SCHEME

ICHALKARANJI MATHADI UNPROTECTED LABOUR BOARD

(REGULATION OF EMPLOYMENT AND WELFARE)
SCHEME, 1973.

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(Regulation of Employment & Welfare) SCHEME, 1973.

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GOVERNMENT OF MAHARASHTRA INDUSTRIES AND LABOUR DEPARTMENT

Suchivalaya, Bombay - 32, 31 st January 1973.

NOTIFICATION

MAHARASHTRA MATHADI, HAMAL AND OTHER

MANUAL WORKERS

(REGULATION OF EMPLOYMENT AND WELFARE)

ACT. 1969.

SCHEME

ICHALKARANJI MATHADI UNPROTECTED LABOUR BOARD

(REGULATION OF J EMPLOYMENT AND WERLFARE), SCHEME, 1992.

MAHARASHTRA MATHADI, HAMAL AND OTHER MANUAL WORKERS (REGULATIONS OF EMPLOYMENT AND WELFARE) ACT, 1969 :

No. UWA 1087/ (11460) Lab-5. -¬In exercise f the powers conferred by sub-section (1), (3), (5) and (6) of section 6 of the Maharashtra Mathadi. Hamal and other Mannual workers (Regulation of Employment and Welfare Act. 1969 (Mah. XXX of 1969) read with sub-rule (1) of rule 3 of the Maharashtra Mathadi. Hamal and other Mannual workers (Regulation of Employment and Welfare) Rules 1970, the Government of Maharashtra hereby---

- 1. <u>Title:-</u> This scheme may be called the Ichalkaranji Mathadi & Unprotected Labour Board. (Regulation of Employment and welfare) Scheme. 1992. Cloth and cotton markets, Grocery market, Public Goods Transport Undertakering unprotected workers Regulations of employment and welfare sec. 1984.
- 2. Objects and application: 1) Objects The objects of the scheme are to ensure an adequate supply and full and proper utilisation of unprotected workers employed in --
- a) establishes a Board to be known by the name "the ichalkaranji Mathadi and Unprotected Labour Board for the following Scheduled employments within the limits of the Muncipal Council, Ichalkaranji namely:-
- employment in Cloth, yarn and Cotton 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;
- 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:
- employment in markets, and factories and other establishments in connection with loading, unloading, stacking, carrying, weighting, measuring, twisting and cutting operations, filling, stitching, sorting, cleaning or such other work including work preparatoryor incidental to such operations carried on by workers not covered by any other entries in the schedule.
- 4) employment in connection with loading of goods into public transport vehicle or unloading of goods therefrom and any other operation incidental and connected thereto.
- employment in markets or subsidiary markets established under the Maharashtra Agriultural produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), in connection with loading, unloading, stacking, carrying weighin, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations.

- 6) employment in connection with the loading, unloading, and, carrying if foodgrains into godowns, sorting, and cleaning of foodgrains, filling foodgrains in bags, stitching of such bags and such other work incidental and connected thereto;
- b) nominates the following persons to be the members of the Board representing the State Government, employers and unprotected workers, namely:-

For efficient performance of work and penerally for making better provisions of items and conditions of employment of such workers and make provisions for their general welfare and safely.

2) Application:

The scheme shall apply to the registered workers and registered employers in the limits of Ichalkaranji Corporation of Ichalkaranji in --

- a) establishes a Board to be known by the name "the ichalkaranji Mathadi and Unprotected Labour Board for the following Scheduled employments within the limits of the Muncipal Council, Ichalkaranji namely:-
- employment in Cloth, yarn and Cotton 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;
- 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:
- and other establishments in connection with loading, unloading, stacking, carrying, weighting, measuring, twisting and cutting operations, filling, stitching, sorting, cleaning or such other work including work preparatoryor incidental to such operations carried on by workers not covered by any other entries in the schedule.
- 4) employment in connection with loading of goods into public transport vehicle or unloading of goods therefrom and any other operation incidental and connected thereto.
- 5) employment in markets or subsidiary markets established under the Maharashtra Agriultural produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), in connection with loading, unloading, stacking, carrying weighin, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations.
- employment in connection with the loading, unloading, and, carrying if foodgrains into godowns, sorting, and cleaning of foodgrains, filling foodgrains in bags, stitching of such bags and such other work incidental and connected thereto;
- b) nominates the following persons to be the members of the Board representing the State Government, employers and unprotected workers, namely:-

Explanation:

For the purposes of this clause the expreasion "dealing" includes selling, trading purchasing, procuing or receiving or delivering of goods and materials for commercial purposes or for using them in the manufacturing process (Which term shall have the meaning assigned to it in section $2 \, (k)$ of the Factories Act, 1948).

