

**THE CLOTH MARKETS OR SHOPS  
UNPROTECTED WORKERS**

( Regulation of Employment and Welfare )

Scheme 1971.

( Corrected Upto December 1989 )



**The Cloth Markets & Shops Board  
( For Greater Bombay,  
Thane & Raigad Dist.)**

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INDUSTRIES AND LABOUR DEPARTMENT

Sachivalaya, Bombay-32, 11th March 1971

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

No. UWA.1471(GL)/102307-Lab-IV - 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 employment in Cloth Markets or shops in connection with loading, unloading, stacking carrying, weighing, measuring, or such other work including work preparatory or incidental to such operations, in the areas specified in the Schedule appended to this Scheme, the same having been previously published as required by sub section (1) of the said section 4, namely -

THE CLOTH MARKETS OR SHOPS UNPROTECTED WORKERS  
(REGULATION OF EMPLOYMENT AND WELAFRE)  
SCHEME 1971.

CLOTH MARKETS OR SHOPS UNPROTECTED WORKERS  
(REGULATION OF EMPLOYMENT AND WELFARE)  
SCHEME 1971

1. Title : This Scheme may be called the cloth Markets or Shops Unprotected Workers (Regulation of Employment and Welfare) Scheme, 1971.
2. Objects and Application :
  - (1) Objects<sup>1</sup>:- The objects of this Scheme are to ensure an adequate supply and full and proper utilisation of unprotected workers employed in -
    - (a) Cloth Markets or Shops in connection with loading, unloading, stacking, carrying, weighing, measuring,<sup>2</sup> filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations; and
    - (b) Markets and factories and other establishments in connection with loading, unloading, stacking, carrying, weighing or measuring, filling, stitching, sorting, cleaning of-
      - (i) cloth of all kinds including cotton, wool, silk (whether partially or wholly of artificial, synthetic, or man-made fibres) cloth and hosiery, and
      - (ii) yarn of all kinds including cotton, wollen silk (whether of artificial, man-made, or synthetic fibres) yarn;

or such other work including work preparatory or incidental to such operations

1. Entire Clause-2 substituted vide Extra ordinary Government Notification No. UWA 1272/154855/Lab-IV dated 15.12.72
2. In Clause-2 after the word "Measuring" wherever it occurs the words "filling, stitching, sorting, cleaning" have been inserted. Vide Mah.Govt.Notification No. UWA-1473/177219/Lab-IV dated 15-6-73



carried on by workers referred to in entry 5 in the schedule to the Act; and for the efficient performance of work and generally for making better provisions for the terms and conditions of employment of such workers and make provisions for their general welfare.

(2) Application:-<sup>2</sup> This Scheme shall apply, in Greater Bombay, Thane District and Raigad District to\*\*

(a) <sup>1</sup> registered workers employed in Cloth Markets or shop in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning incidental to such operations, and

(b) <sup>2</sup> registered workers employed in Markets and Factories and other establishments in connection with loading, unloading, stacking, carrying, weighing or measuring filling, stitching, sorting, cleaning of -

(i) cloth of all kinds including cotton, woollen, silk (whether partially or wholly, of artificial, synthetic, or man-made fibres) cloth and hosiery, or

(ii) yarn of all kinds including cotton, woollen, silk (whether of artificial, man-made or synthetic fibres) yarn,

or such other work including work preparatory or incidental to such operations carried on by the workers referred to in entry 5 in the Schedule to the Act.

(c) <sup>3</sup> the registered employers engaging such workers.

152. In Clause-2 (2) in items (a) & (b) for the words "workers employed" wherever they occur, the words "registered workers employed" have been substituted vide Mah. Act No. XL of 1974.

\* In Cl-2 (2) after the words "in Greater Bombay", the words "and Thane District" added vide G. Notif. No. UWA-1076/CR-1110/LAB-5 dt: 1st June 1979. The Scheme has been made applicable to Thane District from 15th day of July 1979.

