

**Maharashtra Mathadi, Hamal And Other Manual Workers
(Regulation Of Employment And Welfare) Act, 1969**

30 of 1969

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SCHEDULE 1 :- SCHEDULE I

Maharashtra Mathadi, Hamal And Other Manual Workers (Regulation Of Employment And Welfare) Act, 1969

30 of 1969

An Act for regulating the employment of unprotected manual workers employed in certain employments in the State of Maharashtra to make provision for their adequate supply and proper and full utilization in such employments, and for matters connected therewith.

1. Short Title, Extent, Application And Commencement :-

(1) This Act may be called the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969.

(3) It applies to the employments specified in the Schedule hereto.
1 Sub-section (4A) was inserted by Mah. 28 of 1987, s. 2.

2. Definitions :-

(1) "Board" means a Board established under section 6;

(2) "contractor", in relation to an unprotected workers, means a person who undertakes to execute any work for an establishment by engaging such workers on hire or otherwise, or who supplies such worker either in groups, gangs (tollis), or as individuals; and includes a sub-contractor, an agent, a mukadum or a tolliwala;

(3) "employer", in relation to any unprotected workers engaged by or through contractor, means the principal employer and in relation to any other unprotected worker, the person who has ultimate control over the affairs of the establishment, and includes any other person to whom the affairs of such establishment are entrusted, whether such person is called an agent, manager or is called by any other name prevailing in the scheduled employment;

- (4) "establishment" means any place or premises, including the precincts thereof, in which or in any part of which any scheduled employment is being or is ordinarily carried on;
- (5) "family" in relation to an employer means, the spouse, son, daughter, father, mother, brother, or sister of such employer who lives with him and is wholly dependent on him;
- (6) "Inspector" means an Inspector appointed under section 15;
- (7) "principal employer" means an employer who engages unprotected workers by or through a contractor in any scheduled employment;
- (8) "prescribed" means prescribed by rules;
- (9) "scheduled employment" means any employment specified in the Schedule hereto or any process or branch of work forming part of such employment;
- (10) "scheme" means a scheme made under this Act;
- (11) "unprotected worker" means a manual worker, who is engaged or to be engaged in any scheduled employment;
- (12) "worker" means a person, who is engaged or to be engaged directly or through any agency, whether for wages or not, to do manual work in any scheduled employment and, includes any person not employed by any employer or a contractor, but working with the permission of, or under agreement with the employer or contractor; but does not include the members of an employers family;
- (13) "wages" means all remunerations expressed in terms of money or capable of being so expressed which would, if the terms of contract of employment, express or implied were, fulfilled, be payable to an unprotected worker in respect of work done in any scheduled employment, but does not include-
- (i) the value of any house accommodation, supply of light, water, medical attendance; or any other amenity or any service excluded from the computation of wages by general or special order of the State Government;
 - (ii) any contribution paid by the employer to any pension fund or provident fund or under any scheme of social insurance and the interest which may have accrued thereon;
 - (iii) any travelling allowance or the value of any travelling concession;
 - (iv) any sum paid to the worker to defray special expenses entailed on him by the nature of this employment; or
 - (v) any gratuity payable on discharge.

3. Schemes For Ensuring Regular Employment Of Unprotected Workers :-

(1) For the purpose of ensuring anadequate supply and full and proper utilization of unprotected workers inscheduled employments, and generally for making better provision for the termsand conditions of employment of such workers 1 * * *, the StateGovernment may by means of a scheme provide for the registration of employersand unprotected workers in any scheduled employment or employments, and providefor the terms and conditions of work of 2 [registered unprotectedworkers,] and make provision for the general welfare in such employments.