3) Commencement:-

- (i) Clauses 14 and 15 of this scheme shall come into force from
- (ii) The remaining clauses of the scheme shall come into force from
- (iii) In the Ichalkaranji Muncipal Corpration Area.
- (a) Causes 14 and 15 of this scheme shall come into force on
- (b) The remaining clauses of this Scheme shall come into force on the 15 the day of

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- 4) Interpretation:-
- (a) "Act"means:- The Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969.
- (b) <u>Board means</u>:- Ichalkaranji Mathadi Kamgar Unprotected Labour Board. Constituted under section 6 of the Act.
- (C) Chairman Means: The Chairman of the Board:
- (d) <u>Monthly Workers Means</u>: A worker who is employed by an employer or group of employers on contract or monthly basis.
- (e) Pool means: A list of workers maintained by the Board but which does not inclued monthly worker.
- (f) Pool Worker means :- A worker registered worker in the pool who is not a monthly worker.
- (F-a) Registered worker Menas: a worker whose name is for the time being entered in the register of pool workers or in the register of monthly workers;
- (g) Registered Employer Means: The employer whose name is for the time being entered in the register of employers;
- (h) Registered Workers 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;
- (f) Register of Workers means: The register of workers maintained under the Schem;
- (k) Secretary Means: The Secretary of the Board.
- (m) Rule means :- The Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Rules 1969.
- (n) "Words and Expressions used but not defined in this scheme shall have the meanings, assigned to them in the Act"
- 5. Secretary: Inspector and other officers and servants of the Board: The Board may appoint a Secretary, a Inspector Officer and such other officers and servants on such terms and conditions of service as it deem 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 vacany of a duration of not more than three months.

6. Functions of the Board:

- (1) The Board may take such measures as it may consider desirable for carrying out the objectives of administering the Scheme set out in clause 2 including measures for :-
- (i) Ensuring the adequate supply and the full and proper utilisation of registered workers for the purpose of facilitating the rapid turnout of work:

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- (ii) Regulating the recruitment and entry into and the discharge from th 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 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 group as may be determined by the Board and reviewing the grouping of any registered worker on the application of a registered worker.
- (vii) Making provision, subject to availability of funds, for welfare of registered workers including medical services in so for as such provision does not exist apart from this Scheme;
- (viii) Recovering from registered employers contribution in respect of the expenses of this Scheme, wages, levy and any other contributions under this scheme;
- (lx) making provision subject to availability of funds, for the health and safely 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 the availabilities of funds, by way of grant of loan or otherwise, the cooperative societies formed for the benefit or registered workers and staff of the Board.
- (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 monies reveived by the Board from the State Government.
- (b) All fees, wages and levies reveived 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 reveived by the Board in any other manner or from any other source.
- (4) All monies forming part of the funds shall be kept in current or deposit account with the State Bank of India or the Reserve Bank of India or in any nationalised Scheduled Bank or

any Scheduled Bank or invested in such securities as may be approved by the Board. Such accounts shall be operated by such officers of the Board as may be authorised by it :

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

Explanation: For the purpose of this sub-clause "Nationalised Bank", means any Bank specified in Column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings), Act, 1970 (5 of 1970).