3. In Clause-2 (2) after item (b), item (c) added vide Maharashtra Act No. XL of 1974.

\*\* In Clause-2 for the words "and Thane District" the words "Thane District and Raigad District" substituted vide Mah. Govt. Notif. No. UWA-1387/CR-11587/LAB-5 dated 14th March 1988.

3. Commencement:

- (i) Clauses 14 and 15 of this Scheme shall come into force from 1st May 1971.
- (ii) Remaining clauses shall come into force from 1st June 1971.
- (iii)<sup>1</sup> Clauses 14 and 15 of this Scheme shall in relation to the employments in Cloth Markets or Shops and Markets and factories and other establishments in connection with filling, stitching, sorting, or cleaning, come into force from 16th July 1973.
- (iv)<sup>2</sup> The remaining Clauses of this Scheme, in relation to the employments in Cloth Markets or Shops and Markets and Factories and other establishments in connection with filling, stitching, sorting, or cleaning shall come into force from 16th August 1973.

4. Interpretation:

- (a) "Act" means the Maharashtra Mathadi, Hamal and other Manual Workers (regulation of Employment and Welfare) Act, 1969.
- (b) "Board" means the Cloth Markets and Shops Board for Greater Bombay constituted under Section 6 of the Act;
- (c) "Chairman" means the Chairman of the Board;
- (d)<sup>3</sup> "Registered Employers" means the employer whose name is for the time being entered in the registers of employers;
- (e) "Monthly worker" means a Worker who is employed by an employer or a group of employers on contract on monthly basis;

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1 and 2. In Clause-3 item (iii) & (iv) have been inserted vide Mah.Govt.Notification No.UWA-1473/177219/Lab-IV dated 15-6-73.

3. Clause-4 - (d) substituted vide Mah.Govt. Notification No. UWA-1471(GL)173641/Lab-I/V dated 29-5-73.



- (f) "Pool Worker" means a registered worker in the pool who is not a monthly worker;
- (g) "Pool" means a list of workers maintained by the Board but which does not include monthly workers;
- (h)<sup>1</sup> "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;
- (i) "Register of employers" means the register of employers maintained under the Scheme;
- (j) "Register of workers" means the register of workers maintained under this Scheme;
- (k) "Secretary" means the Secretary of the Board.
- (l) "Personnel Officer" means the Personnel Officer appointed by the Board under Clause 5.
- (m) "Rules" means the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Rules, 1970;
- (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)<sup>2</sup> The words and expressions used but not defined in the Scheme shall have the meaning respectively 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 posts, the maximum salary of which exclusive of allowances is Rs.500/- and above per

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- 1. Substituted vide Government Notification No.UWA-1471(GL) 173641/Lab-IV dated 29-5/73.
  - 2. Cl.4(o) Added vide Government Notification No.UWA-1471(GL)/178641/Lab-IV dated 29-5-73.

ment shall be created and no appointment to such post shall be made by the Board except with 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 3 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 & the full and proper utilisation of registered workers for the purpose of facilitating the rapid turn out of work;
  - (ii) regulating the recruitment entry into and the discharge from the Scheme of workers and allotment of registered worker in the pool to registered employers,<sup>1</sup> "Provided that, if on the date of enforcement of the Scheme a toll of workers has been working for any employer then that toll after due registration under the Scheme" shall be allotted to that employer and shall continue to work for him unless with the sanction of the Board any changes are introduced (i) at the request of such employer or (ii) at the request of all or any worker of such toll";
  - (iii) determining and keeping under review the number of registered workers from time to time, in the registers or records and the increase or deduction to be made in the number of registered workers;
  - (iv) keeping adjusting and maintaining the employers registers, entering or re-entering

1) In sub-clause 1(ii) proviso added vide Govt. Notification No. UWA-1471(GL)/173641/LAB-IV dated 29-5-73.