(a) for the application of thescheme to such classes of 4 [registered unprotected workers andemployers,] as may be specified therein;

(c) for regulating the recruitmentand entry into the scheme of unprotected workers, and the registration ofunprotected workers and employers, including the maintenance of registers,removal, either temporarily or permanently, of names from the registers, 5 * * *, and the imposition of fees for registration;

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(f) for prohibiting, restrictingor otherwise controlling the employment of unprotected workers to whom thescheme does not apply, and the employment of unprotected workers by employersto whom the scheme does not apply;

(h) for health and safety measuresin places where the 10 [registered unprotected workers] are engaged,in so far as satisfactory provision therefor, is required but does not exist,apart from the scheme;

(k) for constituting the personsof authorities who are to be responsible for the administration of the scheme,and for the administration of funds constituted for the purposes aforesaid; [(k-i) for specifying the powersand duties which the persons or authorities referred to in clause (k) mayexercise or perform, for providing appeals and; revision applications againstthe decisions or orders of such persons and authorities; and for deciding suchappeals and applications and for matters incidental thereto;]

(l) for such incidental andsupplementary matters, as may be necessary or expedient for giving effect tothe purposes of a scheme; * * * * *

(3) The scheme may further providethat a contravention of any provision thereof shall be punished withimprisonment for such term as may be specified (but in no case exceeding threemonths in

respect of a first contravention or six months in respect of any subsequent contravention), or with fine which may extend to such amount as maybe specified (but in no case exceeding five hundred rupees in respect of the first contravention, or one thousand rupees in respect of any subsequent contravention) or with both imprisonment and fine 15 [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 so continued.] The words "whether registered or not" were deemed always to have been deleted by Mah. 40 of 1974, s.2(1)(a). These words were deemed always to have been substituted for the words "such unprotected workers, whether registered or not", by Mah. 40 of 1974, s. 2(1)(b). These words were deemed always to have been substituted for the words "a scheme may provide ", by Mah. 40 of 1974 s. 2(2)(a). These words were deemed always to have been substituted for the words "unprotected workers and employers", by Mah. 40 of 1974, s. 2(2)(b). The words "and provision for appeal against such removal to the prescribed authority" were deleted by Mah. 27 of 1977, s. 2(a). These words were deemed always to have been substituted for the words "unprotected workers, whether registered or not" by Mah. 40 of 1974, s. 2(2)(c). Clause (d-i) was inserted by Mah. 27 of 1977, s. 2(b). These words were deemed always to have been substituted for the words "unprotected workers", by Mah. 40 of 1974, s. 2(2)(d). These words were deemed always to have been substituted for "unprotected workers" by Mah. 40 of 1974 s.2(2)(e)(i). This portion was deemed always to have been inserted, by Mah. 40 of 1974. These words and brackets were inserted by Mah. 27 of 1977 s. 2(c). The words "including any contributions to be paid by employers and unprotected workers, and the rate of such contribution" were deemed always to have been deleted by Mah. 40 of 1974, s. 2(2)(f). Clause (k-i) was inserted by Mah. 27 of 1977, s. 2(d) Clause (m) was deemed always to have been deleted by Mah. 40 of 1974, s 2(2)(g). This portion was added, by Mah. 40 of 1974, s. 2(3).

4. Making Variation And Revocation Of Scheme :-

(1) The State Government may, after consultation with the advisory Committee, by notification in the Official Gazette and subject to the condition of previous publication, make one or more schemes for any scheduled employment or group of scheduled employment, in one or more areas specified in the notification; and

in like manner add to, amend, vary or substitute another scheme for, any scheme made by it:

Provided that, no such notification shall come into force, unless a period of one month has expired from the date of publication in the Official Gazette:

Provided further that, the State Government may-

(a) if it considers necessary, or

(b) if a demand or request is made by a majority of the employers for workers in any other scheduled employment, that the provisions of any scheme so made for any scheduled employment or any part thereof should be applied to such other scheduled employment, after consulting the employers and workers in such scheduled employment, by notification in the Official Gazette, apply the provisions of such scheme or part thereof to such scheduled employment, with such modifications, if any, as may be specified in the notification.

(2) The provisions of section 24 of the Bombay General Clauses Act, 1904, (Bom. III of 1904) shall apply to the exercise of the power given by sub-section (1) as they apply to the exercise of a power given by a Maharashtra Act to make rules subject to the condition of previous publication.

5. Disputes Regarding Application Of Scheme :-

If any question arises whether any scheme applies to any class of unprotected workers or employers, the matter shall be referred to the State Government and the decision of the State Government on the question, which shall be taken, after consulting the Advisory committee constituted under section 14, shall be final.