- (5) The Board may with the previous permission of the State Government borrow money from open market or otherwise with a view to provide itself with adequate resources.
- (6) The Board may accept deposits on such conditions as it deems fit from persons, authorities or establishments with whom it has to transact any business.
- (7) The Board shall make provision for such reserve and other denominated funds as may be provided in this Scheme.
- (8) The Board shall have the authority to spend such sum as it thinks fit for the purposes authorised under Scheme from out of the general fund of the Board or from the reserve and other funds, as the ase may be.
- (9) The Board shall cause the proper account to be kept of the cost of operating this scheme and of all receipts and expenses under this scheme.
- (10) The Board shall submit to the State Government -
- (a) As soon as may be after the first day of April, in every year and not later than the 31st day of October, an annual report on the working of the Scheme during the preceding year ending the 31st of March, together with an audited balance sheet; and
- (b) copies of proceedings of the meetings 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 an anticipated requirements
- (iii) Sanction the temporary registration of a specified number of workers in any category for specified 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 42(1);
- (vii) Appoint, abolish or reconsitute the Committees under caluse 28;
- (viii) Sanction the annual budget;
- (ix) Subject to the provisions of clause 5 appoint a Secretary, the Personnel Officer and other staff of the Board;

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- (x) Make recommendation to the State Government about any modification in the scheme
- (xi) Settle dispute between registered employers and registered workers;
- (xii) Discuss statistics of output of labour and turn-out of work and record its observations and directions;
- (xiii) Subject to such conditions as it thinks fit, delegate in writing to the Committees, Chairman Secretary or to any other officer of the Board any of its functions under this Scheme.

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 directions and in particular:-

- (a) To ensure that the decisions of the Board in regard to the adjustment of the registers of workers are carried out, expenditiously;
- (b) To ensure that the sanctions for temporary registration of workers are carried out without delay;
- (c) To supervise and control the working of the scheme;
- (d) To take suitable steps if any irregularities are detected by him or brought to his notice;
- (e) To ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;
- (f) To constituted medical boards when required;
- (g) To ensure that conditions laid down in the Scheme for the registration of employers are complied with by them;
- (h) To ensure that all forms, registers, returns and documents, devised by the Board are properly maintained;
- (i) To ensure that suitable statistics in regard to the output of labour is complied and placed before the Board with appropriate remarks and explanations at such intervals as the Board may desire;
- (j)(i) To sanction the creation of posts the maximum salary of which exclusive of allowance is below Rs. 1000 per month and to make appointment to such posts;
- (ii) To make appointment to posts, the maximum salary of which exclusive of allowances is Rs. 1000/- per month;
- (k) To take disciplinary action against workers and employers in accordance with the provisions of this Scheme;

- (l) To declare that there has been a "go slow" and to take action as authorised under this Scheme;
- (m) To sanction transfer of a monthly worker to the pool at the request of the employer or the worker, as provided for in this scheme;
- [n] To deal with appeals from workers and employers under clauses 37 and 38;
- (o) Discharge all functions relating to disciplinary action against registered employers and workers to the extent permitted under caluse 34.

9) Functions of Secretary:-

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

- (a) Keeping, adjusting and maintaining the register of employers entering or re-entering therein the name of any employer and where the circumstances so require removing from the register the name of any registered employer in accordance with the provisions of this Scheme;
- (b) Keeping, adjusting and maintaining from time to time, such registers or records as may be necessary of workers, including any 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 control of registered workers who are available for work when they are not other wise employed in accordance with this Scheme;
- (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) Keep the record of attendance at call stands or control points of registered workers;
- (iii) Provide for the maintenance of records of employment and earnings of registered workers '
- (iv) Make or cause to be made the necessary entries in the attendance cards and the wage slips of the 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 of any other fund which may be consituted under the Schem;
- (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 serants from time to time, as may be authorised by the Board or the Chairman to appoint;

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- (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 and record sheets of all registered employers;
- (k) Authorising the employment of unregistered workers in case registered workers are not available for work in the pool or in such other circumstances as the Chairman may approve and
- (j) 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:

This Personnel Officer shall assist the Servretary in the discharge of his duties and shall in particular carry out the functions assigned to him by Claused 35 of this Scheme.

11) Maintenance of Registers:-

- (1) Register of employers There shall be 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 Worker's :- There shall be a register of workers who are engaged by the Board wherein the names and address 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 enganged by each employer on contract on monthly basis and who are known as monthly workers.
- (4) Pool Register: There shall be 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 full casual vacancies in gangs. The workers included in such a sub-pool shall be known as leave reserve workers.

12) Classification fo Workers:-

The Board shall arrange for the classification of workers in suitable categoriesas may be determinded, by it, from time to time.

13) <u>Fixation of number of workers on the registers :-</u>

The Board shall determine, before the commencement of reistration in any category, the number if workers required in that category in consultation with the employers.