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 or 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 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;
- (vi-a) regrouping of tols, any addition of workers therein or change in its constituent to be made in consultation with Mukadam and workers in the toli. The interests of the workers and employers who employ them to be taken into consideration in regrouping tols; 1
- (vi-b) any change in the Mukadam of a toli to be made in consultation with the workers therein and their employers who employ them;" 2
- (vii) making provision, subject to availability of funds, for welfare of registered workers including medical services in so far as such provision does not exist apart from this Scheme;
- (viii) recovering from registered employers contribution in respect of the expenses of this scheme,

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1 & 2 After sub-clause 1(vi),(vi-a)&(vi-b)inserted vide Govt. Notification No. UWA-1471(GL)/173641/LAB-IV dated 29-5-73.



wages, levy and any other contributions under this Scheme;

- (ix) making provision subject to availability of funds, for the health and safety measures in places 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 availability of funds, by way of grant or loan, the Co-operative Societies formed for the benefit of registered workers and staff of the Board. 1
- (2) A 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 money received by the Board from the State Govt.
  - (b) all fees, wages and levy 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.

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1) In clause 6(1) after item (xi), item (xii) inserted vide Mah.Govt. Notification No. UWA-1076/CR-1110/LAB-5 dtd. 1st June 1979.

- (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 or any scheduled Bank, <sup>1</sup> or any co-operative 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.1000/- 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 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 31st day of October, an annual report on the working of the Scheme during the preceeding year ending the

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1) In sub-clause 4 after the words "Scheduled Bank" the words "or any co-operative Bank" have been inserted vide Notification No.UWA-1471 (GL)/173641/LAB-IV dated 29-5-73.



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;<sup>1</sup>
- (ii) increase or decrease the number of workers<sup>2</sup> on the register from time to time, as may be necessary after a periodical review<sup>3</sup> of the register and anticipated requirements; provided that, if more than 50 employers suggest in writing that there is paucity of workers, the Board shall undertake the review immediately;
- (iii) Sanction the temporary registration of a specified number of workers<sup>4</sup> for specific periods, provided that, temporary addition of workers to any toll of workers shall be done in consultation with the Mukadam and the workers therein, and if such temporary workers work for six months continuously in the toll they shall be absorbed in the toll on permanent basis as registered workers;
- (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 42(1)

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- 1) Clause 11 (i) the words "under various categories" deleted; and
  - 2) In item (ii) the words "in any category" deleted; and
  - 3) After item (ii) proviso has been inserted; and
  - 4) In item (iii) proviso added vide Govt. Notification No.UWA-1471(GL)/173641/LAB-IV Dt. 29-5-73.



(vii) appoint, abolish or reconstitute the committees under Clause 28;

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(viii) deleted

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

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

(xi) Settle disputes between registered employers and registered workers;

(xii) discuss statistics of out put of labour and turnout of work and record its observations and direction;

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(xiii) deleted.

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 decisions of the Board subject to its direction and in particular -

(a) to ensure that the decisions of the Board in regard to the adjustment of the registers of

1) Clause 6 Sub-Cl. 11 item (viii) deleted vide Maharashtra Act XL of 1974.

2) Clause 6 Sub-Cl. 11 item (xiii) deleted vide Maharashtra Act XL of 1974.

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<sup>1</sup> 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 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;
- (i) to ensure that all forms, registers, returns and documents, devised by the Board are properly maintained;
- (j)
  - (i) To sanction the creation of posts the maximum salary of which exclusive of allowance is below Rs.500/- per month and to make appointment to such posts;
  - (ii) To make appointments to posts, the maximum salary of which exclusive of allowances is Rs.500/- per month and above;
- (k) to take disciplinary action against workers and employers in accordance with the provisions of this scheme.

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1) Clause 8 (e) the words "and promotion" deleted vide Govt. Notification No.UWA-1471(GL)/173641/LAB-IV dated 29-5-73.



- (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 pool at the request of the employer of the worker, as provided for by this scheme;
- (n) to deal with appeals from workers and employers under clause 38 and 39;
- (o) discharge all functions relating to disciplinary action against registered employers and workers to the extent permitted under clause 35.

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 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 registers 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) The employment and controls of registered workers who are available for work;<sup>1</sup>

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1) The words "when they are not otherwise employed in accordance with this Scheme" deleted Vide Govt. Notification No.UWA-1471(GL)/173641/LAB-IV dated 29-5-73.