6. Constitution Of Board :-

(1) The State Government may, by notification in the Official Gazette establish a Board to be known by such name as may be specified in the notification for any scheduled employment in any area. One or more Boards may be appointed for one or more scheduled employments, and for one or more areas:

1 [Provided that, the Board established for the scheduled employments specified in column 4 of the Table appended to sub-section (4A) of section 1 in the area of Greater Bombay shall be the Boards deemed to have been established also for such scheduled employments in the areas and on the dates specified in columns 2 and 3 of the said Table, respectively.]

(2) Every such Board shall be a body corporate with the aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, and to contract, and may by that name, sue or be sued.

(3) The Board shall consist of members nominated 2 [from time to time] by the State Government representing the employers, the unprotected workers, and the State Government.

(4) The members representing employers and unprotected workers shall be equal in number, and the members representing the State Government shall not exceed one-third of the total number of members representing employers and unprotected worker.

(5) The Chairman of the Board shall be one of the members appointed to represent the State Government, nominated in this behalf by the State Government.

(6) After nomination of all the members of the Board including the Chairman, the State Government shall, by notification in the Official Gazette, publish the names of all the members of the Boards.

(7) The term of office of members of the Board shall be such as may be prescribed.

3 [(7A) There shall be paid to every member (not being a member representing the State Government) from the fund of the Board, travelling and daily allowances for attending meeting of the Board at such rates as may be prescribed.]

(8) The meetings of the Board and procedure to be followed for the purpose and all matters supplementary or ancillary thereto shall, subject to the approval of the State Government, be regulated by the Board itself.

6A. Power Of State Government To Appoint Board Consisting Of One Person :-

1 [6A. Power of State Government to appoint consisting of one person.

(1) Where by reason of employers or unprotected workers in any scheduled employment refusing to nominate persons for representing them on the Board or for any reasons whatsoever, it appears to the State Government that it is unable to constitute a Board for such scheduled employment in accordance with the provisions of section 6, the State Government may by notification in the Official Gazette, appoint a person who shall hold office until a Board is duly constituted under section 6 for such scheduled employment.

(3) The person constituting the Board shall receive such remuneration from the fund of the Board, and the terms and other conditions of service shall be such as the State Government may determine.] Section 6A was inserted by Mah. 27 of 1972, s.4.

7. Powers And Duties Of Board :-

(1) The Board shall be responsible for administering a scheme, and shall exercise such powers and perform such functions as may be conferred on it by the scheme.

(2) The Board may take such measures as it may deem fit for administering the scheme.

(3) The Board shall submit to the State Government, as soon as may be, after the 1st of April 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 on 31st day of March of that year. Every report so received shall be laid as soon as may be after it is received before each House of the State Legislature if it is in session, or in the session immediately following the date of receipt of the report.

(4) In exercise of the powers and discharge of its functions, the Board shall be bound by such directions as the State Government, may for reason to be stated in writing, give to it from time to time.

8. Accounts And Audit :-

(1) The Board shall maintain proper accounts and other relevant record and prepare and annual statement of accounts, including a balance-sheet in such form as may be prescribed.

(2) The accounts of the Board shall be audited annually by such qualified person as the State Government may appoint in this behalf.

(3) The auditor shall at all reasonable times have access to the books of accounts and other documents of the Board, and may for the purposes of the audit, call for such explanation and information as he may require, or examine any member or officer of the Board.

(4) The accounts of the Board certified by the auditor, together with the audited report thereon shall be forwarded annually to the State Government before such date as the State Government may specify in this behalf.

(5) The Board shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

(6) The cost of audit, as determined by the State Government, shall be paid out of the funds of the Board.

9. Disqualifications And Removal :-

(1) No person shall be chosen as, or continue to be, a member of the Board who-

(b) is or at any time has been adjudged insolvent; or

(d) is or has been convicted of any offence involving moral turpitude.

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or

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(b) having regard to the exigencies of circumstances or service in the State Government, the member (including the Chairman) representing the State Government cannot continue to represent the State Government,

10. Resignation Of Office By Member :-

Any member of the Board may at any time resign his office by writing under his hand addressed to the State Government, and his office shall, on acceptance of resignation, become vacant.