14) Registration of Employers:-

Every employer including a Mukadam cansolotion agent, clearing agent, purchaser, importer, exporter, engaged in selling, purchaser or trading or acting as agent in grocery markets on shops and agricultural product markets or subsidiary markets in areas 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 of any establishment coming ito existence after the commencement of the Scheme shall apply for a registration simultanceously on the commencement of his business.

15) Registration of existing all new workers:-

- 1) "Any worker who on the date of enforcement of this Scheme is already working in the employment in the ----- in which the Scheme applies shall be registered under this
- The qualifications for new registration shall be such as may be specified by the Board hving regard to local conditions, Physical fitness, capacity and/or experience. Citizens of india only shall be eligible for registration.
- Registration of workers in any new category shall be from among workers who have been or were working in the said emplyment 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.
- 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 een registered improperly or in-correctly, 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 opportunity of showing cause why the proposed direction should not be issued.

16) Promotion and transfer of workers:-

- A vacancy (other than a casual vacancy) in any category of workers in a pool register shall ordinarily be filled by promotion of a worker from the next lower category within the same gang.
- A vacancy (other than a casual vacancy), in any category of monthly registered workers may be filled only by promotion from lower categories of monthly registered workers in the gang or, if no worker is suitable for promotion from lower categories of monthly registered workers 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 employers.

Explanation :- The criteria for promotion shall ordinarily be :-

- (a) Seniority:
- (b) Merit and fitness for the category to which promotion is to be made;
- (c) Record of past service,

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

The Chairman or the Secretary may for sufficient and valid reasons allow the transfer of a monthly registered worker to the pool on a request in writing of the registered employer or transfer shall be subject to the fulfilment of any contract subsisting between the monthly registered worker and his registered employer regarding termination of employment. No transfer shall take place without the prior approval of the Chairman or the Secretary.

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- If the services of a monthly worker are terminated by the Registered 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.
- If a monthly registered worker is transferred to, or employed in, the pool under sub-clause (3) or sub-clause (4) as the case may be his previous service shall be reckoned for all benefits in the pool and the employer shall transfer to the Board all benefits that have accrued to the registered worker in resect of his previous service as if such service has not been transferred. The registered employer shall contribute to the Board such amount of the provident fund of the 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 registered employer or under any law, award or agreement applicable to such registered worker, as if his services had been terminated by the registered employer.

17) Medical Examination :-

- If the Board considers it to be necessary so to do it may require a new worker before registration to undergo, free fo charge, a medical examination for physical fitness by a medical officer nominated by the Chairman for this purpose. A worker found medically unfit by a medical officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be specified in this behalf for examination by a medical Board. On receipt of such a request, the Chairman shall set up a Medical Board. The decision of the medical Board shall be finaal 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 undergo free of charge a medial examination by a Medical Board to be constituted by the Chairman. The decision of the Medical Board, shall be finaal, and a worker if found permanently unfit by a Medical Board, the Chairman shall terminate his services forthwith.

18) Registration Fee:-

- (i) A registration fee of rupee one shall be paid to the Board by each worker at the time of registration under this scheme.
- (ii) A registration fee of Rs. Twenty-five shall be paid by each employer at the time of registration under this scheme.

19) Supply of cards:-

- (1) Every registered worker shall be supplied with (i) an identity card (ii) an attendance 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 registered worker concerned.

20) Service records for registered workers:

A service record for every monthly and daily worker shall be maintained in a form to be specified 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. and such other matters as the Board may think fit, Such details in respect of monthly registered 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 employer.

22) Surrender of cards:-

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

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

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

23) Entries in attendance card and wage slip:

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

24) <u>Employment of registered workers:</u>

- A monthly registered worker of a particular category allotted to registered employer or a group of registered employers shall be entitled to be employed for work in that catagory by that registered employer or group of employers in preference to any worker of the same category in the pool.
- 2) If the number of registered workers on the monthly register in a particular category is not sufficient for the work available, the registered workers on the pool register in that category shall be employed.
- A monthly registered worker of one employer or a group of registered employers shall not be employed by another registered employer or group of registered employers, except with the previous approval of the Chairman or Secretary.