- (d) The 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) 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) deleted<sup>2</sup>
  - (iii) provide for the maintenance of records of employment and earnings of registered worker;
  - (iv) deleted<sup>3</sup>
- (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 daily worker of all earnings lawfully due to him from the registered employer and the payment to such worker of all monies 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;

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2) Clause 9 [e(ii)] deleted.  
 3) Clause 9 [e(iv)] deleted.

Vide Govt. Notification No. UWA-1471(GL)/173641/LAB-IV dated 29-5-73.

- (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 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 record sheets of all registered employers.
- (k) Deleted<sup>1</sup>
- (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. Functions 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 35 of this Scheme.

11. Maintenance of Registers:

- (1) Register employer:- 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) Monthly register:- There shall be a register of workers when engaged by the Board, wherein the names and addresses of workers registered under this Scheme shall be entered. It shall be duly maintained.

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1) Clause-9 Sub-clause-k deleted vide Govt. Notification No.UWA-1471 (GL)/173641/LAB-IV Dt: 29-5-73.



(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. The 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 and 13 : deleted<sup>1</sup>

14. Registration of Employers:

Every employer<sup>2</sup> to whom the scheme applies<sup>3</sup> shall get himself<sup>4</sup> registered with 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 of any establishment coming into existence after the commencement of the Scheme shall apply for registration simultaneously on the commencement of his business<sup>5</sup> Provided further that, where the provisions of this Scheme are applied, after its commencement to any scheduled employment, or extended to other area<sup>6</sup> the employer in that Schedule employment, or in the

- 1) Clauses 12 & 13 deleted vide Govt. notification No. UWA-1471 (GL)/173641/LAB-IV dated 29-5-73.
- 2) In clause 14 the words "engaged in selling purchasing, or trading or acting as agents in Cloth Markets or shops in the areas to which the Scheme applies" shall be deleted - 29-5-73.
- 3) In cl. 14 after the words "every employer" the words to whom the Scheme applies" inserted vide Mah. Act XL of 1974.
- 4) In clause 14 after the words "Shall get" the word "himself" inserted - 29-5-73.
- 5) In cl. 14 for the words "this business" the words "his business" substituted - 29-5-73.
- 6) In cl.14, after the words "any scheduled employment" the words "or extended to other area", inserted.



extended area<sup>1</sup> shall get himself registered within fifteen days from the date on and from which the provisions of this Scheme are applied to such scheduled employment", or to such area.<sup>2</sup>

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 qualifications for new registration shall be such as may be specified by the Board having regard to local conditions, physical fitness, capacity and for 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 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 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

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- 1) In clause 14, after the word "in that scheduled employment" the words, "or in the extended area inserted vide Mah. Govt. Notification No. UWA-1076/CR-11110/LAB-5 dt. 1st June, 1979.
  - 2) Proviso to Clause-14 added vide G.N. No. UWA-1272/154855/LAB-IV dated 15-12-72.

worker opportunity of showing cause why the proposed direction should not be issued.

16. Vacancies in monthly workers:

- 1) A vacancy in monthly workers shall be filled in by an employer with the approval of the Secretary, pool workers from the toll working for the employer shall be given first preference for employment in such vacancies. If none of the pool workers is willing to work as monthly worker in the vacancy, the employer may fill in the vacancy by a worker of his choice, and the said worker shall be registered under the Scheme.\*
- 2) A worker from a toll who is appointed as a monthly worker may return to his toll only with the consent of the Mukadam and the workers in the toll. In case of such transfer, all benefits that might have accrued to the worker in respect of services with the employer, shall be transferred to the Board to the extent they are in the custody of the employer or to the extent the employer is responsible.
- 3) If the services of a monthly worker are terminated by any employer for any reason, he may appeal to the Board and the decision of the Board shall be binding on the worker and 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

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\* Clause-16 (1) substituted vide G.N. No.LWA-1471(GL)/173641/LAB-IV dt: 29-5-73.

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 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 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 a Medical Board, the Chairman shall terminate his service forthwith.

18. Registration Fees:

- 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 Rs.25/- 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 an identity card.\*
- (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 workers concerned.

