the Board shall be subject to the previous approval of the State Government.

43. Penalties .- Whoever contravenes the provisions of clauses 14, 29 and 30 shall, on conviction, be punished, –

(1) if it is a first contravention, with imprisonment for a term which may extent to three months or with fine which may extend to five hundred rupees, or with both ;

(2) if it is a subsequent contravention, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

(3) if such contravention continues after the subsequent conviction with a fine which may extend to one hundred rupees for each day on which the contravention is made till the said contravention continues.

By order and in the name of
Governor of Maharashtra,

(P. K. Jadhav)
Desk Officer

FORM 'A'
(See Clause 14)

THE PARBHANI AND HINGOLI DISTRICTS
MATHADI AND UNPROTECTED LABOUR BOARD

Application for the registration of employer

Registration No.

(To be filed in by Office)

I. hereby apply for registration as an employer, etc. The necessary particulars are given below :-

1. Name and address of the Establishment and Telephone No.
2. Whether a firm or a company, Name of Proprietor –
   (1)
   (2)
   (3)
   (4)
3. Are you a member of any Association ?
   If so, state the name and address of the Association.
4. Whether your Establishment is registered under the Bombay Shops and Establisluments Act, 1948. If so, state registration No..
5. the places of work with location in details where the loading unloading, stacking, carrying etc. of goods is carried on in connection with trade/business of your Establishments.
6. Are you employing workers through contractors ? If so, state the name of the con tractor.
7. Are you employing workers through Tolli ? If so, state the name of the Mukadams of the Tollis or of all workers and the Number thereof.

Date :

Place :

Signature of the Applicant
By order and in the name of the
Governor of Maharashtra,

(P.K.Jadhav),
Desk Officer,
Industries, Energy and Labour Department.

To be published in the Maharashtra Government Gazette Part I-L, Extra Ordinary dated 3rd February, 2004 and to be returned with 100 copies of the print. 100 copies of the Print may be sent to the Commissioner of Labour, Mumbai direct.

The publication of this Notification in the Maharashtra Government Gazette, Extra Ordinary has been approved by the Deputy Secretary, Industries, Energy and Labour Department.

(P.K.Jadhav)
Desk Officer,
Industries, Energy and Labour Department.

Copy forwarded to :

The Commissioner of Labour, Mumbai.