25) Filling up of casual cavancies:-

Casual vacancies of monthly registered worker shall be filled up in the following manner:-

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

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26) Disappointment Money:-

When a registered worker in the pool presents himself for work and for any reason the work for which he has been allotted cannot commene or proceed 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 disappointment money from the registered employer at a rate fixed by the Board as appropriate to the category to which he belongs. A registered worker detsined for more than two hours shall be paid full wages inclusive of dearness allowance.

27) Holidays:-

Each worker shall be entitled in a year to four holidays with pay at such rates as may be specifed by the Board under caluse 32. Out of the four holidays, three 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) Obligations of registered worker:

- 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) A registered worker in the pool who is available for work shall carry out directions of the Board and shall -
- Report as 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 contrl points;
- b) Accept any employment under 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.
- 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.

29) Obligations fo registered employers:-

- 1) Every registered employer shall accept the obligations of the scheme.
- 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 provisions of caluse 99(e).

- 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 registered workers on piece-rate and such other statistical data as may be required in respect 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 51 (1) and the gross wages due to registered workers for the work done by such registered workers during the fortnight and other amount due to dally registered workers:
- ii) A registered employer who makes default in remitting the amount of wages of registered workers within the time-limit specified in sub-clause (i) above, It so required by the Board, deposit with the Board an amount equal to the monthly average of the wages credited by him in the Board during the previous twelvecalender months in order to enable the Board to

make payment of wages to the registered worker in time. The said amount shall be deposited with the Board within ten daus from the date of order of the secretary of the Board to that effect. If at any tgime the amount of such deposit falls short of the average of the deficit amount:

- A registered emplouer, who persistently makes default in remitting the amount of wages of registered workers within the time limit specified in sub-clause (i) above, shall further pay 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.
- A registered employer shall keep such records as the Board may require and shall produce before the Board or such person as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behlf of the Board.

30) Restriction on employment:

1) - No employer shall engage for employment a worker unless that worker is a registered worker.

3)

- Notwithstanding the proceeding provisions of the clause (a) where the Secretary is satisfied that -
- (i) The work is emergently required to be done; and
- (ii) It is not reasonably practicable to obtain registered worker for that work, the Secretary may, subject to any limitation imposed by the Board, allow a registered employer to employ a worker who is not a registered worker.

Provided that, whenever unregistered workers have to be employed the Secretary shall obtain if possible the prior approval of the Chairman to the employment of such workers, and where this is not possible, shall report to the Chairman wihtin 24 hours the full circumstances 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 required to be done on that day to the extent registered workers are not available for work.
- (c) In the case referred to in item (a) and (b) the person so employed as aforesaid by a registered employer shall for the purposes of clauses 29 (4), (5) and (6) and clause 32, be treated in respect of that work as if he were a daily registered worker.
- (3) A registered worker in the pool may, provided he fulfils fully his obligations under caluse 28, take up employment elsewhere on these days on which he is not allotted for work by the Board.

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31. Circumstances in which this Scheme creases to apply.

- The Scheme shall cease to apply to a registered worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.
- 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 his Scheme.
- Nothing in this caluse shall affect any obligation incurred or right accrued during any time when a person was registered worker or a registered employer.

32. Wages, allowances and other conditions of service of workers:

- Without prejudice to the provisions of any award it shall be, unless otherwise specifically provided for in this Scheme, and implied conditions of the contract between a registered worker (whether in the pool or on monthly register) and registered employer that the rates, allowance and over-time, 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.
- 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 such representations as they may think fit as respects 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 thourh notice published in such manner as the Board may think fit.
- Board may specify and shall be in writing and shall be made within such period as the Board may specify and shall state the conditions of service which in the opinion of the person making the representation would be reasonable having regard to the capacity of the 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.
- In fixing or revising or, as the ase 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 employmets in the local area the capacity of the registered employers to pay, and any other circumstances which may seem relevant to the Board.
- The conditions of service fixed, revised or 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 employers in such manner as the Board thinks fit.

33. <u>Disbursement of wages and other allowances to registered workers:</u>

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 registered 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 by cheque to the Secretary of the Board every fortnight. The Secretary thereupon shall arrange to disburse the wages and other dues, if any to the registered workers on a specified day every month subject to deductions recoverable from them under this Scheme.

