



महाराष्ट्र शासन राजपत्र
असाधारण
प्राधिकृत प्रकाशन

बुधवार, ऑगस्ट १९, १९९२/शके १९१४

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग : एक-ल

(केंद्रीय) औद्योगिक विवाद अधिनियम व मुंबई औद्योगिक संबंध अधिनियम यांखालील
(भाग एक, चार-अ, चार-य, आणि चार-क, यांमध्ये प्रसिध्द केलेल्या अधिसूचना,
आदेश, व निवाडे यांव्यतिरिक्त) अधिसूचना, आदेश व निवाडे

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Mantralaya, Bombay 400 032 dated the 19th August 1992.

MAHARASHTRA MATHADI, HAMAL AND OTHER MANNUAL WORKERS
(REGULATION OF EMPLOYMENT AND WELFARE) ACT.1969.

No UWA.1484/(10510)lab-5.— 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 other powers enabling it in that behalf, the Government of Maharashtra after consultation with the Advisory Committee hereby makes the following scheme for, --

(1) employment in Iron and Steel Markets or Shops in connection with loading, unloading, stacking, carrying, weighing, measuring, cutting and twisting operations or such work including work preparatory or incidental to such operations.

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

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1. employment in Iron and Steel Markets or Shops in connection with Loading, unloading, stacking, carrying, weighing, measuring, twisting and cutting or such other work including work preparatory or incidental to such operation;
2. employment in Cloth, Yarn and Cotton Markets or shops in Connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, cleaning, or such other work including work preparatory or incidental to such operations;
3. employment in grocery Markets or Shops in connection with loading, unloading, stacking, carrying, weighting, measuring, filling, stitching, sorting, cleaning, or such other work including work preparatory or incidental to such operations;
4. employment in markets and factories and other establishment, in connection with loading, unloading, stacking, carrying, weighing, measuring, twisting, and cutting filling, stitching, sorting, cleaning, or such other work including work preparatory or incidental to such operations carried by workers not covered by any other entries in the Schedule to the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (Mah. XXX of 1969).
5. employment in railway yards and goods-sheds in connection with loading, unloading, stacking, carrying, weighing, measuring, or such other work preparatory or incidental to such operations, by workers who are not employed by Railway Authorities.
6. employment in connection with loading of goods into public transport vehicle or unloading of goods therefore and any other operation incidental and connected thereto;
7. employment in Vegetable markets (including onions and potatoes markets) in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operation;
8. employment in markets or sub-sidiary market established under the Maharashtra Agricultural Produce Marketing (Regulation) Act. 1963. in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning, or such other work including work preparatory or incidental to such operations;
9. employment in Khokha making and in timber market;

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10. employment in connection with the loading, unloading, and carrying of foodgrains, into godowns sorting and clearing of foodgrains, filling foodgrains in bags, stitching of such other work incidental and connected thereto:

2. *Application.* — The scheme shall apply to the registered workers and registered employers in the whole area of Aurangabad District for the Scheduled employments mentioned in sub-clause (1).

3. *Commencement.* -- (i) The clauses 14 and 15 of this Scheme shall come into force on the 19th August 1992.

(ii) The remaining clauses shall come into force on and from 19th September 1992.

4. *Interpretation* —

- (a) "Act" means the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969.
- (b) "Board" means the Aurangabad Mathadi and Unprotected Labour Board, constituted under Section 6 of the Act.
- (c) "Chairman" means the Chairman of the Board.
- (d) "monthly worker" means a worker who is employed by 2nd employer or group of employers on contract on monthly basis;
- (e) "pool worker" means a registered worker in the pool who is not a monthly worker;
- (f) "Pool" means a list of registered 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 the employer whose name is for the time being entered in the register of employers.
- (i) "registered worker" means a worker whose name is for the time being entered in the register of worker;
- (j) "register of employers" means the register of employers maintained under this scheme;

- (k) "register of worker" means the register of worker 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 mid-night 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 Personal Officer and other servants of the Board --The board may appoint a Secretary, a Personal Officers 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.1000/- and above per mensem 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 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 objective of administering the Scheme set out in clause 2 including measures for—

- (i) ensuring the adequate supply and the full and proper utilization of registered workers for purpose of facilitating the rapid turnout 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 absence has been approved by the Board and where circumstances so require, removing from any register of 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 service in so far as such provisions does not exasperate from this Scheme:
- (viii) recovering from registered employer 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:

(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.