20. Service records for registered workers:

A service record for every monthly and daily workers shall be maintained in a form to be specified

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\* Clause-19(1) substituted vide G.N. No.UWA-1471 (GL)/173641/LAB-IV dt. 29-5-73.



by the Board which shall contain, among other things a complete record of disciplinary actions taken against the worker, promotions, commendations, for good work etc. & such other matters as the Board may think fit. Such details in respect of 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 among other things, a complete record of disciplinary action taken against the Registered employers.

22. Surrender of Cards:

A worker's card shall be surrendered to the Board in the following circumstances, viz:-

- a) When proceeding on leave for seven days or more,
- b) When retiring from service,
- c) When dismissed or discharged from services,
- d) When temporarily suspended, or
- e) on death,

Provided that, the employer of a 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. \* Deleted 29-5-73.

24. Employment of monthly workers:

- (1) The monthly workers who on the date of enforcement of the Scheme have been working on monthly rated payment system shall continue to work in the same capacity, under the same employer;

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\* Deleted vide Govt. Notification No. UWA 1471(GL)/173641/LAB-IV dt: 29-5-73.

- (2) Any piece-rated system prevailing at the time of enforcement of the Scheme under an employer shall not be converted into monthly rated system without the approval of the Secretary.\*\*

25 & 26 Deleted 29-5-73 \*\*\*

27. Holidays:

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 33. Out of the four holidays 3 holidays will be on (i) 26th January (Republic Day), (ii) 1st May (Maharashtra Day), and (iii) 15th August (Independence day). The fourth holiday shall be decided by the Board.

28. Deleted <sup>1</sup>

29. 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 be deemed to be in the employment of the Board.
- (3) No registered worker shall engage himself for employment under any employer, unless he is allotted to that employer by the Secretary.<sup>2</sup>
- (4) A registered worker in a pool who is available for work shall carry out the directions of the Board, and shall accept any employment that may be allotted to him by the Board.<sup>3</sup>

\*\* Entire Cl.24 substituted ) vide G.N. No. UWA-1471(GL)/

\*\*\* Clause 25 & 26 deleted) 173641/LAB-IV dt. 29-5-73.

1. Clause 28 - deleted vide Mah.Act No. XL of 1974.
2. { Clause 29 (3) & (4) substituted vide Govt. Noti.No. }
3. { UWA-1471(GL)/173641/LAB-IV dated 29-5-73. }

- (5) 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 or place where he is working.
- (6) All the workers in a group shall be jointly responsible for any damage to or loss of goods entrusted to them during the course of their work. The cost of the goods damaged or lost shall be determined and recovered by the Board by deduction from workers wages in suitable instalments, if necessary and paid to the employer. +

30. Obligations of registered employers:

- (1) Every registered employer shall accept the obligation of the Scheme.
- (2) A registered employer shall not employ a worker other than a worker allotted to him by the Secretary in accordance with the provisions of this Scheme. \*
- (3) Deleted \*\*
- (4) A registered employer shall lodge with the Board, unless otherwise directed particulars of the work handled by workers on piece-rate and such other statistical data as may be required in respect of the registered workers engaged by him.
- (5) A registered employer shall pay to the Board,

+ Clause 29 (6) added vide G.N. No.UWA-1471(GL)/173641/LAB-IV dt: 29-5-73.

\* Clause 30 sub-clause (2) substituted, ] vide G.N. No.  
 \*\* Clause 30 (3) deleted ] UWA-1471(GL)/  
 173641/LAB-IV  
 dated 29-5-73.



In such manner and at such times as the Board may direct, the levy payable under clause 42 (1) and the gross wages due to daily workers and any other amount due to daily workers.

- (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 designated by the Board upon reasonable notice all such records and any other documents of any kind relating 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 directions issued by or on behalf of the Board.