11. Vacancy To Be Filled As Early As Possible :-

In the event of any vacancy occurring on account of death, resignation, disqualification or removal or otherwise, the Board shall forthwith communicate the occurrence to the State Government, and the Vacancy shall be filled not later than ninety days from the date of the occurrence of the vacancy, and the Person nominated to fill in the vacancy shall hold office so long as the member in whose place he is nominated would have it if the vacancy had not occurred:

Provided that, during any such vacancy, the continuing members may act as if no vacancy has occurred.

12. Proceedings Presumed To Be Good And Valid :-

No act or proceeding of the Board shall be questioned or invalidated merely by reason of any vacancy in its membership or by reason of any defect in the constitution thereof.

13. Determination Of Moneys Due From Employers And

Workers :-

1 [13. Determination of moneys due from employers and workers.

(1) The Board or such officer as may be specified by it in this behalf may, by order, determine any sum due from any employer or worker under this Act or any scheme made thereunder, and for this purpose may conduct such inquiry as the Board or such officer may think to be necessary.

(a) enforcing the attendance of any person or examining him on oath;

(c) receiving evidence on affidavit;

and any such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code 45 of 1860.

(4) An order made under this section shall be final and shall not be questioned in any Court.

14. Advisory Committee :-

(1) The State Government may constitute an Advisory Committee to advise upon such matters arising out of the administration of this Act or any scheme made under this Act or relating to the application of the provisions of this Act to any particular class of unprotected workers and employers, or co-ordination of the work of various Boards, as the Advisory Committee may itself consider to be necessary or as the State Government may refer to it for advice.

Provided that, the Advisory Committee shall include an equal number of members representing employers, workers and the Legislature of the State and members representing the State Government not exceeding one-fourth of its total number of members.

(4) The State Government shall publish in the Official Gazette, the names of all the members of the Advisory Committee.

(6) The term of office of members of the Advisory Committee shall be such as may be prescribed. [(7) The member of the Advisory Committee (not being a member representing the State Government) shall receive travelling and daily allowances for attending meetings of the Committee at such rates as may be prescribed.]

15. Inspectors And Their Powers :-

(1) The Board may appoint such persons as it thinks fit to be

Inspectors possessing the prescribed qualifications. For the purposes of this Act or of any scheme and may define the limits of their jurisdiction.

(2) Subject to any rules made by the State Government in this behalf, an Inspector may-

(a) enter and search at all reasonable hours, with such assistants as he thinks fit, any premises or place, where unprotected workers are employed, or work is given out to unprotected workers in any scheduled employment, for the purpose of examining any register, record of wages or notices required to be kept or exhibited under any scheme, and require the production thereof, for inspection;

(b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is an unprotected worker employed therein or an unprotected worker to whom work is given out therein;

(c) require any person giving any work to an unprotected worker or to a group of unprotected workers to give any information, which is in his power to give, in respect of the names and addresses of the persons to whom the work is given and in respect of payments made, or to be made, for the said work;

(d) seize or take copies of such registers, records of wages or notices or portions thereof, as he may consider relevant, in respect of an offence under this Act or scheme, which he has reason to believe has been committed by an employer; and

(e) exercise such other powers as may be prescribed:

Provided that, no one shall be required under the provisions of this section to answer any question or make any statement tending to incriminate himself.

(3) Every Inspector appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860)

16. Prohibition Of Employment Of Children :-

No child shall be required or allowed to work in any scheduled employment.

Explanation.-Child, means a person who has not completed fourteen years of age.

17. Offences To Be Tried By Labour Court :-

1* [17. Offences to be tried by Labour Court.

Every Offence punishable by or under this Act (including any offence

made punishable by a scheme made under this Act) shall be tried by the Labour Court, within the local limits of whose jurisdiction the offence was committed. Section 17 to Section 17G were substituted for section 17 by Mah. 62 of 1981, s.2.

"4. Savings

17A. Labour Court Under Bombay Industrial Relations Act To Be Labour Court Under This Act Also :-

A Labour Court constituted under Bombay Industrial Relations Act, 1946, (Bom. XI of 1947) for any local area, shall also be a Labour Court constituted for that area for the purposes of this Act; and accordingly shall have the same powers to try any offence made punishable by or under this Act, as it has to try any offence punishable by or under that Act.

17B. Cognizance Of Offence On Complaint :-

No Labour Court shall take cognizance of any offence punishable by or under this Act, except on a complaint in writing made by an Inspector or by a person specially authorised in this behalf by the Board or the State Government.