34. Disciplinary procedure:-

- 1)i) The Personnel Officer may, on receipt of the information whether on a complaint or otherwise that a registered employer has failed to carry out the provisions of this Scheme after investigating the matter, give him a warning in writing, or
- Where in his opinion, a higher penalty is merited, the Personnel Office shall report the case to the Chairman who may then cause such further investigations to be made as he may deem fit and take any of the following steps as regards that employer that is to say, he may-
- a) censure him and record the censure in his record sheet; or
- Subject to the approval of the Board and after one month's notice in writing given to the registered employer remove his name from the employers register for such period as determined by the Board or permanently.
- 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 Office a higher punishment than that provided in subclause (2) is merited, he shall reprt the case to the Chairman.
- In receipt of the written report from the Personnel Officer under sub-clause (3) or from registered employers or any other person that a registered worker in the pool has failed to comply with any of the provisions of this Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard or datum outout or has been inefficent in any other manner, the Chairman may make or cause to e made such further investigation as he may deem fit and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:-
- a) Give him a warning in writing.
- b) Teminate his services after giving one month's notice or one month's wages inclusive of dearness allowance in lieu thereof; or
- c) dismiss him.
- 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.
- Without prejudice to the powers to the powers of the Chairman under clause 35 a registered employer shall have full powers to take discipinary action against monthly registered workers employed under him.

35) Special disciplinary powers of the Chairman:

- Not withstanding anything contained in the Scheme if the Chairman is satisfied after enquiry that a "go slow" has been resorted to by any gang of registered workers or any individual registered worker and is being continued or repeated by the same gang or registered worker or different gangs or registered workers on the same or different place 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 -
- In case of monthly registered workers to take, without prejudice to the rights of the registered employers, such disciplinary action including removal against such registered workers as be may consider appropriate; and

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- Where in his opinion, a higher penalty is merited, the Personnel Officer shall report the case to the Chairman who may then cause such further investigation to he made as he may deem fit and take any of the following steps as regards that registered employer, that is to say he
- cneusre him and record the censure in his record sheet : or
- a) subject to the approval of the Board and after one month's notice in writting given to the b) registered employer, remove his name from the employers register for such period as determined by the Board on permanently.
- A registered worker in the pool who fails to comply with say of the provisions of the Scheme 2) or commits any act of indiscipline or misconduct may be reported in writing to the Personnel Officer who maay after investigating the matter give him a warning in writing.
- Where in the opinion of the Personaal Officer, a higher punishment thatn that provided in a 3) sub-clause (2) is merited, he shall report the case to the Chairman.
- On receipt of the written report from the Personnel Officer under sub-section (3) or from the 4) registered employer or any other person that a registered worker in the pool has failed to comply with any of the prosisions of this Scheme or has committed an act of indiscipline or misconduct or his 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 be may deem fit and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any opf the following penalties:-
- give him a warning in writing: a)
- terminate his services after giving one month's notice or one month's wages inclusive of dearness b) allowance in lieu thereof : or
- dismiss him. ()
- Before any action is taken under this clause the person concerned shall be given an 5) opportunity to show cause why the proposed action should not be taken against him.
- Without prejudice to the power of the Chairman under clause 35 a registered employer shall 6) have full powers to take disciplinary action against monthly registered workers employed under him.

Special disciplinary powers of the Chairman :-35.

- Notwithstanding anything contained in the Scheme, if the Chairman is satisfied after 1) enquiry that a "go-slow" has been resorted to by any gang of a registered workers or any individual registered worker and is being continued or repeated by the same gang or registered worker or different gangs or registered workers on the same or different places of work he may make a declaration in writing to that effect.
- When a declaration under sub-clause (1) has been made it shall be lawfull for the Chairman -2)
- in case of monthly registered workers, to take, without prejudice to the rights of the i) registered employers, such disciplinary action including removal against such registered workers as he may consider appropriate : and
- in case of registered workers in the pool to take such disciplinary action including dismissal ii) aganst such registered workers as he may consider appropriate.
- The Chairman may take disciplinary action ---31
- Where "go slow" is resorted to by a gang against all the members of the gang. and i)
- Where "go slow" is resorted to by a registered worker against the registered worker ii) concerned.