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(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 of 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 Co-operative Bank or any Schedule Bank or any Schedule 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 of not exceeding Rs.1,000/- as the Board may consider necessary.

(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 provide 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 form 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 receipt 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 of March, together with an 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 disputes between registered employers and registered workers.
- (xi) discuss statistics of output of Labour and turnout of work and record its observations and directions;

- (k) to take disciplinary action against registered workers and registered in accordance with the provisions of the Scheme;
- (l) to declare that there has been "a go-slow" and to take action as under this Scheme.
- (m) to sanction the transfer of a monthly workers to the pool at the registered employer or the registered worker, as provided for in this Scheme.
- (n) to deal with appeals from registered workers and registered under clause 37 & 38;
- (o) discharge all function relating to disciplinary action against employers and workers to the extent permitted under clause 34.

9. *Functions of Secretary*, -- Without prejudice to the powers and fix the Board and the Chairman, the Secretary shall perform duties impact by this Scheme in discharge of his duties and in particular be responsible.

- (a) keeping, adjusting and maintaining the register of employers on the entering therein the name of any employer and when the circumstance show removing from the registered the name of any registered employer in adequate 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 record 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) the employment and control of registered workers who are available for work when they are not otherwise employed in accordance with this Scheme.
- (d) the grouping or regrouping 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) the allotment of 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.

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- iii. provide for the malignance 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 wages slips of the 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 earning lawfully due to him from the registered employer and the payment to such 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) the keeping of 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 statement.
- (i) framing budget annually 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 sheet 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 the discharge of his duties and shall in particular carry out the functions assigned him by clause 34 of this Scheme.

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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 engaged 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 registers.—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 gang. 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 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 workers required in that category in consultations with the employers.

14. Registration of employers.—Employer including a Mukadam, Commission agent, cleaning agent, purchaser, importer, exporter engaged in selling, purchasing or trading or acting 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 however, that the employer or any establishment coming into existence after 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 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 workers is medically fit and is not more than 60 years of age.

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- (2) Notwithstanding any provisions of this Scheme, where the Board is of opinion that a worker has secured his registration by furnishing false information 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 worker an opportunity of showing cause why the proposed direction should not be issued.

16. Promotion and transfer of workers.—

- (1) A vacancy (other than a casual vacancy), in any category of workers in a pool register shall ordinarily be filled by promotion of workers from the next lower category with the same gang.
- (2) A vacancy (other than a casual vacancy) in any category of monthly worker may be filled only by promotion from lower categories of monthly workers in the gang or, no worker is suitable for promotion from lower categories of monthly worker in the same gang, by transfer of a 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 or the category to which promotion is to be made.
- (c) record of past service.

Note — a transfer from the pool register to be 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 monthly worker to the pool on a request in writing of the employer or the worker explaining fully the reasons for the transfer provided that such transfer shall be subject to the fulfillment of any contract subsisting between the monthly worker and his 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 employer for an act of indiscipline 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 worker should be given an opportunity of being heard a 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 all benefits that have accrued to the worker in respect of his previous service as if such service has not been transferred. The employer shall contribute to the Board such amount of the Provident Fund of the 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 worker and his employer or under any law, award or agreement applicable to such workers, as if his services had been terminated by the 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 the 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 of 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 so to do 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 Rs. (2 + 5 = 7/-) shall be paid to the Board by each worker at the time of Registration under this Scheme.

(ii) A registration fee of Rs (25 + 2 = 27/-) 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 Identity Card, (ii) an attendances card, (iii) Wages slips in the forms devised by the Board.

(2) 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 worker concerned.

20. *Service records for registered worker.*—A Service record for every registered monthly and daily registered 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 worker promotions, recommendations for good work etc., and such other matter as the Board may think fit. Such details in respect of the monthly workers shall be supplied to the Board by the register employers.

21. *Record sheets for registered employers.*—The personnel officer shall maintain record sheet in respect of each registered employer in a Form to be devised by the Board which shall contain among other things a complete record of disciplinary action taken against the registered employer.