17C. Appeal From Labour Court To Industrial Court :-

(1) Notwithstanding anything contained in this Act, an appeal shall lie to the Industrial Court, -

(a) against a conviction by a Labour Court, by the person convicted;

(b) against an acquittal by a Labour Court, by the Complainant;

(c) for enhancement of a sentence awarded by the Labour Court by the State Government.

(2) Every appeal shall be made within thirty days from the date of the conviction, acquittal or sentence, as the case may be:

Provided that, the Industrial Court may, for sufficient reasons to be recorded in writing, allow an appeal after the expiry of the said period.

17D. Industrial Court Under Bombay Industrial Relations Act To Be Industrial Court Under This Act Also :-

The Industrial Court constituted under the Bombay Industrial Relations Act, 1946, (Bom. XI of 1947) shall also be the Industrial Court constituted for the purposes of this Act; and accordingly shall

have the same powers to entertain any appeals or references against or in any proceeding, decision, conviction, acquittal, sentence or order by or of the Labour Court, as it has in these matters under that Act.

17E. Decision Of Labour Court And Industrial Court Not To Be Questioned In Any Civil Or Criminal Court :-

(1) Save as provided in the last preceding section, no decision, conviction, acquittal, sentence or order by or of a Labour Court shall be called in question in any Civil or Criminal Court.

(2) No decision given or order passed by the Industrial Court shall be called in question in any Civil or Criminal Court.

17F. Cases To Be Disposed Of By Labour Court And Industrial Court Within Three Months :-

(1) An endeavour shall be made by the Labour Court to hear and dispose of a complaint of an offence punishable by or under the Act, as far as possible, within three months from the date the complaint is made to it.

(2) An endeavour shall be made by the Industrial Court to hear and dispose of any appeal or reference made to it under this Act, as far as possible, within three months from the date such appeal or reference is made to it.

17G. Other Relevant Provisions Of Bombay Industrial Relations Act To Apply And To Be Followed :-

Except as otherwise provided in this Act, in the trial of an offence punishable by or under this Act by the Labour Court, for hearing and Disposal of any appeal or reference by the Industrial Court, and in other respects, the provisions of sections 85, 85A, 110 and 118B and other relevant provisions of the Bombay Industrial Relations Act, 1946, (Bom.XI of 1947) shall, so far as may be, apply, and be followed by these Courts and the parties concerned.]

18. Application Of Workmens Compensation Act To Unprotected Workers :-

The provisions of the Workmens Compensation Act, 1923, (VIII of 1923) and the rules made from time to time hereunder, shall mutatis mutandis apply to [registered unprotected workers] employed in any scheduled employment to which this Act applies;

and for that purpose they shall be deemed to be workmen within the meaning of that Act; and in relation to such workmen, employer shall mean where a Board makes payment of wages to any such workmen, the Board, and in any other case, the employer as defined in this Act.

1. These words were deemed always to have been substituted for the words "unprotected workers" by Mah. 40 of 1974, s. 3 and 4.

19. Application Of The Payment Of Wages Act, 1936, To Workers :-

(1) Notwithstanding anything contained in the Payment of Wages Act, 1936, (IV of 1936) (hereinafter referred to in this section as "the said Act"), the State Government may, by notification in the Official Gazette, direct that all or any of the provisions of the said Act or the rules made thereunder shall apply to all or any class of1[registered unprotected workers,] employed in any scheduled employment to which this Act applies, with the modification that in relation to1[registered unprotected workers] employer shall mean where a Board makes payment of wages to any such worker, the Board, and in any other case, the employer as defined in this Act; and on such application of the provisions of the said Act, an Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of such provisions of the said Act within the local limits of his jurisdiction.

(2) The State Government may, only if the Advisory Committee so advises, by a like notification, cancel or vary any notification issued under sub-section (1).

1. These words were deemed always to have been substituted for the words "unprotected women workers" by Mah. 40 of 1974, s. 5.