31. Restriction on employment:

- (1) No employer<sup>1</sup> shall engage for employment a worker unless that worker is a registered worker.
- (2) When there is sudden pressure of work or the work of an employer is emergently required to be done and the workers in the toll allotted to him are not able to cope up with it, then the Mukadam, on his own, or at the direction of the employer may engage for the time being, additional registered workers belonging to another group for doing the work.<sup>2</sup>
- (3) Deleted - 29-5-73. \*

32. Circumstances in which this Scheme ceases to apply:

- (1) This Scheme shall cease to apply to a registered worker when his name has been
- 1) In clause 31 (1) after the word employer the brackets and the words "(other than a registered employer in any area to which this scheme applied" deleted vide G.N.No.UWA-1471 (GL)/173641/LAB-IV dt. 259-5-73.
- 2) Clause 31(2) substituted vide G.N. No.UWA-1471 (GL)/173641/LAB-IV dt. 29-5-73.
- \* Clause 31(3) deleted vide G.N. No.UWA-1471(GL)/173641/LAB-IV dt. 29-5-73.

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 employers' 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 registered worker or a registered employer.

33. 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 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 employers and trade unions of workers covered by this scheme to make

\*\* Clause 33 renumbered as sub-clause (1) of that clause and in sub-clause (1) so renumbered for the words "shall be such" the words, brackets and figures "shall, subject to the provisions of sub-clauses (2), (3), (4), (5) and (6) be such" substituted vide Mah. Act XL of 1974.



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 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 state the conditions of service which in the opinion of the person making the representation would be reasonable having regards 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 representations.<sup>2</sup>
- (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.<sup>3</sup>
- (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 employments in the local area, the capacity of the registered employers to pay, and any other circumstances which may seem relevant to the Board.<sup>4</sup>
- (6) The conditions of service fixed, revised or modified by the Board shall take effect either

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1 ) Clause 33 (2), (3), (4), (5), (6)  
2 ) inserted vide Mah. Act XL of 1974.  
3 )  
4 )  
5 )



prospectively or retrospectively from such date as the Board may decide. The decision of the Board shall be communicated to the registered workers and employers in such manner as the Board thinks fit.

34. 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 and recoverable from them under this Scheme. In respect of workers other than 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 employers\* 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.

35. i) Disciplinary procedure:-

The Personnel Officer may on receipt of the information, whether on a written complaint or otherwise, that an employer has failed to carry out the provisions of this Scheme, investigate into the matter and submit his report in writing to the Chairman.\*\*

ii) On receipt of the report and after causing such further investigation to be made as he may deem fit, the Chairman on being satisfied that the employer had failed to carry out the provision of the Scheme, may give the employer

\* In Clause 34 the words "by cheque" deleted vide G.N. No. UWA-1471/(GL)/173641/LAB-IV Dt: 29-5-73.

\*\* Clause 35 (1) substituted vide G.N. No. UWA-1471/(GL)/173641/LAB-IV Dt: 29-5-73.

a warning in writing or may direct that the employer should be prosecuted under the provisions of this Scheme;

- (iii) A registered employer who is aggrieved by the warning given by the Chairman may appeal to the Board.
- (2) A registered worker in the pool who fails to comply with any of the provisions of the Scheme or commits any act of indiscipline 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-cl.(2) is merited, he shall, report the case to the Chairman.
- (4) On receipt of the written report from the Personnel Officer under sub-clause (3) or from 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 indiscipline 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 may deem fit and thereafter take any of the following steps as regards worker concerned, that is to say, he may impose any of the following penalties:-
  - a) give him a warning in writing,
  - aa) suspend him for a period not exceeding four days;\*\*

\* In Clause 35(2) after the words "a warning in writing", the words "or suspend him for a period not exceeding four days" inserted, and

\*\* Clause 35(4-aa) inserted vide G.N. No. UWA-1076/CR-1110/LAB-5 dt. 1st June 1979.



- b) terminate his services after giving one month's notice or one month's wages inclusive of dearness allowance in lieu thereof or,
  - c) 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.
- 5A) During the pendency of the investigation under sub-clause (2) or (4) above, the worker concerned may be suspended by the Chairman.\*
- 6) Without prejudice to the powers of the Chairman under Clause 36 a registered employer shall have full powers to take disciplinary action against monthly workers, employed under him.