22. *Surrender of cards.*—A registered workers cards shall be surrendered to the Board in the following circumstance, 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 suspender or,
- (e) On death.

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

23. *Entries in Attendance Card and Wages Slip.*—

(1) A registered worker in the pool shall hand over to the Board at the time he is allotted for worker to a registered employee his Attendance Card, the Board shall make necessary entries in the Attendance Card in respect of the period of work done by the worker, and returns it to him on completion of the each day of work, the Board shall supply as soon as possible a wage slip showing the wages earned by a worker.

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

24. *Employment of registered workers.*—

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

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

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

25. *Filling up of casual vacancies.* — Casual vacancies of register 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 person of the same gang in the employment of employer.

26. *Unemployment allowance.*— When a registered worker in the pool present 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 employer at a rate as may be fixed by the Board appropriate to the category to which he belongs. A worker detained for more than two hours shall be paid full wages inclusive dearness allowance.

27. *Holiday.*—Each 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:—

- (i) 26th January (Republic Day)
- (ii) 1st May (Maharashtra Day)
- (iii) 15th August (Independence Day).

The fourth holiday shall be decided by the Board.

28. *Obligations of registered workers.*—

(1) Every registered worker shall be deemed to have accepted the obligations of this Scheme.

(2) A registered worker in the pool who is available for work shall not engage himself for employment under a registered employer unless, he is allotted to that employer by the Secretary.

(3) A registered worker in the pool who is available for work shall carry out directions of the Board and shall —

(a) report at such call stands or control points and at such times as may be specified by the Board and shall remain at such call stands or control points;

(b) accept any employment under a registered employer whether in the category in which he has been registered or any other category for which he is considered suitable by the Board.

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(4) A registered worker who is available for work when allotted by the Board for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the employment and place where he is working.

29. Obligations of registered employers.

(1) Every registered employer shall accept the obligations of this Scheme.

(2) Subject to the provisions of clause 24, a registered employer shall not employ a worker other than a worker who has been allotted to him, by the Secretary in accordance with the provisions of clause 9(c).

(3) A registered employer shall, in accordance with instructions as may be given by the Board, submit all available information of his current and future labour requirements.

(4) A registered employer shall lodge with the Board unless otherwise directed particulars of the work-load handled by workers on piece-rate and such other statistical data as may be required in report of the registered workers engaged by him.

(5) (i) A registered employer shall pay to the Board within five days from the end of every fortnight or such shorter periods as may be specified by the Board by a special or general order, the levy payable under clause 41(1) and the gross wages due to registered workers for the work done by such workers during the fortnight and other amount due to daily workers;

(ii) A registered employer who makes default in remitting the amount of wages of workers within the time-limit, specified in sub-clause 41(1) above, if so required by Board, deposit with the Board an amount equal to the monthly average of the wages credited by him in the Board during the Previous twelve calendar months in order to enable the Board to make payment of wages to the workers in time. The said amount shall be deposited with ten days from the date of order of the 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 employer shall make good the deficit amount.

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

(6) A registered employer shall keep such records as the Board may require and shall produce before the board or such person as may be designed 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.

(7) A registered employer who fails to make the payment of any amount due from time to time to the Board under aforesaid clause, within the specified time 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 employer may be liable for the said default serve a notice on the 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 shall engage for employment 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 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 with 24 hours the full circumstance under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting:

b) the Board may subject to such conditions as it may specify, permit employment of unregistered workers on a holiday, If work is requirement to be done on that day to the extent registered workers are not available for work.

c) 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 clause 29(4), (5) and (6) and clause 32 be treated in respect of that work, as if he were a daily worker.

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(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 to which this Scheme cases to apply.—

(1) This scheme shall Register or Record in accordance with the provisions of this Scheme.

(2) This Scheme shall case to apply to a registered employed when his name has been removed from the Register to Employer 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 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 leave with wages and other conditions of service shall subject to the provisions of sub-clause (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 the registered workers or for revising or for modifying the same, the Board shall call upon the associations of employers and trade unions of workers covered by this Scheme to make such representations as they may think fit as respects the conditions of service unprotected workers. If there is no such association of employers and union of workers, then such representations from registered employers and 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 rate the conditions of service which in the opinion of the person making the representation would be reasonable having regard to the capacity of the 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 capacity of the registered employers to pay, and any other circumstances which may seem relevant to the Board.

