



The Gujarat Unprotected Manual Workers (Regulation of Employment and Welfare) Act, 1979

Act 25 of 1979

Keyword(s):

Contractor, Employer, Family, Inspector, Principal Employer, Scheduled Employment, Unprotected Worker, Worker, Wages

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Separate paging is given to this Part in order that it may
be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 25th October 1979 is hereby published for general information.

N. B. PATEL,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 25 OF 1979.

(First published, after having received the assent of the president in the "Gujarat Government Gazette" on the 26th October, 1979).

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

It is hereby enacted in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Unprotected Manual Workers (Regulation of Employment and Welfare) Act, 1979.

(2) It extends to the whole of the State of Gujarat.

Short
title,
extent,
commence-
ment and
applica-
tion.

(3) This section shall be deemed to have come into force on the 16th June, 1979 and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different areas, and for different employments, and for different provisions of the Act.

(4) It applies to the employments specified in the Schedule.

Definitions. 2. In this Act unless the context otherwise requires,—

(1) "Advisory Committee" means the Committee constituted under section 15;

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

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

(4) "employer" in relation to any unprotected worker engaged by or through a contractor means the principal employer and in relation to unprotected worker not engaged by or through a contractor the person who has the 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 or manager or by any other name prevailing in the scheduled employment;

(5) "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;

(6) "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;

(7) "Inspector" means an Inspector appointed under section 16;

(8) "principal employer" means an employer who engages unprotected workers by or through a contractor in any scheduled employment;

(9) "prescribed" means prescribed by rules made under this Act;

(10) "scheduled employment" means any employment specified in the Schedule or any process or branch of work forming part of such employment;

(11) "scheme" means a scheme made under this Act;

(12) "unprotected worker" means a manual worker who is engaged or to be engaged in any scheduled employment;

(13) "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 any member of an employer's family;

(14) "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 his employment; or

(v) any gratuity payable on discharge.

3. (1) For the purpose of ensuring an adequate supply and full and proper utilisation of unprotected workers in scheduled employments, and generally for making better provision for in respect of the terms and conditions of employment of such workers the State Government may, by means of a scheme, provide for—

Schemes for ensuring regular employment of unprotected workers.

(a) the registration of employers and unprotected workers in any scheduled employment; and

(b) the terms and conditions of work of registered unprotected workers; and

(c) the general welfare in such employments.

(2) In particular, a scheme may provide for all or any of the following matters, namely:—

(a) the application of the scheme to such classes of registered unprotected workers and employers, as may be specified therein;

(b) the obligations of registered unprotected workers and employers subject to the fulfilment of which the scheme may apply to them;

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

(d) regulation of the employment of registered unprotected workers, and the terms and conditions of such employment, including rates of wages, hours of work, maternity benefit, overtime payment, leave with wages, provisions for gratuity and conditions as to weekly and other holidays and pay in respect thereof;

(e) the time within which registered employers shall remit to the Board the amount of wages payable to the registered workers for the work done by such workers; requiring an amount equal to the monthly average of the wages to be so remitted, to be deposited with the Board in the case of default by the employers to remit the amount of wages in time; requiring the employer to make good the amount of such average in the case where such deposit falls short of the average; and payment by way of penalty a surcharge of such amount not exceeding ten per cent of the amount to be remitted, as the Board may determine, by employers who persistently make default in making such remittances in time;

(f) security of minimum wage to registered unprotected workers available for work in respect of the period during which employment or full employment is not available to them, subject to conditions of the scheme;

(g) prohibition, restriction or otherwise control of the employment of unprotected workers to whom the scheme does not apply, and the employment of unprotected workers by employers to whom the scheme does not apply;

(h) the welfare of registered unprotected workers covered by the scheme in so far as satisfactory provision therefor does not exist, apart from the scheme;

(i) health and safety measures in places where the registered unprotected workers are engaged, in so far as satisfactory provision therefor, is required but does not exist, apart from the scheme;

XIX
of
1952.

(j) the constitution of any fund or funds including provident fund for the benefit of registered unprotected workers, the vesting of such funds, the payment and contributions to be made to such funds (provision for provident fund and rates of contribution being made after taking into consideration the provisions of the Employees' Provident Funds Act, 1952, and the scheme framed thereunder with suitable modifications, where necessary, to suit the conditions of work of such registered unprotected workers), and all matters relating thereto;

(k) the manner in which, the day with effect from which (whether prospective or retrospective) and the persons by whom, the cost of operating the scheme is to be defrayed;

(l) for appointment of the persons or constitution of authorities responsible for the administration of the scheme, and for the administration of funds constituted for the purpose aforesaid;

(m) the powers and duties which the persons or authorities referred to in clause (l) may exercise or perform, provision for appeals and revision applications against the decisions or orders of such persons and authorities; and authorities which may decide such appeals and applications and for matters incidental thereto;

(n) for such incidental and supplementary matters, as may be necessary or expedient for giving effect to the purposes of a scheme.