36. Special disciplinary powers of the Chairman:

- (1) Notwithstanding anything contained in the Scheme if the Chairman is satisfied after enquiry that "go slow" has been resorted to by any gang of registered workers or any individual worker and is being continued or repeated by the same gang or worker or different gangs of 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,

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\* Clause 35(5A) inserted vide G.No. UWA-1076/CR-1110/LAB-5 dt. 1st June 1979.



- (i) In case of monthly 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 reported to by a worker against the worker concerned.
- (4) Before any disciplinary action is taken under this clause against any 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 worker or gang or workers immediately after a declaration has been made under sub-clause (1).
- (5) After declaration by the Chairman that a "go slow" has been resorted to by a worker or a gang of workers shall be final, and shall not be liable to be questioned on any ground whatsoever.

37. Termination of employment:

- (1) The employment of a registered worker in 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 or 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 or record by the Board.

38. Appeals by the 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 35, may prefer an appeal against the order of the Personnel Officer to the Chairman and against the order of 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 or record;
  - (ii) refusing registration under clause 15; or
  - (iii) requiring him under clause 29(4) (b) to undertake any work which is not of the same category to which he belongs may prefer appeal to the Chairman.
- (3) Deleted - 29-5-73. \*
- (4) No appeal shall lie where due notice has been given of the removal of the name of registered worker from the register or record in

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\* Clause-38 (3) deleted vide G.N. No. UWA-1471(GL)/173641/LAB-IV dated 29-5-73.

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 or record in order to reduce the size thereof.

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

- (5) Every appeal referred to in Sub-clause (1), (2), \* shall be in writing and be 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.

39 ) Deleted 29-5-73.\*\*  
40 )

41. State of order in case of certain appeals:

Where an appeal is made by a worker in accordance with the provisions of clause 38 against an order of termination of service on one month's notice or<sup>+</sup> in accordance with the provisions of Clause 39 against an order removing his name from the employer's register<sup>++</sup> the appellate authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal.

\* In Clause-38 (5), the brackets and figures "(3)" deleted vide G.N. No. UWA-1471 (GL)/173641/LAB-IV dt: 29-5-73.

\*\* Clause 39 & 40 deleted vide G.N. No.UWA-1471 --- dt: 29-5-73.

+ ] In Clause 41 the portion beginning with the words "or  
++ ] where an appeal is preferred by an employer" and ending with the words, figures, brackets and letter "Under clause-35 (i)(ii)(b) deleted vide G.N. dated 29-5-73.



42. Cost of operating the Scheme <sup>+</sup> and provision for amenities and benefits to registered workers:

- (1) The cost of operating this Scheme <sup>++</sup> and for providing different benefits, facilities and amenities to registered workers, as provided under the Act or 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 <sup>+++</sup> specify by public notice or by written order to the registered employers and in such manner and at such time as the Board may direct.
- (2) ---- deleted. <sup>xx</sup>
- (3) The Board shall not sanction any levy exceeding thirty <sup>xxx</sup> percent of the <sup>1</sup> total wage bill <sup>2</sup> without the prior approval of the State Government.

<sup>+</sup> In Cl.42 in the heading(a) after the words "Scheme", the words "and facilities & amenities to registered workers" inserted. (b) for the words "specify by written order" the words, "specify by public notice or by written order" substituted vide G.N. No. UWA-1571 (GL)/173641/LAB-IV dt: 29.5.73.

<sup>++</sup> In clause 42 (1) after the words "cost of operating this scheme" the words "and for providing different benefits, facilities and amenities to registered workers" inserted, vide G.N. dated: 29.5.73.

<sup>+++</sup> In clause 42(1) for the words "specify by written order" the words "specify by public notice or by written order" substituted vide G.N. dated: 29-5-73.

<sup>xx</sup> Cl. 42(2) deleted vide G.N. dtd. 29.5.73.

162 In clause 42((3) the word "estimated", and the words "calculated on the basis of the daily time rate wage" deleted vide Mah. Act XL of 1974.