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(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 an employer in such manner as the Board thinks, fit.

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

34. *Disciplinary procedure.*—

(1) (i) The Personnel Officer may on receipt of information whether on a complaint or otherwise that a registered employer has fix to carry our the provisions of this Scheme after investigating the matter give a warning in writing; or

(ii) Where in his opinion, a higher penalty is merited, the Personnel Officer 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 to employer, 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 with given to the registered employer, remove his name from the register of employ for such period as determined by the board for permanently.

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

(3) (1) Where in the opinion of the Personnel Officer, a higher punishment to that provided in sub-clause.

(2) Is merited, he shall report the case to the Chairman.

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(4) On receipt of the written report from the Personnel Officer under sub-section or from the registered employers or any other person that a registered worker in pool has failed to comply with any of the provisions of this Scheme or has commits standard or datum output or has been insufficient in any other manner, the Chairman may make or cause to be made such further investigation as he may deem fit and there after take any of the following steps, as regards the workers 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 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 investigation 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 "re-slow" has been resorted to by any gang of registered workers or any individual worker and is being condoned or repeated by the same gang of worker a different gangs or 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 monthly registered workers, to take, without prejudice to the rights of the registered employers, such disciplinary action including removal against such 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 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 a registered workers against the registered worker concerned.

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(4) Before any disciplinary action is taken under this clause against any register worker or any gang of workers such 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, any worker or gang of workers immediately after a declaration has been made sub-clause (1).

(5) A declaration by the Chairman that a "go slow" has been resorted to by a worker or a gang or worker shall be 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 Board except by giving fourteen days notice, in writing to the Board of 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-clause (1) and (2) his name shall forthwith be removed from the register of workers or record by the Board.

37. Appeals by workers.: —

(1) Save as otherwise provided in this clause a 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 worker who is aggrieved by an order of the Secretary.—

(i) placing him in a particular group in the register of or workers 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 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 of the name of a registered worker from the register of workers or record in accordance with the instructions of the Board if the ground of removal is that the registered worker falls within a class or description of workers whose names are to be removed from the register of workers 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 workers referred in the instruction of the Board.

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(5) Every appeal referred to in sub-clause (1), (2), (3) or (4) shall be in writing and be preferred within 30 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 30 days.

38. Appeals by employers by employers. —

(1) (i) A registered employer who is aggrieved by an 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 any thing contained in the scheme, the Chairman in case of an order passed by Personnel Officer under clause 34 may at any time can for the record of any proceedings in which the Personnel Officer 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 thinks fit:

Provided that, the Chairman shall not pass any order under this 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 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 an employer in accordance with the provisions of clause 38 against an order removing his name from the employer's register of employer under clause 34(i)(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 Schemes 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 witch the scheme applies

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to him irrespective whether he gets himself registered within the time limit laid down to clause 14 of this scheme or any time thereafter.

(3) In determining what payments are to be made by registered employers under sub-clause (1) the Board may fix different rate of levy for a different categories of work or 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 percent, of the estimated total wage bill calculate on the basis of the daily time rate wage without the prior approval of the State Government.

(5) A registered employers shall on demand make a payment to the Board of deposit or provided 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 imancing 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 the 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 employer until he pay his dues.

42. *Provident Fund and Gratuity.*—

(1) The Board shall frame and operate rule providing for 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 however, that the rate of contributions not less than 6½ per cent of the wages of a registered worker and is not more than 8½ 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 Employees Provident funds Act.1952 (XIX of 1952), as amended from time to time, and the Scheme 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 provision 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.

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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 extend 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,—terms 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.



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FORM 'A'
(See Clause (4).)

THE AURANGABAD 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 part are given below :—

1. Name and address of the Establishment
and Telephone No.
2. Whether a firm or a company
Name of the Proprietor.
(1)
(2)
(1)
(2)
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 Establishment
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 names of the contractor.
7. Are you employing workers through Toli? If so, :
state the name of the Mukadam/s of the Toli/s
or of all workers.