(3) In making any scheme the State Government may direct that a contravention of any provision thereof shall be punishable with imprisonment for a term not exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of the first contravention, or one thousand rupees in respect of any subsequent contravention or with both the imprisonment and fine and where the contravention is continued after conviction, with a further fine not exceeding one hundred rupees for each day on which the contravention is so continued.

4. (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 employments, 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: ^{Making variation and revocation of scheme.}

Provided that, no such notification shall come into force, unless a period of one month has expired from the date of its 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 the employers or workers in any other scheduled employment,

that the provisions of any scheme so made for any scheduled employment or any part thereof be applied to such other scheduled employment, after consulting the employers and workers in such other 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, shall apply to the exercise of the powers to make, vary or revoke a scheme conferred by sub-section (1) as they apply to the exercise of a power to make rules subject to the condition of previous publication conferred by a Gujarat Act. Bom.
E of
1904.

(3) Every notification making, varying or revoking a scheme or applying a scheme or part thereof to any other scheduled employment, issued under sub-section (1) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which it is so laid or the session immediately following. Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Disputes
regarding
application
of scheme.

5. 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, shall be final.

Constitu-
tion of
Board.

6. (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 established for one or more scheduled employments, and for one or more areas.

(2) Every such Board shall be body corporate with the name 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 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 workers.

(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 Board.

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

(9) 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 meetings of the Board at such rates as may be prescribed.

7. (1) Where, for any reason whatsoever (including refusal of the employer or unprotected workers to nominate on the Board persons representing them) a Board for any scheduled employment cannot be constituted by the State Government 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.

Power of State Government to appoint Board consisting of one person.

(2) The person so appointed shall be deemed to constitute the Board for the time being, and shall exercise all the powers and perform and discharge all the duties and functions conferred and imposed upon the Board by or under this Act. He shall continue in office until the day immediately preceding the date of the first meeting of such Board.

(3) The person constituting the Board shall receive such remuneration from the fund of the Board, and the terms and other conditions of service of such person shall be such as the State Government may determine.

8. (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.

Powers and duties of Board.

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

(3) The Board shall every year submit to the State Government, as soon as may be, after the 1st day of April of that year, and not later than the 31st day of October of that year, an annual report on the working of the scheme during the preceding financial year. Every report so received shall be laid as soon as may be after it is received before the State Legislature if it is in session, or in the session immediately following the date of receipt of the report.

(4) The State Government may by writing give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of the Board to comply with such directions:

Provided that no such directions shall be given to the Board unless an opportunity is given to the Board to state its objections, if any, and the objections if any stated by the Board are considered by the State Government.

Accounts
and Audit.

9. (1) The Board shall maintain proper accounts and other relevant record and prepare an 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 auditor's 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.

Disquali-
fications
and
removal.

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

(a) is a salaried officer of the Board; or

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

(c) is of unsound mind and stands so declared by a competent court; or

(d) is or has been convicted of any offence which in the opinion of the State Government involves moral turpitude.

(2) The State Government may remove from office any member, who,—

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

(b) is absent without leave of the Board for more than three consecutive meetings of the Board.

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

12. In the event of any vacancy occurring on account of death, resignation, ^{Vacancy to be filled as soon as possible.} disqualification or removal or otherwise, of a member of the Board, the Board shall forthwith communicate the occurrence of such vacancy to the State Government and the vacancy shall be filled not later than ninety days from the date of receipt of such communication, and the person nominated to fill in the vacancy shall hold office so long only as the member in whose vacancy he is nominated would have held it if the vacancy had not occurred:

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

13. No act or proceeding of the Board shall be questioned or invalidated ^{Proceedings presumed to be good and valid.} merely by reason of any vacancy in its membership or by reason of any defect in the constitution thereof.

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

V of
1908.

(2) The Board or such officer conducting the inquiry under sub-section (1) shall for the purposes of such inquiry, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, for trying a suit in respect of the following matters, namely:—

- (a) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavit;
- (d) issuing commissions for the examination of witnesses;

XIV
of
1860.