20. Application Of Maternity Benefit Act, To Unprotected Women Workers :-

Notwithstanding anything contained in the Maternity Benefit Act, 1961 workers (53 of 1961) (hereinafter reference to in this section as the "said act") the State Government may, by notification in the Official Gazette, direct that all or any of the provisions of the said Act or the rules made thereunder shall apply to1[registered unprotected women workers] employed in any scheduled employment to which this Act applies; and for that purpose they shall be deemed to be women within the meaning of the said Act; and in relation to such women, employer shall mean where a Board

makes payment of wages to such women, the Board; and in any other case, the employer as defined in this Act; and on such application of the provisions of the said Act, an Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of enforcement of such provisions of the said Act within the local limits of his jurisdiction.

1. These words were deemed always to have been substituted for the words "unprotected women workers" by Mah. 40 of 1974, s.5.

21. Rights And Privileges Under Other Laws Not Affected In Certain Cases :-

Nothing contained in this Act shall affect any rights or privileges, which may¹[registered unprotected worker] employed in any scheduled employment is entitled to, on the date on which this Act comes into force, under any other law, contract, custom, or usage applicable to such worker, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act and the scheme:

Provided that, such worker will not be entitled to receive any corresponding benefit under the provisions of this Act and the scheme.

1. These words were deemed always to have been substituted for the words "unprotected worker" by Mah. 40 of 1974, s. 5. , s. 6.

22. Exemptions :-

The State Government may, after consulting the Advisory Committee, by notification in the Official Gazette, and subject to such conditions and for such period as may be specified in the notification, exempt from the operation of all or any of the provisions of this Act or any scheme made thereunder, all or any class or classes of unprotected workers employed in any scheduled employment, or in any establishment or part of any establishment of any scheduled employment, if in the opinion of the State Government all such unprotected workers or such classes of workers are in the enjoyment of benefits which are on the whole not less favourable to such unprotected workers than the benefits provided by or under this Act or any scheme framed thereunder:

Provided that, before any such notification is issued, the State Government shall publish a notice of its intention to issue such notification and, invite objections and suggestions in respect thereto, and no such notification shall be issued until the objections

and suggestions have been considered and a period of one month has expired from the date of first publication of the notice in the Official Gazette:

Provided further that, the State Government may, by notification in the Official Gazette, at any time, for reasons to be specified, rescinded the aforesaid notification.

23. Enquiry Into Working Of The Board :-

(1) The State Government may at any time appoint any person to investigate or enquire into the working of any Board or scheme and submit a report to the State Government in that behalf.

(2) The Board shall give to the person so appointed all facilities for the proper conduct of the investigation or inquiry, and furnish to him such documents, accounts or information in possession of the Board as he may require.

(3) Any person so appointed to investigate or inquire into the working of any Board or scheme may exercise all the powers of an Inspector appointed under this Act.

24. Supersession Of The Board :-

(1) If the State Government on, consideration of the report referred to in sub-section (1) of section 23 or otherwise, is of the opinion-

(a) that the Board is unable to perform its functions; or

(b) that the Board has persistently made default in the discharge of its functions or has exceeded or abused its powers,

the State Government may, by notification in the Official Gazette, supersede the Board and constitute it in the prescribed manner, within a period of twelve months from the date of supersession. The period of supersession may be extended for sufficient reasons by a like notification by not more than six months:

Provided that, before issuing a notification under this sub-section on any of the grounds mentioned in clause (b), the State Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded, and shall consider the explanations and objections, if any, of the Board.

(2) After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act shall be exercised and performed by the State Government, or by such officers as the State Government may appoint for this purpose.

(3) When the Board is superseded the following consequences shall

ensue, that is to say:-

(a) all the members of the Board shall, as from the date of publication of the notification under sub-section (1) vacate their office;

(b) all the powers and functions, which may be exercised or performed by the Board shall, during the period of supersession, be exercised or performed by such persons as may be specified in the notification;

(c) all funds and other property vesting in the Board shall, during the period of supersession, vest in the State Government and on the reconstitution of the Board, such funds and property shall revert in the Board.

25. Contracting Out :-

Any contract or agreement, whether made before or after the commencement of this Act, whereby¹[a registered unprotected worker] relinquishes any right conferred by or any privilege or concession accruing to him under this Act or any scheme, shall be void and of no effect in so far as it purports to deprive him of such right or privilege or concession.

1. These words were deemed always to have been substituted for the words "an unprotected worker" by Mah. 40 of 1974, s. 7.