Date :

Place :

Signature of the Applicant
By order and in the name of the Governor of Maharashtra
G.K. WALAVALKAR.
Section Officer

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INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Mantralaya, Bombay 400 032 dated the 19th August 1992.

MAHARASHTRA MATHADI, HAMAL AND OTHER MANUAL WORKERS (REGULATION OF EMPLOYMENT AND WELFARE) ACT. 1969.

No UWA.1484/(10510)lab-5.— In exercise of the powers conferred by sub-section(1), (3), (5) and (6) of section 6 of the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and welfare) Act.1969. (Mah.XXX of 1969.) the Government of Maharashtra hereby, --

(a) establishes a Board known by the name of the Aurangabad Mathadi and Unprotected Labour Board (hereinafter referred to as "the said Board") for the following scheduled employments, situated within the areas of the Aurangabad District, namely :-

(1) Employment in Iron and Steel Markets or Shops in connection with loading, unloading, stacking, carrying, weighing, measuring, cutting and twisting operations or such work including work preparatory or incidental to such operations.

(2) Employment in Cloth, Yarn and Cotton Markets or shops in connection with 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 Grocery Markets or shops in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations:

(4) Employment in markets and factories and other establishments in connection with loading, unloading, stacking, carrying, weighing, measuring, cutting, and twisting operations, filling, stacjomg, sprtomg, c;eamomg or such other work including work preparatory or incidental to such operations carried on by workers not covered by any other entries in the schedule to the Maharashtra Mathadi Hamal and other Manual Workers (Regulation of Employment and Welfare) Act.1969 (Mah.XXX of 1969);

(5) Employment in railway yards and goods sheds in connection with loading, unloading, stacking, carrying, weighing, measuring, or such other work preparatory or incidental to such-operations, by workers who are not employed by Rao;wau Authorities;

(6) Employment in connection with loading of goods into public transport vehicle or unloading of goods there from and any other operation incidental and connected there to;

(7) Employment in vegetable markets (including onions and potatoes markets) in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations.

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

(9) Employment in Khokha making and in Timber Markets;

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

(b) Nominales the following persons to be the member of the said Board (being members representing the State Government, employers and unprotected workers) namely:—

Members representing the employers

1. Shri Satishchandra Ramvilas Sikachi,
C/o. The Aurangabad Merchants Association.
Nizam Ganj, Mondha, Aurangabad.
2. Shri Jagannath Naganath Appa Wadkar
C/o. The General Kirana Merchants
Associatio, Juna Mondha Aurangabad 431 001.
3. Shri. R.N. Bhogale,
C/o Marathwada Industries Association, Deccan Flour Mills
Compound, Paithan Road, Aurangabad 431 005.
4. Shri Narendrakumar Gupta
C/o. Marathwada Industries Association, Deccan Flour
Mills Compound, Paithan Road, Aurangabad 431 005.
5. Shri Ahmed Gulam Mohammed Patni Proprietor,
C/o. Batco Roadlines Corporation
Mondha Road, Near Jafar Gate Aurangabad 431 001.
6. Shri Abbaskhan Bhikkankhan Pahelwan,
Bhaji Mandai Shahaganj, Aurangabad.

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Members representing the Unprotected workers

1. Shri Subhash Kalyanrao Lomto,
C/o. Marathwada Labour Union,
125, Samarthnagar, Aurangabad.
2. Shri Pandurang Gajaba Kale
C/o. Mondha Gumasta Sanhatana,
Nava Montha, Aurangabad.
3. Shri Shaikh Hamced Shaikh Sandu
C/o. Marathwada Labour Union,
125, Samarthnagar, Aurangabad.
4. Ramchandra Bhagaji Naravde.
C/o. Aurangabad Hamal Co-op Society Ltd
Devada Dharmashala, Railway Station, Aurangabad.
5. Shri M.A. Gaffar,
Marathwada Rashtriya Jin Press Mazdoor Sangh,
Khadkaeshwar, Aurangabad 431 001.
6. Dr. Bhalchandra Kangao,
Akhil Marathwada Kamgar Union,
CIDCO, New Aurangabad.