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.

(3) No order determining the sum due from any employer or worker shall be made under sub-section (1), unless the employer or worker, as the case may be, is given a reasonable opportunity of representing his case.

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

(5) Where any sum determined under this section is in arrears, it shall be recovered as an arrear of land revenue.

Advisory
Committee.

15. (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 thereunder 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.

(2) The Advisory Committee shall consist of such number of members to be appointed by the State Government as may be prescribed:

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

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

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

(5) The meetings of the Advisory Committee shall be held at such time and place and the procedure in regard to the transaction of business thereat shall be such as may be prescribed.

(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.

16. (1) The Board may appoint such persons as possess such qualifications as may be prescribed to be Inspectors for the purposes of this Act and may define the limits of their jurisdiction.

(2) Subject to any rules made by the State Government in this behalf, an Inspector may within the limits of his jurisdiction—

(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;

Inspectors
and their
powers.

Art. 52(b)

(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.

XLV of 1860. (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 1938. 17. (1) Notwithstanding anything contained in the Employment of Children Act, 1938 no child who has not completed his fourteenth year shall be employed or permitted to work in any scheduled employment, not being a scheduled employment referred to in sub-section (2). Prohibition of employment of children.

XLV of 1938. (2) Where any employment specified in sub-section (1) of section 3 of the Employment of Children Act, 1938 for the time being in force is added to the Schedule under section 27, no child who has not completed his fifteenth year shall be employed or permitted to work in such scheduled employment.

18. (1) No court shall take cognizance of any offence made punishable by a scheme or of any abetment thereof, 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. Cognizance of offences.

2 of 1974. (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence made punishable by a scheme or an abetment thereof shall be triable only by a Metropolitan Magistrate or a Judicial Magistrate of the First Class.

VIII of 1923. 19. The provisions of the Workmen's Compensation Act, 1923, and the rules made from time to time thereunder, 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. Application of Workmen's Compensation Act to unprotected workers.

Applica-
tion of the
Payment
of Wages
Act to
workers.

20. (1) Notwithstanding anything contained in the Payment of Wages Act, 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 of registered unprotected workers employed in any scheduled employment to which this Act applies, with the modification that in relation to registered unprotected worker, 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.

IV of
1936.

(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).

Applica-
tion of
Maternity
Benefit Act
to unpro-
tected
women
workers.

21. Notwithstanding anything contained in the Maternity Benefit Act, 1961 (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 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.

LIII
of
1961.

Rights and
privileges
under other
laws not
affected
in certain
cases.

22. Nothing contained in this Act shall affect any rights or privileges, which any registered unprotected worker employed in any scheduled employment is entitled to on the date on which this Act comes into force, or any time thereafter, 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 shall not be entitled to receive any corresponding benefit under the provisions of this Act and the scheme.

Exemptions

23. 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 class or 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, rescind the aforesaid notification.

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

Enquiry
into
working of
Board.

(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.

25. (1) If the State Government, on consideration of the report referred to in sub-section (1) of section 24 or otherwise, is of the opinion,—

Supersession
of the
Board.

(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 reconstitute 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 the State Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded, and shall consider the explanation 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 officer or officers as the State Government may appoint for the 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 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.

Contracting out.

26. Any contract or agreement whether made before or after the commencement of this Act, whereby 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.

Amendment of Schedule.

27. The State Government may, after giving by notification in the *Official Gazette* not less than three months notice of its intention so to do, by like notification, 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 thereupon apply to such employment as modified or added.

General penalty for offences.

28. 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, be punishable 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.

Protection of action taken under this Act.

29. No suit, prosecution or other legal proceedings shall lie against the State Government or the 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.

Rules.

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

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as may be after they are made and shall be subject to rescission by the State Legislature or such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Repeal and savings.

31. (1) The Gujarat Unprotected Manual Workers (Regulation of Employment and Welfare) Ordinance, 1979 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE

[See section 2(10)]

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, measuring, filling, 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, measuring, filling, 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, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations carried on by workers not covered by any other entries in this Schedule.

6. Employment in railway-yards and goods-sheds in connection with 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, measuring, filling, stitching, sorting, cleaning or such other work, including work preparatory or incidental to such operations.

9. Employment in markets or subsidiary markets established under the Gujarat Agricultural Produce Markets Act, 1963 in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations.

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 foodgrains into godowns, sorting and cleaning of foodgrains, filling foodgrains in bags, stitching of such bags and such other work incidental and connected thereto.