26. Amendment Of Scheme :-

The State Government after giving, by notification in the Official Gazette, not less than three months notice of its intention so to do, may by like notification¹[modify any item of the Schedule or] add to the Schedule any employment in respect of which it is of opinion that the provisions of this Act should apply and the provisions of this Act shall thereupon²[apply to such employment as modified or added.]

1. These words were inserted by Mah. 27 of 1972, s. 5.

2. These words were substituted for "apply to such employment", by Mah. 27 of 1972.

27. General Penalty For Offences :-

Save as otherwise expressly provided in this Act, any person, who contravenes any of the provisions of this Act or any rule made thereunder shall, on conviction,¹[by a Labour Court or the Industrial Court,] be punished with fine which may extend to five

hundred rupees, and in case of continued contravention thereof, with an additional fine which may extend to one hundred rupees per day for every day during which such contravention continues.

1. These words were inserted by Mah. 62 of 1981, s. 3.

27A. Protection Of Action Taken Under This Act :-

1[27A. Protection of action taken under this Act

No suit, prosecution or other legal proceedings shall lie against the, State Government or Board or the Chairman, Secretary, or any member of the Board or Advisory Committee, or any inspector or any other officers of the Board for anything which is in good faith done or intended to be done in pursuance of this Act, or any scheme or any rule or order made thereunder.]

1. Section 27A was inserted by Mah. 27 of 1972. S. 6.

28. Rules :-

(1) The State Government may, by notification in the Official Gazette and subject to the Condition of the previous publication make rules for carrying out the purposes of this Act.

(2) Every scheme under this Act and rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the scheme or rule or both Houses agree that the scheme, any provision thereof or rule should not be made, the scheme or such provision or rule shall from the date of publication of a notification in the Official Gazette of such decision have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that scheme, provision, or as the case may be, rule.

SCHEDULE 1

SCHEDULE I

[See section 2(9)]

1. Employment in Iron and Steel Market or shops in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations.

2. Employment in Cloth and Cotton Markets or shops in connection with loading, unloading, stacking, carrying, weighing, 1[measuring, filing, stitching, sorting,

cleaning or such other work] including work preparatory or incidental to such operations.

3. Employment in docks in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations, but does not include employment of a Dock Worker within the meaning of the Dock Workers (Regulation of Employment) Act, 1948.

4. Employment in Grocery Markets or shops, in connection with loading, unloading, stacking, carrying, weighing,²[measuring, filing, stitching, sorting, cleaning or such other work] including work preparatory or incidental to such operations.

5. Employment in markets, and factories and other establishments, in connection with loading, unloading, stacking, carrying, weighing,²[measuring, filing, stitching, sorting, cleaning or such other work] including work preparatory or incidental to such operations carried on by workers not covered by any other entries in this Schedule.

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

7. Employment in connection with loading of goods into public transport vehicle or unloading of goods therefrom and any other operation incidental and connected thereto.

8. Employment in vegetable markets (including onions and potatoes markets) in connection with loading, unloading, stacking, carrying, weighing,¹[measuring, filing stitching, sorting, cleaning or such other work] including work preparatory or incidental to such operations.

9. Employment in markets or subsidiary markets established under Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, in connection with loading, unloading, stacking, carrying, weighing³[measuring, filing, stitching, sorting, cleaning or such other work] including work preparatory or incidental to such operations.

10. Employment in Khokha making, and in timber market.

11. Employment in salt pans.

12. Employment in fishing industry.

13. Employment in connection with the loading, unloading and carrying of food-grains into godowns³[sorting and cleaning of foodgrains, filling foodgrains in bags, stitching of such bags] and such other work incidental and connected thereof.

³[14. Employment in establishment engaged in cleaning, sorting, loading, unloading, stacking, carrying, weighing, measuring, stitching, filling of the onions or onion bags and such other work including the work preparatory or incidental or such operations.]

1. These words were substituted for the words "measuring or such other work" by G.N, I.&L.D., No.UWA. 1272/165800/Lab-IV, dated 6th April 1973.

2. These words were inserted by G.N.I & L.D., No. UWA. 1272/165800/Lab-IV, dated 6th April 1973.

3. This entry was added by G.N., I.& L.D. No. UWA.1082/CR-10038/Lab-5, dated the 2nd November 1984.