<sup>xxx</sup> In Cl.42(3) for the words "fifty percent" the words "thirty percent" substituted vide G.N. No. UWA-1471 (GL)/173641/LAB-IV dtd. 29.5.73.

- (4) 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.
- (5) 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 the Scheme.
- (6) 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 pays his dues.

43 Provident fund and Gratuity:

- (1) The Board\* shall frame and operate rules providing for contributory Provident Fund\*\* for registered workers. The rules shall provide for the rate of contribution\*\*\* the manner and

\* In clause-43(1) after the words "in respect of the workers in the pool and registered employers in respect of their monthly workers" deleted vide Maharashtra Act XL of 1974.

\*\* In Cl-43(1) after the words "contributory Provident Fund" the words "for registered workers", added vide Mah. Act XL of 1974.

\*\*\* In Clause-43(1) the words "from the workers and the employers" - deleted vide Mah. Act XL of 1974.



method of payment and such other matters as may be considered necessary\* so however that the rate is of contribution not less than  $6\frac{1}{2}$  per cent of the wages of registered worker and is not more than  $8\frac{1}{3}$  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. ++

(1a) In framing rules for the contributory provident fund, the Board shall take into consideration the provisions of the employers Provident Funds Act 1952, as amended from time to time, and the Schemes made thereunder.+++

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

(2a) 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, as amended from time to time. ++++

+ In clause-43(1) after the words "as may be considered necessary" the words and figures "so however that the rate of contribution is less than  $6\frac{1}{2}$  per cent of the wages of a registered workers - and is not more than  $8\frac{1}{3}$  percent of such wages" added vide Mah. Act XL of 1974.

++ Clause-43 (1) for the proviso, the following proviso substituted vide Mah. Act XL of 1974.  
"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".

+++ In clause 43 after sub-clause(1), sub-clause (1a) inserted vide Mah. Act XL of 1974.

++++ In clause 43 after the sub-clause (2) the sub-clause (2a) inserted vide Mah. Act XL of 1974.



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

44. Penalties:

Whoever contravenes the provisions of Clause 14, 30, or 31 shall, on conviction, be punished\* with imprisonment for a term of three months or with fine which may extend to rupees five hundred or with both, \*\*where such contravention is a first contravention and with imprisonment for term of six months or with fine which may extend to rupees one thousand or with both, where such contravention is any subsequent contravention. \*\*\*If the contravention is continued further after conviction, he shall be punished with a further fine which may extend to one hundred rupees for each day on which the contravention is so continued".

SCHEDULE

Schedule annexed to the Scheme deleted vide G.N. No. UWA-1471 (GL)/173641/LAB-IV dt: 29-5-73.

Original Clause-44: Penalties:-

"Whoever, contravenes the provisions of Clause 14, 30, 31 shall on conviction be punishable with a fine which may extend to rupees five hundred."  
(The following para was added to the original Clause vide G.N. No. UWA-1074/101724/LAB-IV dt: 17th Jan., '75)  
" and if the contravention is continued after conviction, with a further fine which may extend to one hundred rupees for each day on which the contravention is continued".  
(and finally the entire Clause 44 has been substituted as given above vide G.N. No. UWA-1476/CR-616/LAB-5, dt: 15.4.77)

- (3) 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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### FORM OF EMPLOYER'S REGISTRATION

(See clause 14)

Registration No.

(To be filled in by Office).

1. Name and address of the establishment, telephone number and the date on which the employer commenced his trade or business.
2. Whether a firm or a company —  
Name of the proprietor —  
Partner/s (1)  
(2)  
Director/s (1)  
(2)
3. Are you a member of any Association? If so, state the name of the Association.
4. Whether your establishment is registered under the Bombay Shops and Establishments Act, 1948? If so, state the Registration Number.
5. State the places of work location in details where the loading, unloading, stacking, carrying, measuring, etc., of grocery material is or will be carried on in connection with trade/business of your establishment.
6. Are you employing or do you propose to employ workers through contractor? If so state the name of the Contractor/s.
7. Are you employing or do you propose to employ workers through Toli? If so, state the name of the Toli?

Date :

Place :

Signature of the Applicant.