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

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

A declaration by the Chairman that a "go slow' has been resorted to by a registeredworker or a gang of registered workers 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.
- 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 forefeiting fourteen days wages inclusive of dearness allowance in lieu thereof.
- When the employment of a registered worker with the Board, has been terminated under sub-clauses (1) and (2) his name shall forthwith be removed from the register or record by the Board.

37) Appeals by Registered workers:-

- Save as otherwise provided in this clause, Registered worker in the pool who is aggrieved by an order passed by an authority under clause 34, may prefer an appeal against the order of the Personal Officer to the Chairman and against the order of the Chairman to the State Government.
- A worker who is aggrieved by an order of the Secretary.
- i) Placing him in a particular group in the register or record or.
- ii) Refusing registration under clause 15; or
- Requiring him under clause 28 (3) (b) to undertake any work which is not of the same category to which he belongs may prefer an appeal to the Chairman.
- 3) Any registered worker who is aggrieved by an order under clause 16 (4) may prefer an appeal to the Chairman..
- No appeal shall lie where due notice has been given of the removal of the name of a registered worker from the register or recorde in accordance with the instructions of the Board if the ground of removal is that the registered worker falls within a class of description of workers whose names are to be removed from the register or record in order to reduce the size thereof.

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

5) Every appeal referred to in sub-clauses (1)] (2) (3) or (4) 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.

38) Appeals by registered 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.

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- ii) In the case of an appeal against an order under clauses 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 things fit.
- Every appeal referred to in sub-clause (1) shall be in writing and preferred within fourteen 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 fourteen day.

39) Powers of revision of the Chairman:

Notwithstanding anything contained in the Scheme, the Chairman in case of an order passed by Personnel Office under caluse 34 may at any time call for the record of any proceeding 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 thing fit:

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

40) Stay of order in case of certain appeals:-

When an appeal is made by a worker in accordance with the provisions of clause 37 against an order of termination of service on one months notice or where an appeal is preferred by an registered employer in accordance with the provisions of clause 38 against an order removing his name from the employers register under clause 34 (1) (ii) (b) the appellate authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal.

41) Cost of operating the scheme and provision for amenities and benefits to registered workers:-

- The Cost of operating this scheme and providing different benefits, facilities and amenities to 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.
- An employer to whom this Scheme applies shall pay the levy as specified by the Board, from time to time from the date from whih the Scheme applies to him irrespective whether he gets himself registered within the time limit laid down in clause 14 of this Scheme or any time thereafter.
- The Board shall not sanction any levy exceeding fifty percent of the total wage bill without the prior approval of the State Government.
- (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 91) as the Board may consider necessary.
- 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.
- 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 registered employer to the effect that, unless he pays his dues within three days from the date of receiot 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.

42. Provident Fund and Gratuity:-

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 method of payment and such other matters as may be considered necessary so however, that the rate of contribution is not less that 6, 1/4 percent of the wages of a registered worker and is not more than 8, 1/4 percent 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 the method of payment thereof.

- In framing rules for the contributory provident fund, the Board shall take into consideration the provisions or the Employees Provident Funds Act, 1952 as amended from time to time and the schemes made thereunder for any establishment.
- 3) The Board shall frame rules for payment of gratuity to registered workers
- 4) In framing rules for the payment of gratuity by registered workers the Board shall take into consideration the provisions of the payment of Gratuity Act, 1972 as amended from time to time.
- 5) The rules for Provident Fund and Gratuity framed by the Board shall be subject to the previous approval of the State Government.

43) Penalties:

Whoever contravenes the provisions of clause 14, 29 and 30, shall on conviction, be punished --

- 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 a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both:
- if sush 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.

FROM - "A" (CLAUSE 14)

ICHALKARANJI MATHADI UNPROTECTED LABOUR BOARD

Application for the registration of Employer.

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

1.	Name and address of the Establishment and	
	Tel. 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 of the Association.	
4.	Whether your Estts. is registered under	
	the Bombay Shops and Estts. Act, 1948, if	
	so, state the 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 Estts.	***************************************
6.	Are you employing workers through	
	contractors? If so state the name	
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7.	Are you employing workers through Tolli?	
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Signature of the Applicant
By order and in the name of the Governor of Maharashtra,

Under Secretary to Government.